

BUDGET ESTIMATES 2012
QUESTIONS ON NOTICE IN TRANSCRIPT
ENVIRONMENT AND HERITAGE

QUESTION H1 (Page 15)

Pre-amble transcript text (if necessary for context):

The Hon. Cate Faehrmann: I am not asking you about the process, with respect: I am asking you about the science. If I can continue with the science, in your second reading speech you mentioned works by Professor Kurt Lambeck and also works by Dr John Church for the CSIRO and Josh Willis. You said that these findings are supported by the work of the CSIRO, and the findings of Mary O'Kane are also supported by Lambeck. Could you give a summary of the works of Lambeck and Church and Willis in relation to sea level rise?

Ms Robyn Parker: I will take that on notice and provide that to you. I do not have that right at my fingertips now. We will take that on notice and give that to you.

ANSWER

The article in The Australian which summarises the work of Professor Lambeck is available at <http://www.theaustralian.com.au/national-affairs/tide-of-opinion-lacks-1000-years-of-proof/story-fn59niix-1226472205462>

The abstract (or summary) of the paper in the journal Science by Josh Willis and John Church is available at <http://www.sciencemag.org/content/336/6081/550.summary>

QUESTION H2 (Page 21)

Pre-amble transcript text (if necessary for context):

The Hon. LUKE FOLEY: Once again I ask you: You were not in the meeting where a quarter of the Cabinet met with the leadership of the Shooters and Fishers Party and struck a deal? You were not present at that meeting, were you?

Ms ROBYN PARKER: No, not present at that meeting, but present at Cabinet when this was a Cabinet decision.

The Hon. LUKE FOLEY: When did that occur?

Ms ROBYN PARKER: I am part of the Cabinet; it was a Cabinet decision.

The Hon. LUKE FOLEY: When?

Ms ROBYN PARKER: Sorry?

The Hon. LUKE FOLEY: When did the Cabinet make a decision on that?

Ms ROBYN PARKER: I will have to check the date and come back to you on the date of the Cabinet meeting. It was part of—

The Hon. LUKE FOLEY: It was after the deal had been done and the press release issued by the Premier and Deputy Premier, was it not?

Ms ROBYN PARKER: It was a Cabinet decision and I—

The Hon. LUKE FOLEY: After a public announcement had been made.

The Hon. Dr PETER PHELPS: Point of order: The Minister has indicated that she needs to consult her diary as to when the Cabinet meeting took place. The Hon. Luke Foley is now trying to create a timeline, when the Minister says she needs to go back and confirm the accuracy of when the issue went to Cabinet.

CHAIR: There is no point of order. The Minister has indicated she will provide an answer on notice.

Ms ROBYN PARKER: Certainly, I can tell you when the decision was made at Cabinet.

ANSWER

Cabinet made a decision on 4 June 2012.

QUESTION H3 (Page 27)

The Hon CATE FAEHRMANN: Minister what has been the outcome of an investigation in alleged illegal clearing by Ron Greentree at Boolcarrol in Wee Waa

ANSWER

OEH issued a remedial direction to each of the landholders in respect of some of the cleared vegetation.

QUESTION H4 (Page 27)

Do any of your officers around the table know who Ron Greentree is?

ANSWER

Yes

QUESTION H5 (Page 27)

Another instance of alleged illegal clearing that has come across my desk is that 600 ha of vegetation is being cleared illegally on a property called Beefwood Moree, Minister have you heard of that property?

ANSWER

Refer to questions 52-54 of the supplementary questions.

QUESTION H6 (Page 28)

Are you aware of a Dutch company call Kurstjens? We have heard that potentially illegal clearing of 600 ha of vegetation has gone on at Beefwood.

ANSWER

Compliance officers within OEH are aware of this Dutch company.

QUESTION H7 (Page 36)

The Hon. Luke Foley: Minister would you be prepared to provide the Committee with the minutes of last week's Heritage Council meeting?

Ms Robyn Parker: Yes. They are placed on the website.

Ms Samios: They are placed on the website about a month after the meeting.

Ms Robyn Parker: We will provide that information within 21 days, but you can see the minutes on the website.

ANSWER

The Minutes from the Heritage Council's meeting of 3 October 2012 are attached and will be placed on the website.

QUESTION H8 (Page 37)

Is it true there has been a significant number of redundancies at Historic Houses Trust properties over the past couple of years, including from many of the senior curatorial positions?

ANSWER

From 26 March 2011 (to June 2012) HHT has made 22 voluntary redundancies

QUESTION 9 (Page 40)

The Hon. SHAOQUETT MOSELMANE: Yesterday in the hearing on Aboriginal Affairs, a bureaucrat revealed that only three significant places have been protected, three former children's homes. Is this the sum total?

