



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2014-2015

(Reference: [Appropriation Bill 2014-2015 and Appropriation \(Office of the Legislative Assembly\) Bill 2014-2015](#))

Members:

MR B SMYTH (Chair)
MS M PORTER (Deputy Chair)
MRS G JONES
MS Y BERRY

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 24 JUNE 2014

Secretary to the committee:
Dr B Lloyd (Ph: 620 50137)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Privilege statement

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Amended 20 May 2013

The committee met at 9.30 am.

Appearances:

Corbell, Mr Simon, Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development

Environment and Sustainable Development Directorate

Ekelund, Ms Dorte, Director-General
Ponton, Mr Ben, Deputy Director-General, Planning
Fitzgerald, Mr Bruce, Acting Chief Finance Officer
Simmons, Mr Craig, Director, Construction Services Branch
Meyer, Mr John, Executive Director, Regulation and Services
Moore, Mrs Alison, Acting Senior Manager, Strategic Planning Division
Corrigan, Mr Jim, Executive Director, Planning Delivery
Traves, Mr Alan, Executive Director, Policy
Collier, Mr Christopher, Director, Environment Protection and Water Regulation
Tomlinson, Ms Heather, Senior Manager, Nature Conservation Policy
McKeown, Ms Helen, Conservator Liaison Officer, Nature Conservation Policy

Office of the Commissioner for Sustainability and the Environment

Neil, Mr Robert, Commissioner for Sustainability and the Environment
Pitts, Ms Julia, Senior Manager

THE CHAIR: Good morning and welcome to the ninth day of public hearings of the Select Committee on Estimates 2014-15. Today we will be looking at the Environment and Sustainable Development Directorate. I would like to welcome you all here today. Please familiarise yourselves with the privilege statement, the pink card on the desk, and look at its protections and obligations. Could you acknowledge that you understand that?

Mr Corbell: Yes, thank you, Mr Chair.

THE CHAIR: Thank you, minister. If you take a question on notice, please use words like “I will take that question on notice” so that it can be tracked in the transcript. When the transcript is available we will forward you a copy for any corrections or any additional information you may wish to provide. Could questions taken on notice be responded to within five working days. After today, if members have further questions they have three days in which to put questions on notice.

Minister, would you like to make an opening statement?

Mr Corbell: Mr Chairman, thank you for the opportunity to appear before you this morning. Yes, I would like to make a brief opening statement, so I will do that now.

The government has set out four key principles which will drive the development of the territory into the future. These are grouped around the themes of “healthy and

smart”, “growing the community”, “urban renewal” and “liveability and opportunity”.

In the Environment and Sustainable Development Directorate, the portfolio plays an important role in delivering on all of these priorities. It provides a dedicated and clear focus on addressing the challenge of a changing climate for our community. It ensures that our city continues its transformation to become an example of sustainability in line with the government’s triple-bottom-line approach, recognising the interdependence of social, economic and environmental wellbeing.

Through this portfolio, the government has focused on providing the leadership needed to address climate change mitigation and adaptation, to facilitate economic activity including to stimulate innovation and growth of the knowledge economy and the green economy, to better understand and protect our environment, water and natural resources, and to ensure that our city continues to grow with a high quality of urban amenity.

In 2014 the government’s policies in relation to climate change remain at the forefront. The government’s climate change strategy, action plan 2, commits the territory to targets of zero net emissions by 2060 and a 40 per cent reduction in greenhouse gas emissions on a 1990 base year by the year 2020.

The recently announced wind energy auction process is part of this response. In this coming financial year we will see a decision made in relation to the allocation of 200 megawatts of clean energy generation for the ACT to meet the power needs of the equivalent of 80,000 Canberra homes in supporting the government’s target of 90 per cent renewable energy by the year 2020.

Through this portfolio the government has also focused on assisting Canberrans to reduce their costs of living and their emissions profile. This is being achieved through: providing assistance to more than 1,500 low income households to improve their energy and water efficiency; assisting more than 700 businesses by providing tailored advice and assistance to reduce energy waste and water usage whilst also reducing costs for those businesses; and implementing the energy efficiency improvement scheme, which has made a positive difference to over 18,000 Canberra homes in the last year by tasking energy providers to undertake activities and install measures to assist home owners to reduce their energy use.

In May this year I launched the consultation process for the development of the ACT’s climate change and adaptation strategy. As climate change affects us all, developing solutions which allow us to respond to a changing climate is an important part of our overall policy response.

In the coming year work will be focused in relation to this strategy on a broad range of areas, including community health and wellbeing, disaster and emergency management, settlements and infrastructure, water, natural resources and ecosystems, and agriculture.

On the biodiversity front, in this year’s budget funding has been provided to continue the important work currently undertaken by the government in relation to kangaroo management, with an additional \$924,000 over two years for fertility control and

ongoing research. This initiative will allow the government to build on the extensive knowledge collected over the previous years to develop a further understanding of the impacts of an overabundant number of kangaroos on our endangered biodiversity, as well as to expand the fertility control trial underway with the CSIRO. The ultimate aim is the development of a viable long-term and non-lethal solution to kangaroo management in the territory.

As an important aspect of the management of our natural environment, the government has also committed to improving water quality in the territory's waterways. With the assistance of the commonwealth government, the ACT has identified priority catchments to deliver tangible outcomes for water quality both in our lakes and flowing through the territory downstream into the Murray-Darling basin. Improving the health of our lakes and streams also improves the amenity of these facilities and infrastructure to the community.

The government has set a vision for the city centre through the release earlier this year of the city plan. This plan will help us to guide the reinvigoration of the city centre as a key urban precinct. To assist with city plan implementation, funding has been provided in this year's budget to enable transport and movement studies to be undertaken which will complement the work that is currently underway with respect to other projects such as city to the lake and the capital metro light rail project.

The government will also continue to undertake work to revitalise the Northbourne Avenue corridor. The key priority will be to develop sustainable and coordinated solutions to harness the benefits that urban infill can bring to our city. This work will also complement the work being undertaken by the Capital Metro Agency.

The government continues with its strategic planning activities in the forthcoming financial year. In addition to the planning for supply of greenfields land release, this year's master planning program continues with the release of draft plans for Weston and Oaks Estate and consultation in the coming financial year for the Woden and Mawson centres. These master plans allow for a long-term vision of how these areas will develop and change over time.

To ensure the ongoing support of the building and construction industry in the city, the government continues to focus on measures to provide stimulus during a period of economic downturn. This, combined with a significant infrastructure program, provides stability and further strength in the industry.

The government is also focused on ensuring the timely development of land in the ACT. To assist with this objective, the directorate is completing a two-year program to address compliance issues and facilitate redevelopment outcomes for three types of long-term vacant or underutilised sites: vacant land which is in breach of relevant crown leases, bushfire affected properties still requiring redevelopment, and disused service stations.

This work has resulted in formal enforcement notices issued across a range of leaseholds, formal notices requiring commencement or completion of construction on some blocks by setting legally enforceable schedules to commence and complete construction within defined periods. This work is ongoing. In 2014-15 the directorate

will continue to take an active role in this area. So far the directorate has taken steps to litigate 13 matters and a further 84 complex matters are being investigated.

The government also continues with its work in relation to building quality and reform of the Building Act to improve compliance and ensure good building quality in the ACT. Finally, funding is provided in this budget of \$300,000 to assist in the development and implementation of a policy for parking offsets and also to engage further in swimming pool regulation reform.

Mr Chairman, thank you very much for the opportunity to make an opening statement. My officials and I are happy to try and answer your questions.

THE CHAIR: Thank you, minister. Members, we have to get through output class 1, subclass 1.1, 1.2 and 1.3 by lunchtime. Normally there has been a bit of cross-over. I am relaxed if that continues, if the minister is. We might start with some general questions, minister. What is the role of the directorate in the establishment of capital metro?

Mr Corbell: The directorate continues to perform the key strategic planning functions associated with its responsibilities, such as the territory plan, any changes that may be required to the territory plan and a range of other compliance and regulatory functions.

THE CHAIR: Is it envisaged that there will need to be an amendment to the territory plan to allow capital metro to go ahead?

Mr Corbell: That is yet to be determined by Capital Metro Agency. It is important to stress there are a number of regulatory bodies at play in relation to the light rail project. Obviously, the National Capital Authority has a development works approval role for Northbourne Avenue itself and the median of Northbourne Avenue. That changes to the responsibility of the territory from about Flemington Road onwards. Whether or not there are requirements to amend the territory plan will be determined by the Capital Metro Agency.

THE CHAIR: I thought you just said you were the key or chief planning area and that you would determine that?

Mr Corbell: Yes, that is right, but the request for a variation would formally come from the Capital Metro Agency, as it does in relation to any other project commenced by a government agency that requires a change to the territory plan, and then the Planning and Land Authority would be responsible for determining whether or not to proceed with that variation and obviously to undertake the statutory consultation and variation processes.

THE CHAIR: Does the Planning and Land Authority offer advice on whether or not a territory plan variation is required?

Mr Corbell: Yes, it would, and the director-general, Ms Ekelund, is on the board of the Capital Metro Agency to reflect that across-government approach.

THE CHAIR: So is a territory plan variation required?

Ms Ekelund: Strictly speaking, a territory plan variation may not be required to undertake the capital metro project and associated infrastructure such as substations along the corridor. Under the current territory plan these matters could be considered through the impact stream of the territory plan. What the agency and the planning authority are discussing is whether a territory plan variation would help to clarify the infrastructure associated with light rail. We do not believe it is necessary but it may be of assistance in clarifying that infrastructure. At the moment the territory plan is silent on light rail. So, as per other matters which are not clearly defined in the territory plan, they can be considered under the impact stream. They are not prohibited.

MR COE: Chair, may I ask a supplementary question?

THE CHAIR: Certainly.

MR COE: Why is it that capital metro would, in effect, request a variation as opposed to the planning department advising what is the best plan? Should not the genesis be the planning department for any planning change rather than a subagency?

Mr Corbell: Well, in the same way that in relation to a private sector development there is a mechanism by which the proponent for a development can request changes to the territory plan, for example, in relation to the rezoning of the ABC flats, that is a collaborative process between the proponent agency within government—in that case the Community Services Directorate in association with the Environment and Sustainable Development Directorate and the Planning and Land Authority, the Capital Metro Agency is effectively the proponent for the project, but these are matters that are done in collaboration and coordination with the Planning and Land Authority. It is ultimately the decision of the Planning and Land Authority and the minister to determine whether or not a variation should proceed.

MR COE: Minister, given that your language and the government's language has been about this transforming the corridor and transforming the city et cetera, why is the planning agency not at the forefront of that redesign of the city as opposed to a proponent?

Mr Corbell: Well, it is. As I said, it is a collaborative approach, an across-government approach recognising that a formal request would be made by the proponent but that that would be done very much in collaboration and coordination with colleagues across government. That is reflected in the government's arrangements for CMA where the Director-General and Chief Planning Executive, Ms Ekelund, is a board member of the Capital Metro Agency board.

MR COE: As a consequence minister, do you believe planning should follow transport or transport should follow planning?

Mr Corbell: Neither; they are integrated and should be considered as a whole.

MR COE: If that be the case, why would a formal request be required from capital metro, if it is so integrated and that is exactly what the agency has been doing for 25 years in the ACT? The agency already has the integrated plan, so why is it not, in

effect, telling capital metro what to do in this space as opposed to the other way round?

Mr Corbell: I think you mischaracterised the process. It is no different from the process that is used for any other proposal from within ACT government.

MR COE: So it is just another project, is it? It is just another run of the mill project and, therefore, should be treated the same way as if you were constructing a new \$1 million facility in a town centre?

Mr Corbell: Again, I think you mischaracterise my answer. The point I am making is that these are collaborative processes across government, but it is not unusual within government for there to be a proponent agency and then a broader oversight strategic and approval agency.

MR COE: When there was a variation to the territory plan about three years ago, Ms Porter and I sat on the committee that looked at the density of parts in and around either side of Northbourne Avenue. Part of the rationale for that territory plan variation was to increase density for a future light rail network. Are you confident the current zoning up and down Northbourne Avenue is going to be appropriate?

Mr Corbell: Overall, yes.

MR COE: So what was the rationale for the project facilitation bill then?

Mr Corbell: The rationale for the project facilitation bill was to recognise that there was still a number of key development sites within that corridor which should be either considered in terms of their development assessment in a timely and certain manner or, alternatively, as I said previously in evidence I have given in relation to that bill before the relevant Assembly committee, there may be opportunities where on particular sites some changes to the territory plan may be required, but, overall, the policy settings in relation to the territory plan along the corridor are sound.

MR COE: What role has ESDD had in developing the master plan for light rail?

Mr Corbell: That is an ESDD-led project and is the responsibility of the portfolio.

MR COE: And where is it up to?

Mr Corbell: It is underway. Tenders have been commissioned. I will just get some details for you, Mr Coe. The tender was advertised on 7 February this year. It closed on 11 March. Eight submissions were received from a variety of national and international companies. The successful tenderer was Arup, and they have been appointed to undertake the project. Arup are now proceeding with the project plan. The time frames are between April to August this year, technical analysis, options development and a valuation. Stage 2, which will be from September to December this year, will be the development of a draft final Canberra light rail master plan, cost estimation, strategic transport modelling and further cost benefit assessment.

MR COE: Will each route as proposed in project update 3 of the master plan be

investigated?

Mr Corbell: Yes, they will because those routes outlined in project update 3 reflect the current zoning for intertown public transport corridors and associated routes. Therefore, they will be considered as part of the overall work.

MR COE: What communication is taking place with the National Capital Authority in developing this plan?

Ms Ekelund: The National Capital Authority is involved in discussions along the first stage. We have had a number of meetings with Malcolm Snow and his people. The NCA is a key stakeholder in the broader master plan, so we have had them involved in discussions as well as a number of other stakeholders that we consider critical at this point in time, such as the airport, the Department of Defence and other federal departments which obviously have very strong employment roles in the city. So the current phase is the technical analysis but also consultation with key stakeholders, the NCA being one of them.

MR COE: Finally, will the master plan give staging advice for future roll out of other links in the network?

Ms Ekelund: Yes, it will. It will identify prioritisation.

THE CHAIR: Minister, on page 209 of budget paper 3, you said you would have a final draft by December. The project here says the completion date is June 2015.

Mr Corbell: Yes, that is the final completion date, recognising the expenditure is available over the full financial year. In practical terms we expect completion earlier than that.

THE CHAIR: What will the light rail master plan actually comment on? What will it contain?

Mr Corbell: The purpose of the Canberra light rail master plan will be to identify the future preferred light rail network for Canberra beyond the stage 1 work that is the responsibility of the Capital Metro Agency. Extensions under consideration include to Russell, Canberra Airport, the Parliamentary Triangle, Kingston, Woden, Erindale, Tuggeranong town centre, Belconnen town centre, Kippax, Lanyon, Weston Creek and Molonglo.

THE CHAIR: Ms Porter has a supplementary, then Mrs Jones has a supplementary.

MS PORTER: I have a question about your reference to the national capital plan. On page 8 of the budget paper, strategic objective 6 says that the directorate will identify opportunities for better integration of the national capital plan and the territory plan. That would obviously be beneficial in relation to the matter you have just been talking about. What does that integration entail and are there any examples of where the plans need to be better integrated?

Mr Corbell: There certainly needs to be further improvements in integration,

particularly around dual approvals responsibilities. There are still elements within the framework of both the national capital plan and the territory plan where there are ambiguities and overlaps in terms of regulatory approval responsibilities between the NCA and the ACT Planning and Land Authority. These works were identified in the Hawke review of the NCA, which was commissioned a number of years ago. The federal government has not yet responded formally to the outcomes of the Hawke review in terms of progressing that recommendation. Certainly the ACT continues to engage with the National Capital Authority and encourage the consideration of opportunities for further removals of duplication and regulatory overlap.

This is also an issue I have raised with the federal environment minister, Minister Hunt, who has indicated that, overall, the commonwealth is interested in reducing the levels of regulatory overlap and duplication between commonwealth agencies and the state and territory agencies. This is a key one for us as the territory. Whilst Minister Hunt does not have portfolio responsibility for the NCA, he has indicated in discussions I have had with him that there should be further consideration of overlap between state and territory agencies and commonwealth agencies like the NCA.

MRS JONES: Minister, just to clarify, you talked about timeliness being the reason for the project facilitation bill. Can you explain why timeliness is becoming such a big issue with these projects when other projects have been approved and gone ahead in the past? Is it just a matter of the government reaching a point of fatigue with public comment?

Mr Corbell: Not at all. The government's concern is not about time frames in relation to public consultation and comment. But, as we have indicated, there are concerns when projects which are clearly projects of territory-wide significance are potentially subject to prolonged and extended delay through statutory rights of review.

MRS JONES: So the public taking up their legal rights to slow projects down essentially?

Mr Corbell: Yes. We have seen a number of instances of that occurring in the territory on smaller projects. For example, the Giralang shops matter. That was subject to a call-in by me as the minister nearly three years ago now and it is still not resolved due to extended litigation in the courts. It is now, of course, before the High Court. Another example the Gungahlin mosque—

MRS JONES: So is there a problem with the process as it stands rather than needing a special bill to deal with specific programs? Is it frustration with the process that you have had in place for some time?

Mr Corbell: These are matters for balance. The government retains the view that, in certain circumstances, it is appropriate to have broader ranging rights of statutory review through courts and tribunals. But, on the other side of the ledger, there is also an important broader public interest consideration in relation to large scale projects that are of territory significance. In the same way that most other state and territory governments have priority project legislation that allows certain projects considered to be of broad public benefit and significance to be given priority and finality in terms of their assessment process, the government was proposing a similar mechanism for

projects that were truly of territory-wide significance.

MRS JONES: With the Gungahlin mosque and the shops, how do they relate to territory significance?

Mr Corbell: They do not in relation to territory significance, and I was not saying that. I was using them as an example of the types of issues that arise in terms of delay that can occur through the general statutory review process.

MRS JONES: What happens if parts of the developments along the corridor are directly objected to by large groups within the community? What if there is an apartment complex right on Northbourne Avenue that the community dislikes or does not want built? Does this legislation take away their right to have that say?

Mr Corbell: Well, this legislation removed third-party appeal and the opportunity to have that decision reviewed through the ACAT and other avenues.

MRS JONES: So you just have the public consultation and then that is it?

Mr Corbell: But that will be subject to different processes set out under the bill that would have been explicit about which sites and which locations should have those protections removed and the controls that would be in place in relation to those sites. So there was a separate consultation process that engaged the Assembly ultimately as the decision-maker as to whether or not those circumstances should be put into effect.

It is important to stress that, at the moment, standing for review of decision-making made under the Planning and Development Act is different across different parts of the city. For example, the city centre and our town centres and also parts of the Kingston Foreshore do not allow third-party review at this time. There are varying regimes in place, and this reflects the balance that is struck between certainty and the broader strategic planning objectives in different parts of the city with the right of people who are directly affected to have decisions reviewed if they believe they are adverse to their interests.

MRS JONES: But if, for example, someone is living in the inner north and a company has put in a proposal which has been accepted by government to build the most amazing green building in the world but it is going to be orange and the government believes this is acceptable because of some kind of internal decision made amongst ministers, what is the process in that sort of situation? What if the community does not want a large development which, in the government's eyes, will improve the corridor but which perhaps in the eyes of suburban residents in the inner north does not?

Mr Corbell: What I would say is that these matters have been well ventilated in the evidence that has been given by me and my officials to the Assembly inquiry into the operation of the project facilitation bill, so I would refer you to the detail there. I would simply make the point that these are matters that would ultimately, under that bill, have been a matter for the Assembly to decide.

MRS JONES: So it will be the majority party? It will be the Greens and Labor who

will decide?

Mr Corbell: It would be a majority of the Assembly that would decide.

MR COE: Why was the legislation dropped?

Mr Corbell: The government decided to withdraw the bill based on the feedback received through the public consultation process.

MR COE: The public consultation process was non-existent by the directorate. It was only after it had been tabled that some members of the department, I understand, went and briefed a few organisations. Then the committee had their inquiry, and throughout the committee inquiry we heard witness after witness saying it was bad legislation, yet you only dropped it at the eleventh hour. Was there some political imperative behind why it was dropped?

Mr Corbell: The government reviewed the findings of the committee inquiry process and took a decision to withdraw the bill and to revise it. As I have indicated and as the government has indicated, we propose to put forward a revised bill later this year.

MRS JONES: So the bill is coming back?

Mr Corbell: Yes.

THE CHAIR: A new question, Ms Porter?

MS PORTER: Minister, on page 9 of the budget paper, under this output that we are dealing with at the moment, it mentions an amount of money which has been the total cost of this particular output. You can see there that there is an increase of nearly 29—

THE CHAIR: Yes, almost \$30 million.

MS PORTER: Yes. Does this increase reflect the needs associated with the intended increase in infrastructure in the ACT that you have been talking about?

Ms Ekelund: The increase is actually associated with capital, the integrated waterways strategy. That is the capital that is reflected, which will be, once completed, transferred to TAMS, who will become the asset owners. Bruce Fitzgerald can give more detail if the committee would like some details.

THE CHAIR: Yes.

MS PORTER: Yes, thank you; that would be good.

Mr Fitzgerald: The increase relates to \$32.7 million worth of capital assets associated with the inner north reticulation network. That asset will be transferred once completed. We are expecting completion in July this year. Once it is completed, it will be transferred to TAMS as a cost off our books and corresponding revenue to TAMS. TAMS will actually take that up as an asset and maintain it into the future.

MS PORTER: Thank you very much.

THE CHAIR: Does that mean that this area has had a cut to its funding, if \$32.7 million is for the inner north water articulation?

Mr Fitzgerald: The total output will decrease from 2013-14, yes.

THE CHAIR: And how much is that decrease?

Mr Fitzgerald: The total decrease is a mixture of both the cessation of projects—a number of our feasibility studies will actually complete within 2013-14—and a result of some savings that will occur, about \$1.3 million in savings.

THE CHAIR: What is contained in the savings?

Mr Fitzgerald: The savings are a mixture of reductions in outreach programs, ToiletSmart programs, and a shift to more workers utilising part-time hours.

THE CHAIR: Is there a staff reduction in that?

Mr Fitzgerald: We are expecting a reduction, through the reduction in part-time hours, of approximately four FTE, four staff.

THE CHAIR: Is it possible to have a written reconciliation of ins and outs that make up the output class?

Mr Fitzgerald: Absolutely.

THE CHAIR: Ms Berry, a new question?

MR COE: If I may expand on that?

THE CHAIR: A supplementary?

MR COE: Yes. Those four FTEs are, in effect, 150 hours a week or thereabouts. When you say it is coming from a reduction in part-time hours, what does that mean?

Ms Ekelund: I will answer that. You would be aware from previous committees that we, along with other parts of government, have been going through reprofiling and savings. What we have offered staff is an encouragement for those who are considering retirement or, for some other reason, want to work fewer hours to do so. Obviously that facility already exists; we can permit that already. But we have been approached by a number of staff who have suggested it would be advantageous to them to be able to transition out of the workplace if they are considering retiring et cetera. Obviously we would much prefer that than to lose people entirely, and to lose their corporate knowledge.

So we are making overtly a sort of positive policy position to say: “If you want to work a different set of hours, come forward. We will consider your proposals and whether they will have a major impact on operations.” Or, for example, with people

who work in a policy area, rather than losing them entirely to the organisation if they chose to retire, it would be better if they chose to work maybe three days a week instead. It is really an active HR initiative so that we maintain the corporate knowledge that we have but allow people to transition. A similar thing might be people who want to study. And obviously we have a number of staff returning from maternity leave as well.

MR COE: So was a broad email sent out to all staff saying, “Let us know if you want to drop down”? Or did you target certain areas?

Ms Ekelund: No, we have not targeted certain areas. But I have regular stand-ups where we speak to all of our staff and talk about various corporate matters. This is an issue that we have raised through that process and reinforced through the budget process.

MR COE: Have any staff requested reduced hours and had it rejected?

Ms Ekelund: Not that I am aware of.

Mr Corbell: We can take that on notice, I think.

THE CHAIR: All right. Ms Berry, a new question?

MS BERRY: One of ESDD’s strategic priorities for 2015 is managing the ACT’s waterways, including the commonwealth \$85 million for the Murray-Darling Basin projects. Could you take the committee through what this program is about and what it delivers to the ACT.

Mr Corbell: Thank you, Ms Berry; I am happy to do so. The government was successful in securing an agreement with the commonwealth for the delivery of \$85 million worth of funding as a basin state priority project through the ACT government’s participation in the Murray-Darling Basin Ministerial Council and associated intergovernmental agreements.

The purpose of this funding is to improve long-term water quality in the ACT and the Murrumbidgee River system. The funding is contingent on an ACT government equivalent contribution of 10 per cent of the commonwealth’s contribution. The funding commences in the current financial year; it concludes in the 2018-19 financial year and is dependent on the achievement of milestones that are set out in the agreement between the two governments.

Fundamentally this is a very big investment in water quality in the ACT. Canberra is, of course, the largest urban area in the Murray-Darling Basin, and the impact of urban development in our city does literally flow through to the Murray-Darling Basin as a whole. Therefore, steps that we can take to reduce that impact on the Murray-Darling Basin will also have a beneficial impact on water quality within the ACT, particularly on our lakes, ponds and other urban waterways.

The project has determined a range of priority catchments, six priority catchments, across the ACT for intensive monitoring and then water quality infrastructure works.

These are the Yarralumla Creek catchment, which serves the Woden Valley predominantly; the Lake Tuggeranong catchment, which is most of the Tuggeranong area; the upper Molonglo; Fyshwick; the lower Molonglo; and the area in west Belconnen commonly known as Riverview.

These six priority catchments are subject to two distinct phases. The first is the development of an integrated water quality monitoring framework for these six priority catchments. This, along with a strategic audit of existing water quality infrastructure works, will determine their overall effectiveness and particular problems in terms of pollutant loads and the performance of existing water quality management infrastructure. That will inform decision-making in phase 2, which will be the design and construction of water quality intervention infrastructure such as urban wetlands, other types of hard infrastructure such as gross pollutant traps and other forms of water management infrastructure that will assist in improving water quality in those subcatchments.

To date the priority project group has completed requirements for milestones 1, 2 and 3 set out in the agreement. This is expected to provide a total of \$2 million in initial program funding. The fourth project milestone is due for completion by August this year. This requires contracts for the water quality framework consultancy and network monitoring to be commenced.

I am aware that there is a lot of hunger to see works commenced as soon as possible in a range of priority catchments. Yesterday I had the opportunity to meet with my colleague Mick Gentleman and representatives of various Tuggeranong groups in relation to water quality management issues in Lake Tuggeranong and associated areas.

