



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 5

BUDGET ESTIMATES 2010-2011

QUESTIONS ON NOTICE

General Purpose Standing Committee No. 5

Climate Change and Environment and Cancer

Friday 17 September 2010

Answers to be lodged by: Wednesday 13 October 2010

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Hearing date	Portfolio	Answer to be lodged by
16 September 2010	Industrial Relations	12 October 2010 [21 days]
16 September 2010	Commerce	12 October 2010 [21 days]
16 September 2010	Energy	12 October 2010 [21 days]
16 September 2010	Public Sector Reform	12 October 2010 [21 days]
16 September 2010	Aboriginal Affairs	12 October 2010 [21 days]
16 September 2010	Water	12 October 2010 [21 days]
16 September 2010	Corrective Services	12 October 2010 [21 days]
17 September 2010	Climate Change and Environment	13 October 2010 [21 days]
17 September 2010	Cancer	13 October 2010 [21 days]
17 September 2010	Primary Industries	13 October 2010 [21 days]
17 September 2010	Emergency Services	13 October 2010 [21 days]
17 September 2010	Rural Affairs	13 October 2010 [21 days]

Questions relating to the portfolios of Climate Change and Environment

17 September 2010, 9:15 am – 1:00 pm

Questions from Mr Lynn

DECCW Investigation of BMG Environmental Group

1. Is the Minister for DECCW aware that the DECCW investigation of the business known as BMG Environmental Group has been ongoing for approximately 12 months and is financially crippling a regional business with a loss of 5 jobs at this point in the investigation?
2. Is the Minister aware that both the previous BMG Environmental Group investigation which concluded without charges, and the current investigation are being carried out by a local investigator with a known personal grievance for a director of BMG Environmental Group Pty Ltd. What steps has DECCW taken to ensure the decision to investigate and the conduct of the investigation is made on reasonable grounds and not a personal crusade by individual officers?
3. Is the Minister for DECCW aware that investigators interviewing customers of BMG Environmental Group have advised customers to deal elsewhere as BMG is operating illegally and will probably not be in business for long? Is this normal practice or acceptable conduct by DECCW officers?
4. Is the Minister for DECCW aware that prior to issuing Clean Up Notices and Prevention Notices to BMG Environmental Group which were ultimately met with an Audit Report clearing BMG Environmental Group of environmental harm, that BMG had requested to meet with DECCW investigators and this was declined in favour of the heavy handed approach which has resulted in devastating financial affects for this small regional business.

Questions from Mr Cohen

DECCW Service Groups

5. The 'Draft Ecological Harvesting Plan Guidelines for Endangered Ecological Communities' (in accordance with the Private Native Forestry Code of Practice Guideline No. 6) is a document that provides substantial discretion to the Department to be able to approve industrial scale logging within Endangered Ecological Communities. Will the Minister provide the scientific basis and objective standards that underpin this document?
6. Will the Minister or Department outline and itemize the allocation of funds from the Private Native Forestry Program since the Environmental Trust started administering the program including the names of recipients of funds, which local government area they reside in and obligations attaching to funds?
7. Will the Minister or Department outline and itemize the allocation of funds from the Native Vegetation Assistance Package (Sustainable Farming Grants and Farmer Exist Assistance Program) since the Environmental Trust started administering the program including the names of recipients of funds, which local government area they reside in and obligations attaching to funds?
8. How does DECCW determine which local councils will receive Waste Performance bonuses?
 - a) Is the philosophy to aid underperforming councils or reward effective waste and resource recovery managers?
9. Which local councils in NSW subject to the Waste and Landfill Levy have not received a waste performance bonus?
10. For the 2010-11 financial year, what percentage of the waste and landfill levy will be reinvested in waste programs administered by the Department?