Ms Robyn Parker: No. We can take it on notice and give you the full information, but I just ran through it a few moments ago. There are 86 Aboriginal cultural heritage significant –

ANSWER

No. Since becoming the Minister for Heritage, I have approved the listing of seven items of state significance of Aboriginal heritage on the State Heritage Register under the provisions of the *Heritage Act 1977*. They are:

- Bomaderry Aboriginal Children's Home
- Kinchela Aboriginal Boys' Training Home
- Cootamundra Aboriginal Girls' Training Home
- Colebee and Nurragingy Land Grant, Colebee
- Blacks Camp, Wellington
- Blacktown Native Institution, Oakhurst
- Ancient Aboriginal and Early Colonial Landscape, Harris Park

From 1 January 2011 to date, there were 16 Aboriginal Places declared under the *National Parks and Wildlife Act 1974*. This brings the total number of Aboriginal Places declared to 87.

QUESTION H10 (page 42 and 43)

The Hon. CATE FAEHRMANN: Minister, on 18 July 2012 an article in the *Sydney Morning Herald* under the heading "Parks will go unstaffed as environment jobs slashed" referred to an internal document circulated among employees that said that the agency had committed to cutting costs in kangaroo harvesting programs, reducing wilderness and wild river assessments, deregulating wildlife licensing where appropriate, scaling back soil and salinity research and "reducing effort in our biodiversity programs." I submitted a question on notice to your department seeking detail regarding those cuts. I received a one-line response that said, "Savings will be achieved by adopting a variety of measures." Do you think "Savings will be achieved by adopting a variety of measures" is an appropriate response to a question on notice asking for specific detail regarding budget cuts?

Ms ROBYN PARKER: That is right. Do you want me to run through the variety of measures?

Mr DAVID SHOEBRIDGE: I think that is the idea.

The Hon. AMANDA FAZIO: That might have been a good idea.

The Hon. CATE FAEHRMANN: Is this the type of response we will now be expecting to receive as a result of budget cuts in your department?

Ms ROBYN PARKER: I do not see the correlation. That was an answer to your question.

The Hon. CATE FAEHRMANN: My question specifically asked for detail of the cuts outlined in an internal document: cuts to kangaroo harvesting programs, reduction in wilderness and wild river assessments, and reducing your effort to biodiversity programs. Would you be able to provide this Committee with exact information about the cuts in each of those areas I just mentioned? The detail of the cuts has been circulated internally and, obviously, the *Sydney Morning Herald* has a copy of that document.

Ms ROBYN PARKER: I am not sure what document the *Sydney Morning Herald* has; I know what it said it had. Certainly we are determined to live within our means. We are determined to manage. As the Premier said, we have maxed out the credit card, therefore, we have to make sure we live within our means. We have inherited debt. We have a drop in GST revenue and we have initiated a number of savings measures. The way those savings measures are implemented is up to the heads of various departments. In July we sent out a press release that talked about the way in which we wanted to implement that. Sally Barnes can give you some more information. By and large, what we did was look at how the Office of Environment and Heritage [OEH] was operating. There were some restructures because the Environment Protection Authority [EPA] has been taken out; it is its own statutory authority. We then looked at the delivery method. If 60 per cent of your delivery is back of house and 40 per cent is out in regional areas and people want to be out in regional areas, as our Government does, then you reverse that. The way that is achieved and the way savings measures are achieved is up to individual CEOs, and Sally Barnes is able to give you some more information on that.

The Hon. CATE FAEHRMANN: Minister, what cuts are being made in your department—I am sure you would not disagree that you are making a political decision—to reduce your effort in biodiversity programs?

Ms ROBYN PARKER: The savings in fact are about making sure we have the right staff in the right place. We have regional staff out there, but Mr Solomon can give you more information.

The Hon. CATE FAEHRMANN: You are making cuts to regional staff as well, are you not?

Ms ROBYN PARKER: We are putting in place a different structure. This is an operational matter. I will get Carl Solomon to give you more information on that.

The Hon. CATE FAEHRMANN: It is your decision to cut staff, Minister, and I am asking—

Ms ROBYN PARKER: No, no. I just explained that it was our decision regarding budget savings. The implementation of that for every department is up to the department how that is delivered and each part of the portfolio for that delivery. Mr Solomon will give you some information on that.

Mr SOLOMON: There are a number of strategies for savings being applied right across the department, but they are focused on the efficiency and effectiveness of our programs. For example, if we take some of the programs, such as wilderness and wild river assessments, we have brought together people into the same area. The same with our discovery program. We are looking at delivering more effective programs to the people of New South Wales.

