

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Friday 16 August 2013

Examination of proposed expenditure for the portfolio area

ENVIRONMENT, HERITAGE

The Committee met at 2.00 p.m.

MEMBERS

The Hon. R. L. Brown (Chair)

The Hon. R. H. Colless
The Hon. A. R. Fazio
Dr M. Faruqi
The Hon. L. A. Foley

The Hon. T. J. B. Khan
Mr S. MacDonald
The Hon. P. G. Sharpe
Mr D. Shoebridge

PRESENT

The Hon. Robyn Parker, *Minister for the Environment, and Minister for Heritage*

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**

CHAIR: I declare this hearing into the inquiry into the budget estimates 2013-2014 open to the public. Before I commence I would like to acknowledge the Gadigal clan of the Eora nation who are the traditional custodians of this land. I also pay respect to elders past and present of the Eora nation and extend that respect to other Aboriginal persons present. I welcome Minister Parker and her accompanying officials to this hearing. The Committee will examine the proposed expenditure for the portfolios of the Environment and Heritage. In accordance with the Legislative Council's guidelines for the broadcast of proceedings, only Committee members and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee, you must take responsibility for what you publish or the interpretation you place on anything that is said before the Committee. The guidelines are available at the table by the door.

Today's hearing is open to the public and is being webcast live via the parliamentary website. Before we commence I will make some comments about procedural matters. Any messages from advisors or the members of staff seated in the public gallery should be delivered through the Chamber support staff or the Committee clerks. Minister, I remind you and the officers accompanying you at the table that you are free to pass notes and refer to your advisors seated directly behind you. The transcript of this hearing will be available on the parliamentary website tomorrow morning. The House has resolved that answers to questions on notice must be provided within 21 days. I remind everyone to turn off their mobile phones. All witnesses from the department, statutory bodies or corporations will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

TERENCE GERARD BAILEY, Deputy Chief Executive, Regional Operations Group and Heritage Division, Office of Environment and Heritage,

SALLY BARNES, Chief Executive, Office of Environment and Heritage,

MARK GIFFORD, Chief Environmental Regulator, NSW Environment Protection Authority,

STEVEN GEORGE HARTLEY, Principal Manager Forestry, NSW Environment Protection Authority, and

OWEN WALKER, Director, Finance, Office of Environment and Heritage, affirmed and examined:

BARRY DESMOND BUFFIER, Chair and Chief Executive, NSW Environment Protection Authority, and

TRACEY ANN AVERY, Director, Heritage Division, Office of Environment and Heritage, sworn and examined:

CHAIR: I declare the proposed expenditure for the portfolios of the Environment and Heritage open for examination. Questioning on the portfolio of the Environment will run from 2.00 p.m. to 5.00 p.m. and for the portfolio of Heritage from 5.00 p.m. to 6.00 p.m. As there is no provision for a Minister to make an opening statement before the Committee commences questioning I will begin with questions from the Opposition.

The Hon. PENNY SHARPE: Minister, are you aware of the expenditure that occurs in your office?

Ms ROBYN PARKER: Do you mean my ministerial office or my—

The Hon. PENNY SHARPE: Your ministerial office.

Ms ROBYN PARKER: The budget in our ministerial office is managed between the Department of Premier and Cabinet and my Chief of Staff.

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?

Ms ROBYN PARKER: My previous answer was that the budget is still under review for 2012-13 and it includes a number of things that are being reviewed. They are such things as travel, motor vehicle expenses, et cetera. I have already said—

The Hon. PENNY SHARPE: Are you saying that it is being reviewed or are you saying that the expenditure figure in the budget papers is incorrect?

Ms ROBYN PARKER: My advice is that it is not finalised. I have offered to take those questions on notice and come back to you. If it is not finalised that is the best that we can do—namely, within 21 days give you some information. It is under review and comes under the Department of Premier and Cabinet.

The Hon. PENNY SHARPE: But you do obviously have some responsibility for the expenditure that occurs in your own office?

Ms ROBYN PARKER: It is managed by the Department of Premier and Cabinet.

The Hon. PENNY SHARPE: Your Chief of Staff has no responsibility in that matter nor does any member of your staff?

Ms ROBYN PARKER: My Chief of Staff is not sworn in at the moment; I am sworn in. What I will say to you, and will continue to say, is that it is under review, it is not finalised and I will take it on notice.

The Hon. PENNY SHARPE: Are you aware that there were only three Ministers who overspent their ministerial allowance in the last year?

Ms ROBYN PARKER: No, I am not aware of the budgets of other Ministers and I am not here to answer for other Ministers.

The Hon. PENNY SHARPE: Can I just let you know then that Minister Hodgkinson overspent her budget allocation by \$4,600—

Mr SCOT MacDONALD: Point of order: The estimates committee process is very specific portfolio-wise. We are not here to forensically look at other portfolios and the work of other Ministers.

CHAIR: Order! I uphold the point of order. The Hon. Penny Sharpe will move on.

The Hon. PENNY SHARPE: Minister, I want to make the point that there is a large discrepancy here. Minister Souris was only \$5,000 over in his expenditure.

Mr SCOT MacDONALD: Point of order: I take the same point of order as the last, which you have ruled on.

CHAIR: Order! Yes, I have ruled on the point of order. Perhaps we could move on to another question.

The Hon. PENNY SHARPE: Minister Parker, could you please explain why your office overspent by \$47,718 when the only two other offices which overspent did so by \$4,600, for Minister Hodgkinson, and \$5,000, for Minister Souris?

The Hon. TREVOR KHAN: Point of order: This is not even a subtle ignoring of the previous ruling. The Opposition persists in a line of questioning which, Mr Chair, you have already ruled on.

CHAIR: Order! I have ruled on the point of order. I continue to uphold the point of order. I ask Committee members to try to limit their questions to questions that affect the portfolio of the Minister attending the hearing.

The Hon. PENNY SHARPE: Minister, would you agree that there have been significant cuts made across your portfolio?

Ms ROBYN PARKER: We have efficiencies and efficiency gains across the whole of the New South Wales government. We came into Government when the State had an appalling debt created by the previous Government. So we have had to make efficiencies, and we have done that—and it has been a great opportunity to have a look at how we are operating and to look at the efficiencies we can achieve. We have a fantastic team. We have had a number of strategic realignments to bring on board an outstanding executive team. Those efficiency gains are certainly consistent across government. I have announced reforms to the Office of Environment and Heritage [OEH]. Certainly I can tell you there are no rangers in that—

The Hon. PENNY SHARPE: Thank you, Minister, I am not asking you about that. How many staff have been made redundant in your portfolio, Minister?

Ms ROBYN PARKER: I will defer to Ms Barnes. She manages the staff in the Office of Environment and Heritage and she can answer that question.

Ms BARNES: Minister Parker announced a range of efficiencies in line with government savings. The Office of the Environment and Heritage [OEH] will be finding 350 positions over the next three to four years. In the last financial year the OEH offered, and people took up, 114 voluntary redundancies [VRs]. We are anticipating that there will be 138 people take VRs this year. We are taking most of those positions from senior management to get the balance back to 60 per cent front line and 40 per cent back office. At the moment it goes more the other way.

The Hon. PENNY SHARPE: There have been close to 500 staff cut out of your portfolio, which is quite significant belt tightening, is it not, Minister?

Ms ROBYN PARKER: Those are efficiency gains. Efficiency gains certainly make a difference—

The Hon. PENNY SHARPE: They are staff cuts. You might call it efficiency gains, but we call it something else. Minister, you would agree that that is significant belt tightening?

Ms ROBYN PARKER: If you are asking the same questions today of the NSW Environment Protection Authority [EPA], Mr Buffier can give you some information about staffing in the EPA.

Mr BUFFIER: In the EPA there were about 15 voluntary redundancies in the last year. But our numbers have increased in total. We have taken the opportunity to reduce staffing from some of our lower priority areas and we have engaged staff in other higher priority areas and new areas of responsibility such as coal seam gas. Our budget has increased by about \$10 million and our staff numbers will increase slightly too.

The Hon. PENNY SHARPE: Minister, given the significant number of voluntary redundancies in your department, I take you back to the question. There has been significant belt tightening in your department. Do you think it reasonable that your ministerial allocation is 10 times over budget compared to any other Minister? Minister, you are one of only three Ministers who have actually overspent their allowance.

Ms ROBYN PARKER: Certainly the efficiency gains that we have made in the Office of Environment and Heritage and the improvements we have made by making a stand-alone EPA are things I am very proud of. In fact I think we have a fantastic outcome.

The Hon. PENNY SHARPE: Minister, you are asking your department to make significant savings yet it appears that savings are not being made in your office.

The Hon. RICK COLLESS: Point of order: This has been raised a number of times during these hearings but I will raise it again. When asked a question, the Minister should be allowed to give her answer in full rather than being rudely interrupted by a person asking additional questions. I ask you to bring the questioning member to order and to allow the Minister to answer questions put to her properly.

The Hon. AMANDA FAZIO: To the point of order: If the Minister's answer is not relevant to the question asked then I believe it is within the rights of the Committee members to cut in, given we have limited time, to ask the Minister to make her answer more relevant. We are not here to have the Minister waffle on endlessly, particularly when the Government member are going to be asking her Dorothy Dixier questions later on so that she can read out her prepared answers.

The Hon. TREVOR KHAN: To the point of order: When the Minister was attempting to answer that last question she barely got a word out of her mouth before the Hon. Penny Sharpe decided to jump down her throat. The issue of relevance cannot be raised in those circumstances.

CHAIR: Order! I uphold the point of order. Members are reminded that the witness must be allowed to answer the question—in this case the Minister. The Minister is quite capable of answering questions. Minister, I urge you to be as succinct and to the point as you can.

Ms ROBYN PARKER: We do have four hours today so there is no need to interrupt. I think it is possible that we can get through these questions. The same question keeps getting asked. We have talked about a \$10 million budget increase in the EPA, for example. What you are talking about with the ministerial budget, I have already said I will take on notice. I do not agree with your assertions, because that budget has not been finalised. However, that is nothing to do with staff, wages and budgets. Staff wages and OEH staff wages are

two separate things. The Hon. Penny Sharpe is talking about a budget for a ministerial office, which is about operational expenses.

The Hon. PENNY SHARPE: Minister, that would be your ministerial office; and you are saying that you have no responsibility in terms of the expenditure?

Ms ROBYN PARKER: I come under the Department of the Premier and Cabinet.

The Hon. PENNY SHARPE: Minister, your office has overspent by \$27,000 in other expenses. That is for things like stationary. That is something you are directly responsible for. One would have thought that your Chief of Staff might take a passing interest in what is actually being spent in your office. The fact that you do not want to answer this question is fine, but it is absolutely incorrect to suggest that it is not within your portfolio or something you should actually be concerned about, particularly given the cuts you have just announced.

Ms ROBYN PARKER: Chair, the Hon. Penny Sharpe is asserting that I do not want to answer the question. I have said I will take it on notice. It is not finalised yet. I have no idea where these figures are coming from.

CHAIR: Order! I acknowledge that, Minister. The Minister has agreed to take the question on notice. Let us move on.

