

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Tuesday, 23 August 2022

Examination of proposed expenditure for the portfolio area

ENVIRONMENT AND HERITAGE

The Committee met at 9:30.

UNCORRECTED

MEMBERS

Ms Sue Higginson (Chair)

The Hon. Scott Barrett
Ms Abigail Boyd
Ms Cate Faehrmann
The Hon. Rose Jackson
The Hon. Shayne Mallard
The Hon. Mark Pearson (Deputy Chair)
The Hon. Penny Sharpe

MEMBERS VIA VIDEOCONFERENCE

Mr Justin Field

PRESENT

The Hon. James Griffin, *Minister for Environment and Heritage*

* Please note:

[inaudible] is used when audio words cannot be deciphered.

[audio malfunction] is used when words are lost due to a technical malfunction.

[disorder] is used when members or witnesses speak over one another.

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

The CHAIR: Welcome to the initial public hearing for the inquiry into budget estimates 2022-2023. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the land on which we are meeting today. I pay my respects to Elders past, present and emerging, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. I welcome Minister James Griffin and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Environment and Heritage.

Before we commence, I would like to make some brief comments about the procedures for the hearing today. Today's hearing is being broadcast live via the Parliament's website. The proceedings are also being recorded, and a transcript will be placed on the Committee's website once it becomes available. In accordance with the broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings.

All witnesses in budget estimates have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could answer only if they had more time or with certain documents to hand. In these circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. Finally, everybody should turn their mobile phones to silent for the duration of the hearing.

Mr SAM KIDMAN, Executive Director, Heritage NSW, Department of Planning and Environment, affirmed and examined

Ms CARMEN DWYER, Executive Director, Regulatory Operations Regional, NSW Environment Protection Authority, sworn and examined

Mr TONY CHAPPEL, Chief Executive Officer, NSW Environment Protection Authority, sworn and examined

Mr ATTICUS FLEMING, Acting Coordinator-General, Environment and Heritage Group, Department of Planning and Environment, affirmed and examined

Mr DEAN KNUDSON, Deputy Secretary, Biodiversity, Conservation and Science, Department of Planning and Environment, affirmed and examined

Ms MICHELLE DUMAZEL, Executive Director, Biodiversity and Conservation, Department of Planning and Environment, affirmed and examined

Ms ELIZABETH OWERS, Director, Customer Service, Heritage NSW, Department of Planning and Environment, affirmed and examined

Mr ANTHONY WILLIAMS, Executive Director, Regulatory Practice and Environmental Solutions, NSW Environment Protection Authority, affirmed and examined

Mr STEPHEN BEAMAN, Executive Director, Regulatory Operations Metro, NSW Environment Protection Authority, sworn and examined

Mr ALAN GOODWIN, Acting Chief Executive Officer, Biodiversity Conservation Trust, Department of Planning and Environment, sworn and examined

Ms NAOMI STEPHENS, Acting Deputy Secretary, National Parks and Wildlife Service, Department of Planning and Environment, affirmed and examined

Dr GEORGINA KELLY, Executive Director, Science, Economics and Insights, Environment and Heritage Group, Department of Planning and Environment, sworn and examined

Dr KATE WILSON, Executive Director, Climate Change and Sustainability, Office of Energy and Climate Change, NSW Treasury, affirmed and examined

Ms NANCY CHANG, Executive Director, Regulatory Policy, Initiatives and Advice, NSW Environment Protection Authority, affirmed and examined

Ms TRISH HARRUP, Acting Executive Director, Conservation and Aboriginal Partnerships, National Parks and Wildlife Service, Department of Planning and Environment, affirmed and examined

Mr ANDREW NICHOLLS, Executive Director, Business Delivery, National Parks and Wildlife Service, Department of Planning and Environment, sworn and examined

The CHAIR: Today's hearing will be conducted from 9.30 a.m. to 12.45 p.m., with a 15-minute break at 11.00 a.m. We are joined by the Minister in the morning, and in the afternoon we will hear from departmental witnesses from 2.00 p.m. to 5.15 p.m., with a 15-minute break at 3.30 p.m. During these sessions, there will be questions from Opposition and crossbench members only. If required, an additional 15 minutes is allocated at the end of the morning and afternoon sessions for Government questions.

Thank you, everybody, for your attendance today. We will begin shortly with questions from the Opposition, but two documents are to be tabled at the commencement of the proceedings: firstly, a document entitled *Final report – Advice on Coastal IFOA operations post-2019-20 wildfires*, which is dated June 2021 by the Natural Resources Commission. The Committee tables that document and notes that the document will be published.

The Hon. SHAYNE MALLARD: Point of order: We have had this discussion. The document is a Cabinet-in-confidence document, as you can see on the front. It's still an active Cabinet document, I'm advised. It was stolen, it's been leaked, and it should not be given the endorsement of the Parliament by publishing it. It might be on the website; it might be on members' own files. But we should not be endorsing its publication because we're endorsing an illegal act. The Government members strongly oppose the publication of that document. I'll address the second one when you come to it.

The CHAIR: In response, I note that the Committee did have a discussion about this, it has taken advice, and it has looked at a number of rulings in relation to inquiries around privilege and documents in this

circumstance. The overwhelming suggestion is that a document that has been in the public domain now for many months and applying a public interest test—which we discussed quite rigorously at the Committee meeting before the commencement of this hearing—the support of the Committee was that the document be tabled and published in accordance with past procedures of this Committee and other committees of the House.

The Hon. SHAYNE MALLARD: That's your ruling on my point of order?

The CHAIR: That's my ruling.

The Hon. SHAYNE MALLARD: We oppose that.

The CHAIR: That document is tabled and is for publication. Mr Field?

Mr JUSTIN FIELD: Thank you, Chair. Apologies to the witnesses; I'm doing this remotely. I would like to table a document entitled *Advice on koala protection in the proposed new Private Native Forestry Codes of Practice*, dated September 2021. It's advice from the Chief Scientist & Engineer. Chair, do I need to explain the history or can I just table it and indicate that the Committee has taken a similar position as was taken to the previous document?

The CHAIR: It would be beneficial to briefly explain the arrival of the document.

Mr JUSTIN FIELD: This document was obtained by my office under a GIPAA request. Subsequent to it being sent to my office by the EPA, I received a request to return the document, indicating that it'd been released inadvertently. I've chosen to bring it to this Committee and seek to table it and have it published for the following reasons. This advice now is almost a year old. It was advice that related to a decision that has already been taken by the Cabinet. It does not in any way disclose the deliberations of Cabinet. As such, being considered under the same circumstances of previous committee hearings and decisions taken by the Privileges Committee of the Legislative Council, I believe there is a public interest in tabling this information on the public record.

The CHAIR: I now table and note that the document will be published.

The Hon. SHAYNE MALLARD: Point of order: I take a point of order on that one as well. It's slightly different to the last one but, nonetheless, the Privileges Committee, which I'm a member of, reviewed the power of the committees to publish documents. You referred to that in your last ruling. Indeed, whilst we have the power to publish, we also have responsibility about publishing. We're a legal body of the Parliament. I commend Mr Field for obtaining this document legally and properly, as opposed to the last document. But the EPA, through their legal people, have tried to retrieve the document because it was released in error. I think it's irresponsible that it hasn't been returned.

Therefore, the Government will oppose the publication of this document because it, through the proper processes of government, had been trying to retrieve it. We should respect the legal position of the EPA and the Government to retrieve that document. We shouldn't be endorsing the publication of a document which they've tried to retrieve through proper and legal means. It's a different issue to the other one, but nonetheless we should respect it. The Government will oppose the publication of this document.

The CHAIR: Once again, the Committee did have a discussion and came to a decision, particularly with this document applying the public interest test. On all occasions the Committee takes its responsibility very seriously and of the highest nature in relation to Cabinet-in-confidence documents. However, there are circumstances where documents are in the public realm and the test then becomes a new test. The application of the public interest test in this case has resolved that the Committee will be tabling and publishing these reports.

The Hon. SHAYNE MALLARD: I note our opposition.

The CHAIR: We will commence with questions from the Opposition.

The Hon. PENNY SHARPE: Good morning, Minister, and all of your officials; there are many. Congratulations, Mr Chappel, on your appointment. Minister, I wanted to ask you about the *NSW State of the Environment* report. Obviously, it was released late last year and shows a fairly disturbing pattern of the state of our environment across New South Wales. While I accept that there are some climate change indicators and those kind of things, looking specifically at the environment/nature indicators, there are 38 environmental indicators. Eighteen of those are indicating that they're getting worse, 12 are stable and yet only eight are getting better. What action have you taken after the release of this report to try and turn that around?

Mr JAMES GRIFFIN: Thank you, Ms Sharpe, for the question. Indeed, the *State of the Environment* report that was released earlier this year by the EPA did make for stark reading and set out some of the challenges that we face with respect to the environment across New South Wales. In many respects, the *State of the*

Environment report reinforced the good work being done by this Government in many different policy areas and initiatives, and at the same time—

The Hon. PENNY SHARPE: What would you point to that is reinforcing the good work? Given the majority of the indicators are getting worse, what do you point to as showing the good work that's been done in the past 12 years?

Mr JAMES GRIFFIN: Take, for example, the complex nature of land use and the work that's been done by this Government to increase the national park estate by more than 600,000 hectares over the past couple of years, combined with the terrific work of the Biodiversity Conservation Trust, which has entered into over 2,000 agreements with landholders, which have put under management and conservation more than 2 million hectares across the State. In addition to that, you may recall a robust discussion when I was last in front of this Committee about the koala strategy, which has subsequently been released and enthusiastically embraced by many across New South Wales. A record investment in our marine environment. The *State of the Environment* report articulated and set out very effectively where Government needs to continue to focus its effort and its work in supporting our environment and our biodiversity. For that reason we continue to aggressively expand the national park estate, invest in national parks, invest in private land conservation and, equally, in the marine space, do very important work that supports our marine ecosystem as well. I've had the opportunity—

The Hon. PENNY SHARPE: Okay, thank you. I might just stop you there. That's given you all the positive stuff that's in the report. Let's talk about the rest of it then. Can we talk about the rates of land clearing, which have tripled over the time since you've loosened all of the regulations? What are you doing about that? Are you doing anything about that?

Mr JAMES GRIFFIN: Yes, absolutely. Land use, and the complexity of it, is not only an issue that is experienced in New South Wales or Australia; it's in fact a global issue.

The Hon. PENNY SHARPE: Sure, but in New South Wales, land clearing has tripled since you changed the laws.

Mr JAMES GRIFFIN: For the record, I didn't change the laws, but I've had the opportunity—

The Hon. PENNY SHARPE: Sorry, you were part of the Government that did. We're going to have a very long morning if every time I ask you a hard question you say, "I wasn't the Minister then". You are part of a collective government; this is your 12-year record. I'm trying to ask you about that.

Mr JAMES GRIFFIN: I completely appreciate that.

The Hon. PENNY SHARPE: The change in laws on land clearing has led to a tripling of land clearing and more unexplained land clearing than we've ever seen before. What is being done to try to address that?

Mr JAMES GRIFFIN: I very much appreciate that, and I'm trying to give a constructive answer. We are expanding our national park estate in—

The Hon. PENNY SHARPE: Sorry, I'm talking about land clearing on private land.

Mr JAMES GRIFFIN: Yes, and with respect to private land clearing, equally—

The Hon. PENNY SHARPE: You can't buy all of the private land and turn it into a national park, Minister.

Mr JAMES GRIFFIN: No, equally, and I think it is worth—for those watching from home, 71 per cent of Australia or thereabouts is held in private ownership, and so we need to work in partnership and collaborate with private landowners, whether they be in the agricultural industry or hobby farms or other sorts of land use. To that end, we have continued to fund the Biodiversity Conservation Trust and work right across New South Wales. I had the opportunity to go and visit a private landowner who was working with the Biodiversity Conservation Trust to put a biodiversity stewardship agreement in place.

The Hon. PENNY SHARPE: Terrific, and everyone thinks that's great, and there is broad support for the BCT. What I'm wanting to understand, though, is the amount of land that's being put into the Biodiversity Conservation Trust versus the amount of land that's being cleared every year, which is continuing to increase. What are you doing to put a brake on clearing on private land, working with landholders, which we all support, to actually try to address that—or are you basically just happy to let it go at the rate that it's currently going?

Mr JAMES GRIFFIN: No, not at all. There are two elements to this. One is expanding the amount of land that has some sort of conservation agreement in it, and we're working equally through our Sustainable Farming initiative to support and encourage landowners to participate in better conservation. Separate to that are

the regulatory and compliance functions. We have our Early Change Monitoring program. We have additional officers out there in the field that are working to enforce compliance.

The Hon. PENNY SHARPE: Alright, we'll come to that this afternoon. For all of the public servants that are here, I will be asking you how much compliance you've been doing. You can give me the numbers after lunch, if you could. That would be great. Again, I understand that you're going to point to a lot of programs. I'm actually trying to understand whether you accept that the changes to the regulatory environment have led to the increase in land clearing and whether you believe there needs to be changes made to address it.

Mr JAMES GRIFFIN: Absolutely, there does need to be change made.

The Hon. PENNY SHARPE: How are you going to do that?

Mr JAMES GRIFFIN: And for that reason, I'm pleased to announce today that I have finalised the terms of reference for the review into the Biodiversity Conservation Act.

The Hon. PENNY SHARPE: This is the five-year statutory review?

Mr JAMES GRIFFIN: Correct.

The Hon. PENNY SHARPE: After you didn't do the three-year review that was promised.

Mr JAMES GRIFFIN: I think we're on a unity ticket when it comes to the review, so I'm sure you'll share my enthusiasm that the terms of—

The Hon. PENNY SHARPE: I share the disappointment of everyone that you didn't do the three-year review.

Mr JAMES GRIFFIN: But you'll equally share my enthusiasm that I have finalised the terms of reference.

The Hon. PENNY SHARPE: Great. Will you table them for us?

Mr JAMES GRIFFIN: Shortly we'll be able to do that.

The Hon. PENNY SHARPE: We've got to wait for the media release?

Mr JAMES GRIFFIN: I'll make sure it gets to your office first.

The Hon. PENNY SHARPE: Yes, that would be good, if you're announcing it here and we can't see it and ask you about it. Sure.

Mr JAMES GRIFFIN: No, but I can give you complete confidence that the terms have been finalised.

The Hon. PENNY SHARPE: I'd prefer to see it in writing, Minister.

Mr JAMES GRIFFIN: And you'll equally be pleased with the eminent Australian that will be chairing an independent—

The Hon. PENNY SHARPE: Who is that?

Mr JAMES GRIFFIN: Well—

The Hon. PENNY SHARPE: Oh, we've got to wait for the media release. Seriously, Minister, you've come here today to make an announcement to try to cut off some of the questions here. You can't give us the terms of reference, and you won't tell us who's doing the review because we're waiting for your media opportunity. Really?

Mr JAMES GRIFFIN: No, with respect, Ms Sharpe, I am trying to—

The Hon. PENNY SHARPE: I think you're disrespecting the Committee.

The Hon. SHAYNE MALLARD: Point of order: I didn't want to have to do this—

The Hon. ROSE JACKSON: Is it Malcolm Turnbull?

The Hon. PENNY SHARPE: I hope not, but it could be.

The Hon. SHAYNE MALLARD: Inevitably, we're going to have this point of order earlier on in the day, so let's get it out of the way. Let the Minister explain what he's trying to explain. If you go through the *Hansard* for what just happened then, it's just cut-off, cut-off, cut-off. He's trying to say it, so let the Minister have some clear air to answer the question.

The Hon. MARK PEARSON: She's trying to have him elucidate; that's all.

The CHAIR: Yes, I think the conversation is flowing. I think we're okay.

The Hon. PENNY SHARPE: I won't interrupt, Minister. I apologise.

Mr JAMES GRIFFIN: That's okay. I appreciate your enthusiasm and support for the five-year review.

The Hon. PENNY SHARPE: When I see the terms of reference, yes, probably. We're going to wait for that. I turn to some other items in the *State of the Environment* report. Land clearing is obviously one that's very serious, and we've got significant problems. Can we talk about invasive species? One of the most disturbing parts of the *State of the Environment* report is that it's costing our economy around \$2 billion to deal with a range of invasive species, whether it's deer, carp, weeds, dogs, goats, cats or lantana, just to start. How much money are you investing in national parks to deal with weeds and pests?

Mr JAMES GRIFFIN: I have visited about 25 national parks since taking on the portfolio and have had the opportunity—

The Hon. PENNY SHARPE: You're doing better than some of your predecessors—very good.

Mr JAMES GRIFFIN: Thank you, and I had the opportunity to meet with the staff that are actually undertaking the controls. There's a significant investment, and I'm pleased to advise that we are delivering the largest feral animal control program in the history of parks.

The Hon. PENNY SHARPE: How much?

Mr JAMES GRIFFIN: Perhaps Mr Fleming can provide some detail on that.

ATTICUS FLEMING: We've almost tripled the level of aerial shooting, so the number of hours of aerial shooting taking place. This year we're tracking for about 1,300 hours. I think last year it was—I don't have the figure off the top of my head, but around 1,500 hours.

The Hon. PENNY SHARPE: Mr Fleming, thanks, I appreciate that. You can say that off a baseline it is three times more—good, I'm not going to complain about that. How much money does national parks spend on eradication of weeds and pests? I'm trying to understand what the field officers do, where the teams work and how much is actually being put into dealing with this problem that's costing us \$2 billion a year.

ATTICUS FLEMING: I can give you a brief answer and then give you more detail on notice. The parks budget at the moment is significantly larger than any other budget in its history. We are spending more money on feral animal control than ever before in its history.

The Hon. PENNY SHARPE: Sure. How much?

ATTICUS FLEMING: It's very difficult to break that down to a precise figure because, as you'll know, Ms Sharpe, so much of what we do is integrated. Our field officers, for example, work on a whole range of different activities, often in the same day, so it's hard to break down and allocate the cost to a particular activity. The best I can do is give you numbers, such as saying that we have tripled the level of feral animal control. We've removed over 70,000 feral animals from our park estate in the last two years. I am very confident that the level of feral animal control in our national parks is significantly higher than at any point in our history.

The Hon. PENNY SHARPE: When will we see a—

ATTICUS FLEMING: Can I add, I appreciate the—

The Hon. PENNY SHARPE: What I wanted to know is what is the plan for actually seeing the difference in terms of their eradication? Can I just say that there is very good staff at national parks. I love the work that they do every day. I don't get to talk to them very much but, when I do get to talk to them, they tell me these things. They tell me that they don't have enough certainty in the funding that they have to deal with their weeds and pests programs. It's on, off, on, off, and then, all of a sudden, "Quick, we've got to get the money out the door by June." They tell me that there are not enough dedicated people doing it regularly. Many of them feel as though they're doing their best, but there's nothing they can do because the numbers are so high.

ATTICUS FLEMING: I think the answer to your question, in part, is that the recent budget included funding for 250 ongoing roles in parks. I think you're right. I have heard also from—

The Hon. PENNY SHARPE: To be clear, those 250 roles were temporary roles that have been made permanent. They are not in addition. How many additional staff are there in national parks as a result of that announcement?

ATTICUS FLEMING: The best way I can answer your question is to say that our FTE is over 2,000, which is a very significant increase. Again, it's easily the highest staffing level we've ever had. Those roles—

The Hon. PENNY SHARPE: It's very appreciated after the cuts that have happened in the past decade. It is very good to see you replacing that.

ATTICUS FLEMING: The ongoing roles in the last budget will enable us to maintain that staffing level at or about the highest level in parks history. I think your other question around when we will see results is a really good question. I don't think anyone has a great answer for you right now, but what we are doing is designing an ecological-health monitoring program that we can roll out across the State. There is no national parks agency in the world that has got this right yet. I have had discussions with others, such as the US, so I'm confident in saying that.

This will take us a few years to get right, but that will give us the evidence and the data to show not only what's happening with the populations of feral animals and the area of occupancy of weeds, for example, but also what the response is in terms of populations of native species and the health of our habitats. We are addressing the question that you've asked, but it is a difficult question on technical levels and on resourcing levels, and it's probably a few years before we've got a really good answer for you. In the interim, what I can say is that the level of effort that is going in is higher than ever. The number of feral animals being removed is very high—70,000 over the last couple of years. I am confident that we're doing everything we can to address feral animals and weeds on national parks.

The Hon. PENNY SHARPE: We might come back to this this afternoon. Thank you, Mr Fleming. Minister, can we talk about wetlands in the *State of the Environment* report? It is very disturbing in terms of the health of the wetlands. All of them are getting worse—wetland extent, wetland condition and waterbird abundance and diversity. La Niña has been very good for one thing, which is that the wetlands are looking much better, but there has clearly been a huge impact. What specifically are you doing to protect the wetlands that we have throughout New South Wales, particularly given that they have been given a big drink in the past 12 to 18 months?

Mr JAMES GRIFFIN: I have had the opportunity to see them firsthand and the impressive biodiversity that is in abundance—Macquarie Marshes, for example, in western New South Wales—and the value and the importance that thriving wetlands have for our State and the biodiversity within it. We're doing a significant amount of work, whether it is through national parks or the Biodiversity Conservation Trust, to ensure that those wetlands are protected in perpetuity and get the support that they need. Mr Knudson or Mr Fleming will be able to provide you with some further specific detail.

The Hon. PENNY SHARPE: That's okay. We'll come back to that. There's a long list in environment, as you know, Minister. I wanted to ask you about waste. Again, the *State of the Environment* report shows that we are not meeting any of the targets that we have set. Basically, construction and demolition waste is probably the closest that we are getting to actually meeting the targets for 2022. What's changing that is going to actually get these numbers up, particularly with municipal solid waste?

Mr JAMES GRIFFIN: Waste is a critically important part of a clean environment. We have, as we discussed with this Committee last time, our Waste and Sustainable Materials Strategy—\$356 million to assist in dealing with all aspects of the waste stream, recognising the importance of councils as partners in dealing with waste. I'm sure you will agree, or members of the Committee will agree, that the footage the other week of people's recycling being mixed with household waste was something that none of us want to see. It's important to ensure that there is integrity in how people's recycling and waste is dealt with. To that end, the \$356 million Waste and Sustainable Materials Strategy is setting out to improve the capacity infrastructure that we have in New South Wales to deal with waste and recycling. Indeed, this year we—

The Hon. PENNY SHARPE: Can I just stop you there? Great. You've got a strategy and you're throwing millions of dollars at it. If you had been sitting here five years ago, you would have told me that the last strategy would have got us to 70 per cent recycling of municipal solid waste. We have only got to 43 per cent up to 2020. Commercial and industrial is only 52 per cent when, again, the target was 70 per cent. Are the targets remaining? How confident are you that they are actually able to be met?

Mr JAMES GRIFFIN: I think it is important to acknowledge that targets have been set. That's the first thing. Some transparency and a goal to—

The Hon. PENNY SHARPE: They're set, but if they're not met, as they weren't in the last strategy, we've got a problem, haven't we?

Mr JAMES GRIFFIN: We are aggressively working towards them. I have had the opportunity to visit many waste and recycling facilities and see the work that's happening in action and the support we're providing to councils and industry to get this done. Mr Chappel might want to provide some further detail, or Ms Chang, on some—

The Hon. PENNY SHARPE: Can I just clarify with you, in the new waste strategy, what are the targets for the three types of waste?

Mr JAMES GRIFFIN: Mr Chappel or Ms Chang can give you the specific targets, but the fact that we have—

The Hon. PENNY SHARPE: Do you not know what they are?

Mr JAMES GRIFFIN: I will have a look for you. As you said, there's a lot of detail to be looking at. What I do know is the \$356 million that we've put into the Waste and Sustainable Materials Strategy is seeing us aggressively—

The Hon. PENNY SHARPE: Let's be clear: The money for that comes from the waste levy, doesn't it?

Mr JAMES GRIFFIN: Yes, and other—yes. Ms Chang, do you want to provide some comment?

TONY CHAPPEL: Perhaps just while she comes forward, Chair, if I may, there are some new targets in the strategy, including a 10 per cent per person reduction target of waste generated. And we have an 80 per cent recovery rate aspiration across all waste streams by 2030.

The Hon. PENNY SHARPE: We've gone from 70/70/80 to 80 across all three but, just to be clear, we're at 43/52/76. They're the last figures, unless there's updated figures that we can get into.

TONY CHAPPEL: I understand we're very close to publishing the latest update. I'll take some advice on whether we might be able to share that.

The Hon. PENNY SHARPE: Terrific. If you can come back this afternoon about that, that would be great. Ms Chang?

NANCY CHANG: I just wanted to make some comments in terms of the overarching target and how this strategy differs from the last one. We understand—

The Hon. PENNY SHARPE: Sorry, Ms Chang. I've got a very limited amount of time. I will definitely ask you about this this afternoon.

NANCY CHANG: I'll come back this afternoon.

The Hon. PENNY SHARPE: I appreciate that. I'm trying to elicit from the Minister where he is at. Minister, why did you put in an exemption for plastic-lined cardboard bowls after the waste strategy? Why has that exemption been put in place?

Mr JAMES GRIFFIN: As you're aware, we, with great delight, banned single-use plastic bags in June of this year. In November we will be going even further and banning other single-use plastic items. There has been a great deal of work through the New South Wales plastics plan. Doing that will remove billions of tonnes of plastic from our environment and stop it at the source. In some circumstances, exemptions are required, whether it's for health or hospital use, where particular bowls or items are needed to be used in health or hospital settings, for example, or in some circumstances where there is not an appropriate alternative. Even though there is marketing or communications around appropriate environmental alternatives, in some senses that is not actually the case. The team has worked through the definitions and identified where there is an exemption that is required from time to time.

The CHAIR: Minister, it is almost a year ago that the Bushfire Survivors for Climate Action won their case and the Land and Environment Court told you that you must perform your duty and develop environmental quality objectives, guidelines and policies to ensure protection from climate change. Where are we up to?

Mr JAMES GRIFFIN: Yes, thank you, Chair. I just think it is worth acknowledging from the outset that I had the opportunity to recently meet with the group that you mentioned, the Bushfire Survivors, and want to place on the record my thanks to them for sharing some traumatic stories and equally thank them for a fulfilling discussion about the judgement. I think it is fair to say that there is a community expectation that the Government and, indeed, regulators around Australia will do whatever they possibly can to ensure that there are good policies and legislation in place to deal with climate change. With respect to the judgement that you mentioned, I might pass to the CEO of the EPA to give you an update as to where the EPA is at with that matter.

TONY CHAPPEL: Thank you, Minister. Chair, I am delighted to share that we expect the release imminently of the EPA's draft policy on climate change and an action plan. It will cover three elements, the first of those being an educative information-gathering and collaborative piece of work across each sector. There will obviously be a very major focus on mitigation over time and the achievement of the ambitious climate change

target the New South Wales Government set of a 50 per cent cut in emissions by 2030; and a major focus, as you might expect, on adaptation, and the EPA certainly has significant lived experience in that space in recent years.

The CHAIR: When you say "imminently", what date will we see the release?

TONY CHAPPEL: I am confident it is imminent. I can't give you a specific date, though.

The CHAIR: So a week, two weeks, a month, or before the end of the year? In this place it can be three years.

The Hon. PENNY SHARPE: Or never.

TONY CHAPPEL: More the ordinary meaning of the word, I would say, Chair, rather than—

The Hon. PENNY SHARPE: That is Ministers'—not this Minister, other Ministers' use of the word.

TONY CHAPPEL: I am certainly conscious of the requirements of the court and we take those obligations very seriously.

The CHAIR: Can I just remind you, it was the current Treasurer that actually said a week later, on the radio, "everything necessary" to give it full effect. We are really pleased to hear it is coming. Just give us a bit more about when it might come. There are a lot of people resting a lot of hope on our lead environmental regulatory authority performing its statutory obligation and deliver. We understand that this draft will be the first step, and we are well and truly 12 months on. So when do you think? Give us a bit more than "imminent". Or do you want to find out and let us know what the plan is for release and get back to us?

TONY CHAPPEL: No, I think, as you would expect, the EPA has been working very hard across government. This is a policy that needs to complement various programs already in place, and obviously the Federal architecture, as that evolves as well. But I am confident it will be weeks rather than years, if I could put it like that.

Mr JAMES GRIFFIN: Chair, through you, whilst respecting the independence of the EPA, I did give an undertaking to the Bushfire Survivors that it would be forthcoming soon, also noting the 12-month anniversary of the judgement. So I hope that also gives you some further comfort to comments from the CEO.

The CHAIR: Thank you. It is difficult really to take full comfort, given the obligation and the statutory duty has been there for a very long time, and it did take an enormous catastrophe, trauma and public effort and enormous resource to bring it to attention. I would just like to remind, wherever the draft is up to, it is actually the role of the EPA to develop the objectives, guidelines and policies; it is not for the EPA to look at Government and see how EPA's policies can fit in and fall into line. You are meant to be leading on this in terms of providing that hope for our survival. We look very forward to the day we can see it.

Just back to the *State of the Environment* report, really it is quite a catastrophic report, and we have seen the Federal report. We now, week by week or month by month, seem to be adding more and more threatened species to the lists and we are elevating or escalating the path to extinction. Minister, do you recognise that we are in an extinction crisis event and that it is unfolding in front of our eyes?

Mr JAMES GRIFFIN: I think, as you said, the *State of the Environment* report is difficult reading and was difficult reading. There were some good indicators and positive outcomes. Equally, in the last month or so, the release of the Federal *State of the Environment* report was sober reading. I look forward to hopefully soon having a Federal meeting of all Ministers of the environment across the State, and I would encourage that to be called so we can get on talking about what policies could be expanded and harmonised across the country to get a good outcome. I think it is worth noting as well, though, that many people in what they read and hear about the environment can become quite overwhelmed with negativity and the challenges that it faces, but there are certainly some great initiatives and policy outcomes that are being delivered here in New South Wales, specifically with respect to species. We are well on the way to delivering seven feral-free areas, where we are reintroducing locally extinct species.

The CHAIR: But they are all within cages and frames, aren't they? We have created these little sanctuary zones within the natural environment, haven't we?

Mr JAMES GRIFFIN: No, with respect—

The CHAIR: Is this actually the approach? Is that where we are to restore and put all of our faith and hope?

Mr JAMES GRIFFIN: It is one of many efforts that we are undertaking. I do not think it is a fair characterisation to suggest that they are cages in any way. I will let Mr Fleming give you a bit more of a run-down.

