



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

(Reference: [Inquiry into Auditor-General's report No 3 of 2015: Restoration of the Lower Cotter catchment](#))

Members:

MR B SMYTH (Chair)
MS J BURCH (Deputy Chair)
MS N LAWDER
MR J HINDER

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 15 MARCH 2016

Secretary to the committee:
Dr A Cullen (Ph: 620 50142)

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.

WITNESSES

CORBELL, MR SIMON, Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change **1**

LANE, DR ANNIE, Executive Director, Environment Division, and Conservator of Flora and Fauna, Environment and Planning Directorate **1**

LANE, MR DOMINIC, Commissioner, ACT Emergency Services Agency..... **1**

RAKE, MR GARY, Deputy Director-General, Environment and Planning Directorate..... **1**

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Amended 20 May 2013

The committee met at 2.31 pm.

CORBELL, MR SIMON, Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change

RAKE, MR GARY, Deputy Director-General, Environment and Planning Directorate

LANE, DR ANNIE, Executive Director, Environment Division, and Conservator of Flora and Fauna, Environment and Planning Directorate

LANE, MR DOMINIC, Commissioner, ACT Emergency Services Agency

THE CHAIR: Good afternoon, everyone. Welcome to the public accounts committee inquiry into Auditor-General's report No 3 of 2015, *Restoration of the lower Cotter catchment*. Minister, I welcome you and your officials.

In accordance with the committee's resolution of appointment, all reports to the Auditor-General stand referred to the public accounts committee after presentation. The committee has established procedures for its examination of referred Auditor-General's reports. The committee considered Auditor-General report No 3 of 2015 in accordance with these procedures and has resolved to inquire further into the audit report. The terms of reference for this inquiry are the information contained within the report.

On behalf of the committee I would like to thank you, Minister Corbell, and accompanying agency and directorate officials, for your attendance. As you would be aware, minister, you are appearing today in relation to your portfolio responsibilities for the Environment and Climate Change as well as Police and Emergency Services. Thank you for your suggestion that we deal with it all in one hit, rather than have sequential meetings. I am sure there will be plenty of crossover.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink-coloured privilege statement that is before you on the table. Could you confirm for the record that you understand the privilege implications of the statement?

Mr Corbell: Yes, thank you, Mr Chairman.

THE CHAIR: So acknowledged; thank you very much. I also remind witnesses that the proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live.

Before we proceed to questions from the committee, minister, would you like to make an opening statement?

Mr Corbell: Mr Chairman, I thank you and your fellow committee members for the opportunity to appear before you this afternoon in relation to Auditor-General's report No 3 of 2015, *Restoration of the lower Cotter catchment*. I will make a few brief opening remarks.

It is worth highlighting that overall this audit report concluded that the major restoration efforts in the catchment are a significant achievement for the government and for community volunteers. The Auditor-General also identified a number of risks for the lower Cotter catchment, including fire management and wildfire, management of pine wildlings, inadequate controls on public recreational access, and sediments from unstable soils.

The Territory and Municipal Services Directorate, as the land manager, is the lead agency for this report overall. It is working with Icon Water, the Environment and Planning Directorate, the Environment Protection Authority and the Emergency Services Agency to address issues raised in the report.

In relation to my responsibilities as Minister for the Environment and Climate Change, I am addressing two of the 12 recommendations. Those are the ones relating to reviewing the management agreement between the conservator and Icon Water, recommendation 2, and reviewing the Water Resources Act 2007 to reflect the Environment Protection Authority's current role, recommendation 6. However, the Environment and Planning Directorate, along with other relevant ACT government agencies, will continue to work with TAMS on the other 10 recommendations.

In relation to recommendation 2, and further to the audit report and due to the restructure of Actew Water, which is now known as Icon Water, ActewAGL distribution and the associated redistribution of relevant assets, the Conservator of Flora and Fauna has resolved to review all existing management agreements with Icon Water and ActewAGL. Negotiations have commenced at an officer level with Icon Water regarding the content of that agreement.

The conservator is also negotiating a new management agreement under the Nature Conservation Act 2014 with Icon Water to reflect recent changes to the legislation and changes to the division of assets between Icon Water and ActewAGL. The new management agreement is likely to narrow the scope of application to the Canberra nature park and its environs. If it is determined that further agreements are required, these will be developed as site-specific instruments.

The management agreement will include Icon's activities in the lower Cotter catchment, particularly in relation to the use of access roads, clearing of the log booms that are in place to protect the dam wall and the stockpiling and management of the wood debris removed from these booms.

In relation to recommendation 6, section 64 of the Water Resources Act 2007 requires, among other things, that the Environment Protection Authority coordinate policies in relation to water resources and, in administering the act, promote an integrated approach to water resource management, environment protection and water catchment management.

The policy function that supports the EPA in discharging these responsibilities was incorporated into the Environment and Planning Directorate's environment division in 2011 to facilitate a more coordinated approach across the directorate. With the establishment of Access Canberra, the environment protection policy components remain in the environment division of EPD while regulatory functions have been

incorporated into Access Canberra.

EPD will revise the governance arrangements that support the EPA in implementing the legislation and responsibility for catchment management more broadly to reflect current practice. As such, EPD has undertaken an initial review of the EPA's policy role under the Water Resources Act, which includes the establishment of a working group with representatives of catchment management and water policy, the Conservator of Flora and Fauna, environment protection policy and the EPA within Access Canberra.