The Hon. PENNY SHARPE: I will move on. I want to talk about koalas.

Ms ROBYN PARKER: You should get the Hon. Luke Foley to bring his koala out to the Domain for us.

The Hon. PENNY SHARPE: Do not worry, Minister, the Hon. Luke Foley will be here a little later.

CHAIR: Order! Let us get on with the questions.

The Hon. PENNY SHARPE: Minister, we know that you have a history with koalas. The EPA's proposed amendment to the Protection of the Environment Operations (General) Regulation 2009 is now open for public comment and submissions until 20 August. This will lift the previous Labor Government's prohibition on burning native forests for electricity. Are you aware that native forest biomass has been described as "burnt koala electricity"?

Ms ROBYN PARKER: We are talking about burning biomass for energy. No, I am not aware of those statements. Certainly we have available at the moment a discussion paper on biomass. That is for the community to put submissions in, to give their views and to get some more understanding. Biomass burning exists currently. What we are talking about are changes specifically designed so there is no increase in intensity of logging. We are looking at the proposal. We are looking at striking the right balance. Currently timber from mills, waste from timber mills, plantation timber and timber waste can be used to generate electricity. This is about saying, "All right, let us look at the possibility of using invasive species and waste from logging operations to generate electricity."

The Hon. PENNY SHARPE: Minister, you may or may not be aware that Boral is trying to sell its woodchip mill, and we know that the South East Fibre Exports mill in Bega is losing money. Woodchipping has long been condemned as ecologically unsustainable, particularly in relation to what it does to native forests and to koala habitat. Do you believe that this regulation change—which you are saying is just open for discussion and is not going to be a problem—is not simply about finding another way of selling woodchips and exporting them?

Ms ROBYN PARKER: This is about the possibility of using invasive native scrub for electricity generation and logging debris for electricity generation. So let us be clear about that.

The Hon. PENNY SHARPE: It is not about woodchip exports?

Ms ROBYN PARKER: Let us just be clear about that. My responsibility is to make sure the ecological balance is correct, to make sure that we get the balance right, and it is a discussion paper. You can

put a submission in and we will read it and listen to your views along with the views of everybody else who wants to contribute to that.

The Hon. PENNY SHARPE: You are basically saying that this discussion paper is not about finding an alternative market for woodchips?

Ms ROBYN PARKER: This is about the idea of using invasive native scrub for electricity generation. It is a discussion. It is out there to have a look at, and it is something that we hope people will be involved with. It is a public consultation.

The Hon. PENNY SHARPE: The Executive Director of the New South Wales Forest Products Association, Russell Ainley, has been a bit more open about this issue. He said in the *Timber and Forestry E-News* in July this year—

The Hon. TREVOR KHAN: Point of order: My understanding is that budget estimates committee hearings are for asking questions, not reading speeches.

The Hon. PENNY SHARPE: I am happy to recast the question if the member has a problem with it.

CHAIR: It is convention that members are allowed to give some background prior to asking a question, but I remind all members that they should get to the question as quickly as possible.

The Hon. PENNY SHARPE: Russell Ainley said, "So the change just fixes the anomaly and an alternative market for woodchip exports." You are saying that is not the case?

Ms ROBYN PARKER: No, that is not what I am saying. I am saying Mr Ainley is entitled to his opinion, as is everybody else. This is a draft regulation out for discussion and consultation. It is clear that we can continue to support value adding to the timber industry.

The Hon. PENNY SHARPE: You are the Minister for the Environment, not the Minister for the timber industry.

Ms ROBYN PARKER: That is right. I do not have responsibility for the timber industry. That is another Minister. So far you have asked a lot of questions about other Ministers' responsibilities.

The Hon. PENNY SHARPE: No, I have asked directly about yours. Whether you choose to take responsibility for it is a different issue.

Ms ROBYN PARKER: Would you like to listen to the answer or do you just want to keep talking over the top of me?

The Hon. PENNY SHARPE: No, keep going.

Ms ROBYN PARKER: Thank you. This is about generating better value from residues from legal logging, not illegal logging. And it is about clearing operations of invasive native species and the possibility that we could generate electricity from that. Mr Ainley's opinions are his opinions. The Environment Protection Authority [EPA] will look at the submissions to this regulation and see what the community says. That is what good consultation is about, which is something your Government had no idea about.

The Hon. PENNY SHARPE: You reject any evidence that suggests that burning biomass will endanger koalas in any way, shape or form?

Ms ROBYN PARKER: This is from legal logging operations that currently exist. The Environment Protection Authority's role in terms of logging is very clear. My role as Minister in terms of forestry operations is very clear. I am not the Minister for forestry; I am the Minister who administers the Environment Protection Authority [EPA]. The EPA has operational responsibility for the regulation, enforcement and compliance of forestry operations. That continues. There is no change to that. Koala habitat is certainly a part of that. Mr Buffier or Mr Gifford would be happy to add to that. It is their responsibility as the operational arm.

The Hon. PENNY SHARPE: In late June 2013 the EPA issued three penalty notices to the Forestry Corporation for logging within a koala high-use area, logging within the buffer of a koala high-use area and failing to mark the boundary of a koala high-use area. The fine was \$300. Do you think that is an appropriate penalty for breaching rules to protect koalas, knowing your stated commitment to them?

Ms ROBYN PARKER: We need to have a good look at penalties and—

The Hon. PENNY SHARPE: Are you suggesting that the penalty is reasonable?

Ms ROBYN PARKER: There are a range of penalties, and we are currently operating on the penalties that were in force in your Government. You might be suggesting that the penalties that were in place when you were in Government were not good enough. I am not making that suggestion.

The Hon. PENNY SHARPE: Are you suggesting that you are going to raise the penalties?

Ms ROBYN PARKER: No, if you will let me finish half a sentence, I am making an observation that it is appropriate to look at penalties across the board. Rather than look at a specific penalty, we should look at them in a range of ways and make sure that they are harmonised, for example, with private native forestry. We should make sure that we have a reasonable and appropriate penalty regime that looks at restoration and a range of—

The Hon. PENNY SHARPE: These penalty notices are very important. This is in the Royal Camp State Forest. It was the subject of a huge campaign by environmentalists who did a lot of work finding evidence of koala habitat and were able to achieve this. The Forestry Corporation's regional manager, Craig Busby, says that the breaches were administrative and akin to staying too long in a parking lot. In the case of Royal Camp State Forest do you think that this penalty was reasonable and assisted in protecting koalas?

Ms ROBYN PARKER: On 6 August 2012 the EPA investigated the allegation in Royal Camp State Forest that you are referring to. They said that evidence of koalas was present. They found almost 1,500 koala scats at the base of 90 koala feed trees. In 2013 the EPA issued the Forestry Corporation of NSW three penalty infringement notices totalling \$900 for three non-compliances with its threatened species licence. They were in response to the findings of the EPA that the Forestry Corporation had failed to conduct a thorough search for koala use. While they had undertaken some koala survey work and implemented some on-ground protections, the EPA assessed that these actions were insufficient to meet the licence requirements. The EPA is aware that the Forestry Corporation is planning to log other areas of Royal Camp State Forest later this year and so has commenced detailed audits of the potential koala habitat. In order for that to happen there is a three-month moratorium on logging in those areas. Mr Buffier would like to add some comments.

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 FTE—

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.

In all of our forestry regulatory work now we are looking for a more much objective approach to endangered ecological communities and threatened species. We are working closely with forestry in order to be more precise about that so that we do not again have some of the issues that have come up in the past in terms of arguing in the courts around a definitional issue. We are proposing that we will agree with forestry where those areas are. That will make our role and their role much simpler. But we do have a lot of resources going into protecting koala habitat.

Ms ROBYN PARKER: The EPA undertook 45 audits last year, as opposed to your Government's record of 12 audits in 2008 and 11 in 2009.

Dr MEHREEN FARUQI: Minister, I understand that there is a plan to spray more than 90 per cent of Lord Howe Island with between 30 and 42 tonnes of brodifacoum, an anticoagulant, in August 2015. Is that correct?

Ms ROBYN PARKER: There is funding that has been matched by the Federal Government to investigate and undertake a community engagement operation for rodent eradication on Lord Howe Island.

Dr MEHREEN FARUQI: Has a plan been developed to do that as yet?

Ms ROBYN PARKER: There are exotic rats and mice on Lord Howe Island that pose an ongoing threat. They have been implicated in the decline of at least five bird species and are threatening more. This is a world heritage site. A plan is being developed using international techniques and using the same chemicals that are currently being used on the ground by people in Lord Howe Island to try to eradicate rodents from the island. There is agreement between the Federal Government and the New South Wales Government to jointly fund the eradication. The project will eradicate all ship rats and house mice from the island. It will minimise adverse impacts on the environment, including non-targeted species. It is, I think, one of the most significant biodiversity and conservation measures ever being undertaken in Australia. It really will safeguard the World Heritage values, but it is being done very carefully and in consultation with people on Lord Howe Island, and it is about making sure that all health risks, if there are any, and all issues are addressed in plenty of time before that program commences.

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 run-off?

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.

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.

Ms ROBYN PARKER: I have not been out there counting recently, but I am sure somebody has. That is one of the reasons we want to make sure. As well as that, Lord Howe has a little stick insect called the phasmid, which is the only place in the world where that exists. For a World Heritage site, really the birdlife should be abundant and that is what this is aiming to do, using the same chemicals, as I said, as residents are currently using on ground.

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.

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.

Dr MEHREEN FARUQI: I will move on to a different topic of coal dust. Minister, as you know it has been alleged that changes have been made to the Australian Rail Track Corporation's "Pollution Reduction Program 4.2—Particulate Emissions from Coal Trains" report to fulfil the licensing conditions defined by the Office of Environment and Heritage. Could you please confirm the exact nature of the changes that happened between the draft version dated 24 May 2013 to the final version of 30 May, including the insertion of the word "not" into some conclusion and the removal of significant data?

Ms ROBYN PARKER: Thank you for that question. Obviously, as a resident of the Hunter and as Minister, I have been very interested in that research and work that has been undertaken. I do not, as Minister, have a direct role in the day-to-day regulation of the industry, obviously, but the Environment Protection Authority [EPA] asked the Australian Rail Track Corporation [ARTC] to do some studies of dust from the coal trains. We are doing a lot of work in terms of air quality and monitoring in the Hunter Region, particularly in relation to coal dust. We have the air quality monitoring in the Upper Hunter and we certainly have established a consultative committee and expanded our air quality monitoring. We have plans for that to expand right across the Newcastle area. In the last few weeks I have announced that we are going to undertake an air particulation study that will be similar to what we have undertaken in the Upper Hunter to have a look at the air quality and coal dust in particular.

Dr MEHREEN FARUQI: Sure, but Minister—sorry to interrupt— could you confirm whether there were changes made between the draft and final reports? What were those changes?

Ms ROBYN PARKER: Yes, certainly. Barry Buffier is probably the best person to give you that information.

Dr MEHREEN FARUQI: Thank you.