The Hon. CATE FAEHRMANN: What do you mean when you say bringing people into the same area for wilderness and wild river assessments? What are the specifics? What do you mean by bringing people into the same area?

Mr SOLOMON: As part of the restructure, we have been moving into a regional delivery model, as part of that process.

The Hon. CATE FAEHRMANN: Bringing people together to reduce wilderness and wild river assessments means how many jobs were cut?

Mr SOLOMON: I will have to take that question on notice.

ANSWER

Please refer to answers to questions 5,6, 8, 9 and 10 asked by Kate Faehrmann MLC in the Supplementary Questions

QUESTION H11 (page 44)

Mr DAVID SHOEBRIDGE: Do you know or does someone in the department know how much money has been allocated in the last budget year to improve the information contained in the Aboriginal Heritage Information Management System [AHIMS]?

Mr WALKER: We will take that on notice.

ANSWER

\$200,000

QUESTION H12 (page 45)

Mr DAVID SHOEBRIDGE: When you do that could you look at the budget for managing and operating the Aboriginal Heritage Information Management System for the last financial year and for this financial year as well?

Ms ROBYN PARKER: Yes.

ANSWER

2011/12	\$767,771
2012/13	\$604,746

QUESTION H13 (page 45)

Mr DAVID SHOEBRIDGE: Perhaps you could consider any revenue received from the Aboriginal Heritage Information Management System for searches that have been conducted?

Ms ROBYN PARKER: Yes.

ANSWER

\$192,472 in revenue was received for AHIMS searches in 2011/12.

QUESTION H14 (Page 45)

Mr DAVID SHOEBRIDGE: Do you know how many alleged breaches relating to Aboriginal heritage and the Aboriginal heritage protections in the National Parks and Wildlife Service were reported to the Office of Environment and Heritage in the past 12 months?

ANSWER

From 1 July 2011 to 30 June 2012 a total of 69 alleged breaches relating to Aboriginal heritage were reported to OEH.

It should be noted that some of these allegations may be made by different people for the same alleged breach.

QUESTION H15 (Page 45)

Mr DAVID SHOEBRIDGE: What is the process the department has when it gets a report of an alleged breach?

Ms ROBYN PARKER: It is investigated.

Mr DAVID SHOEBRIDGE: Investigated by whom and how many officers do you have to do the investigations?

Ms BARNES: In the current conservation regulation division, which will fold on 22 October into our regional services area, we have officers who are involved in the regulation of both native vegetation and Aboriginal cultural heritage, and they have set procedures in place and they will follow up any reports and do an investigation.

Mr DAVID SHOEBRIDGE: How many officers?

ANSWER

There are ten equivalent full time officers in the OEH who undertake investigations of alleged breaches of Aboriginal cultural heritage matters.

QUESTION H16 (Page 45)

Mr DAVID SHOEBRIDGE: Do you know how many incidents of alleged unauthorised harm to Aboriginal heritage that your department has been made aware of in the past 12 months? Including also for the 2011-12 financial year? Do you know how many have been actively investigated? And what proportion is actually investigated?

ANSWER

From 1 July 2011 to 30 June 2012 a total of 69 alleged breaches relating to Aboriginal heritage were reported to OEH. It should be noted that some of these allegations may be made by different people for the same alleged breach.

All alleged breaches regarding Aboriginal heritage are investigated by OEH. If it appears likely that a breach occurred, OEH's regulatory responses include issuing warning letters, penalty notices, stop work orders, remediation orders, facilitating education and training in Aboriginal Cultural Heritage awareness and commencing prosecutions.

QUESTION H17 (Page 46)

Mr DAVID SHOEBRIDGE: Do you know how many incidents related to breaches of due diligence regarding the code or regulations were reported to the department? For the same periods?

ANSWER

Due diligence is a defence under the NPW Act. As such it does not constitute a breach. In terms of the number of reported breaches, see the above answer.

QUESTION H18 (page 46)

Mr DAVID SHOEBRIDGE: What is the current budget for the Office of Environment and Heritage for responding to threats to or examples of possible unlawful destruction of Aboriginal heritage?

Ms BARNES: I can give you the breakdown of the budget for the conservation and compliance area but officers there work on a variety of regulatory matters. To give you an accurate number for just Aboriginal cultural heritage would be difficult. I can give you an estimate in coming back to you.

ANSWER

It is estimated that approximately \$1,327,746 will be spent on Aboriginal heritage regulation in 2012/13. This figure does not account for unquantifiable costs such as management and supervisory roles and on the ground support provided by local National Parks and Wildlife Service Staff.