Governance arrangements and any minor legislative amendments required are being considered to clarify the roles of the EPA and EPD when it comes to water policy matters. It is anticipated that any required changes to the legislation to clarify that the Environment and Planning Directorate is responsible for policy under the Water Resources Act will be brought forward in the second half of this year. Other agencies that will be consulted regarding both these recommendations include TAMS, Icon Water, the EPA and the ESA, and, within my portfolio of the Environment and Climate Change, EPD, including the Conservator of Flora and Fauna and the Commissioner for Sustainability and the Environment.

The 2015-16 ACT budget provided \$7.8 million over four years to TAMS to manage the Cotter Dam catchment. TAMS has allocated \$50,000 over two years of this funding to EPD for completion of the reserve management plan.

Very briefly, turning to the responsibilities of the ESA, clearly fire management in the catchment is of the utmost concern to the government. The bushfires of 2003 showed clearly the devastating impact that a high density bushfire can have in a water catchment, and we are still dealing with the implications of that event today. Obviously there has been a very significant body of work to rehabilitate the catchment and restore its function, and, as this work continues, the management of bushfire fuels, provision of a network of fire trails for bushfire fighting and management and management of public access must remain at the forefront of our officials' minds.

Fire management outcomes are intrinsically linked to water quality outcomes. The risk of unplanned bushfire in the catchment presents the most significant risk to the integrity of core catchment values of water quality and quantity. Given its geographic location, we know that the catchment is highly prone to a fire event, when you reflect on the origin of large wildfires in the ACT historically.

In much of the catchment the extent and management of vegetation is appropriate and presents an acceptable level of bushfire hazard. However, there are areas of concern. There is ongoing dialogue within government regarding the management of bushfire risk in the Blue Range area, part of which falls into the lower Cotter catchment. This area has experienced rapid regrowth of native vegetation, pine plantation and pine wildlings following the 2003 fire. These areas have extremely high fuel hazards that are located in a manner that prevents the safe and effective reduction of hazard and poses an unacceptable threat to safe, successful and effective suppression in the event of a fire in the catchment. These concerns have been raised through the ACT Bushfire Council, and the matter has been the subject of meetings with the directors-general of TAMS, EPD and JACS.

As a result, in May last year the government announced funding of \$5.1 million over four years for fire management activities in the lower Cotter catchment as part of the strategic bushfire management plan version 3. This significant level of investment will deliver fuel management activities such as hazard reduction burns, removal of pine wildlings and ongoing maintenance of the fire trail network.

Mr Chairman, thank you very much for the opportunity to make an opening statement. My officials and I will try and answer the committee's questions.

THE CHAIR: As you said, strictly speaking in your appearance today you are responsible for recommendations 2 and 6 under EPD. In the government's initial response a working group was established, which EPD is on. It had its first meeting in July last year. How many meetings has it had subsequent to July and how many of those meetings did EPD attend?

Mr Rake: I would have to take on notice the precise number of meetings, but we would be happy to bring that back to you.

THE CHAIR: Thank you very much.

Dr Lane: I believe that group has had about six meetings. Three of those consisted of workshops which went through a very detailed risk assessment process. I am sure TAMS can provide you with a bit more detail about that, because they chaired that working group. We were represented by at least two officers at each of those meetings.

THE CHAIR: In regard to recommendation 6, water policy coordination, there is a review underway. When is that review likely to be finished?

Dr Lane: That review, for all intents and purposes, has been completed. Now we need to formalise the process of recognising that the water policy responsibility resides within EPD and has done so for some time. That requires changes to the legislation—nothing major. We are anticipating that may happen in the second half of this calendar year.

THE CHAIR: Is it possible for the committee to get a copy of the review?

Dr Lane: Yes, certainly.

THE CHAIR: What would need to be changed to make the arrangements consistent with the law or the law consistent with the arrangements?

Dr Lane: It currently states that the EPA has responsibility for water policy. EPA, as you know, is now in Access Canberra, so we need to change the titles of that.

THE CHAIR: So it will be changed to EPD?

Dr Lane: Yes.

Mr Rake: That would reflect the government's intention that policy remains within

the Environment and Planning Directorate.

THE CHAIR: With the EPA being in Access Canberra, has that changed the way in which EPD goes about its job of protecting water quality?

Dr Lane: No, not at all. EPA and Access Canberra are very responsible for the regulatory aspects. In EPD we are working on the water policy side of things and we have very close connections. They are only upstairs from us physically, so we work very closely together.

MS BURCH: When did the move by EPA into Access Canberra occur?

Dr Lane: It was in about April last year.

MS BURCH: This report was tabled in May; the government had a response in August. The EPA moved to Access Canberra in April last year. You are tidying things up by way of a legislative process at the end of this year. What has happened on the ground? Has coordination improved? Have you had to move through different processes?

Mr Corbell: In practical terms, Ms Burch, the arrangements are unchanged. Prior to EPA being in Access Canberra, EPA was within the Environment and Planning Directorate, but there was already a clear distinction between the EPA's regulatory roles around environment protection, including water quality, and the policy functions of EPD when it came to water policy as a whole. So that division was already in place and the realignment of the regulatory functions that the EPA performs as part of the broader Access Canberra framework mean that there is no substantive change to the nature of the relationship in terms of policy function and regulatory function.

MS LAWDER: I have a question about recreational access to the water catchment area. In light of some of the evidence, is the government considering restricting or further restricting recreational access in the water catchment area?