The government has reiterated that it is keen to progress works as soon as possible, subject to commonwealth agreement. We will continue to explore ways in which we can proceed with works as promptly as possible, recognising that the commonwealth ultimately has to approve the release of any moneys for such works.

MS BERRY: I have a question on another, Ginninderra Creek, which runs down into the Riverview part of the Murrumbidgee. For years I have been helping out with the catchment groups on Clean Up Australia Day, and what I have noticed along the creek is the amount of rubbish from fast-food operators in the ACT. It is huge numbers. It is predominantly fast-food rubbish that you find. I know that they will say that they cannot control what people do with their rubbish once they have finished, but I wonder whether the ACT government has ever thought of talking with those people about the contribution that they make to our city—not just in polluting it but also in helping clean it up. I know they contribute to Clean Up Australia Day once a year, but I wondered what else they do in the ACT around managing their business in a more sustainable, environmentally friendly way.

Mr Corbell: Those are certainly issues that the government can pursue further with those particular food retailers. I am aware that those companies do, as you say, get engaged in activities like Clean Up Australia Day and so on.

At a policy level, one of the issues that the government is engaged in is work around

the national packaging covenant, which is a partnership between the state, territory and federal governments and the large food retailers and distributors, around the nature of food packaging and the need to improve the sustainability of food packaging, reduce the total amount of packaging that is required for food and ensure that the materials that are used in food packaging are able to be recycled, recovered and reused.

These are areas where the government is engaged, but if there are particular hotspots that you are concerned about, Ms Berry, I am sure those are things that we can raise both with those groups, those companies, and also with our own areas within government, such as Territory and Municipal Services, in terms of operations on the ground to help address some of those matters.

MS BERRY: Anywhere where any of those fast food retailers are there is a problem area basically. You do not have to go there. I was in Erindale about a month ago; the rubbish that I saw around there and around the storm waters and everything was pretty bad. I just thought, "These guys have got to take some responsibility for this." And it cannot be just one day a year.

Mr Corbell: Yes. I would agree with that, and there are certainly issues that we can follow up in that respect.

MS BERRY: Thank you.

THE CHAIR: A supplementary from Ms Porter. Then a new question, Mrs Jones.

MS PORTER: I just have a matter for clarification, minister. In the budget paper on page 28, it talks about money coming from the commonwealth regarding the caring for country program. Is that related to what you have just been talking about or is that an entirely different program?

Mr Corbell: Caring for country is a different program that is associated with resource management tasks more broadly, not strictly water. I might ask if someone can provide you with some more information about that.

While they come to the table, let me say that we receive a range of funding from the commonwealth government through what is now known as regional delivery, previously known as caring for our country. Funding of \$5.978 million was allocated to the ACT over five years from 2013 to 2018.

This funding provides for the support of a range of projects and activities, including support to the directorate itself to provide the regional Landcare facilitator for Landcare groups within the ACT; the Aboriginal natural resource management facilitator; support for the ACT rural landholders group; and support for a range of programs run by Greening Australia, including farming for the future and communities and connections for conservation. It also provides funding to a range of catchment management groups within the ACT, including the Southern ACT Catchment Group, for restoring ecological resilience in the ACT, and the Molonglo catchment and Ginninderra catchment groups, for similar projects.

MS PORTER: Thank you for that clarification.

THE CHAIR: Mrs Jones, a new question.

MRS JONES: Minister, regarding the single dwelling development assessments, the Auditor-General's report found a couple of key issues to be dealt with, one being potentially improper relationships between builders and certifiers and the other being a lack of peer review in development application assessments. How are the potentially improper relationships between builders and certifiers being managed? What proportion of DAs and how many have we had that are subject to peer review? Do you have any plans to improve on that?

Mr Corbell: The government has indicated its support for all of the recommendations arising from the audit report in relation to the performance audit on single dwelling development assessments. In relation to the matters relating to certifiers and relationships between certifiers and builders, the audit made a number of recommendations about strengthening audit activities to ensure compliance by certifiers in the performance of their duties in relation to exempt single DAs. The government has agreed to that recommendation and is currently giving consideration to how that should be resourced and implemented.

MRS JONES: So how many DAs are there and how many are currently peer-reviewed per annum in this area?

Mr Corbell: Peer-reviewed in relation to the decisions of certifiers or within the directorate?

MRS JONES: Both.

Mr Corbell: I will ask Mr Simmons.

Mr Simmons: With respect to the work that a building certifier does, they are exempt from DAs. There is no DA to peer-review because they are doing an exemption. They are saying a DA does not apply and is not needed and they are issuing a building approval because the development is within the requirements of the single dwelling housing code. So to the extent there is peer review, the private certifiers are not peer-reviewed. We audit them for compliance with the requirements under both the Building Act and the Planning and Development Act with respect to the declarations they are making that the buildings are or are not exempt from development approval.

MRS JONES: So how many do we have that do not get peer-reviewed at all?

Mr Simmons: They are not a DA.

Mr Corbell: There is no DA. It is exempt. They are exempt from DAs.

MRS JONES: The complaint in the Auditor-General's report was that there was a lack of peer review for development applications. In this case for these types of development applications, you are saying there is no peer review?

Mr Corbell: That relates to matters where a certifier had incorrectly determined that no DA was required. Then the DA was lodged and then it related to peer review in relation to those DAs. Mr Ponton might be able to assist you further on that point.

Mr Ponton: In relation to development applications, depending on the particular type of development application, there are different levels of review before a decision is made. That could also include single dwellings, particularly if a single dwelling development application has been submitted, publicly notified and there are a large number of objections.

MRS JONES: I cannot hear you, I am sorry.

Mr Ponton: Sorry. I will speak up. I think it is the howling winds. It depends on the number of objections, for example if there are certain criteria as to when a development application is reviewed by our major projects review group. Some of the applications that were considered by the Auditor-General in the review did receive attention by the major projects review group and that consists of a range of people from across the directorate, not just in the development assessment area but also from the strategic planning area, heritage. The Conservator's liaison officer is represented there and it is chaired by the executive director of planning delivery. There is that level of peer review. Likewise, development applications of a particular type but not so controversial or complex that they require referral to the MPRG are reviewed by a more senior officer.

I know what the Auditor-General was alluding to was relatively straightforward matters. Assessment officers would consider those and make the decision in relation to those. The auditor has suggested that perhaps all applications need to be reviewed by a more senior person.

MR COE: With regard to the framework in place for certifiers, does there need to be more clarity about where certifiers can start and stop, in effect, and where things have to go ACTPLA? At present is there too much of a grey area?

Mr Corbell: I do not believe the issues are grey at all. I think it is more about ensuring that certifiers are not going beyond the areas for which they have legal responsibility as effectively the delegate of the authority in relation to building approval. So I do not believe it is a matter of lack of clarity. I think it is about ensuring that certifiers stay on the game. To that end the auditor says the best way to achieve that is through a broader compliance audit mechanism, which the government agrees with.

MR COE: And it is easy to talk about certifiers in the generality but I guess the reality is that there are perhaps one or two that are causing the most headaches. Is that right?

Mr Corbell: There are certainly a small number of certifiers who come to the attention of the Construction Occupations Registrar, yes.

MR COE: And that is in effect, I think, what the Auditor-General said as well, that there was a relationship or two that perhaps warranted further attention. So when you

do get people that are repeatedly complained against, how do you manage that? I know you have got a demerit points system et cetera, but can you actually take the cumulative effect of those complaints or are they all separate, isolated events and therefore it is very hard to actually clamp down on them in the way you would like to?

Mr Corbell: No. The registrar obviously deals with breaches on a case-by-case basis where they suspect breaches of a certifier's obligations. But the cumulative effect of that can lead the registrar to determine that certain disciplinary actions should be taken against a certifier, which can include a suspension of their licence as a significant penalty in relation to their ability to undertake their trade.

I should add that the government and the Assembly obviously have recently agreed to amendments to relevant legislation that will further strengthen discipline in relation to a range of construction occupations including certifiers. There are now significant financial penalties in place and there is also the ability to name and shame registered construction occupations that have had a penalty action taken against them.

MR COE: By and large I think the community and the industry are quite happy with the way that certifiers operate. Are you planning to change the framework in which they operate?

Mr Corbell: The government is not proposing to shift away from private certification but we do, I think, need to strengthen the occupational discipline, enforcement and audit regime because that is the best way of ensuring the certifiers are doing the job they are paid to do and that they are not stepping beyond that.

I think there is also further work to be done on educating consumers about the role of certifiers and the fact that certifiers are not engaged by the builder—they are engaged by the client, the person who owns the property or is engaging the builder—and they are there to protect the client's interest and to make sure that the builder is doing, according to law and according to the building code, the work that they have been engaged to do by the client. So I think there is a further task around education as well as a further task around audit and compliance.

MR COE: How do you propose to educate consumers about that?

Mr Corbell: The government will be looking, as part of our building quality work, at how we can develop effective messaging in consultation with industry to make sure that information available to consumers is clear about the role of the certifier. For example, in recent months I have raised matters with the MBA and the HIA about clarifying how the role of the certifier and certain statutory warranties available to consumers are outlined in the standard contracts that the HIA and the MBA issue in relation to their members for building work. Those are things which we will continue to pursue.

THE CHAIR: Ms Porter has a supplementary to Mrs Jones's question, then Ms Berry has a supplementary and a new question from Mr Coe after that.

MS PORTER: It is in relation to page 8, where we were before, minister. It talks about continuous review of regulatory policies under strategic indicator six, one of

those being construction activities being properly coordinated and effective in their application. How often are these reviews done? Will reviews like this capture some of the things you have been talking about?

Mr Corbell: This is an ongoing process for the government. There is an often complex interaction between a range of regulatory policies and procedures and systems, including environment protection law, heritage law, nature conservation law as well as the regulations that surround construction activities. A good example of this is the one-stop shop negotiations between the commonwealth and the ACT to streamline and remove overlap and duplication between approvals that are granted in relation to environment protection matters and protection of biodiversity between the commonwealth environment protection legislation and ACT law in relation to environmental impact.

So we are streamlining regulatory arrangements between the two governments which will provide for the ACT to perform the functions of its own law in relation to environment protection but also the EPBC legislation under commonwealth law and be both the assessing and the approval authority in relation to both sets of approvals. That will streamline the process and align the two processes and not have some issues which involve environmental impact that are a matter for, say, the EPBC Act and others which are a matter for the Planning and Development Act. Instead they will be common across both jurisdictions and dealt with consistently. So that is an example of continuous review.

MS PORTER: So is this one-stop shop a virtual shop, the one you are talking about?

Mr Corbell: The term 'one-stop shop' is used to reflect the fact that you will have to go only to one government agency, which will be the ACT government agency, to secure both your approvals under the EPBC legislation as well as under ACT law.

THE CHAIR: Ms Berry with a supplementary, then Mr Coe with a new question.

MS BERRY: That is okay. Mr Corbell answered the question.

THE CHAIR: Mr Coe.

MR COE: I am happy for you to go to Mr Doszpot actually.

THE CHAIR: Mr Doszpot?

MR DOSZPOT: I have a question regarding the Canberra brickworks and environs planning strategy which is underway. It was put into the public domain for consultation in May 2014. The ACT government has provided in-principle support for the development of the land defined in the current strategy for the Canberra brickworks and environs subject to relevant ACT and commonwealth statutory processes. Can you expand on the processes involved to date?

Mr Corbell: I am happy to give some general comments, Mr Doszpot, but I should clarify for the committee that this is a land development project which is the responsibility of the Land Development Agency. So the detail of the estate

development proposal is a matter for the LDA and any detailed questions really should be put to the LDA.

MR DOSZPOT: In terms of the environmental aspects, are you able to comment on that?

Mr Corbell: In general terms, yes. The estate development proposal does require, if it is to proceed, a variation to the territory plan and to the national capital plan. It will also require an appropriate assessment under environment protection legislation and it could involve triggers both under the EPBC Act—the commonwealth Environment Protection and Biodiversity Conservation Act—and the ACT’s Planning and Development Act in relation to environmental impact triggers. It will be the role of the Planning and Land Authority and more broadly the Environment and Sustainable Development Directorate to assess those matters if and when they come forward.

MR COE: Is the LDA just given free rein to come up with a proposal and then bring it to you and say, “Here’s what we think,” or are you actually involved from the genesis and actually giving advice about what is going to be more palatable and what actually sits within the strategic direction for planning in the area?

Mr Corbell: The first thing to say is that the proposal by the LDA is consistent with the government’s broader planning strategy, which is to provide for consolidation of urban development activity in close proximity to the city centre, our town centres and along public transport corridors, and this site ticks all of those boxes. So, first of all, it is consistent with the broader planning strategy. This is reflected in the decision-making within government to agree to proceed with the proposal and public consultation through the consultation stage. It is the role of the Planning and Land Authority to advise the government as to whether or not the proposal is consistent with planning strategy. It is. Subsequent stages will be around the formal regulatory assessment process such as proposals to vary the territory plan, proposals that may trigger environmental impact assessments and so on.

MR COE: Minister, when you were the shadow minister for planning you made a big thing about governments encroaching on open space. You ran a campaign on that for years, in fact. Given that position in the past, how is what is happening in Yarralumla consistent with what you said then?

Mr Corbell: The proposal is very much consistent insofar as it is about recognising that the planning of the city needs to achieve more sustainable outcomes. I have been, and remain, a very strong defender of Canberra’s open space network. Under my watch as minister there have been only a very small number—indeed less than the number of fingers I can count on one hand—of instances where the territory plan has been varied to permit the use of urban open space for other uses. They have all occurred in instances where there has been a consensus that it is the right way to utilise that land.

I recognise that in relation to this site there will be significant issues that will have to be worked through with the community, but the government has a planning strategy which is supported by extensive city-wide community engagement where in-principle agreement is given by the community as a whole, by the community engagement

processes that have been gone through, through the time to talk processes and so on, to consolidate urban development within the existing urban area of the ACT and provide more opportunities for people to live close to centres, close to where they work, close to where there are good facilities and services and close to high frequency public transport services. This site is consistent with those objectives. We need to work through the detail of the planning proposal and that is the work that the LDA is now undertaking.

MR COE: Have you received approval in principle for the works proposed in Yarralumla?

Mr Corbell: The government has endorsed the project to go to the public consultation stage.

MR DOSZPOT: Minister, you made the point yourself that you think there are obviously issues that will have to be taken into account here, yet the government has taken an in-principle decision to allow this work to go on, to be approved. Taking a decision before public consultation and then denying the public access to the underpinning analysis on feasibility while telling the public this is what you are doing as part of the public consultation process is hardly transparent and placing the community at the centre.

Mr Corbell: I think you mischaracterised my answer, Mr Doszpot. The government—

MR DOSZPOT: I am just characterising what has been done.

Mr Corbell: I think you mischaracterised my answer, Mr Doszpot. The government has agreed to proceed to consultation on this proposal. That is what we have done.

MR DOSZPOT: If that is the case, why aren't you giving the community an opportunity to have a look at the information that has been gathered to date?

Mr Corbell: As I indicated to you previously, these are matters of detail and are the responsibility of the Land Development Agency. I encourage you to ask those questions of the LDA.

THE CHAIR: Which is on Friday.

MR DOSZPOT: Would you support the community getting access to information that currently they have been denied under FOI?

Mr Corbell: I am not aware of those details. Those are questions best asked of the LDA.

THE CHAIR: Minister, who took the decision to send the letter in February this year to what have been called the Mr Fluffy homes?

Mr Corbell: The cabinet did, on my recommendation. Those are matters that are the responsibility of the workplace safety portfolio, not the Environment and Sustainable

Development Directorate.

THE CHAIR: Did this output class, output class 1.1, construction and services, have any input to that?

Mr Corbell: Insofar as this was a whole-of-government decision, the Environment and Sustainable Development Directorate were engaged through the Asbestos Regulators Forum, which provides advice to government on asbestos-related matters.

THE CHAIR: Did output class 1.1, through Mr Simmons, have any input to this or provide any advice?

Mr Corbell: Insofar as ESDD is represented at the Asbestos Regulators Forum.

THE CHAIR: What advice has been given to tradespeople in the ACT about the Mr Fluffy asbestos? I assume that advice comes through this area.

Mr Corbell: It is the case that there is a general duty under occupational health and safety law for people responsible for a workplace to advise tradespeople about any hazards in the workplace.

THE CHAIR: If a tradesperson contacts construction services, will construction services tell them whether it is a Mr Fluffy house or not?

Mr Simmons: No, not without the permission of the lessee, the owner of the house, but noting, of course, that the owner of a house has a legal obligation to inform anybody who comes to work on their house if they know they have asbestos contamination; they have to tell them.

THE CHAIR: Owner or lessee?

Mr Simmons: Yes. The lessee is the person who—

Mr Corbell: The property owner.

Mr Simmons: The property owner has that obligation to inform.

THE CHAIR: What advice does construction services generally give the trades about asbestos?

Mr Simmons: We work with Mark McCabe and the work health and safety team. The work health and safety area is the predominant provider of advice with respect to how to work safely in and around those activities. We have a much more direct line with respect to the people we licence, which is asbestos assessors and asbestos removalists who, by the very nature of the fact that we licence them, are aware of what their obligations are and how to work safely with the product.

THE CHAIR: Can they access building files?

Mr Simmons: They are called in. When an asbestos assessor is called in, they go in

with the assumption that there is an asbestos-containing material and behave in a manner that protects themselves against that. Their default position is that if they are going to work, the probability is they will find material. So all the work they do is consistent with working with asbestos.

THE CHAIR: But all the education is done through Mark McCabe's group?

Mr Simmons: Mark McCabe is the predominant—

Mr Corbell: The policy responsibility for education of trades and appropriate training of trades in relation to asbestos safety is considered a work safety or dangerous substances matter. So it is the responsibility of WorkSafe or, more broadly, the workplace safety portfolio, which obviously I have responsibility for, wearing another hat.

THE CHAIR: Have you had any requests from tradespeople to access files or have more information about Mr Fluffy asbestos?

Mr Simmons: Not directly to us from individuals but their unions are certainly starting to ask those questions of us—not formally yet but they are starting to agitate around those issues. The trades that are likely to engage with the material are the ones clearly who have the greatest interest in it.

THE CHAIR: Ms Porter, a new question?

MS PORTER: Yes. Minister, on page 14 indicator c. notes that ESDD has been very successful in 2013-14 in resolving appeals through mediation. It shows the estimated outcome significantly exceeded the 2013-14 target. However, the target for 2014-15 remains still at 35 per cent. Why, with this obvious success that is being demonstrated, would the target remain at 35 per cent?

Mr Corbell: First of all, the number of matters that proceed to the ACAT as a percentage of the total number of approvals or decisions made by the Planning and Land Authority is very small as a percentage of the overall number of decisions made by the authority to either approve or refuse a proposal. In absolute terms we are dealing with quite a small number of matters—less than 100 out of many thousands of matters that are considered each year. So it is small, and I think this reflects the fact that there is variation within each year given the total number of matters that go through this process.

MS PORTER: So it is a very small percentage of matters?

Mr Corbell: Yes, a small number; therefore it can show up as quite large variations in percentage terms but in absolute terms it is quite a small number.

MS PORTER: Okay, that makes sense.

THE CHAIR: Ms Berry, a new question.

MS BERRY: Thank you, chair. Minister, I have a couple of questions about

something which you mentioned in your opening statement particular to Belconnen—the disused service stations. You might not be able to tell me about it here, but I am particularly interested in the Higgins service station. I understood it continued to be remediated from February this year. Are there any updates on that?

Mr Corbell: In relation to Higgins, remediation is ongoing in relation to the remediation of the former petrol storage areas on that site. The advice I have is that remediation is to be finalised in this calendar year. The directorate has been advised that it is currently the intention of the lessee to sell the site for redevelopment on completion of that remediation.

MRS JONES: I have a supplementary, if I may. Just regarding the Rivett site, I understand the sale has gone ahead in the last couple of weeks, or there was an attempted sale. Did that sale go ahead? What is the expected time frame now? What is the requirement to get back to you on a possible development application or development for that site?

Mr Corbell: The site was sold at auction on 5 June this year. It is no longer in breach of its crown lease, therefore, it is no longer considered a leasehold compliance matter by the directorate. The lessee is expected to proceed with a development application in due course.

MRS JONES: What is the time frame before he or she then becomes again outside of the lease provisions?

Mr Corbell: I do not think the lease specifies any particular period.

MRS JONES: When you said before that they had breached their—

Mr Corbell: Well, if I can complete my answer. The way this works is that the lease has been transferred to a new property owner. The lease does not have any commence or complete time frame specified in it, so the question as to whether or not the lease comes into breach will come down to matters as to whether or not, for example, the leasehold is being properly maintained in terms of its presentation, tidiness and so on, and obviously whether or not the lessee acts within a reasonable time frame to put forward a development application.

MRS JONES: What is your judgement of a reasonable time frame for a new owner?

Mr Corbell: As soon as practicable.

MRS JONES: And at what point do you take action and become concerned about that site? I understand you have got a new owner and obviously there has to be a time frame.

Mr Corbell: Yes. If there are complaints in relation to the site, obviously the directorate will give consideration to those matters.

MRS JONES: So, basically, the site could be vacant for 10 years. So long as there is never a development application made on it then nothing happens?

Mr Corbell: What needs to be understood here is that the territory has not sold the land. It has transferred between two private owners. The leasehold system, in terms of ensuring compliance with commencement of development, has only ever operated in the context of when the government has sold a site to a private owner.

Subsequent transfers have not been regulated by the government under the leasehold system for as long as we have had leasehold. This requires goodwill on the part of the owner, but I think it would be a reasonable observation to make that an owner that has just spent a considerable amount of money on the property is going to want to realise a return on that investment in a timely manner.

MRS JONES: But do you think maybe the time comes in a policy sense where you are going to have to have some special processes with regard to these blocks that are right in the middle of every suburb? Even when they are well-maintained, they are still covered with a dodgy fence and sometimes a lot of graffiti. Even when they do pass the cleanliness test, they have only been building on one-third of the vacant land and that sort of thing. There might be a need for the development of some time frames that are reasonable but that do have some sort of an end in sight. I think there would be broad support across the Assembly if you wanted to make that kind of move.

Mr Corbell: The government has determined that the policy response that is needed to address these types of circumstances is around the enforcement of what would be considered local council requirements in other jurisdictions in relation to cleanliness. At the moment, cleanliness, proper maintenance of the block and so on, on a vacant block, is determined through quite a cumbersome process in relation to the leasehold.

As the minister, I have given my agreement and requested the directorate to develop a proposal for a municipal enforcement scheme—to characterise it in that way—in relation to undeveloped or vacant sites that would, instead of trying to enforce leasehold compliance in terms of the lease or the leasehold more broadly, simply be able to issue fines, to be able to issue notices on a property through a municipal fine-based structure that would encourage and incentivise action on the block.

MRS JONES: Yes.

Mr Corbell: Because it is actually a much more direct and practical way of dealing with these matters. I have given my agreement to a proposal for that work to occur.

MRS JONES: Just as a final point: would the government then consider potentially asking leaseholders to clean the blocks and grass the blocks with no fencing—like has happened on the Gold Coast on similar sites in the past—and then have a basic maintenance of the grass on that site so that we just do not have the fences? If a site is going to stay for four or five years even undeveloped, I do not know that it is too much to ask that the site be sown with grass.

Mr Corbell: Those are matters that will be given consideration as part of that new municipal enforcement regime that I have previously given my agreement to be developed.

MRS JONES: Thank you.

THE CHAIR: Ms Porter has a supplementary.

MS PORTER: Just quickly, minister: are there any of these disused service station sites in Belconnen that are still being remediated? Are we in the situation that Mrs Jones was talking about in relation to the Page site?

Mr Corbell: The former Page service station site is currently under construction.

MS PORTER: It is under construction now. Have we got any other sites in Belconnen?

Mr Corbell: Not that I am aware of.

MS PORTER: So those are the only two then?

Mr Corbell: Yes.

MS PORTER: Thank you very much.

MS BERRY: I had a more radical proposal than Mrs Jones about sites that were not being developed.

THE CHAIR: It is a very conservative committee, traditionally.

MS BERRY: Maybe I watch too much Disneyland, but in the ACT, if a community decided to occupy a site, is that a possibility, or is that too far out there?

MRS JONES: As in to use it?

MS BERRY: No, just to occupy it and put trees on it or plants, or use it as a garden.

MS PORTER: A community garden.

MRS JONES: The government would have to buy it.

MS BERRY: You know, do those guerrilla gardens.

Mr Corbell: That would be a matter for the leaseholder.

MS BERRY: For the leaseholder, so it would be—

THE CHAIR: There would be deformed shaped pumpkins, I think, growing on top of that soil.

MS BERRY: Well, it does happen.

Mr Corbell: The property would be privately owned. It would potentially become a private civil dispute. Possibly issues like trespass and so on may arise, but that would

be a private civil matter.

MS BERRY: Okay. Thank you for your advice on that.

Mr Corbell: I am not giving you legal advice, Ms Berry.

MS BERRY: No.

Mr Corbell: I encourage you to get your own legal advice in relation to it.

MRS JONES: But I think Ms Berry raises the fact that it is a big issue for local communities.

Mr Corbell: I do not give legal advice.

THE CHAIR: Mrs Jones, a new question? You have got a couple of minutes before 11 o'clock when we will break for morning tea.

MRS JONES: Let us go to page 9 of the portfolio statement, to the second table. Total costs of this output 1.1, construction services, are budgeted to go down. There is a note that says that the cost includes waiver and ACT grace payments. Does the government expect to have to make any of these payments in 2014-15? It is a very succinct question.

Mr Corbell: Act of grace payments, by their very nature, are irregular and unpredictable.

MRS JONES: But are there any currently expected or do you ever expect to pay them in a given financial year?

Mr Fitzgerald: At this point we do not have any knowledge of any payments to take place in 2014-15.

MR COE: What is the nature of those ones in 2013-14?

Mr Fitzgerald: The majority related to extension of time payments.

MR COE: So are they directly related to the stimulus package or were they separate to that?

Mr Fitzgerald: The majority were directly related to the stimulus package, yes.

MR COE: Given that, why is there not a known liability going into future years where people will claim that rebate, in effect, on extension of time fees?

Mr Corbell: Because matters in relation to act of grace fall within the responsibility of the Treasurer and are made on a case-by-case basis. So it is not something that the directorate has any control over.

Act of grace arrangements can only be agreed to by the Treasurer. It is not feasible to

try and predict what decisions the Treasurer may or may not make in relation to that.

MR COE: Sure, but I think it was March 6 when the Chief Minister and the Treasurer put out a media release saying that you have—

Mr Corbell: Yes.

MR COE: this stimulus package which had a pretty clear framework for properties that would be able to seek a remission or a rebate.

Mr Corbell: Yes.

MR COE: Therefore, are you not aware of what liabilities the directorate has?