11. How many current proposals before the Department of Planning for new or re-opening landfill sites are DECCW providing advice to the Department of Planning on?
12. How many meetings has the Expert Reference Group on Extended Producer Responsibility had in the last 2 years?
13. When was the last EPR Priority Statement issued or published?
14. How many staff members are currently working on Product stewardship and extended producer responsibility within the department?
15. Who formulates policy advice to the Minister on NSW's position on EPR and product stewardship proposals before the Environmental Protection and Heritage Council (EPHC)?
 - a) Do representations or agreements to EPHC proposals need to go to NSW Cabinet before they can be agreed to at EPHC meetings?
16. What funding allocation has the DECCW budget given to programs to increase recycling and re-use of organic material?
 - a) Why haven't we seen greater recovery of organic material over the last three years?
17. What was the cost of running the Chemicals CleanOut program last financial year?
 - a) What was the recovery cost per kilogram of waste collected by the Chemical CleanOut program in 2009-10?
18. What percentage of environmental protection licence holders have current pollution reduction programs with the DECCW?
19. In Chapter 4, p 12 \$27.3 million is allocated to natural resource management investment funding for Catchment Action NSW. Will you explain the investment strategy of the fund in the context of achieving individual Catchment Management Plans and the need to complement not overlap with the Federal Government's Caring for Country program?
20. Can you please identify where the \$ 4.1 million in natural resource funding in Chapter 4, p 12 is being used for?
21. What proportion of Catchment Management Funding is dedicated to supporting CMA officers establish Property Vegetation Plans under the Native Vegetation Act and the Private Native Forestry Code?
22. Will you provide a full itemisation of the establishment costs, administration costs and associated program costs to the DECCW of the NSW Biobanking Scheme since its creation?
23. How much capital does the currently NSW Biodiversity Offset Program hold?
 - a) How are the funds held in trust currently invested?
 - b) Are the dividends or interest reinvested into the NSW Biodiversity Offset program?
 - c) Who is the trustee manager for acquired land, the Environmental Trust or DECCW?
24. Will you please provide a breakdown of the planned expenditure of \$25.8 million on national park infrastructure identified on Chapter 4, page 13?
25. How much wilderness under the Wilderness Act is Crown Timber Land?
26. Have all wilderness areas been legally nominated, assessed, identified and declared under the Wilderness Act 1987?
 - a) If no, how many years has this situation been known to the Department?
 - b) What will the Government ensure that these areas are legally protected as a high priority in the first half of this financial year?
27. How many of these wilderness nominations has the Director-General considered and then advised the Minister within the two year statutory time limit?
 - a) How many is the Minister still awaiting advice on that are beyond the two year time limit?
28. What is the total funding that has been allocated to the Department to meet its obligations under the Wilderness Act 1987?
 - a) Of this funding, how much is specifically allocated to wilderness education, promotion and research?
29. How many equivalent full-time staff in the Department are allocated to fulfilling the responsibilities under the Wilderness Act 1987?