Dr Lane: That is a question for TAMS, but that would be one of the risks that was assessed. I am not sure what order that came up in, or whether it was a priority risk, but that is something they would be considering as part of that risk assessment—looking at what the options are for managing access a little better.

MS LAWDER: How do you balance some recreational demand and the water catchment requirement? I know the major purpose is not as a conservation area, but how do you incorporate conservation aspects into the catchment management aspects of the area?

Mr Corbell: It would be fair to say it is a risk assessment matrix. Clearly, a primary and critical function is water catchment. So those values would rank very highly in terms of the importance of maintaining them. Judgements about access would be made in that context, along with other risks that would need to be assessed, as well as the benefits of allowing access for certain users of the area. It would very much be a risk assessment type approach.

Mr Rake: That is correct. It has long been a part of our land management approach to look at the nature of the recreational activities, and the sorts of effects they might have on the environment. With respect to an activity that would be prone to cause greater erosion, in considering where that could appropriately occur, we would want that further back from the water. We would want that to be separated from the main water catchments and the watercourses by erosion control structures. It is then a matter of looking at where we might need to improve water management and erosion control if we are going to allow further recreation activities. That has a cost in maintenance, so it does flow into a big benefit-cost analysis that sits alongside a risk assessment.

The environmental risks are one part of that. Of course, the other one is the fire management risks, from the perspective of activities that might contribute to an increase in fire risk or the placement of people in an area where they might be exposed to risk if a fire emerged.

MS LAWDER: Something like the fish area that was included in the dam is more of a conservation issue than a broader catchment issue. Who decided to go ahead with building the special habitats or protection zones for the fish? Is that an Icon Water thing or is it the government?

Mr Corbell: That was a requirement of the EPBC approval for the enlarged dam. The fish species present in that part of the Cotter is an endangered species. It is one of the few areas where that species is not subject to an introduced fish disease. I am trying to remember the fish name.

Mr Rake: Macquarie perch.

Mr Corbell: The Macquarie perch. Obviously the development of the dam changed the habitat that was available to that species. Previously that species was able to reproduce and live in the shallows of the dam, but with the creation of the much larger catchment there needed to be a modified and artificial environment introduced whilst that habitat was rehabilitated; otherwise they were subject to degradation by birds, because they live in the shallows. Previously they were sheltered because of the habitat, but with the change in the water level that was lost. So the introduction of the artificial habitat into the dam, the rock nesting areas, was a condition of EPBC approval for the project, to protect the habitat of that species.

MS LAWDER: Is kayaking allowed on the dam?

Mr Rake: No.

Mr Corbell: No, there is no surface water use permitted in the dam.

MS LAWDER: There was some evidence in the Auditor-General's report about kayakers and the parks and conservation rangers asking about the legal basis for having them removed. Is it very common for the rangers to encounter people?

Mr Corbell: It is probably best to ask TAMS that, as the manager of the area.

MR HINDER: My question is for Dr Lane. With respect to the government's

response to the report tabled in August, I compliment the government on agreeing to all of the recommendations in the report. Of the 12 recommendations, seven appear to be to review or develop something. You say that most of those reviews have now been completed. In that process have you also put in place a mechanism for a further review of whatever it is that you have decided is the way forward in relation to all of those, so that you can see whether they are working in the way you thought they were going to work going forward?

Dr Lane: We are responsible for recommendations 2 and 6. Certainly, with the first one, the arrangement between the conservator and Icon Water, we will be reviewing that from time to time. It is something that needs to be monitored. We think we have a good approach, which is really looking at Icon's maintenance and inspection activities. We will do that on an activity basis rather than on a location basis. We will certainly be reviewing that periodically to see how well that is working. That agreement applies to current activities. If there are any new activities then we would need to assess that on a case-by-case basis.

It also depends on the management objectives for particular areas. We were talking before about the main management objective for the lower Cotter being water quality, whereas in other places it may be for protection of particular species, for example. We need to review the arrangements in light of those particular objectives.

Most of the other reviews are TAMS's responsibility. They would be reviewed from time to time as well—monitoring, and we might have some key indicators and milestones to check off against and see how well they are operating, and adjust as we need to.

THE CHAIR: Going to recommendation 7, I appreciate it is not yours but EPD is on the working group. Has the risk plan now been tabled?

Dr Lane: The risk plan has been discussed internally. It was discussed a couple of weeks ago at a directors-general water group. There will be further discussion and review of that risk management plan and prioritisation of the risks.

THE CHAIR: So the draft was presented to the D-G water group?

Dr Lane: That is correct.

THE CHAIR: What is the plan now in terms of adoption of the risk plan?

Dr Lane: I think there will be some further review. It is a draft report, so it needs to be finalised in consultation with the relevant agencies who are involved. It will then come back to the D-G water group.

Mr Rake: The D-G water group has a specific list of actions at the May meeting.

THE CHAIR: Is EPD happy with what has been presented?

Dr Lane: It has been a very thorough and comprehensive piece of work. As I said there have been three workshops which went into substantial detail and a long list of

risks were subsequently prioritised. So, yes, it has been a good outcome to date.

THE CHAIR: Minister, you made reference to it in your opening address. On page 4, the third paragraph of the Auditor-General's report talks about the coming together of the agencies and the overlap and risk mitigation. One of those areas is fire management. This question is for the commissioner. I quote from pages 20 and 21:

The Commissioner noted that effective fuel reduction in the LCC does not stop the risk of bushfire burning the whole catchment.

What would stop the risk of bushfire in the whole catchment?

