

Question 1

The Hon. PENNY SHARPE: Are you aware that your ministerial budget was overspent by \$47,000 in the last financial year?

Ms ROBYN PARKER: I have to tell you that the Department of Premier and Cabinet administers my ministerial office budget.

The Hon. PENNY SHARPE: You just said that it was done in conjunction with your Chief of Staff. Are you saying that your Chief of Staff has no responsibility in managing the budget for your office?

Ms ROBYN PARKER: In terms of the ministerial office budget I refer you to the Department of Premier and Cabinet. I am advised that the budget is not yet finalised, it is still under review. I can take those questions on notice.

The Hon. PENNY SHARPE: The budget for 2012-13 for the office of Minister Parker was \$1,323,493, the actual came in at \$1,371,211, so that is a difference of \$47, 718. You have just said that your Chief of Staff has some responsibility in managing the expenses in your office. Do you want to explain why there has been this large overspend?

I am advised that for financial year 2012-13 the Ministerial Office Budget was \$1,329,326. Total expenditure for 2012-13 was \$1,351,047.

Question 2

Mr BUFFIER: The investigation indicated that the survey had not been as thorough as we would expect it to be. The penalty notices were issued, as the Minister said. We are doing further work and a lot of detailed work in terms of koala habitat and how we might protect that more easily.

The Hon. PENNY SHARPE: Mr Buffier, are you able to let me know what resources are going into this and the cost of it?

Mr BUFFIER: In the whole forestry section we have about 27 hectares—

The Hon. PENNY SHARPE: No, I mean specifically in relation to Royal Camp State Forest.

Mr BUFFIER: I could not tell you that specifically.

The Hon. PENNY SHARPE: Will you take that on notice?

Mr BUFFIER: I can certainly take that on notice. We have put a considerable amount of time and effort into this issue. The issue of defining core koala habitat is an important issue for the EPA. We think that we can arrive at a better result in protecting koala habitat if we can get our definitions clearer and we can get coordinates on the ground that indicate where those protected areas are so that we do not have a subjective approach to this.

The EPA has undertaken the equivalent of a total of twelve working days in site inspections in Royal Camp State Forest. The EPA has also reviewed Forestry Corporation of NSW operational documentation and completed other investigatory steps. It is estimated that the total cost of the EPA's investigation has been approximately \$15,000.

Question 3

Dr MEHREEN FARUQI: I agree that there has to be something done about the rat infestation on the island, but could you tell me how the Government is protecting the ocean around Lord Howe Island from runoff?

Ms ROBYN PARKER: That is part of the detailed plan that is being worked out. I can certainly give you some more of that information on notice. It is quite detailed. It is going to be peer reviewed by the CSIRO. It will be using, as I said, world best practice. There are other islands around the world that have used these sorts of methods. There will be an independent risk assessment of the program and both NSW Health and the NSW Food Authority have reviewed the measures that are proposed by the Lord Howe Island Board to mitigate any risks to human health during the eradication. Of course, the CSIRO will be looking at the environmental measures and other things that will be taken into account, and certainly will be working with the Australian Government and the Australian Pesticides and Veterinary Medicines Authority.

The toxin proposed for use in the eradication of rodents on LHI is Brodifacoum, which is relatively insoluble with water and binds strongly to organic particles. Thus degradation of uneaten cereal pellets containing brodifacoum (at a concentration of 20 parts per million) may result in low residual concentrations of the toxin occurring in soil or aquatic sediment, but residues will not be present in water itself (as a solution). On this basis, 'runoff' of brodifacoum from a terrestrial to a coastal marine environment will not occur.

Given the low concentration of brodifacoum in the pellets, many hundreds of pellets would need to be gathered and consumed to present a significant risk to human health, should no medical treatment be sought.

Careful monitoring of weather conditions and careful distribution of the pellets to avoid watercourses will ensure negligible quantities if any, of brodifacoum pellets reach the marine environment.

Notwithstanding the negligible risk, as a precautionary measure all fish caught near the shore after the bait drop will be tested to confirm that they contain no brodifacoum residues. Until such confirmation is received, the Board will advise that fish caught from the shore should not be consumed. Fish caught offshore pose no risk to human health.

Question 4

Dr MEHREEN FARUQI: Minister, do you know what the current numbers of woodhen on Lord Howe Island are? Have they been increasing or decreasing over the last few years?