Mr Corbell: Act of grace requires and depends on application. It is simply not possible to predict who or how many people will apply for act of grace waiver, nor the amounts that may be involved. So it is simply not feasible to try and predict that.

MR COE: That is despite that framework being—

Mr Corbell: The framework is in relation to a re-calculation of charges. But that is a separate process from any act of grace that parties may also seek. So there are actually two processes set out in relation to stimulus. One is a formulaic application and re-calculation of fees, and the government has taken account of that in the relevant budget papers in terms of projections around revenue and so on. But act of grace is a separate matter that deals with other matters that fall outside of that framework—

MR COE: Sure, but—

Mr Corbell: and therefore are case-by-case specific, and depend on the individual circumstances of each property owner and, indeed, whether or not they choose to seek waiver. Some do and some do not in relation to an outstanding balance that is not captured by other arrangements. It is simply not possible to anticipate that with any accuracy.

MR COE: We heard from Mr Fitzgerald that that 2.6 was related to the stimulus package, so—

Mr Corbell: Sorry?

MR COE: We heard from Mr Fitzgerald that act of grace payment—

Mr Corbell: Yes.

MR COE: or payments referred to for 2013-14 were in relation to the stimulus package. So it is not a separate—

Mr Corbell: They are associated with the issues dealt with by the stimulus package.

MRS JONES: Can I—

MR COE: True, but were those payments actually within the framework outlined by the Chief Minister in early March or were these separate ones that fell out of that framework but which may well have been within the broader theme?

Mr Corbell: Can you clarify this, Mr Fitzgerald?

Mr Fitzgerald: The exact details I would have to take on notice. I do not have the exact break-up. I would suggest it is well over 50 per cent of the figure.

MR COE: Is it part of the framework as outlined by—

Mr Fitzgerald: Exactly, from March.

MRS JONES: Can you come back to us with how many payments that figure is? How many—which of them, how much they were acts of grace for stimulus projects?

Mr Fitzgerald: Yes.

MRS JONES: All right, thank you.

THE CHAIR: Members, are we done? If so, we will break now for tea and we will resume at 11.15 am. What we should do before lunch is finish output classes 1.1, 1.2 and 1.3. We will do the environment stuff this afternoon.

Sitting suspended from 11.00 to 11.17 am.

THE CHAIR: The committee is now back in session. We are back at output class 1, subclasses 1.1, 1.2 and 1.3. I think Mrs Jones just had a major question. So we will go to Mr Coe.

MR COE: Minister, there are a fair number of indicators on page 13 that are not at 100 per cent. I note the note says that noncompliance was an issue there. Could you please talk us through the reasons for that? Or Mr Simmons might do so?

Mr Corbell: New photovoltaic installations largely relate to existing rooftop installations. Obviously we have seen ongoing installation of rooftop PV and because we have 100 per cent inspection rate for rooftop PV, which is different from any other jurisdiction in the country, we do see instances where those installations fail at inspection and are required to be remediated so that they meet inspection.

MR COE: Has it not actually been audited or investigated? This is not about whether it passed or failed. This is about whether it has actually been audited or investigated. And I think that footnote refers to all five sub-indicators, does it not, not just the PV?

Mr Corbell: Yes. Sorry. I beg your pardon. I think Mr Simmons will probably be able to give you some more detail.

Mr Simmons: What you are seeing there is the pass/fail. They are ones that have been audited. As it comes to the end of the financial year there is always a slight lag to

it because at the end of the financial year we might get, in that last couple of weeks, requests for inspection. But they may not be completed until 1 July or the first week of the next financial year. So there is always a slight lag coming to the end of the year so that always 100 per cent will not be looked at.

The way that the solar PVs are, it remains a rapidly evolving area of technology. In terms of our inspections it is the one that has the highest level of issue in terms of getting it right. We might go out and have a look and say, "These elements are wrong, we will come back." The inspection has not been completed. We might not necessarily fail a contractor because something has changed and they have not quite caught up. Rather than issuing demerit points or saying, "Come back and see it," we will rebook an inspection. What we will do is explain what is different, what has gone wrong, and then we will come back and do another inspection rather than recharging them, saying, "Let us do it again." What you are seeing there is a slight lag indicator with respect to the completion. It is the end of the year.

MR COE: Are those five sub-points of a. the percentage that have passed or the percentage that have been inspected?

Mr Simmons: What you are seeing there is the number that have been inspected. But there will be some in our system that are due to be inspected but have not been yet.

MR COE: But that might be so for the first year, but does it not mean the next year you are actually doing 105 per cent or 106 per cent?

Mr Simmons: It always pushes into the next year. In every year there is always going to be something that transfers—

MR COE: But if the initial application is in one financial year and the inspection is in the next, does that not mean you are actually doing more inspections?

Mr Simmons: You get—

MR COE: But it is a different overlap?

Mr Simmons: Yes, it is the overlap. It is a different group that pushes into the next year.

MR COE: Take for instance a PV installation—and I do not need this to be taken on notice or anything—what is a typical number of visits that would be required by an inspector to give it the green light?

Mr Simmons: It can depend on how good and how experienced the contractor is. For the ones that do it all the time and are up with and maintaining their knowledge with the new technologies, it will be one inspection. People come into the market. It is evolving so quickly that keeping up with the technology is difficult. All our inspectors did an in-service day in the last fortnight on some new technologies, some very exciting things which are happening here with respect to PVs and changes in installation and the way people are using them now to get more out of them.

As new players come into the market they sometimes need more but generally if they are going to stay in the market for PVs and specialise, they tend to get up to speed pretty quickly. So usually it is only one. But it will be sometimes around new technology or changes in inverters and things that are happening, plus there may be equipment that we have become aware of that there are problems with and that they have not learned and we will say to them, "That equipment is no longer approved for use, you will have to change that". We would not necessarily ping somebody for something that they did not know or there was a reasonable excuse why they would not know it. So we will work through those things with people.

We have worked very hard with the industry around solar PVs to make sure they are done safely and they are done well. We have got a lot of them and we would really like to encourage that market and make sure it works efficiently and effectively for the territory.

MR COE: With a PV installation, what inspections need to take place? Obviously there are ECD inspectors, but what about ActewAGL?

Mr Simmons: ActewAGL will bring their meters because they need a different meter set for that. If it has been inspected by us there will be a white sticker in the switchboard saying it is inspected, in which case ActewAGL will just connect straight away. They do not need to do anything else. If ActewAGL has been called out there to put the meter on they will not connect. They may get there ahead of us. It is changed but left inactive with respect to the solar PV array. We do coordinate with ActewAGL. The preferred method for them is that we have done the inspection.

After the big solar boom that we had, the process we are using in the main—and overwhelmingly it is the case that we have done the inspection first—they just turn up, put the meter on and connect the installation and away they go. So it is a very smooth process for the homeowner.

MR COE: And on a separate issue, the current indicator in output 1.1 with regard to the formal complaints and acknowledgement, firstly why is it only 92 per cent and why is the target only 90 per cent if that is in fact the law?

Mr Simmons: That is only internal. It is an internal measure for us that we try to get to that, that we are responding within 10 days to every complaint that we actually receive. There is not a legal requirement that we do that, that is an internal matter for us that we have set 90 per cent as our target to get within 10 days. Sometimes it is just about volume of work.

Mr Corbell: The total has been revised, Mr Coe, as you will see. For the coming financial year it has been revised to 100 per cent.

MR COE: And what changes need to be put in place to get to that 100 per cent as opposed to nine out of 10?

Mr Corbell: The government has asked for some revision to be undertaken in relation to the protocols that exist for responding to complaints in this area. It is a growing area of complaint as change occurs in suburbs and sites come up for development or

redevelopment and certainly people are more often raising these matters.

So the government has determined that once an even more responsive framework is in place—and that is why the target has been revised—for example, there will be some changes in relation to how complaints are considered particularly around the engagement where complaints come through the Assembly. Members who have dealt with these matters before may be aware that when matters have been raised with members and members write to me as the minister, I write back and I pass something back and advise members that we would encourage and indeed need a constituent to fill out a relevant form to formalise the complaint and allow it to be dealt with.

We are introducing some more flexibility into those arrangements in relation to representations that are made to the minister in terms of treating it as a complaint without the need for all of that process that was previously in place and instead facilitating, with the person who has made the representation, the supply of all the other relevant details that are needed to allow the complaint to be auctioned.

MR COE: I see there is a change with regard to how the directorate is measuring customer or consumer satisfaction. How was it measured in the past and how is it going to be measured following introduction of the new indicator?

Mr Meyer: Customer services were measured on a number of very broad-ranging criteria in the past. What we have found is that the vast majority of respondents to those surveys and those putting in comments across our front counter, and generally more informally through emails and so forth, have come through the construction and the development assessment and particularly licensing areas as well. It was a very small percentage of commentary that we received back on a range of other issues and services that we would undertake. So what we have done is shift to predominately focus on the area which is attracting the most comment and the most issues where we need to look at continuous improvement in our performance.

MR COE: And how are we actually measuring that?

Mr Meyer: We measure it through a number of ways—through surveys. We provide opportunities through our two counters, one in Dickson and one at Mitchell, for relevant personnel to put in comments. They can also put them in through our feedback system. We have an electronic inbox and they can go through the website as well. We have got a number of opportunities for clients to put in comments.

What we try to do too is advertise the fact more broadly that we welcome feedback on a range of issues. At various times we have had focus groups too with representatives of those sectors and that has been useful to get some concrete evidence about issues that are of particular concern.

MR COE: Given the length that you are obviously going to to measure performance and to continually improve, it might be worth while to perhaps expand that indicator to be more than just 80 per cent, whatever that means, and to actually include some of those other indicators which you are obviously gathering for interim purposes.

Mr Corbell: I think what you will see if you look further down that table at e. there is

a new performance measure that provides for development and building application. I think the problem with the previous measure outlined at c. is that it is quite broad—satisfaction with directorate, customer services and products—which could be any range of things from development assessment through to the energy and water efficiency programs, recycling programs, master planning activities. It could be anything. Given the very broad range of services that are delivered by the directorate, the decision has been taken that the critical issue is in relation to development of building applications because of the time limits.

MR COE: True, but within that it might be interesting to break it down. You have explained the timeliness. Is it actually about the decision that has been made or is it the process that people have to go through or whatever? If you are doing that work internally, it might mean that your reporting is a little clearer, rather than an 80 per cent level of satisfaction which really is pretty blunt?

Mr Corbell: There needs to be an overall measure but certainly the issues of detail that you raise are obviously used to inform performance management within different parts of the directorate.

Mr Meyer: We have certainly asked questions against a wide range of indicators and it gives us a feel for where the problems or issues might have been.

THE CHAIR: Ms Porter has a supplementary on that question.

MS PORTER: In regard to the last indicator, which is a new indicator on that page, indicator f., the notes say that this indicator will measure the directorate's ability to provide advice to government in relation to the amendments of the Building Act. I just wondered where we are up to in finalising and implementing the Building Act review.

Mr Corbell: This is quite a large body of work that is being undertaken by the government at the moment. Issues around building quality and performance of construction occupations and their safety have been forefront to the government's eye in a number of portfolio areas, not just in planning and development assessment but also in work health and safety because we know that poor building quality is linked with poor work health and safety performance and that good building quality is linked with much better performance on work health and safety.

The government has worked extensively in undertaking a review of the Building Act. A discussion paper on the review and potential major reforms will be released in the second half of this year for a 10-week consultation period. The rewrite of the Building Act is also scheduled to commence in the second half of this year with an exposure draft to be released early in 2015. Obviously advice and options to government will come at the end of that consultation process and prior to an exposure draft of that being released. So that reflects the key date that is reflected in that performance measure.

The government, though, has not simply been waiting for this substantive rewrite of the Building Act. The directorate has been proceeding with other bills which the government has brought to the Assembly including the construction and energy efficiency legislation amendment bills 2013, 2014 and 2014 (No 2) which all focus on

amendments to the Building Act and construction occupations licensing to improve the regulation of construction professions and improve enforcement action in relation to occupational discipline and noncompliance with the obligations.

So we are continuing to pursue reforms in this area. I am very keen to improve consumer protections in relation to the building sector. I think there are weaknesses in our current regulatory regime, and reform of the Building Act will help us to better protect consumers, particularly when it comes to disputes with builders or failure to meet relevant milestones for completion of building work and so on. These are very important matters for me, and that is reflected in the new performance initiative.

MS BERRY: Supplementary on that.

THE CHAIR: Yes, a further supplementary, Ms Berry?

MS BERRY: There are lots of new residential homes being built in some of the areas around town. We hear out in the community the complaints from people that are having their homes built about the builders that build them. I feel that there is a level of frustration, that they feel like there is nothing they can do. They keep calling the builder to make an adjustment or to resolve an issue with their building. What is the process that they would go through once they have sort of gone as far as they could with the builder? Where do they go to get something happening at the home?

Mr Corbell: I guess it would depend on the circumstances, Ms Berry.

MS BERRY: An example would be at the end of it. Your home has been built and you mark off all the things that are not working right. There may be holes in walls or things that are not completed. They will contact the builder to have all that resolved and the builder keeps putting them off, keeps putting them off, keeps putting them off. Then months and months and months later these issues still have not been resolved. What can they do?

Mr Corbell: So that would relate to defects?

MS BERRY: Yes.

Mr Corbell: There is a defect rectification period in most contracts, but Mr Simmons can outline a bit further how that operates.

Mr Simmons: Thank you, minister.

MS BERRY: Yes, but just to be clear: it is after they have reached that level of frustration where the builder is not complying with what is in the contract, in the warranties or whatever. So it is where the owner of the building has done everything they can to resolve the issues with the builder and they feel like they have not got anywhere.

Mr Corbell: They have hit the wall, effectively.

MS BERRY: Yes, exactly.

MRS JONES: Literally.

Mr Simmons: Thank you. There are essentially two streams that happen here. One is: what are those matters which are the subject of the contract between the home owner and the builder? Earlier today the minister has pointed out that he has written to the MBA and the HIA about the contract and the standard form contract. It is an issue in terms of the Building Act review work that has been discussed and looked at and that will be the subject of some suggestions to government, because it is very difficult to enforce the provisions of a contract.

Ultimately there is always Australian consumer law for individuals, which is not our area of responsibility. But what happens is that if it is provisions of the contract where it is fit-finish—those sorts of things which are not inherently about the defects of the building itself—they sit outside. They sit really as consumer matters and the pursuit of the contract.

If the issue is in fact about something where the builder has failed to comply with the Building Code of Australia, the wiring rules or any of the other things for the sub-trades that are licensed, it then potentially becomes an issue that the Construction Occupations Registrar can deal with. It requires simply that the home owner make a complaint to the registrar. Our website has a complaint form. Once they make that complaint, it activates a whole series of provisions under the Construction Occupations (Licensing) Act. The first one is that the registrar must investigate a complaint which is made to him about a licensed construction occupations practitioner.

It is very difficult in some cases because oftentimes the issues are both matters of contract and potentially matters of a failure to comply with the Building Code for builders specifically. That is where you can find some difficulty. Oftentimes the things that are most aggravating to home owners are in fact things which will not affect the elements that the Building Code deals with. Poor quality paint finishes, the fit, cupboards not being quite square—those sort of things are going to fall under the contract and be contractual matters because they will not go to the inherent liveability and compliance with the Building Code. They are just incredibly frustrating and annoying.

One of the things that we have been doing—the review of the Building Act is really about this. We have heard, we have listened to industry, we have listened to consumers and a whole range of parties and we are putting that together. It is a very comprehensive review of an act which is really starting to show its age. The 2004 act was an update of the 1972 act. A lot of things have happened in building since 1972. We need to address some of these issues around the frustrations that we hear a lot.

People come and complain to us. We work where we can with them, but sometimes it is the contractual matters. Trying to resolve these matters through contract in the current form has become very, very difficult. We are looking at providing advice to government on some alternatives around trying to resolve those issues.

Mr Corbell: There need to be better statutory protections for consumers in these mechanisms—

MS BERRY: Yes.

Mr Corbell: because at the moment often the only recourse is to litigate the matter—

MS BERRY: That is it, yes.

Mr Corbell: and that is very expensive.

MS BERRY: Yes, especially after you have just built a new home.

Mr Corbell: So you are litigating. It is a contractual dispute being litigated in the Supreme Court. It is not consumer friendly.

MS BERRY: No.

Mr Corbell: It is very expensive, time consuming and difficult. Better statutory protections, consideration of statutory concerns and a range of other matters like that will improve protections for consumers. I am very keen to ensure that we progress reforms to address those issues, because I have seen a number of instances where people have had to litigate in the Supreme Court. It is not desirable and certainly not better, I believe, for consumers to continue to have to do it.

MS BERRY: Thank you.

THE CHAIR: Minister, I turn to pages 18 and 19 of the budget portfolio statement, as well as page 209 of budget paper 3. At the bottom of pages 18 and 19 there are two references and three references to the East Lake proposal. Then on page 209 there are two lines dedicated to East Lake. Given that it was announced in 2002, where is the East Lake proposal at?

Mr Ponton: Mr Smyth, the majority of the work has now been completed and we are in the process of finalising a submission for the consideration of the government. We hope to have the various outstanding pieces of work considered by government by September this year. After that we would be looking to move to a territory plan variation to give effect to that work soon after.

THE CHAIR: The definition of East Lake there is from where to where?

Mr Ponton: I might ask Alison Moore to answer that.

Mrs Moore: The East Lake boundary resides along the Monaro Highway to the east, Canberra Avenue-Wentworth Avenue to the south, the area known as the Causeway, which is the roadway separating Kingston Foreshore and the East Lake area to the west, and the boundary of the lake to the north and Molonglo River also to the north.

THE CHAIR: What is the expected population of East Lake, should it go ahead?

Mrs Moore: Approximately 8,500 people.

THE CHAIR: When do you expect construction to begin there and the first residents to move in?

Mr Corbell: That will be dependent on the government's consideration of the territory plan variations to processes that Mr Ponton outlined.

THE CHAIR: Why has it taken more than a decade to get to the stage where we are only now conceiving a territory plan variation?

Mr Corbell: There have been a significant number of complex planning matters that have had to be resolved in relation to the proposed East Lake estate. Obviously, this is in part a brownfield site. Significant land contamination issues have arisen that have required significant reconsideration of planning objectives and outcomes on the site. I will ask Mrs Moore or Mr Ponton to outline this work.

Mrs Moore: Of particular concern at the site is the amount of geotechnical issues that we have with that site, and that is—

MS PORTER: Sorry, I did not—

MRS JONES: It is hard to hear.

Mrs Moore: Sorry.

MRS JONES: The microphones are not great.

Mrs Moore: One of the concerns is the geotechnical condition of the site as it currently stands. It contains a substantial amount of material which has been placed on the site dating back to the 1980s. We have had to undertake some substantial investigations looking at the volume and nature of that material so that we can determine what remediation strategies may need to be put in place to enable development of any kind on that site to occur.

THE CHAIR: Is that asbestos?

Mrs Moore: Asbestos is only a small component of what is on that site. There are a range of other materials which have been placed on the site and a lot of that stems from the construction of new Parliament House.

THE CHAIR: What happens with the actual Causeway itself under the East Lake plan?

Mrs Moore: The East Lake plan does look at redeveloping the entire site. We have looked at options for how development on that area might occur.

Mr Corbell: Those are matters yet to be considered by the government but obviously a range of options will be put forward in relation to the Causeway area.

THE CHAIR: Then moving south, what is the future of the railway yards and the existing railway station? The model railway people have moved or are in the process

of reconstructing. What happens to the old Kingston siding, which I think it privately owned?

Mrs Moore: The planning accounts for the existing railway station and corridor. They are to be retained. As you have pointed out, the model railway people have already chosen to relocate to another site.

MR COE: How does that tie in with the rail master plan of about three years ago or thereabouts?

Mrs Moore: It is consistent with the outcomes of that master plan.

MR COE: That master plan also did foreshadow moving the station out further towards Fyshwick. Is that right?

Mrs Moore: It did.

MR COE: What would be the purpose of the retention of the existing station?

Mrs Moore: The master plan looked at a number of options for the potential relocation of the railway station. However, our planning studies and investigations and also some economic analysis have confirmed that retaining the station in its current location is the best outcome in the short to medium term.

THE CHAIR: And then the area, I think it is Mildura Street and the Fyshwick Markets, what happens to that industrial-type precinct there? Does it remain or is it rezoned?

Mrs Moore: It remains. That said, we are looking at options for some changes so that we can improve and provide further alternatives for the forward development or redevelopment of that site should lessees wish.

THE CHAIR: With the current industrial or semi-industrial area, is it the intention to include residential in that area?

Mrs Moore: Not in the industrial area, no.

THE CHAIR: Ms Porter, a new question. Before you do, there seems to be an awful lot of planning and design framework implementation. It is in 2013-14, it is in the outcome of 2013-14 and pushed back into 2014-15. Then on page 209, is that new money?

Mr Corbell: In relation to this item, Mr Smyth?

THE CHAIR: East Lake—the two East Lake lines. Most of the money has been expended.

Mr Ponton: It is not new money. It is a rollover to allow us to complete the work.

THE CHAIR: So the financing in 2014-15 is the rollovers on page 19. They now go

into the 2014-15 column on page 209?

Mr Ponton: Yes.

THE CHAIR: All up, how much is being spent on this work for East Lake?

Mr Corbell: We have to take that on notice, Mr Smyth.

THE CHAIR: Thank you, minister. Ms Porter?

MS PORTER: My question is in two parts and it relates to the total cost in the two output areas on page 10—1.2, planning delivery, and 1.3, strategic planning. There seems to be a slight reduction in funding in output 1.2, planning delivery, and there seems to be a substantial increase in total cost in strategic planning. Could you explain that to us, please?

Mr Fitzgerald: In relation to output 1.3, the increase in costs relates to the issue we spoke about earlier in relation to the transfer of infrastructure assets.

MS PORTER: The same one?

Mr Fitzgerald: The same instance. In relation to the slight reduction in costs and GPO for output 1.2, the majority relates to the savings that we also spoke about before.

MS PORTER: So they are all related?

Mr Fitzgerald: They are all related, yes.

MS PORTER: Thank you.

THE CHAIR: Ms Berry.

MS BERRY: Thank you, chair. I have some questions about facilitating good developer behaviour and development applications. We had a bit of a chat earlier about this. Can you talk with the committee about the role that community consultation plays in this process a little bit more and how the developer's behaviour in that process contributes?

Mr Corbell: It would depend on the nature of the development proposal, Ms Berry, but in general terms there are a range of mandated and encouraged engagements on the part of development proponents. First and foremost, obviously, there are statutory notification, public notification, time frames and requirements for certain types of development. Those are publicly notified online, on site, in terms of signage, and in relevant publications like the newspaper. Those are open for a set statutory period for people to obtain the documentation and to make comment on, which is then taken into account in the development assessment by the authority.

For certain types of development, in addition to the mandatory notification period there is also—I forget what it is called exactly—a pre-notification period where early engagement is required to be demonstrated by a proponent. Before a development

application is lodged there is a requirement for the developer to engage in pre-consultation, if you like, with the affected community or the interested community. Then it needs to be demonstrated in the form of DA documentation that that has occurred.

Those are two key strains. Obviously, more broadly, if a matter is considered to potentially be contentious or to attract adverse comment, the authority always encourages proponents to engage, and to engage early, with affected communities, but there are very clear requirements both at the pre-lodgement stage and also at the formal lodgement stage, depending on the nature of the development.

Not all development requires formal notification. Obviously, exempt development does not need a DA. It does not need to be notified because there is no DA to comment on, but in those circumstances it is still encouraged that proponents, who are normally householders, talk to their neighbours and engage with their neighbours about a knock down-rebuild or an extension or a renovation and so on.

But that is at the lower impact end. Obviously then you have got very large redevelopment or development proposals, multi-unit proposals and so on, which do attract a much higher level of notification and formal public comment.

MS BERRY: The statute requirement is obviously just a minimum. A developer could go and do a whole lot of different—

Mr Corbell: Yes, they could, and that is always encouraged.

MS BERRY: Yes. Just regarding the ACT government's consultation practices, I know there have been a lot of changes over a number of years around how the government consults with the community. Things come up with the Twitter cabinets and the time to talk website. There was the city to the lake tent that was set up in the city and things like that. Are there any intentions to review how these consultations have happened up until now, say during this budget year, around developments or projects?

Mr Corbell: Not a formal review, but it is a matter that is kept under regular informal assessment by the directorate, because obviously the directorate is engaged in a broad number of outreach and community engagement exercises. For example, right now there are public comment periods open for the draft master plan for the Weston group centre. A range of things are being done there, including displays and signage in the centre itself in Cooleman Court, which is obviously the main hub of Weston, and there is material that people can view and comment on. There have also been meet-the-planner sessions where planners are present on site to explain and answer questions in relation to the draft master plan, as well as there being online material and a range of other things.

I think that through the master planning process we have a very comprehensive and effective outreach to affected communities. The master planning team engages dedicated community engagement personnel to do that work, to go out and identify who needs to be spoken to and who needs to know and whose feedback we need to hear. It is quite an exhaustive process, but quite a comprehensive one. Increasingly,

directorates also rely on Twitter and Facebook engagements as well to get feedback, and we are also seeing that from private developers.

Private developers themselves are tending to use social media more as a tool to tell people about their proposal and elicit feedback. We certainly saw that, for example, with the GEOCON tower proposal in Belconnen where a lot of feedback was solicited by the proponent through social media, particularly Facebook. There is a whole range of avenues that are being utilised in this respect.

MS BERRY: With shopping centres like Cooleman Court, a centre of that size, with that master plan process, does that have time limit on it? I know you would want to have a time limit, but is there one?

Mr Corbell: Yes, the government does set time frames, because obviously the process needs to come to a close and we need people to provide comment in a particular time frame so that that can be fed into final decision making by the government.

MS BERRY: What is the time frame for Cooleman Court?

Mr Corbell: These are generally set out in the Chief Minister's guidelines for community engagement, which are whole-of-government agreed time frames. A normal engagement period is six working weeks.

MS BERRY: That is for a master plan variation, though, isn't it? Or is that just general?

Mr Corbell: That is for policy level engagement, so not at the DA stage. The DA notification time frames are set out in the Planning and Development Act. In relation to policy documents like a master plan and other related documents—for example, today I have released a draft discussion paper on low emission vehicles—it generally has a six-week, or thereabouts, period for comments. It is a policy document as opposed to a statutory time frame in relation to a DA.

MS BERRY: Thank you.

THE CHAIR: Mrs Jones has a supplementary on this issue.

MRS JONES: Yes. I just wanted to ask two questions. The first one is: when you are designing consultation processes, what is the philosophical basis that you go from? Are you actually expecting that the community assists in the development and the decision-making process, or is it more about information for the community about what is happening?

Mr Corbell: It is designed to elicit information and community views that can develop better policy.