Mr Lane: Under drought or dry conditions nothing would stop a bushfire of significance burning out that whole catchment. It is entirely dependent on a number of factors, apart from the fact that hazard reduction is not done, the most important being the current and antecedent weather conditions. If we receive an extended period of dry weather and we go into a bushfire season, even at relatively low levels and even where hazard reduction has been carried out in years past, it is possible for the catchment still to burn out under those extended dry conditions.

THE CHAIR: Dr Falconer talks about the danger of Blue Range. In the report it says that one controlled burn had been undertaken. Have we had any other controlled burns in that area, and what is the volume of fuel there at the moment?

Mr Lane: Yes, additional hazard reduction burns were undertaken during March 2015. There are certainly more planned for this year, including the two that were not done last year. It is one of those things, and this is a question for Territory and Municipal Services to answer in more detail. In relation to the Blue Range, some good works have commenced in that area, particularly in relation to the trial works that were conducted nearly two years ago. With the additional funding, that will assist Territory and Municipal Services in expediting some of that work in the Blue Range.

THE CHAIR: What is the fuel load up there currently?

Mr Lane: It is always very hard to judge exactly in terms of tonnes per hectare. Certainly, some of those areas are starting to, in general terms, head towards what we call extreme fuel levels, that is, very high levels of fuel that, on a bad fire day, would be uncontrollable. That is the case. Certainly, those fuel levels are increasing every year.

THE CHAIR: So an extreme fuel level would be how many tonnes per hectare?

Mr Lane: Traditionally, we used to look at extreme fuel levels being anything above 12 tonnes per hectare. However, recent science demonstrates that it is not all about tonnes per hectare as a basic measure of fuel loading in relation to that extreme hazard. Our own people within ESA and working with Territory and Municipal Services look not just at the tonnes per hectare involved but also at the layering of the fuel; that is, what is on the surface floor, what is in the lower levels and what is in what we call the mid-level, which we do see a lot of in the lower Cotter, simply because of the age of the fuel since it was burnt out following the 2003 fires, which is why we describe a lot

of those areas as having extreme fuel. There are other areas, of course, where the fuel levels are low, but we mainly focus on those areas where they are extreme and continue to work with Territory and Municipal Services on those areas.

THE CHAIR: Apart from Blue Range in the lower Cotter catchment, are there other areas with extreme fuel loads?

Mr Lane: It is working towards that. One of the things that we reviewed under the strategic bushfire management plan when we conducted that review nearly two years ago was that the longer we go from a major fire event like 2003, the higher the levels of fuel will continue to go, and you will see more levels heading towards extreme. With the catchment, I would not have the specifics in terms of what we would measure as extreme levels across the whole of the catchment as a percentage, but it does increase every year.

THE CHAIR: Is it possible to provide the committee with, say, a map of estimated fuel loads and then a summary of what percentage are extreme and what other categories there are, as you judge them?

Mr Lane: We certainly can. With the strategic bushfire management plan we did it for the whole of the territory so that, based on a do-nothing scale, by 2019 we would see significant areas of the territory at those extreme levels. Obviously that has to be mitigated against the hazard reduction burning, the trail works and the like that Territory and Municipal Services do. We can take it on notice to provide a map giving some detail regarding that information.

Mr Corbell: Chair, with your indulgence, I will ask the commissioner, for completeness, to talk a little bit about the logistical issues in Blue Range in particular that make fire management complex, for those who may be listening to this evidence and but have not read the report.

Mr Lane: Certainly. The Blue Range is an area which, in its history, was all pine forest, most of which was significantly burnt out during the 2003 fires. Since that event we have seen significant pine wildling regrowth in that area which is leading to this extreme fuel hazard. As the report discusses, undertaking traditional hazard reduction burning is very difficult and very different from how we would normally ascribe it in the Australian bush.

In normal eucalypt forests, for example, in the Namadgi national park, you see a build-up of ground fuels based upon the three layers that I spoke about before. Hazard reduction burning to reduce that risk and get that massive fuel level down relies on low-intensity prescribed burns taking through and taking out that lower layer of fuel. That is what Territory and Municipal Services continue to do successfully in many parts of the environment, not only in Namadgi but in plenty of other reserves around the ACT.

Within the Blue Range, though, that is particularly problematic because you are dealing with a completely different type of fuel layer; that is, the regrowth of these pine wildlings intermixed with blackberry and other weeds. That means it is very hard to get what we call the low-intensity prescribed burn in that particular situation.

Therefore you end up with one of two options. You end up with a fire that will not travel through or you end up with a fire that is too intense, which, of course, could ultimately go against the outcomes of water quality and turbidity that we are trying to achieve. That is a particularly challenging part of the Blue Range, as the minister is pointing out, and that is why the trail work that has been undertaken in recent times by TAMS has been successful. But there is a lot of work ahead.

THE CHAIR: What power do you have to direct TAMS as the manager to reduce the fuel loads?

Mr Lane: We have powers where required in relation to the reduction of fuels for land managers. Principally, though, we reflect that through the strategic bushfire management plan. The government has signed off on the agreed objectives in relation to planned fuel management across the landscape, as well as a whole host of other things. In fact there are 12 separate objectives, all of which achieve a reduction in bushfire risk.