Ms ROBYN PARKER: The woodhen is one of those that are under threat. I can take it on notice to give you the actual numbers.

Dr MEHREEN FARUQI: Okay, yes.

See response to Question 5.

Question 5

Dr MEHREEN FARUQI: Minister, I understand that the plan for safeguarding the Lord Howe Island woodhen is to capture and cage the bird and take it away for several months off the island. I am advised that Taronga Zoo has attempted to cage the woodhen before and that resulted in the birds dying. Could you shed some light on that?

Ms ROBYN PARKER: There are experts that are looking at ways in which they can protect the woodhen. That is being undertaken right now, looking at how they can cage them, how they can keep them captive and protect them at the same time. Obviously that is the objective. Taronga has got some, and we are working in conjunction with Taronga. They had some outstanding results in terms of making sure that threatened species are conserved, and I think we are in good hands. None of this will be undertaken lightly. As I said it is going to be peer reviewed and the whole plan will be stringently monitored and watched. I have faith in that level of oversight, but I can certainly take on notice what is happening with the woodhen and give you some more information.

The current estimated population of woodhen on LHI from the November 2012 annual census is 280 with an increase recorded over the past few years, possibly attributed to higher rainfall and supplementary feeding/provision of water in the settlement.

Husbandry trials for Lord Howe Woodhen and Lord Howe Island Currawong are currently being conducted on LHI by Taronga Zoo aviculturalists. These trials are to inform appropriate husbandry techniques for the proposed baiting period during an eradication. During the eradication about 20 Woodhen will be kept on the mainland (Taronga Zoo) as an insurance population with the remainder being captive managed on island.

On 5 December 1989 two Woodhen (male & female) were transferred to Taronga Zoo for display purposes. These birds were maintained by a team of zookeepers practiced at working with species not often found in captivity, and with species with complex husbandry requirements.

The female died on 26 November 1990 with a post mortem examination indicating that death was a result of her being egg bound, with one large egg in the end of the oviduct associated with haemorrhage and congestion and the external coat of the egg already breaking down. Behaviour of the female did not alert keepers to any issues until she was found dead.

The male died on 14 August 1994, 4 years and 8 months after arriving at Taronga Zoo. Results of the post mortem examination indicated that the male died of trauma. There were large areas of subcutaneous haemorrhage around the right stifle and the right ventral abdomen. There was no indication of what had caused the trauma. There was no evidence of any parasites, and this examination also failed to give any evidence for the cause of death of the male woodhen, other than as his history recorded: that is of death by trauma.

Question 6

Dr MEHREEN FARUQI: Sure. This is my last question on this. When will the plan be available to have a look at or for consultation?

Ms ROBYN PARKER: I can take that on notice as well. I am not sure when that will actually become available. It is in a consultation phase at the moment. I will just see if I have got that for you, rather than waiting.

Dr MEHREEN FARUQI: I am happy for you to take that on notice.

Ms ROBYN PARKER: Yes. It is under a licence, so I can certainly take that on notice. Within the next 21 days we can give you information.

The LHI Rodent eradication plan was placed on public exhibition in November 2009. An updated project plan was submitted to the NSW Environmental Trust in June 2012 and revisions of the plan are currently in train. Operational plans are being developed to guide on-ground implementation and will be amended up until the operation takes place to account for the latest information. Various approval documents are being prepared for submission to NSW and Commonwealth agencies. Individual property plans are to be developed for each lease in consultation with the leaseholder and livestock agreements are to be developed to guide replacement of livestock.

Question 7

Mr BUFFIER: And therefore it could not be used to support the conclusions. He did not say the conclusions were wrong. What he did not tell us he was going to do, was that he was going to refer that statistical analysis to one of his colleagues who interestingly had, a couple of weeks before, provided an independent report of statistical analysis to one of the environmental groups in the Hunter. He did not tell us he was going to do that and he did not disclose that there had previously been a report by this other expert. We were a little bit disappointed in that process at the end of the independent peer review. Nevertheless, we took on board his criticism that the statistical analysis needed to be redone. At our request the Minister wrote to the Deputy Premier to engage the Chief Scientist to find a suitable independent expert to undertake the statistical analysis.