- a) What proportion of staff is this within the overall staffing levels of the Department?
30. Will the NSW Government declare all 60 properties, covering over 76,934 hectares, under the Dunphy Wilderness Fund program and if not, why not?
31. Is it correct that the Park Service is being supplied with new uniforms?
 - a) What was the reason behind the new uniforms?
 - b) What was the total cost of re-equipping the Service with new uniforms?
32. In the recent National Parks and Wildlife Service restructure the number of regions has been reduced from 19 to 14. How many officers have been;
 - a) transferred or;
 - b) taken voluntary redundancy; or
 - c) retired;due to this restructure?
33. Were any additional posts or positions created in head office at Hurstville following the restructure?
 - a) If yes, what sections gained additional staff and how many staff members did the gain as a result of the restructure?
34. When will the NSW Government put into effect the 2003 recommendations of the Blue Mountains Public Lands Rationalisation Taskforce?
35. For the lands identified under the Blue Mountains Public Lands Rationalisation as not suitable for addition to the national park, when will the Government improve the management arrangements that are currently in place between Blue City Mountains Council, Lithgow City Council and the Department of Lands?
36. There are a number of Cabinet decisions about national parks that have not yet been honoured, for example, the Goulburn Comprehensive Regional Assessment outcomes, and the North Coast and Brigalow Vacant Crown Land reserves. Will these decisions be honoured before Parliament rises in three months time?
 - a) If so, when will this occur and what areas of each will be protected in the new national parks?
37. Will the Minister implement the recommendations of the National Resources Commission in relation to the South-West Cypress Forests?
38. Has the budget for Lane Cove National Park (LCNP) been reduced?
 - a) If so, by how much?
39. What will the specific LCNP budget allocations for 2010/2011 be for:
 - a) Bush regeneration?
 - b) Fire trail management?
 - c) Dalrymple Hay and Wallumatta Nature Reserves?
40. What has happened to the recurrent additional funding of \$600,000 pa promised by the NSW State Government to LCNP following the incorporation of the additional lands from Hornsby Council (Pennant Hills Park and Thornleigh Park)?
41. Is it true that while these budget cuts are being made to conservation related activities, that approximately fifty additional tourism related roles are proposed to be created in DECC?
42. To date what greenhouse gas reduction, energy and water savings can be attributed to the Home Power Savings Program?
43. Has DECCW provided funding from Climate Change Fund to private golf courses?
 - a) If yes, how much in funding has been provided and what is the cost effectiveness of water savings?
44. What is the current budget allocation for the Energy Efficiency Community Awareness Program?
 - a) How is this programs effectiveness and performance measured?
 - b) What are the daily average hits/visits to the government website www.savepower.nsw.gov.au? How many people in NSW have taken part in the 'the power pledge' program?

45. What decision making processes does the Department and Minister undertake when making funding allocation decisions across the Climate Change Fund? Is energy saving or emission reduction cost effectiveness the most important indicator or criteria?
46. According to the budget papers DECCW provides \$25 million to Industry and Investment NSW for the Clean Coal Fund. What oversight and input does DECCW and the Minister have in fund expenditure and funding allocations?
 - a) Is there concern about the integrity of Fund administration or its funding allocation decisions?
47. In the Budget Papers on Chapter 4, page 12, \$81 million is allocated for environmental protection, regulation and compliance activities. Why can't DECCW fund regulation and compliance costs on a cost recovery basis through environmental protection licensing fees and successful prosecutions?

Note: For example why doesn't DECCW raise its licensing fees for Environmental Protection Licences, Threatened Species Licences and Aboriginal Heritage Permits to fully cover the compliance and enforcement costs?
48. In how many Land and Environment Court proceedings has DECCW sought cost recovery of enforcement and compliance costs?
 - a) In how many has it been successful and what is the total sum recovered by DECCW for the last financial year?
49. How many of the Urban Sustainability grants over the lifetime of the scheme initiated in 2005 have been used for climate change adaptation or mitigation focused projects?
50. How does the Department intend to address the policy gap and market failure of the non-introduction of a Federal emissions trading scheme?
51. Has the Department or the Minister sought additional funding to run additional climate change mitigation and adaptation programs to 'plug the market and policy gap' left by the Federal Government?
52. Is it within the regulatory capacity of the Minister and Department to create a load based licensing fee for greenhouse gas emissions produced by NSW's 30 biggest greenhouse gas emitters? In other words is it possible under the current Protection of the Environment Operations Act and associated regulations to create a state based emissions trading scheme?
53. Has DECCW done any modeling or regulatory investigation into such an approach?
 - a) If yes, what has the findings been?
54. Would the regulation and management of greenhouse gas emissions using DECCW's Load Based Licensing Scheme be a more cost effective way of funding climate change programs?
55. What impact would establishing a load based licensing fee on greenhouse gas emissions have on the Department's financial position and income?
56. Will the Minister or Department advise if there has been an increase or decrease in the rate of issue of Aboriginal Heritage Impact Permits (AHIP) over the last 2 years and are permit applications still approved at a rate of 95-100%?
57. What percentage of AHIPs were issued to individuals or companies that had made political donations to the NSW Branch of Australian Labor Party?
58. Has the Department issued any permits where an 'unacceptable impact' on Aboriginal heritage has been identified?
 - a) When does the department decide that destruction of an Aboriginal object is an 'unacceptable impact' or an acceptable impact?
59. Who has been invited to join the Working Group for broader Aboriginal heritage reform?
60. Has any advice from Aboriginal groups been sought about the makeup of this group? Will the Minister commit to ensure that peak Aboriginal groups will be guaranteed a position on this working group?