Principally, when it comes to my specific powers in relation to fuel management on TAMS land, every government agency or land manager is required to produce a biennial bushfire operations plan. So every two years they submit a plan to the Commissioner of the Emergency Services Agency outlining the proposed works for that period. TAMS choose to do that annually. Every year, they provide a bushfire operations plan so that they can be proactive in continuing to update that program. It is a requirement of me as the ESA commissioner to approve that bushfire operational plan, and it is certainly what I and previous commissioners have done in relation to the works that come through that.

THE CHAIR: With the fuel loads currently in the Blue Range, how do they compare with the fuel loads of 2003?

Mr Lane: In many areas they are heading towards being as bad as they were in 2003 in relation to those extreme levels.

MS LAWDER: The Auditor-General's report mentions that particular care is needed to prevent hazard reduction burns from continuing into revegetated areas which have been planted to stabilise the erodible soil. How do you do that?

Mr Lane: The key advice that we are bringing forward to Territory and Municipal Services, which is very much heeded, is that if you can break up the blocks into smaller, more manageable areas, it allows you to undertake those hazard reduction works. Within the Blue Range, though, it does require significant manual-type works, using machinery or hand tools, to remove the hazard, because of the way I described the prescribed burning.

As the Auditor-General picks up on, though, in undertaking those works, we have to avoid the perverse outcomes of having too many trails or too intense fires. It has to be very carefully managed in relation to when you put prescribed burns into those areas. That is why Territory and Municipal Services are very circumspect about making sure they have exactly the right weather conditions to undertake those prescribed burns. And that is the key. Unless the weather conditions are absolutely correct, there is a

risk of escape of fire during a prescribed burn.

MS BURCH: On there being an increasing load, it is about access and fire trails. In the response to recommendations 9 and 10, it says that you are working closely with TAMS around how you restore and maintain those fire trails. As the fuel load increases, as you have spoken about, the need to keep on top of that increases as well.

Mr Lane: That is right. We are very much engaged, as is EPD, with the intergovernmental working group that is working through the risk plan, as well as the other issues in relation to access management across the trail network. We are very comfortable that, through that process, that particular group is able to bring forward further recommendations and actions for the directors-general water group on how we manage those issues across government.

MS BURCH: It says in the response that reviews by TAMS, Emergency Services, EPD and Icon were to be completed by July this year. How is that progressing? It is in the government's response to recommendations 9 and 10.

Dr Lane: They are with TAMS, but I think they are progressing well. There has been an initial review of the fire trail network and some recommendations have been made around those, both from the perspective of fire management and from the perspective of reducing erosion and run-off into the water body itself. They are progressing on track, as far as I am aware.

MS BURCH: What about the input from ESA?

Mr Lane: The ESA has two officers embedded in that working group. The chief officer position of the RFS and our manager of risk and planning are both actively involved in those discussions.

MS BURCH: Is it clear who is responsible for examining gates and other control structures? Is that TAMS through parks rather than ESA? If ESA is out and about, how do you provide feedback to TAMS regarding your expertise on how your access to these areas could be improved?

Mr Lane: We have very good working relationships with TAMS in relation to those matters. The first and most important part is that all fire vehicles have access to the appropriate fire trails and the gate system through keys to allow them to access those fire trails by necessity across all parts of government managed land. We continue to work very closely not only through on-ground conversations with RFS and TAMS but also more formally through the ACT Bushfire Council. Views from both sides are brought forward when we are all sitting around the table and can talk about those matters at a high level.

Mr Corbell: TAMS field the parks brigade as part of RFS. So they are the custodian of the asset but they are also the operational response agency in part. Clearly, there is a strong linkage between the practicalities of getting vehicles through gates and their day-to-day management.

MS BURCH: Would it be fair to say that whilst you are looking at the lower

catchment area, the strategic bush fire management plan is the overarching approach to how you manage fires, whether it is in Blue Range, lower Cotter or other areas? How does that link in, particularly around the lower Cotter?

Mr Lane: In terms of fire management, the strategic bushfire management plan is the highest level document in terms of policy and planning. Within that, as we went through the planning process, ESA, TAMS and EPD all agreed in relation to the significant actions that we have embedded into the strategic bushfire management plan, which is about continued prescribed burning across those managed lands—recognising, of course, that we still have to meet the outcomes of water quality for now and into the future as those are done. It is the highest level document by which we continue to manage and review the bushfire risk across the various areas.

MS BURCH: The review is to be completed by July. I notice we have had advice on progress through Minister Fitzharris around this. Would the committee expect a progress report once these reviews have been completed to provide ongoing feedback to the committee?

Dr Lane: Yes, I think that is a good thing. If I could add a little bit more around the management of the pines, TAMS is about to appoint a fire management officer. That person would have responsibility for helping to plan how to manage the pine regrowth. Also, on recommendation 8, the reserve management plan, we had progressed a fair way in developing that plan until the auditor's report was handed down. We decided to put that on hold until the risk assessment had been undertaken, so that we can incorporate those risks into the lower Cotter plan. That process has been restarted, and we expect it to be completed on target. A lot of these recommendations are very much interrelated and will be encapsulated in that management plan.

MS LAWDER: I have a supplementary on that. Minister, you have previously mentioned \$5.1 million for fuel or fire management, including removal of the pine wildlings. Are you able to provide the committee with a breakdown of how that money will be spent?

Mr Corbell: It was largely appropriated, if I understand it correctly, to TAMS as the land manager, including responsibility for fire fuel management. But we can take that on notice and seek that information from them.