Mr BUFFIER: Yes, thank you. The monitoring we have required the Australian Rail Track Corporation [ARTC] to do has gone back to 2011. We have had two studies in that regard. It was a pilot monitoring program and it was to determine if loaded coal trains contributed more dust than other trains. It was not a health assessment study; it was a pilot monitoring study. The first study found that coal trains are not contributing more dust than other trains and the overall level of dust generated was low. But that monitoring occurred during a fairly wet period of the year, and I think in the La Niña cycle. At the request of the community and at our own behest, we asked the Australian Rail Track Corporation to repeat that study in a drier and warmer period. I think that is the study that you are referring to.

Dr MEHREEN FARUQI: Yes, it is.

Mr BUFFIER: That second monitoring was undertaken from November 2012 to January 2013, which was a below average rainfall period except for the last two days of that study when I think we had the highest rainfall on record in certain parts of New South Wales. We received the first draft of that monitoring report in March 2013. With the work that we are doing with the Australian Rail Track Corporation, we also get advice from the Office of Environment and Heritage. We have a certain number of well qualified technical people and scientists within the Environment Protection Authority [EPA], but we also rely on the Office of Environment and Heritage to support us in that.

The normal process is that we would get a report. We would look at it and see whether we were comfortable that the analysis that had been was rigorous. As a result of that, there was some backwards and forwards in relation to that work where we raised some questions. I think the consultants, Katestone, also identified an issue that needed to be fixed. Certainly in relation to the draft report, much has been made of the fact that the draft report had recommendations that were worded differently to the final report.

Dr MEHREEN FARUQI: Would you say the impact of the changes that were made to the report have had a significant impact on the final outcome and recommendations?

Mr BUFFIER: Absolutely not. There have been claims made that we have changed positives to negatives, but I think you will find if you look at the grammatical construction of that, there were double negatives that might have been changed to positives, which is one way of looking at that. There were other changes that were made because of that problem that was identified by Katestone. The matter was peer reviewed at our request. At the Environment Protection Authority's request, I said we would like to have this peer reviewed. This was before any matter came up in the public arena at all. We had that process in place. We had Dr Luke Knibbs at the University of Queensland do a peer review of that. He found that the methodology that was used to undertake the study was correct, but raised an issue with the statistical analysis that was undertaken. Admitting that he was not a statistician himself, he did say that he thought there were some problems with the statistical analysis and that the conclusions could not necessarily be supported by the statistical analysis.

Dr MEHREEN FARUQI: So you agree that Dr Knibbs said that the ARTC report contained major errors that affected its conclusions?

Mr BUFFIER: No, he said that the major error was in relation to the statistical analysis and therefore—

Dr MEHREEN FARUQI: It did not affect the conclusions?

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.

Dr MEHREEN FARUQI: The website of the Office of Environment and Heritage notes that wilderness areas represent the largest most pristine areas in the State's reserve system.

Ms ROBYN PARKER: I have expanded it today actually.

Dr MEHREEN FARUQI: I know you have. My question is more about the activities that are being opened up in wilderness areas, particularly horseriding. Does the Minister not consider the introduction of horseriding into wilderness areas a risk?

Ms ROBYN PARKER: We are undertaking a trial in some wilderness areas, obviously not all wilderness areas. They are well known tracks, historical tracks and a trial is simply that, to make sure that you have got the best scientific evidence of what might work under those circumstances. I think a trial is an ideal way of going ahead, proceeding slowly of course. Horseriding exists in a number of our parks and certainly existed when we came into government. Some of these trails are trails that have existed in the past. They are well-known trails. Some of them have historical significance.

Dr MEHREEN FARUQI: Minister, I have here a memorandum of understanding between the New South Wales Liberal-National Coalition and a coalition of New South Wales horseriders. Why is the Minister prioritising a small group of users over the integrity of our environment?

Ms ROBYN PARKER: That was a memorandum of understanding some time ago. It certainly was not made in the term of this Government but what we have offered is a diversity of opportunity within our parks and that is two trials. One is in horseriding and another is in expanded mountain bike trails. I think that we can do that sensitively with the biodiversity in mind and certainly I am interested in the outcome of those trials to make sure that we have got the best evidence possible. If it works out that it is not going to be appropriate or possible, then certainly the outcome will be different and that is why we have a trial and undertake the trial with scientific measures in place.

We have identified eight priority regions for those horseriding opportunities and we are holding workshops. We have held workshops already. We are looking at a strategy with Kosciuszko, with Deua National Park. So we are having a mixture of coastal and inland regional areas to see how it might work. But the management principles in the Wilderness Act require that land to be managed for solitude and appropriate self-reliant recreation. Self-reliant is not defined in the Act. We are looking at how this might work and making sure that we brief and talk to environment groups. Solitude and appropriate behaviour activities in the wilderness area done sensitively I think can include horseriding.

Dr MEHREEN FARUQI: There is already plenty of evidence that horses and horseriding in wilderness areas do cause a lot of risk to the environment through weeds, through hooves, through erosion of soil. Have there been any environmental impact statements conducted by the National Parks and Wildlife Service or any other government agency under you? I am especially interested in the wilderness trial proposed for Kosciuszko.

Ms ROBYN PARKER: There is a code of practice for horseriding in parks. That was developed in 2010. That will provide some practical guidance in terms of the impacts of horseriding. We are allocating \$150,000 to this program to have a look at these regions. That funding will go to that.

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.

Dr MEHREEN FARUQI: Minister, would you commit to cancelling the trial if the impact statement before the trial shows that there are significant environmental impacts?

Ms ROBYN PARKER: We will take on board whatever outcomes come out of that piece of work. We are putting considerable resources into making sure that we get this right. We have no intention of destroying wilderness areas and we have every intention of good management. The difference between this Government and the last Government in terms of management of national parks is just that. It is about making sure that we manage, that we have good biodiversity outcomes, but that we have a diversity of opportunities within our parks, managed well and having good scientific rigour around those trials.

Ms BARNES: I think it is worthwhile saying that during the review of environmental factors, if we found the environment could not take horseriding, we would not put the trial in that area. The review of environmental factors that we are doing will actually help guide where the trial goes.

Dr MEHREEN FARUQI: Even though there is plenty of evidence to say that horseriding will damage wilderness areas?

Ms BARNES: We are looking at the evidence and then looking at where this particular trial will go and looking at any potential impacts thoroughly.

CHAIR: Dr Faruqi, your time has ended for this session. We will now move to questions from the Government.

Mr SCOT MacDONALD: Minister, has the Government created any new protected areas in the north and west of the State and, if so, is the Government seeking to better engage the community in the management of national parks and reserves?

Ms ROBYN PARKER: Thank you. I know that you will be interested in an announcement that we made today. What we are doing, as I said in a previous answer, is making sure that we are managing our national parks; that we are connecting landscapes so that it is not just about adding hectare after hectare, locking it up and basically keeping the community out. We want to make sure that we strategically add to the parks estate. I am delighted that in two years we have created nine new parks and reserves and three new national parks: a significant record in two years.

Today I announced the establishment of two new parks in north-western New South Wales: Warrambool and Ukerbarley State conservation areas. They have significantly under-represented natural ecosystems and will be a strategic addition to the national estate. Warrambool is located south-east of Lightning Ridge in the Darling Riverine Plains and protects over 12,000 hectares of high-conservation value lands and three endangered ecological communities. Warrambool comprises two properties—the interestingly named Bikini, and Warranilla—that were purchased in 2010 and 2011 in partnership with the Australian Government under the National Reserve System. Warrambool acknowledges the Aboriginal cultural significance of the watercourse on that landscape.

We have a socioeconomic profile alongside these park creations. This is the difference between us and the last Government. I am conscious of the impact of national parks or State conservation areas on surrounding communities. I know a number of Committee members were on the recent public lands inquiry examining some of those issues. At Warrambool we are trialling a process to make sure the community has opportunities to participate. That might mean a fencing contractor might submit an expression of interest to do some fencing. It might mean local government takes responsibility for some trail maintenance and biodiversity outcomes. This way we can diversify the economy of the neighbouring towns and make sure they have an advantage over that national park.

Certainly, the tourism opportunities coming from national parks need to work in partnership with local communities. We will be working with Walgett council to get some outcomes. It will be an interesting trial to see how that works, but the community will be really engaged and involved in taking some ownership of that State conservation area and have some participation in its management. Earlier this year, on that very hot Friday, I visited the area of the terrible fires at Coonabarabran in the Warrumbungles and was told how important our national park is to that community, its income and livelihood. We want to make sure that partnership continues. That could be by way of diversifying so farmers can have more involvement by taking part in some management and maintenance.

I am excited by those new parks we have created today. Ukerbarley is near Coonabarabran and comprises 465 hectares of highly significant wildlife corridor. Creating corridors and connecting up landscapes is what it is all about. Ukerbarley will provide habitat for more than 139 native species, including 10 threatened species, such as the Superb Parrot and the Brown Treecreeper, in addition to many important Aboriginal cultural sites within it. We are about a strategic approach. We are about building relationships with communities and, of course, we are about biodiversity conservation outcomes.

Mr SCOT MacDONALD: Can you provide an update on Dharawal and Wianamatta Nature Reserve?

Ms ROBYN PARKER: Dharawal was the first national park we created when we came into government. It certainly was one about which the Premier was passionate. I know he has been bushwalking there a number of times. It is right on Sydney's doorstep. When you talk about koala preservation, Dharawal is in fact the biggest koala habitat close to Sydney.

The Hon. AMANDA FAZIO: It is a wonder you have not logged it.

Ms ROBYN PARKER: It is fantastic to have that as a national park and make sure it looks after the biodiversity right on our doorstep. Of course, we have created other national parks, but alongside those creations and on the theme of management, an extra million dollars is going into Dharawal National Park for upgrading trails and signposting—it has a fantastic lookout—and disability access. The park has wonderful Aboriginal cultural heritage sites and is going to be quite spectacular, particularly the disability access outlook. Wianamatta is about making sure protections of that area are increased and that the biodiversity in the western Sydney area is maintained. Cumberland Plain woodland is in scarce supply. We are proud to increase the value of that land and upgrade its status.

Mr SCOT MacDONALD: You have released quite a bit of media on bushfire work and control in parks. Can you outline what action has been taken to protect the public from bushfires in New South Wales national parks and reserves?

Ms ROBYN PARKER: One thing these estimates opportunities provide is a chance to see your successes over the past year. The success in hazard reduction has been significant. We have put an additional \$62.5 million into hazard reduction over five years. This has resulted already in some outstanding outcomes. I think we have in excess of 1,000 National Parks staff who are trained in hazard reduction bushfire management working very closely with the Rural Fire Service and across the board in a tenure-blind approach. Fires do not know boundaries. Sadly, last season I visited the sites of a number of bushfires, but I also have seen hazard reduction in the Blue Mountains and know that we have more than doubled our hazard reduction. Many people do not quite grasp that fires in national parks account for less than 5 per cent of the total bushfires, and nearly 90 per cent of all those fires are contained within the park boundaries.