MRS JONES: But philosophically do you think it should be the community deciding with you, or do you think it should be the community understanding what decisions have been made?

Mr Corbell: Philosophically, the government's view is that community feedback and community views are important in designing effective policy and programs.

MRS JONES: In the decision-making phase?

Mr Corbell: Governments are elected, ultimately, to determine policy, but good government policy should be informed by effective feedback and comments and information and views of the broader community.

MRS JONES: Before final decisions are made. Is that correct?

Mr Corbell: In general terms, yes.

MRS JONES: Okay. Also on Cooleman Court, just on the redevelopment and the planning around that, obviously there are elements of it that are still being finalised. My understanding is that the number of additional car parks that are being delivered is less than promised at the election. Can you describe why fewer car parks are being delivered than were promised at the election? Also, have any decisions been made about the redevelopment of the community centre?

Mr Corbell: In relation to the second point, no. That is a matter that is subject to further consultation through the draft master plan, but there are preferred options outlined in that draft for public comment.

MRS JONES: On that point, then, when is a decision expected? I do not expect you to predict the future, but when are you expecting to have a decision on the Cooleman Court community centre, which is really quite in need of upgrade?

Mr Corbell: That is a separate matter from the master plan itself. The master plan sets out how land will be used in the future. Obviously, then, the maintenance of particular facilities on the land are the responsibility of the relevant property owners and the possible redevelopment of those sites is the responsibility of the relevant property owners. In relation to the community centre, obviously that is a government-owned asset so it would be a matter for the relevant government department or directorate to decide what happens in relation to that facility.

MRS JONES: Do you know when that decision may be made?

Mr Corbell: There is no time frame on that at this point in time, to the best of my knowledge, but that is a matter for the relevant directorate to answer questions on.

MRS JONES: Who is the relevant directorate, just for my information?

Mr Corbell: I think it would be the Community Services Directorate.

MRS JONES: Thank you. And the car park?

Mr Corbell: In relation to car parks we will give you some information.

Mr Ponton: I might ask Alison Moore to correct me if I am wrong, but my understanding is that the number of car parks that are being provided through the current budget process, consistent with the draft master plan, is consistent with the number that had been talked about previously—so that is incorrect.

MRS JONES: No, I do not think that is accurate at all. Maybe the minister needs to explain because obviously you are not necessarily informed—

Mr Corbell: If you could outline where you believe the discrepancy exists, Mrs Jones.

MRS JONES: Minister Corbell, do you remember how many car parks you promised for Weston Creek?

Mr Corbell: Not off the top of my head, no, Mrs Jones. I would need to seek advice.

MRS JONES: Are you able to come back on notice for us with the number that were in the promise and the number that are being delivered?

Mr Corbell: Yes, I am happy to do so, but obviously you believe there is a discrepancy. I would be grateful for your clarification of that.

MRS JONES: Well, there were more promised than are being delivered.

Mr Corbell: Do you have numbers, Mrs Jones?

MRS JONES: I believe I am asking the questions, Minister Corbell.

Mr Corbell: I am just doing my best to try and clarify—

MRS JONES: Clearly, I do not have the exact numbers in front of me, no.

Mr Corbell: All right.

MRS JONES: Otherwise I would very happily put them to you.

Mr Corbell: I will take the assertion, which is not substantiated, but I am very happy to provide further information.

THE CHAIR: You have taken it on notice. We will get to the bottom of it.

MRS JONES: I am glad that is satisfying for you, Minister Corbell.

Mr Corbell: I would have thought you would have had more detail.

MRS JONES: I am just taking the concerns of the community council and bringing them to you.

Mr Corbell: I guess all I am saying, Mr Chairman, is that if there is an assertion that the election commitment is not being met, I would assume there would be some factual basis for that.

THE CHAIR: There might have been an assumption you understood your own election commitments.

MRS JONES: I would like to think that the community council knows what it is talking about.

Mr Corbell: Okay.

THE CHAIR: You have taken it on notice.

Mr Corbell: I have.

THE CHAIR: We will all be enlightened shortly. A new question, Mrs Jones?

MRS JONES: Going to the bottom of page 13 and the top of page 14 of the portfolio statement, the accountability indicators for output 1.2, this table shows that the average development application processing time is 10 days longer than the target. Would the minister be able to enlighten the committee as to why there is the delay and what leads to these delays?

Mr Ponton: Over the past 12 months there has been an increase in the number of complex development applications—large redevelopments in town centres and the like—and, as a result, that is why you are seeing the average time frame increase, because of those large complex developments. I refer, for example, to the Wayfarer tower, GEOCON tower at Belconnen. That was a large and complex development proposal that required the Planning and Land Authority to resolve a number of matters. That required us to seek further information from the proponent.

Because the time frame for the proponent to respond to us is essentially outside the Planning and Land Authority's control, that can impact on the overall time frames. For that reason you will note that there is also a median processing time which is less than the target. That is to try and provide a clearer picture overall of what is happening in terms of development application processing times.

MRS JONES: Are you saying it is a few rogue situations that are causing this blowout in the averages?

Mr Ponton: That is right, yes.

MR COE: How many DAs would be assessed to make up that number?

Mr Ponton: I might clarify the exact number with Mr Corrigan.

Mr Corrigan: Mr Coe, with eight DAs their time frames to determine were quite significant, and that really affected the—

MR COE: What is the total number?

Mr Corrigan: It is eight.

MR COE: The total number of DAs assessed?

Mr Corrigan: We are sitting at just under 1,100 at this stage of the financial year, and with a couple of days to go.

MR COE: So if you have 1,100 DAs and these eight are blowing it out significantly, surely these eight must be in the order of hundreds of days?

Mr Corrigan: Some of them are, yes. There are others apart from the eight that may all be just a bit over the time frame, the 45 days or whatever. We did a bit of analysis of this, because obviously when the percentage target in the accountability indicator is not hitting 75 per cent, we look into why that is so. The eight I mentioned are all quite significant. The quickest one of the eight is 202 days. So it is quite significant. Some of them go well over a year, so that is why.

THE CHAIR: Could you name the eight and the number of days each has taken, please?

Mr Corrigan: Yes, I could do that. There was a single dwelling issue in Bonner that had some issues that was eventually refused. That was 285 days. There was another complex single-dwelling matter in Melba with issues around servicing with ACTEW and the like. That was refused after 305 days. There was a lease variation and a subdivision for a multi-unit proposal in Macquarie. That, again, involved servicing issues and took over six months to resolve with ACTEW and other service authorities. That took 203 days.

There was a commercial building in Nicholls, mixed use. There were some environment protection and similar issues. That was refused after 292 days. There was a Housing ACT proposal in Chisholm and, after quite a bit of extensive community engagement, there was a redesign undertaken. That added significantly to the time frame. That was in for 425 days, so that was over 12 months. There was some heritage work in Braddon, and the Raiders car park issue is still being looked at. That is 241 days.

MR COE: 241 and counting?

Mr Corrigan: No, that was conditionally approved. That is the car park on the oval part itself, not the extent of the new building. With the O'Connor medical centre, there were some issues there, again with services and the like, with ACTEW resolving those matters. That was 202 days. With the estate development plan in Phillip, the Land Development Agency were looking to resolve it; possibly some tower developments were related but they were withdrawn. The estate development plan itself took 492 days to determine, so that is quite a significant amount of time.

Mr Corbell: This highlights that, in a relatively small number of cases, the delays associated with resolving what are often complex issues with eight development applications can skew the performance of the other 1,100 in terms of the overall performance measures. I think it highlights the complexity and the range of matters that the Planning and Land Authority has to address, and at times it is subject to entity

referral matters that take extensive periods of time to address. For example, as Mr Corrigan outlined, often it is relying on resolution of technical engineering issues around water networks, electricity networks and other related matters and where the authority is contingent on getting the approval of those referral entities to allow a decision to be made in some instances.

MR COE: Just tallying those up, you get to 2,445 days. If you divide that by 1,100, that pushed out the estimated outcome by 2.2 days for the mean. That is hardly the bulk of the overflow in terms of the time line. Incidentally, that back-of-the-envelope calculation does not include the estimated time of 40 or 50 days as well. So if you take that off, it is even less in terms of the blowout caused by those eight developments. That is also evidenced by the fact that the median of 42 means you have 50 per cent, or 550, which are over 32 days. Of course it is not necessarily those eight projects, but it seems that there are 550 projects which are going over and above the target, or at least next year's target.

Mr Corrigan: Mr Coe, the eight I have outlined are the most seriously time-consuming DAs we have had in over 12 months, because of the time frame to determine them. There is a proportion that does just go over the allocated time of 45 days if there are representations. In part what you are—

THE CHAIR: What proportion is that, that go over 45 days?

Mr Corrigan: Off the top of my head I do not know, Mr Smyth.

Mr Corbell: We will take that on notice.

Mr Corrigan: You are asking for quite a detailed breakdown.

THE CHAIR: Yes, sure.

Mr Corrigan: It only takes a few to skew that proportion, but when you do get a number that slightly go over, it obviously adds to that process with time.

MR COE: With regard to the single dwelling in Melba and the time frame of 305 days, there was a nine-month wait and then it was refused. Do you have any details as to why what is probably a family has been held up by nine months?

Mr Corrigan: Yes. The applicant was an architect. I assume it was for a family; I am not sure. Ultimately the DA was refused. The information we asked for was to resolve that servicing issue and the water issue with ACTEW. The applicant was given quite some time to resolve that. In the end they never came back with the information. We try to be fair and reasonable. There is always a balance. We do not want to be ruthless and say, "45 days is up; refused." We try to be quite reasonable about it. In this case the applicant was given quite some time to resolve it, failed to resolve it and in the end we determined to refuse the application.

MR COE: With those eight that you read out, what sort of portion of the delay involves waiting on the applicant to provide information?

Mr Corrigan: All of it.

MR COE: What about the one in Macquarie where you said there were issues with the LVC and other issues?

Mr Corrigan: No, it was not LVC; again that was an ACTEW—

MR COE: It was a subdivision, though, wasn't it?

Mr Corrigan: That was a subdivision. It was a water and sewerage issue. The applicant took over six months to come back and resolve that matter.

MR COE: Is that an issue with the applicant or is that an issue with ACTEW?

Mr Corrigan: Ultimately it is an issue with the applicant. It is in the applicant's interest to resolve it. Obviously, in the assessment of the DA, our staff looked at it and said, "Okay, there's an unresolved matter here; can you go back and resolve that?" Whether it was the applicant or ACTEW as to what was going on, they took over six months to resolve the matter; hence that has been the time frame.

MRS JONES: Okay. On accountability indicator b., on the percentage of decisions made within the statutory time frames, the target is 75 per cent and the outcome is 69 per cent. What were the reasons for failing to meet the target, and what is the impact on proponents of the DA if it is not approved within the time frame?

Mr Corbell: It would depend on the applicant's circumstances.

MRS JONES: Can you give us some indications?

Mr Corbell: Every applicant is different, Mrs Jones. I would not want to seek to generalise it.

MRS JONES: So you have no idea in general terms why your target was not met?

Mr Corbell: Sorry, I was referring to the second part of your question about the impact on applicants.

MRS JONES: Okay.

Mr Corbell: In relation to performance, Mr Corrigan can answer this.

Mr Corrigan: Mrs Jones, we have been covering these examples of DAs that have taken some time to resolve; when you get a proportion that take quite some time to resolve, that affects the performance. That is why we have not achieved the 75 per cent target.

MRS JONES: Why is the target not 100 per cent for statutory time frames?

Mr Corbell: It is a pragmatic decision that there will always be some circumstances where statutory time frames cannot be met.

MRS JONES: Why is it 75 then? It is still 25 per cent—

Mr Corbell: It is considered a reasonable level of performance based on historical assessment of the types of matters that are presented to the authority.

MRS JONES: So we measure what we have done in the past and then we set our benchmarks based on what we have been able to achieve in the past.

Mr Corbell: No; that is not what I am saying. I am saying that there are always circumstances which are beyond the control of the authority when it comes to performance. I think what Mr Corrigan's previous answers demonstrate is that in many instances the delay is reflected in the performance outcome here in terms of an approval or a refusal, but the factors behind when that decision is made are often in the hands of other entities, not the authority. Those go to the core of the complexity around measuring performance here. It is not as though the DA arrives at the authority and it is able to make a decision immediately. That would be a very easy way to measure performance, but that is not what occurs, because often there is a need for matters to be resolved with third parties, with utility providers or others, which is not within the direct control of the authority but does reflect on the time frame for processing by the authority.

MRS JONES: In that same vein, accountability indicator c. has achieved well above its target of 35 per cent, at 77 per cent. What is the reason for such a great success in this area?

MR COE: Page 14, indicator c.

MRS JONES: Yes.

Mr Corbell: That is in relation to performance, the resolution of matters by mediation in the ACAT prior to a formal hearing being held. In those circumstances, what that highlights is that when parties come together in the ACAT because they are unhappy with a decision of the authority, we are seeing a good number of those development assessment decisions being resolved by mediation without the need for formal hearing.

MRS JONES: Right.

Mr Corbell: What that highlights is that the decision-making of the authority is robust and the issues are able to be resolved through mediation. But again, it is not something that the authority has any direct control over, because it is a proceeding in the ACAT.

MRS JONES: Has something changed in ACAT to make that success rate so much faster or has something changed in the agency?

Mr Corbell: No. This is actually a pretty consistent outcome in relation to matters in the ACAT.

MRS JONES: Right, but there is a target in this area and you have got 35 per cent.

Maybe the target needs to be higher. Is that possible, probable?

Mr Corbell: In relation to the targets, I think I answered this question earlier. There is actually a relatively small number of matters that end up in the ACAT. I think it is less than 100 planning matters a year in the ACAT. So, depending on the nature of the proposals, you can get some variations and some numbers that are mediated and numbers that are not.

THE CHAIR: That is 100 out of the 1,100 DAs?

Mr Corbell: I am answering the question in general terms, Mr Smyth. If you want an exact number, I would have to take it on notice.

THE CHAIR: Yes, if you could.

Mr Corbell: The point I am making is that it is a small number. It is not the total number of DAs that are considered by the authority.

THE CHAIR: It is nine per cent.

MRS JONES: Would you mind, please, taking that on notice, to get us the exact number that are going to ACAT?

Mr Corbell: I am advised by my officials that I am overstating the number of matters that appear in the ACAT.

MRS JONES: Maybe you could take that on notice.

Mr Corbell: The number of Planning and Development Act matters that went to the ACAT last year was seven.

MS BERRY: That is a rather large overstatement.

Mr Corbell: I am exaggerating.

MRS JONES: Thank you, Ms Berry.

Mr Corbell: I am pleased to correct the record.

MS BERRY: Seven is definitely a very small amount.

MRS JONES: It is very good to have good officials with you. Finally, on indicator d., on ACAT decisions which uphold the directorate's original decisions, you met the target of 85 per cent. How many decisions was that? Oh, we have already done that.

MR COE: Six and seven, obviously.

MRS JONES: And how does that compare with the previous year?

Mr Corbell: In relation to the previous year, you could find that figure in the report of

the previous year.

MRS JONES: Thank you very much for your help.

THE CHAIR: Mr Coe, a final question?

MR COE: With regard to the number of blocks which are being developed in the ACT, what changes do you foresee in the next few years if the ACT economy does slow down or does not pick up as soon as we might hope?

Mr Corbell: I think those are questions best directed to the Economic Development Directorate, which has responsibility for the Land Development Agency and the land supply program. That is reflected in the government's land supply program.

MR COE: Sure. The reason I ask is to get an idea about new suburbs coming online. Of course, Moncrieff has been brought forward, but will the current economic conditions and the current economic outlook alter the delivery of new suburbs, especially in Molonglo?

Mr Corbell: The government makes an assessment about the economic circumstances and demand for land on at least an annual basis, often more often than that. The decisions in relation to Moncrieff are consistent with the government's overall land supply strategy, taking into account the economic circumstances we expect the territory to face over the next few years due to the very significant budget cuts being imposed by the current federal government.

MR COE: And with regard to the estate plan for Denman—whereabouts is that at?

Mr Corbell: I would refer you to the LDA. They are responsible for the estate development plan.

MR COE: But has ACTPLA been consulted, and what involvement has ACTPLA or ESDD had on the development of that plan?

Mr Corrigan: The planning work has been undertaken by the directorate for some time now. The concept planning and the structure planning for Molonglo, for south Molonglo, are largely complete. The LDA are obviously looking at the estate design for Denman Prospect. They have commenced that process, but questions of detail as to where exactly they are at are best directed to the LDA at this time. We do not have a DA for Denman Prospect EDP at this time.

MR COE: How many blocks do you expect to be released in this financial year?

Mr Corbell: I would refer you to the LDA.

MR COE: With regard to the number of dwellings that have been build on greenfield sites, do you have a figure for how many that might be for 2013-14? How many single dwellings have been built on greenfield sites this year?

Mr Corbell: I will have to take it on notice.

MR COE: Yes, if you could. Thank you. And perhaps for the last few years, if it is easily compiled.

Mr Corbell: How many years are you requesting, Mr Coe?

MR COE: I am deliberately being flexible for your benefit.

Mr Corbell: Thank you.

MR COE: Whatever is reasonable.

Mr Corbell: Okay. Mr Chairman, I took on notice a question from Mrs Jones in relation to car parking at Weston Creek group centre. I can advise the committee that the Labor government, prior to the last election, made a commitment to deliver 80 more parking spots at the Weston group centre.

MRS JONES: Yes.

Mr Corbell: The budget funding in this financial year being delivered by TAMS is for 80 additional spaces.

MRS JONES: Okay. And when will—

MR COE: The budget funding, but what will be built?

MRS JONES: And will they be delivered?

Mr Corbell: Eighty spaces. We said 80; we have funded 80.

MRS JONES: Great. Do you know when they will be delivered?

Mr Corbell: This financial year, but obviously you should ask TAMS about the details. They are the responsible agency.

MRS JONES: Thank you.

Mr Corbell: I am very pleased to inform the committee that the government is honouring its election commitment.

MRS JONES: I am very glad to hear it.

Mr Corbell: I am sure you will relay that to the Weston Creek Community Council.

MRS JONES: I am sure I will, probably at lunchtime.

THE CHAIR: Minister, on page 96 of budget paper 3, there is an initiative called “Transport and parking—better options”, with \$150,000 each for two years. What is the scope of the works there? What are you looking for in terms of the number of parks, and which town centres will you be looking at?

Mr Corbell: The purpose of this funding is to allow development of new policy in relation to parking, including a review of parking rates, so that is parking generation—

THE CHAIR: By rates you mean capacity and usage?

Mr Corbell: Parking generation rates for certain types of development, and also investigating feasible sites for parking investment in the city and in town centres. This will enable the government to have appropriate policy in place to facilitate effective parking infrastructure whilst managing parking demand and overall transport provision issues. The purpose is to implement a strategy to use a range of parking supply options, including parking offsets and a review of parking rates to support travel demand management and developments within the city and our town centres. It will include an investigation of how an offset fund can be used to support active travel, establish baselines for active travel and monitor parking demand, and also an investigation of parking rates for people with disabilities, reserved parking for parents and carers and commercial parking provision rates. It will also allow for the development of parking plans for the city and town centres.

THE CHAIR: Is there a number of sites and, inside those sites, a number of car parks that you are looking at? Is there a predetermined number?

Mr Corbell: No. The analysis is at precinct-wide level both in the city and in town centres; there will be specific actions and recommendations arising from each of those locations.

THE CHAIR: And that is all town centres?

Mr Corbell: Yes, all town centres.

THE CHAIR: Minister, thanks very much to you and your officials for your attendance today. Members, that is the completion of output classes 1.1, 1.2 and 1.3 inside output class 1. We will return at 2 o'clock for heritage; then we will move on to the environment. Minister, I remind you and your officials that the committee would be grateful if any questions taken on notice this morning could be answered within five working days.

Sitting suspended from 12.27 to 2.01 pm.

THE CHAIR: Good afternoon ladies and gentlemen. We will get straight into it. Minister, do you want to make an opening statement?

Mr Corbell: No, thank you, Mr Chairman.

THE CHAIR: The new Heritage Act, where is that at, minister?

Mr Corbell: The government is currently giving final consideration to possible amendments and refinements of the bill given the process we have undertaken in relation to consultation on it. I expect it will be brought forward for debate in late

2014.

THE CHAIR: In late 2014?

Mr Corbell: Yes.

THE CHAIR: So when was the bill tabled?

Mr Corbell: It was tabled on 16 May 2013.

THE CHAIR: 2013. We are not going to debate it until late 2014. What is the delay?

Mr Corbell: It has been subject to consultation.

THE CHAIR: Do we not normally consult before we table bills?

Mr Corbell: Well, the government took the view that on this occasion the consultation process would involve laying the bill formally on the table of the Assembly.

THE CHAIR: That seems an extraordinarily long period of time. Why so much time allowed for consultation on this particular bill?

Mr Corbell: There were a significant number of submissions received, and the government is taking its time to consider the detail of those submissions.

MR COE: When you say “submissions”, what form did the consultation take to actually request submissions?

Mr Corbell: Key stakeholders were notified of the bill and provided with the opportunity to comment, and 23 submissions were received.

MR COE: Is that usually done prior to tabling, as Mr Smyth said?

Mr Corbell: It can occur in a number of ways. There are plenty of examples and precedent for bills being tabled and then submissions being sought or, alternatively, submissions sought through an exposure draft. On this occasion, as I made clear when I tabled the bill, the government was entering into consultation following the tabling of the bill. I made that clear in my presentation speech.

MR COE: Has it gone before cabinet yet?

Mr Corbell: Yes, it did go before cabinet.

MR COE: No, the amendments.

Mr Corbell: It is not for me to disclose what may or may not be going to cabinet. What is important to stress is that the government is considering feedback as a result of those submissions.

MR COE: Are you able to elaborate on what areas of the bill are subject to the most interest? I do not think those submissions have been published, have they?

Mr Corbell: No. They have not been at this time, although they will be once the government has finalised its consideration of those submissions. Obviously issues such as the proposed ministerial call-in provisions have attracted interest.

THE CHAIR: Ms Porter, a new question.

MS PORTER: Page 10 talks about the total cost being slightly lower for this particular budget. Why is it slightly lower? Will this have any material effect on the strategic indicator on page 8, which talks about compliance to do with that act as it stands at the moment.

Ms Ekelund: In terms of savings, the reduction in cost is part of the general savings. In terms of the heritage unit, there was a reduction of half an FTE as the contributions to the savings across the directorate.

MS PORTER: How many FTEs are in that particular area at the moment?

Ms Ekelund: Eleven.

MS PORTER: So did you say half?

Ms Ekelund: Yes.

MS PORTER: My maths are not good enough to work out percentages, but I am sure someone can calculate that. Will that have any material effect on them meeting that strategic outcome, which is to ensure compliance with the act as it stands at the moment?

Ms Ekelund: No. Not specifically. The position is more an evaluation of the heritage merits of the built environment. That is the half position.

MS PORTER: Will that have any material effect on their capability to be able to do that particular job?

Ms Ekelund: Any reduction in resources has some implications, but we are fairly confident that we can continue to progress the work of the unit, including reducing backlog over time, which we have been focusing on.

MS PORTER: How is the backlog being reduced?

Ms Ekelund: There are currently 173 outstanding nominations requiring the Heritage Council to consider them; 43 of these have been identified as probable duplications, so we are hoping to bring that down to 130.

MS PORTER: And these are progressing over time?

Mr Corbell: Yes, that is correct.

MR COE: Do any of those on the backlog really need to be reclassified? Most of those were submitted at the time when the submission was considerably easier than at present from what I gather. To that end, has the government considered—I am not necessarily advocating writing to the proponents saying, “Would you please meet the current requirements for a submission.”

Ms Ekelund: The backlog peaked in 2008 at 320, so you can see there has been a significant reduction. Certainly the heritage unit has been targeting areas it considered there may not be very good supporting evidence for an application or where there may be duplication or lack of clarity. Certainly there has been a concerted effort to have a look at those proposals, which we can move on quickly with if they are no longer sufficiently robust proposals.

MR COE: Since that peak seven years ago, what has changed in the application process?

Mr Traves: I was formerly responsible for the heritage unit; I was responsible for most of the year so I can talk to it. Going back to the original Heritage Act, basically you just had to be an interested person or a resident of the ACT. Basically, you were flagging the interest of a community of which you are a member, and eventually you would be contacted and you would provide your case. When the original legislation was written, there were expectations of maybe 20 or 30 applications being current at any one time and not the many hundreds that it subsequently became.

If you now want to lodge an application you have to meet a number of threshold criteria to do with social significance or some proven historical link that you can find. You do not have to provide the full details but enough that the researchers can say that it looks plausible. That will then go to the independent council. The independent council accepts and rejects nominations; the directorate does not do that. Basically they are now applying a much more stringent approach to it. At the end of the day, they are going to have to spend their limited time looking at those priorities.

MRS JONES: Who takes an application from the list and then tells that person whether it is going on to heritage or not? Is that decision made internally?

Mr Traves: The applications come into the unit itself. They would do a preliminary check of the facts claimed by the proponent and make a recommendation to the council. The council would make the decision as to whether they believe it is worthy of further investigation or it has been put in for an unrelated reason—to spite a neighbour or whatever.

MRS JONES: So basically every single one has to go to the council?

Mr Traves: Yes, they make every decision.

MR COE: After a provisional listing or a full listing, what process is undertaken to determine what would be an acceptable use of that site—so an adaptive re-use or preserving the heritage in a way that does not necessarily involve preserving the current built form?

Mr Corbell: The use of the site is not a primary consideration of the Heritage Council.

MR COE: Yes, that is right.

Mr Corbell: The Heritage Council's function is to determine the inherent heritage value of the site and whether it requires either provisional or permanent registration on the heritage register and, if so, what heritage features are important and how they need to be managed and protected.

The future use of a site is then determined ultimately by the Planning and Land Authority. If there is a proposal to develop, extend, renovate or redevelop a site, in reaching a decision about such a proposal, the Chief Planning Executive and, therefore, the authority has to have regard to the advice of the Heritage Council and any heritage management plan which is in place in relation to the place.

MRS JONES: Is the council itself working on it from a theoretical perspective of preserving examples of each era or just things that are very old? They are two very different theoretical approaches to heritage.

Mr Corbell: Assessment of heritage is done in accordance with the Burra Charter principles, and these are largely reflected in the Heritage Act.

MRS JONES: Which is which school of thought, do you know?

Mr Corbell: I would not characterise it in the way you have, Mrs Jones, but—

MRS JONES: Well, I did study it at university, so—

Mr Corbell: The Burra Charter principles are the internationally accepted considerations that are used by heritage bodies to assess heritage values.