The CHAIR: I am fairly aware of those programs and I absolutely celebrate those programs—please don't get me wrong—and I watch those people on the ground with awe, inspiration. They are my, along with thousands and thousands of other Australians, heroes. They are the people out there making life worth living right now. That is not the point. It really is about what are we doing beyond these isolated projects, given the scale and the weight of what our environment reports are releasing—1,043 species now at risk of extinction. We are in an extinction crisis.

Do you think that we really need to be looking at how we can quickly and effectively expand our protected area network? I understand the good work of the BCT. What about the raw fundamental function of you, as the environment Minister, to build our protected area network? What are we doing? I know we have 600,000 hectares. But again, in the scheme of what we are looking at, how much land is in the protected area network—about 9.5 per cent of New South Wales? What are you doing, Minister, to encourage a target to build that and to get us beyond the 10 per cent?

Mr JAMES GRIFFIN: A lot, is the simple answer. Continuing to aggressively expand the national park estate, noting that 71 per cent of Australia, and essentially New South Wales, is held in private land, meaning that, as Ms Sharpe said, we can't simply go and expand the park estate into private land—

The CHAIR: Well, we can; we can purchase it.

Mr JAMES GRIFFIN: Of course, and we are doing that—

The Hon. PENNY SHARPE: We do, but it is very expensive.

The CHAIR: I know.

Mr JAMES GRIFFIN: —but we have to also work collaboratively with landowners.

The CHAIR: What is our target, Minister? What is the target at the moment? What are we operating on?

Mr JAMES GRIFFIN: We have a role to ensure that we expand the national park estate and equally work with private landowners to encourage conservation on private property, which, as you mentioned, we are doing through the BCT and our sustainable farming initiative. I also think that it is worth acknowledging the Saving our Species program, one of the biggest in the country, \$175 million—

The CHAIR: I love these programs. As I say, they are the thing that gets me out of bed every day. What is our target in terms of our protected area network?

ATTICUS FLEMING: I think you can look at the target. It is a complex question to answer. One way of looking at the target is to say how many landscapes or sub-landscapes across the State are currently not represented—

The CHAIR: Let's talk bioregions. What is our target for protection of each bioregion? What do we look at?

ATTICUS FLEMING: I am paraphrasing. Broadly speaking, the target is to ensure that we have a representative sample of all of the ecosystems and habitats across the State.

The CHAIR: How representative?

ATTICUS FLEMING: A target hasn't been set to define representative.

The CHAIR: Okay.

ATTICUS FLEMING: But I think it is fair to say that no-one in Australia has set that target, and most places in the world haven't set that target, because that is one of the questions that is part of the debate. How high—what should that number be?

The CHAIR: It would be good to have one to start with, wouldn't it, and build on? Thank you, all of you. I now move over to Mr Pearson, who has some questions.

The Hon. MARK PEARSON: Welcome, Minister, and all of your staff. For a bit of a background, the questions that I'm going to ask are as a consequence of a SO 52 order, which has procured numerous documents. The documents reveal multiple breaches of the licensing regime, and it is of great concern that it appears that there are rarely any legal consequences for individuals, whether they are unlicensed shooters, commercial harvesters or meat dealers, who are in breach of various aspects of the kangaroo management program.

In emails from 29 November 2018, where compliance staff listed reports of kangaroos that had been found with gunshot wounds to their body and orphaned joeys, the compliance senior team leader admitted that

they were not clear on the appropriate section of the department to respond to these reports, and sought advice. They referred to the kangaroo management working group developing a task force to deal with welfare breaches. Minister, can you explain why a senior team leader in compliance would be so uncertain about the process to report animal welfare breaches?

Mr JAMES GRIFFIN: I think, in order to answer that question and give you an appropriate constructive answer, Ms Dumazel will be able to—noting that the commercial harvesting of kangaroos is managed in various ways. Ms Dumazel, did you have some further information on that?

MICHELLE DUMAZEL: With our kangaroo management program, we have a strong compliance program there and we do a number of audits and checks of the program. We support our compliance staff to be able to undertake the roles to make sure that the licensing regime and/or the compliance activities are undertaken. We have been improving processes over the last couple of years and we continue to do so.

The Hon. MARK PEARSON: Did that include the development of a task force, which was suggested by the senior compliance officer?

MICHELLE DUMAZEL: There is now a kangaroo management advisory panel, which was appointed in November 2021. When the panel meets, the deliberations of that panel are then made available on our website as well.

The Hon. MARK PEARSON: But has there been a task force established to deal with the very problem that this senior officer pointed out?

MICHELLE DUMAZEL: We have a—

The Hon. MARK PEARSON: They actually didn't know which department or which person is responsible to report animal welfare breaches to. Has that been resolved?

MICHELLE DUMAZEL: We have a dedicated compliance team within the department. We have dedicated staff within our various regional teams as well. We have a central compliance team that looks at the policy and programs and the overall requirements for the kangaroo management program. As well as that, we have staff on the ground in our various regions who ensure that the programs operate in accordance with the wildlife trade management plan.

The Hon. MARK PEARSON: How often are non-headshot reports investigated and evidence found? Because there is a quote from one of the department compliance officers, who says, "We just have to write the cases off. If there have been non-headshots reported, it is actually not possible to really assess them because the carcasses don't have a head on them." How is it possible to investigate a non-headshot when carcasses are arriving at processing plants without the head on their body?

DEAN KNUDSON: Mr Pearson, if I can just clarify a couple of things. One is that, with respect to the overall coordination and the lack of clarity that you talked about in your first question, there is an interagency working group that has been established which is trying to get exactly at the issues that you are talking about. I just wanted to clarify that. That involves Local Land Services, as well as ourselves in the biodiversity conservation area, as well as national parks, because each one has a different role with respect to kangaroo management. With respect to your question about how to actually undertake an investigation when the head of the carcass is missing—

The Hon. MARK PEARSON: It is not missing. It is standard practice.

DEAN KNUDSON: What I was going to say, though, is that the head of our compliance area obviously is not here and is overseas. So, in terms of giving you the specifics on how an individual scenario like that is dealt with, if we can come back on notice? Because I certainly don't know the details of how they manage that, in particular.

The Hon. MARK PEARSON: Minister, it is impossible to determine a non-headshot without a head being on the carcass. Wouldn't you say that is correct?

DEAN KNUDSON: It certainly makes sense, from—

The Hon. MARK PEARSON: I am speaking to the Minister.

Mr JAMES GRIFFIN: I concur with Mr Knudson.

The Hon. MARK PEARSON: You don't need to be an anatomical expert for that—to realise that if your compliance officer wants to check whether a kangaroo has been cleanly shot through the head, how can that

compliance officer do that unless they are with the shooter when they are shooting the kangaroo and then cutting the head off before it gets anywhere near a processing plant?

MICHELLE DUMAZEL: Minister, did you want me to—

Mr JAMES GRIFFIN: I accept that, anatomically, that would be very difficult to do.

The Hon. MARK PEARSON: I know you're not an expert.

Mr JAMES GRIFFIN: Yes. Ms Dumazel?

MICHELLE DUMAZEL: Our compliance officers on the ground, when they visit the commercial harvesting/processing plants, inspect the carcass for body-shot wounds. Also, where there's welfare, noncompliance and animal cruelty incidents, we report those to New South Wales police or the RSPCA for investigation.

The Hon. MARK PEARSON: And do you follow up as to what actually occurs in relation to that investigation?

DEAN KNUDSON: I was going to say that I am not aware that we would. Normally, if we referred something to the police, that is over to the police to determine whether there is sufficient evidence to prosecute a case, et cetera, or not. But, just to make sure that I've got that right, we will come back on notice with that.

The Hon. MARK PEARSON: Yes. Can you provide a list of all of the referrals to either the police or the RSPCA or the Animal Welfare League or the Food Authority in relation to animal welfare breaches? Minister, can you confirm that, in 2022, the ABC 7.30 program obtained kangaroo program management data detailing some 744—in one year—breaches of licence relating to overdue returns and other matters which were yet to be entered into the wildlife management system? Minister, aren't you concerned about this number of overdue returns and other matters?

Mr JAMES GRIFFIN: Any example of noncompliance with this program, as you would expect, does concern me, and I think we have understood—

The Hon. MARK PEARSON: Well, 744 would be alarmingly concerning, don't you think?

Mr JAMES GRIFFIN: I am not familiar with that program or that specific number, but I can say to you that—

The Hon. MARK PEARSON: The internal audit that came through in the SO 52 confirmed that that was an issue. How can the quota system have any integrity when we don't have up-to-date records of the number of kangaroos harvested by the industry at any given point in time? Considering your responsibility is to not ensure that the kangaroo meat harvesting commercial industry is thriving, but your responsibility is to protect every wild animal in New South Wales from unlawful, unnecessary and unjustifiable harm. If your department and the ABC's 7.30 have been given this level of evidence, how can you have any trust, or how can you be satisfied that this industry is being properly regulated? Really, if it isn't, it is committing an offence under the Prevention of Cruelty to Animals Act. There are offences under the Prevention of Cruelty to Animals Act and the biodiversity Act.

Mr JAMES GRIFFIN: I share your concerns and thank you for raising that issue. I have great confidence in my team—every single one of them. They do great work. They've undertaken to come back to you on notice with some of the specifics of the issues that you've raised. We will do that. I think Mr Knudson has something to add.

DEAN KNUDSON: Just simply I wanted to say that with respect to the internal audit and its findings, we can come back and give an indication of where we are up to with respect to implementation of the recommendations from that. One of the key things that we have—Ms Dumazel and I visited one of the commercial harvesting locations. We had a fairly detailed discussion with the operators as well as our compliance staff about how they're moving to an automated system to get exactly at the issue that you're talking about—the level of rigour and clarity with respect to the data that's collected under the program—so that the quotas do have robust analysis in behind them. We can provide that on notice as well.

The Hon. PENNY SHARPE: I want to talk about threatened species and again go back to the *State of the Environment* report, which was very sober reading. We've got 1,043 threatened species. Can I just check that we haven't had any more added since 2020?

The CHAIR: We have.

The Hon. PENNY SHARPE: I think we have.

Mr JAMES GRIFFIN: I sure hope not, and we're working as hard as possible.

The Hon. PENNY SHARPE: Can someone confirm whether there are? While we're waiting, we can keep going.

ATTICUS FLEMING: I think they're checking, Ms Sharpe.

The Hon. PENNY SHARPE: Fantastic, thank you. Obviously, it is getting worse—the number of threatened species, communities and populations. Over the course of 2018-21, in the *State of the Environment* report, we've got a 2 per cent increase in the number of threatened species. Obviously we've had droughts and bushfires and floods since then. Minister, I was worried to see the budget statement this year is basically revising down the number of threatened species and ecological communities that we can actually protect in the wild. Why have you done that?

Mr JAMES GRIFFIN: This year the budget had more than \$2.3 billion allocated—

The Hon. PENNY SHARPE: Yes. I'm not asking how much you're spending; I'm asking about why you've said we've gone from trying to secure about 300 threatened species and ecological communities in the wild as the actual target. The outcome we're seeking, we're now just basically saying we're only going to try for 150. Why is that?

Mr JAMES GRIFFIN: The figures I have are that more than 400 threatened species—whether plants, animals or various ecological communities—have benefitted from the Saving our Species program, which is one of the biggest in the country. There are more than 1,000 sites where this program is—

The Hon. PENNY SHARPE: Yes, I've got that. Thank you, Minister. But I'm not asking you that; I'm asking why in the budget—I've got page 5-13 of the *Outcomes Statement 2022-23*. There's basically a measure that states, "the number of threatened species and ecological communities on track to be secure in the wild". It talks about droughts and it talks about bushfires. It basically states that the target now for 2025-26 is that there will only be 150 that are "on track to be secure in the wild".

ATTICUS FLEMING: Ms Sharpe, if I may, we can take on notice providing you with an explanation for that particular line item. I suspect it relates to one program. If you step back and take a more holistic view, that is certainly not the objective in terms of threatened species in the State. In national parks, for example—

The Hon. PENNY SHARPE: This is the key measure that's in the budget papers for the outcomes for threatened species.

ATTICUS FLEMING: I think for a particular program. I'm not sure if it's in the budget paper—

The Hon. PENNY SHARPE: It doesn't say that.

ATTICUS FLEMING: —but we also have a commitment to zero extinction across the park estate, and 85 per cent of all threatened species are represented on the park estate.

The Hon. PENNY SHARPE: That's fine, but the species don't exist just in the parks estate.

ATTICUS FLEMING: Looking holistically—

The Hon. PENNY SHARPE: This is the point.

ATTICUS FLEMING: That's right.

The Hon. PENNY SHARPE: I would never support, nor would I have thought the Minister would, that national parks are somehow the Noah's ark of where we save species and we don't care about them anywhere else. I'm sure you wouldn't think that, would you, Minister?

Mr JAMES GRIFFIN: No, not at all. But I think it's important to acknowledge the complexity of this. That's why we're investing in, for example, our sustainable farming initiative, which encourages the agriculture industry to undertake a good—

The Hon. PENNY SHARPE: Thank you, Minister. That's really not the—these are your budget papers. This is the first time we've had a chance to talk to you about them. There's a significant change in terms of the outcomes that you expect from the investment that's being made into threatened species that is massively reducing the number of species and ecological communities that you think can be saved. I am trying to understand that.

Mr JAMES GRIFFIN: I think, looking at the projects and the programs that are under way in totality under that \$2.3 billion headline figure, there are significant advances in the amount of work that we're doing to support various species that are under pressure in various ecosystems across the State. To your point, the *State of the Environment* report set out very clearly what needs to be done. I am confident that along with my officials we

are working as hard as we can to resolve those issues and support species right across the State, whether it's the koala strategy—\$156 million, the biggest in the country—

The Hon. PENNY SHARPE: I'm just going to stop you there, thank you. I know that you're good at reciting the programs. That's not what I'm asking you.

Mr JAMES GRIFFIN: I'm just trying to give you a holistic picture of what's happening to provide some detail into why you're raising that particular figure.

The Hon. PENNY SHARPE: I'm interested in what we're actually doing to ensure that the species survive. Like Ms Higginson, I agree the programs are extremely important. But what we're trying to get to is are they going to be enough and are we actually turning around the numbers, or are we just going to continue to basically manage decline? This is really the fundamental question that I'm trying to get to here.

Mr JAMES GRIFFIN: Sure. I'm absolutely committed to turning around those numbers.

The Hon. PENNY SHARPE: Minister, what work are you doing on the commitment that was made internationally, the 30 per cent by 2030 deforestation and protected areas commitment?

Mr JAMES GRIFFIN: Working as quickly as possible to continue to expand the parks estate, working—

The Hon. PENNY SHARPE: Just to be clear, the parks estate is around 9 per cent, if we want to be generous.

Mr JAMES GRIFFIN: Yes.

The Hon. PENNY SHARPE: Do you consider that the 30 per cent would be all parks?

Mr JAMES GRIFFIN: No.

The Hon. PENNY SHARPE: Because that's not going to be possible in New South Wales.

Mr JAMES GRIFFIN: There are different ways in which—if you were to take the 30 as a figure—but there are also challenges in doing that because it could be seen as a national number. But in New South Wales we are pulling every lever available—in particular, through private land conservation. I think that that's a really important element of this because—

The Hon. PENNY SHARPE: Do you have modelling that shows what percentage you're going to get to under that?

Mr JAMES GRIFFIN: We're currently 2.3 million hectares, or thereabouts, under management for private land conservation

The Hon. PENNY SHARPE: I'm talking about overall percentage. In New South Wales now, can you tell me what percentage—if you count the whole national park estate plus private land conservation—of our land is that?

Mr JAMES GRIFFIN: It's sort of apples and oranges because there are many ways in which you can achieve appropriate protections.

The CHAIR: There are about 11, I reckon, 10 maybe.

Mr JAMES GRIFFIN: Private land conservation through BCT is around 2.3, thereabouts; parks, 10—

The Hon. PENNY SHARPE: But what I'm saying is that we're a long way from 30 per cent, and how are you going to report? Obviously, you've talked about you're going to have the ministerial environment Ministers' meeting, which will be terrific.

Mr JAMES GRIFFIN: I hope, yes.

The Hon. PENNY SHARPE: I'm sure you will. I'm sure Minister Plibersek will be organising it as we speak. But I'm trying to understand how you're going to report to and be held accountable for this commitment in this jurisdiction for the 30x30 international commitment?

Mr JAMES GRIFFIN: Yes, so noting it's an international commitment, therefore I think the intent—

The Hon. PENNY SHARPE: Signed up to by Australia.

Mr JAMES GRIFFIN: Yes. So New South Wales is doing its bit. We are aggressively expanding all areas that we have under conservation.

The Hon. PENNY SHARPE: Sorry, did you give us a target of how—so you're saying you are aggressively expanding?

Mr JAMES GRIFFIN: Yes.

The Hon. PENNY SHARPE: Some 600,000 in the last 12 years or so. How many are we getting in the next five years, to 2030? Maybe take it on notice.

Mr JAMES GRIFFIN: Yes.

The Hon. PENNY SHARPE: What's the target to 2030 for protected areas protection?

ATTICUS FLEMING: Can I just add very quickly?

The Hon. PENNY SHARPE: I know you don't want to answer this one, Mr Fleming.

ATTICUS FLEMING: No, I'd love to answer it, but the 30 per cent target is obviously still being discussed internationally. There's a meeting at the end of the year. If it's a national target, it is then the State and the Commonwealth that need to talk about how that might be applied across Australia, what each jurisdiction's role is. The more challenging—

The Hon. PENNY SHARPE: Yes. I mean there are arguments, of course, that we've already made the 30 per cent if you include all of the Aboriginal lands in Western Australia and half the desert.

ATTICUS FLEMING: That's the really critical question—

The Hon. PENNY SHARPE: I'm interested in what New South Wales' commitment is around the 30x30.

ATTICUS FLEMING: —what counts towards 30 per cent?

The Hon. PENNY SHARPE: Minister?

Mr JAMES GRIFFIN: I would really welcome a discussion with the Federal Government to help understand specifically what they see our role is as a State, how much they need from New South Wales to achieve this 30x30 if they're serious about doing it. I'd welcome a Federal environment Ministers meeting to get that discussion under way. Once we've got that, we'll get cracking.

DEAN KNUDSON: Ms Sharpe, I'd also just point out that, when you're talking about national parks or BCT conservation areas, that's one type of conservation. There's also, as the Minister has talked about, need to get into private lands—

The Hon. PENNY SHARPE: I thoroughly agree. We can't get there under protected lands. I'm not arguing, just in case anyone's unclear. I'm not arguing that's the way we do it. But I am very concerned that we're nowhere even close to even doubling the amount of protected land.

DEAN KNUDSON: When you talk about private land conservation, figuring out what will be sufficient and appropriate in terms of conservation on private land—that's exactly the discussion that has to happen, not only with the Federal Government but also internationally. That'll determine, for example, what other types of conservation actions on private lands would constitute counting towards that 30 per cent target. The science behind it is basically saying that you need functioning ecosystems with about 30 per cent protected—that's a floor—to be able to deal with a changing climate et cetera. So there's—

The Hon. PENNY SHARPE: As we know from the *State of the Environment* report, we're a long way from that.

DEAN KNUDSON: Precisely. We are.

The Hon. PENNY SHARPE: I might move on to some specific threatened species. Minister, I wrote to you this year about the parcel of land that WaterNSW is looking at in Woronora Heights. It's currently got a DA before Sutherland Council. It's a very important corridor for koalas and greater gliders and powerful owls. A lot of good work has been done by citizen scientists to identify this on the edges of Heathcote National Park. Minister, are you willing to talk to the water Minister and find a way to not have this land developed and instead have it protected as a koala corridor, importantly, on the edges of Sydney?

Mr JAMES GRIFFIN: Where we can, of course. It's a fundamental, key pillar of the NSW Koala Strategy. The first and foremost is to preserve critical koala habitat. We have commenced the actions within that plan and equally—

The Hon. PENNY SHARPE: I'm across the action of the plans. I'm very across it. I'm very interested, though. Here is a living, breathing example. Woronora Heights—there's a healthy koala population there. You've got government land owned by WaterNSW. It's been there because it's been reserved for infrastructure for a long time, which is, ironically, of course, partly why it's a good corridor. Why can't you pick up the phone to the Minister and say, "Here's an opportunity for us to actually dedicate this corridor and protect it forever for this koala population"?

Mr JAMES GRIFFIN: From memory, that particular parcel that you're referencing and wrote to me about had some complications with the local council and, obviously, Sydney Water. But I do undertake to you to take that on notice and see where we can—

The Hon. PENNY SHARPE: You've already given me the answer, which is that there's only one—there's some zoning, which is E2, that they're going to put five houses on this area. What I'm saying is this is one of the easiest gets that is possible for koala protection. I assume that Sydney Water is looking to get the development through so that they can then sell off that land. Here is an opportunity, department to department, to come to some arrangement. You've got funding in the koala strategy to even compensate Sydney Water, although I'd argue that they should add it in for the cause. Your answer so far is saying it's a matter for Sutherland Council. I'm just trying to say to you here is an opportunity. Will you take it?

Mr JAMES GRIFFIN: We've, obviously, got to work with all stakeholders on that particular parcel of land. We'll continue to do that. I guess you're illustrating as well the challenges and the complexities of having various stakeholders—

The Hon. PENNY SHARPE: Minister, it doesn't get any easier than this. This is not private land. This is government land. It's got identified koalas in it. It's attached to other corridors that go into the national park. It's got a healthy koala colony and a new one that's been discovered in Heathcote. Yet you're saying it's complicated and we couldn't possibly deal with it. All you need to do is talk to Sydney Water and your departments to actually work through how you can protect this corridor. You're just telling me you can't do it.

Mr JAMES GRIFFIN: No, no. I'm not saying I can't do it.

The Hon. PENNY SHARPE: I think you are.

Mr JAMES GRIFFIN: But I'm saying that, as I set out, there is the koala strategy, which is the largest in the country. Wherever—

The Hon. PENNY SHARPE: The last koala strategy, which previously had been the largest in the country, saw koala populations—we lost them by a third or a half. So forgive me for being concerned about just pointing to strategies as the way we're going to save them. If we don't actually save the trees that they live in, how are we going to do that?

The Hon. MARK PEARSON: They get listed as endangered.

Mr JAMES GRIFFIN: Clearly, the bushfires of 2019 put enormous and immense pressure on the koala population. I sat before this Committee at the beginning of the year and undertook to get the koala strategy out. It's out. It has—

The Hon. PENNY SHARPE: We'll get to that. That's great. So you're going to have a look at Woronora, but no guarantees.

Mr JAMES GRIFFIN: I'll undertake to do that for you. Yes.

The Hon. PENNY SHARPE: We'll wait and hope that can be dealt with. With the koala strategy, obviously, it's been released. There's been the upgrade to the status of koalas in New South Wales by the Federal Government. What review was undertaken of the koala strategy after that? What's being done differently as a result of this change in listing?

Mr JAMES GRIFFIN: The koala strategy, the single biggest investment in any species—

The Hon. PENNY SHARPE: Yes. Thank you.

Mr JAMES GRIFFIN: It dwarfs that of the Commonwealth—

The Hon. PENNY SHARPE: I'm aware of that \$193 million. Thank you, Minister. That's not what I'm not asking you. I just want to press you on this. Federally, New South Wales koalas have been listed as endangered. We've got a koala strategy. When that happened, what review of the koala strategy, if any, was undertaken? Or are we just confident that the biggest koala strategy, the \$193 million is enough and doesn't require any further tinkering or action?

Mr JAMES GRIFFIN: It's a substantial strategy. Ms Dumazel or Mr Knudson can answer your question.

DEAN KNUDSON: What I would add, Ms Sharpe, is that, obviously, the strategy itself was developed in close collaboration with the Office of the Chief Scientist. It reflects contemporary science. There was nothing new per se in terms of the actions called for in the recovery plan put in place by the Federal Government with respect to koalas. Everything that was in that recovery plan is utterly consistent with what the koala strategy that New South Wales has developed is implementing. That being said, we're not going to sit here and pretend that we're going to get this absolutely perfect. That's why there are regular reviews into the strategy, to make sure that we adapt it over time. But—to answer your question in short form—there wasn't anything particularly new that came from the up-listing that we didn't already know. We knew about the effects of bushfires. We knew about the effects of—

The Hon. PENNY SHARPE: But what the up-listing does is signals—

DEAN KNUDSON: It signals an increased urgency.

The Hon. PENNY SHARPE: —it's a very large signal—that the house is burning down, that more action needs to be taken. Minister, are you that comfortable that your plan is so good that, even though it's been up-listed, even though every single metric is pointing to the extinction of koalas, you don't need to do anything differently from what's in the NSW Koala Strategy? Is it that perfect?

Mr JAMES GRIFFIN: No, no. It actually sets out a long-term vision. We'll adapt to the conditions as they evolve and as they change. The fact is it's a strategy that is underpinned by science; takes on board the best advice possible; works with leading partners like the World Wildlife Fund and Taronga Zoo; and sees us, through more than 20 actions, deliver on our target to double the koala population to 40,000 by 2050. It is not a static document. It will be refined and evolved, as you'd expect. We're committed to absolutely making sure that every dollar that's invested in it delivers great outcomes for the koala population in New South Wales.

The Hon. PENNY SHARPE: Can we go to another example, which is the Campbelltown koalas. I think they're now called the south-west koalas. There were four identified areas where there should have been crossings to protect the koala population in and around that area. The recently released Cumberland plan only identifies two. Why is that?

Mr JAMES GRIFFIN: The CPCP, again a massive—

The Hon. PENNY SHARPE: Cumberland Plain Conservation Plan, for Hansard.

Mr JAMES GRIFFIN: Apologies. It is a massive undertaking. The plan itself is informed by the recommendations of the chief scientist.

The Hon. PENNY SHARPE: My understanding is that the chief scientist identified four crossings. But you're only committed to two. Why is that?

Mr JAMES GRIFFIN: Ms Dumazel might have some further information on that. My understanding was that the Cumberland Plain Conservation Plan took on the recommendations of the chief scientist and identified two underpasses as well as the fencing and also the additional acquisition of estate. So—

The Hon. PENNY SHARPE: I'm across the fencing. But my understanding was that there were corridors that needed to be created, with crossings, from Noorumba-Menangle, Nepean Creek, Beulah-Woodhouse, Mallaty Creek and Ousedale. That's actually five in terms of the corridors. But there's only been two committed to in the plan. That's correct, isn't it?

DEAN KNUDSON: All I was going to say, Ms Sharpe, is I don't have that level of detail. But it's helpful that you've just said the four crossings. We can come back on notice on that. Where we've been focused with respect to the plan is the overall outcomes with respect to the 11,000 hectares of key koala habitat that's protected through the plan, which is one of the largest conservation regulatory decisions in the country's history.

The Hon. PENNY SHARPE: Sure.

Mr JAMES GRIFFIN: Just to clarify, crossings will be installed at Wilton and Greater Macarthur and then the underpasses will be done at Appin Road in two locations. So that may be the four that you're referencing.

The Hon. PENNY SHARPE: If you can confirm that, that would be good.

DEAN KNUDSON: We will.

MICHELLE DUMAZEL: I'll do that this afternoon.

The Hon. PENNY SHARPE: The plan is very difficult to read.

Mr JAMES GRIFFIN: But you would agree it's comprehensive?

The Hon. PENNY SHARPE: No, not necessarily. Have you read it?

Mr JAMES GRIFFIN: I've gone through it in great detail.

The Hon. PENNY SHARPE: There are about 10 plans within every plan, so, yes, it's great. The other issue that I particularly wanted to raise was the Chief Scientist's report into the Campbelltown and surrounding area koalas, that they need wildlife corridors of between 390 and 425 metres yet many of the corridors identified in the Cumberland plan are far less than that. Why have you departed from this recommendation from the Chief Scientist?

Mr JAMES GRIFFIN: Ms Dumazel?

MICHELLE DUMAZEL: The plan is consistent with the findings of the Chief Scientist and the corridor is—it's when you take into account the overall amount, the overall corridor. One of the things that we're doing with the Cumberland Plain Conservation Plan is we'll be monitoring very closely the implementation of the plan and making sure that the requirements as identified by the Chief Scientist continue to be undertaken, and then we'll actually have that looked at independently as well. So this is one of the main features for us to continue to monitor, based on our expectation that the Chief Scientist's recommendations were to be included.

The CHAIR: Thank you. Mr Field?

Mr JUSTIN FIELD: Thank you, Chair. Can I just check, Minister, that you can hear me?

Mr JAMES GRIFFIN: Loud and clear.

Mr JUSTIN FIELD: Thank you, and thanks for being here today. Minister, I want to go straight to floodplain harvesting, if I could. You recently signed off on a couple of amended water sharing plans which implemented rules for floodplain harvesting in the northern Murray-Darling Basin in New South Wales. Before you did that, you received quite specific advice from your officials. I am quoting from a briefing note prepared by your department dated 2 June 2022, that was released under a Standing Order 52: "EHG considers the proposed in catchment targets to be too low to protect key environmental assets outside of extreme dry periods and do not adequately consider the long-term health of environmental assets", and a separate point, "do not support the water management principles of the Water Management Act." Minister, why did you sign amendments to water sharing plans when you had advice to suggest that they would not support the long-term health of environmental assets?

Mr JAMES GRIFFIN: From the outset, I've had the opportunity to go and visit places like Yanga, Gundabooka, the Macquarie Marshes, to truly appreciate and understand the importance of water when it comes to our environment out there in rural and regional New South Wales. I very much appreciate the advice and work that the team did to arrive at the outcome that we did. You would appreciate and know well that floodplain harvesting is, or was, the last unregulated take of water in New South Wales. I think, on balance, the fact that it is now monitored, metered, regulated, and review clauses have been baked into this, demonstrates a commitment to ensure that there is a good environmental outcome when it comes to that method of harvesting. Mr Knudson can provide you with some further information now to help articulate ultimately why I signed off on their advice.

DEAN KNUDSON: Yes. So—

Mr JUSTIN FIELD: Sorry, Mr Knudson, I've got very limited time and I know it's challenging online. I will come back to you this afternoon, and I would just acknowledge that I am grateful for the work of your team. I see the extent of the work that you did. Minister, this is a question for you. Is it the case that you just had a different view from your agency? When they said that the rules that were in these proposed amendments to the water sharing plan "do not adequately consider the long-term health of environmental assets" and "do not support the water management principles of the Water Management Act", I'm trying to understand how you were able to exercise your concurrent powers and sign-off on rules that you knew did not meet the needs of the environment?