Professor Mary O'Kane has been assisting us with that. I was talking to her late last week or early this week and we have now identified Professor Louise Ryan of the University of Technology Sydney who is a world-respected statistician. We are just finalising her terms of engagement now. The long and short of it is, we will redo the statistical analysis and we will then be in a position to know whether the work supported the conclusions or not. If the statistical analysis provides other conclusions, we will certainly be making them public.

Dr MEHREEN FARUQI: Minister, when will the review be completed and the findings made public?

Ms ROBYN PARKER: We do not know.

Mr BUFFIER: We are still commissioning Professor Louise Ryan but she has an overseas trip coming up shortly and we are hoping to do that before she goes on that overseas trip. I think some time in the next couple of weeks would be the best I could tell you on that at the moment but I will certainly take it on notice and come back with a more precise date.

Answer

The EPA is currently finalising the engagement of Professor Louise Ryan to undertake the required additional statistical analysis. Professor Ryan has indicated to the EPA that her initial analysis can be completed by 20 September 2013. Professor Ryan's findings will be made available to the general public.

Question 8

Dr MEHREEN FARUQI: An environmental impact statement will be done, a study?

Ms ROBYN PARKER: Absolutely. That is part of the scientific trial.

Dr MEHREEN FARUQI: Before the trial?

Ms ROBYN PARKER: Ms Barnes might like to add comment.

Ms BARNES: As part of the trial we will be looking at the area, looking at the sensitivity of the area and then putting in place management practices. The trial will be looking to see if those practices are sufficient and then monitoring the outcomes in an adaptive management sense. This will be done with scientists, with ecologists and with the environment groups and community members, because we need to be clear about where we are going and why; what the environment is like; how we manage the trials; where the trials go, so they are not in the most sensitive areas; where the particular part of the wilderness is capable of carrying horses and how we manage any impacts.

Dr MEHREEN FARUQI: Sorry, I am still a little bit confused. Will an environmental impact assessment be done before the trial using the precautionary principle?

Ms BARNES: We are certainly doing assessments before the trial and I can give you details of those assessments. We are having workshops with environment groups about how we are doing that adaptive management trial and the details of things we will be assessing before, during and after. It is not just assess and leave it open. It is definitely do the assessment, put in place the management practices, continuously monitor it and then watch any changes in the environment and take action. So I can give you more details about that.

Dr MEHREEN FARUQI: On notice?

Ms BARNES: Yes.

The horse-riding in wilderness pilot program involves five proposed locations:

- Kosziuscko National Park;
- Mummel Gulf National Park;
- Deua National Park (two locations);
- Curracabundi National Park.

Locations were selected taking into account environmental attributes and values (and therefore the potential for environmental impacts), safety, other park users, connectivity and demand. The regional work plans have been finalised and are now published on the Office of Environment and Heritage website.

Plan of management amendments are required to support implementation of the pilot program. The public exhibition period for the amendments to plans of management for Kosziuscko, Mummel Gulf, and Deua National Parks has concluded and submissions are currently being assessed.

The plan of management for Curracabundi National Park is a new plan, rather than an amendment, and will be exhibited shortly.

Horse riding will occur on existing tracks and trails on a casual and transitory basis, and will be generally accessible and open to the public for that purpose during the trial period. No physical

works are proposed. Other existing and legally permissible uses of the trial locations, such as bush-walking and bike riding, will continue.

Consistent with statutory requirements the proposed amendments and submissions will be referred to the relevant Regional Advisory Committee and the National Parks and Wildlife Advisory Council for advice.

Should the plan of management amendments be adopted, a monitoring and evaluation framework will be implemented prior to the trials commencing. This will establish baseline data on current condition and use of the trial locations, using standard site monitoring techniques including stratified sampling.

Monitoring will occur throughout the two year life-span of the trial. Results will be tracked to provide early identification of any potential adverse impacts to allow for management intervention.

Once finalised, the monitoring and evaluation framework will also be made publicly available.

Question 9

Dr MEHREEN FARUQI: How many compliance officers will be in each catchment area?

Ms ROBYN PARKER: Terry Bailey will answer that.

Mr BAILEY: The compliance services will be delivered by the Office of Environment and Heritage and we have compliance staff located all around the State under our regional operations program. The exact number I could take on notice and give to you, but there will be an increase in the number of staff who have compliance skills across the State from where we have been under the previous native vegetation compliance program.