MR COE: For instance, say you have got a building which is indicative of 1960s public housing, as a not too foreign example. If a site like that was to be heritage listed with a future use to incorporate either the old structure or to perhaps incorporate older materials or old features of that site to be proposed, would that not go before the Heritage Council for their opinion?

Mr Corbell: Yes, it would.

MR COE: Not at the time of listing, but at the time of—

Mr Corbell: That is correct; yes, it would. At the time of any development proposal, yes.

MR COE: Because you said earlier that the Chief Planning Executive—

Mr Corbell: Is the decision-maker.

MR COE: So they would just seek the view of the Heritage Council?

Mr Corbell: That is correct.

MR COE: Rather than the Heritage Council actually having a statutory role in that process?

Mr Corbell: Well, the Heritage Council has a statutory role insofar as it is a referral entity, so its advice must be sought and taken into account. But the decision-maker is the Planning and Land Authority.

THE CHAIR: Ms Porter, a question?

MS PORTER: I am done.

THE CHAIR: Ms Berry, any questions?

MS BERRY: I have questions around the same matter. Minister, does the Heritage Council have any heritage protection priorities in the ACT given the amount of construction work that is happening across the city over time?

Mr Corbell: There are certainly a broad range of heritage areas that have been subject to assessment by the council in recent times. They include everything from very early examples of European settlement in the ACT to the ongoing protection, registration and recognition of Indigenous heritage sites in the ACT.

In terms of decision-making, the council has determined that priority will be afforded to nominations first of all that are identified for possible development, particularly new land development sites, because obviously there is a need for a scan of those sites in terms of potential heritage values, particularly Indigenous heritage sites that may be uncovered as a result of development in greenfields estates. So that is important. Other sites include those that are associated with development or capital works programs of ACT government agencies, and nominations that could be subject to future development pressures.

Those are the three highest priorities that the council is looking at in terms of considering areas of heritage. Obviously there are a broad range of sites. The remnant alignment of the railway that once served the Canberra brickworks, for example, has been the subject of detailed heritage assessment, discussion and eventual agreement with the Land Development Agency in relation to the preservation of that area in the context of future planning for the possible extension area around the Canberra brickworks.

There are heritage sites—old settler ruins in Gungahlin and west Belconnen areas—that are being finalised or have been finalised. A range of Indigenous sites continue to be nominated that are uncovered or identified as a result of proposed land development activities, as well as existing buildings that have heritage values and need to be considered because of potential redevelopment pressures.

MS BERRY: In west Belconnen there are some natural heritage areas around Latham, in Umbagog park. Also on the outskirts of Dunlop and Holt, there is the Aboriginal

archaeological site, and there is what is thought to be the fence from the old straight-line boundary behind Dunlop, and also areas for environmental protection because of sun moths. Also there is the Cranleigh homestead at Latham and the bits of concrete that the farmer put around the place because he was interested in science and the stars. They are all around Macgregor, Latham and Holt. Those are just some other areas, but are there natural heritage areas that should be protected and what is the process for listing of natural areas?

Mr Corbell: Natural heritage considerations—are you referring to landscapes?

MS BERRY: With Umbagog park, the creek that goes through Latham, Ginninderra Creek, has a bit of history around an Aboriginal archaeological site, as well as being a creek that feeds into the Murrumbidgee.

Mr Corbell: In terms of a place's nature conservation values, they would be recognised in other ways, such as under the Nature Conservation Act or under EPBC legislation in terms of its biodiversity values. In relation to its landscape values, there are a limited number of registrations on the register currently that deal with landscape heritage values. For example, there has been consideration of sites that may represent and still be sufficiently robust examples of nineteenth century plough lands and so on. Those are considered by the Heritage Council on a case-by-case basis. But generally speaking landscape values are not captured. It is more in relation to specific sites for either their Indigenous or European heritage values.

MS BERRY: Just on that straight-line boundary piece of fence behind Dunlop, do you know if that is heritage listed?

Mr Corbell: I will have to take that on notice. I do not have that detail here.

THE CHAIR: If there are no further questions on heritage, we might call it quits on output class 1.4. Members, we have until 5.15 for output class 1.5, 1.6 and 1.7, all of which are concerned with the environment and climate change. We might start on those areas. Ms Lawder, you can have the first question.

MS LAWDER: Minister, there has been a lot of talk over the past few weeks about the cost of the kangaroo fertility trial. Would you be able to clarify the cost per kangaroo of fertility treatment?

Mr Corbell: Thank you, Ms Lawder, for the question. The government has provided funding of \$471,000 in the coming financial year and \$453,000 in the subsequent financial year for the development and further investigation of fertility control or non-lethal measures of population control for eastern grey kangaroos.

That program is designed to further develop proposals in regard to reducing fertility in resident eastern grey kangaroo populations through dart delivery of the kangaroo fertility control drug GonaCon, which should assist us in reducing the frequency of kangaroo culls and the number of kangaroos culled each year. With respect to the cost per kangaroo, I saw some comments from Don Fletcher, who is our lead scientist in this area, in the *Canberra Times* in the last week. His comments are consistent with the advice that has been provided to government at this time.

The purpose of the trial is to further refine our assessments about cost and also delivery and help us to try and overcome the scientific obstacles that still exist in relation to the ability to deliver GonaCon through a dart delivery method. At the moment, as Mr Fletcher is quoted as saying, to deliver GonaCon currently it would require the individual anaesthetising of the kangaroo—knocking the kangaroo out—and then delivering the GonaCon by hand injection. Obviously that is a very time consuming and labour intensive process and comes with a significant cost.

Ms Ekelund: One of the challenges is that GonaCon is quite viscous. So rather than, say, material that is usually used through a dart mechanism that might be a lot thinner and can just be injected and go through the bloodstream very quickly, GonaCon is actually quite viscous. Therefore finding a dart mechanism which can actually deal with a thicker substance and also keep that substance together in a clump in the tissue of the animal is one of the challenges.

MRS JONES: Is it a slow release? Is that the intention?

Ms Ekelund: I would have to ask one of my scientists to go through the detail but it is quite a different type of substance to a lot of the stuff that is administered through darts. So finding a mechanism which can actually give us a dart mechanism is part of the research challenge.

MS LAWDER: You have an amount this year and an amount next year, but I do not think we have talked about an amount per kangaroo. Do you then have a view of how many kangaroos you may be trying to anaesthetise and then administer the drug to?

Mr Corbell: No. It is proposed to develop a methodology and hopefully a dart delivery system that can be trialled to see whether or not it can be delivered by dart.

MRS JONES: So the money is for scientific development?

Mr Corbell: The advice to government is that it is not practicable to administer fertility control through the individual subduing and then manual injection of kangaroos with GonaCon because of the cost implications in particular and also the time it would take to reach a sufficient number. Instead the focus is on proving up the ability to deliver this drug through a dart delivery system and to trial a dart delivery system on a selected population in a selected location as a way of proving up the ability to use it more widely. This is an ongoing scientific task on the part of our scientists and the funding is to allow that work to get underway.

MRS JONES: How many kangaroos are intended to be in the trial?

Mr Corbell: That is yet to be determined.

MRS JONES: Can you take on notice providing information for the committee about how the GonaCon works, the science behind it and how it functions? Is it a slow release drug? What is the mechanism that slows down the fertility, scientifically?

Ms Ekelund: It is quite complex, so it is probably best if we do—

MRS JONES: On notice is fine.

Mr Corbell: We will take that on notice.

MS PORTER: Minister, anaesthetising the animal would be through dart in the first instance?

Mr Corbell: Yes.

MS PORTER: Then you would need some protection for the animal once it was coming around from the anaesthetic. So it is not only time consuming but one presumes that this imposes an amount of stress on the animal itself. So that would be another reason why you would not want to go down this route. I imagine that with that whole process it would be time consuming and expensive, and also maybe stressful to the animal?

Mr Corbell: Yes, these are all relevant considerations. If the government is to proceed with this work as proposed it is contingent on relevant ethics committee approval in relation to animal welfare and broader scientific ethics considerations.

MS LAWDER: You would probably be aware, minister, of a fertility trial, a quite different one, at Government House a number of years ago. They did not use a drug; they used another method which was not necessarily a success. Has your directorate looked at any lessons learned from that particular exercise?

Mr Corbell: The short answer is yes. The longer answer is that the scientists engaged by the ACT are considered some of the leading scientists in Australia on the issue of kangaroo population and population management issues, including issues around fertility control. We are in a unique situation, obviously, in terms of interaction between our urban and bushland areas and the prevalence of kangaroos in an urban or semi-urban environment. So it is a unique situation because of the nature of the city and, as a result, our scientists are considered to have developed a considerable level of expertise in kangaroo population management issues because of that. And they are considered leading in the Australian context.

MS LAWDER: There is \$924,000 over two years for ESDD. In TAMS there is \$576,000 over two years for kangaroo population management. Could you clarify what your directorate is doing which makes it quite different from the money being spent in the TAMS directorate?

Mr Corbell: This money is in relation to the work I was previously explaining. The TAMS allocation is for the conduct of the existing cull.

THE CHAIR: I have a supplementary. It is GonaCon, and that is for the female kangaroos?

Ms Ekelund: It stops ovulation.

THE CHAIR: Because they sterilised the males—the bucks—at Government House.

They did not realise that other bucks would swim across the lake. So it proved to be a bit superfluous and somewhat funny. How serious is the government about this approach, minister, and is there an indicative cost of what even a shot injected without the anaesthetising is worth?

Mr Corbell: To answer the first part of your question, the government believes that it is desirable, if possible, to reduce the need to undertake a lethal cull of animals. No-one likes the idea of culling animals and the government shares that view. We undertake the cull because we believe it is scientifically necessary to protect the integrity of the broader biodiversity values in the areas which are also occupied by kangaroos.

But we do believe it is important to look at options that are alternatives to culling. We believe in particular that it is desirable to further investigate whether or not the GonaCon proposal is able to be delivered at a scale at which it needs to be delivered now. We will have to make some assessments based on the outcomes of the research. But we do believe it is a worthwhile investment to allow that research to occur so that the government can make an informed decision as to whether or not alternatives to culling are practically open to us.

THE CHAIR: A new question, Ms Porter.

MS PORTER: On page 2, under the priorities, the third dot point from the bottom talks about finalising and implementing striking the balance, the ACT's water strategy. Minister, could you talk to us a little bit more about the water strategy? That is different, isn't it, to what we were talking about this morning? Mr Traves is nodding his head—not that that is picked up by the *Hansard*.

Mr Corbell: Yes, it is different from the basin priority project work. That is correct, Ms Porter. The government is currently finalising the water strategy to guide water policy in the ACT. The new document is to be called “striking the balance” and the final strategy, accompanied by an implementation plan, is expected to be released later this year.

There has been extensive consultation on the draft strategy. The purpose of the strategy is to better articulate the primary policy drivers that are now in place. For example, we have an agreed Murray-Darling Basin plan—an agreement between the Murray-Darling Basin states and the ACT—and that is something we did not have prior to the previous water strategy being developed. For example, we now know for the long term how much water we are allowed to extract from the basin for part of the water supply—or for the supply overall—and we have to build that into our policy framework.

It also recognises that we now have in place a series of significant water security measures, including the new Cotter Dam and the Murrumbidgee-to-Googong transfer capability. So the emphasis now is shifting away from security of supply to focusing more on improving water quality, as well as making sure that water security measures can operate in the context of the broader Murray-Darling Basin agreement and some of the issues that sit behind that, such as the utilisation of water trading and facilitating the legal mechanisms needed to allow water entitlement trading to

augment our water security measures.

Those are the key issues that are addressed in the new strategy. There has been very good feedback from water policy experts, the broader community, industry and other stakeholders. The government expects to release that strategy in the coming months.

MS PORTER: Minister, you referred to water security and the new measures that have been put in place to ensure water security in the ACT. Given that we might be going into another period where a relative water spike has been forecast, one presumes that the water security measures that we have now will alleviate the need for any further water restrictions like we had last time we were in a period of drought. Is that correct?

Mr Corbell: The government's planning parameters for the implementation of water security measures like the new Cotter Dam were a one in 25-year average of water restriction imposition. That is the general planning parameter that has been put in place. We believe that gives us a high level of water security. Obviously that is the average, but what it means is that we have significant increased capacity in terms of security of supply.

The new Cotter Dam now has a capacity of 78 gigalitres, approximately, which is a very significant increase in our storage capacity. Combined with the ability to secure water entitlements through the Murrumbidgee-to-Googong transfer pumping arrangements and storage of that water in the Googong Dam, along with the imposition of permanent water conservation measures as standard practice for water users, we believe we have established a very significant level of water security.

But that is not to say that we will not have dry periods and that is not to say that we may not see some periods of water restriction, but the parameters are one year out of every 25, on average, for water restrictions in the ACT. That is a significant improvement in terms of our water security situation.

MS PORTER: Do you think the public have maintained their ability to conserve water in the way that they did when the water restrictions were in place and when they were initially lifted? Do you think that the message is still uppermost in their mind, or has it lessened in any way? Do you think that people might have become more complacent?

Mr Corbell: The assessment of consumption patterns is that that reduced level of consumption has been sustained. Consumption patterns are significantly less. I forget the amount now, but it is a very significant achievement in terms of reduced consumption patterns. We only saw that rise briefly in the last very hot summer period for a short period of time. We have seen consumption patterns remain at that lower level. A 25 per cent reduction per capita is now the new baseline compared to the year 2000—approximately.

MS PORTER: It is significant.

Mr Corbell: Yes. So with a growing population we have actually reduced our water consumption.

MS LAWDER: With or without the drought, have you given any consideration to securing the water supply for the village of Tharwa?

Mr Corbell: Yes, there is consideration being given to future water supply issues associated with the village of Tharwa.

MS LAWDER: Are you able to elaborate at all on that?

Mr Corbell: I do not have any details in front of me, but I am aware that it is a matter that is currently being given consideration to.

Mr Ponton: I would just add that, as part of the master planning process for the village at Tharwa, an infrastructure study has been undertaken. That is the first step to understanding what is there in terms of infrastructure more broadly in the village. As the master plan progresses the option of providing for the water supply will be further explored.

MS LAWDER: Are you able to take that on notice and provide any further information to the committee?

Mr Corbell: If there is further information we can provide, I am happy to do so.

MS LAWDER: Thank you.

THE CHAIR: Ms Berry, a new question?

MS BERRY: Minister, can you update the committee on the status of the review into the Nature Conservation Act?

Mr Corbell: As you would be aware, in February this year the Assembly passed a motion requesting the establishment of a roundtable to explore issues associated with the proposed amendment to the Nature Conservation Act. That roundtable was convened, as requested by the Commissioner for Sustainability and the Environment, and the report on that roundtable was tabled on 15 May this year in the Assembly. The government is currently considering the issues raised in that report and it is proposed to present a revised bill to the Assembly for the spring session.

MS BERRY: Can you outline for the committee the ecosystem approach that was one of the topics of discussion during the roundtable?

Mr Corbell: An ecosystem approach is very much consistent with the broader thinking that is outlined in the nature conservation strategy which I released earlier this year. An ecosystem approach is focused on recognising that species and communities are interconnected and are fostered most effectively when viewed in a holistic manner. Rather than, for example, individual listings of individual species or individual ecological communities, they are considered as a whole in terms of management responses and designation of areas for nature conservation activities and so on. It is also recognising that there is an interconnectedness between different areas that should not be split apart simply because of artificial features such as borders or

nomenclature within planning documents or land title.

These are matters which sit at the heart of the operation of the nature conservation strategy and are very much reflected in the existing structure of the bill that the government put forward for comment late last year.

MS BERRY: Some of the participants in the roundtable said that the ACT was not delivering the required outputs for protection of threatened species. What is your response to that claim and what is the government doing?

Mr Corbell: I do not agree with that. The ACT has a very strong framework for the protection of protected or endangered species and ecosystems and communities. Our standards and our thresholds for protection are very rigorous and very high, and certainly much higher than in a number of other jurisdictions. The government has added significantly to existing reserve structures to make sure that there is effective representation and protection of valuable ecological communities.

For example, there is over 700 hectares of land incorporated into nature park and reserve in the new Gungahlin district as a result of the withdrawal of land from urban development in Gungahlin through the assessment undertaken under the EPBC strategic assessment for Gungahlin. We have added significant amounts of endangered ecological communities, in particular grassy woodland communities, which are our prime and most valuable form of ecological community that is threatened or endangered, and we have added significantly to our reserve network with over 700 hectares of land included in reserve as a result of the work undertaken by this directorate and other directorates through the EPBC approval process.

MS BERRY: It might not be under this portfolio, minister, but when people identify—this might get fed back to the government by the community—that a new eagle has arrived in their area, is that something—for instance, is the eagle white and is that going to be its new home?—that is put on the map of that protected species in that area? An eagle is a bit different from a sun moth.

Mr Corbell: I understand the point you are making. Obviously there are a range of endangered or threatened species, including most raptor species, so hunting birds like eagles and so on are recognised as under particular threat in the ACT. They are appropriately listed for protection. They have management plans in place in relation to steps to ensure sufficient protection of their habitat and so on to allow the species to survive.

The government works very closely with a range of non-government bodies in helping to understand the reach and spread particularly of the species and also their moving from one area into new areas—for example, the Canberra Ornithologists Group, the birdos group and a very extensive informal citizen scientist network of people who are obviously bird enthusiasts but undertake active and ongoing monitoring and bird counts and observations which are fed into the broader work of our scientists formally and scientific advisory bodies that inform policy making on this question. I think we are very fortunate in the ACT to have a strong network of citizen scientists in place. They play a very important role in responding to the types of issues that you raise.

MS BERRY: Thank you.

THE CHAIR: Mrs Jones, a new question?

MRS JONES: Yes, regarding expenditure on the wood heater replacement program. There does not appear to be anything in the budget papers about it, although we did expect something. What expenditure is expected in the next 12 months, and how many people or households have applied for the rebate in the last 12 months?

Mr Corbell: The wood heater replacement program is funded by ActewAGL.

MRS JONES: Right.

Mr Corbell: Under an agreement with the ACT government.

MRS JONES: And was there reporting back on it?

Mr Corbell: It is administered by the ACT government, the Environment Protection Authority. There is no budget allocation because the funding is derived from ActewAGL.

MRS JONES: As in part of their bottom line or agreement?

Mr Corbell: They pay the costs associated with the program; we administer the program and facilitate the wood heater removal consistent with the criteria under the program. What would you like to know specifically, Mrs Jones?

MRS JONES: I would like to know how many took up the offer in the last 12 months, how many are expected to take up the offer in the next 12 months, and what the value of that is, if we are able to know.

Mr Corbell: I am advised that the overall value of the program per annum is around \$36,000.

MRS JONES: That is not too much.

Mr Corbell: In terms of the volume of applications and wood heater removals, Mr Collier can assist.

MRS JONES: Was it \$36,000 in the last financial year? Is it just an every year figure?

Mr Fitzgerald: That is an average uptake of the program over the last five years.

MRS JONES: Okay.

Mr Corbell: Chris, can you give the details?

Mr Collier: Yes. As the minister was saying, it is administered by ACTEW, so the

funding is through them. In terms of the actual numbers, I would have to take that on notice, but in the last year it was about 1,000.

MRS JONES: Last year about 1,000?

Mr Collier: Yes. It was 1,050. Again, I stand to be corrected on that number, but it is in about that order.

MRS JONES: Yes; it would be fine to get it on notice. And then, if \$36,000 is the average, perhaps you can give us the last four years or something—how much was put into it. Thank you.

THE CHAIR: Just on that, it is about \$36,000 per annum for the program. Are you saying that last year we replaced 1,000 wood heaters? That is only \$36 a heater.

Mr Corbell: I think Mr Collier's figure is not quite right. It is 1,000 in total.

THE CHAIR: Over what period?

Mr Corbell: That have been removed over the five years or so since the program has been in operation. We would have to take on notice a year-by-year figure.

MRS JONES: So maybe we need all those stats.

THE CHAIR: If you could, because if it is 1,000 over five years and it is \$180,000 over five years expenditure, that is \$180 per household.

Mr Collier: I am happy to take that on notice.

Mr Corbell: We are happy to average those costs for you. It is a very cost effective program. Obviously it is not funded by the government itself, so it is not a cost to the government's budget. We are grateful for the cooperation and the support of ActewAGL in maintaining the program. It has had a very significant role in assisting with the improvement in air quality. The assessment for air quality currently indicates that we have seen a significant decrease in the number of exceedances of the relevant national environment protection measure since the program began.

THE CHAIR: For the current financial year, how many exceedances were there?

Mr Corbell: I would have to take that on notice. I do not know whether that data is currently available.

THE CHAIR: All right. Is there planning, say, for the coming financial year? Do the weather patterns allow you to work out whether or not there will be a similar number of exceedances?

Mr Corbell: I do not believe that is possible. I would take further advice from Mr Collier, but my understanding is that inversion layer effects are highly localised and usually correlated with cold, still nights. So I guess it depends on how many cold, still nights you anticipate in a year, Mr Smyth. I am not sure whether anything more

accurate than that can be determined.

Mr Collier: I am happy to jump in. There were three exceedances in the last reporting period. And as the minister correctly points out, because it is the weather, it depends on the inversion. It is difficult for us to predict how many inversions we will receive next year.

Mr Corbell: For example, in the last week, we have had a number of predictions of negative temperatures in the evening, which you would think would be ideal, but they have not eventuated, due to wind.

MRS JONES: Yes. It is difficult to predict the weather.

Mr Corbell: Indeed it is, Mrs Jones.

THE CHAIR: Does the government still give warnings under the “Don’t burn tonight” campaign?

Mr Corbell: Yes. The government still runs the “Burn right tonight” campaign. Yes.

THE CHAIR: How many warnings were issued in the current financial year?

Mr Collier: I think—

MRS JONES: Sorry, Mr Collier; the microphones are not great and we cannot hear very well. I cannot blame my old age because I am not there yet.

Mr Collier: I will have to lean forward. In terms of the numbers, Mr Chair, the numbers for daily exceedances were three occasions in 2012 and six occasions in 2013. That exceedance, to be specific, is only 2.5 microns. The only exceedance was on that parameter.

THE CHAIR: And the number of “Burn right tonight” warnings?

Mr Corbell: I would have to take that on notice, Mr Smyth.

MS PORTER: Minister, on page 15 it talks about preparing the annual report on air quality in the ACT. When will we see the next report released? It is accountability indicator c. in table 16. It says that it is published annually and put on the directorate website. I was just wondering when that might happen next—or it may have just happened?

Mr Corbell: I am advised that is normally prepared for immediate release at the conclusion of the financial year.

MS PORTER: Would the time of the year influence the quality of the air at a particular time or is this something that is over time and then the report is about the fact that over these times, over these periods throughout the year, the air quality is such? Or is it taking just a snapshot?

Mr Corbell: The government is required to report nationally on a range of national environment protection measures in relation to air quality, and there are nationally agreed measures that have to be reported against in terms of air quality. PM2.5 and PM10 are the two measures for air quality that we are required to report on annually to the National Environment Protection Council, which is a body composed of all state, territory and federal environment ministers. That is reported annually, to compare air quality and to report on air quality across Australia.

Here in the ACT, we record it. We have the required number of monitoring stations, as set out under the national environment protection measures agreements, to properly measure air quality at representative sample sites, and we report those and report on those measures. Obviously, here in the ACT the air quality measure of most concern is the PM2.5 measure, which is associated with particulate matter that emanates largely from wood smoke, or indeed from other forms of burning such as hazard reduction burns and so on. The concern with PM2.5 measures is that that type of particulate matter can present significant health problems, particularly for people with respiratory illness, the elderly and the very young—infants and so on. It is created due to the inversion layer effect. In Canberra, the problem is largely due to the inversion layer effect and the use of wood heaters in the domestic environment.

MS PORTER: Minister, what advice would you give people who live in the vicinity of somebody who has a wood fire and continually seems to use it in a way that is probably not very environmentally sound, in that they burn perhaps cheap timber quickly, and this then concerns them in relation to what you have just said about their health, if that person is not of a mind to take heed of the warnings, to ameliorate the issue by changing their behaviour or to take advantage of the exchange program to replace their wood heater?

Mr Corbell: The matter can be raised, and should be raised, with the EPA. The EPA will engage with the property concerned—speak to the property owner; encourage them to operate their wood heater correctly and efficiently so as to reduce pollution and reduce the impact on neighbours; encourage them to consider alternatives to wood heating, particularly in certain weather conditions; and ultimately, if necessary, take enforcement action, if possible, against that property owner.

MRS JONES: What kind of enforcement action is available?

Mr Collier: Under the Environment Protection Act, there is enforcement available for us. As the minister pointed out, our first course of action is always to educate and to go and visit them but, to answer the question, there is provision in the act to take action on air pollution.

MRS JONES: And what is the action that can be taken?

Mr Collier: It starts out with a warning letter and can eventually result in a fine.

MRS JONES: In a fine?

Mr Collier: Regulatory action through that process. But the first course of action is a warning letter, and it escalates from there.

MRS JONES: But the person cannot be forced to change their heating method, can they?

Mr Corbell: No. That is right.

MRS JONES: Thank you.

Mr Corbell: Obviously the government has put in place regulations in relation to certain new urban development areas to not allow the installation of wood heaters except with the approval of the Planning and Land Authority.

MRS JONES: Which means you do not get too many—is that right?

Mr Corbell: It is designed to act as a check on that. Also, often problematic wood heaters are not heaters that are used for household heating or for the heating of the primary residence. Quite often we see complaints associated with wood heaters that are used, for example, to heat a workshop or a garage. Often it is an old wood heater that does not burn well and does not operate well. People might be using it just to keep the garage out the back warm when they are working or they might have set it up as a rumpus room or something.

MRS JONES: Yes.

Mr Corbell: So there are those types of problems that are also encountered by inspectors.

MRS JONES: So the approval process favours it when it is a newer model and when it is being used to heat the main house?

Mr Corbell: People are able to apply to get approval to install a wood heater in those certain new residential estates, which are in the Molonglo valley, with the exception of Wright and Coombs, and north Weston, east O'Malley and Dunlop, where there are controls in place. This recognises that these suburbs are in locations where the topography has the potential to cause problems with an inversion layer because they are sitting in a valley. Obviously people are able to apply to install a wood heater if there are particular circumstances that warrant it—for example, there are some people with, I am advised, certain health conditions where that quality of heat, that type of heat, is considered desirable for their health. But it is designed to limit the impact of wood smoke in those locations.

MRS JONES: Thank you.

THE CHAIR: A new question, Ms Lawder?

MS LAWDER: Thank you. Minister, can you tell me the expected cost of the community solar scheme for 2014-15?

Mr Corbell: Yes. I will make some general comments and then Mr Traves will have some further information for you, Ms Lawder. The cost of the community solar EOI is

factored into the overall assessment of cost for the total pass through of 90 per cent renewable energy generation, which includes the large-scale wind, solar and waste-to-energy proposals that the government has outlined over the past six to nine months.