QUESTION H19 (Page 46)

Mr DAVID SHOEBRIDGE: How many officers have the particular skills to deal with Aboriginal heritage, if any?

Ms BARNES: From a regulatory perspective?

Mr DAVID SHOEBRIDGE: Yes, regulatory and compliance.

Ms BARNES: I will get back to you on that. We have people who do Aboriginal programs. It is a bit like biodiversity, and you are trying to not get to the destruction stage. We are trying to work with communities to better protect their heritage through Aboriginal places, through development controls and planning and then follow that up, if we need regulatory action, if the right procedures have not been put in place.

ANSWER

OEH has 89 staff who have special expertise in the protection, management and conservation of Aboriginal cultural heritage through declaration of Aboriginal Places, repatriation of ancestral remains, management of heritage data and conservation of sites and objects.

QUESTION H20

How many prosecutions has your department brought in the court for the destruction of Aboriginal heritage as a result of forestry practices in the past two years?

ANSWER

None

QUESTION H21

Was a single formal prosecution brought in the court for the destruction of Aboriginal heritage as a result of forestry practices in the past two years?

ANSWER

No.

QUESTION H22 (Pages 46-47)

Mr DAVID SHOEBRIDGE: How many Aboriginal heritage impact permits were issued by your department in the past 12 months?

Ms BARNES: That I know. Total applications received were 103, total permits issued were 98 and the permit variations were 33.

Mr DAVID SHOEBRIDGE: How many were refused? On those figures is it close to a 100 per cent approval rate for the destruction of Aboriginal heritage?

ANSWER

No AHIPs were refused from 1 July 2011 to 30 June 2012. It should be noted that applications can take some time to determine, so some of the approvals issued in that period were for applications received in the previous 12 month period. Similarly, some applications received between 1 July 2011 and 30 June 2012 may not have been determined until the following period.

The number of AHIPs approved does not provide a complete picture of the conservation outcomes achieved for Aboriginal heritage by this regulatory process. In assessing and approving AHIPs there are a range of conservation/protection outcomes for Aboriginal heritage which are negotiated in consultation with the Registered Aboriginal Parties (RAPs) and built into the AHIP application and/ or with appropriate conditions. The AHIP identifies the areas that can and cannot be harmed in relevant schedules and achieves conservation

outcomes by requiring protection and appropriate management of Aboriginal heritage with the support of the RAPS despite harm being permitted to some Aboriginal heritage.

The AHIP assessment process also enables negotiations to occur between the RAPS and the proponent before the AHIP application is lodged which can result in conservation outcomes being achieved by avoidance and ongoing management independent of the AHIP application. In other cases only part of a site is harmed under the AHIP and the remainder of the site is protected and the significance of the site can remain to enable intergenerational equity in the form of continued cultural and scientific practices. Furthermore, many AHIPs are conditioned to include monitoring and salvage of Aboriginal heritage and in most cases the objects recovered are placed under the care and control of the RAPS.

QUESTION H23 (Page 47)

Mr DAVID SHOEBRIDGE: When you provide further information on the Aboriginal Heritage Management System would you advise each year during the past five years how many were issued internally to other government departments? Would you also break it down into local councils, corporations, mining corporations and other?

ANSWER

The breakdown of AHIPs issued in the past five years is provided in the table below

AHIPS Issued	Councils	Corporations	Other Government Departments
Before 1st July 2008	7	2	5
1st July 2008 to 30 June 2009	17	17	21
1st July 2009 to 30 June 2010	29	25	17
1st July 2010 to 30 June 2011	29	23	11
1st July 2011 to 30 June 2012	21	21	13

QUESTION H24 (Page 47)

Mr DAVID SHOEBRIDGE: But I am talking about these laws. When you have close to 100 per cent approval rates for the destruction of Aboriginal heritage.

Ms ROBYN PARKER: No, that is not what was said.

Mr DAVID SHOEBRIDGE: It was 98 out of 103.

Ms BARNES: I will get you the information about how many were refused.

Mr DAVID SHOEBRIDGE: How many were approved?

ANSWER

A total of 98 AHIPs were approved were approved from 1 July 2011 to 30 June 2012. It should be noted that applications can take some time to determine, so some of the approvals issued in that period were for applications received in the previous 12 month period. Similarly, some applications received between 1 July 2011 and 30 June 2012 may not have been determined until the following period.

The number of AHIPs approved does not provide a complete picture of the conservation outcomes achieved for Aboriginal heritage by this regulatory process as outlined in the response to question H22.