Dr MEHREEN FARUQI: Could you take that on notice and give me some numbers? Could also give me a comparison of whether they have decreased or increased from what they were previously?

Mr BAILEY: Absolutely.

The table below indicates a comparison of compliance officer full time equivalent (FTE) staff in the Office of Environment and Heritage's Regional Operations Group's areas of operations before and after the OEH Strategic Realignment.

	Hunter Central Coast	North East	North West	Illawarra	South East	South West	Metro	Total
Before realignment	1.8	1.9	5	2	0	1	4	15.7
After realignment	3	6	6	2	1	2	4	24

Question 10

Dr MEHREEN FARUQI: There is some notion of providing expert advice to the farmers to use these guidelines and codes. Where is the money for that expert advice coming from? What is that expert advice?

Mr BAILEY: Certainly we will be doing two pieces of work between now and the commencement of the codes. Just to reiterate Ms Barnes' comment, the codes will be made available for public consultation during October but we do not expect the codes to come in until early next year. During that period we are doing two things in conjunction with the current Catchment Management Authorities, which will become the Local Land Services. In the Department of Primary Industries at the moment there is a capacity building session with staff working in the Catchment Management Authority teams. We will also be doing a piece of work about capacity building to support farmers to understand the codes

We will also be testing the farmers and working with Farmers NSW. We will arrange to meet and work with Farmers NSW on the content of the codes for interpretability by users so that we minimise the risk of being wrongly interpreted. The other component you mentioned before is around compliance. There is a requirement to report before taking an action. That is an electronic system that will be available to Local Land Services and our compliance programs will be in a position to audit against those as well, to make sure that the actions that are taken in accordance with the codes do occur that way.

Dr MEHREEN FARUQI: What is the specific budget for the capacity building?

Mr BAILEY: I would have to take the specifics on notice. It will be allocated from my direct budget and it is being done in conjunction with our work with Local Land Services. But certainly we are making sure that there is enough money to ensure that the program is successful in terms of capacity building both of staff to manage the system and to work with farmers to make sure that they implement well.

Estimated budget of \$275,000 within the Office of Environment and Heritage plus additional resources from Catchment Management Authorities.

Question 11

Dr MEHREEN FARUQI: If you could take that on notice that would be appreciated. Minister, how many prosecutions of illegal land clearing have been initiated since the O'Farrell Government took office?

Ms ROBYN PARKER: I have got outcomes for 2012-13. I do not think I have got earlier than that because we are looking at this year's budget. I can give you 2012-13 if you would like.

Dr MEHREEN FARUQI: Can you give me the rest on notice?

Ms ROBYN PARKER: Yes, but that was in previous years.

Seven.

Question 12

Dr MEHREEN FARUQI: Can you inform me how many reports of illegal clearing were made to the Office of Environment and Heritage environment hotline or directly to the Office of Environment and Heritage in the past five years?

Ms ROBYN PARKER: I would have to take the past five years on notice but I can tell you in 2012-13 it was 409.

Dr MEHREEN FARUQI: How many reports of illegal clearing?

Ms ROBYN PARKER: In 2012-13 it was 409 reports of vegetation clearing. They were all investigated but, of course, not all of those were proven to be correct.

For the five year period from 1 July 2008 to 30 June 2013, the Office of Environment and Heritage Environment Line received 2,294 native vegetation incident reports.

Question 13

Dr MEHREEN FARUQI: Minister, could you please confirm how much money is in the Wood Smoke Reduction Program this year and how much was spent last year?

Ms ROBYN PARKER: We will get the actual figures for you.

Dr MEHREEN FARUQI: Sure.

Mr BUFFIER: We are just chasing those figures at the moment, but I seem to recall it was about \$490,000 for this year. I might have to take it on notice. Was it for the previous year?

Ms ROBYN PARKER: We will have to take that on notice.

Dr MEHREEN FARUQI: The previous year as well, yes, how much was budgeted for and how much was spent.

Ms ROBYN PARKER: We will take that on notice.

\$590,000 is allocated for the Wood Smoke Reduction Program in 2013-14.

\$195,000 was allocated and spent for the program in 2012-13.

Question 14

Dr MEHREEN FARUQI: Sure. What have the outcomes of the Wood Smoke Reduction Program been to date?