The total pass-through cost of achieving 90 per cent renewables is estimated by the government at \$4 per household per week in the year 2020 when all generators are generating. Obviously we are not at that point at this time. So the community solar initiative is one component of those overall measures.

The total generating capacity is one megawatt out of an estimated 490 megawatts of generating capacity that contributes to that total pass-through cost of \$4 per household per week. As you can see from that, the cost of the community solar element is quite small in the context of the overall operation of the scheme.

I make the observation again that the pass-through cost of \$4 per household per week is to be offset by savings on average of \$4 per household per week associated with the energy efficiency improvement scheme. So we believe that there is significant capacity to accommodate a transition to renewable energy generation and a low cost to consumers through measures such as the energy efficiency improvement scheme.

To date the government's assessment of pass-through costs has been demonstrated as accurate. I will give as an example the recent price determination by the ICRC and the Australian Energy Regulator. In their most recent determination, both of those regulators factored in the generating cost of all three allocated, but not yet generating, large-scale solar facilities—that is the Royalla facility, the Mugga Lane facility and the Uriarra facility. They estimated that pass-through cost at 47c per household per week once operating. The government had estimated it at 49c per household per week. We are pleased that our assessments are being verified by the regulator. Having said all that, Mr Traves might have a number for you now in relation to community solar.

Mr Traves: I have some figures. Community solar will only represent one megawatt out of the 490 that will finally be installed. Most of you are familiar with the small and micro scheme which sits on households and the medium scheme that came from that some years ago. That had a capacity of 50 megawatts. It was at a much higher price than is currently being offered for the community site. That costs us about 77c a week.

That is 50 times the capacity at a price which is more than double what is being offered. Essentially, we can come down to a figure which is not going to add up to more than probably one-and-a-half cups of coffee a year impact on an average household for the community. I can go back and get the economists to work out actual figures for you if you like, but it such an infinitesimally small figure.

MRS JONES: Is that cups of coffee measure about cost per week per family just for the rooftop solar—the community solar?

Mr Corbell: No, the figure Mr Traves was referring to was in relation to cost per household per year.

MRS JONES: Of what?

Mr Traves: Of the community solar.

Mr Corbell: Of the community solar initiative.

MS LAWDER: In addition to what you pay—

MS BERRY: That is SolarShare? Is that that one?

Mr Traves: That is a potential component—

Mr Corbell: They are a potential operator, yes.

MRS JONES: So the community solar is only this one megawatt of the—what is the total figure you are proposing?

Mr Corbell: Approximately 490 megawatts.

MRS JONES: So we are talking about the cups of coffee measure for the rooftop solar but not for the whole scheme?

Mr Corbell: No, Mr Traves analogy was in relation to the cost for the community solar initiative only.

MS LAWDER: So how much will the government spend on the community solar scheme, if anything, in 2014-2015?

Mr Corbell: The government's role is in relation to the administration of the allocation of the feed-in tariff entitlement. That is being met within the existing budget of the Environment and Sustainable Development Directorate. Those are administrative costs associated with the staff to process the awarding of that entitlement.

MS LAWDER: How many separate community solar sites might you expect?

Mr Corbell: That is yet to be determined. The government has indicated that a maximum of one megawatt worth of entitlement will be awarded, but that may come in a variety of sites and in a variety of sizes of installation. We might get one large single one megawatt site. We might get multiple sites that add up to one megawatt, we might get multiple operators or we might get a single operator.

That is yet to be determined and will be assessed through the expression of interest process that is now underway. The government has indicated that, unlike the other auction processes, the allocation of this entitlement will be assessed on a first come, first served basis because it is very small. Whichever proposals come in the door first and are complying with the criteria set out will be assessed and a decision made on them until a full one megawatt is allocated.

MS LAWDER: In terms of the location, is it up to the parties to come to you with the

identified location?

Mr Corbell: Yes.

MS LAWDER: The government has not identified any particular location as suitable.

Mr Corbell: No.

MS LAWDER: Has the government considered perhaps asking IKEA to put a nice little solar thing on top of their new building?

Mr Corbell: IKEA have already indicated that they are installing solar on their own building as part of their own sustainability program.

MRS JONES: As a supplementary to that, before you mentioned \$4 a week as an additional cost for this whole solar and wind package that you are rolling out. Does the several cups of coffee then go on top of that \$4 or is it included in the \$4?

Mr Corbell: Mr Traves's analogy was included in that \$4 total pass through.

MRS JONES: So that is about \$208 a year additional cost to households for this program that is being rolled out?

Mr Corbell: That is approximately right, yes, in the year 2020.

MRS JONES: Also the government's rates reforms are supposed to be completed at around the same time if we are to believe what we are being told. Is that correct from your understanding?

Mr Corbell: No, the rates reforms program is ongoing. As you know, the Treasurer has indicated that this is a long-term reform program.

MRS JONES: The Treasurer has indicated to this committee that by 2020 the stamp duty will have been reduced and that the changes to rates will have increased by that stage he expects. That is his time frame, as far as he has told this committee. Then on top of that, we will have a \$208 per household per year cost for this solar and wind power generation. Am I understanding that correctly?

Mr Corbell: I am not here to answer for the Treasurer. He can answer for himself and for the government in relation to his responsibilities. But in relation to solar—the 90 per cent renewables package—the total pass-through cost is as I have previously indicated. We estimate it to be \$4 per household per week in the year 2020 when all generators are generating.

We also estimate that that pass-through cost will be offset by savings of approximately \$4 per household per week on average as a result of the ongoing savings associated with the energy efficiency improvement scheme, which reduces household consumption and therefore household electricity bills.

MRS JONES: That scheme is paid for out of government income or the household

pays for the upgrades to their own household?

Mr Corbell: No, the energy efficiency scheme is a market-based scheme which results in a pass-through cost to consumers. The savings are net savings after costs associated with the recovery of the costs of the scheme are taken into account.

MRS JONES: All right. How does it function at the household level—that scheme that saves money?

Mr Corbell: What it entails is that the electricity retailer has a legal obligation to provide households with energy efficiency measures and savings measures in their property. At the moment the measures are being deployed by the energy retailer, which is overwhelmingly ActewAGL. They are the dominate supplier in the domestic household market. They have reached approximately 10,000 households to date. It is expected that they will reach approximately 70,000 households, which is one in two Canberra households. That is expected to be reached as a minimum.

MRS JONES: By when?

Mr Corbell: By the end of the scheme. It is a three-year scheme. It commenced last year and at this stage it is projected to run for three years. The types of measures that are put in place include draught sealing around windows and doors, the installation of energy saving lighting, shower and bathroom appliances and taps to reduce energy costs, and finally energy saving devices in relation to standby power for electrical appliances.

In the future other measures can be deployed under the program. Those include more intensive insulation measures and replacement of energy inefficient appliances. Members may have seen that already ActewAGL is offering a fridge buy-back scheme to buy back the inefficient fridge in the garage—the beer fridge, the second freezer or whatever it might be that is often a very energy-intensive contributor to households' electricity bills.

They are offering to buy that, take it away and assist the consumer with those costs. That is why we are confident that those energy savings can be achieved and those cost savings can be achieved for households to offset the costs of making the switch to 90 per cent renewable.

MRS JONES: Would you supply the committee with the calculations that you used to come to the \$4 savings per week and the \$4 costs per week for both the scheme that is being rolled out and the savings measures that you hope to achieve?

Mr Corbell: In relation to the savings measures, that is already available. It has been tabled in the Assembly.

MRS JONES: Under what name?

Mr Corbell: It was tabled as the regulatory impact assessment associated with the Energy Efficiency (Cost of Living) Improvement Act.

MRS JONES: And that comes to the \$4 a week conclusion?

Mr Corbell: Yes, it does.

MRS JONES: Okay.

Mr Corbell: In relation to the cost impact of 90 per cent renewables, that is outlined in detail in action plan 2, which is the implementation plan for the government's climate change strategy, which is also on the public record.

MS LAWDER: Those figures are, for example, \$4 in today's figures?

Mr Corbell: Those are projected costs in the year 2020.

THE CHAIR: Ms Berry has a supplementary to Ms Lawder's question?

MS BERRY: Last night I went to an In Canberra Tonight event and there was a fellow there who was from the SolarShare group. I cannot remember his name.

Mr Corbell: Evan Beaver.

MS BERRY: He was talking about the cost of appliances in your home and what is the thing that costs the most money. Fridges make up around 10 per cent of the household use by about 8000 kilowatt—

Mr Corbell: Hours probably.

MS BERRY: Anyway, the maths was a bit beyond me, but he also said—which surprised most of the people in the room—that the heating cost of your water, even if you have gas hot water, is the main cost in your home. I note that out at west Macgregor that a lot of the homes out behind Dunlop have solar hot water heating. I drove through Molonglo this morning to try and escape traffic, but I did not notice whether solar heating was out there. Pretty much every home out at new Macgregor has solar hot water heating, and I wondered what we do with new suburbs. What is the difference between Molonglo and new Macgregor in regard to the cost to the environment for having homes that may not be as environmentally friendly as others? Did that question make any sense?

MRS JONES: How do you improve the uptake of solar hot water?

MS BERRY: I guess so. Because that is the main cost, so how do we make that more affordable for people and make it an option given that that seems to be the most expensive part.

Mr Corbell: Affordability of solar hot water heating is addressed through the federal government's small scale renewable energy certificate scheme, which also applies to rooftop PV. At the moment you are able to get effectively a rebate on the cost of installing that type of water heating through the small scale renewable energy scheme. That is, of course, if the Abbott government does not abolish it. But at the moment that scheme is still in operation and that provides an effective rebate available for

householders who install that type of hot water heating.

Our expectation is that in the future the emissions-intensive form of hot water heating will be solar and electric boosted. Because of the switch to renewable energy generation for supply, the emissions intensity will come down compared to gas. Obviously there is a significant exposure in that household domestic market because of the significant price rises currently occurring in relation to gas because of the decision to increase significantly exports of Australian gas reserves into the international market and therefore the domestic price rising to meet the international market price. We think it is a sensible approach on the part of the territory long term to shift away from our vulnerability to those types of price rises associated with fossil fuel supply and switch to a secure and no-input-cost form of energy generation, such as wind and solar and other forms of renewable energy generation.

MS BERRY: I was also listening this morning to Richard Denniss on the radio and he was talking about state investments into fossil fuel—mines basically, which are not too much of an issue for the ACT. But it was about how territory and state governments can be working with communities around building wind farms to get away from that dependence on fossil fuels. Is that something the ACT government has been looking at?

Mr Corbell: Yes, clearly it is, Ms Berry. Obviously the government is proceeding with a reverse auction mechanism, the same as has been utilised for large scale solar, for large scale wind generation. We are currently in the middle of conducting an auction process to determine a competitive price for at least two projects to deliver 200 megawatts of wind generation capacity for the ACT. That is the equivalent of the power needs of approximately 80,000 Canberra households, or one in two Canberra households. That really demonstrates that large scale renewables is both affordable and achievable at a 90 per cent target.

I know there has been a lot of commentary that people did not believe it was going to be possible achieve 90 per cent, but you can get to one in two of every Canberra households in terms of their demand through a 200 megawatt wind auction. So that really highlights what is achievable when we put our minds to it in terms of the deployment of large scale renewables.

THE CHAIR: Ms Lawder, you are finished?

MS LAWDER: Yes.

THE CHAIR: A new question, minister, on water quality. You spoke earlier about the issue being security of water supply and now it is improving water quality. Where is the strategic or accountability indicator that tracks the improvement in water quality in the ACT?

Mr Traves: The minister earlier alluded to the new water strategy which is coming out. It is obviously not ready in time for publishing in this budget. It will be included in the next one. But all of those water quality measures and all of the programs designed to implement them, to work with the community and to work with our regional partners who also share our water systems will appear in that strategy.

THE CHAIR: Is there anything in the accountability or strategic indicators that measures improvement in water quality currently?

Mr Traves: They were taken out in anticipation of the new strategy coming out. It was not, unfortunately, ready in time, but it will be considered by government in the first half of this financial year coming.

Mr Corbell: There remain broader strategic indicators in relation to water matters, including strategic indicator—

THE CHAIR: Yes, but not to water quality.

Mr Corbell: Well, not overtly. However, some of them are implicit, for example, strategic indicator 3.1, work with the community on implementing the Murray-Darling Basin plan. That includes the basin priority project, which, of course, is the main water quality project for the ACT. Indeed, strategic indicator 3.3 is delivering on the ACT basin priority project against the time lines. So delivery includes delivery of the water quality outcomes that are inherent in that project.

THE CHAIR: But normally an indicator of this kind in these documents would stand alone. It is very hard to determine any improvement in water quality by what is mentioned here in the budget papers.

Mr Corbell: Yes, for the reasons that Mr Traves indicated, Mr Smyth.

THE CHAIR: The number of days of blue-green algae blooms in ACT waterways in the current financial year, is that up on the previous financial year?

Mr Corbell: The government publishes an annual report on water quality. The most recent report has been released, I think, earlier this year. So that is publicly reported on.

THE CHAIR: And does that report indicate whether there were more days of blue-green algae blooms in 2013-14 than there were in 2012-13, minister?

Mr Corbell: I would have to take that on notice.

THE CHAIR: When looking through the budget papers, if one was looking for works to establish the wetlands in Tuggeranong to which all parties agreed, where would one find progress on those wetlands?

Mr Corbell: Those are reflected in the funding available under the basin priority project. The government has, in its agreement with the commonwealth in relation to the basin priority project, agreed on six priority subcatchments, including the Tuggeranong catchment. Proposed works that could be anticipated in the Tuggeranong catchment include wetlands in the Tuggeranong area.

THE CHAIR: Where does one find the money for the basin priority catchments in the budget papers?

Mr Corbell: It is reflected in the budget papers. I will take advice from Mr Fitzgerald or others as to where that money sits.

Mr Fitzgerald: Phase 1 of the project, which is the monitoring/research phase is included most noticeably at page 20 of the budget papers as being the commonwealth grant, water for the future. The infrastructure portion of the project, which occurs after 2014-15, is centrally provisioned at this point pending the outcomes of the initial work through the first phase.

THE CHAIR: So nothing would be constructed in 2014-15. They would have to wait at the earliest to 2015-16?

Mr Fitzgerald: That is correct.

THE CHAIR: How will you determine which catchments are done first?

Mr Corbell: That will be determined by a joint official body, which includes ACT and commonwealth officials.

THE CHAIR: And the time frame for delivery of the catchment money is how many years?

Mr Corbell: The basin priority project concludes in 2019, so it is a five-year program.

THE CHAIR: So we could be waiting up until 2019 to see water quality projects in the Tuggeranong valley?

Mr Corbell: That is not my expectation. That is when final completion of all works is expected. The monitoring phase is approximately 18 months, so the monitoring, data collection and analysis stage is approximately 18 months, after which decisions can proceed in relation to physical works and the development of business cases and detailed design for physical works.

I would add to my answer by saying that these are conditions that have been required by the current commonwealth government as conditions that need to be met for their agreement to infrastructure expenditure.

THE CHAIR: A supplementary, Ms Lawder.

MS LAWDER: What monitoring has been done of the water quality by the ACT government in the past five years of Lake Tuggeranong, and how is that different to what will be done over the next 18 months or so?

Mr Corbell: It is not just about monitoring from scratch; that is not what we are doing. It is also about the collation of existing monitoring and data, problem identification, more detailed investigation of the relevant pollutant loads and then what measures are most effective to address those issues.

MS LAWDER: Can you give us a really quick rundown of the frequency of closures

of various major lakes around Canberra?

Mr Corbell: Yes, I have taken that question on notice from Mr Smyth.

THE CHAIR: There is a capital works on page 205 under the land release program called the Isabella Weir spillway upgrades. What effect does the Isabella Weir have on water quality in Lake Tuggeranong?

Mr Corbell: The Isabella Weir is an upstream water retention piece of infrastructure which has an impact in terms of the flows in Lake Tuggeranong.

THE CHAIR: But is it affecting water quality and, if so, in what way? Has the delay on the delivery of the spillway affected water quality?

Mr Corbell: No, the upgrade of the Isabella Weir is in relation to safety and capacity upgrades that have been identified as necessary as a result of further planning in relation to the growth and development of the Tuggeranong town centre. That work is being undertaken under the auspices of the Economic Development Directorate.

In relation to impact on water quality, obviously there is a range of assessments occurring as a result of stage 1 of the basin priority project. That will further assess those types of matters. In relation to our current level of understanding, I do not have that immediately to hand, but, again, I can seek advice and provide further information to the committee.

THE CHAIR: Page 209 of budget paper 3 refers to the Gungahlin valley ponds and stormwater harvesting scheme. How much of that is for water quality purposes?

Mr Corbell: The Gungahlin valley ponds and stormwater harvesting scheme is both a water quality and water reticulation project.

THE CHAIR: And what is the percentage; what is the balance?

Mr Corbell: I am not quite sure how I would characterise that, but the infrastructure serves two purposes: one is detention and improvement in water quality as a result of that detention; the second is reticulation.

THE CHAIR: That is not funded from the commonwealth moneys, I take it?

Mr Corbell: No, this funding was allocated by the government approximately four years ago.

Mr Traves: Strangely enough, yes, the genesis of it was commonwealth moneys, again. This is an extension of the Canberra integrated urban waterways program, which looks at Dickson, Lyneham and various other ponds in Flemington Road. It is largely using ACT money now, the commonwealth money being expended early on, but it was part of an integrated approach. At the time, non-potable water was seen as a more viable thing than it possibly is now given that we have the new dam in place and the other water supply issues. But, certainly, water quality remains a strong issue, and the detention and the movement of cleaner water through waterways is greatly to the

benefit of the environment and those local ecosystems.

THE CHAIR: A supplementary, Ms Lawder.

MS LAWDER: Minister, you mentioned the Isabella Weir and the expansion of the Tuggeranong town centre. Can you explain how the expansion of the town centre impacts on the weir?

Mr Corbell: Flood mitigation, so it is about ensuring that infrastructure is at the appropriate level for any flood mitigation that may be required as a result of the expansion of the commercial centre and the residential sector of the town centre.

MS LAWDER: Does the water not flow the other way? No?

THE CHAIR: No.

Mr Corbell: It flows down into the lake.

THE CHAIR: We will break here and then finish output classes 1.5, 1.6, 1.7. We will then move to the Office of the Commissioner for Sustainability and the Environment.

Sitting suspended from 3.32 to 3.49 pm.

THE CHAIR: Members, we will resume with output classes 1.5, 1.6 and 1.7. Ms Porter is not here. Ms Berry, you get the next question.

MS BERRY: Minister, I am interested in what the government is doing to tackle illegal dumping of waste around the ACT and the region. Is that you or is that TAMS, or is there a crossover?

Mr Corbell: There is crossover but the Environment Protection Authority has been taking a leading role in that area, in coordination with its counterpart agency across the border. I might ask Mr Collier to come up again, and he can talk to you about those efforts around illegal dumping, particularly the cross-border issues.

MS BERRY: Before you start, I was out with the EPA a little while ago and they were identifying illegal dumping around the region, to get a better map of where it was happening and create a management plan. I am wanting to see what happened after that. Is that something you guys can answer?

Mr Collier: Yes. Very quickly, it is ongoing from that launch that we had when you and our colleagues from the New South Wales EPA were out there. That program continues. As a matter of fact, they are chasing up and following up on some of the sites that they identified from that very day. That is an ongoing program, a very positive program too.

MS BERRY: When I was talking to some of the mayors around the region, from Queanbeyan and from Yass, they were talking about farmers who get paid to allow builders to dump on their sites. Builders were dumping to fill quarries and things like that. That was one of the issues that the Yass mayor raised as a concern, and how that

gets picked up in this mapping.

I know it is in New South Wales, but I imagine it might happen in the ACT with any private landowners in the ACT. I am guessing here. This might not even happen and I might be saying there is a problem when there is not even one. Does it happen here?

Mr Collier: If that were to happen here, that would be illegal dumping in its true sense. They have to take it to a tip.

MS BERRY: It would be illegal?

Mr Collier: Illegal.

MS BERRY: But you would not know it was happening. That is why I am thinking—

Mr Collier: Exactly, and hence the program.

MS BERRY: Did the program identify any illegal dumping inside the ACT or was it all—

Mr Collier: Yes, both sides of the border.

MS BERRY: Was it illegal dumping on privately owned land or was it just illegal dumping?

Mr Collier: I will have to take that on notice in terms of the actual property, because as the helicopter flies over there would be some reconciliation in terms of what land they actually flew over when they identified it as an illegal pile, if it was on private land or otherwise.

MS BERRY: That would be interesting to know, for a lot of reasons, including all the work that the ACT government and the commonwealth government are trying to do around our catchment and how that illegal dumping could affect what is leaching into our catchment. We do not even know what it is. We do not know what is there or what is being dumped. Could you give us an overview on the partnership between the ACT and New South Wales around tackling illegal dumping?

Mr Collier: And beyond the program that we are just talking about?

MS BERRY: Yes.

Mr Collier: Basically our program continues.

MS BERRY: You are going to have to use your outside voice, because it is really hard to hear.

Mr Collier: That program continues, I guess is the short answer to the question.

MS BERRY: And is that going to be an ongoing—

Mr Collier: And in terms of getting an update, we can certainly take on notice to get regular updates on how that program is proceeding. But from the launch date, that is continuing as we speak.

MS BERRY: And what has been the cost to the ACT to manage illegally dumped waste, not for that program but in the ACT?

Mr Corbell: It would be a cost incurred by TAMS in terms of waste to landfill.

MS LAWDER: Yes, we will have some questions about waste to landfill.

MS BERRY: Yes.

THE CHAIR: Just as a supplementary to that, it does raise the issue of the crossover between TAMS and EDD. There was a motion in the Assembly last year to establish one nature conservation agency, which apparently all three parties agreed to, but nothing has happened. When is the one conservation agency likely to appear, minister?

Mr Corbell: That is a matter you should ask the Chief Minister about. She is responsible for the administrative arrangements.

THE CHAIR: We may well do that. Mrs Jones, a new question.

MRS JONES: Before I ask my substantive question, I just want to foreshadow that I have got a stock-standard question on bullying in the departments that I am putting on notice to all agencies that are appearing—complaints but also official processes, how have they been dealt with, what the numbers are and how many have been resolved and so on. So I just foreshadow that.

Mr Corbell: Sure.

MRS JONES: I want to go to sustainability and climate change, page 16 of the portfolio statement. Is the government currently meeting the targets set out in the ACT waste management strategy?

Mr Traves: As you can appreciate, the action plan for climate change—

MRS JONES: We are struggling to hear again, sorry, Mr Traves.

Mr Traves: Sorry?

MRS JONES: I think as you get further down the table it is harder to hear.

Mr Traves: All right. As you can appreciate, action plan 2 contains actions touching on a number of portfolios and a number of agency issues. We have what you call policy responsibility for waste, and we worked with the community and industry to develop the new waste strategy. Almost all of that is delivered on the ground by TAMS through NOWaste. If you have operational questions about, say, costs and tonnages of various types of waste products that are dealt with, it would be best

directed to them.

MRS JONES: But are we meeting the targets of the waste management strategy, which I assume is a higher level matter that is dealt with through environment?

Mr Corbell: The key target is achievement of over 90 per cent diversion of waste from landfill by—

Mr Traves: For reuse.

Mr Corbell: Yes, to be reused. That is a long-term target and the details of that are outlined in the waste strategy. The short answer to the question is yes, we are.

MRS JONES: I have not read the waste management strategy, strangely enough, but I just want to ask: has there been consideration given to completely different forms of waste management as in, for example, methods, which I am sure you are aware of, where you sort through absolutely everything at the tip site? I know this is probably going into TAMS again, but have we thought of restructuring completely and having one bin and having a complete management of every form of waste for the ACT?

Mr Corbell: The short answer is yes, we have undertaken those types of considerations. I am happy to provide you a detailed briefing on the waste management strategy but in general terms what it outlines is a range of measures to further increase the resource recovery rate in relation to waste. There are a number of key actions within that overall area.

The first is to divert organic waste from the domestic household waste stream. By that I mean organic waste which currently goes into the smaller of the two household bins at home. At the moment all that organic waste, food waste and other organic substances goes to landfill. There is significant opportunity to divert that organic waste from landfill through the development of what has been commonly known as a dirty materials recovery facility. That is a sorting facility. That would sort the organic waste from the other waste in the domestic household stream and divert that organic waste and indeed other residual recyclables to other uses. The government has indicated that the development of a residual material recovery facility, a dirty MRF, is one of the priority actions in the waste management strategy.

In addition, the government has indicated that following the development of a residual material recovery facility there is a need to develop an energy-from-waste facility to deal with those waste streams that cannot be recycled or repurposed in other ways and for their conversion to energy generation as a way of eliminating the last of the wastes that would otherwise go to landfill.

MRS JONES: Are you also aware that the contractors at the tip are not able to recycle more than a certain given amount that is in their contract? They are dumping a certain amount and the department is reliant—it must be TAMS—on the money from that actual dumping that they do as part of their contract for its income?

Mr Corbell: Which operators are we talking about?

MRS JONES: I do not know the exact name of the operators or the company but I have had it reported to me that there is an issue with people not being able to recycle more than is in their contract because of concerns for the income for the tip.

Mr Corbell: Which recyclables are we referring to now?

MRS JONES: My understanding is that at the sorting bay at the tip site there is a certain amount which is taken out for recycling and that contractors are able to on-sell or give it away in some form for their own company to make money but that they are not allowed to increase the amount that they are allowed to recycle at present because of the contract that they have. That is my understanding.

Mr Corbell: I think that would be a question you should address to NOWaste. It is an operational matter.

MRS JONES: As in TAMS?

Mr Corbell: Yes.

THE CHAIR: A supplementary, Ms Lawder.

MS LAWDER: Minister, looking underneath the ACT waste management strategy and following up on Mrs Jones's question, does the government have a particular policy about businesses like skip hire companies and how they recycle or send their waste to landfill?

Mr Corbell: The government strategy is about ensuring that there are available avenues for certain waste streams to be recyclable in an efficient and cost-effective way. In relation to skips, it would depend on the types of wastes we are talking about. For example, if you are talking about construction wastes associated with renovation or demolition, the government has for a long period facilitated the establishment and operation of privately run construction waste recycling facilities that deal with construction wastes, including timber, concrete, brick, metal and so on. Those construction waste facilities are very effective and quite profitable. In relation to other wastes, the only other waste streams you are really talking about are the domestic household waste streams.

MS LAWDER: I think many of the skip hire companies feel they have a very mixed collection of rubbish, a lot of which is put in by neighbours who come out in the dead of night and put TVs and all sorts of things in there. I think some of the skip hire companies feel that, with a little bit more assistance, whether it is NOWaste or somewhere else, they could recycle an enormous amount of the material in their skip bins.