61. Given that the Opposition has offered support for the establishment of separate heritage legislation, will the Minister commit to making this a bi-partisan committee?
62. Does the Department or the Minister have legal or other advice as to whether the standard of due diligence outlined in the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010 meets the same standard as other environmental protection legislation, or a lower standard as suggested by NSWALC and NTSCORP? Will this advice be available to the public?
63. Does the Department of Environment and Climate Change and Water have advice as to how many or what percentage of current development, farming, mining, land management and forestry activities will be captured by the new 'low impact' and 'due diligence' defences under the new heritage regulations? What advice does the Minister have regarding how effective the new laws will be as a deterrent, given the broad nature of the new defences?
64. How many officers in DECCW are available and assigned to undertake compliance checks in State Forest logging operations?
65. How many complaints have been made to DECCW about breaches of the Threatened Species Conservation Act by State Forest logging operations?
66. Will you provide details of water purchased and held by the NSW Riverbank program? Specifically what proportion of holdings are high security and general security in which regulated rivers and groundwater systems?

Growth Centre Biodiversity Offsetting

67. What percentage of the DECCW mapped Priority Lands outside of the Sydney Growth Centres are considered Matters of National Environmental Significance?
68. What percentage of area of the DECCW mapped Priority Lands outside of the Sydney Growth Centres are not considered Matters of National Environmental Significance?
69. What percentage of area of the DECCW mapped Priority Lands outside of the Sydney Growth Centres considered Matters of National Environmental Significance does DECCW intend to protect?
70. Of the \$397.5 million Growth Centres Conservation Offset fund to be spent outside of the Sydney Growth Centres within DECCW mapped Priority Lands how much is dedicated to protecting Matters of National Environmental Significance?
71. Of the \$397.5 million Growth Centres Conservation Offset fund to be spent outside of the Sydney Growth Centres within DECCW mapped Priority Lands how much is dedicated to protecting non Matters of National Environmental Significance?
 - a) What is that per hectare?
72. Does the Strategic Assessment mount an argument for spending the Growth Centres Offset fund outside of the Cumberland Plain but contained within the Sydney Bioregion?
73. Does the Strategic Assessment find that the endemic flora and fauna of Western Sydney can be offset with flora and fauna found hundreds of kilometres outside of Western Sydney?
74. Where is the scientific evidence that the flora and fauna endemic to the Cumberland Plain is identical to that found outside of Western Sydney?
75. How does the Strategic Assessment ensure the success of the Cumberland Plain Recovery Plan when the success of that plan is centred on the protection of DECCW Priority Lands within Western Sydney?
76. How much and what types of native vegetation have been destroyed or is proposed to be destroyed as a result of Delfin Lend Lease ADI Site development?
77. How many threatened species (flora and fauna) have been destroyed as a result of Delfin Lend Lease ADI Site development?
78. Does the clearing of Critically Endangered vegetation need to be offset?
79. Are offsets required to be supplementary being that areas already managed by the government, such as national parks, flora reserves and public open space cannot be used as offsets?

80. Who was the Landowner that decided that 900 ha of the ADI Site would be set aside as a Regional Park and that ownership would be transferred to the NSW Government?
81. What document states that Delfin Lend Lease provided the Regional Park as its offset mechanism?
82. How does DECCW calculate the area required to offset the clearing of Critically Endangered vegetation?
83. Of all the vegetation and species proposed to be cleared by Delfin Lend Lease at the ADI Site what would be the total offset area required by them or the financial contribution they would have to make?
84. Why has DECCW not insisted on the need for a Species Impact Statement for any of the Development Applications lodged by Delfin Lend Lease at the ADI Site?
85. Is DECCW going to review the ADI Site development to protect further areas of Critically Endangered Cumberland Plain Woodland?