MS LAWDER: I will ask a substantive question. Recommendation 12 was about a report on restoration against the strategic management plan. The government response in August 2015 was that the Commissioner for Sustainability and the Environment would undertake a review, noting that the final terms of reference would benefit from consultation. Do you have an update on the government response? Have you determined your terms of reference? Was there consultation? Can you give us a progress report on that?

Dr Lane: We have not drafted terms of reference at this stage. We have been talking to the commissioner about what that potentially may look like, but we do not have anything more formal than that at this stage.

MS LAWDER: Do you have a time frame regarding when you might do those

things?

Mr Corbell: As you would appreciate, there has been some change in the office of the commissioner. The previous incumbent, Commissioner Neil, retired from government service. There has been an acting commissioner for a number of months. The government is about to announce a permanent replacement. Once that announcement has been made, I would imagine the new commissioner will be in a position to provide better advice as to the priorities and time frames.

MS LAWDER: So that work has not progressed because of the lack of a permanent person there?

Mr Corbell: I understand that initial scoping has been undertaken by the commissioner's office, but, clearly, there has been some change in the office, and that probably has led to some hiatus in decision-making, given that we have an acting commissioner at this time.

MS LAWDER: The Auditor-General's recommendation, which the government agreed to, said that the report should be made by December 2017. Do you feel that is still going to take place?

Mr Corbell: I do not have any advice that says otherwise.

MR HINDER: In relation to the fire trails, referred to in recommendation 10, because this is a water catchment area, access for fire prevention and all of those things is important, but how do you then deal with the issue of potential damage to the water quality? Is that part of the review?

Mr Corbell: In the context of firefighting or fire management?

MR HINDER: Yes, from a TAMS perspective as well.

Mr Corbell: Generally speaking—the commissioner or Mr Rake might want to add something—land management agencies or fire management agencies are very cognisant of working in a water catchment area. This comes down to decisions that they make minute by minute, hour by hour, in terms of how they conduct work on the ground in a water catchment area. They have to be aware of the impact of their activities on the catchment and on water quality. The most obvious one that comes to mind is in the context of firefighting or managing hazard reduction burns. They have to be cognisant, for example, of the types of chemicals that are used, say, in a bushfire—firefighting foam or whatever it may be—to limit or avoid impacts on water catchments. These are matters that land managers have to take into account day to day as they undertake activities inside the water catchment area. TAMS and RFS personnel are well versed in these requirements because similar requirements exist in other parts of the catchment, for example, in the upper Cotter catchment inside Namadgi proper.

Mr Rake: In a general sense, where we have placed a priority on the quality of the water catchment, as a general proposition, we would prefer to have fewer well-built and well-maintained roads—well designed, well built and well maintained. In

balancing the matrix of obligations, we are trying to minimise the number of roads, but we need to make sure that they provide safe and appropriate access for fire management and fire prevention, as well as fire response.

In thinking about what that might mean, we prefer to build roads that run across the contour rather than straight up and down. It minimises erosion. On the major roads that will be used for fire management, we are thinking about the construction weight, whether it can carry a heavy vehicle, and whether it can carry a heavy vehicle through different weather conditions. We are also thinking about how we manage the vegetation on either side so that we minimise the risk to our crews of being caught in a burnover situation. That sort of matrix comes together. The roads will be categorised. We will have major roads, minor roads. Some of them will be locked down only for use in management activities or fire response. Others will be open more frequently through the year.

MR HINDER: I am assuming, given that the size of the catchment has changed and has been enlarged, that perhaps some of the older roads no longer do what they were supposed to do or need to be replaced, changed, closed or rehabilitated?

Mr Rake: As a general proposition we are closing more roads than we are opening. But where there are key roads a lot of effort is being put in to making sure that they are upgraded where necessary, particularly drainage points to minimise erosion, and that they are subject to routine maintenance.

MS BURCH: It reflects the different equipment and vehicles that will be accessing those roads. If you are closing more roads, that means they have to accommodate a range of vehicles from heavy equipment right through to—

Mr Rake: Correct. Those major roads are constructed and maintained to a higher standard. Previously, with the focus on harvesting pine plantation, there would be tracks that would run straight up and down the hill to allow harvesting equipment to go through. We do not need those as frequently if we are focused on water quality, fire prevention and, ultimately, fire management.

THE CHAIR: Commissioner, you said a number of burns had not been done last year but they are scheduled for the coming year. Primarily, that is a TAMS responsibility?

Mr Lane: Yes, it is. My recollection is that, within the lower Cotter catchment area, there were five burns planned for the 2014-15 period. Three of those were successfully done and two were not completed. They have carried over into this year. I am trying to remember—I cannot; you will have to ask TAMS—whether there are other burns planned, if the weather conditions are right, for this coming autumn.

MR HINDER: That is not what the report said. The report said there were five last year and there had been three in the 2013-14 year, I think.

Mr Lane: I cannot remember the exact numbers. I thought three were successfully completed.

MR HINDER: It says there were five burns in March 2015 covering an extensive

area.

Mr Lane: Yes, my recollection is that that is what was planned. I am not sure if all five were actually completed.

THE CHAIR: That is a question for TAMS rather than ESA. In regard to general conditions for fuel reduction burns, is the coming year likely to be more favourable for fuel reduction burns than last year?

Mr Lane: It is always very hard to predict because we are trying to predict the weather. We have had a very dry February-early March period. Whilst we are seeing some positive signs of getting some moisture, the most recent advice from TAMS is that that window of opportunity has not yet opened up; that is, it is still too dry and potentially too hot, given some of the weather conditions we have had. TAMS assure me, and I think this is the most important point, that they have all of their planning arrangements in place. They have all of their environmental approvals in place. They have all of their containment lines prepared. They have all of their prescribed burn plans ready to go. So when weather conditions are suitable, they are ready to start burning. That is all I can ask from them as commissioner in relation to that.