Mr JAMES GRIFFIN: Respectfully, I don't agree with how that's framed. As you would know from the documents that you've received, there was a lot of back and forth between my department and Water to arrive at the position that we have. Ultimately, in giving concurrence, I gave careful consideration to the benefits of licensing and limiting this form of water access, which to date, as you know—and I appreciate and know that you're passionate about this topic—has been unregulated and uncontrolled. There are numerous benefits and, in fact, a reduction in the amount of take that will be happening from these particular areas as a result of providing concurrence. You would have seen the comprehensive work that the team did and, ultimately, that is why I was comfortable in signing the particular brief. I don't think anybody would agree that allowing this water to be

unregulated in the way that it has been is a good outcome. I can go to the specifics of—whether it's Border Rivers or the Gwydir—the reduction in water that will be taken from those particular areas as a result of these plans.

Mr JUSTIN FIELD: Minister, can I just stop you there? I will ask the water Minister. He will give me those answers. But the brief that you got, a separate brief—and I'm quoting from it again—states: "DPE Water has previously advised that modelling of floodplain harvesting is not sufficiently robust to assess the impact of ecologically based targets." It seems to me that you were in possession of advice to say that modelling was difficult to analyse, that we don't think that the rules that were proposed by the water Minister meet the environmental needs—you've got the whip hand here. He needs your concurrence to get these rules in place. Why not use the targets proposed by your own agency and say to the water Minister, "You want this licence, so do I, but it's only going to happen with improved targets"? Isn't that your responsibility as environment Minister?

Mr JAMES GRIFFIN: Yes, and that's why I fought hard to ensure that a review prior to 2023 will update the hydrological modelling to include more recent climate data and, in addition to that, that an independent review of flow targets will occur before any further amendments can be made, and by 2025 will be published. Because, when it comes to water, transparency is what is needed, and so I fought hard to ensure that those review clauses would be put into the plans, they would be independently done and they would be published. I'm sure that you can agree that that is a good outcome when it comes to providing concurrence for these water sharing plans.

So, yes, there had been a large amount of back and forth. But, at the end of the day, by 2023 there'll be modelling undertaken to include recent climate data, which was a concern raised with me by many, that it was dated; and, second to that, that an independent review of these flow targets—which, again, is a critical piece of information that has been contested—will be done before any further amendments can be made. That's in addition to the restriction of trading licences. So I note and recognise your interest and passion in this, but I don't think it's a fair characterisation to say that these were signed off without giving appropriate consideration to the environmental importance and, equally, current and up-to-date data and two review clauses.

DEAN KNUDSON: Just to back in this—

Mr JUSTIN FIELD: Sorry, Mr Knudson, hang on. Minister, why not go the other way? Why not exercise the precautionary principle here and say to the water Minister, "Put in place the targets that my agency think are sufficient, we'll do the review and if at the end of the day we realise that we can meet the environmental needs of the river without those targets, after we've done the review and the independent assessment and the climate additional modelling, then we can change it"? You've given it up here and you're hoping that once the review is done we've realised that, "Holy smokes, we didn't let enough water get down river, and we're in another situation like we were in 2016, 2017 and 2018 when we are facing an extreme drought period and we wish we'd sent more water down the river." This is your job as environment Minister. Did you escalate this or was this just a deal that you did between you and the water Minister? At what point do you escalate these issues?

Mr JAMES GRIFFIN: Plainly, Mr Field, if we were to continue down that path, then this would have left this practice unregulated and ultimately would have been a recipe for disaster. The facts are that there are a number of environmental protections that have been built into this. I can set them out for you. Mr Knudson also had some further comments to your question.

Mr JUSTIN FIELD: I just want to clarify what you are saying there. So you're saying that the water Minister would not have allowed the licensing to go ahead if you got your way, or your agency's way, and got higher targets. Is that what you're saying is the risk here?

Mr JAMES GRIFFIN: No, that's not—

Mr JUSTIN FIELD: Well then, why didn't you push harder?

DEAN KNUDSON: There is just one very quick point I want to make. Mr Field, you talked about an email from the beginning of June. The concurrence decision was made at the end of July. In between those two dates, the in-catchment flow targets were strengthened. The Minister has talked about the independent review. That was added. The analysis of the net results with respect to the amount of water that would be retained, not extracted for floodplain harvesting—those numbers were lowered. All of these then led the department to recommend to the Minister, contrary to its advice in early June, to take concurrence. So things changed in that two months—is effectively what I wanted to say—based upon our discussions and the Minister's office's discussion, and the Minister's discussion, with Water and the water Minister.

Mr JUSTIN FIELD: Mr Knudson, can you provide to the Committee the advice that went to the Minister—the final advice—before he signed off on these water sharing plan amendments?

DEAN KNUDSON: I am not sure that I can.

Mr JAMES GRIFFIN: We'll take that on notice.

Mr JUSTIN FIELD: You're relying on it here. I'd suggest that it would be in the public interest to provide that and then we'll know exactly how the Minister weighed these things in delivering concurrence.

DEAN KNUDSON: Mr Field, what I've said is that the essence of that advice is that we recommended concurrence on the basis of the various elements that the Minister and I have laid out with respect to the additional protections that were put in place versus what was originally proposed by Water.

Mr JUSTIN FIELD: Minister, you can make the decision, I'm sure. Would you please provide that advice that you relied upon in giving concurrence?

Mr JAMES GRIFFIN: I'll take that on notice, Mr Field.

The CHAIR: Thank you, Mr Field. We are now going to adjourn for the morning tea break, and we'll be back at 11.15 a.m. Thank you.

(Short adjournment)

The CHAIR: I think we'll recommence and just noting we're a couple of minutes over, so we'll tack those on at the end. Minister, with the 2,000 agreements and two-mill hectares of BCT land that is in protection, can you confirm, are they all in perpetuity agreements?

ATTICUS FLEMING: Can I come back to you after lunch with that?

The CHAIR: Yes.

ATTICUS FLEMING: I have asked for that information.

The CHAIR: Okay. Thank you. Another one, perhaps for you, Mr Fleming or Minister. Could you tell us how many brumbies have been removed since the introduction of the management plan?

ATTICUS FLEMING: We published advice that 334 had been removed.

The CHAIR: Are you happy with that number, given the management plan and the program and what's committed?

ATTICUS FLEMING: You'll be aware we're not providing operational details for a whole range of reasons to do with workplace health and safety and other factors. But I am regularly talking to the team about progress both to ensure that the highest welfare standards are employed in all of the actions that we do but also to ensure that we are planning to achieve the objective of 3,000 horses in the park at the end of the life of the plan, which is 2027.

The CHAIR: Thank you. Can I just ask another quick one? Is the investigation report complete and going to be made available, around the Mungo Man and Mungo Woman reburial?

Mr JAMES GRIFFIN: I think it's really important to acknowledge the terrific sensitivities that exist around that particular incident and also the profoundness of what occurred in the sense of the repatriation. I have had the opportunity to go to Mungo twice now and to meet directly with the Aboriginal custodians and owners. It is clear to me that they have been on a very, very, very long journey, and within those communities there are a number of sensitivities and challenges and a contestation of views. As you are aware, an independent report was undertaken. The recommendations of that report have been adopted by the agency. However, we will not be making the report public.

The CHAIR: Will the traditional owners who were on the edge of taking the litigation proceedings in the Federal Court—are they included and are they aware of the findings and outcomes?

ATTICUS FLEMING: As the Minister said, I just want to acknowledge the very sensitive cultural issues involved here and the fact that there is a disagreement within the Aboriginal communities. We're trying to address the issues in a way that is sensitive to that and, obviously, doesn't inflame any of those issues. The investigation report is privileged. The two key matters, which we have confirmed to the Commonwealth and which I'm happy to confirm today, are we're satisfied that the two remains that were buried were done in accordance with the conditions of approval that were granted. By way of background, the Commonwealth—

The CHAIR: What about the wishes of the traditional owners—not just the advisory group but the individuals who feel very, very aggrieved.

ATTICUS FLEMING: The Commonwealth granted approval. In that approval they specifically indicated through a condition that we were to comply with the wishes of the Aboriginal advisory group. That is the elected body representing the three traditional owner groups. You're alluding to the fact that there is a

disagreement within the community. I'm trying to treat that sensitively and not inflame it. We have an approval. The approval insists that we act in accordance with the wishes of the Aboriginal advisory group. We have indicated to the Commonwealth that the 106 remains, that is, the ones that haven't been buried—we have reviewed and strengthened the storage so that there can be confidence from everyone that they will not be reburied at this point while the Commonwealth completes the process that's been activated by the other traditional owners to which you refer.

The CHAIR: Just on that point, how are we going with the handing back of Mungo National Park? How are we going with that? Are we nearly there?

Mr JAMES GRIFFIN: We've in fact announced ultimately one of the most significant reforms in providing self-determination for Aboriginal communities across New South Wales and the way in which they engage with our national park estate—by commencing historic reform, which ultimately could see the hand-back of the entire park estate, not just Mungo.

The CHAIR: So are we going to just leave the application for Mungo that's several years old and just wrap that into the new process?

Mr JAMES GRIFFIN: There are four mechanisms through which at the moment Aboriginal traditional custodians can engage and have management of the park. We've commenced—and I went and met with the Aboriginal custodians network, which brought together more than 50 traditional owner groups from around New South Wales at Kamay Port Botany a couple of weeks ago to kick off our consultation on how we will evolve and undertake the hand back. The first step of this discussion is to better understand the appetite and the different perspectives from different traditional owners across the State, whether they're managing the park or have engagement through an ILUA or one of the other three means through which they will control park. But at the end of the day the feedback has been, whether its the announcement to hand back and remediate Me-Mel, or Goat Island, or the rest of the park estate, that it is a complex discussion. But we've commenced—

The CHAIR: Sorry to interrupt but does it involve that, in the event a handover does happen, First Nations communities across New South Wales will inherit an enormous network of overdeveloped bike paths on the estate?

Mr JAMES GRIFFIN: No.

The Hon. SHAYNE MALLARD: Overdeveloped is your use of the term.

Mr JAMES GRIFFIN: Yes.

The CHAIR: Absolutely my use of the term.

Mr JAMES GRIFFIN: I don't know about that.

The CHAIR: Hundreds of kilometres, 80 kilometres here, there—

The Hon. SHAYNE MALLARD: You hate bicycles.

The CHAIR: I love bicycles.

The Hon. SHAYNE MALLARD: The Greens are supposed to love bicycles.

The CHAIR: I love bicycles.

Mr JAMES GRIFFIN: I don't want to make light of the announcement. I mean, this was one of the most historic—

The CHAIR: Absolutely. I just want, honestly, to know: Are we talking also about the development that we're proposing in some of these protected areas, our national parks?

Mr JAMES GRIFFIN: We're investing a record amount in visitor infrastructure to ensure that people across New South Wales—the record amount of people that visit our parks—get the best experience possible.

The CHAIR: Thank you. I'm going to run out of time. Can I just ask, before I do on this round—the report that was tabled this morning, the Natural Resources Commission's report, refers to the really desperate need to be protecting more hollow-bearing trees through forest operations. Are you doing anything directly in relation to speaking with your colleague about what we can do, given the parlous state after the fires of the public forest reserve? Are you making representations to actually take that public forest estate out of the logging estate and put it into the protected area network? Are you suggesting that would be a good idea at this point?

Mr JAMES GRIFFIN: I'm sure we all agree that the impact on State forests and parks across the State as a result of the bushfires was staggering. It is my expectation that, if any law is broken—no matter who is breaking it—the EPA will be a tough cop on the beat to ensure that the legislation is being dealt with.

The CHAIR: I've been watching the EPA's work. What about adding the public forest estate now to the protected area network? Is that not just the circuit-breaker here and it would actually be a great thing for everyone and biodiversity in New South Wales?

Mr JAMES GRIFFIN: I'm aware of some great work and some very thorough work being done by the likes of the Wentworth Group of Concerned Scientists, Frontier Economics, who have put forward some views, at the same time recognising the balance that's needed to supply timber and industry with what it needs. Ultimately, if you take a step back and you look at some of the unregulated deforestation going on that we would all have problems with around the world—

The CHAIR: This is public land and it's yours and you are the Government. You are the current environment Minister. This is such a circuit-breaker. Is it something you think would be a good thing to do—to get that really important land and put it in the public network of reserves?

Mr JAMES GRIFFIN: I am constantly engaging with my colleagues and the appropriate Ministers to put forward to them ideas that make sense and provide the ultimate protections to our environment.

The CHAIR: Please let us know if we can help you.

The Hon. ROSE JACKSON: I just wanted to follow up on some questions that my colleague Mr Field was asking. Just to clarify, your position is that you provided concurrence to the water-sharing plans based on updated advice that the department provided to you—that you have taken on notice whether you will provide it or not. But that updated advice was provided to you, recommending that you give concurrence to the plans in—I think it was late July. Is that correct?

Mr JAMES GRIFFIN: There has been a significant amount of back and forth between my officials and WaterNSW to arrive at the recommendations. I took into account all of that advice and all of the work that had been undertaken to ultimately provide concurrence.

The CHAIR: It's just that, as you can understand from Mr Field's questions, the documents that we have seen indicate that the department raised significant concerns in relation to what was proposed at the time those documents were prepared. I just want to clarify that your position is that updated documents were provided from Environment and Heritage that recommended you provide concurrence to the water-sharing plans—that was the recommendation from your department.

DEAN KNUDSON: That's correct.

The Hon. ROSE JACKSON: Did that updated advice address the issue that was raised in the initial advice, that the plans at that stage were inconsistent with the Water Management Act? Putting aside the issues of what the targets are and what the intra-valley flow targets are, did that issue in relation to compliance with the Water Management Act get updated?

DEAN KNUDSON: Anything that would've been ever put to a Minister recommending concurrence would have to be consistent with the legislation—whatever legislation guides that decision. In this case absolutely it would've been the case it was consistent with whatever the relevant legislation would've been, including the Water Management Act.

The Hon. ROSE JACKSON: Minister, did you take the issue—did you or perhaps Minister Anderson? Was the issue of the final concurrence to the water-sharing plans taken to Cabinet or was that just something that you managed directly with Minister Anderson?

Mr JAMES GRIFFIN: As is practice, my concurrence was provided based on advice from the department.

The Hon. ROSE JACKSON: So it wasn't discussed at Cabinet?

Mr JAMES GRIFFIN: No, I'm not going to divulge what is or is not discussed in Cabinet other than to say that the advice that was provided to me by my department took into account the principles of the Act. It goes without saying that I took very seriously my role, which is to ensure that the environment had the appropriate protections as a result of any concurrence provided.

The Hon. ROSE JACKSON: I understand there was back and forth between Mr Knudson and his team and DPE Water. Did you meet with Minister Anderson about the matter directly?

Mr JAMES GRIFFIN: No, I relied on the advice of my department.

The Hon. ROSE JACKSON: Did you have a phone conversation with him? Did you talk directly to Minister Anderson at any point about whether you were going to provide concurrence or where that was up to?

Mr JAMES GRIFFIN: As would be expected, I have met with a variety of different views and perspectives when it comes to water. It includes talking to my colleagues. I think the community would—

The Hon. ROSE JACKSON: It's a direct question: Did you talk to the water Minister about it?

Mr JAMES GRIFFIN: I just provided you my answer, which was: I have met with a variety of stakeholders and different perspectives, which—

The Hon. ROSE JACKSON: He's not a stakeholder; he's your Cabinet colleague.

Mr JAMES GRIFFIN: Last part of the answer—which include my colleagues, such as the water Minister, to understand their views and perspectives when it comes to this. People in the community would hope and expect that in giving concurrence to something like this, you do understand the perspectives of communities downstream, the communities that it impacts, the various stakeholders and their views. That is how you arrive at good decisions.

The Hon. ROSE JACKSON: You mentioned in your answer to Mr Field's questions that you'd been to a couple of areas. Have you been to Menindee?

Mr JAMES GRIFFIN: No, I have not been to Menindee.

The Hon. ROSE JACKSON: Are you aware that your predecessor as the environment Minister also never visited Menindee?

Mr JAMES GRIFFIN: I've been to 25 national parks; I've covered a great expanse of the State.

The Hon. ROSE JACKSON: But I'm asking about the community in Menindee. You haven't been there, and your predecessor didn't go there.

Mr JAMES GRIFFIN: I have taken on feedback, submissions and views from people right across the State when it comes to water.

The Hon. SHAYNE MALLARD: And Mr Barrett has just returned. He's been to Menindee.

The Hon. ROSE JACKSON: Are you confident that the figure that was arrived at in the water sharing plans that you gave concurrence to, 195 gegalitres in the Menindee Lakes, is adequate to protect the environmental outcomes there? Can you give us your direct assurance now that you think that is adequate to protect the environmental outcomes in the Menindee Lakes?

Mr JAMES GRIFFIN: I will give you a direct assurance that up until this point, the last unregulated take of water was floodplain harvesting, and that is not something that—

The Hon. ROSE JACKSON: I don't need your direct assurance on that; I'm aware that that's a statement of fact. The water sharing plans that you gave concurrence to included 195 gegalitres in the Menindee Lakes. Are you confident—and, more than that, can you give us an assurance—that that will protect the environmental outcomes in that part of New South Wales?

Mr JAMES GRIFFIN: I am confident in making concurrence for those plans of the benefits of licensing and limiting this form of water access, which to date had been growing in an uncontrolled way. They now are regulated, are monitored, are metred and have two—as I set out before—important review clauses contained within them.

The Hon. ROSE JACKSON: Minister, are you aware that 195 gegalitres in the Menindee Lakes, which is the water level in the water sharing plans that you provided concurrence to, is lower than the water level that was in the lakes when the mass fish kill occurred in late 2018?

Mr JAMES GRIFFIN: To perhaps answer some specifics on the plan, Ms Dumazel or Mr Knudson can provide you with some further detail. But I go back to my original point: There are a number of protections that have been built into these plans.

The Hon. ROSE JACKSON: Yes, and one of those is 195 gegalitres in the Menindee Lakes. That's what we're talking about. You've said, "Protections were put in, and I was satisfied," and I've said the protection is inadequate. It was lower than the water level when a million fish died in the lakes. How can you have any confidence that that's an adequate target? There's no point having a target if it's not going to deliver an environmental outcome. Isn't that the case, Minister?

Mr JAMES GRIFFIN: The facts are that there are stronger access targets contained in these plans that ensure that floodplain harvesting can occur in that management zone only if a flow target has been reached or is forecast—

The Hon. ROSE JACKSON: And that flow target—

Mr JAMES GRIFFIN: No, if you'll just let me answer the question—within a 24-hour period. When Menindee Lakes is at a low volume, 195 gegalitres, if flows fall or are likely to fall below that target, floodplain harvesting must cease.

The Hon. ROSE JACKSON: That's great, except that target is so low that floodplain harvesting will only cease after a million fish have already died. Are you comfortable with that, Minister?

Mr JAMES GRIFFIN: That assertion—the 195-gegalitre target was included in response to the Select Committee on Floodplain Harvesting, and that will be reviewed by an expert panel in 2025.

MICHELLE DUMAZEL: Can I also add we'll be monitoring throughout, and the reviews are a really important checkpoint as well.

The Hon. ROSE JACKSON: Ms Dumazel, I might just follow up briefly there. As part of that monitoring, if you are detecting adverse environmental outcomes in the Menindee Lakes—for example, the kinds of conditions that we see prior to a mass fish death event—and the water level is perhaps not as low as or is near the 195 gegalitres, is there a process by which you are able to intervene, alert or act to ensure that that adverse environmental outcome isn't seen? How can we be assured that that monitoring will actually lead to action if there are concerns about the environmental conditions in the lakes?

MICHELLE DUMAZEL: Certainly, as we're going through our monitoring program, we'll provide advice accordingly. As I was saying before, those checkpoints with the proposed review are an important part of that as well.

The Hon. ROSE JACKSON: I just want to clarify, though, because the review is important. I give you credit—thank you, Minister, for including that. But prior to that review or outside that formalised review process, concerns have been raised by people in the Menindee Lakes and surrounding communities that that target is too low. If the water level is dropping and we can see adverse environmental outcomes starting to occur, but it's not as low as 195 gegalitres, is there an opportunity for intervention?

MICHELLE DUMAZEL: Our role is we continually monitor what's happening on the ground, and we will gather the data and provide advice accordingly, and work with others in terms of providing that advice as well.

The Hon. ROSE JACKSON: Minister, what will you do if the monitoring from the department is occurring and they're providing that advice saying, "Minister, the water level is dropping, and we are starting to see adverse environmental outcomes"? Can you give us some assurance that you will act in those circumstances to prevent a catastrophic environmental outcome before it's too late?

Mr JAMES GRIFFIN: To that and to your previous question, if flows fall or are likely to fall below that target, floodplain harvesting must cease.

The Hon. ROSE JACKSON: I'm not talking about hitting that target; I'm talking about 300, 250 or 200 gegalitres. The water level is dropping, and these things don't just happen overnight. The department will be monitoring. They will be telling you, "Minister, the water level is dropping. We are seeing oxygen levels dropping. We are seeing the conditions that are going to lead to a mass fish kill, but we're not at 195 gegalitres." What are you going to do?

Mr JAMES GRIFFIN: Harvesting must cease; take is time bound. River connectivity is protected and habitat for fish and waterbirds is protected during low-flow events. Obviously, there is a role for us to play in monitoring and ensuring that the ecosystem is a healthy one, and I will talk to my colleagues and ensure that the department is working collaboratively and practically on the ground with its agency partners to make sure that we don't have an experience like the one that we all know and note in Menindee. I accept this is a complex and contested area and can assure you that in the making of the plans, in providing concurrence, I also took great confidence from the fact that for the first time this will now be regulated. The review clauses, to include the updated climate change data in 2023 and the independent review in '25, set us on a good trajectory to deliver better environmental outcomes.

The Hon. ROSE JACKSON: Let's just hope we don't have a million dead fish before then. I might quickly ask about the Warragamba Dam wall before I pass back to my colleague Ms Sharpe. I just wanted to check your understanding of the status of that project. My recollection from estimates earlier in the year is that

Minister Ayres had carriage of that project as western Sydney Minister. WaterNSW was doing the EIS, but Minister Ayres' department was the lead on it within the Government. Can you provide an update of your understanding of where that project sits?

Mr JAMES GRIFFIN: I understand it's still going through those processes, as you've set out. You might recall that my officials provided their submissions into that process, setting out their expert views on Warragamba and the proposed project. Ultimately, I believe it is still a matter for Planning, and they're working through that as we speak. I'm sorry, I couldn't give you a detailed overview on—

The Hon. ROSE JACKSON: That's fine. I'll ask the other Ministers too. Just to quickly follow up—yes, they provided their views. I think it would be fair to say that they provided their concerns in relation to that project—their concerns, as you would know, that Indigenous heritage was not properly considered and that environmental impacts were not properly considered. Both Heritage NSW and Environment and Heritage raised a number of concerns. Do you continue to share those concerns? Are you continuing to back your departments as part of that ongoing discussion within government?

Mr JAMES GRIFFIN: I will always back my department. The officials do outstanding work. They provided expert submissions and insight into the concerns and a balanced and fair view on the impacts, as you would expect. They've done that, they've provided those inputs and, wherever possible, I will continue to, where needed, share those views. Ultimately, this is a matter in the Planning space, and it is making its way through. The work that these officials do is to be commended.

The Hon. ROSE JACKSON: It is in the Planning space, but it obviously has the potential to have major environmental impacts and major heritage impacts, particularly on Indigenous heritage. What assurances can you give us? As I said, they've provided their submissions. They were very clear; concerns were raised. It is now in planning. What follow-up have you done to ensure that the Government doesn't make a decision that has the potential to have very negative environmental and heritage outcomes?

Mr JAMES GRIFFIN: These are the sorts of decisions—it is one example, I guess, of the impact that we are experiencing from climate change, where you have got flooding incidents right across New South Wales that are impacting and generating significant questions about future planning and what needs to be done. I think the flood inquiry set out its recommendations and dealt with a number of these quite significantly. At the end of the day, these are challenges that are not only being experienced through this particular project but planning right across the State and where we choose to undertake development in the future, and where communities that have been impacted may necessarily want to begin again, if you will.

TONY CHAPPEL: Chair, if I may just revert to Ms Sharpe on a question she asked earlier?

The CHAIR: Sure.

TONY CHAPPEL: The recycling data, I am pleased to share, for the financial year 2020-21 shows overall waste diversion rates are up by 2 per cent to 66 per cent, and there's an increase in recycling across all waste streams. Construction and demolition has gone from 76 per cent to 79 per cent; municipal solid waste, from 43 per cent to 44 per cent; and commercial and industrial, from 52 per cent to 53 per cent.

The Hon. PENNY SHARPE: Thanks for that. Minister, I wanted to ask you about the renewable energy zones. I know they're not your responsibility, but there is significant conflict arising in relation to land use and the transmission that would connect these zones. We obviously have had a lot of issues with Snowy and in Kosciuszko. Are you able to rule out the use of national parks for this transmission infrastructure, no matter where it is across those REZs?

Mr JAMES GRIFFIN: Again, this points to the challenges that are being experienced around land use. There are some smart solutions that see, for example, solar farms being on pivots now, where you can have productive farming land or grasslands sitting underneath them. The renewable energy zones are a great example of the Government trying to again push its ambitious and nation-leading approach to getting to net zero and its appropriate planning policies and approach to dealing with land use.

The Hon. PENNY SHARPE: Minister, to be clear, the plans of management for national parks don't allow this sort of infrastructure. Are you foreshadowing a change to those plans of management outside Kosciuszko that may allow it?

Mr JAMES GRIFFIN: No. Mr Fleming might be able to provide you with some further detail.

ATTICUS FLEMING: I am not aware, Ms Sharpe, of any proposal to build a transmission line. There may be one that I am not aware of, but I am not aware of any outside of the Kosciuszko example that you referred to.

The Hon. PENNY SHARPE: Just to be clear, that's not something you support, Minister?

Mr JAMES GRIFFIN: No. Where possible, it is the use of parks land—

The Hon. PENNY SHARPE: Where possible—

Mr JAMES GRIFFIN: No, of last resort, absolutely. We've experienced that with Snowy and with Kosci, but I'm not aware of any proposals that would see us having to deal with a challenge like that.

ATTICUS FLEMING: I should clarify, so that I'm not misleading anyone, that I am aware that the issue has been raised. Clearly, it has been discussed at some point by someone. I'm not aware of a specific proposal.

The Hon. PENNY SHARPE: No, I don't have a specific. It's a general policy position, which is whether national parks should be used for transmission, even if it's for renewables. That's the question I'm asking—whether we use nature for renewables. You're saying "no"?

Mr JAMES GRIFFIN: Ideally. It's a wide land out there, and you'd hope that there are ways in which they can work around that.

The CHAIR: Is that a "no"?

The Hon. PENNY SHARPE: I'm not sure that's a "no". That's a "maybe no", I think.

The CHAIR: Is it a "maybe"?

The Hon. PENNY SHARPE: That's okay. I'll move on. I have got a few other things to get to. The marine estate plan—I am told its release is imminent. You have concurrence with that, don't you, Minister?

Mr JAMES GRIFFIN: Yes.

The Hon. PENNY SHARPE: Are you comfortable with the move away from the usual recognised principles of comprehensive, adequate and—I have forgotten the last one—representative in relation to this sort of threat and risk analysis to the marine environment?

Mr JAMES GRIFFIN: Not only as the Minister but as a coastal MP with a beautiful sanctuary zone nearby, I think everybody across the State would celebrate and want protections to be—

The Hon. PENNY SHARPE: There is no disagreement about that. I know that you live in a very beautiful part of the world, Minister. My question is about our diversion. If we adopt the threat and risk analysis management model—which I believe is basically the way that we are moving to this, when we finally see the plan—we are actually then outside some of our other obligations around the National Reserve System and the National Representative System of Marine Protected Areas.

Mr JAMES GRIFFIN: Mr Knudson?

DEAN KNUDSON: Ms Sharpe, the threat and risk analysis is basically trying to get another level of understanding of what the risks are that are faced by not only the marine estate but also the species that depend on it. It is not to ignore the core principles, et cetera. Indeed, the discussions that we've had with Fisheries to date have been about protecting the exact same amount of sanctuary zones, et cetera, and making some choices around how we increase and balance recreational fishing, for example, in some areas, in a way that doesn't have impacts on the key environmental assets. We are trying to figure out those types of choices but, fundamentally, the core principles and the idea of sanctuary zones—all of that remains intact. What we have tried to do is go a level beneath just sheer protection and understand also what are the other—

The Hon. PENNY SHARPE: To be clear, you're talking about allowing fishing in current no-take zones?

DEAN KNUDSON: No. What I was talking about was that there is a strong desire in a number of our coastal communities to increase recreational fishing access. What we're saying is—and I'm not talking about within sanctuary zones; I am saying outside of sanctuary zones. There are ways that can be done—for example, where you're not anchoring and where you're not using certain types of lines—which will not have significant impacts on these species. That is what we are trying to figure through with Fisheries.

The CHAIR: Thank you. Mr Pearson?

The Hon. MARK PEARSON: Minister, I am going to take us to an area which hasn't probably been visited very thoroughly before. It is in relation to housing development and its impact on wildlife. I am just going to use one example of a housing development project which my office has received many concerns from the community about. The property developer Mirvac lodged plans with The Hills Shire Council to build

252 apartments and 166 houses across 25.87 hectares. This is causing the removal of 3,000 trees, which are quite well-established trees, and therefore displacing and harming untold numbers of wild animals. Can the Minister confirm that the New South Wales Code of Practice for Injured, Sick and Orphaned Protected Fauna must be applied at the Mirvac development when native vegetation is being removed and native animals are being displaced and harmed? What is the responsibility of Mirvac, or any housing development company, to those animals which are being harmed by the removal of the trees?

DEAN KNUDSON: Your question is about a specific code. I don't know the answer to that, but what I will say is that, number one, we will come back and clarify, for the specific Mirvac proposal that you are talking about, what they are subject to. Obviously, if it is a legislative or regulatory requirement, that would be binding upon—

The Hon. MARK PEARSON: Therefore, you can confirm that there would be an authorised person to rehabilitate and release, and treat or attend to protected fauna on site while the trees are being removed by the company?

DEAN KNUDSON: Again, Mr Pearson, like I said, I really will have to come back to you and talk about the specific obligations that that code would or would not apply to the Mirvac development. I don't know the answer off the top of my head.