Questions from Mr Brown

86. Given that the taxpayers of NSW already fund national parks, when will the Government follow Victoria's lead and abolish entrance fees to National Parks?
87. I noted in July the fact that "recruitment had begun for dozens of jobs resulting from the creation of new national parks in the Riverina Murray region". The jobs are apparently in pest control, maintenance of visitor facilities and water management. How many of these "dozens" of jobs have been filled, have any of the appointees started work yet, how many jobs will be required this year and is any preference being given to local people impacted by the Government decision to lock up more than 100,000 hectares of River Red Gum forests?
88. Does the Minister agree with the Rural Fire Service Association claim that this State's hazard reduction program needs millions of dollars in extra funding to match improvements recommended for Victoria by the Bushfires Royal Commission?
89. Is the Minister also aware of claims by veteran volunteer fire-fighter Jim Crowther that some bushland areas adjoining properties in the Blue Mountains, which have not been burned since the 1950's, now have fuel loads of 50 tonnes per hectare, and pose massive fire threats this summer?
90. Does the public of this state have any reason to fear the coming bushfire season because of perceived insufficient hazard reduction burns in recent years, particularly in some of our National Parks?
91. The Department announced earlier this year they expected a large-scale ecological boost from the widespread flooding in north western New South Wales, particularly fish, frog and bird numbers being set to explode. Has the department made any arrangements for a similar explosion in the number of feral animals in this area because of the flooding, in particular, in relation to pigs and foxes?
92. Can the minister provide details of specific extra programs and their timings that the department has planned to cope with this explosion of feral animals?
93. Pillicawarrina is a well known Lower Macquarie property which has apparently been quietly bought, in part, by the National Parks and Wildlife Service for a reported \$10 million. When was the property bought, how much land did it involve, what price was actually paid for the wetland area, what price was paid for the 8,600 mega litres of Macquarie Water entitlements, and what will the Parks Service be doing with the property?

94. How many pastoral or farming properties has the Department purchased to be converted into National Parks since March 2007, in hectares and location, and how many properties are currently under negotiation, and how many (in hectares and location) are likely to be finalised before March 2011?
95. How many people are now working on Yanga National Park – and what contribution, financially, does it make to the local community, and how many people visited the Park in the last year?
96. How much has the department spent in 2009-10 on:
 - a) feral animal control programs
 - b) weed programs
 - c) How much does the department expect to spend on these programs in 2010-11?
97. What was the total number of feral and wild animals culled in national parks in 2009-10, specifically:
 - a) pigs
 - b) foxes
 - c) goats
 - d) cats
 - e) dogs
 - f) deer
98. Will the department really take two years, as announced by the Minister recently, to draw up a plan to remove feral goats from our National Parks?
99. Is it a fact the department removed 46,000 goats in the past year. What proportion of the total number of goats in the parks does this represent, and how much did it cost per goat to get them out?
100. How many goats do they see themselves removing after taking two years to draw up this new removal plan?

The Environmental Trust has again been allocated about 100 million this year to be distributed against grants and subsidies.

101. When was this expenditure last audited, and did it reveal any anomalies?
102. Can the Minister provide the committee with a copy of that audit?
103. The NPWS has just released a discussion paper on mountain bike riding opportunities in national parks, in a bid to "make mountain biking sustainable in our parks".
104. They apparently see this "consultation" in the same light as "the consultation" that got horse riders and 4WD users out of parks, and fishers out of their favourite fishing spots.
105. Are the fears of mountain bike riders that this is really a plan to get them out of national parks valid?
106. About 12 months ago, the Government acquired Toorale, near Bourke as another National Park. What work has been done during the last year, have the dams that have been across the Warrego for more than 100 years yet been removed, what will the impact be of their removal, and when will the Park be opened for the first visitors?

I refer to use by NPWS of sodium monofluoroacetate, or 1080 poison, to control feral animals.