Mr Corbell: There are certainly significant opportunities for recycling, as I said, in relation to a lot of construction and demolition wastes. There are also significant opportunities for recycling of a range of other products that would otherwise go to the landfill, including furniture and certain electrical goods. We now have a free scheme in relation to televisions and computers, which is proving very popular and successful. It is a new product stewardship scheme. But without being clear about the types of

problems contractors are encountering, apart from contamination of their skips by other people putting stuff in them, it is difficult for me to answer your question, I have to say.

MRS JONES: Going back to the options for sorting waste, has consideration been given to going to one bin so that the whole of our waste can be sorted? There is already sorting of rubbish that goes to landfill being done at the recycling waste sorting centre. If that is already going on, is there a point in having different streams of rubbish which then have to be sorted, and is there some efficiency that can be managed and a real ability to manage 100 per cent if we go to a single waste sorting stream, as has been done, I understand, in some other countries?

Mr Corbell: No, the government has not given further consideration to that because we recognise that there are benefits in achieving a reasonable level of separation of waste streams at source.

MRS JONES: Do you mean like people feeling that they are helping the environment?

Mr Corbell: No, it is actually a practical measure that helps manage the waste streams. The two-bin system has been in place for Canberra for a long time. Talking in hypothetical terms, if you were to consolidate down to one bin, you would have to provide a different bin to every household. We already have an existing infrastructure that works well, so we want to build on that existing collection infrastructure.

Sorting at household assists in the overall management of the waste stream and helps to reduce contamination and types of things that should not end up in particular waste streams. So glass, metal, plastic and so on are already separated at source by householders. It is highly popular and reasonably well managed at the household level. There are some people who put the wrong stuff in the bin but, generally speaking, people do the right thing. So that assists in terms of the management of the clean material recovery facility that already operates at Mugga Lane.

With the yellow-top bin, the recyclables bin, from households, all of that material is taken to the Mugga Lane facility where it is sorted further and then separated out for recycling. That is a very effective operation. In relation to the smaller household bin, the government's view is that the most effective way of managing the different wastes that are in that bin, particularly the organic waste, is along the lines that I have previously outlined to you—

MRS JONES: Yes, at a new sorting centre.

Mr Corbell: in terms of a centralised sorting facility. So centralised sorting does have its benefits. Obviously, we also have to take into account the existing collection infrastructure that we have and the existing bins and vehicles we use to collect the rubbish that we currently have.

MRS JONES: But they are contracted out, aren't they—the collection of the rubbish?

Mr Corbell: Yes, but we obviously pay for that.

MS PORTER: It would have to be a mighty big bin if I were to put both my recycling and my rubbish in it. My recycling bin is always full.

MRS JONES: I think the point is that if 100 per cent of recycling can be managed, it is worth considering.

Mr Corbell: The government will tell you that some level of separation at source would certainly assist in the recycling process.

THE CHAIR: Ms Lawder has finished. Minister, could we go to pages 11 and 12 of the portfolio statement and look at some of the financials for output classes 1.5, 1.6 and 1.7. The notes to output 1.5 say there was an asset transfer of \$2.9 million in 2013-14. What was that?

Mr Corbell: That reflects the purchase of water entitlements that was outlined in the second appropriation, which allows us to meet the territory's commitments under the living Murray agreement. As part of the living Murray agreement the territory has entered into commitments to return a certain amount of water to the Murray-Darling basin. Because we are not overallocated as a territory, that has to be achieved through the purchase and surrender of a certain amount of water trading entitlements. The government has made provision for the purchase of those water trading entitlements, and they are to be transferred to the Murray-Darling Basin Authority to meet the territory's commitments under the living Murray agreement.

THE CHAIR: Where do they show up on the balance sheet?

Mr Fitzgerald: They are not reflected on the balance sheet because we purchase and then surrender the asset in a single transaction. So, as at balance date, they will not actually be an asset of the directorate.

THE CHAIR: In terms of estimated outcomes for the total cost, has the expenditure for, say, 1.5 gone down this year or does it go up, if you take out the water transfer?

Mr Fitzgerald: If you take out the water transfer, the total money cost available for that output does increase. It increases for a number of different reasons. The biggest increase is in relation to the water for the future, the basin priority project, the commonwealth funding that we receive for that, as noted in note 4.

THE CHAIR: And the other million dollars?

Mr Fitzgerald: There has been a transfer of a rollover of funding. There is also some additional new money for kangaroo monitoring. That is \$470,000 for next year.

THE CHAIR: What index figure was used?

Mr Fitzgerald: The current index figure is 2.5 per cent.

THE CHAIR: So what does that equal? How much is that? That does not seem to add up. You have \$2.2 million for waterways for the future. Can you give us a

reconciliation of the ins and outs?

Mr Fitzgerald: I can provide a reconciliation.

THE CHAIR: If we go on to output 1.6, it dips by a couple of hundred thousand dollars. Why is that?

Mr Fitzgerald: There was a rollover for the completion of the Environment Protection Act within 2013-14, so that money does not flow through to 2014-15.

THE CHAIR: How much was that?

Mr Fitzgerald: It was \$150,000.

THE CHAIR: So it is still less.

Mr Fitzgerald: Across the outputs we also have a decrease in the corporate costs associated with the directorate through the savings that we mentioned earlier today, through part-time savings.

THE CHAIR: So it has gone up at 2.5 per cent, but it is less the \$150,000, less the corporate overheads?

Mr Fitzgerald: That is correct.

THE CHAIR: 1.7 seems to go down significantly.

Mr Fitzgerald: The 1.7 decrease is significant for a number of reasons. One is the decrease due to the savings in outreach and ToiletSmart. There are also one-off initiatives and rollovers for various programs as listed on page 18, the biggest one being the ACTSmart program for \$837,000. Another large one is the sustainability data management system. They are rollovers from 2012-13, so they are one-off for 2013-14.

THE CHAIR: Could we have a written reconciliation, please?

Mr Fitzgerald: Yes.

THE CHAIR: That is kind. Ms Porter.

MS PORTER: During the afternoon and earlier today we talked a bit about different commonwealth programs that we are able to access and work together with the commonwealth on various projects because of funding that they are providing. In relation to various commonwealth-funded environment programs, is there any lessening of that? Are some that were undertaken to be delivered before now not going to be delivered? Does any of that have an impact on the ACT regarding what has been mooted in the federal budget?

Ms Tomlinson: We have two major programs with the commonwealth government. One is the caring for our country program and the other is our biodiversity fund

project. With respect to both of these we have contracts that were done in the last financial year, so that money is secure. With the caring for our country program, the commonwealth provided the ACT with a notional allocation and indication, but when we negotiated those contracts last financial year, we got the full amount of money in the first two years and for the next three there was 20 per cent and it was a matter of, “Look, if there’s available funding, we’ll come back to you.” With the reductions in the commonwealth budget, we are not confident, but we have not had confirmed whether that will not come forward. So that was one specific case. With respect to the major implications of the commonwealth budget, there may be less program opportunities into the future. We cannot judge what that magnitude is.

MS PORTER: In relation to the money that you said may not now appear—there was an indication that if there was money there, we would get it but it may not be there—how are we going to find out? When will we find out about that? Are we going to write to the federal Minister for the Environment and argue the case that this program should be continued at its current level?

Ms Tomlinson: We have had discussions at the officials level but we are waiting for that to be confirmed. So whether there is a letter from the commonwealth, they have unofficially informed us that it is highly unlikely.

MS PORTER: Highly unlikely that it will come?

Ms Tomlinson: That it will come. If it was available then we would need to prepare applications and bids to present to the commonwealth for their consideration. With respect to how we managed it, with caring for our country, we have four key program partners. Three are our catchment groups and one is Greening Australia, and we are keeping them very informed. We always knew that it was a risk we needed to manage. We have our contracts with the catchment groups and Greening Australia. We are working with them on that, and they are delivering against the contracted deliverables.

THE CHAIR: Ms Berry, a new question.

MS BERRY: I have a question on the uptake of the energy efficiency cost of living improvement scheme. How has this scheme performed so far? I know we have talked a little bit about this, but it would be good to have more detail.

Mr Traves: I am the current administrator of the scheme. The minister has already told you how it was going to reach 70,000 households over the three-year period, and ActewAGL has made significant inroads into that so far given the amount of setup that they had to do to get all these people trained and on the road. We are quite confident that they are going to deliver on those targets, But we do not take their word for it; we have an audit program, and at the moment we have gone out with a telephone survey of people who have been involved in the program to gauge their satisfaction and whether they have noticed any changes to their bills or anything else in their household as a result of those hardware things that were installed.

Hopefully people will take the trigger of having something new installed to review their practices and how they might be able to save through changing their own behaviours. That is something we would like to gauge over the three years of the

program. We are obliged to do a review of the program within the three-year period, and that will commence in the next financial year. Hopefully that will show we are achieving what was desired.

MS BERRY: When did that start?

Mr Traves: It has been in place just on a year now, but ActewAGL has not been on the road for that long. They had to set up and accredit various people to go out and be in a position to help households. Certainly, we expect to get a good view of what is happening in the second year of operation.

Mr Corbell: Approximately 18,000 homes have received visits and installations as part of the scheme to date.

MS BERRY: You were hoping to get 70,000 homes?

Mr Corbell: Yes, but I stand corrected—28,000 homes have been visited.

MS BERRY: It felt like you had a long way to go from 18,000; 28,000 sounds much more achievable.

Mr Corbell: It is a three-year program.

MS BERRY: So this is people getting in touch with you about—

Mr Traves: People contact ActewAGL directly or, as has been the case in my own experience, ActewAGL just comes and knocks on your door and says, “I am in your street this week and this is what I can offer.” It can be done either way. I believe it is in their recent newsletter that they send out with their bills how to contact people and ask for services.

They are now extending to small businesses, and that will be probably a big focus. If you think that the 70,000 households based on the 28,000 they have done in only part of a year is not a challenging target for them, the work in small businesses will be more complicated and more time consuming and probably in the end that may have the biggest, most lasting impact of the scheme.

MS BERRY: Are the small businesses part of the 70,000?

Mr Corbell: No, they are in addition.

Mr Traves: There is an expansion of the scheme. Obviously the range of products and services offered will be expanded over time as they are accredited and the benefits of them proven. It becomes in ActewAGL’s interests to deliver them. Basically the scheme works as an industry-based scheme. There are what they call tier 1 and tier 2 providers of electricity in the city. For the purposes of this scheme, ActewAGL is the predominant provider. The rest of them have an obligation that they pay out because they have not got the market share to make it worthwhile for them. If they do not deliver on their targets, there is a penalty regime. So ActewAGL has an incentive either way.

MS BERRY: This is not based on income or what sort of home you have got? This is anywhere across Canberra?

Mr Traves: While it can be anywhere across Canberra, the scheme makes specific provision for vulnerable households to be supported, so a minimum of 25 per cent of the work must occur in disadvantaged and vulnerable households.

MS BERRY: What percentage of the 28,000 that have been done so far are—

Mr Traves: I will take that on notice; I am waiting for annual reports from them.

MS BERRY: Is there any way to measure the savings for homes have through this scheme?

Mr Traves: While we can model the savings—that is part of the work that was done with the regulatory impact statement that accompanied the legislation—it comes down to individual households and their habits, the number of people in their households and how prepared they are to make changes to their lifestyles to save money. Some people will save well and above the \$4 a week that was indicated by the minister. Some people will have the opportunity to do that but will not capitalise on it. It really comes down to a choice. We provide the education. We can provide the opportunity. We can provide the hardware for the devices. But we cannot make people change their behaviour. At the end of the day, it will come down to them, but education is a big part of that.

MS BERRY: I think is it a good thing and I think it would be beneficial.

MRS JONES: As a supplementary, the reduction in cost to the household is also dependent upon them taking up the recommendations of the scheme as in investing in new infrastructure within their home, or are they provided with all of that free of direct charge?

Mr Corbell: Yes, they are provided with the measures, for example, door sealing, window sealing, gap sealing, lighting, shower and tap heads, energy efficient stand-by power controllers and so on. As part of that provision they are given education by the installer about how to use them. But, as Mr Traves says, it comes down to how you actually run it in your home as to whether or not you are able to take advantage of that.

MRS JONES: Secondly, if it is an industry scheme, I am still not 100 per cent clear on who foots the bill. The \$36,000, is that paid by ACT government to ActewAGL to run the scheme?

Mr Corbell: No, you are getting confused with the cost of the wood heater replacement scheme.

MRS JONES: I apologise. Can you outline to us who pays for the scheme?

Mr Corbell: Yes. It is a market-based scheme. So the way it operates is that this places a legal obligation on energy retailers to achieve a certain amount of abatement

of greenhouse gas emissions based on their electricity sales basically. The more electricity you sell, the more abatement you have to achieve, and it has to be achieved in the measures outlined in the regulation that I make under the act. Under the act, I make a regulation that says you can achieve the abatement by doing this range of things. The electricity company can choose which of those things they are going to do and then they offer those services and deliver those services and products. Then they are allowed to apply to the pricing regulator, the ICRC, to recover their costs.

MRS JONES: Through their pricing?

Mr Corbell: Through the pricing of electricity. That is passed through by the regulator across all electricity users.

MRS JONES: Yes, so we all pay basically?

Mr Corbell: So we all pay, but we all get the benefit both directly in terms of the abatement and each householder also receives benefit directly because—

MRS JONES: Each householder who is involved in the scheme gets a direct benefit?

Mr Corbell: Yes, they do, in terms of the products and advice and assistance they get and the energy savings they are able to achieve. When I was talking to you earlier about the savings available which average out for an average household at about \$4 per household per week, that is a net saving after you deal with the pass-through costs. That is why this scheme is so beneficial: it saves people money even after you take account of the pass-through cost in your electricity bill for running the scheme across the city.

MRS JONES: Seeing as we are all paying for it, I hope they bang down the doors of ActewAGL and get it done.

Mr Corbell: Unfortunately, your party did not vote for this scheme, Mrs Jones.

MRS JONES: I was not a part of that, was I?

MS BERRY: Mr Traves made an interesting comment regarding the uptake of this. I have been talking to people and low-paid people really want to try and be more environmentally friendly but have never been able to afford to. This sort of scheme gives them the opportunity to be part of that, even if they might not be able to make a huge difference through their small contribution or change in their lifestyle. It gives people who cannot afford to do some of the more expensive renovations on their homes the opportunity to be part of this whole movement towards being a more sustainable and environmentally friendly city. That is the plan.

Mr Corbell: Yes, there is no doubt the scheme is win-win. It saves households money and because the scheme has mandated that 25 per cent of all households must be low income or vulnerable households, it has a particular emphasis at supporting low income and vulnerable households. Obviously, in addition, it is also making a significant contribution to the citywide carbon emission target. We should not underestimate that, combined, 70,000-odd households plus the small and medium

enterprises that will be engaged in this scheme as well, will achieve savings estimated at three-quarters of a million tonnes of carbon every year once it is in place. That is really quite significant when you consider that the total annual greenhouse gas emissions for the city are around four million tonnes per annum. You could say, “Look, it is only a small bit for my household,” but when you think about the entire household sector, it is quite significant.

It is worth highlighting, too, that the vulnerable and disadvantaged households measures within this scheme are also complemented by a scheme the government runs itself called outreach, which is budget funded and is designed to provide more intensive support to households with measures that go well beyond those available under the EEIS. For example, with outreach, we work with our community sector providers—St Vincent de Paul, Communities@Work, regional community services—which identify low income and vulnerable households, whether they in public or private housing. They might be owner occupiers on a low income, they might be pensioners in rental accommodation, they might be a whole range of other circumstances that people find themselves in. The outreach program provides direct assistance with appliance replacement, for example, replacing old and inefficient fridges, hot water heaters and washing machines, better curtains, the measures delivered under EEIS—gap sealing and so on—better heating, energy monitoring in homes and insulation.

This is going into rental and owner-occupied properties and is achieving really significant savings for those households. We reached about 1,500 households, if I remember correctly, through outreach, and those are all low income households. The government is putting a lot of effort into supporting and helping low income households, whether it is through EEIS or through outreach. For that reason the government can say with a high level of confidence that with other measures that come with some cost, modest as it is, such as switching to renewables, we are not forgetting the equity issue; we are not forgetting the financial disadvantage issue. We are responding directly and squarely with a range of measures that ameliorate and mitigate the cost of those other measures such as renewables.

MS BERRY: How is the low income measured? How is that assessed?

Mr Corbell: In the EEIS?

MS BERRY: What are the criteria, yes—both of them.

Mr Corbell: In the EEIS, the measure is very much driven by eligibility for concession payments or schemes, so it is people who are on some form of social security support. In relation to outreach, it is more broad ranging, reflecting the particular circumstances that the community service providers are familiar with in terms of their client base. They know who their clients are; they know who the vulnerable people are that they are servicing. So they direct the outreach program to those households.

MS BERRY: At the end of this, or when you do the assessment through this program, at some point during the program, part of that will be measuring where in Canberra people are taking this up? That is particularly, I suppose, with vulnerable people and

low income earners that are being identified through these community groups—whether they are in certain parts of Canberra. Is that a measure that will be made?

Mr Corbell: We will. We will be able to have geographic information about where those households are.

MRS JONES: When do you expect that reporting to come back?

Mr Corbell: The retailers have to report annually on their performance, so that goes to the scheme administrator—

MRS JONES: But the review of the scheme?

Mr Corbell: The review of the scheme is now underway. It is expected to be completed later this year.

MRS JONES: Okay.

MS BERRY: Retailers have not been a year yet, have they?

Mr Corbell: Sorry?

MS BERRY: Small businesses—have they been a year yet?

Mr Corbell: No.

THE CHAIR: All right. A new question from Mrs Jones, remembering that this is on outputs 1.5, 1.6 and 1.7 and the Conservator of Flora and Fauna.

MRS JONES: I want to go back to the tip again. How much energy are we currently generating from waste and landfill gases?

Mr Corbell: We generate around three megawatts a year. I am happy to provide an exact figure, but it is approximately two to three megawatts a year.

MRS JONES: Is that on track to meet the 2020 target?

Mr Corbell: That is not included in the 2020 target because it is existing generation. The 2020 target is about new and additional generation.

MRS JONES: Okay.

MS LAWDER: Minister, I want to ask about the national container recycling scheme and what the ACT government's position on that is.

Mr Corbell: A decision on a container deposit scheme is to be made by environment ministers, possibly out of session, in the next few months. The matter was discussed at the first meeting of Australian state, territory and commonwealth environment ministers last month at Parliament House. That discussion indicated that jurisdictions required more time to consider the outcomes of the decision regulation impact

statement which has been prepared to assess the different regulatory impacts of the different options.

A number of the larger jurisdictions—New South Wales and Victoria in particular—have indicated that they are still giving consideration as to whether or not they will support a container deposit scheme. The ACT government's position is that we would support a national scheme or a scheme that involved a number of large jurisdictions, including New South Wales, given that our location is totally within that jurisdiction. The government is not of the view that the ACT can proceed to a stand-alone scheme on its own: that would be a counterproductive policy setting. But as part of a broader national scheme or a scheme that covered a large number of jurisdictions in terms of population, we would very seriously consider being part of that scheme.

MS BERRY: I have a supplementary. If the decision is that the ACT becomes part of a larger scheme, have you got any idea of time lines for that? I know you are still having conversations—

Mr Corbell: Ms Berry, as I said, a decision as to whether or not there will be one in principle is expected to be made this year.

MS BERRY: Good.

Mr Corbell: What I am really indicating is that it is contingent on a number of the large jurisdictions determining that they wish to participate in such a scheme.

THE CHAIR: What is the percentage of containers covered by such a scheme that are already recycled in the ACT?

Mr Corbell: I do not have that information immediately to hand, but I am happy to take it on notice and provide it.

THE CHAIR: Is it counterproductive to have a national container recycling scheme when I understand we have a very high percentage of recycling as it is and it works very well?

Mr Corbell: Yes. That is correct, Mr Smyth. We do have a very high level of recycling of drink and beverage containers in the domestic recycling sector. Where it does not perform as well is in public places or in commercial premises.

MS BERRY: And in Ginninderra Creek.

Mr Corbell: The issues around litter are largely public place problems, not recycling rates in the home, so generally speaking the government feels there is benefit to a CDRL in the context of reducing litter and improving amenity in public places. But we would have to look further at the issues around what impact it would have on the domestic household recycling stream.

This is the reason why the government has said it is not something we want to do as a stand-alone. But if, for example, it is introduced in Queanbeyan, we will have to give serious consideration as to whether there should be a uniform approach. In the same

way that if we had our own scheme and New South Wales did not, there would be the capacity for lots of people from Queanbeyan and Jerrabomberra to come to the ACT to recycle and get the deposit, the same applies in reverse should it occur in New South Wales. For that reason, the government believes there is potential benefit in being part of a national approach, or at least a cross-border approach, given the proximity of Queanbeyan, Jerrabomberra and other centres in New South Wales.

MS LAWDER: So there has not previously been a COAG decision about it?

Mr Corbell: No. The work to date has been that the Standing Council on Environment and Water has requested a regulatory impact assessment to be made of different options. That is known as a DRIS, a decision regulatory impact statement. That is now before governments. In particular, the large jurisdictions have indicated that they wish to give further consideration to that between the meetings of that ministerial council, and possibly indicate their position out of session before the next meeting of ministers.

THE CHAIR: I have a new question, one for the Conservator of Flora and Fauna. How many issues were referred to the conservator, and what investigations were undertaken in the last 12 months?

Mr Traves: Mr Smyth, I have been the conservator since October last year. During that time—do the rest of you know what the conservator does and the powers that it exercises? The conservator is a statutory position which provides advice on environmental issues, whether in a planning context, in which case you provide independent advice to planning departments and the agencies that look after that, or on specific environmental issues. Tree protection is a major component of the work that is involved.

The office does to some extent complement the work of the commissioner. It does not overlap. It is a statutory position, and as such it is a step back a lot from the day-to-day activities of the directorate, as planning is very closely associated and, since I do not work in TAMS, I do not have the day-to-day contact with them. Largely to keep that independence, therefore, I can make decisions where I have not been involved in the negotiations and deals that may have gone on to get those decisions up to a point where they need to be made.

I operate largely through the liaison officer, who is a full-time officer of the directorate within the environment area. That is Helen McKeown, who you may know from previous appearances here. Those detailed questions would be best directed to her.

Ms McKeown: Your question was about how many issues were referred to—

THE CHAIR: Yes. How many issues were referred or how many investigations did the conservator undertake in the last 12 months?

Ms McKeown: What sort of issues? I need a bit more information.

THE CHAIR: What complaints and what issues was the conservator asked to

investigate?

Ms McKeown: The conservator does not investigate. The commissioner for the environment does investigations. The conservator provides advice to the planning authority as described and looks after the Nature Conservation Act. There are conservation officers who look after the reserve system and that sort of thing on behalf of the Conservator of Flora and Fauna. The conservator has provided some environmental significance opinions, which are opinions under the Planning and Development Act that a proposal does not have a significant environmental impact. But the conservator does not actually do investigations.

THE CHAIR: Thank you. Ms Porter?

MS PORTER: On page 16, it talks about the carbon-neutral fund and the fact that greenhouse gas emissions are reduced through this fund. Would you explain the actions in relation to that and how we are travelling in the delivery of the 40 per cent greenhouse gas emissions reductions?

Mr Corbell: In relation to the second part of your question first, the overall 40 per cent reduction target that you refer to is a target economy-wide within the ACT in terms of the total ACT greenhouse gas emissions profile. That is reported on annually by the Independent Competition and Regulatory Commission in relation to performance against that target. There is a lag time associated with those reports, driven by the availability of data. Normally reports come in around two years after the relevant reporting year, so there is always a lag in those reports, but those are reported on annually.

In relation to the operation of the carbon-neutral government fund, the government took the decision about two years ago now to divert expenditure that was being spent on the purchase of green power product for ACT government operations and, instead, spend that amount of money on energy efficiency measures in ACT government buildings and operations. The reason for that is that the best form of energy is the energy you do not have to use. Therefore, reducing the overall amount of energy consumed in ACT government operations is of greater benefit environmentally and financially than continuing to increase expenditure simply to purchase green power. That is particularly the case in the context where the government has other policy settings that are helping us to make the transition to renewable sources of generation through the large-scale feed-in tariff.

Since that time, the government has been using all the money that was previously allocated for the purchase of green power product by ACT government agencies to spend on energy efficiency measures. It is in the form of an internal ACT government finance facility, effectively a loan facility, that is available, on application, to all ACT government directorates. They are able to put forward proposals effectively to borrow money from the fund, repay the principal from the savings achieved through the implementation of the energy savings measures in their operations, and pocket any surplus savings that are achieved ongoing. They do not have to return that to the centre; they only repay the principal amount.

Since that time, since July 2012, the fund has provided funding of \$4.6 million to six

projects that are achieving the following annual savings: 5,835 megawatt hours of electricity use, 5,730 tonnes of CO₂ equivalent abatement, savings of \$1.2 million annually in electricity bills, and a reduction of 540 gigajoules of natural gas use.

That really does highlight significant achievement through these measures. It includes things like more energy efficient lighting; better energy monitoring in buildings and operations; and a range of other measures around switching to more energy efficient forms of heating and cooling—gas hot water heating and so on. These are very important measures which are saving the taxpayer money by reducing the electricity bills of government departments and also reducing our greenhouse gas emissions.

MS PORTER: Thank you, minister. In relation to trying to save energy in various directorates, we have some buildings that are not necessarily environmentally sound. Is that the term I should use? They are not—

Mr Corbell: Efficient?

MS BERRY: Not energy efficient.

MS PORTER: They are not the most energy efficient buildings. Is that class C? Is that the right terminology?

Mr Corbell: Yes, class C buildings, yes.

MS PORTER: How are we managing to turn that around in relation to this aim to reduce our energy use?

Mr Corbell: There are significant steps that can be taken even with lower quality buildings, grade C buildings, to improve the overall efficiency of those buildings in terms of their energy consumption. To give you an example of some of the projects that have been funded, ACT Property Group, which is responsible for the management of the ACT government's property portfolio, has installed an LED lighting retrofit in 28 government buildings.

The loan value was \$1.7 million. The payback period was four years. That measure will reduce electricity use across those 28 sites by 30 per cent. That is a very significant saving to the taxpayer. That is an ongoing saving. The value of these measures is that instead of having to pay every year simply to buy more and more green power, we pay once and we have got an ongoing saving in terms of consumption.

Ms Ekelund: Minister, could I just mention Dame Pattie Menzies House that the directorate is principally based in? Since 2005 we have reduced our energy consumption by 68 per cent by undertaking a number of changes, including changing our lights to LED, putting timers on thermostats for urns so they switch off after hours and on weekends and putting sensors on lighting throughout the building.