THE CHAIR: What is your internal assessment from ESA as to the number of occasions when controlled burns could happen in the next year? Does ESA have its own opinion or does it rely on TAMS?

Mr Lane: We work closely, principally through the monthly meetings. I receive information from TAMS through the Bushfire Council. That is where I take my key point of advice from. We do not second guess, for want of a better term, the advice in relation to that. I have every confidence that the fire management experts within TAMS are doing a very good job of monitoring and assessing the fuel conditions, and they can certainly take you through that in more detail about how they do that.

THE CHAIR: Are all of the fire management experts now in TAMS? You have not retained any in-house in ESA?

Mr Lane: We still have our fire management experts within ESA, but, as I said before, it is TAMS's responsibility to undertake their own prescribed burns. They assess and monitor when conditions are right for that.

THE CHAIR: Going back to my original question, what is your in-house expertise telling you about the coming year in regard to the availability of occasions for controlled burns?

Mr Lane: My in-house experts would say if they were here that there will be opportunity. The question will be how much, where and to what extent. That is the unknown, even they would say.

THE CHAIR: Is there a feeling that there will be more opportunity than last year?

Mr Lane: It is too hard to tell. We are seeing some interesting changes in the weather. We have some significant tropical activity happening in Northern Australia. We have

massive rains across Central Australia as we speak. If some of that sub-monsoonal activity moves south through troughs, as some of the weather is showing, it might rain for the next three or four weeks, which would, of course, significantly limit any chance for hazard reduction burning. If, however, we get to the situation where, ideally, we get 25 to 50 millimetres of rain at this time of the year, that would be an ideal scenario for us. If there was, say, a month or two of dry weather following that, that would allow for significant prescribed burning activity to potentially take place. But there are a lot of “what ifs” in that. It really depends on the outcomes of the weather and, obviously, on the land managers being prepared, with the support of ESA. ESA provide crews, volunteers, to assist with those burns when the time comes. It is just too hard to say. There are too many “what ifs” around that.

MS BURCH: Recommendation 1 relates to developing a code of catchment management. I appreciate that TAMS is responsible for leading on a lot of this, but it is work that will be done with EPD. The response says that the work is to commence in late March this year. How is EPD, or ESA if they have a role in it, working towards that code of practice review?

Dr Lane: EPD would be involved at different levels. Our conservation research unit are very heavily involved in management of flora and fauna, and threatened species in particular. They are also very involved in fire management. They provide their advice on the bushfire operation plan, not just about fire but also about other hazard reduction methods like slashing, for example.

The policy area would be very much involved in the code of practice, along with the Conservator of Flora and Fauna. The conservator can be involved in developing guidelines for conservation management. That is a new role for the conservator under the new Nature Conservation Act. My understanding is that some of these guidelines may be combined. There are a couple of recommendations around guidelines, so there is some discussion about having an aggregated guideline rather than separate guidelines. At this point it is probably better for TAMS to answer, but I do not think we have anything drafted to discuss at this point.

MS BURCH: A progress report was given to us a couple of weeks ago that says it will commence late in March; you do not have any active consideration about how EPD will be involved in that, given the scope of the works around water quality, bushfire hazard and construction work? It goes back to how you are updating and moving through the road and fire trail system. How is the early thinking on this linked to this code of practice for potable water?

Dr Lane: EPD is on the multi-directorate working group, the same one that worked through that risk assessment. That working group will continue. With the big piece of work to be got underway first, we felt it was really important to understand the risks and tackle those. The guidelines were probably seen as work that could follow after that risk assessment. That working group will continue to work through the recommendations and come up with some of its own recommendations and guidelines.

MS LAWDER: I want to ask about recommendation No 2. The status update says:

The Conservator of Flora and Fauna has resolved to review all existing

management agreements with ActewAGL and Icon.

Can you give us a time frame regarding what you are doing and when those things might take place in response to this recommendation?

Dr Lane: We have had a number of good discussions and productive meetings with Icon Water. We have a draft document that both parties are currently considering. We feel we are not far away from agreeing on the process and the conditions within that document. As I mentioned before, it is with respect to the maintenance and the inspection activities of Icon Water around their various assets and at their various sites. It is also about working in conjunction with TAMS, of course, as the land manager. There are really three main parties involved in developing that agreement.

I would estimate that we would have that agreement finalised certainly by the middle of this year. We have had some initial discussions with ActewAGL, looking at their maintenance requirements around their equipment. Those discussions are in the early stages.

MS LAWDER: Will the new agreement likely narrow the scope of applications for Canberra nature parks and environs?

Dr Lane: That includes the lower Cotter. I think that just excludes the Murrumbidgee and Googong, but it includes the rest of the ACT.

MS LAWDER: What does it exclude?

Dr Lane: Googong and the Murrumbidgee, I believe. I will check which section of the Murrumbidgee is involved. I am sorry; I will make a correction. It is all of the ACT except for the Murrumbidgee to Googong water transfer pipeline. There are a number of offset properties as well which are managed for different purposes.

MS LAWDER: Offset properties? Do you have any idea how many of those there are and what area they might cover?

Dr Lane: There are three blocks: 1471, 1675 and 1685, district of Tuggeranong.