The results are quite amazing. From July 2012 to June 2013 more than 352 wildfires burnt across the park system covering an area of more than 132,500 hectares. National Parks assisted the Rural Fire Service with

more than 138 other wildfires on neighbouring land, of which 94 per cent were contained to less than a thousand park hectares, and 99 per cent of those fires to less than 10,000 hectares. As I said, National Parks has 1,300 firefighters, who are recognised, trained and highly skilled, and more than 330 fire fighting units, aircraft, heavy plant and machinery that can be deployed in a wildfire response. The hazard reduction efforts have been absolutely extraordinary. Of course, hazard reduction relies on the season—weather conditions. An extra 94 staff have been employed—this is about employing front-line staff—to undertake hazard reduction on the front line. Hazard reduction has more than doubled each year. We now have over 135,000 hectares on a rolling annual average. More than 700 hazard reduction burning activities occurred in the last year. That is an ambitious target. Since July 2012 almost 206,000 hectares of parks and reserves have been treated for hazard reduction.

It is a record result and it is due to the fantastic working relationship with the Rural Fire Service and their increased resources of trained staff and extra funding from this Government of \$62.5 million. It is a great result. I take my hat off to our staff who get out there and undertake hazard reduction, which is dangerous, of course, and fight bushfires. They are fantastic people. They risk their lives and we are indebted to them. Certainly they do it in a way that is scientifically managed. I have seen fires on the Central Coast, for example, and have seen the aerial shots of where the hazard reduction pulled up the fire and stopped it dead in its tracks. It can work effectively. Some of the timber that I saw in the Blue Mountains had not been burnt for 50 years, so the hazard reduction makes a big difference if we get in when the season is right with the right resources, funding and the right people.

Mr SCOT MacDONALD: Thank you. Can I change back to Environment Protection Authority?

Ms ROBYN PARKER: Sure.

Mr SCOT MacDONALD: In 2011, you said you had strengthened the Environment Protection Authority. Can you give us an outline of what reforms you have been working on?

Ms ROBYN PARKER: Absolutely. Strengthening the Environment Protection Authority [EPA] and making it a stand-alone statutory authority is a legacy our Government will be very proud of. We came into Government with an Environment Protection Authority that was performing its functions, but certainly not with the amount of rigour that it needed. We have already heard from the Chair and the chief executive officer of an increase of \$10 million in the budget this year. We have also undertaken a whole range of measures with the Environment Protection Authority to ensure that we are stronger so we have a regulator that, instead of being a lap dog, really has bite to ensure it keeps industry to account. It provides an independent Environment Protection Authority. We have an independent board.

We are strengthening legislation to ensure that high-risk industries respond immediately, that we have increased penalties, and there is more to do on that. We have certainly made sure that we have an environmental regulator that makes industry accountable. There are increased penalties for failing to comply with notification and they have been increased to \$2 million. We have made sure that the Environment Protection Authority has an increased budget. It was \$117.2 million in 2012. The 2012-13 budget is now \$127.8 million. There has been an increase for the 2013-14 budget of \$10 million to \$137.7 million. There are legislative changes. Some of those will come to the Legislative Assembly—hopefully next week—in respect of repeat offender and illegal dumpers, particularly those who dump asbestos, to ensure that their vehicles can be impounded—

The Hon. AMANDA FAZIO: They are the ones you have appointed to the board, are they?

Ms ROBYN PARKER: —and that they face the full force of the law for doing the wrong thing. We are making sure that we improve on the past Government's failure in that regard and really take seriously what we are doing in respect of illegal dumping, particularly asbestos dumping. We have required all Environment Protection Authority licence facilities to have pollution incident response management plans. Pollution incidents have to be reported immediately. We have developed an incident management system. The Environment Protection Authority has got a specialist team to support Environment Protection Authority responses. We have a new responsibility with the Environment Protection Authority in respect of its responsibility with coal seam gas and with licensing. That is an endorsement of confidence in the Environment Protection Authority.

We are doing a lot of work in air quality. We have allocated \$4 million in funding to air quality projects in New South Wales in 2013-14, and also \$2.1 million for the 26 station Government-funded air quality monitoring network, and \$950,000 in capital funds for that air quality monitoring. We have established new air quality monitors. Not long ago I opened a new air quality monitor in Wyong. We have new requirements on the

mining industry in terms of dust with a new Dust Stop program, and we have a \$465.7 million Waste Less, Recycle More waste recovery program. As I said, we are dealing across the board with a range of new infringements, a stronger Environment Protection Authority and independent board, and a lot more rigour than was certainly evident when we came into the Government. It is the right thing to do to have the Environment Protection Authority out separately, and we will only improve in respect of the enforcement capabilities of the Environment Protection Authority.

Mr SCOT MacDONALD: Minister, I will finish with you talking about dumping and waste. Can you describe some of the penalties that people face now? Are they appropriate?

Ms ROBYN PARKER: One of the things that we found with illegal dumping—

The Hon. AMANDA FAZIO: That is a brilliant question. Great delivery.

Ms ROBYN PARKER: —is that people who illegally dump do so for a range of reasons. Those who illegally dump building waste are criminals, and there is no doubt about that. It is possible to manage the building waste, whether it is asbestos or not, and run a viable business, but there are people out there who are criminals who flout the law.

Mr SCOT MacDONALD: Cowboys.

Ms ROBYN PARKER: They should be dealt with. What we found recently is that a repeat offender did not have a custodial sentence. We have legislation currently before the Parliament to make sure that a repeat offender can be sent to jail. Also as part of that legislation we have a requirement that those who know about the chain—and quite often it is a sophisticated chain of people who are complicit—inform the EPA so that vehicles or vessels can be impounded, and there is a chance that that person could go to jail for two years.

Illegal dumping, interestingly, happens across the State. Very often it happens close to bushland areas. Quite often the penalty is far more than what they might pay if they took the waste to the tip or the dump or the waste disposal centre. It is just laziness and they will get caught. New illegal dumping task forces across the State are being established. We are calling them rid squads. They are working with the southern regional councils. I have been talking to them about how they plan to go ahead with those initiatives with good funding and surveillance cameras. These people are not necessarily smart. They leave a fingerprint, a trace, of who they are, and they will get caught, and that is the message from this Government.

Mr SCOT MacDONALD: Thank you, Minister. That is how you get answers, crossbenches.

The Hon. AMANDA FAZIO: Oh, just stop, you fool.

The Hon. TREVOR KHAN: Minister, what has the New South Wales Government done to promote energy efficiency in New South Wales?

The Hon. AMANDA FAZIO: You should make it a prescription for sleeping tablets.

Ms ROBYN PARKER: As someone said to me, energy efficiency is like low-hanging fruit. If it is low-hanging fruit, it is good low-hanging fruit and it is something that we, as a Government, are very engaged in because it makes sense for two reasons for households and businesses: it is good for their hip pocket but it is also very good for the environment and reduces the demand on the grid. One of the initiatives the previous Government introduced, which was a good initiative and I have been happy to carry forward, is the low-income household energy saver program, and we have expanded and improved that program. Low-income households can have an audit. Someone with expertise, and we have a whole range of people, can go out to households to give some ideas on how to save energy. Up to \$200 a year can be saved on electricity bills, simply by ensuring that households have the right light fittings, drafts are reduced and fridges work efficiently, those sorts of things. I can tell you more later, or now, if you like.

CHAIR: Thank you, Minister. We can come back to Government questions.

Dr MEHREEN FARUQI: Minister, the changes to the native vegetation regulations include the introduction of accessible codes for clearing vegetation. What will the penalties be for landholders misusing the self-assessment guides and codes?

Ms ROBYN PARKER: The codes are being developed. It is a statutory change in regulation for native vegetation, but sensible changes which do not change the ultimate aim of protecting our valuable native vegetation but also making it easier for farmers to do things such as clear a single paddock. The codes are being developed. The regulation will be in place by the beginning of September.

Dr MEHREEN FARUQI: You have not made a decision on the penalties as yet?

Ms ROBYN PARKER: The codes are being developed at the moment so there will be some more information on that.

Dr MEHREEN FARUQI: Could you tell me if it will be monitored or is that part of the development of the codes as well?

Ms ROBYN PARKER: There is a range of things. There are going to be self-assessable codes. Farmers said to us, "We think there are some things we can do and manage to self-assess." They will obviously be working with the new Local Land Services [LLS]. So they will start in January. They will be working with the Local Land Services but there will be self-assessable codes for common land management actions. That will give improved outcomes I think. It will mean that there will be certain conditions built-in and farmers will need to comply with that. This is not a green light for land clearing but it will certainly mean that there will be an opportunity for farmers to do some of that themselves. The codes will be released later this year.

Dr MEHREEN FARUQI: Will there be any compliance monitoring?

Ms ROBYN PARKER: Yes, and it will be through the Local Land Services.

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.

Ms BARNES: Could I add something? The self-assessable codes are about making farmers accountable so they know what they can and cannot do, but there will be the same level of compliance and enforcement around if they do the wrong thing. The other thing is that we will continue with SPOT-5 imagery to be able to see areas of large clearing and use that as a compliance and enforcement tool, and we will be working with the new Local Land Services area. Under the codes farmers for some activities will still have to notify the Local Land Services, which will be that double check as well. We found when we did a review of the property vegetation plans that a lot of the lower level clearing matters that were fairly much automatically approved were still caught up in a process of approval that was taking too long for the environmental outcome. So the environmental outcome is still strong, the codes make farmers accountable for their actions but we still have strong enforcements around making sure those actions protect native vegetation.

Ms ROBYN PARKER: There is in excess of \$1 million in the budget for SPOT-5 monitoring, which is significant.

Dr MEHREEN FARUQI: Will the codes be made available for public comment?

Ms BARNES: Indeed. The codes will be going out for comment in October. They will be publically available for anyone to look at and provide feedback because they must be workable. They must be things that protect the environment but also that farmers can readily use and not be confused.

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.

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.

The Hon. PENNY SHARPE: Minister, this Committee is allowed to ask about expenditure, not only about 2012-13.

Ms ROBYN PARKER: Sure. I have not got it here. We will take it on notice. If you were listening, I said yes. I am sure Hansard got that, if you didn't. There were 179 compliance outcomes in 2012-13. That included 154 advisory and warning letters that were issued; 10 penalty notices issued, with fines ranging from \$1,100 to \$5,500; 10 directions issued, including the remediation of 849 hectares; three prosecutions commenced, two related to alleged clearing of native vegetation at Croppa Creek in the Gwydir Local Government Area; there were two convictions for matters commenced in previous years with total penalties of \$120,000, and they were against two individuals: one was a Mr Kennedy who was fined \$40,000 for unlawfully clearing 32 hectares of vegetation and the other one was a Mr Rummery who was fined \$80,040 for unlawful clearing.

Dr MEHREEN FARUQI: So 170 in all?

Ms ROBYN PARKER: No, 179.

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.

Dr MEHREEN FARUQI: Minister, can you confirm that the proposed review to provide what Deputy Premier Stoner calls a "comprehensive overhaul" of the Native Vegetation Act, the Threatened Species Conservation Act, and the flora and fauna provisions of National Parks and Wildlife will not lead to a watering down of environmental laws, given that it was announced on the same day as what I believe was the weakening of native vegetation regulations? I am hoping for a commitment here, Minister.