Ms ROBYN PARKER: We have actually had a very good engagement from councils in terms of wood smoke reduction. We offered a package to councils to undertake a range of things, or some of them, and they chose what they wanted to do. In the early stages a number of them are having consultations with their communities about how they can reduce wood smoke. They are having a think and discussion with their communities about ways in which they can adjust their settings in terms of wood smoke. I have been delighted to see that uptake of that funding and it is flexible.

Dr MEHREEN FARUQI: Has the monitoring suggested any change in air quality?

Ms ROBYN PARKER: I think it is probably too early to tell. Barry Buffier will answer that question.

Mr BUFFIER: Certainly the wood smoke program is one that we do have a lot of interest in because the monitoring and the particle characterisation work that we have been doing, which is a fairly major focus of Environment Protection Authority priority programs, is indicating that in certain locations wood smoke is a very significant contributor to PM2.5 and PM10.

Dr MEHREEN FARUQI: Yes.

Mr BUFFIER: In relation to measuring what those changes to the outcomes are, it is too soon to make some definitive statements about that. But through our air emissions inventory, which we publish every three years, we calculate what the particulate emissions are for a whole range of different sources. Wood smoke actually from fires is part of that, so we do track that progress. We do have a significant objective in terms of trying to reduce that impact. I do not have that precise figure with me.

Dr MEHREEN FARUQI: You can take that on notice.

The EPA uses the air emissions inventory and particle characterisation studies to determine the amount of emissions from individual sources and trends in emissions from those sources over time. The last air emissions inventory, released in 2012, was based on 2008 emissions data. The EPA has commenced the 2013 inventory. This will assist analysis of trends in emissions from sources that are the target of current programs, such as the Wood Smoke Reduction Program.

Question 15

Dr MEHREEN FARUQI: Yes. Minister, in your press release in relation to the abolishment of the Game Council you said that the Supplementary Pest Control Program was being informed by expert advice. Would you tell me what was the expert advice and who provided it?

Ms ROBYN PARKER: I said at the commencement that we would have a rigorous risk assessment process underway. We undertook a very stringent risk assessment program that was internationally best practice and that involved a range of stakeholders, including staff from national parks. We made sure that that was peer reviewed and assessed in terms of the way in which the Office of Environment and Heritage undertook that risk assessment. Further, we have had other reviews of the program and that information is Cabinet-in-confidence, on my understanding. Sally, do you want to add to that?

Dr MEHREEN FARUQI: Who has done those reviews?

Ms BARNES: In terms of how the program will run and what species it will target, when the Minister announced the program she said it would be working shoulder by shoulder with national parks on its program. We have our pest management programs organised strategically through a regional pest management strategy and that identifies parks' priority species for protection and also pests that need to be dealt with as a priority to protect threatened species and biodiversity. The volunteers who will be working with us will be working on those programs that have been put together by experts within the National Parks and Wildlife Service.

Dr MEHREEN FARUQI: Not external consultants?

Ms BARNES: Those pest programs are usually underpinned by some science, sometimes consultants. It is not a new program but it is actually having the extra arms and legs on what would have been a national parks program. They are often things to do with the fox threat abatement plan or other abatement plans that have been developed through scientific inquiry and experts.

OEH is undertaking a thorough risk assessment prior to the commencement of the Supplementary Pest Control program. This process is the usual procedure for the introduction of major new programs, and follows international risk management standards. A wide range of stakeholders, internal and external experts, including the RSPCA Public Service Association and the Australian Workers Union, and members of the OEH Audit and Risk Committee and Conservation Audit and Compliance Committee (under the National Parks and Wildlife Act 1974) have been consulted in this matter. Similar programs currently in operation in Victorian and South Australian have also been reviewed.

Some of the issues being considered as part of the risk assessment are:

- Buffer zones for residences on or near a national park, roads, buildings, park boundaries and high visitation sites;
- Competency requirements for participation under the program; and
- Notice periods that licensed shooters will need to provide before entering a park.

There has been an extensive risk assessment of each park where the program will occur, with mandatory controls and procedures carefully tailored for each park. The safety of park staff, visitors and neighbours will be paramount.

Advice was also sought in March 2013 from independent industry experts from Deloitte on the risk assessment process, risk management strategies and control framework that had been developed at that time. Deloitte provided recommendations which have informed the further development of the risk assessment.