MS LAWDER: Why would those three blocks be excluded as opposed to all the other offset blocks or any other—

Mr Corbell: I think they would be in private ownership.

Dr Lane: They would also be managed for particular species. There could be some different conditions around them.

MS LAWDER: Are you able to provide on notice whether it is because they are in private ownership, whether it is for species or both, or for some other reason?

Dr Lane: Yes.

MR HINDER: Going back to fuel management, this is probably one for

Commissioner Lane: whilst it is a TAMS responsibility, it is in relation to the bushfire operational plan that the burns are done. Is it fair to say that we are at the beck and call of nature in relation to, as you say, rainfall? I note that the Auditor-General's report at paragraph 4.24 talked about the difficulties in conducting the BOP controlled burn activities in the ACT during three of the past four years due to above-average rainfall in the autumn burn seasons leaving the forest fuels wet and unable to be burnt. That is where it resulted in not meeting the number that were planned; is that how it works?

Mr Lane: Yes, that has been the case over the past couple of years. Again it gets back to the ability to get that right window of opportunity for weather. From time to time opportunities are taken in the springtime to undertake prescribed burning activity. But that is extremely challenging because with the onset of summer, particularly in bushland areas, you can have, some months later, sparks come out of burning tree roots and those sorts of things, and that would pose a significant risk. When it comes to the conditions within the lower Cotter, as we talked about before, it is exacerbated further. Not only is it the weather conditions that are challenging; it is also the types of fuels that TAMS are attempting to hazard reduce. That narrows that window of opportunity even more.

MS BURCH: You mentioned, and it is in the report, the use of volunteers. You have Greening Australia; lots of volunteer groups want to be part of restoration in this area. How do you harness all of them and make sure they are all operating within what will be the outcomes of many reviews of codes of practice and guidelines? It is a bit like asking, "How long is a piece of string?" There is a joint effort here. It is for the community.

Mr Corbell: There certainly has been. Certainly, the restoration of the Cotter catchment, in terms of physical labour and tree planting, has been driven by a very significant volunteer effort over at least half a decade following the fires. That was led by Greening Australia, and that was supported by a series of funding initiatives both federally and from the ACT government. That has led to a significant replanting across the catchment. That project is now complete, so there is no further significant tree planting occurring within the catchment now. But that only ceased a couple of years ago.

Essentially, there has been almost a decade of replanting effort by Greening Australia and volunteers. Moving forward, these will be matters for TAMS to manage as the land manager, in terms of their engagement with volunteer groups such as Greening Australia and others. As I understand it, there is an ongoing relationship but it is not on the scale that it was immediately following the fires.

MS BURCH: As volunteers get involved, they will be, in many ways, under the umbrella of the greater codes and management plans for the catchment area?

Mr Corbell: Yes. Volunteer groups will be out there. If they are engaged in particular land management tasks, they are working within the planning framework that has been put in place by TAMS and sits within the broader government planning framework. That is true.

MS BURCH: I give a shout out to all the volunteers across the different services.

MS LAWDER: On recommendation 8, it comes back to the previous questions we have had about vehicle access and kayakers, for example. Recommendation 8 is about a plan of management for the lower Cotter catchment. Will EPD be providing their input on community awareness, to guide the community on permitted and prohibited activities in the lower Cotter catchment? Will EPD have a say in that or is that a TAMS-alone issue?

Mr Corbell: That comes back to the risk assessment that we were talking about earlier in terms of access, which is being undertaken by TAMS as the lead agency, but EPD are engaged in that risk assessment process.

Dr Lane: We do work together on developing those management plans. We provide some of the research input and the policy overview. TAMS need to implement the plan, so they have an important role to play in providing their feedback. Certainly, the plan will include what is allowed in terms of recreation and what is not allowed, and what activities are prohibited and those that are managed.

MS LAWDER: In the work to date, regarding the recommendation in the audit report, it refers to “a clear statement of responsibility of different agencies and agreed coordination processes”. Has that part already taken place? Do you already have a clear statement of the responsibilities of each agency to finalise the plan of management? It comes from the Auditor-General’s report.

Dr Lane: Certainly, if it is in the Auditor-General’s report, it would be included in the plan of management.

MS LAWDER: Have you come to that agreement yet or are you still working on it?

Mr Rake: The plan of management is still being finalised, but we have a directors-general working group, and that starts with us each bringing our relative expertise. EPD brings policy responsibility for environmental matters, ESA brings both policy input for emergency management and operational oversight, and TAMS brings land management expertise. We expect that those relative areas of strength would be reflected in the plan of management as it is documented and formalised. So, yes, we all bring our bits together and we all recognise the strongest elements of our contribution, where we take the lead role.

MS LAWDER: My question was: is agreeing on the responsibilities one of the first parts, so it then influences what you input into the plan of management?

Mr Corbell: That has already been done through the coordinating mechanism that Mr Rake referred to earlier.

THE CHAIR: There being no further questions, minister and officials, thanks for your attendance this afternoon. A number of questions have been taken on notice during the course of the hearing. We have not set a formal deadline for receipt of responses, but two weeks would be the normal expectation. Perhaps if they could be provided by the last day of March, that would be appreciated by the committee. On

behalf of the committee, I would like to thank you, minister, and the accompanying directorate officials, for attending today. When available, a proof transcript will be forwarded to witnesses to provide an opportunity to check the transcript and suggestion any corrections. I now formally declare this public hearing closed.

The committee adjourned at 3.39 pm.