Ms ROBYN PARKER: Absolutely. You might believe it is a weakening of native vegetation regulations; I do not. I certainly disagree with that assertion. What he announced was a sensible government undertaking a sensible review. When you have Acts that have been in place for a number of years added to, changed and adjusted they may not necessarily provide the best protections. My job as environment Minister is to make sure that we have the best protections in place and to make sure, for example, that native vegetation has the right habitat available and to make sure our vulnerable species are protected. But we have got goals in 2021 that are about our commitments and we intend delivering on those goals. We certainly do not intend to wind back environmental protections; you have that assurance from me.

We will be involving through this process the NGOs and peak bodies to work through a number of these pieces of legislation, as we have with the planning legislation, to make sure we have as much consultation and involvement as possible. This is a long-term project; it is not something we will be doing overnight. It is something that I think it is worthwhile just having a look at to see how everything works together. Given that we are having large changes to our planning legislation, this is something that will be done alongside and even after that effect. So it is sometime down the track. It is about having an integrated approach to laws. It is about making sure we have that protection. It is about working with local land services, which is a new way of operating, and working with our new planning system. There is a couple of years work in making sure that we get this right, but we intend to do that and you have my assurances.

Dr MEHREEN FARUQI: Forgive me for being sceptical, Minister, but the new planning laws do water down ecologically sustainable development. Minister, could you let me know under whose responsibility this review will sit and when it will begin?

Ms ROBYN PARKER: We do not have dates set yet. We will be working with a team of Ministers with responsibility for those Acts. The way in which we will undertake that will be announced in due course, but we are certainly not at that point.

Dr MEHREEN FARUQI: I have a couple of questions on waste. Given the Government's New South Wales 2021 Plan—one of the goals of which is for New South Wales to have the lowest litter count per capita in Australia by 2016—has an appropriate methodology been developed to measure progress towards this goal?

Ms ROBYN PARKER: Yes, it has. We have done a lot of work on waste and what our litter outputs are, and we continue to work on that. We certainly have goals on litter production. The Waste Less, Recycle More package is looking at that and making sure it is easier to recycle and that less goes into landfill. For example, it looks at food waste and making sure we reduce the amount of food waste that goes into landfill. It is also about, as I said, making it easier for people to recycle. So there are a range of packages within that which help local government and which help industry. It is a comprehensive package looking right across the board at how we deal with waste—reduction to landfill, recycling and litter. We undertook a KPMG review prior to coming up with that package. Litter was part of that. We have looked at the waste levy and how councils can get better value through a range of packages—both council only and contestable funding for waste. We certainly have targets that we intend to meet for litter.

Dr MEHREEN FARUQI: As part of achieving this goal, will the Government commit to a container deposit scheme? These schemes have proven very successful in litter reduction and increasing recovery rates in many countries in the world, and in South Australia for the past 40 years.

Ms ROBYN PARKER: We are part of a review of container deposits that is being undertaken through the Council of Australian Governments [COAG]. As the Minister for the Environment in New South Wales, I am leading that process. We have a consultation regulation impact statement out at the moment. That is having a look at a range of options, which has been expanded to include the South Australia model, the packaging

industry model and the Boomerang Alliance model. That is having a look at how all of those work and how they might fit into a national system. Indeed, from a New South Wales perspective, we are having a look at how that might work for New South Wales. We are open to all proposals at this stage. There have been no decisions made on this. I am very confident that our Waste Less, Recycle More process will come up with some great options. We are working through that process of the consultation regulation impact statement later this year from a national perspective.

Dr MEHREEN FARUQI: Minister, do you know when a decision is likely?

Ms ROBYN PARKER: No, the Federal Government is in caretaker mode as we have an election on so I do not know when this will happen. The officers are continuing to work on this. The aim was December, but I do not know definitely when it will be. The senior officers are continuing to work on that and come up with some good outcomes. Overall, we want to make sure that it does not put an outrageous financial burden on any State and that it gets the right outcomes. We are open to all suggestions. I am really pleased at the range of options that is available. We have worked with all groups to make sure it is as broad as possible and has the financial rigour around it that people expect.

Dr MEHREEN FARUQI: Minister, the New South Wales 2021 Plan also has a target for completing fine-scale climate change projections for New South Wales and making these available to local councils and the public by 2014. What is the progress on this and who is conducting this work?

Ms ROBYN PARKER: We have a range of initiatives on climate change. Just this week I announced some climate change initiatives—\$2.75 million to help communities to better prepare for climate change. We are calling them climate change nodes or hubs. We are working with a range of universities and with the Sydney Institute of Marine Science. We have three different nodes: the biodiversity node, the adaptive communities node and the coastal node.

Dr MEHREEN FARUQI: Minister, thank you, I am aware of that announcement. Could you answer my specific question about the fine-scale climate change projections, which were to be completed by 2014 and made available to local councils?

Ms ROBYN PARKER: We want to make sure that we work in collaboration with universities. We are working in collaboration with the University of New South Wales and making sure we get a regional climate model. That is looking at four global climate models. It is on track to be completed by early 2014 and for a public release of information in late 2014. There is a steering group working on that and it will be peer reviewed by leading climate experts, including the CSIRO. With climate change we have to make sure that we assist communities to be responsive, to adapt, to understand the impacts and to interpret information. We have to fill any gaps in information before them. That is what the climate change nodes are about: making sure we have the best possible scientific information so that we can make communities resilient and help them adapt.

CHAIR: Order! I will now pass questioning over to the Government.

The Hon. TREVOR KHAN: Thank you. Minister, what is the New South Wales Government doing—

Ms ROBYN PARKER: Does the Opposition not have any questions?

The Hon. AMANDA FAZIO: We do. Do not worry about it, Minister. We ask questions when we feel like it. You do not ask us questions.

Ms ROBYN PARKER: I would ask you where you left your manners if I was going to ask you a question.

CHAIR: Order!

The Hon. TREVOR KHAN: What is the New South Wales Government doing to promote biodiversity offsets?

Ms ROBYN PARKER: That is a good question. It is something that, if you are playing a game on your BlackBerry, you might not understand. It is certainly something that I know the Hon. Trevor Khan will

understand. It is about ensuring when you have offsets that they suit and fit the purpose. It is a difficulty that a number of people are grappling with quite seriously. If have a development, such as a mine or other such development, how can you provide an offset for what you are doing—in other words, what sort of alternative is offered? If you are clearing woodland, for example, there is a need to provide an offset.

There is certainly a need to make sure that biodiversity is matched—that is what we call like-for-like—and to make sure that there is an appropriate level of offset required. But there is inconsistency with biodiversity offsets and that is why I am looking at having a discussion about the current practices. There are also inconsistencies in that farmers and miners are treated differently in their offset requirements. We look at them on a case-by-case basis. But it can be costly, it can be time consuming and it can be uncertain.

One of our plans is to make sure that we have aligned offsetting practices. We are looking at a new policy for offsetting that will be transparent but will make sure that there is an understood method for assessing the impacts on biodiversity and using offsets where appropriate. It will have scientific rigor. As I said, it will be transparent. There will be no more secret deals about biodiversity offsets. It will make sure that there are long-term gains and positive outcomes. Rather than just providing an offset that gets locked up and not used, we will provide an offset that can be of use, for example, in biodiversity connections such as wildlife corridors.

The new biodiversity offset policy will have seven principles. It will initially apply to major projects—in other words, State-significant projects. Depending on how that goes, it will be modified or extended to other types of developments in future. The transparent assessment method will be up-front and help developers. It will reduce the time spent in negotiations over offsets between developers and the government. It will provide certainty, streamline current practices and make New South Wales competitive as a place to do business.

We want to provide flexibility wherever possible. Supplementary measures could be introduced, which could be, for example, a contribution of money towards activities to enhance or manage land as an offset site. For example, money could be put towards controlling foxes or other threats to the environment. It could be used for good management and good maintenance and will help with critical biodiversity management. On 20 July I announced the creation of the offset fund. I think that when we get this together we will be leading other States. It will be right and it will ensure that we have the best and most strategic mechanism in place to deliver the best outcome for the environment.

We will consult with stakeholders and industry to develop the policy. That means businesses and the community alike. It is a new approach that is about creating economic growth as well as critical infrastructure development. It is about cutting red tape and ensuring that offsets are not ad hoc. The offsets will mesh with the planning system and give wins to both industry and the environment.

The Hon. TREVOR KHAN: You will be aware that country members are particularly concerned about pest and feral animal control. Will you indicate what actions are being taken to protect our national parks from pest and feral animals?

Ms ROBYN PARKER: A number of people are concerned about pest control in our national parks. We have discussed that quite considerably over the past 12 months or so. We have vigorously and enthusiastically debated how to get rid of pests, because we know that they have a considerable impact on biodiversity in our national parks. The impact on our agricultural production is also considerable.

The best way we can manage pests is through what we call a tenure-blind approach. Those pests do not know boundaries and do not understand a fence line. We will make sure that we work with Local Land Services [LLS] when it is underway, the Department of Primary Industries and Catchment Management Authorities and have a robust pest management strategy. We are continuing to undertake the normal baiting and pest management operations such as trapping and shooting that our staff and contractors undertake in national parks so that we can keep on top of pest management.

We estimate that pest animal damage costs more than \$720 million Australia wide. Over the past year weed impact cost more than \$4 billion. Every pest animal taken out of a national park is a good thing, as is removing weeds. You would be aware that I announced a supplementary pest control program on 4 July. In 12 parks we will trial the use of highly skilled and trained volunteers with equivalent training to our national parks staff who undertake pest management. They will work shoulder to shoulder and under the supervision, organisation and control of national parks staff. They will have the same or equivalent qualifications and use the same equipment. It will not involve anyone under 18 and not be in school holidays. They will need to have first

aid requirements and two licences, which means that they have the right sort of experience necessary to do this job. We will have a look at that. The ultimate aim is to roll that out further.

Of course, as we have already announced, a rigorous risk assessment was undertaken. It is like using volunteers in conjunction with our Rural Fire Service to conduct hazard reduction. These people are highly trained. They are volunteers, but that does not mean they are not capable of doing the job. They will be under the control of national parks staff in an organised program. Those parks will be closed with 48 hours' notice and neighbours will be notified again within 24 hours. We think that we will get some very good outcomes. It will be scientifically monitored, it will be reviewed and we will understand the outcomes from that. It has certainly been successful in other States and overseas.

We will see how that works, because we want to go about this in the best way possible. Interestingly, those are the statements I made at the beginning when we announced this. I said that it would be rigorously assessed and it was. I said that it would be reviewed and it was. These are the outcomes. There was a lot of hysteria. We even had the Leader of the Opposition running around metropolitan parks wearing a fluoro vest scaring people about this program.

The Hon. TREVOR KHAN: Shameful.

Ms ROBYN PARKER: Well, he did not need a fluoro vest. Just going out on his own would have done. The statements I made initially are the statements that I make now about how this might work. We need to get on top of pest control and we are doing a good job. We currently spend \$34 million a year in our national parks on managing pests and weeds. It is a significant amount of money. If we can use other arms and legs and people out there under the supervision and control of national parks staff that is something worth having a look at.