We have done a number of measures. I guess through the carbon neutral government committee, which I chair and which has representatives from all agencies across government, we are collectively working together, all agencies, to learn from each

other and to progressively ensure that all our properties become more sustainable.

Mr Corbell: There is currently \$4.5 million of funds available in the carbon neutral fund. The directorate is currently receiving applications from other government agencies to access funds to achieve better reductions.

THE CHAIR: Ms Berry, new question?

MS BERRY: In regard to ACTSmart, I notice that on page 16 there is a new indicator about the number of schools that have been accredited as ACTSmart schools with a sustainability focus. Could you also give us a report on the ACTSmart business sustainability awards?

Mr Corbell: Last week I had the opportunity to attend the annual awards breakfast for businesses participating in the ACTSmart business program. The ACTSmart business program has now reached 700 businesses and government entities across the ACT, including some interesting sites such as the Embassy of the United States of America and a range of other unusual sites that are all active participants in the government's ACTSmart energy, waste and water efficiency programs.

ACTSmart provides support and on-the-ground mentoring for businesses to reduce their energy waste and water costs through the implementation of smarter recycling practices and energy and water efficiency measures. There are also rebates available under the energy and water elements of the program to encourage businesses to invest themselves in saving money through energy and water saving measures.

Since it was established in 2009-10, Outreach has achieved greenhouse gas savings of 908 tonnes of CO₂ equivalent; the ACTSmart business energy and water program, 567 tonnes; the ACTSmart government energy and water program, 1,344 tonnes; and savings from water measures include 605 tonnes through ACTSmart water programs, including ToiletSmart. Overall, the ACTSmart business and office program has achieved 2,730 tonnes of greenhouse gas savings.

This is a really successful and popular program. There were a range of successful businesses awarded last week, including the Asian Wokitup! business in Gungahlin, the Embassy of the United States, a hairdressing business in Garran, and a range of other government and private sector entities. They all received recognition. One of the outstanding ones is the childcare centre in Nicholls at Gold Creek. It received a number of awards for its recycling energy and water saving measures. It is a very, very effective and popular program and one the government is committed to continuing.

MS BERRY: How will this be rolled out into the schools? Has it started?

Mr Corbell: We do have a schools component of the program which is based initially on the AuSSI sustainable schools initiative. It is now called ACTSmart schools program. It supports 130 out of 131 ACT government and non-government schools. The only primary school that is not yet recognised in the program is the new Neville Bonner Primary School, because it does not have any students yet. It will shortly.

MRS JONES: Very low energy consumption.

Mr Corbell: We have seen schools go from strength to strength in their recycling, energy and water management activities. The savings achieved through the program are substantial. In the government sector, water consumption has been decreased by more than 20 per cent, achieving savings of approximately \$1.3 million in water consumption charges since the schools came into the program.

We have also seen significant achievements in relation to electricity and gas. Recently I was really pleased to acknowledge three schools that have achieved a five-star accreditation for meeting all of the targets under the program. They included Chapman Primary School, Duffy Primary School and Chisholm Primary School. Those three schools have achieved a five-star accreditation under the program as the leading schools in the ACT for achieving all of their targets in relation to energy, water and waste.

MS BERRY: Do they share their secrets of success with the other schools?

Mr Corbell: They certainly do. I was really pleased to host students from those three schools and their teachers and parents here last week. They were very vocal and articulate advocates for their programs. Their experiences are shared across other schools.

MS BERRY: That is good. Thank you.

THE CHAIR: Mrs Jones, a new question. We have 20 minutes to go. Just remember that the conservator is also included in this.

MRS JONES: I want to go to trees. Can you explain to me again the role the conservator plays? Is that in relation to trees in this area, particularly the tall trees?

Ms McKeown: The conservator has a role in urban trees on leased land under the Tree Protection Act. As a member of the public, you can apply to remove a tree in your backyard if it reaches certain height requirements or width requirements to be what is referred to as a significant tree. The conservator can only make a decision based really on the health and safety of the tree.

If there is a development on that site, you can apply to the conservator to remove the tree if it is a poor quality tree. If it is not likely to be supported by the conservator, then you lodge a development application with the Planning and Land Authority. Then the conservator will provide advice on the DA, but the final decision is the Planning and Land Authority's, based on lots of reasons.

MRS JONES: When did that position begin? Has that been a position that has been around ever since tall trees or earlier? When was the beginning of that?

Ms McKeown: The position of the Conservator of Flora and Fauna?

Mr Corbell: No, in relation to the Tree Protection Act.

Ms McKeown: Or in relation to the Tree Protection Act?

MRS JONES: Tree protection, yes.

Ms McKeown: The interim protection act came in in the early 2000s, I think, was it not?

Mr Corbell: Yes, 2005 was the final tree protection law.

MRS JONES: Is that when the conservator took a role in that regard?

Ms McKeown: In urban trees, yes.

MRS JONES: What are the dimensions of a tree that make it fit the tall trees register?

Ms McKeown: In order to be a regulated tree, it has to be 12 metres in height, 12 metres with canopy, 1½ metres in trunk diameter at one metre height or a multiple trunked tree. So there are lots of—

MRS JONES: Perhaps you could provide that to the committee on notice?

Ms McKeown: Yes, it is part of the legislation.

MRS JONES: How many trees are currently on the tall trees register?

Mr Corbell: There is not a tall trees register.

MRS JONES: There has been a change.

Mr Corbell: That is not its name. It has never been its name.

MRS JONES: Maybe that is the colloquial term.

Mr Corbell: Could you clarify that?

Ms McKeown: Yes, the tree register is for trees of exceptional quality. Just because it meets a height requirement, that makes it a regulated tree. To save those is an attempt to keep the urban canopy going. A tree that can be put on the tree register actually does not need to meet those height requirements. It just needs to be an exceptional tree in the landscape. Then there are other criteria. For example, it might be planted by someone famous or it could have some other cultural values.

MRS JONES: Like a heritage value tree?

Ms McKeown: It could or it could be a rare tree.

MRS JONES: The Labor Party has some of those. Not the Canberra, though. Anyway, please go on.

Ms McKeown: At the end of May, there was 118 individual trees fully registered, 28 groups of trees were fully registered and there were 26 individual trees on the

provisional register, and three groups of trees listed on the provisional register.

MRS JONES: What defines a group of trees? Is that as in one place?

Ms McKeown: Yes, essentially.

Mr Corbell: A particular planting—

MRS JONES: Like a small forest or something.

Mr Corbell: that is composed of a group of trees; a planting of some significance.

MRS JONES: How many of those were added in the last 12 months?

Ms McKeown: All 26 added to the provisional register were added last year, and the three groups of trees. Only one individual tree went from the provisional register to the full register.

MRS JONES: The reason for these laws is to maintain the integrity of the environmental landscape perhaps in the suburban areas as well as in other areas. If someone has got a tree which is causing emotional distress to them—for example, they are old; the tree is dropping a lot of leaves; they cannot maintain their own ground; or they have a fear of a limb falling upon them—is there a way that they can have some sort of an abatement and be able to have that tree reduced in size or taken out of the environment? Can a balance be decided on where the environmental need is perhaps outweighed by, for example, that older person's emotional capacity to cope?

Ms McKeown: The way the system works is that you lodge an application for a tree damaging activity. It is assessed by members of TAMS, actually. They are horticulturalists or arborists. They make a decision using their delegations. If you are not satisfied with the decision, you can actually apply for a reconsideration.

What happens is that that is then referred to an independent tree advisory panel. Then they provide advice to the conservator, and that particular decision—the reconsideration decision—cannot be delegated. The conservator makes it themselves with advice from the tree advisory panel.

The conservator can take anything into consideration. The legislation allows that. But also, if it is a tree in an inappropriate location, that is actually a reason to approve the removal. There are lots of reasons to approve the removal. If you do not like the conservator's decision, you can go to ACAT. Obviously, it will make the decision completely independent from the department.

MRS JONES: That is really good to understand. Thank you.

THE CHAIR: Ms Lawder?

MS LAWDER: On page 16 the table there refers to a review of the solar auction process and a review of the plastic bag ban. Both of those, and maybe one or two others, were delayed from their original targets. What was the reason for the delay or

the extension to the due date?

Mr Corbell: It is just the process involved on the part of the relevant consultants or the government agency to complete the review.

MS LAWDER: Which you were not aware of when you put your targets together for the first time?

Mr Corbell: No.

MS LAWDER: Continuing on with the plastic bags, what research does the government have with regard to the boutique shopping bags that you get at many retailers—for example, how much longer do these bags take to decompose in comparison to the lightweight bags?

Mr Corbell: The government's analysis of these issues is reflected in the plastic bag ban review, which I have tabled in the Assembly. What we have seen in relation to the boutique-style bags is that it has not had an impact on the total number of bags diverted from landfill. By that I mean we have not seen a complete one-for-one replacement. Compared to the number of single lightweight-use shopping bags that were being issued compared to the number of heavier-style boutique plastic bags, reusable plastic bags, that have been issued, there is still an overall decrease in the number of plastic bags being issued.

MRS JONES: Has there been any assessment done on the compostable nature of those bags that are now making their way to landfill?

Mr Corbell: Some of those bags are making their way to landfill, but the total volume of plastic going to landfill is still lower than it was under the original previous arrangement.

MRS JONES: Yes, but my question was: has any assessment been done of the compostability of those heavier bags that are now making it to landfill?

Mr Corbell: I think the assessment is that those bags do not break down in any different way, or any substantially different way, than single lightweight-use bags. They are present in landfill for an extended period. Therefore, reducing the overall volume that is going to landfill is the key objective, and that has been achieved.

The supply of plastic bags has been reduced from an estimated 52 million single-use plastic bags to around eight million boutique bags annually. There has been a significant reduction in the total volume of plastic and the weight of plastic bags sent to landfill. It has reduced from 266 tonnes in the six months prior to the ban taking effect to 171 tonnes in the six months around mid-2003. That is a reduction of 36 per cent in the total amount by weight that is going to landfill.

MRS JONES: Is there any measuring going on of the non-recyclable shopping bags that people are buying—the synthetic bags that are meant to be multiple use, like fabric? Is there any assessment going on of how many of those are turning up in landfill? My understanding is that they cannot be recycled within Australia. Is that

correct?

Mr Traves: I would have to check out the claim that they cannot be recycled within Australia. Certainly TAMS, as the waste manager, conduct a series of audits. Sometimes they audit household garbage to see what is being thrown out, but often they are doing an audit at the tips themselves. They prepare that information and will advise us of any significant trend changes. It varies from place to place and from season to season. But, certainly, that is one of the things we will be looking at when they get that report to us. As they are responsible for the waste strategy, we look to them for on-the-ground information to see whether we are heading in the right direction or not.

MRS JONES: Can you let us know if you have any data on the appearance of the heavier non-recyclable bags and if you have any information on whether they can be recycled in Australia?

Mr Traves: Yes, we will find that out for you.

Mr Corbell: We are happy to do that.

MRS JONES: Thank you very much.

MS LAWDER: Taking on board your point that there has been no real decrease in the number of bags, are you aware of whether the number of the heavier-weight plastic bags is more or less the same now that the plastic bag ban on lightweight bags is in place?

Mr Corbell: There are more boutique bags being issued compared to before the ban.

MS LAWDER: And more appearing in landfill?

Mr Corbell: There is an increase in the number of them appearing in landfill, but in absolute terms the total volume of plastic bag waste is down by 36 per cent, even accounting for an increase in the different type of bag appearing.

MRS JONES: Do you know how long they take to break down in landfill compared to the other bags?

Mr Corbell: No, I do not.

THE CHAIR: Minister, we might finish at that point with the department and move on to the Commissioner for Sustainability and the Environment. Our thanks to officials from the department for their attendance today and their answers. With regard to any questions taken on notice, if we could have a written response within five working days after the hearing we would be most grateful. A transcript will be provided for your perusal. If you have any corrections you wish to make, we would be very pleased to receive those. With that, thanks to the department.

We now call the Commissioner for Sustainability and the Environment, with officers, to the table. Good afternoon, Mr Neil. Welcome to the estimates. I need to ask if you

have a seen the pink privilege statement and do you understand its obligations and protections?

Mr Neil: I have, and I do understand it.

THE CHAIR: Thank you for that. Would you like to make a brief opening statement to the committee?

Mr Neil: Thank you, Mr Smyth. Most of the committee I have met and talked to, other than Mrs Jones. I thought that I would just briefly explain the role of the commissioner for your benefit. There are basically four functions that the commissioner has to fulfil. One is to investigate complaints about the environment or about the way the territory or a territory directorate manages the environment. Another is to undertake investigations either directed by the minister or on the commissioner's own initiative. In every term of government I have to produce a state of the environment report. Normally that comes out about December the year before an election. Of course, the last part is to actually advocate for environmental and sustainable matters.

THE CHAIR: Thanks for that.

MRS JONES: Thank you.

THE CHAIR: Given the short time, I will give my question to Ms Lawder.

MS LAWDER: Can you give us a bit of an overview about complaints in the past year—how many complaints, whether there were any trends in particular subjects relating to those complaints and, of the complaints, how many were finalised; if you use that terminology?

Mr Neil: Certainly. There were five complaints. One was in relation to Bruce Ridge. People were concerned about the mountain bike riding out there and the fact that they were making tracks that could compromise the conservation values of the reserve. When I had a look at that I actually was a bit interested in the potential for that to be an issue in all reserves, rather than a single incident; it had the potential to be more systemic.

The work done was actually quite robust. The parks and conservation guys engaged some mountain bike people to come out and help them look at the tracks to see what could or could not be done, which ones could be closed and which areas they should not go through. I think they were hoping—I do not disagree—to use it as a bit of a template for future recreational opportunities in our reserves. I guess the biggest concern was the conflict between the recreational opportunities and the ecological values.

The second complaint, which is yet to be finalised but is very close to being finished, was about the management of cats in cat containment areas. By and large, I think it is a little bit confusing for the public. TAMS are responsible for enforcing the provisions of the Domestic Animals Act, yet the RSPCA primarily looks after cats. I think there is a little bit of confusion about those particular roles. My own view is that there could

be better and more targeted information about cat containment. By and large, it is an extremely difficult thing to police. Trying to catch a cat is not easy.

There were two complaints related to the built form. One was over building heights in Belconnen. The other was, I guess, the management of building sites in Woden centre. The building height one was really about a lack of clarity on how high a building could be in one of the town centres. I think it is quite appropriate that good design is allowed to flourish in the town centres. There is probably a lack of transparency in how high a building can be. As an example, if in a town centre the height is 10 storeys, a lot of people would reasonably expect that that would be the maximum height but, in fact, it is not quite the case, and for good reason. It is more a communication problem, I think, than a genuine problem.

It is a similar thing with building around Woden. It is very difficult to find out who is in charge of things like the traffic control plans and the tree management plans. In that particular case it took a member of the public quite a while to find out who it was they could actually complain to. Again, it is just mainly communication.

The last complaint was one that was put in around Christmas—and we sought some advice—around kangaroo culling. We stopped looking at it once the ACAT had their process. It seems to me that it is a bit of a wicked problem. No matter what the science, there will be a difference of opinion in those that believe sentient beings should be left alone and those that have a slightly different view in terms of managing our natural assets as a whole rather than species by species. That is still open.

MS LAWDER: Was there just one complaint about the kangaroo cull or were there a number?

Mr Neil: It was one complaint, but the names were quite familiar. Those groups are fairly well organised and clearly they talk to each other.

MS LAWDER: I am well aware that you undertook the roundtable on the Nature Conservation Act.

Mr Neil: Yes.

MS LAWDER: Do you consider that an investigation directed by the minister? How did you include that into your work?

Mr Neil: No, that was just an opportunity to assist people in looking at environmental issues. As it turned out, it was a fairly neutral position. My task was just to record the feelings and the thoughts of the people there and provide it to the Assembly via the minister, which is what I did. As a means of getting issues on the table, I personally found it quite rewarding. It gave people a genuine chance, whether they liked the outcome or not, to have a say.

MS LAWDER: These were all complaints this year? There were no investigations initiated by the minister or by you in this past year?

Mr Neil: No. The last investigation that was done was the one into Lake Burley

Griffin. They are normally quite substantial. We have been looking at action plan 2. One of the requirements in action plan 2 is for the commissioner to review the implementation status of that plan.

There were a couple of other things we were looking at. One was ecologically sustainable development. It is a concept that has been around for a long time. We organised a couple of workshops—one with academics, innovative thinkers and some of the other commissioners, and one with government decision makers. It was an interesting exercise. The authors were a guy called Dr Terry Bates, who is well-known in the world of ecological sustainability, and Chief Justice Brian Preston from the New South Wales Land and Environment Court. They were quite interesting to talk to, and they had quite an extensive background in ecologically sustainable development.

Our challenge was to try and get it into a form that it may be of use to the ACT government. The government has taken the approach that all decisions should have consideration of social, economic and environmental values. My question is: are they prioritised; are they equally weighted? And the answer would be no. So the challenge is: how do you get decisions that are given equal priority? That is not to say that one will outweigh the other. I think it is very easy to get an economic value. It is very hard to get things outside of that square.

The challenge for me, now that we have that report and have put it up on our web, is to look at what those two consultants said as a way forward and to try and engage with government and senior bureaucrats to encourage that sort of thinking. There is no easy way out. It is quite difficult. There will always be trade-offs, and it is really about the transparency of those trade-offs.

The other work we did, which was leading into more work this year, in 2011-12 was to look at the natural temperate grasslands and the report that was done in 2009. We asked the government what work they had done against the recommendations out of that report. It was a little difficult to see how effective that had been, so I commissioned Dr Ken Hodgkinson to do a bit more work, to actually go down and have a look at some of the grasslands and compare them to work he had done in 2009. Again, he has come back, I think, with 10 key recommendations and I am now faced with trying to encourage some of the work to go into the work that the directorates do.

His work was quite instructive. He is still concerned about over-grazing, including from kangaroos. That was another reason to ask him to have a look. Most of what he provides is not that contentious. It is based on pretty sound science and I think that the people who work in the research and planning area of ESDD are pretty much across it.

THE CHAIR: We might have a new question. Ms Porter.

MS PORTER: On page 83—and I think you touched on this in your report—you talk about community engagement. That was what you were talking about in answer to Ms Lawder's question, I think. But I was wondering if you could explain whether or not you are proactive in this area or whether groups come to you and ask to become engaged with you. Which way is it or is it both? And how do people know that you exist in terms of community engagement? Do you actually go out there and say,

“Hello, here I am and this is my role and if you are interested to talk to me further please let me know”?

Mr Neil: There are probably two parts to that. One is that most of the environmental groups in the ACT know we exist and quite often we have direct interaction with them. Previously there was a young people’s group that my predecessor had set up, but quite a few of those young people moved on.

MS PORTER: They got older.

Mr Neil: They got older and they left town. We had a chat to Alasdair Roy, the young persons commissioner, and his view was: “You will not be able to chase them. You are better off. They will come to you.” And so we have quite a strong link into the universities, through the centre of applied ecology at UC and the Fenner School at the ANU. We get to see the students, generally twice a year. I will go over as a guest lecturer and we assess, not in an academic way, some of the work the students do, and they provide prizes for that sort of stuff.

If you were looking for the Commissioner for Sustainability and the Environment, it would be my experience if you just looked up “environment” and rang the *Yellow Pages* or whoever the people are that give you phone numbers, they would send you directly to us. I reckon 50 per cent of the calls that would come into our office are from someone looking for the EPA, TAMS, the commonwealth environment department or ESDD. And it was because it had “Environment, Commissioner Of” in the phone book in the past.

MS PORTER: I guess that goes to the part of my question about how people know what you really do. If they are coming to you accidentally in that way because they think you are going to deal with their question or their concern in relation to all those other things, how do you make yourself known in the community in relation to your distinct role?

Mr Neil: Within the community, outside the green interest groups, we probably do not have much of a profile, and I have not given that a lot of consideration. I think your observation is very valid. It is probably something we need to look at. We have talked about it. We have never quite worked out how you do it. We preach to the converted. We want to preach to the less converted, and I am not quite sure how we do that.

Ms Pitts: I think it will be fair to say—if you do not mind my coming in here?

Mr Neil: No.

Ms Pitts: At this moment in time we are in the process of updating our website and making that far more user friendly. We are focusing on having a blog, using Twitter and having components of the website that are tagged, “What is in it for me?” and “What can I do?” It is for opinions of people who are aware or have been aware of the work of the organisation and how we can share complex information in a meaningful way.

Also the commissioner does meet with a range of stakeholders from non-government areas in the business community, and that is something that he does on a quarterly basis. I think the style of the commissioner is more on a low-key basis in terms of the way that he communicates and shares his message.

MS PORTER: Am I gathering that you do not have much of a marketing budget?

Mr Neil: We would have sufficient to do marketing on a reasonably low-key basis, which is not to say that it is not important. But interestingly, some of the things we have done in terms of just engaging with the press have been fairly hard to get any traction on because there is so much other stuff going on, particularly in the last six months. World Environment Day almost slipped by because there was so much other stuff, and people were concentrating on their jobs, the federal government, their local government, our local budgets. So it is quite difficult to be advocating for environmental issues in the current climate.

THE CHAIR: As a supplementary, I saw on page 12, under the output class, you have lost about 15 per cent of your budget this year. What is the explanation?

Mr Neil: It is actually an increase on last year's.

THE CHAIR: No. Last year, 2013-14, you got \$1.580 million. This year you are getting \$1.350 million.

Mr Neil: The base budget has actually increased from just over \$1.3 million to nearly \$1.35 million. I can give you the exact numbers if you like. The change is because we rollover what we do not spend year on year. Come this time next year when we write the state of the environment report we will have enough money to do it. The base budget has actually gone up by CPI, but the rollover was, I think, this year \$262,000.

THE CHAIR: You have put that aside. That shows up in—

Mr Neil: It just shows up—

Mr Fitzgerald: Page 21.

THE CHAIR: Thank you. A new question, Ms Berry.

MS BERRY: It was actually along the lines of the questions that you were asked about the grasslands. I was just having a quick look at the report and trying to see whether or not any of the areas that—I have forgotten the fellow's name now.

Mr Neil: The ones Dr Hodgkinson had looked at?

MS BERRY: Yes, whether he was working on any areas of wallaby grass. I could not see any that either had been maybe newly identified or were part of his studies.

Mr Neil: They would have been part of the flora of the natural grasslands.

MS BERRY: I am cheating by asking you, because I had a quick look and I could not

see it. I was hoping you had the answer. I can read it.

Mr Neil: But they are native grasses. He talks about kangaroo grass. I am assuming that wallaby grass would be in there as well.

MS BERRY: I just wondered if you had identified any new areas or any areas where that was increasing or decreasing because of the sun moth's reliance on wallaby grass.

Mr Neil: It is quite difficult to assess the grasslands comparing now to 2009, because 2009 was the end of the drought. He did quite a bit more work this time. He looked at the floristic values. That is similar to the work that is done by the research people in the government.

Originally I was going to do all the reserves until I found out that the government was actually doing some work, fairly quietly. We had a look at the other reserves where they had not done any work, just to get the scientific rigour behind the work. Previously he had gone out and done a landscape evaluation, basically looked at them, used his knowledge and came up with an assessment of how bad or how good they were. This time he did that so that he could compare it to the last lot. He also provided some additional floristic scores. Most, I think, ranged between zero and 40.

Good reserves in the ACT and the Southern Tablelands are around 55 to 60. So our native grasslands are still in pretty poor condition. That is a consequence of past land management practices, invasive weeds and, to some extent, overgrazing. He is quite strong on burning rather than cutting.

MS BERRY: I noted that. And I do not reckon there would be a lot of people in the community that would know that. Have burn-offs been happening or is this something that he is recommending?

Mr Neil: It is something that he is recommending. They have done one controlled burn where they were looking at, I think, the purple pea. They have burnt it. That was now, I think, over 12 months ago.

MS BERRY: That was not done around Glenloch interchange? That was not around there?

Mr Neil: No. You have got to wait to see whether things grow, all that sort of stuff. But Ken's interest is in Umbagog park.

MS BERRY: Mary and I have an interest in Umbagog park.

MS PORTER: We do, and in the Pinnacle.

Mr Neil: He has got a really strong interest in it. He has looked at mowing regimes. He has looked at fires, burning in autumn.

MS BERRY: They did burn through there, I think, but maybe at the wrong times of the year.

Mr Neil: They have done a couple of trial burns. The problem you run into is that parts of the community like no grass, and native grasses are offensive to some.

MS BERRY: They just might not know. That might be part of it.

Mr Neil: I think that is part of the challenge, trying to get that sort of information out into the community. They are untidy. They are in small pockets. And there is a great risk that we will mow them and we will eventually—

MS BERRY: Kill them and lose them forever, yes.

Mr Neil: Yes.

THE CHAIR: We might move on to a new question. Mrs Jones.

MRS JONES: Just a very brief question, when is the next state of the environment report due and is there anything major that you want to foreshadow before then?

Mr Neil: The next one is due at the end of 2015. And we have spent quite a bit of time on the framework with this one. I thought after we reviewed the 2011 SOE that we had sufficient information to write the next one, and then we held a couple of workshops with some environmental practitioners and government people—

MRS JONES: That is one way to broaden your scope.

Mr Neil: Interestingly, the scope does not change that much because there are only certain aspects of the environment that we really need to pass judgement on. And because they had been done since 1994, there is quite a good historical record of some particular trends. You can always add new bits, but it is always good to keep the old. But we are looking this time at management effectiveness assessments, which we have not done in the past, and a score card system to try to make it a little neater. But the score cards are a bit difficult because some of them are just someone's interpretation. So you have got to get the right someone.

MRS JONES: And I guess you want to maintain a standard that you might actually be able to come back to and compare at some stage in the future? So you want some robust science behind that?

Mr Neil: Yes.

THE CHAIR: Ladies and gentlemen, there endeth the day. Commissioner Neil, thank you very much for your appearance here today with your officers. I do not think you took any questions on notice. No, nothing on notice, no questions to be answered. On behalf of the committee, I would like to thank all the witnesses who have been before the committee today. Ladies and gentlemen, we are at the bottom of the ninth. We are three-quarters of the way through the public hearings with three days to go. And then there is a weekend.

As mentioned this morning, if you have taken questions on notice throughout the course of the day, there is a time frame of five working days for return of the answers.

I remind members and other members listening that any further questions you want to put on notice should be lodged within three days of the arrival of the uncorrected proof transcript, with day one being the first day the transcript is received.

The committee's next hearing will be tomorrow, the 25th, when the Minister for Territory and Municipal Services and his officers will appear, and the Minister for the Environment and Sustainability will return with officers from Capital Metro. There endeth the day.

The committee adjourned at 5.39 pm.