The risk management process undertaken by the National Parks and Wildlife Service has been the most rigorous of its type.

The revised program announced by the Government in July 2013 will commence as an initial trial within 12 parks or reserves over a 3 year period. There will be a thorough review of the trial and evaluation by the Natural Resources Commission, prior to reporting back to Government. This review will inform any further expansion of the program into other areas.

Question 16

Dr MEHREEN FARUQI: In relation to sharks, what protective measures have been undertaken to protect grey nurse sharks?

Ms ROBYN PARKER: I do not have sharks under my portfolio responsibility. I have whales and they are around Bondi today apparently, but not sharks. I am not keen on sharks but they do have a special place and certainly some of them need protection and some of them are in the Opposition as well.

Dr MEHREEN FARUQI: We will put that on notice.

This is a matter for the Minister for Primary Industries.

Question 17

The Hon. LUKE FOLEY: Mr Gifford or Mr Buffier, if you had put a broader period in the initial charge would you have stood a far greater chance of succeeding in your court action against DuPont?

Mr GIFFORD: The period we put before the court with respect to the charge period was based on the evidence that we had gathered. As I said before, it was a very exhaustive inquiry with over 300 samples, over 200 witness statements taken and many documents and material examined in order to determine what the potential charge period was. As Mr Buffier said, this case was relying on circumstantial evidence because there was no direct evidence of a particular emission on a particular date. We had to take a period in our best assessment based on the evidence available to us and we did that. That is not unusual in matters of this type. It is not unusual in matters of this type that if indeed there is a suggestion that the charge period should be different that that can be negotiated through the court process. That was not available to us in this case.

The Hon. LUKE FOLEY: I know many people in Girraween. I have been there and I have spoken with them. I have never sought to play adversarial politics on this matter for that reason.

Ms ROBYN PARKER: That is unusual.

The Hon. LUKE FOLEY: Perhaps it is, Minister. I have never criticised the Minister's handling of this matter; all I have wanted to see is the polluter brought to justice in the interests of that local community. What do you say to the people of Girraween given that you tell us this has been perhaps the most extensive matter you have you engaged in, in terms of resource allocation? What do you say to the community when it has ended in utter failure?

Mr BUFFIER: What we say to the community is that this was a matter which we were never really on strong grounds with but which we thought was serious enough for us to use our best endeavours to achieve an outcome. We used all the resources at our disposal. It was always a circumstantial case and you can never guarantee that you are going to win in court and in this particular case we were disappointed. We are disappointed in terms of the Environment Protection Authority resources and we are disappointed for the community but we are comfortable in the process that we ran.

The Hon. LUKE FOLEY: How much money has been spent by the Environment Protection Authority on this entire matter?

Mr BUFFIER: I would have to take that on notice, I do not have that figure at my disposal.

The EPA has spent a total of approximately **\$578,000** on the Du Point matter. This covers the areas below:

- Legal costs (lawyer time and disbursements)
- EPA investigators costs
- Laboratory costs
- Internal expert costs:

TOTAL: \$578,000

The Hon. AMANDA FAZIO: I do not think I need advice from you, Minister. Both the Member for Wollondilly, Jai Rowell, and the Member for Kiama, Gareth Ward, are supportive of Challoner House being retained, and they have written to the Southern Joint Regional Planning Panel about that. Minister, have they made representations to you supporting the retention of Challoner House?

Ms ROBYN PARKER: I will have to take that on notice.

No written representations have been received from the Member for Wollondilly or the Member for Kiama regarding Challoner House.

ACTION ITEM

Mr DAVID SHOEBRIDGE: Minister, I also have some question about Challoner House. I think the concern is that the matter is before the Minister for Planning and Infrastructure now because it is a Crown application. So even though the Southern Joint Regional Planning Panel refused it they cannot give a final refusal under the planning laws—it has to come to the planning Minister for a final decision. If the planning Minister does make a decision to approve its demolition then that is the end of it. There is no scope for a heritage intervention after the decision has been made. So the question the community is asking is: Will you ensure that your office and your department has a good look at the heritage and feeds your input into the planning Minister's decision before he makes a decision?

Ms ROBYN PARKER: I do not know when the planning Minister's decision will be made. Certainly I have great faith that he has the capacity to understand and grapple with these issues.