I preface my comments by stating that Tasmania has admitted having used 15 kilograms of the poison in 1999-2000, but has now reduced that amount to slightly less than 1 kilogram last year.

107. Will the Minister tell the Committee the weight amount, rather than the number of baits, used by NPWS last year?
108. Does NPWS consider 1080 poison more humane than shooting?
109. Is it a fact that NPWS, particularly in the high country in southern New South Wales, is lacing salt blocks with poison in an effort eradicate wild deer?

110. Further, is there any trial program in place related to poison laced salt blocks, and is it the intention of NPWS to run an extensive program next year to eradicate wild deer in National Parks using poison salt blocks?
111. What ecology risk factors have been taken into account, and is the RSPCA involved in this or any similar program?
112. Why is the Marine Parks Authority publishing such biased advertising in the Coffs Harbour area, in relation to the Solitary Islands Marine Park?
113. The Advertising purports to say that "submissions are closing soon" – but then adds "some facts to Consider" and runs a very pro-marine park agenda, without offering any of the counter arguments.
114. Do you think this is fair use of public money?

In relation to Ms Corbyn's answer thatThe Environment Trust has a program that provides for what we call lead environment groups to access a base level of money and this year it was \$600,000 spread across a number of non-government organisations.....

115. What groups shared in this \$600,000 and how much did each get?
116. What reporting requirements are there on each of these groups to ensure the funds are used appropriately?
117. What audits are done by the Department, and are they done annually?
118. Can the minister provide the Committee with details of these recent grant audits for the last three years

Questions from Ms Cusack

119. What was the initial budget allocation by WSN for the installation and commissioning of the Arrow Bioplant Plant at the Macarthur Resource Recovery Park?
 - a) What was the actual cost of the installation and commissioning of the Arrow Bioplant?
120. What was the volume of waste processed by the Arrow Bioplant Plant in 2009/10?
121. What has been the actual emission rate of odours from the Macarthur Resource Recovery Park?
122. What additional measures has WSN taken to mitigate odours from the Macarthur Resource Recovery Park given the large number of odour complaints from the local community?
123. What has been the actual noise impacts of the plant, during both day time and night time, on the following areas: Henrietta Drive, Tea Tree Place, Cotula Place, Glenlee House, Spring Farm (access road, adjacent area and middle area)
124. How many vehicle movement are there into the Macarthur Resource Recovery Park each day? In answering this question, please provide the type of vehicle (eg cars, vans, light trucks and heavy trucks) and the breakdown of vehicle movements by 1 hourly intervals (ie 9:00am to 10:00am, 10:00 am to 11:00am etc).
125. What was the planned and preventative maintenance budget for Macarthur Resource Recovery Park in 2009/10?
 - a) What was the actual expenditure on maintenance in 2009/10? In answering the second part of this question please include the cost of unplanned maintenance.
126. How much electricity was produced by the biogas generated at the Macarthur Resource Recovery Park?
 - a) Of this how much was used on-site and how much was sold into the electricity grid?
127. Why have the overall resource recovery rates been lower than expected?
128. Why have the rates of production of stabilised sludge/soil conditioner and garden compost been lower than anticipated?
129. How much non-putrescible waste at the Macarthur Resource Recovery Park has been disposed of to landfill on the site?

130. How much money was collect from local government in 2009/10 in the form of waste levies? In answering this question please provide the amount collected from each local council/shire in NSW.
 - a) Of these funds, how much was returned to local government to fund environmental programs? In answering this question please provide the amount returned to each local council/shire in NSW.
131. How many meetings have taken place between officers of the Department of Environment, Climate Change and Water Better Place Australia? .
 - a) Who attended these meetings, what matters were discussed, were the meetings minuted?
132. How many meetings have taken place between the Minister for the Environment, Climate Change and/or members of the Minister's staff or electoral office, and Water Better Place Australia?
 - a) Who attended these meetings, what matters were discussed, were the meetings minuted?

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There were no additional questions on notice lodged by members relating to the portfolio of Cancer.