The Hon. MARK PEARSON: Can you also provide an answer or provide information as to whether, when Mirvac or any other housing development company are going to remove flora which is likely to be a habitat, they have to include in their development application what actions are going to be taken to protect or help the animals that are harmed?

DEAN KNUDSON: That is absolutely fine; we will come back.

The Hon. MARK PEARSON: Minister, the largest export company and processing company for kangaroos is Macro Meats based in South Australia. I have had reports that on several occasions over the last two years they have actually had to shut the processing plant because they haven't been able to source enough kangaroos for processing from Queensland, New South Wales and South Australia. Is that not an alarming concern as it would be an indicator as to what our inquiry into the welfare and wellbeing of kangaroos and other macropods found, that the numbers of kangaroos are drastically reducing in New South Wales? Even on a trip that we took out to Menindee and Broken Hill, covering several hundred kilometres, we didn't see one kangaroo where, five years ago or 10 years ago, you would see a lot. Here we have a company which is relying on kangaroos as its main resource and it is now in crisis where for several days it is having to shut. Are you concerned about that?

Mr JAMES GRIFFIN: I can't comment on the specifics of that particular operation, not knowing it, but I do understand that the population of kangaroos over some time has been constant or static. However, that is not to discount what you went and observed on your trip. Obviously, as you heard earlier—

The Hon. MARK PEARSON: How do you have information that the number of kangaroos is constant or static?

Mr JAMES GRIFFIN: The data I have is that the estimated population in commercial zones from 2019 is around the 10 million to 12 million number.

The Hon. MARK PEARSON: If that is the case, why is it that kangaroo harvesters or shooters can't meet their quotas?

Mr JAMES GRIFFIN: I couldn't give you an answer to that, but I can take that on notice and we can seek to get some more information for you.

The Hon. MARK PEARSON: In 2018 emails were received from a property owner, Greg Keightley, to the department about shooting near his property and his complaint about a harvester hitting a fence-entangled kangaroo with an axe. The email thread between department staff appears to show a lack of concern about this particular welfare breach and is typical of many welfare breaches. In one of the communiqués there is a quote saying, "my approach is to absolutely minimise communication" in these circumstances. Why do you think there would be such an approach taken by departmental staff to landholders and members of the community who have serious concerns and have reported serious animal welfare breaches? Why would there be this mindset?

Mr JAMES GRIFFIN: It would be my expectation that any issue of animal cruelty is dealt with appropriately and care is given. Perhaps Mr Knudson would like to provide some specifics on the issue that you have raised.

DEAN KNUDSON: Absolutely. That does obviously pre-date my time in the department, but that is fairly disturbing, that email exchange that you are talking about. We have a fundamental responsibility to make

sure that any law that the State Parliament has put in place is complied with in the regulation, but, more to the point, if you are actually concerned about compliance outcomes and environmental outcomes, half of that relies upon proper engagement with citizens. You want to avoid a compliance situation in the first instance, so I do find that very disturbing.

The Hon. MARK PEARSON: It is actually a theme that runs quite obviously through most of the documentation that has been provided through SO 52. Minister, you are aware that this committee did actually do an inquiry into the welfare and wellbeing of kangaroos and other macropods. That inquiry found that this so-called number of kangaroos is seriously in question because of the methodology, and the mechanism that is used to count and ascertain how many kangaroos are out there was put into serious question by a lot of ecologists. Therefore, two major recommendations of the committee were to put in place an inquiry or an investigation by the Auditor-General into the kangaroo management program. Why has the Government not acted and upheld that recommendation, because as there is an internal audit which was reported to the ABC's 7:30 showing a whole series of issues, concerns and problems, wouldn't that be a ground to uphold that recommendation that the Auditor-General undertake an investigation into the kangaroo management program?

DEAN KNUDSON: If I may, Mr Pearson, I think an internal audit, first of all, is initiated by the department. The department is saying, "We want to understand this issue more profoundly." That has been undertaken and we are now implementing the findings of that audit to make sure that we improve the program. Your question about the sampling methodology used to determine population estimates et cetera, I think we responded fairly extensively in our response on that recommendation because there has been a lot of concern raised over the years about how we estimate the populations and we have tried to provide not only clear information about how those estimates are derived but also what sort of external oversight and what methodology that is based upon to give confidence to the community. So in both cases, whether it is the internal audit or the specific question of population estimates, we are very committed to being as transparent as possible, making sure that our methodologies and our practices are well understood and communicated. We still have a way to go, given some of the reports that you gave earlier on, and we are committed to doing further—

The Hon. MARK PEARSON: Wouldn't the Auditor-General doing an investigation be extremely helpful?

MICHELLE DUMAZEL: I just might add here that Mr Knudson was talking about our internal audit and our processes that we are doing to improve our science and the information that we provide, and also our compliance regime. But in relation to that particular recommendation, it is the Commonwealth responsibility to assess wildlife trade management plans against the requirements of the EPBC Act and the wildlife trade management plan was actually declared by the previous Commonwealth Minister for the environment at the end of 2021.

Ms ABIGAIL BOYD: Good morning to you, Minister, and to the rest of you as well. I gave you a heads-up last time in estimates about my concerns around coal ash. What have you learnt about coal ash?

Mr JAMES GRIFFIN: It's obviously a significant problem. It's a legacy issue when it comes to previously—or the mines that are there since we last met at this Committee. The EPA has been doing some significant work and to give you some further detail on that—

Ms ABIGAIL BOYD: Let me stop you there. I will ask the officials in the afternoon, because I have limited time with you. I assume that you have now read the report of the committee looking into coal ash repositories?

Mr JAMES GRIFFIN: I'm familiar with the challenges presented by it, yes.

Ms ABIGAIL BOYD: Yes? You promised me you'd read it. The potential impacts of coal ash dams, not just legacy, but what is going into them right now—it was found very clearly in our inquiry that there were alarming health risks and environmental risks from these coal ash dams at power station sites. What have you been doing, as the Minister, to ensure that the harm from these toxic sites is contained?

Mr JAMES GRIFFIN: There has been a great deal of work underway and the EPA have been leading that as the appropriate authority. They have been carrying out a monitoring project in Lake Macquarie to assess the current environmental condition and potential impact from coal ash repositories. I can update you that sampling commenced in mid-March 2022 and will run for 12 months, with around 350 water samples and over 80 sediment samples collected. This study is an initial step in responding to recommendations 3 and 7 of the parliamentary inquiry, as you know well.

Ms ABIGAIL BOYD: Yes. That is one thing.

Mr JAMES GRIFFIN: The EPA is reviewing the regulatory requirements for coal ash dams in accordance with each of those power stations' environmental licences—

Ms ABIGAIL BOYD: They are, and that is great. But I do worry you don't understand just the massive impact of these sites—

Mr JAMES GRIFFIN: I do appreciate the significant challenge that it faces. We have the CEO of the EPA here, who can give you a very detailed, thorough insight into it. But, rest assured, I do appreciate it, and I have met and heard from affected local MPs who have shared the concerns of their communities about this important issue.

Ms ABIGAIL BOYD: Have you visited any of the coal ash dams?

Mr JAMES GRIFFIN: I haven't visited a coal ash dam, but I can do that. And, as you may have heard, I visited more than 25 national parks and a number of facilities that deal with waste—a whole variety of things. Coal ash is a significant problem, and it is one I am committed to working with the EPA to deal with.

Ms ABIGAIL BOYD: I think once you see that these things are as big as suburbs—once you see the extent of a coal ash dam—I think you will perhaps get inspired to act more urgently. One of the other parts of our report was in relation to actually turning this into a bit of an opportunity, as we clean up the coal ash, by setting up a task force that would help industry, who have been asking for help, to do more recycling of the coal ash that is coming through. The Government wasn't particularly supportive of that recommendation in its response. Is it something that you have been looking at as part of waste management?

Mr JAMES GRIFFIN: Yes. We have got our Waste and Sustainable Materials Strategy. Part of that is \$37 million for a Carbon Recycling and Abatement Fund to trial new approaches to recycling and recycled materials, which could include low carbon coal ash cement.

Ms ABIGAIL BOYD: That is the only mention of coal ash in the entire waste report. I understand this is 80 per cent of our waste stream in New South Wales. This is a significant amount of waste that is currently sitting in unlined pits and leeching into groundwater. Do you not think we should be acting a little bit more urgently to encourage the recycling of that waste?

Mr JAMES GRIFFIN: I think there is great recognition that this is a big challenge that is facing us. I think the \$37 million that will go to supporting trialling new technologies to deal with this will pay great dividends in getting a long way to resolve it.

Ms ABIGAIL BOYD: Can you give me assurance that any of that money is going towards coal ash recycling?

Mr JAMES GRIFFIN: You have the chief of the EPA here, who I am sure can provide you with some comment now.

Ms ABIGAIL BOYD: I would love to know, just on that one specific question.

TONY CHAPPEL: Thank you, Minister. There is no current funding commitment to coal ash under the circular innovation fund. But, just to add to the comments the Minister has made, the EPA did make a draft contaminated land declaration in June for one of these sites at the Kerosene Vale ash repository at the Wallerawang former power station site. We have been in communication with every site that hosts one of these repositories. You are correct. There are risks to the environment from the way the ash material is stored and—

Ms ABIGAIL BOYD: And human health.

TONY CHAPPEL: And to human health. I think recycling and the waste hierarchy is always something we think about, but our top priority is protecting the human health and the environment.

Ms ABIGAIL BOYD: Why has Liddell not been listed as a contaminated land site?

TONY CHAPPEL: The owners of the Liddell site are in communication with us now about the most appropriate way to regulate that site. I might just ask my colleague Mr Beaman if he would like to add any comments there.

Ms ABIGAIL BOYD: Because this is the site that the department has had a lot of information about for a very long time, in relation to contamination. It is where we get the information about the brain-eating amoebas in Lake Liddell. I can't understand how that wouldn't be a contaminated site.

STEPHEN BEAMAN: Thank you for the question. I can update what the CEO just said. We have actually just declared the Kerosene Vale site at Lidsdale. Then we've actually contacted all the other coal ash owners and occupiers for them to consider their obligations under section 60. In relation to Liddell, there is an

environmental impact assessment being prepared for the Liddell site that is currently before the department of planning. We're expecting to see that in the fourth quarter of this year, and that will have all the data in it for us to make an assessment around the contaminated land requirements.

Ms ABIGAIL BOYD: So it has not been a priority?

STEPHEN BEAMAN: No. I think it is, to the extent that that work is occurring. We're waiting to get that information back in so we can assess it. We certainly do treat it as a priority.

Ms ABIGAIL BOYD: I will come back to you, because I do have limited time. I want to ask you about one more issue. This clean air regulation has become a bit of a running joke. It failed to be updated last year and instead was just remade, and now I understand we're not going to get it until 16 December, or something, which is a bit of an odd date. Can you tell me why that is taking so long to update?

Mr JAMES GRIFFIN: The Clean Air Strategy?

Ms ABIGAIL BOYD: Not the strategy, which I have said previously is more of a crystal ball gazing exercise than an actual strategy. The regulation itself—the Protection of the Environment Operations (Clean Air) Amendment Regulation 2022. Why are we not getting that until December, now?

KATE WILSON: The submissions closed, I think, in June, and there were over 150 submissions received. We are just taking time to actually work through those and give those due consideration.

Ms ABIGAIL BOYD: Minister, does it concern you that, given what we now know about the air pollution coming out of the coal-fired power stations, and given the overwhelming evidence that what we have in our regulations is nowhere near what is required to protect human health, we have such a delay in the clean air regulation being finalised?

Mr JAMES GRIFFIN: Well, the clean air reg is an important part of a whole-of-government response to ensuring—

Ms ABIGAIL BOYD: It is.

Mr JAMES GRIFFIN: —good air quality.

Ms ABIGAIL BOYD: It is a year-and-a-bit late already.

Mr JAMES GRIFFIN: The work that the EPA have been doing on their climate change policy, the Clean Air Strategy, our net zero targets, I think, seen in its totality, demonstrate on the ground action to improve—

Ms ABIGAIL BOYD: I'm glad you say "on the ground action" because it's not, actually. That's all strategy and plans, but there has been no curbing of the 30 toxic chemicals coming out of the coal-fired power stations since I don't know when. We keep giving Delta continual exemptions that potentially aren't even legal. I will bring that back up this afternoon. Clearly, there is no action when it comes to protecting people from the health impacts of the air pollution.

Mr JAMES GRIFFIN: As you know, we have the country's largest network of air monitoring stations which help inform and ensure that we've got the best data available.

Ms ABIGAIL BOYD: Not independent ones.

Mr JAMES GRIFFIN: The net zero strategy, the Clean Air Strategy, the work that the EPA is doing, I think, all demonstrate a clear commitment—

Ms ABIGAIL BOYD: But there have been no tangible changes, have there, in what is being pumped out of those power stations as a result of your regulation? There's been no tangible improvement in air quality for the people of New South Wales. There are just plans and strategies, and talk and talk and talk, and delays. Are you concerned, as the Minister, that your Government has been so delayed when it comes to reproducing a regulation that's fit for purpose?

Mr JAMES GRIFFIN: As you just heard, the submissions have been taken, work is being done, and I think in totality there is actually a lot of work being done. Of course I take seriously the human and health impact of those plants.

The Hon. PENNY SHARPE: Minister, where is the World Heritage nomination for the Parramatta Female Factory up to?

Mr JAMES GRIFFIN: That's a great question. I had the benefit of going out there in the last couple of weeks and doing a tour of that precinct, meeting with the friends of the Female Factory, seeing the good work that had already been done there as a result of great investment by the Government in remediating and revitalising that

particular area. We stand ready to continue to support World Heritage nomination listing. Ultimately that is a decision for the Commonwealth.

The Hon. PENNY SHARPE: But, Minister, can I just check—so what investment and what is it that your department is doing? My understanding is that New South Wales develops the nomination and there's a lot of work. Presumably you have someone actually doing that?

Mr JAMES GRIFFIN: Yes. We had a great discussion with the friends of the Female Factory who have been advocating for this World Heritage listing along with the local MP. Mr Kidman can give you an insight into where we're up to.

The Hon. PENNY SHARPE: Who's working up the nomination? That's what I want to know.

SAM KIDMAN: We're working with the Commonwealth on the nomination. Just by way of background—

The CHAIR: Sorry, we're short on microphones.

The Hon. SHAYNE MALLARD: People can't hear you at home or in the offices.

SAM KIDMAN: There are two potential nomination pathways for the Female Factory. One is as a former convict site, as a place of incarceration. The other theme that might be more appropriate is the general theme around the institutionalisation of women. We have some feedback from the Commonwealth that there are a great many convict sites on the World Heritage register and that secondary theme that tells a story about the historical institutionalisation of women might be the more appropriate theme to go through. We've been in touch with the Commonwealth seeking assistance with the preparation of—

The Hon. PENNY SHARPE: Sorry, just to be clear, are you seeking funding from the Federal Government to do the nomination? I want to know how much money, other than we've talked about—is the nomination under way?

Mr JAMES GRIFFIN: I have written to the Federal Minister on this particular topic only in the last week seeking their support and contribution into this very costly exercise, noting that heritage is priceless and so it would be great to get this World Heritage listing up.

The Hon. PENNY SHARPE: So how much money are you seeking from the Commonwealth?

Mr JAMES GRIFFIN: I couldn't give you the exact figure off the top of my head, but it is a substantial multimillion-dollar amount. Again, I'd welcome—

The Hon. PENNY SHARPE: So just to be clear, various heritage Ministers have been speaking about the support for the World Heritage listing of the Parramatta Female Factory for at least 10 years, and you're telling me that we're really just still talking about it and we're seeking funds from the Commonwealth to get it started. So we're really at stage one.

Mr JAMES GRIFFIN: I can update you that we, the New South Wales Government, have committed \$50 million on that site.

The Hon. PENNY SHARPE: No, that's not what I'm talking about; I'm talking about the preparation of the nomination that would eventually go forward for World Heritage listing.

Mr JAMES GRIFFIN: Mr Kidman?

SAM KIDMAN: The Government has invested nearly \$54 million in that site.

The Hon. PENNY SHARPE: That's not what I'm asking.

SAM KIDMAN: No, but it is an important consideration because the World Heritage listing will no doubt be informed by the revitalisation of that precinct and opening it up for community access. So it is quite an important consideration. It's a very significant investment.

The Hon. PENNY SHARPE: Yes, it is, and this is partly why I'm asking, because there has been a lot of commitments and a lot of words about the significance of this site. There's no disagreement here, but there has been a lot of concern over a period of time that the revitalisation has completely overshadowed the actual world nomination process and, in fact, that there's a bit of a trick going on here, which is that you get the revitalisation plans done first so then issues such as curtilage and other things to do with the listing of this site aren't incorporated into—it's too late.

Mr JAMES GRIFFIN: That's certainly—

The Hon. PENNY SHARPE: I think people would be shocked to know that, after almost 12 years and many commitments around this, really the nomination process has not gone any further while the revitalisation is going on.

Mr JAMES GRIFFIN: My experience in going out there and visiting it personally was to see a great bit of revitalisation to get it in good shape, and the work in parallel to that in preparing and working with the community and experts to work up the World Heritage nomination was being done. The effort, time and energy of Heritage NSW staff in working to get that to a particular point has allowed me to write to the Federal Minister and seek their support, noting that it needs to be a combined—

The Hon. PENNY SHARPE: Can you tell us how much money you're seeking? You can take it on notice; that's fine.

Mr JAMES GRIFFIN: Yes, absolutely. I will take it on notice.

The Hon. PENNY SHARPE: Is this money required for the nomination to go forward?

Mr JAMES GRIFFIN: Mr Kidman?

SAM KIDMAN: The money is required to fund the preparation of the nomination.

The Hon. PENNY SHARPE: So New South Wales is saying that we're doing the revitalisation but that if we want the World Heritage listing the Federal Government has to do that? Is that the normal practice? That's not my understanding of how we have progressed World Heritage listings previously.

ATTICUS FLEMING: I think what New South Wales is saying is "We've invested in a feasibility analysis, we're spending a lot of money—\$50-odd million—to protect the site, we're ready to work with you on the nomination." Given the level of investment that the Government's making in the site, we'd appreciate the Commonwealth funding the nomination. Our staff are ready to work on it, keen to work on it and build on the feasibility work that's been undertaken.

The Hon. PENNY SHARPE: Terrific. Can I then ask this question, which is, in previous World Heritage nominations—

ATTICUS FLEMING: I think it's a mix.

The Hon. PENNY SHARPE: Could you at least on notice tell us the funding of the nomination process? This is news to me.

ATTICUS FLEMING: We can look into the previous New South Wales nomination processes, yes.

The Hon. PENNY SHARPE: Thank you. I'll move on. Minister, are you familiar with the Glenlee site, also known as Lugarno Farm?

Mr JAMES GRIFFIN: I have been out there and inspected it myself, yes.

The Hon. PENNY SHARPE: What is the current status of the acquisition of that site?

Mr JAMES GRIFFIN: That's an ongoing discussion that is being had between the community and the council. Obviously, there are some heritage values associated with the site. It is a privately held site at the moment. I've been out there with interested community members and will continue to talk to the council about what they might be able to do there.

The Hon. PENNY SHARPE: You'd be aware that the Parliament—the upper House and the lower House—has taken quite a close interest in this?

Mr JAMES GRIFFIN: Yes.

The Hon. PENNY SHARPE: So acquiring that site, you see as the council's obligation?

Mr JAMES GRIFFIN: My understanding is that it's a significant amount of money. The council have been exploring opportunities or avenues that are available to them to do this. We stand ready to help them with information and support that they may need. That was the purpose of my visit to Glenlee: to go and have a look at it and understand the site itself. As I said, we stand ready to support the council in whatever they need.

The Hon. PENNY SHARPE: Great, okay. Minister, I want to ask you about the Mudgee Regent Theatre. Mr Kidman will know all about this. My understanding is that it was listed in 2020, which was very good, but there is obviously a lot of community concern about future use of the theatre. Can you give us an update on where you believe that's up to?

Mr JAMES GRIFFIN: Mr Kidman will—Mudgee?

The Hon. PENNY SHARPE: Yes, I think it is one for Mr Kidman.

SAM KIDMAN: Yes, I think it is. I'm not aware of any significant redevelopment proposals. However, I think there have been some community concerns about its ongoing maintenance, repair and future uses. Because it's on the State Heritage Register, any development application for its redevelopment would need to be approved by the Heritage Council.

The Hon. PENNY SHARPE: So it would have to go through you. The local MP, Dugald Saunders, the member for Dubbo, was very happy that it was listed. But he has flagged in the media that there may be a proposal which would mean that only the facade is kept. You are not familiar with this?

SAM KIDMAN: I have heard. I think it was purchased by a hotelier some time ago. But, as I said, any plans for redevelopment of the site would need to be approved by the Heritage Council. The Heritage Council would take into consideration a number of considerations. One is activation and adaptive re-use, to make sure that the theatre is maintained for ongoing community use or business use—

The Hon. PENNY SHARPE: Would turning it into apartments be considered reasonable for adaptive re-use?

SAM KIDMAN: That would depend on the nature of the proposal.

The Hon. PENNY SHARPE: Got to look at it when you see it.

SAM KIDMAN: Yes.

The Hon. PENNY SHARPE: I get that. I wanted to ask about really what I consider to be a heritage disaster, which is the loss of the timber trestle bridge, the Prince Alfred Bridge at Gundagai. Minister, are you familiar with this?

Mr JAMES GRIFFIN: Not intimately familiar with that, no.

The Hon. PENNY SHARPE: Mr Kidman might be. It's been a subject of a lot of discussion over the years—very beautiful, rare example of a timber bridge, through Gundagai. Essentially, there'd been attempts for it to be listed. Mr Kidman, can you give me an update? I believe it hasn't been listed and it's now fallen into complete disrepair.

SAM KIDMAN: I'm not up to date on the absolute current status of that bridge, but I am aware that particular timber bridge, as you say, has fallen into a state of disrepair, but it is not listed on the State heritage register. I'm not aware of the—

The Hon. PENNY SHARPE: I agree with you that that's the case. But you're not aware of any attempts to try and sort that out.

SAM KIDMAN: No.

The Hon. PENNY SHARPE: I wanted to ask about another heritage issue, which is to do with the Beaches Link. There's been identified, as I understand—there's been significant work done into identifying Aboriginal cultural heritage?

SAM KIDMAN: Yes.

The Hon. PENNY SHARPE: There's a particular issue with engravings and paintings. Can you just give me an update on where that is up to? My understanding from the report is that there's one particular site that people are concerned about. There are about seven or eight sites all together?

SAM KIDMAN: Yes. I think this was the subject of some questions in the March hearing as well. That is a State-significant development, obviously, or State-significant infrastructure. So the role of Heritage NSW would be to advise the proponent, Transport for NSW, on how to manage, protect and mitigate impacts on Aboriginal cultural heritage. That would be our role. Then it would be up to the department of planning to include those mitigation measures as conditions in the conditions of consent through the approval process.

The Hon. PENNY SHARPE: But you're not at that point now?

SAM KIDMAN: No.

The Hon. PENNY SHARPE: Do you have any sense of the time frame of that?

SAM KIDMAN: I can update you on that.

The Hon. PENNY SHARPE: That would be great. I appreciate that. Minister, within national parks, there are a lot of heritage items, both Aboriginal and non-Aboriginal. Is there a current plan? Previously, I know,

there were plans done to manage and, hopefully, update progressively the heritage sites within national parks. Is there a current plan to deal with this?

ATTICUS FLEMING: There's certainly a range of programs and strategies being implemented, but I'd need to take on notice the detail. I'm sorry.

The Hon. PENNY SHARPE: My understanding was that previously—this was done in the previous government—there was an audit done of all of them and then there was basically a plan. But I am pretty certain, which I'm really checking, there's not currently a comprehensive plan to deal with this.

ATTICUS FLEMING: As I said, there certainly are a lot of programs and strategies and work being undertaken.

The Hon. PENNY SHARPE: Always a lot of programs and strategies, Mr Fleming.

ATTICUS FLEMING: You might be asking if there's one integrated, comprehensive plan. You might be right in saying that that's not in place, but I'll take that on notice and come back to you.

Mr JAMES GRIFFIN: I do think it is important to acknowledge, however, that the Aboriginal cultural heritage that exists within the parks estate should play a really important role in encouraging visitation and really expanding the knowledge base that people have, whether they're visitors within New South Wales or international visitors, in truly appreciating the mix of both the beautiful parks estate as well as the important Aboriginal cultural heritage that exists within it.

The Hon. PENNY SHARPE: Clearly, we've got to get the legislation right, don't we, Minister?

Mr JAMES GRIFFIN: Yes. I think a lot of our visitor infrastructure and the upgrades that we're undertaking, a record amount—I'll give you one example: Gundabooka National Park. There was a rock carving and some painting there. It had some staging that didn't really, I think, do it justice. Thankfully, we're investing in that to upgrade the experience of people to come and view and experience that.

The Hon. PENNY SHARPE: That's terrific. I think you said earlier, Minister, that you'd been to Yanga.

Mr JAMES GRIFFIN: Yes.

The Hon. PENNY SHARPE: Did you see the state of the shearing sheds there?

Mr JAMES GRIFFIN: Yes. We did a visit there, of the homestead and the sheds, again a—

The Hon. PENNY SHARPE: Did you see the falling-down houses and shearers' accommodation there?

Mr JAMES GRIFFIN: A lot of work has been put into repair and remediation of the homestead at Yanga.

The Hon. PENNY SHARPE: That's the homestead. But then, where the shearing sheds are, there's the old managers' houses, that, when I last was there, were full of holes in the floor, hornets' nests. I can show you pictures—I've got them on my phone—if you'd really like to see them. Have they been upgraded? I was there about two months ago. Have they been fixed since then?

ATTICUS FLEMING: I'd need to take that on notice. I'm sorry.

The Hon. SHAYNE MALLARD: Sounds like every shearing shed I've been in—wasps and holes.

The Hon. PENNY SHARPE: No. It's not the shearing. I understand there's been work done on the homestead. What I'm pointing to is that, around the very large shearing shed that's in okay condition, the surrounding buildings are literally falling down, with holes in the floor, with no plan to support them. I went there with community members who are extremely concerned about the lack of upkeep. So I'm wanting to understand what's going on with that site.

Mr JAMES GRIFFIN: I appreciate you sharing that. There are a lot of assets across the parks estate. We have a record amount of investment going into the upkeep and support of them. Obviously, the remoteness of Yanga is considerable, but every effort is being undertaken to invest in our parks estate and the assets that we've got.

ATTICUS FLEMING: I would say the staff are working very hard to strengthen protection for both the historic heritage but particularly Aboriginal cultural heritage. There's a lot of work underway in terms of training and so on. The joint—

The Hon. PENNY SHARPE: That is terrific, but there are a lot of things that are literally just completely falling apart.

ATTICUS FLEMING: There are a lot of heritage items, yes.

The Hon. PENNY SHARPE: We're getting close to the end of my time, so I'm jumping through a few things. I apologise for this. The coastal cabins in the Royal National Park. What's the current status of resolving the issues in relation to the plan of management and the Royal and the coastal cabins?

Mr JAMES GRIFFIN: I met with representatives of the owners there, along with the local MP, to hear and understand their concerns with respect to the cabins and the plan of management. They set out to me that they wanted further acknowledgement of the historical importance and role that the cabins played to be reflected in the plan of management. The plan of management is being updated, but there are—

The Hon. PENNY SHARPE: When's that due? That's been going for a while.

ATTICUS FLEMING: Yes. It's still being updated. I don't think it's very far away.

The Hon. PENNY SHARPE: How far away?

ATTICUS FLEMING: There is a plan of management. This is, obviously, a new plan of management.

The Hon. PENNY SHARPE: Yes, but there were serious concerns of the people, the cabin owners, in relation to the security of their tenure into the future and the role which they play within the park and recognition of the heritage within the park. I acknowledge and think it's good that you've been talking to them, but just wanting to understand when's the finalisation due for the plan of management for the Royal.

ATTICUS FLEMING: I don't have a precise time line. But, if we go back to the earlier discussion, I would say months, probably.

The Hon. PENNY SHARPE: Before the election?

ATTICUS FLEMING: The election wouldn't be a relevant factor for us.

The Hon. PENNY SHARPE: Before March?

ATTICUS FLEMING: I would expect it to happen well before then, yes.

Mr JAMES GRIFFIN: I think also worth noting that the licences expire in 2027. That was the discussion. People want certainty. It was a fruitful meeting and understanding their concerns. We're working on that.

The Hon. PENNY SHARPE: Your time frame for resolving those—is that going to be resolved through the plan of management?

Mr JAMES GRIFFIN: In part, yes.

The Hon. PENNY SHARPE: Which part's not being resolved through the plan of management?

ATTICUS FLEMING: There are some fairly significant legal issues around what licences can be granted under the Act. So we're looking for a solution to that. It can be acknowledged in the plan of management. We probably need to do more than merely amend the plan of management in order to provide a solution for them.

The Hon. PENNY SHARPE: There's been an up-listing of greater gliders recently. They're obviously under extreme pressure. What action's been taken in relation to the strategies that you have across your portfolio to make sure that we don't lose greater gliders?

Mr JAMES GRIFFIN: A significant number of actions—

The Hon. PENNY SHARPE: Anything new since the up-listing, is what I am asking.

Mr JAMES GRIFFIN: We're continually improving on our delivery and ensuring that species that are under pressure are getting the support that they need. The Saving our Species program, one of the biggest in the country, works directly to—as the name would suggest—assist in saving species who are under pressure.

The Hon. PENNY SHARPE: But, for example, Minister, I know there has been a lot of discussion about forestry management and old growth. There is significant community concern, particularly on the North Coast, about currently losing old growth trees that have the hollows that greater gliders need to survive.

Mr JAMES GRIFFIN: Yes.

The Hon. PENNY SHARPE: Have you taken any action to look at working with Forestry Corporation on how we can better protect greater gliders within the Forestry estate?

Mr JAMES GRIFFIN: My expectation would be that Forestry heeds the rules and regulations that are in place. The EPA are doing a great job of enforcing and dealing with complaints—

The Hon. PENNY SHARPE: Well, they're costing taxpayers a lot of money because of the failure to actually adhere to the rules—which is fine. But my question is: Have you spoken to Minister Saunders, or whoever is responsible—is it Minister Saunders?

The CHAIR: Yes.