The Hon. TREVOR KHAN: My next question is on an entirely different subject. What has the Government and the Environment Protection Authority [EPA] done to prevent pollution incidents like the one at Orica's Kooragang Island plant in August 2011?

Ms ROBYN PARKER: In the past two years we have done a lot that we should be very proud of. I know a number of you were on a Committee that looked at what happened during that incident. If we did not learn from that then we could be criticised. It was not the first time that an incident had not been reported, but we have certainly made sure that it will be the last time that an incident takes so long to be reported. We have requirements in terms of reporting.

The biggest thing that comes out of something like that issue is that industry that exists closely alongside a community needs to remember its corporate responsibilities. Those responsibilities include informing the authorities and also keeping the community aware of what they are doing and involving and consulting the community. That will avoid a situation in which people are caught out and do not know the full facts. A lot of work has been done in working with the community. I established the Newcastle Community Consultative Committee, which we are going to keep going. It was initially established out of what occurred at Kooragang Island, but the committee is continuing to perform a good role in broader environmental issues in that community. It is a good conduit between the community and the EPA.

We have got, as I said before, a stand-alone statutory authority with the Environment Protection Authority [EPA]. We have got a board, a chair, and a chief executive officer [CEO] and we have much more requirement on industry. The Environment Protection Authority took an audit of the most hazardous sites and then a number of those sites had to undertake improvements and rectification. Industry really does understand their responsibilities. They have to notify of pollution incidents immediately. They have to have a pollution incident response management plan in place. I was talking to one of the staff at Orica at Kooragang Island and he said it gave them a wake-up call in terms of some of the things that they had to really be aware of and other industries certainly notice it.

The Hon. TREVOR KHAN: They certainly needed it.

Ms ROBYN PARKER: Certainly, we had been in government for only a short time, so you would think that these practices have been existing for quite some time. Luckily, there was no environmental or health impact out of that incident, as much as, though, the Opposition tried to create hysteria around that. But it did give us some good learnings that we have implemented. They have to have an incident management system. We

have a specialist team within the Environment Protection Authority as well that deals with those serious pollution incidents. They also have to have a work flow management system. The Environment Protection Authority has increased its audit and review program.

There are a number of other activities that have taken place. Certainly I think that industry has been working quite well with the Environment Protection Authority in terms of their engagement in some of these changes. We have much more interest in terms of how they might respond. It is not just because there is an economic interest in doing that and not because there is a penalty, but because they understand it is the right thing to do. Orica pleaded guilty to every charge that was laid against them in December 2012. Each of the offences carries a maximum fine of \$1 million, so it is significant for that industry. I think they have taken that on board. The Land and Environment Court is having a look at what might come out of that. The Environment Protection Authority has recommended to the court that there might be service orders imposed on Orica.

A number of projects have been put forward so we can get some good environmental outcomes. Sometimes penalties imposed on large companies can be perceived by the community as a slap on the wrist. I am not saying that is the case in this instance, but sometimes that is the case. What we want to do is try to get some environmental outcomes as well on the ground and outcomes for the local community. Orica really was the start of what I think I am quite grateful for because we have ended up in this State with something we should be very proud of—an independent Environment Protection Authority, strong statutory requirements on industry and a number of requirements in terms of pollution reduction. But the other message out of it is that if you are in a large industry and if you are a captain of that large industry, understand the community you work in and live near and make sure that you are responsible as a corporate citizen and communicate with that community, and communicate quickly with them and with the authorities.

The Hon. RICK COLLESS: Minister, I will turn to tourism in national park areas. How has the Government improved tourism opportunities in national parks and reserves?

Ms ROBYN PARKER: Sorry, I have just been told I need to correct what I might have said before in terms of the supplementary pest control program. It is a four weeks minimum notification with 48 hours to neighbours. I think I said 24 hours. It is 48 hours. I think I might have got that incorrect. What was your question?

The Hon. RICK COLLESS: How has the Government improved tourism opportunities in national parks and reserves?

Ms ROBYN PARKER: One of the things that when coming into this position I was aware of, but not as much, is the opportunities that our parks offer for tourism. We know ecotourism is a growing brand, and certainly Australian ecotourism both with Australian and international visitors alike. The National Parks and Wildlife Service really is leading the charge in terms of some of our tourism opportunities. We have a very interactive website. The Government has put a great deal more funding into our website to make sure that people understand the tourism options and opportunities, whether it is staying in a lighthouse or whether it is visiting a park, making sure that people understand just what is out there. If you log onto that website, and it is interactive, you will see that we have spent a lot of money on it, but we now have something like 14,000 bookings for more than 35,500 room nights. That is regional New South Wales quite often. It has generated about \$2.10 million in revenue just since 1 January this year. That is an incredible increase in visitation. The website has had more than a million visits. It is *nationalparks.nsw.gov.au*, if you want to have a look. I know the Hon. Amanda Fazio is probably keen to get out and visit some of our parks, or she should be.

The Hon. RICK COLLESS: She can play some games in there.

The Hon. AMANDA FAZIO: I have already visited lots of national parks, well before you became the Minister.

Ms ROBYN PARKER: Great. The world is coming to see our national parks with the World Park Congress next year—it only happens every 10 years—because they want to see what we are doing. A number of those options are adaptive reuse of our heritage buildings, like our lighthouses. It is something that I think you will hear much more of. I am delighted to see, for example, places like Byron Bay using volunteers and winning tourism awards for what we are offering in our national parks.

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.

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.

Mr BUFFIER: I have just been given a correction—that our Wood Smoke Reduction Program this year is \$590,000, not \$490,000.

Dr MEHREEN FARUQI: Thank you. Can you tell me very quickly what it is earmarked for, what sort of programs, if you have two or three programs?

Mr BUFFIER: A lot of that is for working with local councils and letting them decide what is the most appropriate strategy in their area. Some of that might be around education or encouraging people to replace outdated wood heaters.

Dr MEHREEN FARUQI: Is there a special program for low-income households to be able to do that?

Mr BUFFIER: There is not a special program dealing with it, but we are looking at the question of what are the appropriate standards for wood heaters that should be introduced because you can make very

substantial differences by increasing the stringency of the requirements around wood heaters and have a very significant impact on air quality.

Dr MEHREEN FARUQI: About \$38 million has been allocated in this year's budget to manage pest animals and weeds in national parks. Does that include any funds originally intended for the Game Council?

Ms ROBYN PARKER: I will ask Sally Barnes to answer that question.

Ms BARNES: That budget includes money that was earmarked for the National Parks and Wildlife Service to run the program. It is about \$1 million this year and there is a four-year allocation of \$11 million.

Dr MEHREEN FARUQI: How much of that money has the Government allocated to research into more humane or non-lethal methods of vertebrate invasive management?

Ms BARNES: Of the \$38 million?

Dr MEHREEN FARUQI: Yes.

Ms BARNES: Our scientists, working with the Department of Primary Industries as the lead for invasive species, are always monitoring results. The Department of Primary Industries does that.

Dr MEHREEN FARUQI: None of that money will go towards research?

Ms BARNES: No.

Dr MEHREEN FARUQI: Will the Government reallocate funding for the Game Council to prove an effective and professional invasive species control programs within the National Parks and Wildlife Service?

Ms ROBYN PARKER: I do not have responsibility for the Game Council. The additional funding given to the Office of Environment and Heritage will be used for pest management.

Dr MEHREEN FARUQI: But you said you will be working together. This is an issue that crosses boundaries.

Ms ROBYN PARKER: The Minister for Primary Industries has responsibility for what was the Game Council and what might eventuate out of those changes, so you would need to ask her those questions.

Dr MEHREEN FARUQI: Will you be working with her to secure some of the funding for the effective control of pest species in national parks?

Ms ROBYN PARKER: We will be using the funding that is allocated to the Office of Environment and Heritage for pest management.

Dr MEHREEN FARUQI: What is the budget allocation for training and assessing of volunteer hunters participating in the Supplementary Pest Control Program of the National Parks and Wildlife Service?

Ms ROBYN PARKER: Sally Barnes will answer that question.

Ms BARNES: There was a budget allocation \$11 million over four years for the Supplementary Pest Control Program. At the moment we are finalising the operating conditions for that, and the training and the volunteer management. I can give the breakdown for this year for that program on notice, if you like.

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.

Dr MEHREEN FARUQI: Minister, is there a process underway for expanding the Gardens of Stone National Park, specifically the remaining parts of the Gardens of Stone Stage 2 proposal, as was proposed by the Colong Foundation, the Blue Mountains Conservation Society and the Colong Committee?

Ms ROBYN PARKER: Gardens of Stone is a unique place. Interestingly, Gardens of Stone Stage 1, was declared by the then Minister for the Environment, Chris Hartcher. We are looking at Gardens of Stone Stage 2, in that proposal. I have had a look at some of the landscape there and it is really spectacular. We are making sure that with our additions to our national parks that we look at all possibilities. I do not rule anything out but I will make sure that we undertake a good assessment. The original Gardens of Stone was established in 1994 and has no mining, of course, because it is a national park. The proposal known as Gardens of Stone Stage 2 is something that we are investigating. I have asked the National Parks and Wildlife Service to investigate the reserve proposal. We are looking at possible options and making sure that we protect areas adjacent to the national park. It is spectacular. There are with this proposed park a number of areas that could be subject to coalmining.

Dr MEHREEN FARUQI: That is my next question.

Ms ROBYN PARKER: Those proposals are under consideration by the Minister for Planning and Infrastructure. They include the revised Coalpac Consolidation Project proposal. As with any of those proposals, the Office of Environment and Heritage has input. We are looking to get a good outcome.

Dr MEHREEN FARUQI: I agree that the Gardens of Stone are stunning; it is spectacular natural heritage which is under risk from coalmining. Do you think it is an urgent priority for the Government to move on to stage 2 and expand that park?

Ms ROBYN PARKER: We are looking to get the right balance. As I said, the proposals are currently being considered by the Minister for Planning and Infrastructure. I am sure he is having a good look at all of those issues.

Dr MEHREEN FARUQI: Do you have a time line?

Ms ROBYN PARKER: I am not aware of a time line but I have been working with groups in that area and talking to people in that area and the Office of Environment and Heritage is well engaged under my instruction to have a look at that proposal.

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.

(Short adjournment)

The CHAIR: We will now move to Government questions.

The Hon. RICK COLLESS: Minister, something that is dear to my heart: What is the Government doing to address community concerns regarding the impacts of coal seam gas on the environment?

Ms ROBYN PARKER: I am pleased that the Environment Protection Authority now has a broader role in terms of coal seam gas. The Premier in February announced that the Environment Protection Authority had been a lead regulator of environmental impacts from coal seam gas. We put in amendments to the Act to establish the Environment Protection Authority as that regulatory authority and also the resources behind the Environment Protection Authority to make sure that it does that.