Mr DAVID SHOEBRIDGE: But you need to give him the information—that is, your perspective on heritage. That is what needs to be in front of him.

Ms ROBYN PARKER: I am sure he is well armed with information, but we can certainly make further representations.

I met with the Minister for Planning on 22 August 2013, and a letter was sent to the Minister the next day.

Question 19

Mr DAVID SHOEBRIDGE: I might move on. Could you give an update as to where the review of Aboriginal heritage protection has got to and when we are likely to see some draft legislation—hopefully, a draft exposure bill—on protecting Aboriginal heritage?

Ms ROBYN PARKER: The matter is currently before Cabinet. You would understand that I have given a commitment to you and to others that we are enthusiastic about making sure Aboriginal cultural heritage is recognised in its own Act. We are working towards that with consultation that has already been undertaken. A task force, or a working group, established under the chair of Danny Gilbert, who did a fantastic job, is coming up with some recommendations. The Government has responded to those recommendations, which is before Cabinet. I hoped I would have an outcome of that result today but I have not. I am close to that, so I could take that on notice to give you, hopefully within the next three weeks, a closer timetable. I expect and hope that a draft exposure bill will be before Cabinet for consideration by mid next year—that is my aim—as stand-alone legislation. So what we are looking at now is the Government's response to the working party's assessment, another round of consultation, then a draft exposure bill.

A proposed Government model has been developed that builds on the excellent work conducted by the independent Aboriginal Cultural Heritage reform working party. The proposed Government model will be available publically soon and will form the basis of the public consultation that will occur during November and December 2013. It is intended that a draft exposure bill will be before Cabinet between mid to late 2014.

Question 20

Mr DAVID SHOEBRIDGE: Are you seeking some independent advice from your department—not relying on what the planning department has said—about what the impact of the current draft exposure bill is on the powers of the Heritage Council?

Ms ROBYN PARKER: We are, and our senior officers are involved with those discussions in senior officer groups and in planning.

Mr DAVID SHOEBRIDGE: But I am asking you if you have independent advice from your department. That is why we have a heritage Minister. Have you got it or will you undertake to get it?

Ms ROBYN PARKER: Yes, I have got advice. I might take the opportunity to point out that recently we have created a new heritage division, which brings Dr Tracey Avery, who was running Heritage Victoria, into the position of director of the Heritage Division. So we have now Aboriginal cultural heritage under the Office of Environment and Heritage and the heritage branch together under a Heritage Division. So we are really focused on maintaining heritage protections. I have advice and I had a discussion with the Minister on Monday about maintaining heritage protections in the planning legislation.

Mr DAVID SHOEBRIDGE: Are you willing to provide a copy of that advice to this Committee about what the impact is on heritage?

Ms ROBYN PARKER: I think this is probably not—

Mr DAVID SHOEBRIDGE: Or give an answer on notice on what the substance of that advice is? We have a new open, accountable Government.

Ms ROBYN PARKER: Yes, but some of this is part of Cabinet discussions.

Mr DAVID SHOEBRIDGE: To the extent it is not covered by Cabinet in confidence, will you provide the Committee, on notice, with the substance of that advice?

Ms ROBYN PARKER: Sure.

The new planning system will ensure not just the protection of New South Wales heritage at the 'end point' in decision making, but also that items and places of heritage significance are factored into the planning and land use system early. The new planning system will be underpinned by strategic, evidence based planning instruments including NSW Planning Policies, Regional Growth Plans, and Subregional Delivery Plans, which will ensure environment and heritage values are identified up front, so that planning decisions avoid land use conflicts later in the process.

This approach will begin with the legislation itself: the draft exposure Bill includes in its objects "the conservation and sustainable use of built and cultural heritage".

The Planning Reform White Paper proposed a 'one stop shop' for concurrences and approvals that are currently undertaken by various authorities as part of the development approval process. This will include approvals for impacts on buildings and sites listed on the State Heritage Register.

The purpose of the 'one stop shop' is to ensure there is a single point of contact for business, industry and councils, and to resolve conflicts between approval authorities so that there is a consistent and timely approach across Government for development in New South Wales.

The protocol governing the operation of the one-stop-shop process is yet to be developed. OEH is working closely with the Department of Planning and Infrastructure, which is the lead agency for delivery of the new planning system, to ensure that the new legislation will provide strong protection for our heritage.