The Hon. PENNY SHARPE: Yes, sorry, it's moved a bit—in relation to what else can be done?

Mr JAMES GRIFFIN: Yes. As I said in an earlier comment, whether it's the Wentworth Group of Concerned Scientists—

The Hon. PENNY SHARPE: No, I'm talking about your colleagues. I'm talking about your Cabinet colleagues.

Mr JAMES GRIFFIN: Yes, I speak with Minister Saunders regularly and raise—

The Hon. PENNY SHARPE: Have you talked to him about greater gliders and what greater protection could be made for them within our State forests?

Mr JAMES GRIFFIN: —all manner of issues, including better protections for the environment.

DEAN KNUDSON: Can I add a couple of points? It goes back to some of your earlier questions as well. Remember you were asking about Saving our Species and the 150 figure in the budget? That's a lag indicator of species where it's absolutely been confirmed that they are on track to being secure in the wild. The ambition of the program remains to turn around the trajectories for 350-400 species and ecosystems. I just wanted to clarify that. In that is the greater glider. The other thing I think that it would be really important to mention is the uplisting happened in July of this year. Around that time, the private native forest codes were settled. What that does is it secures the habitat of around 2.8 million hectares of core koala habitat—we can talk about that in more detail in the afternoon. But obviously, koala habitat also supports greater glider habitat. So I just wanted to point that out as a regulatory outcome that's fairly recent that will benefit the greater glider, as well as also the—just clarifying the Saving our Species figures.

The Hon. PENNY SHARPE: Great. Thank you.

The CHAIR: Is it correct that, at the moment, \$60 million is the investment in the Saving our Species program? Is that around about right?

DEAN KNUDSON: The investment in Saving our Species is \$15 million a year—so, \$75 million over the five years.

The CHAIR: And yet we've got \$450 million invested in visitor infrastructure development, is that right—around about that?

ATTICUS FLEMING: Across national parks, that's correct, over four years.

The CHAIR: Yes, and yet our obligations to protect species from becoming extinct and our visitor obligations in national parks, I would say, are a bit dubious really, aren't they, with regard to our priorities? A bit of passive recreation but, gosh, the level of development we're perhaps planning, and commercialisation and monetisation of our parks system—that's a big investment, isn't it?

ATTICUS FLEMING: It's not commercialisation and monetisation of our parks system, but I'm happy to provide more information in the afternoon.

The CHAIR: Thank you, I look forward to it. On that theme can I just turn quickly to Gunabula—Mount Canobolas? The Canobolas Conservation Alliance made an application about an area of outstanding biodiversity value [AOBV]. That was some four years ago. The then Minister, Matt Kean, promised a meeting with the alliance and then it was cancelled. There have been no updates and the alliance has sent a number of requests for an update. Minister, could you tell us where that's at, please?

Mr JAMES GRIFFIN: Mr Fleming?

ATTICUS FLEMING: In terms of the AOBV—Ms Dumazel?

MICHELLE DUMAZEL: The guidelines for assessing AOBVs were finalised last year, so we've been working through, quite rigorously, in terms of the assessment of the application. We'll be looking soon to go out for a public exhibition on the next stage. So we're working through the application.

The CHAIR: Okay. Just on Mount Canobolas, the proposal for the extensive 100-kilometre bike path network, Minister, are you aware of the main reason that that area is considered compared to the other couple of areas that were considered for that extensive bike path network on that place?

Mr JAMES GRIFFIN: Mr Fleming?

ATTICUS FLEMING: I'm not sure I understand the question, sorry?

The CHAIR: There was one really salient reason given as to why that was the preferred location for that bike path network as opposed to some other areas surrounding different State forest areas, et cetera. I suppose I was fairly shocked to read that the main salient reason is that it has a couple of really steep areas that give bike riders that extra bit of satisfaction as they're doing it. So perhaps you can just consider how that really fits within the plan of managing a really important State conservation area that has incredible significance to the traditional owners? I read it and thought it was a terribly insulting proposal. But perhaps you can have a look at that?

Mr JAMES GRIFFIN: Okay. I understand, and I'll take that on notice. I think your question though opens a further discussion about some of the conflict use with regard to illegal bike paths and activity in national parks. Where we can, we're working to deliver a cycling strategy so that we can appropriately manage the use of parks where mountain biking is taking place. We obviously experienced a boom in visitation during COVID and, as a result of that, some people are using parks for a whole different set of reasons than perhaps historically they would have. We're working as hard as we can to deal with that, but I take on board your comments.

The CHAIR: Do you think it's a bit of an overburden on the system? Do you think this is perhaps a broader issue for your Government in providing recreation across the State? And why is it falling to our most precious protected area network, and particularly to some of these areas that are really important to First Nations communities, in light of what we were talking about earlier with this agreement and management plan process of handing over lands? Perhaps this is something that you need to take back to your Government rather than placing the burden and pressure on our protected area network? There are so many impacts that will be ongoing—significant costs and management, as well as the biodiversity loss. The edge effects will be enormous.

Mr JAMES GRIFFIN: And that's, in large part, why we're investing such a significant amount in the visitor experience and infrastructure within parks. I think, having been to 25 of them now, we need to provide and ensure that people from all walks of life have the opportunity to enjoy our nature and our environment. There are some areas through which people might be intimidated in wanting to go out and experience—I mean, we know the benefits of getting out into a national park. That was clear right through COVID. So it is about striking a balance that allows people to enjoy their national parks. Unfortunately, there are some instances throughout the State where illegal mountain biking and other activities are occurring. We're dealing with that. But I don't think there is a view at all that there is an impost through our visionary approach to hand back, ultimately, title and engage Aboriginal communities in park management. We continue to manage and support the park estate and work alongside and collaboratively with those Aboriginal communities so that they can get the best outcome from it. So I hope that answers—

The CHAIR: So is it your regulatory approach then if something unlawful is happening in a protected area network, particularly in our national parks and State conservation areas, that we then just find a way to enable it and permit it?

Mr JAMES GRIFFIN: No, quite the contrary. I mean—

The CHAIR: It sounds very much like it.

Mr JAMES GRIFFIN: —I've met hundreds of field officers and parkies who are doing a great job in managing our park estate and making sure that the conservation values of them are respected and preserved for future generations. But what I won't do is have some sort of elitist approach to parks, where they're locked up and people aren't allowed to go and enjoy them.

The CHAIR: Elitist? Elitist, where people can ride—extreme activities, extreme sports?

Mr JAMES GRIFFIN: No, you're conflating two issues. One is the management of illegal activity in park, which the team do effectively and effectively well. But where there have been examples of mountain biking and where we may have brought a park into the estate, we are managing that well.

The CHAIR: Just a final point on the bike network, where really there is a legal question about the use, I think the question will continue to be put about what is that passive recreation et cetera. But just on the Illawarra Escarpment, can I ask, why is there currently a three-part plan and we're only doing REFs in increments as opposed to probably what you would suggest would require an EIS or a more in-depth review so that we can properly look at the cumulative impacts?

ATTICUS FLEMING: Are you talking about for the mountain bike operation?

The CHAIR: I am.

ATTICUS FLEMING: I'll have to take that on notice, I'm sorry. I don't know the reason why. It might be related to the fact that that is straddling different tenures. So some of it's on park; some of it's not on park. But I'll come back to you with an answer. I'll try and do that this afternoon.

The CHAIR: Thank you. The best practice, as we know, is to look at the broadest possible footprint of the development. Can I just turn to the Garden of Stone—one more, still in this State conservation area territory? Can you just confirm, has Centennial Coal provided the \$28 million in the biodiversity offsets?

ATTICUS FLEMING: I'll have to take that on notice so that I get it right. But the arrangements have been finalised. The first payment has either been received or is due to be received. And I'll confirm the schedule—it's effectively over a period of four or five years.

The CHAIR: Thank you. Also with that, is it possible to get the anticipated breakdown of spend—that is, what will go to reserve or establishment?

ATTICUS FLEMING: I don't think I'll be able to give you a full breakdown, but I can advise you now that that is going to, effectively, the management of the conservation values of the reserves. So it's not being spent on visitor infrastructure, for example, because it is an offset. So it's geared towards landscape-scale management of the values and, in particular, those values that were impacted—the upland swamps and so on.

The CHAIR: Just to the EPA, can you please confirm, are there actually nine prosecutions of the Forestry Corporation in the pipeline? I understand and I have been made aware that there's a further request for a further investigation into Ellis State Forest today. Will that be undertaken—if you could just give those two answers quickly?

TONY CHAPPEL: Certainly. I think there are four prosecutions currently on foot. I will just confirm that. Then my colleague Ms Dwyer can answer.

CARMEN DWYER: Thanks, Ms Higginson. Yes, there are four prosecutions on foot at the moment for Forest Corp. And we have received additional requests regarding Ellis State Forest that we will look into. The investigation is already ongoing.

The CHAIR: Thank you. So four is complete at the moment—nothing further in the pipe?

CARMEN DWYER: There are a number of investigations underway, but what regulatory response, if any, is necessary is yet to be determined.

TONY CHAPPEL: Chair, may I just quickly clarify my colleague Mr Beaman's comment on Kerosene Vale Ash Dam as well? The declaration he mentioned will be in the *Government Gazette* on Friday.

Mr JUSTIN FIELD: Thank you, Chair, and g'day again, Minister. Since the biodiversity law changes in 2017, 225,000 hectares of woody vegetation have been cleared in New South Wales. That represents 800 times the size of the Sydney CBD. Are you comfortable with the rate of land clearing going on at the moment in New South Wales?

Mr JAMES GRIFFIN: As we set out in the *State of the Environment* report earlier this year, the amount of land clearing is placing significant pressure on our biodiversity across New South Wales. I mentioned today that the terms of reference for the five-year review will be settled imminently, and the press release will be with Ms Sharpe.

The Hon. PENNY SHARPE: Just looking for it, Minister.

Mr JAMES GRIFFIN: But to the substance of your question, Mr Field, yes, it is concerning from an environmental perspective, and the five-year review will explore that in detail. It is something that is placing pressure on the environment, and that's why we're working hard with private land conservation through the BCT and the expansion of the parks estate and a whole variety of other means to arrest this decline.

Mr JUSTIN FIELD: Minister, in the last three years, consistently, the SLATS reporting is showing that 75 per cent of the clearing on rural regulated land has been unexplained. Will you acknowledge that at least a portion of this clearing is likely illegal clearing?

Mr JAMES GRIFFIN: Unexplained or unallocated clearing is where there's insufficient data to determine what has taken place there. It doesn't necessarily mean that it is illegal clearing. It could be some other way in which it has been done. I don't think that unexplained and unallocated clearing should be confused. At the

end of the day, we have more compliance staff and people working in the field than we have ever previously had. Mr Knudson has some further information on that.

DEAN KNUDSON: Mr Field, if I may just say that the head of LLS also acknowledges that the figure is very high and is not, quite frankly, helpful to anyone. It leaves an incredible amount of uncertainty. As the Minister mentioned, our expectation is that that has just been done in a way that has not been properly identified et cetera. The head of the LLS has agreed with myself and my staff to—that's why we changed the name from "unexplained" to "unallocated", because our intention is to allocate as much of that 75 per cent as humanly possible so that there isn't that residual uncertainty over land clearing in New South Wales.

Mr JUSTIN FIELD: Thank you. I'm not going to get caught up in the Orwellian games of the Government here. The reality is that either the approvals that were required weren't sought, or it was illegal, or it was otherwise allowable activity. They're really the only three categories. Seventy-five per cent of it is unexplained, unallocated, whatever. Minister, of the approvals, just 3 per cent of land approved for clearing has actually been cleared. There's a ticking time bomb here—over half a million hectares of approvals not acted on. And most of the clearing that has been done hasn't received approvals. Are you comfortable with that and waiting for a review which has been kicked off now for two years, as more and more loss of vegetation and loss of habitat and biodiversity is happening in New South Wales?

Mr JAMES GRIFFIN: Local Land Services are responsible for receiving and assessing lands clearing applications on rural regulated land. As Mr Knudson has said, we are working with that agency to try and deliver better outcomes for the environment, noting the pressure that this places in some areas on our biodiversity and our ecosystems across the State. I agree with you—

Mr JUSTIN FIELD: To that point, yes, I acknowledge that LLS has that authority. Under the Act, under section 60ZA, you have the power, along with the Minister for Agriculture, to restrict the issuing of what are called the mandatory code compliant certificates—largely, these land clearing approvals. Have you sought any advice, have you written to the Minister, have you asked the Minister to look at whether or not it's appropriate to restrict new approvals?

Mr JAMES GRIFFIN: I've shared my concerns with the Minister and I'll continue to do that. We, as I said—

Mr JUSTIN FIELD: Have you sought under that section of the Act to use the powers that you do have? If you haven't, the conclusion that I draw is that you're comfortable with the level of clearing and the level of approvals currently being issued in New South Wales.

Mr JAMES GRIFFIN: Well, no, I've set out to you that I'm not comfortable with that. I've finalised the terms of reference for the review, appointed an eminent independent Chair to undertake that review along with others. That will be published. In parallel with that and in the meantime, I've been working with LLS, who have responsibility ultimately for this, to share with them our concerns from an environment perspective. I will continue to do that.

Mr JUSTIN FIELD: Are you not comfortable—

The CHAIR: Thanks, Mr Field.

The Hon. SHAYNE MALLARD: Time's up.

The Hon. MARK PEARSON: When I was going through the SO 52 documents, of the six boxes that were privileged, 1½ of the boxes was dealing with one investigation in relation to illegal trade of carcasses of kangaroos into Queensland. Yet nowhere near that amount of documentation was provided in relation to cruelty cases. For example, a harvest to kill 57 eastern greys, despite only having a valid licence to harm red kangaroos and western greys—no penalty was applied and the harvester was merely spoken to and advised after killing 57 animals unlawfully. Further documents made reports of illegal harvesting, including a person illegally harvesting for a period of over six months, accepting carcasses shot by non-licensed shooters and consigning them for sale. Minister, how much money was spent on the investigation into the illegal trade of kangaroos? Do we need to take that on notice?

DEAN KNUDSON: Yes, absolutely, we'd have to take that on notice.

The Hon. MARK PEARSON: Can you also inform whether the same level of investigation—the same level of resources and time and investigation—was ever undertaken in relation to alleged cruelty to animals?

DEAN KNUDSON: I would absolutely have to take that on notice as well.

The Hon. MARK PEARSON: You need to take that on notice? Okay. Minister, there was a commitment made by the Government to do research and development into immuno-sterility programs for the control of the horses in Kosciuszko National Park and other places as well. Can you update me as to whether and where it's up to—that research and development?

Mr JAMES GRIFFIN: As you may be aware, the implementation of the control program in Kosciuszko is underway. There are a number of means and methods by which that control is taking place. Unfortunately, we've experienced some challenging behaviour that has put Parks staff at risk. As to the method that you're talking about—Mr Fleming?

ATTICUS FLEMING: The plan contemplates looking more closely at immunocontraception when the technology reaches a point and when the population of horses reaches a point where it could be an effective strategy. It's not anticipated that we'll be in that position in the near future, because the technology's not there and there are far too many horses for it to be effective. Being realistic, that is a few years away before it can be applied—unless the technology changes dramatically.

The Hon. MARK PEARSON: Is your department researching and developing that technology or you're relying on someone else to do it?

ATTICUS FLEMING: We're not investing in research in that technology. We have been engaged with—and I'll take on notice and try to provide you with an update on any discussions that we've had.

The Hon. MARK PEARSON: As you know, this has been a conversation that started with the Hon. Mark Speakman many years ago. He was very interested in pushing it through, so I'd be very grateful for an update. Minister, would you like a Dorothy Dixer to finish with?

Mr JAMES GRIFFIN: I won't say no to that.

The CHAIR: Careful what you ask for.

The Hon. MARK PEARSON: Congratulations and we're very grateful that there's been a purse allocated for the treatment of mange in wombats. Can you detail as to how that's going to be rolled out and when?

The Hon. PENNY SHARPE: I thought we'd avoided wombat mange today.

The Hon. MARK PEARSON: Wow. Let's see where it's up to.

The Hon. PENNY SHARPE: It's a win.

The Hon. MARK PEARSON: I want to see where it's up to and where it's going, because there are a lot of suffering animals out there.

Mr JAMES GRIFFIN: I met with, for example, WIRES a couple of weeks ago to talk to them about their interest in this as well. The department are currently working through the rollout of that and the partners that we will work with and interested citizens as well on how it might roll out. Mr Fleming can give you a bit more of an update. But needless to say, I did take on board your concerns that you raised with me and the \$2 million set aside in the budget to help deal with this really, really challenging issue, I think, will be money well spent.

ATTICUS FLEMING: We're still working through how—the delivery mechanism we need to use so that it can be deployed as rapidly as possible. I've been advised we're aiming to get the first grants out before the end of this calendar year.

The Hon. MARK PEARSON: Does that include working with people on the ground who actually have been helping to treat mange in wombats and giving them access to government areas that are under the control of, say, WaterNSW et cetera?

ATTICUS FLEMING: I can only speak for our land, but I think we've already been working with groups who contribute to what we do on national park land. But we'd be happy to have discussions with other agencies, including WaterNSW, yes.

TONY CHAPPEL: Chair, if I may please just table two letters from the Environment Protection Authority in respect of the earlier tabling and publication of the report by the Office of the Chief Scientist & Engineer, entitled *Advice on koala protection in the proposed new Private Native Forestry Codes of Practice*.

The CHAIR: Yes.

TONY CHAPPEL: These are two letters sent by the EPA to Ms Ishbel Cullen, the original GIPAA applicant, and to Mr Justin Field on 12 and 16 August this year respectively—who advised that he was the appropriate applicant. They advised that the Office of Chief Scientist report was inadvertently disclosed and

requested all copies of the documents be destroyed. The letter of 12 August was sent immediately upon the EPA's discovery the report had been inadvertently disclosed. The GIPAA process in respect to this document is still on foot and the EPA is progressing an internal review. The decision to table a report that was inadvertently disclosed is subject to the current GIPAA application process and, therefore, contrary to the public interest and the EPA's exercise of its function under the GIPAA legislation. I'd appreciate tabling those letters and just reiterate the objection to the publication of that report, noting that I'm advised it's still Cabinet in confidence.

The CHAIR: Thank you. We'll certainly circulate that to the Committee here for their consideration.

TONY CHAPPEL: Thank you.

The CHAIR: We're now in Government time.

The Hon. SHAYNE MALLARD: Given that Mr Pearson asked a wonderful Dorothy Dixier, we'll cede our time.

The CHAIR: Thank you, Minister Griffin, for attending this hearing. We are finished with your questioning. The Committee will now break for lunch and will return at 2.00 p.m.

The Hon. PENNY SHARPE: Before people go, can I just flag—I'm just conscious that we have a very long list of witnesses. I was going to actually just flag that the Committee might do a deliberative and, if there are people that we can let go, we will let you know very soon so people don't have to sit here all afternoon. No, Mr Knudson—not you. I just wanted to flag—we may not be able to come to an agreement, but I'm just conscious that there's a lot of people here that I know that I definitely won't be asking a question to. I don't want you to stay here unnecessarily.

Mr JAMES GRIFFIN: Hopefully, that gave you an insight into the seriousness with which we take this Committee.

The Hon. PENNY SHARPE: Terrific.

The CHAIR: Thank you.

(The Minister and Dr Kate Wilson withdrew.)

(Luncheon adjournment)

Mr BRYCE WILDE, Executive Director, Natural Resources Commission, affirmed and examined

Professor HUGH DURRANT-WHYTE, Commissioner, Natural Resources Commission, and NSW Chief Scientist & Engineer, affirmed and examined

Mr MATTHEW RILEY, Director, Climate and Atmospheric Science, Department of Planning and Environment, affirmed and examined

The CHAIR: We will recommence the hearing.

ATTICUS FLEMING: Chair, would you like some quick answers to some of the questions from earlier?

The CHAIR: Certainly, thank you very much.

ATTICUS FLEMING: In terms of heritage on the national park estate, we've got 7,500 built heritage elements and complexes across the estate. We're currently developing a statewide heritage priorities process to implement our heritage asset policy statement. This is obviously a fairly significant bit of work, intended to guide management of that heritage across the next five to 10 years, and will help us in prioritising where we put the resources that we do have for heritage management.

For Gardens of Stone, just confirming we have received the first \$1 million. There's another \$1 million that will be paid by the end of January 2023, \$6.5 million by the end of June 2023 and then by the end of June for each of the next three years, another \$6.5 million—so totalling the \$28 million in total. I don't have a breakdown of that, but I think the key principle is it's for landscape-scale management of the Gardens of Stone area with particular reference to the assets that were impacted and that triggered the offset liability, including the upland swamps. In terms of the Illawarra bike trail, I understand there are two REFs that will be done. The first REF is out for public comment at the moment.

NAOMI STEPHENS: Public comment has closed, and it's in its final stages of being approved. That REF is a single REF. It's across all the land tenures for that mountain bike strategy, which is the one between Mount Kembla and Mount Keira. It crosses all the tenures, so there'll be two determining authorities. We'll determine under part 5 on park, and Wollongong council will determine the parts of the strategy that are off park and on other land tenures.

The CHAIR: Alright, thank you. Perhaps I can ask some questions on that when it's my turn, if that's okay.

NAOMI STEPHENS: There is a second REF, but we can give you the detail of that later if you prefer.

The CHAIR: Thank you.

ATTICUS FLEMING: And the last one for me was you asked some questions, you and Ms Sharpe, around targets and percentage areas. Just updated figures—there's some land that we've acquired which is yet to be gazetted. But when that's gazetted, the park estate will be around 7.8 million hectares, so that's 9.68 per cent of the State. In terms of the land that the BCT manages conservation agreements over, about 393,000 hectares of that would be in perpetuity covenanted land. That adds about another half a per cent. For what might be in-perpetuity-style conservation, you're talking sort of 10.2 per cent of the State at the moment. The BCT has another 1.9 million hectares across other agreements which are not in perpetuity covenanted. That probably leads in a little bit to your question about whether there's a strategy and where the gaps are.

We are doing the analysis in the sense that one of the key layers we look at is landscapes or sub-landscapes. There are 82 landscapes in the State with zero level of reservation in public or private; that's out of 570 landscapes. At the sub-landscape level, which is sort of breaking it down by sub-region, there are 331 with zero per cent out of about 1,320, so there are clearly gaps in the park estate or the conservation estate at the moment. The analysis as to how much land is required and where that land would be is something, again, I don't think anyone has properly attempted. We're at the beginning of starting to do that process. I have no doubt it will involve some restoration as part of that process.

I haven't even begun to talk about the gaps when you look at other criteria, like threatened species or wetlands, so it's a really complex question. It feeds into this issue of the 30x30 question. All I'd really say about that, noting that it's still something that's being discussed at the international level and then the national level, is there are a series of questions. I guess one is whether 30 per cent is adequate. Another is what counts towards your 30 per cent, because I think if you look at what some countries are saying, they are proposing to include in their 30 per cent things that maybe we shouldn't include in our 30 per cent. The other key question is what happens to the other 70 per cent, because I think focusing too much on just the 30 per cent wouldn't be the right outcome.

The Hon. PENNY SHARPE: Can I just pick up on those heritage answers that you just gave, Mr Fleming? That's just built heritage, so it doesn't include First Nations heritage within the parks. The 7,500 is identified as the buildings?

ATTICUS FLEMING: That's my understanding, yes.

The Hon. PENNY SHARPE: What is the approximate time frame for completion?

ATTICUS FLEMING: I think I've been told it's a couple of years of development to get that priorities document put together.

The Hon. PENNY SHARPE: I think it's been about 15 years since it was last done.

ATTICUS FLEMING: I'll ask the team whether there's a chance of getting it done more rapidly.

The Hon. PENNY SHARPE: Thank you. This is probably for Mr Knudson. I want to go to the issue in the budget papers about the threatened species and ecological communities on track. It's page 5-13 of the outcomes statement and it's talking about Saving our Species as the flagship program, which as we've established is the \$15 million per year over the next five years. But the thing that I am very concerned about is that previously, at the end of 2020-21, the figures were that 262 species were on track to be secure in the wild. In this year's budget papers, it's down to 150. Can you just explain to me what that actually means? It's pretty concerning from where I sit.

DEAN KNUDSON: Sure. What I've got, the staff provided after you had asked your questions earlier on. The information they provided to me—and I'm happy to actually share that with the Committee formally if that's helpful—effectively says that we've got a target of trying to get to 350 to 400 species being addressed by the program overall. That's almost your leading indicator into the future of where we want to get. What's reported in the budget papers is the lag indicator, and that's driven heavily—what the staff are flagging for me is that that's taken from our species management database, but there is a significant amount of data-reporting limitations in that. What they have done is they've included the 150 target for reporting in the budget paper based upon what they had a very high level of assurance over. But the overall objective of the program remains 350 to 400 species, and we've got a decent level of confidence that we're on track to do that. Out of an abundance of caution, what was included in the budget paper in terms of the lag indicator was 150 species.

The Hon. PENNY SHARPE: What has changed? What changed in 12 months that made you say, "We've got high confidence that we've got 262 on track"? I accept that you're aiming for around 400, but you had 262. It's 112 fewer threatened animals or plants. What has changed?

DEAN KNUDSON: What my staff had indicated was that there was a target of 260 species and ecological communities, but recent reporting indicates the final result will be between 350 and 400. Again, the 262 previously was the leading indicator where we wanted to end up. We have now changed it to a lag indicator, saying this is what we've actually secured versus what we're hoping to secure. That's why it went from 262 down to 150. They are actually reporting two different things.

The Hon. PENNY SHARPE: But they're on the same graph.

DEAN KNUDSON: Yes.

The Hon. PENNY SHARPE: Do you think that's a reasonable—I think that's a problem.

DEAN KNUDSON: Yes, I think that's a fair point. If indeed that's what seems to have happened, we need to clear this up before we reply on notice.

The Hon. PENNY SHARPE: I'd also be very interested to know what the list of 262 species was and what the list of 150 species is. Are you able to take that on notice and provide that?

DEAN KNUDSON: We absolutely are, yes. I will ask, in terms of our response on notice, to clarify the 262 versus the 150, just to make sure that what I've said here is absolutely accurate and to give an indication of how we'll do it going forward so that you've got consistent points of reference over time, as you've just tried to establish.

The Hon. PENNY SHARPE: How it looks to me is that we've put up the white flag on species protection. We're triaging to a narrower and narrower base in terms of our investment. That's how that reads to me.

DEAN KNUDSON: I think that's the wrong interpretation, respectfully. The target is still 350 to 400 species. Again, the lag indicator of what we have a high level of confidence in, in terms of the data, is where the 150 comes from.

The Hon. PENNY SHARPE: Just to confirm, Saving Our Species used to be \$20 million a year, didn't it?

DEAN KNUDSON: That's correct.

The Hon. PENNY SHARPE: And it's now \$15 million a year?

DEAN KNUDSON: That's correct.

The Hon. PENNY SHARPE: So the Government is spending less on an increased number of threatened species.

DEAN KNUDSON: The only thing, in fairness, that needs to be taken into account with that are the other complementary programs, with koalas obviously being a significant one because the habitat—as we talked about for the greater glider, as an illustrative example, often the habitat will serve multiple species. I should also clarify that the threatened species committee for New South Wales has not yet made its determination on the greater glider. There's a common assessment methodology with the Commonwealth. We expect that will happen fairly soon to give it that status formally in New South Wales, but it's happened with the Commonwealth—

The Hon. PENNY SHARPE: The change of the laws, I thought, aligned that so that it wasn't a separate process.

DEAN KNUDSON: It is a separate process. There are two independent committees, but there is an agreement between all jurisdictions in Australia to have a common assessment methodology so, over time—and this has been about a decade's worth of work—the lists are now heavily aligned. There are often these lags where the Commonwealth or a State will make a decision and then the other jurisdiction needs to align.

ATTICUS FLEMING: May I just add, recognising SOS is, in many ways, the flagship threatened species project, it is one of several investments. I don't want to leave the Committee with the impression that our ambition is not much higher than that.

The Hon. PENNY SHARPE: It's not you that I'm asking about the money; it's the Government. Who is in charge of the koala plan? Is that you? You would be aware that there has been a lot of mapping of critical koala hubs. There has been a lot of work done under the last plan to identify all of those. We know that they were severely affected by the bushfires, and there's a lot of agitation in the community at the moment about what's happening in some of the State forests where those koala hubs have also been mapped. Is there any work going on within your department to look at the proposal for the great koala national park?

DEAN KNUDSON: Certainly, there was a proposal within Parliament. We came back, in effect, through the Government response, to indicate that there is value in trying to take a look at whether you add to the national park estate to protect koalas. Indeed, my colleagues here at the table are very much a part of doing exactly that as part of the koala strategy. Our argument, in effect, was that the great koala national park, as it was proposed in the bill, had a few things that needed still to be worked through. That was the essence of the response. We're not opposed to the concept in principle, but there is more work to be done.

The Hon. PENNY SHARPE: I suppose it goes to my next question, which might be for you, Mr Fleming. In terms of the expansion of the national park estate, I know that you've got some figures in the budget papers of how much you think you're going to do. Using the koala as an example, with the koala plan, where do these things come together to go, "Okay, we need more protected land for koalas, and national parks is where we will do that"? How is that process decided? To date, the inclusion of new national parks has predominantly been in the western division. It has been large properties that are very important but are low-hanging fruit. How do we get the at-scale koala protection? How does that work through the process that you use? I just don't understand the process.

ATTICUS FLEMING: We have effectively been investing from two pools of money, if you like. One is a general reserve acquisition fund and the other is the koala—

The Hon. PENNY SHARPE: How much is that? Is that about \$20 million?

ATTICUS FLEMING: It has been roughly that. I'd have to take on notice the precise amounts, but that's about right.

The Hon. PENNY SHARPE: If you could give us that, yes.

ATTICUS FLEMING: And then there are the funds that are dedicated to the acquisition of koala habitat under the previous and now current koala strategy.

The Hon. PENNY SHARPE: And that's about another \$20 million a year, isn't it?

ATTICUS FLEMING: It's \$50 million in total under this koala strategy.

The Hon. PENNY SHARPE: Which is over five years?

ATTICUS FLEMING: Over five years.

The Hon. PENNY SHARPE: So it's \$4 million a year.