All coal seam gas activities in New South Wales are now required to hold an environment protection licence [EPL] issued by the Environment Protection Authority. Companies have three months to apply for their licence and the new regulatory framework will require high levels of environmental performance from the coal seam gas industry in New South Wales. We have some of the most stringent environmental standards for coal seam gas in Australia but these new reforms will make even tougher environmental rules apply for the coal seam gas industry. It will mean that companies are required to hold an environment protection licence. There will be strict conditions.

The Environment Protection Authority has an additional \$2 million for 2013-14 to make sure that that resourcing is there so that it can manage that expanded regulatory role and it is undertaking a review of existing coal seam gas facilities across New South Wales. That is being undertaken by an expert internal team in the Environment Protection Authority with regional staff. We expect those reviews to be completed by late September this year. Regulation of coal seam gas is not new to the Environment Protection Authority but the changes mean that the Environment Protection Authority will have consistency right across the industry. It is a good framework with the Environment Protection Authority being involved and it is a good solid basis for making sure that we have strong environmental performance at the exploratory stage as well.

The most important thing of course—and we have an aquifer interference policy, as you would be aware—is that important public health, safety and protection of our environmental values are at the heart of all coal seam gas activities. The other thing you would be aware of is that the Chief Scientist, Mary O'Kane, undertook a review of coal seam gas activities. She has released her initial report. I have had discussions with her this week about that report. It recommends in part that compliance with legislation should be rigorously enforced and I do not think anybody would be in dispute with that.

The Environment Protection Authority has a really strong regulatory framework for coal seam gas and I think we are well placed to meet those recommendations. There are further recommendations that the Environment Protection Authority and the Office of Environment and Heritage will consider in relation to regulation that impact on water and data collection and the Government will respond in due course to those recommendations. The Environment Protection Authority has undertaken a number of environmental undertakings with coal seam gas, with AGL, for example, and we are absolutely engaged in terms of what might happen with coal seam gas as we go forward. I think that with having the Environment Protection Authority involved at this point and working with the Chief Scientist we will get some very good outcomes.

The Hon. RICK COLLESS: Still on energy but on a slightly different tack, what is the Government doing to promote clean energy and how will this benefit regional investment in New South Wales?

Ms ROBYN PARKER: One of the things I know that our country members of Parliament are really excited about is the solar flagship proposal, which is a commitment of \$64.9 million for those solar projects. They are in western New South Wales. It means jobs; it means a good clean energy production and it means we will be well on our way to meeting our renewable targets of 20 per cent by 2020. The Government has signed an agreement with AGL, as I said, \$64.9 million of funding. It will be the largest solar power station in the Southern Hemisphere. That will be at Nyngan and Broken Hill and will be in partnership with the Commonwealth Government as part of its Renewable Energy Agency's program, the solar program.

The Hon. Penny Sharpe: Aren't you cutting this under Abbott?

Ms ROBYN PARKER: The power plants will involve around two million panels and cover an area larger the Sydney central business district.

The Hon. PENNY SHARPE: It might well be.

Ms ROBYN PARKER: They will produce approximately 360,000 megawatt hours of electricity and meet the needs of over 50,000 average homes upon completion. By completing these projects the Government is fulfilling its promise to create regional jobs, which will drive economic benefits, particularly in western New South Wales, and it will drive regional investment. I think for Broken Hill and Nyngan that will be a game changer. There is a significant amount of capital expenditure, as I have outlined. It will create 150 jobs in construction in Broken Hill and 300 jobs in Nyngan. That is a significant boost to those economies. It will grow renewable energy generation in New South Wales. It is a great contribution to our renewable energy. The University of New South Wales is going to receive \$19 million from the Education Investment Fund for research into solar power, and construction of that project will start as early as July 2014, finishing by November 2015.

The Hon. RICK COLLESS: Can you tell us what funding the Government has allocated to air quality programs and research this financial year?

Ms ROBYN PARKER: I have been really pleased to open air quality monitoring stations as opposed to the last Government, which closed air quality monitoring stations. We have had an increase. In June I announced \$4 million in funding in this year's budget for projects to improve air quality throughout the State. That is on top of \$2.1 million in operating funds and \$950,000 in capital funds for our air quality monitoring stations. There is a 14 station upper Hunter air quality monitoring network. As I mentioned before, we are looking to establish an expanded network and air quality monitoring in Newcastle. We are looking at air quality monitoring locations across the board working with the community.

As I said before, we announced \$500,000 for a particle characterisation study in Newcastle to determine the major components and source of fine particles. This week the Environment Protection Authority [EPA] held a public meeting with really good and interested community attendance to see what that particle characterisation study might look at and also hear what the community wants to know. We have undertaken a particle characterisation study in the upper Hunter. We will learn from that by looking at harmful effects and making sure that we capture those fine particles that have an effect on people's health. The community wants to know primarily about the cumulative effects of industry, particularly the coal industry in Newcastle.

I am excited that the community is engaged. I have met with a number of key stakeholder groups in the Newcastle area to hear their concerns. They were excited about the particle characterisation study. In fact, one expert, Howard Bridgman, commented at a public meeting that he wished his career was starting all over again because this is an exciting time in the work the EPA is undertaking under our Government in air quality monitoring. We have put \$500,000 into an air pollutant review of priority EPA regulated facilities and \$500,000 for the measurement of coal seam gas fugitive emissions, which is a 12-month study to look at appropriate monitoring methods to determine how that fugitive methane and its emissions might be affected.

We have put \$30,000 into a PM2.5 emissions model for the upper Hunter, and extra funding, we were talking about before, into wood smoke. Of course, wood smoke has quite a big effect on air quality. So the grants this year are targeted at surveys local government might do into smokey chimneys and ways in which different types of fuel can reduce wood smoke. We have also looked at and are working with other Ministers regarding a clean machine program. That is an additional \$300,000 to work with industry and local councils to reduce emissions from diesel machinery right across the board with a range of air quality monitors. As I said, the last Government closed air quality monitors. We have put in new air quality monitors. Most recently I opened an air quality monitor in Wyong.

The Hon. AMANDA FAZIO: You have told us this already, Minister.

Ms ROBYN PARKER: I did not think you were listening.

The Hon. AMANDA FAZIO: I always listen to what you say.

Mr SCOT MacDONALD: She was not.

The Hon. PENNY SHARPE: Have you so little material that you need to recycle it?

The Hon. LUKE FOLEY: I missed it. I am all ears.

CHAIR: Order!

The Hon. LUKE FOLEY: Mr Chairman, my questions all fall under the umbrella of the Environment Protection Authority [EPA]. Therefore, if the witnesses from the Office of Environment and Heritage [OEH] cluster want to take a breather or be excused, the Opposition has no problem with that.

CHAIR: I will leave that to the Minister's discretion.

Ms ROBYN PARKER: I am sure they will be happy to stay.

The Hon. LUKE FOLEY: Minister, you have to excuse my late arrival. I have received only edited highlights of the proceedings before I got here. Earlier this afternoon did you say that the 2011 Orica incident ended up being something quite good because it led to tougher laws? If you said it, do you stand by that claim?

Ms ROBYN PARKER: No doubt you will chop this for your script for television, but one of the claims I made and stand by is that the outcomes regarding Orica by us listening to the community and understanding the failures of your Government in monitoring industry and putting requirements on industry were good because we have strengthened the EPA—it is a stand-alone statutory authority. We have put stronger requirements on industry. Certainly, we have better communication with the local community, which wrote a second submission to the inquiry, of which many of you were part, saying they had not heard from the now Opposition for years.

It is important for a government to take on board outcomes learnt from any incident and deal with them. I remind you that there were no health or environmental impacts from the incident at Orica. We saw a scare campaign by an Opposition desperate for headlines—a campaign that frightened a community. We saw a Government that took action that has had ramifications for industry right across the board. That industry is better for it, the environment is better for it and the State is better by having a strong EPA, certainly those requirements on industry and better communication with the community. You could learn from that. I hope that you do if you ever get into government again.

The Hon. RICK COLLESS: Hear, hear! Well said.

The Hon. LUKE FOLEY: Would you be prepared to travel with me to Stockton to debate in front of the community your claim that the 2011 incident ended up being something quite good?

Ms ROBYN PARKER: I actually live up there, unlike you, who might just turn up for a media opportunity to frighten people. I talk to the people who work in Orica. Many of them live in my community and my electorate. I talk to those who are responsible for our industry in the Hunter. They know how vital those industries are and how good communication with the community is vital. They know also that there is a good understanding and a strong EPA responsible for keeping that industry to task.

The Hon. LUKE FOLEY: Could I ask our representatives from the EPA, either you, Mr Buffier, or Mr Gifford, why you abandoned the prosecution of DuPont concerning the destruction of vegetation in the western Sydney suburb of Girraween?

Mr BUFFIER: Certainly. I will make some introductory comments and I will ask the Chief Environmental Regulator just to cover any areas I do not. The EPA put a lot of resources and effort into the issue with DuPont and the alleged emissions from its operations, which killed a lot of trees and vegetation in the Girraween area. We were always relying on circumstantial evidence. DuPont was very firm in its view right from day one that there were no emissions from its operations whatsoever that would have caused that. We tested samples. We sent samples overseas to be analysed.

As I said, we interviewed many witnesses and had a lot of statements from them. We put a lot of resources into this. Then when we got to court DuPont changed its position from one where it said, "We've never been responsible for any emissions" to one that said, "Well, you can't prove that we caused those emissions at that particular time because we could have done that some other time." The advice we got from senior environmental counsel was that we did not have a very good chance of defending that position. That is my understanding of where we got to. I will ask Mark to elaborate.

Mr GIFFORD: That is quite a precise assessment of both the investigation and the outcome regarding the prosecution. It was probably the largest and most exhaustive investigation we have done for any environmental incident.

The Hon. LUKE FOLEY: But it has ended in failure, has it not?

Mr GIFFORD: What it ended in is a situation in court where through a legal manoeuvre there was an outcome where the Environment Protection Authority was not able to continue to prosecute that case. On the advice of senior environmental counsel we withdrew from the case.

The Hon. LUKE FOLEY: Did you botch the charges you put before the court?

Mr GIFFORD: No, the charges were the appropriate charges to put before the court. The issue came down to essentially the period in which DuPont were putting before the court that they had polluted. The court was not willing to accept an amendment of the charge to cover a broader period that DuPont were alleging that they polluted.

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 Hon. LUKE FOLEY: Could we move on to a matter that has been in the media recently regarding testing of allegedly contaminated soil in Botany.

Ms ROBYN PARKER: I saw that on *Media Watch*. You were a star as I recall.

The Hon. LUKE FOLEY: Is it not the case that several of the 15 samples showed elevated readings, that is readings over the allowable limit, for toxic substances?