ATTICUS FLEMING: The acquisitions have slightly different criteria in the sense that—and, again, I'm speaking fairly broadly—the first pool is driven by some of that analysis around the gaps in the parks estate. The koala acquisition is driven by criteria related, obviously, to the suitability of land for koalas. I think you're also asking about State forests. I would just make the observation that in any reasonable approach, most governments would keep under ongoing review whether there are areas of public land that should be considered for the parks estate, particularly in light of things like climate change or the bushfires that we've recently had. That's just something that is kept under ongoing review. As you know, some areas of State forest transferred over the past few years to national park.

The Hon. PENNY SHARPE: Yes, but there is ongoing planning. Isn't there supposed to be a review of State conservation areas that feeds into this?

ATTICUS FLEMING: There has been a review of State conservation areas, and it's going through a final check with colleagues across government.

The Hon. PENNY SHARPE: Wasn't it due in 2019?

ATTICUS FLEMING: That may be correct.

The Hon. PENNY SHARPE: So it's still going and we'll see it?

ATTICUS FLEMING: It's really looking at areas that are already declared as to whether they should transfer into a different category.

The Hon. PENNY SHARPE: Off the back of the rolling over of the regional forest agreements, there were undertakings given over a number of decades around identifying State forests that would be transferred into the estate. Has that process ever really been completed?

ATTICUS FLEMING: I would have to take that on notice. I am not aware of the specific obligations. As I said, we sort of keep under ongoing review whether there are areas that we should suggest as additions.

The Hon. PENNY SHARPE: Sure. I just wanted to ask about the Cumberland Plain Conservation Plan. It is my understanding that it has got to now go to the Federal Government for approval. The idea is that it is all up-front so that then you can move forward with that. I was interested, Ms Dumazel, in some of the comments you made earlier this morning about ongoing oversight and monitoring. With regard to changing the plan or decision-making about alterations, is that now fully in the hands of the planning Minister, or is there a role for the environment Minister?

MICHELLE DUMAZEL: It's with the planning Minister.

The Hon. PENNY SHARPE: So he or she is the decision maker?

MICHELLE DUMAZEL: I will have to double-check in terms of the one- and five-year review. I thought there was a reporting mechanism to the Minister for environment as well, but I don't have that detail in front of me.

The Hon. PENNY SHARPE: No, that's okay. Obviously, it is a governance issue. This is a very long plan over a long time and my concern is that it looks to me, on my reading of it, that the planning Minister now is the sole decision maker, once it's signed off by the Feds. If you could come back to me—and the environment Minister may have a say—is there any kind of formal concurrence that they have to make. If you could come back to me about that, that would be great. I know there is a huge undertaking in the conservation plan, and I want to say up-front that there are a lot of possibilities in actually getting it right, but it's very ambitious and to not get it right is going to be very risky. There are some significant concerns about the sort of urban-capable land and how protected it is in perpetuity. Can you take me through what you believe to be the case on how that will be managed?

MICHELLE DUMAZEL: Firstly, I just want to identify that the Minister for the environment retains the ability to step in and initiate further actions if the plan's outcomes are not secured in accordance with conditions of the certification order.

The Hon. PENNY SHARPE: Okay, good.

MICHELLE DUMAZEL: Now your next question, and Mr Goodwin might want to explain further in terms of the BCT's processes for ongoing monitoring of private land conservation sites in that area, we will be looking overall at the plan—as a department, we will be looking at the plan overall—to see whether those outcomes are still being maintained and what that means for overall outcomes, but then for the individual components it will be up to the individual organisations to do that. So, in terms of private land conservation, that would be with the BCT, and there are existing processes for that, and obviously we have processes with parks as well.

The Hon. PENNY SHARPE: Can I just confirm that, as a result of this process, environmental zoning has been removed? Basically, what we have done is we have moved from environmental zoning to this idea of avoided land. Is that correct?

MICHELLE DUMAZEL: I know there have been some changes, but the detail—there have been some changes. The focus of the plan has been on a landscape connectivity perspective, so we're looking at those broader strategic landscape scale components.

The Hon. PENNY SHARPE: I think we are getting deep into the planning system, so I might move on from that. We will get the planning Minister, so I might ask him.

DEAN KNUDSON: I think it might be worthwhile for us, because this is a really significant decision, as you were pointing out, and I would humbly say that that is the way that ideally you want planning to happen, taking a look at a landscape and then protecting the assets that matter most, so I think it is worthwhile, if it is okay, for us to come back and explain the 11,000 hectares that are protected under the plan, how will they be protected, how does it deal with the existing environmental zones, et cetera—

The Hon. PENNY SHARPE: I am interested in whether it is in perpetuity and who can change it.

DEAN KNUDSON: Yes, what is the level of assurance over it.

The Hon. PENNY SHARPE: Well, in the areas where it is going to be developed, in the Greater Macarthur area, as we know, there is a lot of housing going in there. The experience to date is that people who are developing that land want more housing, not less, and how much is it truly protected is really the question I'm getting to, and in what circumstances, so is it via a SEPP, is it just by a ministerial direction so that we are basically waiting for the Minister of the day and people can apply to make changes? That is what I am really trying to understand.

DEAN KNUDSON: Yes, understood.

The Hon. PENNY SHARPE: How protected is the avoided land in the very inarticulate way I am asking the question.

MICHELLE DUMAZEL: Yes and, from our perspective, that is why the reviews are so important and the environment Minister would need to approve any modifications that are made over time. I think the process of having an independent five years, because I mean we are talking out to 2056, so making sure that we've got those kinds of checkpoints in place so we can see whether we are actually still getting those strategic outcomes.

The Hon. PENNY SHARPE: The point being, obviously, that climate change is a huge issue. I mean out to 2056, hopefully we'll be at net zero by then and we will have actually turned it around, but if you can come back to us on that, other than the five-year points, and maybe you could just take on notice the consideration of climate change going into that plan. It is very difficult to see. I think this one is for you, Mr Chappel: The plastics exemption for plastic lined bowls and plates.

TONY CHAPPEL: Yes.

The Hon. PENNY SHARPE: Can you just explain to me what products that covers?

TONY CHAPPEL: I understand it is a two-year exemption for the provision of a food-safe plastic film where our advice was that there wasn't a suitable alternative for partyware use, and I might ask my colleague Ms Chang to give you a few more details.

The Hon. PENNY SHARPE: Yes, thank you.

NANCY CHANG: Yes, it was a two-year exemption on basically printed plates where there is ink being used, and currently there are no food-safe alternatives for that plastic film.

The Hon. PENNY SHARPE: Sorry, we are talking about party plates, are we—the sorts of things that you have at kids' parties where it is colourful?

TONY CHAPPEL: Yes. The industry refers to it as the Elsa sector. There are a lot of branded products in that space.

NANCY CHANG: That's correct, and what that exemption allows is the continued use of printed colourful plates usually used in party settings. The reason we have allowed for that exemption is that currently there are no food-safe alternatives to that plastic film and the ink could potentially leak into the food. That two-year exemption is to signal to industry where we are going and to signal to them that they need to really look into safe alternatives, do research in this space, because there is a very limited time—two years—where they need to run down on their party supplies and look for food-safe alternatives to cover the ink.

The Hon. PENNY SHARPE: What are the other States doing with this? Obviously this is a national plan with different time frames. All of the industry people that speak to me want the same time frame because they hate dealing with six different States. What is the situation in Queensland and Western Australia in relation to these products?

NANCY CHANG: I can definitely provide some detailed comparison for jurisdictions, but I understand—

The Hon. PENNY SHARPE: Specifically on this. I am just interested that we went through the plastics plan and no-one raised these issues with us, there was broad consensus to sign it up, and now there is the seeking of an exemption. Are similar exemptions being put in place in those other States?

TONY CHAPPEL: There are a number, and we will get the detailed comparison—perhaps across all jurisdictions might be most useful—but the point here is each jurisdiction is wrestling with these issues in slightly different time frames and, whilst national alignment is obviously a key priority, we also want high standards to ultimately take this material out of the environment, and so we are currently consulting on a couple of specific exemptions. We are in regular contact through what is called HEPA, which is the heads of EPA group across all the jurisdictions, on how our colleagues are dealing with these issues and we want to make sure that for the New South Wales environment we deliver the best possible outcome as soon as we can. The specifics, I think, on some of these issues, some jurisdictions aren't moving as fast as New South Wales, and we are mindful of that, but I think we're even more mindful of the intent of the legislation, which is to remove plastic from the natural environment.

NANCY CHANG: Yes. More specifically, there isn't a single consistent approach to this, but my understanding is that South Australia is not planning to ban this until 1 March 2024, so New South Wales has moved faster in this regard. Western Australia has currently banned plates and bowls from 1 July 2022, but has not included plastic-laminated—sorry, with all banned plastic items made from plastic-laminated paper or plastic-laminated cardboard included in that ban. So Western Australia has banned it; Queensland has not, however, and they are not pursuing a ban on plastic-coated plates. So there is inconsistency between jurisdictions.

The CHAIR: Can I confirm, with the BCT agreements, from the numbers that you gave—I take it, from the two million hectares that we are attributing to being protected through private conservation, in fact 1.6 million of those are not in perpetuity? Can you give me an indication of what we are talking about? What sort of protection?

ATTICUS FLEMING: It's around 1.9 million that is not in perpetuity. But I'll ask Alan Goodwin from the BCT, who is here, to come and give you a bit more detail.

ALAN GOODWIN: Of the agreements that we have across that land estate, yes, the ones that are in perpetuity. The ones that are not could be term agreements. We have quite a few that are 15-year agreements, created since the BCT, and others are like wildlife refuges across the State. Some of them have been in place since the seventies and earlier. They are subject to revoking if required. There is a gradient from in perpetuity for a large part of the State, termed agreements, and then through to agreements that are standing but are subject—not in perpetuity and not to title.

The CHAIR: I know that there is sensitivity around the identification of private property, et cetera, but is that breakdown available, i.e. the hectare rate for the refuges versus the 15 years versus the perpetuity? Is that breakdown something that you publish annually?

ALAN GOODWIN: Yes, it is. I think the bulk of that would be on our website, but I could take that on notice and provide that information, yes.

The CHAIR: Thank you. I have had a bit of a look, but perhaps not as comprehensive as I could have. Just on the Illawarra, very quickly—I wasn't sure whether there was a particular or specific reason we didn't undertake an environmental assessment of the entire intended project. I didn't understand the rationale that it was tenure based. I wasn't clear on that.

NAOMI STEPHENS: I will run through that again. There's two sections to the bike strategy. One is around Mount Kiera and Mount Kembla. It is about 50 kilometres in length. It's the subject of the current REF. It is one REF. It crosses all land tenures, but it has two determining authorities. There is another section, called the Balgownie section. It is about 20 kilometres in length. We are doing the REF for that next year, and we expect to do construction of that second segment in 2023-24.

The reason the first section has progressed is because we actually—if the REF is approved, and it is in its final stages of assessment—expect to start construction of that section at the end of this year. We will, of course, take a cross-landscape approach to the environmental assessment, looking both at the natural and heritage cultural values. Although they are separate, we will look at the impacts on a landscape basis for the second REF, taking into account what was found in the first REF for that 50-kilometre section.

The CHAIR: In the first one? That is the question. Is the second one considered in the first one?

NAOMI STEPHENS: At this stage it isn't, because it is a two-stage process. But they are in quite separate places, in quite separate landscapes. But, at this point, we aren't able to take into account the detailed assessment of the second site.

The CHAIR: Thank you. The intent and planned reintroduction of the platypus into the Royal National Park is very exciting. What do you think, and what is your level of confidence, really, given we got local extinction in 2006? What have we done to think that we will be successful?

ATTICUS FLEMING: My understanding is the reintroduction has been deferred—I think it's by about 12 months—in order to do more work on water quality. Basically, to look at that assessment of water quality in more detail. But, to your general point, any reintroduction needs to occur after there is a really good understanding of why the species disappeared in the first place, and you need a level of confidence that the threats that caused that disappearance are now effectively managed.

The CHAIR: In relation to this particular one—and I'm very pleased to hear it is being deferred, because I just can't find anything to suggest that we have done that work yet, comprehensively, about how we've lost it. Is our confidence low given the recent upstream spill—the colliery and the Camp Gully Creek? I know, this is perhaps a question for the EPA, too. Just in terms of that spill, I know the EPA kind of concluded it wasn't significant of sorts, but I'm just curious.

ATTICUS FLEMING: I might pass to the EPA. But I would just say, before I do that—we are obviously working with UNSW, the University of New South Wales. I don't think it would be accurate to say that their confidence was necessarily low. I think we are just taking a precautionary approach to ensure we have got the best possible data before the reintroduction occurs.

The CHAIR: Mr Chappel, have you or has the EPA seen the photos recently of the visit? I think they have been provided to you. There was a recent visit and there was evidence of this black sludge that was lining the banks of the creek bed.

TONY CHAPPEL: Yes, we are aware of that. My colleague Mr Beaman, I think, has visited.

STEPHEN BEAMAN: In relation to the discharge at Metro Colliery, I just want to put on the record that any water pollution, from our perspectives, is completely unacceptable. I appreciate the community's concerns, and I've had the opportunity last week to walk up and down Camp Valley Creek. We are dealing with two incidents here—just to get it on the record. The first is there was a storm event in January which was about 66 millimetres. The system is designed to cope for 125 millimetres on the site. They had a pipe blockage that overflowed. There were some mitigating circumstances about why that happened, but we fined them for that. They were fined \$15,000.

The second event was really the July storm event where Helensburgh recorded 651 millimetres, which was five times the design standard for that stormwater management system. I think what's happened in that July event, we have had all the materials—they have been mining in that catchment since about the 1890s, so we've had a lot of material remobilised from that 651 millimetres. I have seen some pictures in the local paper where people are holding very large soccer-ball-size bits of coal. That's from historical mining operations, because what they do at the colliery is crush it so there's nothing that large. When you see the photos, they're very rounded. So it's had some fluvial action—some river action—on it.

But what we said to the company is we've amended their licence and put on a requirement for them to have an ecologist come in and do an ecological assessment for the river, and to look at the options of removing as much of the coal fines—this is a really delicate balancing act, here, about removing the coal fines from the banks of the river without disturbing the river too much. We are expecting that advice to come back to the EPA by 9 September.

ATTICUS FLEMING: Can I just quickly add, the other partners, Taronga and WWF—I didn't want to forget them, because they do amazing work in this space. The notes I have just suggest that the trigger for the further assessment is more to do with the extent of the rainfall that we have had, rather than any specific pollution point.

STEPHEN BEAMAN: We are connected in with the national parks team and the UNSW guys to make sure that we're actually all connected up at looking at what's the water quality improvements. And we'll probably look at doing a more broader ecological river health piece of work along Camp Creek into the Port Hacking river.

The CHAIR: Fantastic. Thank you. I think our little monotremes are in big trouble, aren't they? I think there's some more recent news in the south-east that they're in big trouble. Can I just ask very quickly about dingoes with regard to the baiting program? Have we got data on dingoes and the impact of the most recent baiting program—the one that you were talking about where we've got 70,000 feral animals? We've gone through that program.

ATTICUS FLEMING: The 70,000 was from shooting and other measures of feral animal control. What I can say in relation to the dingoes or wild dogs is, one, we have a statutory duty, as you well know, to undertake control. We try to ensure we discharge that duty in the areas of highest risk. The analysis that we've done suggests that it's about half of the national park estate that is, in effect, not baited, which means there are large areas where wild dogs or dingoes are not impacted by baits and can fulfil the ecological function that they do fulfil.

The CHAIR: Finally, do you have any actual data or figures on the other half and the kill or the impact on dingoes?

ATTICUS FLEMING: There's been a series of research projects which identify the effectiveness of baiting. But I think what your question is getting toward is whether we have good data on the population of dingoes in different areas. I'd say that sort of at a broad scale we're not in that position yet. But again the ecological health monitoring framework that we're trying to put in place, which is a long-term plan, should give us that kind of data.

The CHAIR: Am I right to understand that it's Mr Field's turn? Have you talked to him?

The Hon. PENNY SHARPE: Yes, he needs to get going.

The CHAIR: Mr Field, it's over to you on the Webex screen.

Mr JUSTIN FIELD: I think we had done it slightly differently, but if AJP doesn't mind me going now, that would be very beneficial, thank you.

The CHAIR: I apologise. Are you happy for Justin to go now? He needs to get going.

The Hon. MARK PEARSON: That's okay.

The CHAIR: Thank you, Mr Field. It's over to you.

Mr JUSTIN FIELD: I might turn first, if I could, to this somewhat controversial document that we've agreed to publish today. Just to be clear, it was provided to me through a GIPAA. I appreciate that the EPA has asked for it back, and I appreciate the support of the Committee in recognising the public interest in publishing it. It was advised by the Chief Scientist & Engineer—I apologise to the Chief Scientist & Engineer: We might have to talk about you and your work a little bit but in a slightly different context without direct questions to you. I will leave it up to either the EPA or officials from EHG. My first question is: Did the Minister ever see this advice?

TONY CHAPPEL: I'm not aware.

Mr JUSTIN FIELD: Could you take that on notice?

DEAN KNUDSON: Mr Field, yes, we should take that on notice. Indeed, it would have been the previous Minister, I suspect, given the documents that you're talking about predate Minister Griffin.

Mr JUSTIN FIELD: That's a very good point, and it goes to my next question. Obviously, the decision to renew the private native forestry code was one for Minister Griffin and his concurrence responsibilities. So I'm now specifically asking: Did Minister Griffin see this advice as part of that concurrence making process?

DEAN KNUDSON: I will take that on notice, but what I will say is that the NRC did provide advice—and the Chief Scientist was involved in this process—on the private native forest codes, which have been now published, et cetera, and provided advice on the adequacy of those codes. That was provided to Minister Griffin to inform his decision. So the most recent advice from the NRC plus the final decision on concurrence absolutely was informed by the NRC and went to the Minister. Whether the previous advice on the previous formulated codes, et cetera, went to the Minister, I can't recall, but we'll come back on notice.

Mr JUSTIN FIELD: That would be good. I guess the reason I raise this—and now it'll be a published document; people can form their own judgements. But this work by the Chief Scientist—I think it's fair to describe—provides a much more nuanced analysis of the information available around private native forestry and the risks associated with private native forestry. It raises concerns about the adequacy of data which form views around the potential impacts. In fact, to quote the Chief Scientist, he says:

Given the limited information provided to the Office of the Chief Scientist and Engineer about current impacts and projected future impacts of PNF; information on efficacy of current and proposed prescriptions; uncertainty around the new Forest Operation Plans and Forest Stewardship Plan guidelines; and deficiencies in the coverage of maps over high value habitat that trigger prescriptions, this request to assess the adequacy of the proposed PNF Codes seems premature.

Just to confirm—and perhaps this is for you Professor Durrant-Whyte. Were you ever asked to provide additional advice, as the Chief Scientist, on the final codes that actually went to the Minister?

DEAN KNUDSON: We're just waiting for the correct officials to come to the table.

HUGH DURRANT-WHYTE: Mr Field, as you know, I'm not in a position to provide a response around a document that is Cabinet in confidence. I think I'll leave it at that.

Mr JUSTIN FIELD: Can somebody on the panel explain to me why this document would have been made Cabinet in confidence, given the codes are now public, given the NRC's report is public? Why is this document considered Cabinet information?

DEAN KNUDSON: I can answer that in the generic, which is: Quite often documents which go to inform a Cabinet decision are considered Cabinet in confidence. What is then made public by the Government is a matter for the Government, and what the Government has made public is the codes. What the Government has also said, that the NRC also—

Mr JUSTIN FIELD: To that [disorder], if I could?

DEAN KNUDSON: Yes.

Mr JUSTIN FIELD: Did the codes go to Cabinet?

DEAN KNUDSON: Again, I can't reveal the specifics of what items went to Cabinet and what didn't. I was answering in the generic that it is not uncommon practice that supporting documents to inform a Cabinet decision are also held as Cabinet in confidence.

Mr JUSTIN FIELD: Just to be clear, the Government has decided that independent scientific analysis of a particular policy position of the Government—we're talking about independent science that goes to the issue of koala habitat. They've decided that particular document will be deemed Cabinet information and not for public release?

TONY CHAPPEL: I think there's one clarification there, which is the draft you're referring to was at a point in time. It's not reflective of the final codes that have now been made, and are obviously on the public record, or the assessment of that final form of the codes, which has been done by the Natural Resources Commission and is also on the public record.

Mr JUSTIN FIELD: Yes, but it's difficult to make a judgement about how those codes might have changed when you didn't see the previous advice. But I don't want to labour the point. The document will be made public and people can make their own judgements about that. I want to move now, if I could, back to the issue of land clearing and what was previously "unexplained" clearing, now "unallocated" clearing. In answer to a question on notice that I got back very recently—I asked:

(c) Has any of the "unexplained"—

which was how it was described before—

woody vegetation loss on rural regulated land identified in 2018-2019 SLATs reporting been subsequently explained?

That was my question. I asked that question because over the last two years I have been asking questions about this unexplained clearing, and what I've continually got back in answers has been: A group has been formed between EES—now EHG—and LLS to look at these issues. The answer I've got back now states:

(c) No. EHG and LLS have agreed to focus on future improvements to reduce unexplained clearing ...

Has a decision been taken not to have a look at potential illegal clearing that occurred in the 2018-19 years that may have been shown up in the unexplained clearing data that was uncovered through the SLATs report?

DEAN KNUDSON: Mr Field, what I would say is 2018-19 under the native veg Act, there were 144 compliance actions taken in general with respect to that Act. I'm going to assume that a subset of those would

have dealt with issues that would have been identified as "unexplained" clearing at that time, but I don't have the breakdown specifically. I just wanted to give you an assurance. There were 144 compliance actions taken in that year with respect to the Native Vegetation Act.

Mr JUSTIN FIELD: Yes. I have all of that detail. Most of it, the overwhelming majority of it is advisory and warning letters. Three-quarters, as you know, Mr Knudson, of all clearing on rural regulated land in the last three years has been unexplained. I've been asking questions about this. I've asked if any of it has subsequently been explained. Categorically, the response I've got is "no". So, if it was explained through an advisory letter or some other action taken, regulatory action taken, I would've assumed the answer would've been "yes". Has a decision been taken with regards to no longer investigating, going back and having a look at unexplained, potentially illegal clearing in 2018, 2019?

DEAN KNUDSON: I think there's a potential conflation of two issues. Right? The task force that was set up with LLS is to try and figure out how do we allocate more of the clearing to an appropriate clarification as to under what authority has that been done. That's one. As a result of that work, no, there hasn't been an explicit cross-referral to compliance. It's more about how do you make sure that your policy architecture is robust on how you report out on clearing. That's why I took a moment there just to talk about the compliance actions in 2018, 2019. You're right. Out of 144, 102 of those cases were dealt with through warning letters et cetera, but 29 penalty notices were issued. Thirteen prosecutions were commenced, and five of those have been completed. So it isn't accurate to say that there've been no compliance actions or even a light load of compliance actions when you've got 29 penalty notices and 13 prosecutions commenced in that one fiscal year.

Mr JUSTIN FIELD: Hang on, Mr Knudson. I've asked all these questions. That's different from the answers I've received back. I've asked about prosecutions under the relevant part of the LLS Act since 2017. The responses I have from the agency is there's just two prosecutions in that entire time. I don't know where the five comes from, and I don't know where the 14 commenced prosecutions come from. Can you please clarify that?

DEAN KNUDSON: Sure. I'll actually provide you for the Native Vegetation Act, by fiscal year, the total compliance actions, the number of letters versus remediation orders, penalty notices or prosecutions by year. I think that will lay out a much more comprehensive answer to this issue. The point that you're raising about two prosecutions being completed, I want to just clarify that as well. I think that might be related to one specific type of incident. I just want to make sure that we don't conflate that as well. I appreciate, quite frankly, your frustration in trying to get to the bottom of this. I don't want to inflate that even more into a problem. I'd rather come back very explicitly, year by year, for the Native Vegetation Act and those various actions that have been taken.

Mr JUSTIN FIELD: I don't think you have much chance of understanding my frustration around it. This is year three, Mr Knudson. You're still just saying it's unexplained.

The Hon. MARK PEARSON: In September 2018, Garth Co proposed that the department of environment seek to join the Department of Primary Industries and the game management intelligence database for cross-stakeholder compliance, investigation and monitoring across the New South Wales fauna-harvesting industry as a collective, including the kangaroo management program, OEH compliance, police, DPI Game, National Parks and Wildlife Service, and Food Authority. Sorry, it was a bit lengthy. But I'm just wondering, has any consideration of the proposal been given by the department? If not, why? The reason being is that several of the documents showed that some shooters or harvesters were also engaging in criminal activity—very serious at times. Officers in the department have made several statements that it's been very difficult to monitor these people because they weren't aware of some of those other activities that they were engaging in. Has any consideration of this proposal been taken by the department? Are you aware?

DEAN KNUDSON: I was not aware of that specific proposal. Again, it predates me. However, I have had conversations with Department of Primary Industries about increasing the ties between our two organisations with respect to kangaroo management et cetera. Those have not concluded yet, but I just think, again, what you're suggesting makes a lot of sense in a number of ways. I appreciate you raising it.

The Hon. MARK PEARSON: You can't really give me a report of where we're up to with that?

DEAN KNUDSON: No, because, like I said, I don't know the origins of that initial point that you made in asking your question. It predates me. What I was saying, though, was that I have had some specific conversations with Planning. I've had some discussions with the Department of Primary Industries on trying to better align our work with respect to kangaroos, specifically because they have an awful lot of expertise in the management of various types of species et cetera, and I think we would just benefit from that. What I was saying was we haven't concluded that yet.

ATTICUS FLEMING: Was your letter 2018, Mr Pearson? Did you say?

The Hon. MARK PEARSON: Yes. September. Could you take it on notice and attempt to give me an update as to where that has progressed to?

ATTICUS FLEMING: Absolutely.

The Hon. MARK PEARSON: It's extremely important. Government data shows that, between 2019 and 2022, no eastern grey kangaroos were killed by commercial harvesters in the Tibooburra region, despite the kill quotas being at 21,990 per annum. Considering this startling discrepancy, do you know if there have been any eastern grey kangaroos left in the Tibooburra region at all?

DEAN KNUDSON: I don't know the specifics behind that region. But when Ms Dumazel and I were out meeting with the operator of the kangaroo facility one of the points that they did raise was that there are migratory patterns with certain species of kangaroos and sometimes, where they have been previously found in certain numbers, they've migrated for one reason or another to different areas. I don't know how large the region is. I don't know what sort of migratory patterns would be going through it et cetera. But that might be part of the explanation. That's a long way of saying, again, I think I'm going to have to come back on notice to get to the significant point.

The Hon. MARK PEARSON: It's rather alarming and needs to be clarified. I want to turn to joeys now because, as the inquiry found, we really know virtually nothing about what our organisation calls the ghost animals because there's no monitoring hardly at all. There's no tagging system for joeys. Often the bodies are left in situ, where the mother has been killed. But there are reports of harvesters choosing not to kill joeys at foot or maybe pouch joeys that are not too small after shooting their mothers, wanting to "give them a chance for survival". Yet the statistics show that most joeys at foot will not survive. Has there been any investigation into the overall treatment of joeys or this particular view by harvesters to let them go? Or is it more the fact you can't catch them?

MICHELLE DUMAZEL: It's a requirement of the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes that dependent young are euthanased promptly and humanely. Compliance with the national code is a condition of New South Wales professional kangaroo harvester licences and a requirement for EPBC Act approval of wildlife trade management plans for commercial kangaroo harvesting and export.

The Hon. MARK PEARSON: So it would be a breach of the code to not shoot the joey at foot. Is that what you're saying?

MICHELLE DUMAZEL: Yes. Dependent young are required to be euthanased promptly and humanely.

The Hon. MARK PEARSON: Has the department put any resources into monitoring the welfare impact on joeys in the commercial and non-commercial industry?

MICHELLE DUMAZEL: Certainly, what we're doing is, there's a couple—we're continuing to make enhancements to the licence management and reporting systems that we have in place. That's a continuous improvement in terms of the compliance actions for the program.

The Hon. MARK PEARSON: When a harvester or shooter gets a licence to shoot or harm kangaroos, does that includes joeys on the licence?

MICHELLE DUMAZEL: I'll have to take that one on notice.

The Hon. MARK PEARSON: Does the kangaroo management program follow up on reports from interstate, such as a report from South Australian authorities about New South Wales carcasses that have projectile damage to both sides of the carcass? Actually, I withdraw that question.

MICHELLE DUMAZEL: Okay.

The Hon. MARK PEARSON: The department had reports of an unlicensed shooter providing training to 24 participants at a location where there were neither commercial nor non-commercial licences. The matter was referred to a specialist investigation unit. Can you explain the role and powers of this unit?

MICHELLE DUMAZEL: I'll have to take that one on notice.

The Hon. MARK PEARSON: Okay. Is there crosschecking of the firearms register with the harvester licence information? When a person applies for a harvesting licence, is there a crosscheck that is done with the firearms register? This question arises from a few reports that there were people shooting kangaroos that didn't even have an up-to-date firearms licence. Is there a crosscheck?

MICHELLE DUMAZEL: What I can tell you is that commercial and non-commercial licence conditions state that a valid firearms licence is a prerequisite to approve humane culling or harvesting of kangaroos. As well as having a valid firearms licence, a commercial harvester must also show successful completion of the accreditation course, which is a course around use of firearms to harvest wild game—an accuracy test through a registered training organisation—and they have to do that every five years. They also need to show successful completion of the statement of attainment of the Game Harvester Skill Set through TAFE. They need to hold a valid driver licence and have their commercial—

The Hon. MARK PEARSON: Okay. Thank you very much. Yes, I think you've answered the question.

MICHELLE DUMAZEL: Okay, great.

The Hon. MARK PEARSON: Thanks very much. This question goes to pet food production or knackereries. Is there any monitoring of knackereries in regard to the processing of untagged or underweight commercially or non-commercially killed kangaroos? There have been reports of joeys and body-shot kangaroos and non-tagged kangaroos being transported to knackereries.

DEAN KNUDSON: It's a good question. I don't know the answer to it in the sense that we normally focus on the commercial kangaroo hunters as opposed to the knackereries. But I may be wrong on that so, again, let me take that on notice and come back and just find out whether we work further up the supply chain.

The Hon. MARK PEARSON: Okay. Thank you for that.

The Hon. PENNY SHARPE: I'm not sure who to ask this question to. Has Mr Elton left the BCT?

ATTICUS FLEMING: Yes.

The Hon. PENNY SHARPE: When did that occur?

ATTICUS FLEMING: I don't know. I can't recall the precise date—in the last couple of weeks.

The Hon. PENNY SHARPE: Was there any announcement about that?

ATTICUS FLEMING: There was internally.

The Hon. PENNY SHARPE: Okay. I've got some questions for the NRC, so, Mr Wilde, I think. It was just some questions about your budget. I noticed in the budget papers that it looks as though you have \$1 million less left than you have previously had. Can you explain to me what's going on with the budget there?

BRYCE WILDE: Certainly. The commission's normal operating budget has remained stable over the past—going back to 2019, which has been approximately around \$5 million, give or take some minor efficiency dividends and the like. What was seen in the budget papers was there was the reduction in our, if you like, terms of reference funding which, principally, in the last four years, has been funded from the Forest Monitoring and Improvement Program, where the former Department of Industries secured \$7.2 million for the four-year cross-tenure Forest Monitoring and Improvement Program. That program's funding finished in June 2022, and so that's not continuing into this financial year. What is continuing into this financial year is the \$350,000 from the EPA's funding for Coastal IFOA out of their original investment of \$2 million—the remainder of that fund, that \$2 million, has already been spent. That drop was because of the end of the cross-tenure Forest Monitoring and Improvement Program.

The Hon. PENNY SHARPE: Is that work being picked up anywhere else or is this just basically the end of the program?

BRYCE WILDE: Part of the program is continuing in relation to Coastal IFOA monitoring and—

The Hon. PENNY SHARPE: Yes, that's the 350?

BRYCE WILDE: Yes, and we've also had savings from a previous program which has been transferred across, with the approval of the cross-agency steering committee, of half a million dollars. So that's where we are currently wrapping up a range of legacy projects. But mostly that money has been going to provide lidar across 250,000 hectares of our State forests. The program on productive forests is continuing, but the cross tenure—that is, the monitoring of national parks—

The Hon. PENNY SHARPE: Just to be clear—national parks, Aboriginal lands?

BRYCE WILDE: Yes.

The Hon. PENNY SHARPE: Crown lands?

BRYCE WILDE: Yes. That's ending, in relation to the NRC's role in that. Now those individual agencies have their own monitoring programs. They can speak to those matters. They're continuing and some of those programs have new initiatives and new plans. But the cross-agency comparison of forests has unfortunately ceased. It has been providing what our independent experts have been saying has been groundbreaking monitoring and research and evidence on what has actually been happening in our forests, whether they be Aboriginal land, national parks or State forests, or private land.

The Hon. PENNY SHARPE: This work basically allowed you, for the first time, to compare across the different tenures the health and other aspects of the forest?

BRYCE WILDE: Correct.

The Hon. PENNY SHARPE: But this—

ATTICUS FLEMING: Ms Sharpe, may I just add, we are building up the scientific capacity and monitoring capacity in parks. So, certainly, from a Parks point of view and some of those other tenures, we'll be able to continue doing a lot of that work, but it is obviously structured a little differently.

The Hon. PENNY SHARPE: I just think that it's rare where we actually go across tenures—to actually understand that. In terms of wrapping that, was there an evaluation of that program done? What sort of information is available about what you found through that program?

BRYCE WILDE: We had a mid-term program evaluation. That mid-term program evaluation found that the program was very successful in establishing the baselines, building collaboration across agencies, scientists engaging with the work of independent scientists. Under that program, we had the first ever RFA monitoring agreements. We had a lot of other firsts, which I could go through. What are the next steps is that yesterday we published the annual report, on our website, for the Forest Monitoring and Improvement Program, accounting—

The Hon. PENNY SHARPE: I did look for it, but I didn't see it yesterday.

BRYCE WILDE: We published that yesterday, which outlines the achievements to date. We're still finishing up some of those projects. Last week we published the University of Melbourne's water project and we've also published recently the future looking scenarios project. In the coming week, we'll be publishing the work on Aboriginal cultural values, which includes videos et cetera from Banbai rangers and others. We are also planning on developing an overarching insights report, which will providing some of the more "so what's" from all of these discrete research projects and what does it mean for ongoing management of our forests in New South Wales. That will be coming later this year.

The Hon. PENNY SHARPE: The baseline data though that was established—obviously, it continues within State forests, is that correct? But for national parks are you now establishing your own baselines or are you picking up the baselines that have been—

ATTICUS FLEMING: I would say we're developing a monitoring framework that suits National Parks' particular needs.

The Hon. PENNY SHARPE: That's different from the cross—

ATTICUS FLEMING: I think it will enable some ongoing comparison, but our monitoring framework will probably be a little broader and geared more towards the purpose of National Parks.

The Hon. PENNY SHARPE: I wanted to go back to, I think, you, Mr Fleming. I just want to understand the 250 permanent jobs that were announced in the budget for National Parks. Can I just be clear, how many net new positions is that, given that there have been significant numbers of temporary staff through the enhanced firefighting program for a number of years?

ATTICUS FLEMING: In an organisation as big as National Parks, it's hard to give you a precise answer because it's not quite apples and apples. If I track our total level of staffing over the last few years, as of July this year we were 2,011 full-time equivalent employees. That excludes casuals, contractors and board members. That's an increase of 378 FTE since July 2019, so it's a really significant increase. In July 2019 we were around 1,633 FTE. Over the last decade we have been at around that level. It has gone up and down by 150-odd, 200 at times, but we've been around that level. So you can see, since July 2009, a significant build-up. That build-up between 2019 and currently has been driven largely by temporary roles, whether they were stimulus related or you may recall the initial response to the bushfire inquiry included temporary roles.

The Hon. PENNY SHARPE: Yes.

ATTICUS FLEMING: What has happened in the last budget is the Government has funded 250 ongoing roles. So it's a bit hard to compare apples and apples, but those 250 ongoing roles will enable us to continue to staff the organisation at around that 2,000 FTE. I am qualifying that because there are still some temporary positions within the organisation. There are also roles that are capital funded which might be two-, three- or four-year positions. So it's hard to give you a really definitive answer. The best I can do is say that our staffing levels are at or near the highest they've ever been—they are certainly the highest they've ever been—and that should be able to continue with the addition of these ongoing roles.

The Hon. PENNY SHARPE: Can I just confirm that the ongoing roles are being funded from new funding? Previously, these roles were funded out of the Climate Change Fund. Are there any roles within National Parks being funded out of the Climate Change Fund anymore?

ATTICUS FLEMING: I'll have to take that on notice. These roles are coming out of consolidated funding. Some of the temporary roles over the last few years—it's not accurate to say they've all come out of the CCF.

The Hon. PENNY SHARPE: One hundred and seventy-five of them have, previously.

ATTICUS FLEMING: I'd have to take that on notice.

The Hon. PENNY SHARPE: Trust me. It was 175.

ATTICUS FLEMING: I think there have been some in the past. But the bushfire roles, for example, that have been temporary have been from consolidated funding.

The Hon. PENNY SHARPE: For the roles, can you give me an idea of the 250? Just basically break down what level they're at. I'm trying to understand what's field officers, what's—

ATTICUS FLEMING: I would have to give you a more detailed breakdown on notice, but as a general answer, there will be a mix of roles. Probably more field officer roles than others, but there will be a mix across the different classifications within the organisation. And 50 of those roles are, for example, related to management of conservation assets, so that's a little different to the 200 that are ongoing firefighter roles.

The Hon. PENNY SHARPE: So are you creating a separate role that's not a field officer, but not a ranger? Is that what these 50 jobs are?

ATTICUS FLEMING: No, I didn't mean to imply that. I just meant that the mix would be different amongst those 50 than across the 200.

The Hon. PENNY SHARPE: Anything that you can provide that would paint that picture, I'd be very appreciative.

ATTICUS FLEMING: Happily we'll do that. Because the ongoing roles commence 1 July next year, we are currently doing the planning for that, so it may be something that I need to provide in eight weeks.

The Hon. PENNY SHARPE: The Government has recently made significant announcements about joint management of national parks with First Nations people, and my understanding is that there's a discussion paper that has gone out. Is that correct?

ATTICUS FLEMING: Correct.

The Hon. PENNY SHARPE: Are you aware of concerns from peak Aboriginal community control organisations about their involvement in the production of that?

ATTICUS FLEMING: I've met with our custodian groups, which are the chairs and deputy chairs of the various boards of management and other boards, so there's great engagement with that group. I've also met, with the Minister, with the board of the New South Wales Aboriginal Land Council. They expressed some concerns to us about the process, and we've given them the commitment that they would be closely involved. As you know, in this space it's not always easy to come up with a process that everyone is happy with, but we will have a very inclusive process. We've allowed ourselves 18 months. So all of the key groups will have an opportunity to provide input.

I'm not sure if everyone appreciates what a significant step it is. The commitment is to effectively consider transferring 10 per cent of the State to Aboriginal ownership, which is quite an extraordinary thing to put on the table, especially when you think that it's not something that would be handed over without funding. It's actually a commitment to consider handing over that 10 per cent of the State and to fund its management, ongoing, as park. The primary purpose of that consultation process is to engage with Aboriginal owners, but there are obviously a lot of other stakeholders in terms of the people who use and love our national parks, and they will be

part of the process as well. That's why the Government has given some commitments in terms of things like fire management and continued access to our national parks, which are important commitments to give up-front.

The Hon. PENNY SHARPE: Are you contemplating changes to the Act in terms of Aboriginal management?

ATTICUS FLEMING: I don't want to, obviously, pre-empt the outcome of that process, but I don't think it would be possible to implement what we have in mind without amending the legislation.

The Hon. PENNY SHARPE: I also noticed that there have been announcements around Aboriginal rangers in national parks. Can I just clarify, are they all paid?

ATTICUS FLEMING: Yes, I think you're referring to the Gamay Rangers. I might let Ms Stephens add to my answer. The Gamay Rangers are not staff members of the National Parks and Wildlife Service. They have been authorised under the National Parks and Wildlife Act, and it's the first time that an Aboriginal ranger group has received the authorisations that have been provided in order to undertake some of the duties and functions and exercise some of the powers under the Act. My understanding is they're funded by a grant from the Federal Government primarily.

NAOMI STEPHENS: That's correct. They're under a Commonwealth-funded program for Aboriginal rangers.

ATTICUS FLEMING: As you may know, Ms Sharpe, around 12 per cent of our staff identify as Aboriginal and we do have measures in place, including developing what I think are reasonably innovative Aboriginal ranger trainee positions on the South Coast. So we are, in addition to working with groups such as Gamay Rangers, working very hard to increase the level of Aboriginal employment at a range of levels, including rangers.

The Hon. PENNY SHARPE: But just to be clear, there's no State money going into the program at Gamay.

ATTICUS FLEMING: I'd have to take that on notice. We work very closely with them, so it may very well be that we're providing some assistance.

NAOMI STEPHENS: We do provide training, but we aren't paying salaries.

The Hon. PENNY SHARPE: People are being paid salaries, but it's via a Federal grant. Is that right?

NAOMI STEPHENS: Yes, and we've just entered into a formal MOU with the Gamay Rangers, which formalises both what we're offering them in terms of training and the work that they're doing with us, and also the authorisation process that we've just gone through enabling them to undertake activities under our legislation.

The Hon. PENNY SHARPE: I think this is one for Mr Chappel. Biomass regulation—where's that up to?

TONY CHAPPEL: I understand that we're on track to finalise that piece of work later this year, but I'll just ask my colleague Ms Chang to talk to it in some detail.

NANCY CHANG: So we are in the midst of preparing a whole suite of guidance materials to make clear where biomaterial sits in terms of a process for the management of residual waste.

The Hon. PENNY SHARPE: Are you able to give me some more information about the considerations in relation to climate change and higher value use, being the consideration of biodiversity as higher value use?

NANCY CHANG: In terms of biomaterials, I believe that, in terms of its role in energy, my Energy colleagues have made it very clear where it sits in that it's been excluded as a greenfield. In terms of biomaterials—where it sits as a waste management tool—the waste hierarchy is very clear. It's only permitted where it is—it sits above landfill, so biomaterials should only be used to recover energy if it's otherwise going to be landfilled or burned on site.

The Hon. PENNY SHARPE: We'll come back to that. Can somebody just give me an update on—obviously there's the marine park estate plan that's coming. There is concurrence between the two Ministers. Can someone give me an overview of the input that the Environment people—i.e., yourselves—have had in relation to that process?

DEAN KNUDSON: We've been working with the Department of Primary Industries' Fisheries component pretty extensively. There's a steering group that's set up that has a marine estate management advisory body that we support. I personally have met with the head of Fisheries countless times on not only the overall

management plan but then also, in parallel to that, are being worked up the regulatory rules for individual marine parks. So our involvement has been extensive.

The Hon. PENNY SHARPE: Can you just explain to me what's it going to look like when it comes out?

DEAN KNUDSON: The overall strategy will talk about what the vision for New South Wales is with respect to its marine estate, what are the attributes that it wants to try to protect. It's got a four-pillar approach—so your traditional social, economic, environmental but then a cultural element added to it as well. It'll talk about how it's trying to achieve that.

The Hon. PENNY SHARPE: How does the primacy of the Act in terms of marine parks being for conservation sit within that?

DEAN KNUDSON: The primacy is very clear and we indeed went through some discussions with Fisheries on exactly that point: to make it very clear that the environmental outcomes are primary.

The Hon. PENNY SHARPE: We'll wait and see.

DEAN KNUDSON: Ms Sharpe, in the public documents that are out—the management plan's out currently and it makes that point very explicit.

The Hon. PENNY SHARPE: As you know, marine conservation groups and scientists beg to disagree in relation to some of these matters, so we'll wait and see for the final—do you have a time frame for when that's likely to come?

DEAN KNUDSON: I'm hoping that it'll be within the next several weeks that that'll be put into its next step.

The Hon. PENNY SHARPE: Just to be clear, for it to go out, Minister Griffin has to sign off on it as well as Minister Saunders?

DEAN KNUDSON: That's correct. I think we referred to it as "concurrence" earlier on. That's slightly misleading. It isn't legally a concurrence decision. It's a joint management. Isn't that exciting?

The Hon. PENNY SHARPE: Yes, I just noticed that Minister Saunders does most of the media on it.

Ms ABIGAIL BOYD: I wanted to ask you about the EPA decision to grant Vales Point a further five-year exemption from the nitrogen oxides emissions standards. I know that there has been media coverage about that decision potentially being unlawful because Delta applied for the exemption out of time and therefore the EPA did not have the power to grant that exemption. I also understand that the EPA has indicated it would investigate that and has received legal advice. Was that, in your view or on the basis of the legal advice you've received, an unlawful decision from the EPA?

TONY CHAPPEL: We are in the process of finalising our position on that issue. I'm not sure, Mr Beaman, if you'd like to add anything, but it's something we obviously take very seriously and we're giving it careful consideration

STEPHEN BEAMAN: Two points to make are the protection of human health and environment are paramount from our perspective. Air quality on the Central Coast is very good.

Ms ABIGAIL BOYD: Sorry, can I stop you there? I want to talk about the legality of this, because—

STEPHEN BEAMAN: Yes, I'm circling back around because it just gets—

Ms ABIGAIL BOYD: I could dispute everything you've just said. Continue.

STEPHEN BEAMAN: We know that the emissions meet the National Environment Protection Measures for NOx, but we've got the environment group's position. We're carefully considering it and it's an important decision to make and we'll be making that public shortly.

Ms ABIGAIL BOYD: With respect, that was not the question I asked. The question I asked is: Do you accept that it was not a lawful decision? It has been six months since the issue was raised, three months since you received the legal advice. We're entitled to know where you stand in relation to that decision.

TONY CHAPPEL: The EPA will be finalising its position very shortly.

Ms ABIGAIL BOYD: Why is it taking so long?

TONY CHAPPEL: Well, I can't speak to the last six months but, in terms of the last three weeks, I think we've been comprehensively considering each element of this, including, as my colleague said, revisiting the

human health and environmental health analysis and obviously carefully considering the legal position and the advice.

Ms ABIGAIL BOYD: Given that the exemption was not sought within the time frame, given that you have received legal advice around the original decision being not lawful, presumably, what happens next? Presumably that exemption is null and voided. It's no longer applicable, so Delta should really be trying to comply with the standards under the regulation rather than under this special exemption that's been given for 15 years.

TONY CHAPPEL: It's not quite as simple as that. There are some complex elements and we'll be making all of our analysis and decision-making public in the very near future.

Ms ABIGAIL BOYD: What does "very near future" mean?

TONY CHAPPEL: In the next few weeks.

Ms ABIGAIL BOYD: In the next few weeks?

TONY CHAPPEL: Yes.

Ms ABIGAIL BOYD: So by the end of?

TONY CHAPPEL: Certainly before the end of September.

Ms ABIGAIL BOYD: That would be very useful. Can I come back to the contaminated land register and the very brief discussion we had on that this morning. I understand from the contaminated land register as of 8 August—so what's that, two weeks ago?—that Liddell, Bayswater and Wallerawang are all marked as "regulation under CLM Act not required". How can that be?

STEPHEN BEAMAN: So we got advice—we did an assessment of that a couple of years previously. We've looked at the sort of—we've recently declared the Kerosene Vale one, which we mentioned, which will be put in the Government Gazette this Friday. We've written to all the occupiers and owners of the coal ash dams to think of their position. Under the CLM Act there's a positive obligation for people to notify us of contamination. We wrote to them last week saying, "You need to consider your position and come back to us". We're waiting to hear those responses back from those operators.

Ms ABIGAIL BOYD: Is there any power for the EPA to put land onto the contaminated land register without the owners of the land requesting that?

STEPHEN BEAMAN: Can I take that on notice?

Ms ABIGAIL BOYD: Yes. The reason I ask is—well, there are lots of reasons. But one of the reasons is that the State used to own Liddell and Bayswater and when it sold those power stations within the actual terms of the sale it says very clearly that that's contaminated land. So it just strikes me as quite odd that we don't now have that land on the contaminated land register.

STEPHEN BEAMAN: Yes, that's why we've gone back to ask them to consider their position and come back to us.

TONY CHAPPEL: I think our expectation is very clear—that we anticipate all of these sites will require significant regulatory focus to protect the surrounding communities and environment. Ms Boyd, just on an earlier point you made about the brain-eating amoeba, just to clarify, that's actually not a result of the contamination. The amoeba exists because the temperature in the lake, being artificially high because the older technology at Liddell—

Ms ABIGAIL BOYD: Because of the discharge.

TONY CHAPPEL: That's right—uses the lake for cooling.

Ms ABIGAIL BOYD: Still.

TONY CHAPPEL: It's still clearly a danger to public health.

Ms ABIGAIL BOYD: Yes, it absolutely is. There are also a number of other elements within Lake Liddell that are a direct result of the toxic coal ash. So it's an absolute mess. Have there been any notifications or any work done by the EPA in relation to the recent floods and wet weather in terms of looking at whether the coal ash dams have been overflowing and accessing the nearby areas of water that they all sit on?

TONY CHAPPEL: I think in terms of Kerosene Vale, there's been ongoing sampling undertaken which has resulted in the gazettal that is now imminent, meaning this Friday. Mr Beaman, do you want to add—

STEPHEN BEAMAN: Yes, I think I'd have to take that one on notice. During the recent storm events in the last six months, particularly the March and July events, we had lots of premises just generally have uncontrolled discharge events, just due to the high amount of rainfall that we've had.

Ms ABIGAIL BOYD: Could you come back to me on notice with the discharge events, if any, that have related to the coal ash dams around the State?

STEPHEN BEAMAN: Yes, absolutely.

Ms ABIGAIL BOYD: That would be really useful. I get very concerned about this, because I think once you understand the actual impacts of coal ash, it's quite frustrating not to see action taken a bit quicker. Could we talk about the coal ash recommendations? I know there was an offer before about updating us on where each of the recommendations have got to. It would be very useful to understand which ones are still in train.

TONY CHAPPEL: I might hand to my colleague Ms Chang, just while I turn to my notes. There are a number of programs underway or in development there.

NANCY CHANG: Yes, absolutely. The EPA has offered to basically coordinate the whole-of-government response. We are leading on a number of those recommendations, so entering into an MOU. We've already done that, and a number of the recommendations talked about reuse, which we refer to the Waste and Sustainable Materials Strategy. There are a number of initiatives under that strategy that will consider coal ash reuse. In particular, the \$37 million carbon abatement project will be looking at low-carbon coal ash reuse for cement.

Ms ABIGAIL BOYD: Could you be more specific about that? How much of the \$37 million is being dedicated to that?

NANCY CHANG: That program has just commenced, and we are doing targeted consultation. Basically, the premise of that program is about looking at how we can substitute materials, particularly in the construction sector, that currently have a higher carbon footprint for a lower carbon footprint. Coal ash is basically one of those potential opportunities.

Ms ABIGAIL BOYD: It is.

NANCY CHANG: The other very key initiative under the Waste and Sustainable Materials—

Ms ABIGAIL BOYD: Sorry, can I bring you back to that first one? That technology exists; we know it's being used in other countries.

NANCY CHANG: Yes, absolutely.

Ms ABIGAIL BOYD: What is that money going towards?

NANCY CHANG: The program is currently being designed. But one of the key things that we are looking for is to use the grant funding to bring the supply and demand together and to provide basically a bit of a concierge service, to ensure that those who produce this low-carbon material are actually talking to the people in construction so that that substitution actually occurs. The other key initiative in the Waste and Sustainable Materials Strategy is government procurement. We understand from lessons learnt in Waste Less, Recycle More that infrastructure is not enough. We need to step into the market space and actually pull through that material, so government should lead the way in this space. My understanding from my colleagues at the OECC is that there is significant work in that space, and coal ash is listed as a priority material to be considered under government procurement. The premise of that program is about government leading the way in procuring recycled goods and reused goods on an "if not, why not?" basis. Transport has a really big role to play, and there are ongoing discussions with our colleagues in Transport on how government can lead the way in this space, particularly in coal ash.

Ms ABIGAIL BOYD: So roads and the actual building of infrastructure?

NANCY CHANG: I will have to seek the details of that, because the EPA is not leading on that particular initiative. But my understanding is that there are some very active conversations with Transport, as you would with other government agencies, because that particular initiative is about every part of government procuring goods from a circular economy perspective on an "if not, why not?" basis.

TONY CHAPPEL: But just to be really clear, there's obviously a variety of grades of coal ash. We're talking about high-quality product that does not have contaminants that risk human health or the environment, because there's also a significant quantity of coal ash that contains a lot of quite dangerous elements that is not suitable—

Ms ABIGAIL BOYD: There is a sintering process, though, that's used in other countries. You're absolutely right that there are different grades, but there are also ways to sinter and to bind the harmful chemicals in construction materials. But that's presumably what that project will look into.

NANCY CHANG: That's correct. The "if not, why not?" basis talks about safety, talks about cost and talks about feasibility. There'll be some very clear criteria on when government can say no, and safety will be one of those key considerations. The other very key initiative in the strategy is the Resource Recovery Framework review, which the EPA has kicked off, and we have monthly meetings with the Ash Development Association to talk about how we can ensure that balance between reuse and safety within the Resource Recovery Framework.

The CHAIR: Thank you. We're going to take a 15-minute break for afternoon tea. Mr Fleming looks very pleased.

(Short adjournment)

The CHAIR: Thank you, everybody, for returning.

TONY CHAPPEL: Chair, may I just answer one of the questions we took on notice about contaminated land? I'm happy to confirm the EPA can issue a declaration about significantly contaminated land without the owner's consent, and a declaration is the way of invoking the EPA's powers to manage significantly contaminated land. A declaration may occur after a notification from an owner, but this is not required. The EPA must notify certain parties about a declaration, which is then published in the gazette.

The CHAIR: Thank you very much. I inform the Committee and the hearing that we're doing our very best to expedite this final part as best we can. We've got some more questions from Ms Sharpe, Ms Boyd and Mr Field, and then we will wrap up. I note that Professor Hugh Durrant-Whyte has to well and truly leave before 5.00 p.m., but we're aiming to finish before that. Thank you all. Ms Sharpe?

The Hon. PENNY SHARPE: Mr Kidman, I wanted to ask a question about the performance indicators in the budget. Page 5-15 of the outcomes statement talks about the proportion of people who have their Heritage Act applications determined within the statutory time frames. I was interested that only 50 per cent of people had that occur in 2021-22, whereas you're hoping to get to 75 per cent in 2022-23. Can you take me through why that is?

SAM KIDMAN: Yes, I can. The Heritage Act approvals are roughly 50 per cent on time, and they have been around that figure for about five or six years. Obviously, I think it's fair to say it's unacceptable from a customer perspective and also from an operational perspective, so we've put in a range of streamlining efficiency organisational measures with the aim to bump up that figure to 75 per cent by next year and 90 per cent by the year after.

The Hon. PENNY SHARPE: Have you got more people?

SAM KIDMAN: No.

The Hon. PENNY SHARPE: That's some very impressive efficiencies if you think you can get to there with no additional people.

SAM KIDMAN: I'm very confident that with operational and organisational improvements, we can get to that figure. In fact, we're already trending up on those figures. The last couple of months, I think we were around 60 per cent on time. Our Aboriginal Heritage Impact Permit applications for the last couple of months have been 100 per cent on time, based on a number of operational efficiency measures we've taken. I'm confident that if we can take those measures and mirror them in the broader heritage assessment space, we can push that figure up significantly.

The Hon. PENNY SHARPE: Just to be clear, this isn't based on additional staff?

SAM KIDMAN: No, it isn't.

The Hon. PENNY SHARPE: Is there a view about the volume of requests that you're getting that has changed that has also allowed you to get to this number—or hoping to get to that number?

SAM KIDMAN: The volume of approvals is variable month to month. We also have a volume of concurrence and referrals that come to us from Planning, through to the IDA process commenting on major projects et cetera. I'm sorry, I can't—

The Hon. PENNY SHARPE: No, sorry. The heritage table is a bit challenging.

SAM KIDMAN: Our on-time delivery of advice in relation to concurrence and referrals on major projects is trending up to about 85 per cent to 90 per cent on-time delivery. There has also been an independent

audit that Planning commissioned about the quality of the advice that Heritage has been providing over the last year.

The Hon. PENNY SHARPE: Is that publicly available?

SAM KIDMAN: I don't know. I can take that on notice and I can check that. Certainly, the finding of that independent assessment of the quality of our advice was extremely positive.

The Hon. PENNY SHARPE: Obviously there is a lot of discussion about Aboriginal cultural heritage. Within the AHIPs system in the past 12 months, have any applications been knocked back?

SAM KIDMAN: I don't believe so. I can check that. I'll take that on notice.

The Hon. PENNY SHARPE: I'm pretty certain that's the case. I'm just checking that I wasn't wrong. Can I ask you about how many items have been delisted from the State Heritage Register in the past three years?

SAM KIDMAN: I would have to take that on notice.

The Hon. PENNY SHARPE: That's okay.

SAM KIDMAN: I know that the Loftus signal house is in the process—a recommendation is going to be progressed to the Minister shortly to delist that particular item. But that's the only one I'm aware of at this point.

The Hon. PENNY SHARPE: Of those that have been delisted in the past three years, will you be able to identify—I'll probably be able to by the name of them—how many of them are from government agencies?

SAM KIDMAN: Of course. We can provide that information.

The Hon. PENNY SHARPE: Can I ask how conflicts of interest are dealt with with the Heritage Council in terms of when someone's appointed? What declarations are they required to undertake?

SAM KIDMAN: There are the normal conflict of interest declarations that anyone who's appointed to a government board or committee fills out.

The Hon. PENNY SHARPE: So they're written and they sit with you? Just take me through the process.

SAM KIDMAN: They're written and sit with me? They're provided to the Department of Premier and Cabinet. Obviously, we have a range of people in the Heritage Council with a range of different expertise, whether they be a lawyer or a heritage consultant. They might have provided advice on a certain matter in the past as part of their professional life and, if a matter comes up that they have had some involvement in, they are excluded from discussion and the decision-making process.

The Hon. PENNY SHARPE: How directly do they have to have been involved?

SAM KIDMAN: To some extent, it's a judgement call for the chair of the council. I can think of examples where heritage consultants who have worked either on their own or for a heritage consultancy have worked on a listing matter or an approval matter that is coming before the Heritage Council, and they will be excluded from the decision-making process.

The Hon. PENNY SHARPE: Once people have made their written declaration, at the beginning of every meeting is there a declaration there?

SAM KIDMAN: Yes, there is.

The Hon. PENNY SHARPE: Is that minuted?

SAM KIDMAN: Yes, it is. The chair of the council asks for any updates on conflicts of interest, and they are taken into account.

The Hon. PENNY SHARPE: And they're minuted. It's not uncommon that someone would declare an interest but there be a view that they're okay to participate, and then there would be other times where they would declare an interest and they'd say, "I'll withdraw myself from that."

SAM KIDMAN: Or, for example, they may have had some involvement with a particular matter five years ago. They're no longer involved, and the matter has moved on. Even so, the Heritage Council, of which I'm not a member—but I attend all of the meetings—will discuss those types of situations.

The Hon. PENNY SHARPE: But it's ultimately a decision for the chair in terms of whether someone's excluded—

SAM KIDMAN: Yes, I think—

The Hon. PENNY SHARPE: —or do people self-exclude?

SAM KIDMAN: People do self-exclude, absolutely. But it is essentially, I suppose, a matter for the chair.

The Hon. PENNY SHARPE: I wanted to ask you about the Blue Plaques program. Has there been one round? Has there been a second round of the Blue Plaques?

SAM KIDMAN: No, there has only been one round.

The Hon. PENNY SHARPE: And the decision of where those blue plaques occurred was made by the Minister. Is that correct?

SAM KIDMAN: There's a process around it. As you'd probably know, for the first round, nominations were sought through all members of Parliament—MPs and MLCs.

The Hon. PENNY SHARPE: Yes, mine was not successful, but I'm not going to go into that.

The Hon. SHAYNE MALLARD: Mine wasn't successful either. I put in two nominations—three, actually.

The Hon. MARK PEARSON: Nor was mine.

The Hon. ROSE JACKSON: Whose was successful?

The Hon. PENNY SHARPE: We're unhappy. I didn't mean to open up that can of worms; that was not the plan. My apologies, I'm new to this portfolio. How many Blue Plaques were awarded?

SAM KIDMAN: Twenty-one as part of stage one, at this time.

The Hon. PENNY SHARPE: How many more are anticipated?

SAM KIDMAN: The Blue Plaques program is modelled on the UK Blue Plaques program. My understanding is that they tend to award about 15 to 18 each year. I suppose that's in recognition of the fact that we'd like it to be a really prestigious program, for obvious reasons.

The Hon. PENNY SHARPE: There has been one round. Obviously there were a lot that were unsuccessful, and 21 were awarded. Have they all been put in place now?

SAM KIDMAN: No, they haven't.

The Hon. PENNY SHARPE: When are they being put in place?

SAM KIDMAN: It will be between now and the end of the year, is the plan.

The Hon. PENNY SHARPE: Excuse me for this, but I just don't know the answer to this. Is the list of the 21 that were successful public?

SAM KIDMAN: The Minister has announced them.

The Hon. PENNY SHARPE: Yes, I thought so. There is a list.

SAM KIDMAN: Yes, there is.

The Hon. PENNY SHARPE: That's alright. I'll go back to it.

SAM KIDMAN: I can send that to you separately, if you want.

The Hon. PENNY SHARPE: I can Google it myself. That's okay. I wanted to ask you about the Willow Grove relocation. It is very controversial, as you would be aware.

SAM KIDMAN: Of course, yes.

The Hon. PENNY SHARPE: Is it correct that there's currently three sites being considered for its relocation?

SAM KIDMAN: To be honest, Heritage NSW has no involvement in the relocation of Willow Grove. It was a locally listed item. It wasn't on the SHR. If it were on the SHR, we may have had a view or played a part in the process. I think that project is being led by the—well, the Powerhouse Museum in Parramatta is not being led by us, so I don't really have any involvement in that.

The Hon. PENNY SHARPE: Create NSW. No, that's fine.

SAM KIDMAN: Create NSW, sorry. Yes.

The Hon. PENNY SHARPE: The reason why I'm asking you this, and maybe this is about the World Heritage listing of Parramatta Female Factory—it is a very different precinct than the Willow Grove building. Will the Heritage Council have some input towards the final relocation?

SAM KIDMAN: No, I don't believe so.

The Hon. PENNY SHARPE: What if it's going smack bang in the middle of the precinct?

SAM KIDMAN: If it was going in the precinct, any development activity that has an impact on a State heritage listed item is subject to the approval, depending on the heritage impact, by either Heritage NSW or the Heritage Council.

The Hon. PENNY SHARPE: That's good to know. I think this is EPA—synthetic turf. Is that you, Mr Chappel?

TONY CHAPPEL: I understand the Chief Scientist is conducting a review based on a referral from Government.

The Hon. PENNY SHARPE: Yes, I wanted to find out where all of that was up to.

HUGH DURRANT-WHYTE: I am not sure how much I can say because it is in process, but there has been an awful lot of consultation that has gone on and still is going on up and down the coast. We have certainly got a draft of what we want to do going forward and my expectation is it will be complete certainly before the end of the year, and hopefully some way before then. It is, as I'm sure you know, a much more complicated thing than I think anyone originally anticipated.

The Hon. PENNY SHARPE: I think that is the concern of the community, that it has been rolled out very quickly with, all of a sudden, all of these problems with microplastic and those kinds of things. There has been a review, so can you just give me an outline? Will you be making recommendations about the way that these are planned, or are you just looking at evidence of the concerns around microplastic and that sort of thing?

HUGH DURRANT-WHYTE: It is more than that. It is about suitability for purpose in general, and the Office of the Chief Scientist, in general, doesn't make policy recommendations; it will make science recommendations. There is a lot to do with, as you say, not just microplastics but a whole range of other things, like local temperatures and things like that which impact significantly, but also there is a useability element which is important, so communities actually having access to playing fields and things like that. A lot of things have to be balanced out. Our role in this is to collect the evidence, collect the views, and to genuinely provide the scientific recommendation on which Government can make a policy decision.

The Hon. PENNY SHARPE: Has there been very much work done on actually collecting the evidence? I'm aware there are a lot of assertions around the pros and cons of synthetic turf, but what evidence have you been able to collect around microplastics going into waterways and that sort of thing?

HUGH DURRANT-WHYTE: We have gathered quite a lot of information. This has been running now since at least the beginning of the year. We've had a number of university groups assisting with the process. We often get external advisers like that. We have also looked a lot at international data in this area as well. So there is quite a corpus of information now.

The Hon. PENNY SHARPE: So once you make your recommendation—I am looking forward to this report—

HUGH DURRANT-WHYTE: Yes, so am I.

The Hon. PENNY SHARPE: It will then go to the EPA. What is the process from there? You make a recommendation to Government? Tell me what happens.

HUGH DURRANT-WHYTE: We were actually originally commissioned by DPE, or DPIE as it was at the time, to undertake this as part of a planning exercise.

The Hon. PENNY SHARPE: It was Minister Stokes, wasn't it?

HUGH DURRANT-WHYTE: Yes, so it was part of the whole planning exercise. However, we are clearly working very closely with EPA because EPA will ultimately have to implement any recommendations that come from it.

The Hon. PENNY SHARPE: Mr Chappel, as the EPA, obviously you're waiting for this report, but the issues that are raised in relation to micro and nano plastics in that environment—where are you up to with regard to the regulation on that?

TONY CHAPPEL: This is really a multidimensional challenge and we are looking across a number of different waste streams, including tyres, where we are convening industry groups and other stakeholders to collaborate and look at both the latest science and beneficial reuse opportunities and their appropriateness. In terms of microplastics, there are a number of regulatory bans coming in in November in personal care and then there is a much broader review of the next stage of that legislative agenda that the EPA will kick off the following year. It is really, I think, something that touches almost every aspect of modern life, so we need to really engage very deeply with the community in terms of helping people understand the need to shift to sustainable alternatives and then helping industry understand the imperative for them to look at their own products and shift to more sustainable alternatives.

The Hon. MARK PEARSON: Will the regulations or conditions that will come in November also apply to imported products?

TONY CHAPPEL: Yes, this is about prohibitions on sale in New South Wales, but I think they are very important—they are quite groundbreaking. It's important to understand that this is fundamentally about taking plastic out of the environment because it accumulates. People say that it takes 100 years to break down. That is not true. It might take that time to get small enough that you can't see it, but ultimately it can be absorbed into the food chain and then impact human health and environmental health very significantly, so it really is part of a much broader need to shift to a circular economy and much less use of these plastics in society and in the environment.

The Hon. PENNY SHARPE: I have two more quick questions. At the last estimates I think the Federal Government announced \$50 million for biodiversity support—I can't remember exactly what it was, but I am just wanting to know how much of that New South Wales has received?

DEAN KNUDSON: At this point I don't believe the Commonwealth has made any allocation decisions, but what I would say, Ms Sharpe, is that we met with the Commonwealth just after the recent election and had discussions with them about collaborating on a number of areas, including on koalas, but then more broadly on threatened species. They are due to be renewing the Natural Heritage Trust Landcare program in 2023. We think that we are pretty well-positioned with the work that we're doing with LLS as well as with New South Wales Landcare to put a pretty compelling case towards the Commonwealth to say, "We're coming to the table and we would like you to come as well."

The Hon. PENNY SHARPE: All power to you.

DEAN KNUDSON: Thank you.

The Hon. PENNY SHARPE: My final question is a national parks one, so Mr Fleming, or Ms Stephens actually, the Light to Light national park program. Where is it up to? Sorry, Light to Light and Ben Boyd.

ATTICUS FLEMING: I will give you a quick overview while Ms Stephens is searching for the notes. The project has received approvals in terms of environmental and cultural heritage approvals. I don't know if we mentioned in a previous estimates there is an amount of money that has been allocated to the project. Given the significant escalation in costs really across the board over the last 12 months, we won't have the funds to do the whole thing at the moment, so we are going to do it in stages.

The Hon. PENNY SHARPE: Can you tell me how you are going to stage it?

ATTICUS FLEMING: We will do it in stages and, even then, it will be dependent on us getting value for money because with a lot of these projects at the moment it is difficult to get value for money. In broad terms, the stages will involve—we are actually working at the moment, not technically part of the Light to Light project, but we are doing up one of the campgrounds at the moment and a couple of other pieces of infrastructure in the park. The first stage, though, of what is sort of called Light to Light would involve realigning the track and then doing up one of the other campgrounds, and the huts would be the final stage. I've had a discussion with the National Parks Association where I've said I'm happy to go down and have a chat to them on the ground about some of their concerns around one of the locations or one of the sites—

The Hon. PENNY SHARPE: They are very concerned about the development in the park, so what you're saying to me is that there is some money to do some of it, but not all of it, and that you will consult with people like the National Parks Association about the rollout of that, or is that all locked in because the approvals are done?

ATTICUS FLEMING: No, no, I think what you have said is broadly accurate. The money that we've got will allow us to do some of the stages. We may get more money to do other stages, we will see, but it will be value for money if we do it, and certainly I'll talk to the National Parks Association. We are trying to make sure that it is rolled out in a way that obviously is environmentally sustainable and sensitive, and so on. Secondly,

really the desire is to ensure that we've got a range of experiences for people. Some people want to go and walk and camp. Others want to go and stay somewhere. These huts are very basic—I mean there is no power, there are no lights, so they are not fancy huts—but they would provide a different way of experiencing the park for some people who don't want to camp in a tent. We are trying to get the balance right and are happy to keep talking to people about how we do that.

The Hon. MARK PEARSON: Thank you very much. We will now move to the most honourable Abigail Boyd.

TONY CHAPPEL: Just quickly, Deputy Chair, in answer to your question, I said "sale". It is actually supply of those products, so the plastic bans apply to the supply of those products, not just the sale.

The Hon. MARK PEARSON: Great, thank you. Ms Boyd?

Ms ABIGAIL BOYD: Thank you for the confirmation in relation to the ability to put land onto the register without the owner's permission. That is very useful. Vales Point, Liddell and Bayswater—I understand none of them are currently on the register, and yet all of them have been sold by the State a number of years ago with contaminated land disclosed to the purchaser. I encourage you to assess those parcels of land. To finish off on the coal ash recommendations, going through each of the recommendations that the Government has supported in full—the first one, in relation to the memorandum of understanding with the dam safety, I understand that has been completed?

NANCY CHANG: Yes, it has.

Ms ABIGAIL BOYD: Is it publicly available?

NANCY CHANG: I will take that on notice.

Ms ABIGAIL BOYD: Thank you. The air and groundwater monitoring sites surrounding all power stations and coal ash dams—have they been established? This is recommendation 2.

NANCY CHANG: I believe that work has commenced.

Ms ABIGAIL BOYD: It has commenced? Do you know when it will be completed?

NANCY CHANG: I will take that on notice.

Ms ABIGAIL BOYD: Thank you, and if you could let us know when the data from those sites will be available for the public to look at, as well, that would be very useful. In recommendation No. 3, which was to conduct the study of surface and groundwater around all coal-fired power stations and associated coal ash dams—I understand that some of that has begun around Lake Macquarie but not necessarily all of the sites. Can you give me an update on that one?

NANCY CHANG: Because the EPA undertook to coordinate the tracking against each of the recommendations, we are in the process of writing to all the leads—because the different recommendations have different leads—to ask for an update so we will be able to provide a comprehensive update on all of the recommendations.

Ms ABIGAIL BOYD: You want to do that on notice, is that what you are saying?

NANCY CHANG: Yes.

Ms ABIGAIL BOYD: Will you be able to provide that in time? Will you have that information back in time to be able to provide it on notice within 21 days of two days from now?

NANCY CHANG: Because it relies on other agencies who have the lead on the other recommendations—the EPA leads on recommendations 1, 4 and 11 and a number of other recommendations have been led by others. I cannot commit to a time frame because it will rely on them providing the EPA with an update on where each recommendation is up to.

Ms ABIGAIL BOYD: Okay. I ask you to provide on notice the ones that you have heard back from by the time that you provide the answer to the question. That would be useful. Then, if you could let me know—so we have done 1. What about recommendation 4 and 11?

NANCY CHANG: Sorry. I just want to clarify. The recommendations 1, 4, 11 and 16 have been completed. We have written to the various agencies on the other recommendations for an update on where they are up to.

Ms ABIGAIL BOYD: Okay. All the ones that you are in charge of have been—

NANCY CHANG: No, sorry. We are in charge of some of the other ones, under the waste strategy. The ones I just quoted are the ones that are complete, that we will not be seeking an update from, because they are complete. I can take on notice recommendation 1, the MOU, whether that is—

TONY CHAPPEL: It is. We can confirm, it is public.

Ms ABIGAIL BOYD: It is? Thank you. I will let you take those on notice, then, and come back in supplementaries if I need to. Can I ask about the recent fish kill in Lake Macquarie from 5 August—who do I ask that to?

TONY CHAPPEL: My colleague Mr Beaman.

Ms ABIGAIL BOYD: I have seen the latest update that was released really recently. I don't know if it was yesterday.

STEPHEN BEAMAN: This morning.

Ms ABIGAIL BOYD: This morning? There you go.

STEPHEN BEAMAN: As soon as we get the data, we publish it.

Ms ABIGAIL BOYD: Okay. I don't know if I am even looking at this morning's one, then. Can you tell me where we are up to? The last I heard was that all of the metals within the water were at or below the laboratory limit. What else do we know?

STEPHEN BEAMAN: Just before I start with that one, fish kills that occur like the one at Manning Park are really quite distressing for the community. People get quite upset because they see all those dead fish on the side of those rivers. It is easy to assume that it is a toxic chemical spill—we had that earlier this year on the Parramatta River. I just really want to assure the Committee that we actually take these incidents very seriously. On the day that we were notified of the fish kill, we had an officer out there collecting samples of both water and fish. We use our DPE colleagues and science—use their laboratories. We have tested for metals, pesticides, nutrients, PH, electronic conductivity—and we also do ecotox tests.

Using the ecotox testing in particular, I think we are coming to the point—when you do these fish kills, you are actually working backwards, ruling things out, so you're doing it by a process of elimination. When we took the water samples, there were water samples around the place and we also took a water sample from the Vales Point discharge point. As soon as that data is coming in—because we know the community is concerned—we're getting that information straight up on our website as quickly as we can to give that sort of transparency.

The Hon. MARK PEARSON: In the testing of the fish, are any diseases tested for, or infections?

STEPHEN BEAMAN: I don't think so, no. We often use the water quality testing to start with to identify if it is a pesticide, and then we are looking at narrowing down the level of test that we actually do on the fish. The fish testing can be quite challenging to do, particularly on fish that are already deceased. So we are trying to really narrow down the particular testing.

Ms ABIGAIL BOYD: Just to clarify, the fish in Lake Macquarie currently have limitations on them on the basis that there are some high chemicals in there—mercury, cadmium, selenium. Is the point here not that suddenly it's okay to eat the fish at whatever level you like now, but more that these particular fish were not impacted by those high levels? Can you clarify?

STEPHEN BEAMAN: Sorry. Can you try the question again?

Ms ABIGAIL BOYD: Okay. There is a restriction at the moment on the amount of fish that you can eat out of Lake Macquarie because of the toxins that are in there. I want to clarify that when you say there's no metals that were above the guidelines, that you're not overriding that.

STEPHEN BEAMAN: Yes. We haven't got the fish results back yet. The metal testing is for the water. All the testing we do, we compare against the national water quality guidelines. So they are back to the national guidelines, when we say they're not—

Ms ABIGAIL BOYD: The water testing—did you test the temperature?

STEPHEN BEAMAN: We have got data on the temperature from the Vales Point Power Station.

Ms ABIGAIL BOYD: Where is that sourced from? Is that sourced from Vales Point themselves?

STEPHEN BEAMAN: Yes.

Ms ABIGAIL BOYD: So they have given you that data?

STEPHEN BEAMAN: Yes. They have given us that data.

Ms ABIGAIL BOYD: Has there been any independent testing of the temperature coming out of the—I've forgotten the word for it.

STEPHEN BEAMAN: The event happened on 5 August.

Ms ABIGAIL BOYD: On that Friday, did anyone go and have a look at the temperature of the water?

STEPHEN BEAMAN: Not that I am aware of, no. We took samples of it at the time.

Ms ABIGAIL BOYD: Yes, but you didn't test the temperature. Was the fish kill consistent at all with an event that might have been caused by higher temperature water?

STEPHEN BEAMAN: Because we're still investigating it, you've got to keep an open mind about what the cause might have been. That is why we are waiting for the further fish testing to come back.

Ms ABIGAIL BOYD: I think, in the announcements made so far, there has been talk about perhaps there was an oxygen depletion event, which we have seen in other places with algae blooms and things like that. But were there any other indicators of something that would have led to an oxygen depletion event?

STEPHEN BEAMAN: Yes. The fish—the officers, when they saw the fish in the field—actually had swollen up and great gills. That's actually an indication of the fish gasping and having oxygen depletion. Unfortunately, these events can be quite common—these deoxygenation events. You just get that turning over of the lake base. When that turns over, you have increased nutrients moving through the system and that just causes the oxygen—and it happens to drop quite quickly and then recover quite quickly. These are quite natural events, but when they do happen they are quite impactful in terms of number of fish deaths.

Ms ABIGAIL BOYD: So it may have been sediment churning. Have we got any sort of evidence to indicate that there was any kind of event that would have led to a sediment churning?

STEPHEN BEAMAN: That's what we're still looking into. The investigators looking into this—there was a change of a northerly wind at the time and discussion that—they're looking at all the possible reasons. We haven't actually arrived at one yet—but whether the wind changed and actually resulted in the lake turning over.

Ms ABIGAIL BOYD: But is that also consistent with—could you get some sort of—even it was an oxygen depletion event from a change in water temperature?

STEPHEN BEAMAN: Possibly, yes.

Ms ABIGAIL BOYD: Could that have led to sediment churn as you've got the warmer water coming through?

STEPHEN BEAMAN: I don't know. I'd have to ask the water scientists that one.

Ms ABIGAIL BOYD: Okay, so we just don't know yet whether it's the—it could still possibly be the temperature change or we're relying on—

STEPHEN BEAMAN: Or it could be—

Ms ABIGAIL BOYD: It could be something else; I appreciate that. But in terms of the independent—we don't have any independent data about the temperature. We only have what Vales Point—

STEPHEN BEAMAN: They're required to keep temperature data for us.

Ms ABIGAIL BOYD: Yes, but no independent—

STEPHEN BEAMAN: It's a licence requirement.

Ms ABIGAIL BOYD: Yes, but there's no independent verification of that data.

STEPHEN BEAMAN: Yes, but it's a licence requirement that they give us accurate data, so unless you're asserting they're not giving us accurate data—

Ms ABIGAIL BOYD: I wouldn't assert that, but they have been responsible for a number of breaches over the years.

STEPHEN BEAMAN: We've got no reason to—

Ms ABIGAIL BOYD: Just because something is a licence condition doesn't mean it gets complied with.

STEPHEN BEAMAN: We've got no reason to believe their data's not accurate.

Ms ABIGAIL BOYD: Just a final question because I'm out of time: How many fish died?

STEPHEN BEAMAN: We didn't count the fish.

Ms ABIGAIL BOYD: Approximately?

STEPHEN BEAMAN: It's speculative. People say hundreds; people say thousands. Just a lot of fish died. We didn't go round and count them.

Mr JUSTIN FIELD: My next series of questions will be to Mr Riley. I can't see if you're at the table.

The CHAIR: He's just heading there now.

Mr JUSTIN FIELD: Thank you for your patience today. My questions relate to the recently published NSW Net Zero Emissions Dashboard on the SEED portal. Am I correct that you're the knowledge holder here who put together the information that's fed into this dashboard?

MATTHEW RILEY: That's correct, Mr Field, with my Net Zero Emissions Modelling Team.

Mr JUSTIN FIELD: Can you tell me as at what date these forecasts in the dashboard are accurate?

MATTHEW RILEY: They're accurate as to earlier this year. I'd have to take on notice the exact date, but it's earlier this year. What we note with the dashboard is we've got a commitment under the net zero plan stage one to update our projections annually. We have done that, and we've gone through now into our third iteration of updated projections. The reason we do this is to ensure that when things change within the environment of the different sectors that we're modelling, we provide as up-to-date information as available. With that, we don't update as information comes in every day or every week or every month. That would be too much of an onerous task. We've committed to providing annual updates. But I'll get back to you with the exact date that we're updated to.

Mr JUSTIN FIELD: Correct me if I'm wrong, but this is the first year that the sector-by-sector forecasts out to 2050 have been made available. You indicated you've done three iterations now, but these are the first that have been made public. Is that right?

MATTHEW RILEY: Yes, that's correct.

Mr JUSTIN FIELD: Would you be able to provide on notice the last two forecasts, with datasets as well?

MATTHEW RILEY: I'll have to check, considering that the first forecast informed the development of the net zero plan stage one and may be considered Cabinet in confidence. If that and the second iteration—the projections which informed the update to the implementation plan, which also went to Cabinet—are not considered Cabinet in confidence, then I will seek to provide that information to you, Mr Field.

Mr JUSTIN FIELD: Is there a set date about when annual updates are going to be made in the future?

MATTHEW RILEY: We've not yet set an exact date for those annual updates. I can get back to the team and look for the timing that they are hoping to achieve with those set annual updates. I'll take that on notice for you.

Mr JUSTIN FIELD: Obviously, each of these sector-by-sector line items has a heap of assumptions built into them. I might just pick one: for instance, land use, land use change and forestry. You'd be making assumptions about the area of land clearing that might occur in any given year, public native forestry, private native forestry, probably drought cycles as well would factor into soil carbon. Are the assumptions that are built into these forecasts available?

MATTHEW RILEY: I'll take that on notice. Our intent is to make them publicly available soon. But of course I'll make them available to you as soon as I can on notice.

Mr JUSTIN FIELD: I'd appreciate that. Even if the actual datasets in terms of—for instance, how many coalmines in a particular year are operating and at what sort of capacity level. Irrespective of those datasets, would it be possible to, in the first instance, provide just the input categories in terms of "these are the different assumptions that make it up" even if we don't have the actual data under those assumptions, just to get a sense of how broad these are?

MATTHEW RILEY: Yes, absolutely. Just as a bit of clarification as well, each of the modelling assumptions that we took for each of the sectors has undergone independent peer review. Our hope was actually to have this all made fully publicly available when we launched the dashboard. There were some issues. We're just finalising some of the technical edits for those methodologies. We did not want to delay launching the

dashboard. We took the decision to launch the dashboard and just take a little bit longer to finalise the methodologies. When they are published—and we'll provide them to you prior to their publication—you'll have all that information about the assumptions that we've made and the inputs. If I may, just on one of those points regarding the data, there are some confidentiality agreements around some of the individual data because we do rely on taking data from the National Greenhouse and Energy Reporting system at a facility level, and we can't make that data available. But certainly we can make the methodologies available.

Mr JUSTIN FIELD: I'd appreciate that. Do you do the data crunching yourself? Obviously, in that instance you indicated that you take it from a Commonwealth body. I'd imagine, for instance, on, again, the land use change, Regional NSW, DPI, Forestry Corporation would have input. How much of the work has been done by other agencies inputting this, and how much are you doing the data crunching yourself?

MATTHEW RILEY: It varies from sector to sector. Much of the data crunching, as you call it, is done internally within our Net Zero Emissions Modelling Team. However, what we do attempt to do is we attempt to work closely with our colleagues, both in the Commonwealth and also in other departments within the New South Wales public sector. The reason behind that is twofold: One, we want to ensure that when we come out with these projections, which are a very fine scale and also very thorough, we align as much as possible with the agreed methodology that the Commonwealth have used for their projections, but noting, however, that the Commonwealth do have a slightly different perspective on using their projections to inform the design of programs and policies. We take a much closer role in informing those designs. Nevertheless, we want to ensure that when we put out our sectoral projections they're not using vastly different methodologies to the Commonwealth projections.

With public sector agencies, similarly we work with them because they're often subject matter experts in regard to some of the technologies. I'll use for an example here the Electric Vehicle Strategy. We work closely with Transport for NSW to ensure that we align not just our assumptions and methodologies for, say, electric vehicle uptake, but we also align and check with theirs and then, importantly, use their modelling, through their strategic transport models, to ensure that we understand the different tasks—the passenger task or the freight task. So, yes, we take an approach in working across both New South Wales public sector agencies and Commonwealth agencies, but much of the actual emissions modelling is conducted in house in DPE.

Mr JUSTIN FIELD: Thank you, Mr Riley. This is a very valuable piece of work. It's been fascinating to read it. Don't forget to strip the Dendrobium extension project from the records here. I don't believe that's needed any longer.

The CHAIR: Hear, hear!

Mr JUSTIN FIELD: That's the end of my questions to you. Ms Chang, I was hoping to ask a clarifying question about your response to Ms Sharpe about the biomass work, guidelines or regs. You and I have gone back and forwards on this for the past couple of years now, and I'm still not quite clear on exactly what is proposed to come out from the EPA and when, specifically with regard to biomaterials that may come out of public native forests. Can you just confirm the nature of the "certainty", as you've put it to me in the past, that you intend to provide to industry about higher value use of native forest biomaterials?

NANCY CHANG: Yes. Currently the regulation allows for thinning—pulpwood logs that come out of thinning operations from Forestry Corp under the IFOAs—to be used for this purpose. However, it is absolutely the intention of the framework that that use respects both the waste hierarchy as well as the higher order use. That is what we are seeking to clarify. We are seeking to clarify that both of those things apply to the thinning operations of Forest Corp under the IFOA. The reason that clarification is required is because, while the intention of the regulation was for that, so both the respective higher order use as well as the waste hierarchy in energy recovery, there has been significant changes that happened after the regulations. So, for example, the thinning operations are no longer defined in the IFOA and so that now creates a kind of confusion. What we are trying to do is a tidy-up to ensure that we understand what is and is not permissible from those thinning operations and what is considered to be a thinning operation.

Mr JUSTIN FIELD: And the time line again, just for clarity?

NANCY CHANG: I do not want to use the word "imminent" here, so I can only say that we are working very hard. As we speak, the team are putting a lot of effort into finalising this work. To your previous question, it is a suite of materials, as necessary, to tidy up the framework that regulates biomaterials. We want to make sure that that suite of materials explains this framework to industry, to Forest Corp and to all our stakeholders in this space. So I am certainly hoping that you will see this work this year.

Mr JUSTIN FIELD: A regulation or a guideline? I haven't ever quite cleared up exactly what's coming.

NANCY CHANG: Whatever is necessary to clarify in this space, including a regulation or a guideline or whatever other material is necessary to communicate how the framework applies in the use of biomaterials and where it sits within the framework.

The CHAIR: Thank you, Mr Field. I think we've come to close. I just have one final question about Heritage, if I may. It's just in relation to the Glendell, the Ravensworth properties there and just assuming you've seen the section 10 report from Leo—the Leo report, I think it's referred to.

SAM KIDMAN: I received it yesterday. I've read the executive summary but I have not read the entire document, I must confess.

The CHAIR: The executive summary, I think, is pretty clear about the findings and also the Heritage Council's own advice and also correspondence between Mr Fleming and the department, really emphasising the incredible significance of that heritage complex or that Ravensworth complex there.

SAM KIDMAN: The homestead.

The CHAIR: Homestead and the associated—

SAM KIDMAN: The cultural landscape, I think it's referred to—

The CHAIR: Yes. The Leo report really goes into that. If the IPC rejects Glencore's project, in view of the fact that the council has said they would put a nomination up for that to be entered on the State Heritage Register, do you think it's likely that would succeed? I'm not asking for a predetermination, just with your expertise.

SAM KIDMAN: The listing of an item on the State Heritage Register is ultimately a matter for the Minister. But I think the Chair of the Heritage Council—his evidence at this hearing in March was that the Heritage Council would have pursued a listing, had there not been a State-significant development application in play at the time. But it's an intact colonial homestead. It has significance in the historical context in relation to frontier conflict et cetera. As I understand it—I've not been there—the homestead is remarkably intact for a homestead of that age. But I can't really comment on the likelihood the listing would succeed.

ATTICUS FLEMING: You wouldn't want to be seen as prejudging a statutory decision.

SAM KIDMAN: No. Absolutely not.

The CHAIR: I realise that but, let's face it, in terms of recommendations and drafting reports and that sort of thing, clearly. I suppose the question really is, the view is maintained that we've seen come to the surface from the Heritage Council and, assuming, from Heritage—would you say that's correct, Mr Fleming?

ATTICUS FLEMING: I would say we have put our advice on the record.

SAM KIDMAN: Yes, we have.

The CHAIR: And nothing has changed from that?

ATTICUS FLEMING: Nothing has changed. That's correct.

The Hon. MARK PEARSON: You do look optimistic, though, both of you.

SAM KIDMAN: Chair, can I just provide some clarifying comments in relation to some questions from Ms Sharpe?

The CHAIR: Yes. Please do.

SAM KIDMAN: There have been no delistings in the last three years. In relation to the Regent Theatre, there's no development application that has been referred to Heritage NSW for consideration. In relation to the Prince Alfred Bridge, as I'm sure you're aware, it was largely demolished late last year but a portion of the bridge has been retained for interpretation purposes et cetera.

The Hon. PENNY SHARPE: Very sad outcome.

SAM KIDMAN: Heritage NSW has no role, but we are working with council on the interpretation strategy. That's where that's up to.

The CHAIR: Thank you. Just one final thing I want to note is I've been told that, apparently, out of the blue plaque grants, there's been more dedicated to men than women. Is gender a criteria?

SAM KIDMAN: No, it is not a criteria.

The CHAIR: Perhaps that's something that could be taken on notice. It's certainly been noticed.

The Hon. MARK PEARSON: Well, it is a blue plaque.

The Hon. PENNY SHARPE: There's also more in Liberal seats than others.

The CHAIR: Thank you, everybody.

ATTICUS FLEMING: Chair, can I put on record a big thankyou to all the staff across EHG and, I'm sure, the other agencies who help prepare the people who've provided advice today? You see us sitting here before you, but there's a huge amount of work that goes on across the agencies. There's a lot of people listening who've done a lot of work, so I wanted to say thank you to all of them.

The CHAIR: Thank you, Mr Fleming. Absolutely, I think, on behalf of the whole Committee, we express our deep gratitude, because we do understand what it takes to be here and the volume of material and some of the incredibly good work that you are all doing. Thank you to all of you, which now does bring us to really the conclusion. Thank you as well, government officers, to all of you, for your attendance today. The Committee's secretariat will be in touch in the near future regarding any questions that were taken on notice and, of course, any supplementary questions that are headed your way. Thank you to all of you.

(The witnesses withdrew.)

The Committee proceeded to deliberate.