Mr BUFFIER: As I indicated to you when I wrote to you on this matter, there were a lot of incorrect statements made in relation to this, some by the *Sun Herald* and some by Mr Andrew Helps. Mr Helps has been raising a number of issues with us exhaustively for a number of months now. He has been very active—active to the point where we have had a lot of Environment Protection Authority resources devoted to an issue where Mr Helps seems to be at odds with most of the rest of the scientific community in Australia in relation to the issue of contamination. We, as a board, have raised this matter on two occasions recently at board meetings. We have been exhaustive in examining the claims that Mr Helps has made because, as you would understand, under the Contaminated Land Management Act 1997 when someone makes an allegation of contamination, we are required—we have a responsibility—to investigate it. We have investigated that exhaustively. The original claims were that there were hexachlorobenzenes [HCB] at very high levels. The initial testing we did tested specifically for hexachlorobenzenes and 94 other substances. The hexachlorobenzenes levels we found were one one-hundredth of the level at which you require reporting.

The Hon. LUKE FOLEY: You did not test for chlorine, did you?

Mr BUFFIER: We have tested for chlorine but not in that. We are comfortable with what the results for chlorine have indicated.

The Hon. LUKE FOLEY: Hexachlorobenzene breaks down over some years to other substances, does it not?

Mr BUFFIER: It certainly does. Mr Helps made that allegation and we have tested for other substances and breakdown substances and not only are we very comfortable but Professor Alison Jones from the University of Wollongong, who is a recognised world expert, and Professor Wayne Smith from Health and the University of Newcastle agree with the assessment that we made of the levels that we found in the tests that we did. The only person who does not agree with us, it would appear, is Mr Andrew Helps. Mr Andrew Helps, to the best of my knowledge—I have not been able to find this out—has no qualifications, has never published in a professional journal and has a business model that relies on recovery of mercury as a business operation.¹

The Hon. LUKE FOLEY: Could I go back to my earlier question? Is it the case that several, or at least some, of the 15 samples that I understand you took showed elevated readings? Is that a correct statement to put to you?

Mr BUFFIER: The elevated readings that we found, which meant that there was a health investigation level required—or they hit that—was in relation to polychlorinated biphenyls [PCB]. We then required Sydney Water to go and do more extensive testing of the water easement site—not the playground, which was not tested at that point—and they found that the PCB levels were comparable to the slightly elevated levels that we found. We then took advice from NSW Health in relation to what should be done in relation to those levels and they found that there was nothing required. The Sydney Water experts also found that there was nothing required to be done in relation to PCB levels except to keep that well grassed because of the nature of it. In doing that more extensive testing Sydney Water found a small patch of another chemical, slightly elevated benzo[a]pyrene, and they are further investigating that.

The Hon. LUKE FOLEY: You talk of polychlorinated biphenyl, is it the case that soil samples 01, 02, 03, 04 and 05 recorded PCB levels above the health investigation level of .06 milligrams per kilogram?

Mr BUFFIER: That is another incorrect statement by Mr Helps. The health investigation level is not .06. What I did indicate is that we did have samples of PCB that were slightly above the health investigation level. That is what we did, we did a health investigation. Is that correct?

Mr GIFFORD: Yes.

The Hon. LUKE FOLEY: The original testing that you engaged in applied health investigation level [HIL] recreational A and the follow-up testing that you asked Sydney Water to conduct followed another standard, namely recreational C, is that correct?

¹ See correspondence from Mr Andrew Helps responding to Mr Buffier's comments made in this transcript. This correspondence is available on the Committee's website, *Budget Estimates 2013-14 Inquiry* page, under the tab 'Other documents'. See: <http://www.parliament.nsw.gov.au/gpsc5>.

Mr BUFFIER: No, it is not correct. They are not standards. They are levels that you apply in relation to the particular circumstance that exists there. In this particular case, for PCBs, it does not matter, because they are both the same level, whether it is A or C. But in this particular case, because the Hillsdale easement is an area that people walk through, but is not residential, it becomes health investigation level C. It is not a matter of what you test against, it is a matter of what you apply for that particular situation. The laboratory tests are the laboratory tests. They are absolute. They are not relative to anything.

The Hon. LUKE FOLEY: The allowable readings for recreational C on some substances are greater than they are at the health investigation level of recreational A?

Mr BUFFIER: Not for PCB.

The Hon. LUKE FOLEY: But for other substances?

Mr BUFFIER: Yes.

Mr GIFFORD: If I could just clarify, it is not recreational A. The first category, A—

The Hon. LUKE FOLEY: Residential A, I beg your pardon. We are talking about residential A and recreational C.

Mr BUFFIER: They are the same for PCB, regardless of which category you use. They are different for some other chemicals.

The Hon. LUKE FOLEY: Is it the case that some of the soil samples recorded chromium levels above the health investigation levels allowable?

Mr BUFFIER: No.

The Hon. LUKE FOLEY: No?

Mr BUFFIER: No.

The Hon. LUKE FOLEY: Mr Gifford?

Mr GIFFORD: Can I just clarify?

Mr BUFFIER: Not for an HIL C.

Mr GIFFORD: That is correct.

The Hon. LUKE FOLEY: Well, wait a minute.

Mr BUFFIER: Not for an HIL C.

The Hon. LUKE FOLEY: Yes, but the initial testing applied residential A and recorded chromium readings—

Mr BUFFIER: No.

The Hon. LUKE FOLEY: —for some soil samples above the allowable limit, did they not?

Mr BUFFIER: Natalie O'Brien applied residential A, and published it.

The Hon. LUKE FOLEY: What did you apply in the first instance?

Mr BUFFIER: We reported the absolute levels. Natalie O'Brien had a copy of that. She applied residential A, as far as I understand. That is incorrect.

The Hon. LUKE FOLEY: Mr Gifford, you never applied residential A whatsoever in any of your testing; is that correct?

Mr GIFFORD: I think there is a misunderstanding about how these levels are used. The levels are not applied in the testing. The testing is undertaken to determine what is in the soil, and then it undergoes analysis in the case of the Environment Protection Authority [EPA], by using the Office of Environmental Heritage National Association of Testing Authorities [NATA] accredited laboratories to undertake that analysis. The results of that analysis are then applied to the context within which the land is currently used or might be future used. The context for that is the various categories about residential, open space, industrial, commercial, and so forth. Then the consideration is about what are the exposure pathways. This is a process that you work your way through in order to determine what are the actual health risks. The issue is really about what are the health risks and, as Mr Buffier said, the outcome of our testing was to then seek the expert advice from NSW Health, and others, about that health risk. In this case that advice was that there was not a health risk.

The Hon. LUKE FOLEY: I understand the concept that you test, you get readings, then you apply the appropriate health investigation level, but is it not the case that for some of the 15 sample sites, some of those were either on or very close to nature strips in front of residences? Is that correct, Mr Gifford or Mr Buffier?

Mr BUFFIER: Yes, some of them were. In fact, the easement itself has houses on either side of it, but what Sydney Water tested was the easement itself, and that is the exposure pathway that we are talking about. We did not test, to the best of my knowledge, any residential block.

The Hon. LUKE FOLEY: Mr Buffier, with respect, I am not asking about the Sydney Water subsequent testing.

Mr BUFFIER: I understand.

The Hon. LUKE FOLEY: I am asking about the initial EPA testing. There were 15 sample sites, were there not?

Mr BUFFIER: Yes, and my understanding is we did not test on a residential block in those 15—did not.

The Hon. LUKE FOLEY: With respect, that is a bit cute. A nature strip might not be formally part of a residential block, but it is immediately in front of a residence, is it not?

Mr BUFFIER: No, it was a bit cute on Natalie O'Brien's part, is my view of the world.

The Hon. LUKE FOLEY: Am I correct in saying that around six of the 15 sample sites were within the easement, or on the edge of the easement, and the remainder were—at least a fair few of them—on nature strips near residences? Is that a fair statement?

Mr BUFFIER: That is a fair statement, but none of them were on residential land.

The Hon. LUKE FOLEY: No, they may just be on the council nature strip in front of a residential block.

Mr BUFFIER: As I indicated before, in relation to PCBs, it does not matter whether it is an HIL A or HIL C, they are the same level.

The Hon. LUKE FOLEY: Well, let us go to the lead readings. Were there some lead readings that recorded above the health investigation level?

Mr BUFFIER: Not per HIL C, no.

The Hon. LUKE FOLEY: But if you applied residential A, they would have been above the health investigation level, would they not?

Mr BUFFIER: The health investigation level is meant to be taken in the context of where you find it.

The Hon. LUKE FOLEY: Indeed. Is it not the case, Mr Buffier, that in saying that because that nature strip is not officially part of a residential block you do not have to apply the residential standard? Is that not short of what the community would expect from the environmental regulator?

Mr BUFFIER: Not given the health investigation levels that are set. As I said, even with the PCBs, they were just marginally above what is the level at which you might investigate further or make an assessment about the health impacts. The health investigation level does not necessarily indicate a health impact per se. It indicates that you need to do an assessment of that situation in order to determine what further action, if any, is required.

The Hon. LUKE FOLEY: Are you playing semantics—

Mr BUFFIER: No, I am not.

The Hon. LUKE FOLEY: —today in telling us that because a nature strip is not within a residential block, it is immediately in front of it, you do not have to analyse the readings against the residential standards?

Mr BUFFIER: No, what I am saying is Natalie O'Brien was deliberately misleading and alarmist in terms of making an assessment about the health risks—

The Hon. LUKE FOLEY: With respect, Mr Buffier—

Mr BUFFIER: —to that community.

The Hon. LUKE FOLEY: —I am not asking you about Natalie O'Brien. If you want to sledge a journalist or peddle a story to *Media Watch*, I suggest you do not do that here—

Mr BUFFIER: Okay.

The Hon. LUKE FOLEY: —but you answer my questions, because she cannot answer for herself.

Mr BUFFIER: I will answer your question: HIL C includes footpaths. Thank you.

The Hon. LUKE FOLEY: So residential standards do not apply to footpaths in front of houses?

Mr BUFFIER: HIL C applies to footpaths.

The Hon. LUKE FOLEY: And the EPA of New South Wales thinks that is an appropriate protection of the community against contaminated soil, does it?

Mr BUFFIER: These are national protocols, which are adopted by all the States in the Commonwealth. They indicate what the health investigation levels should be, and HIL C includes the footpaths.

The Hon. LUKE FOLEY: The Victorian clean fill standards are tougher than the National Environment Protection (Assessment of Site Contamination) Measure [NEPM] standards, so it is available for States to do better than simply meet the NEPM criteria, is it not, Mr Buffier?

Mr BUFFIER: We adopt the national standards because we are part of setting those standards. We are involved in that process and we are very comfortable with those standards.

The Hon. LUKE FOLEY: And you would not want to go any further?

Mr BUFFIER: No, not at all. Health is also part of that process, and I resent the fact that you would imply that I do not have the health of the community as a concern.

The Hon. LUKE FOLEY: You refer in your letter to the community, dated 9 July, to average levels of chromium, lead and mercury.

Mr BUFFIER: Yes.

The Hon. LUKE FOLEY: Can I explore this concept of "average"? Do I take from that that you take the readings from 15 individual samples, add them together, divide by 15, and that gives you the average to which you refer? Is that the correct methodology?

Mr BUFFIER: The average has a 95 per cent confidence limit around it. To ensure that you do not distort the average by sampling 100 sites that you know will be close to zero, the National Environment Protection (Assessment of Site Contamination) Measure requires an examination of individual readings. If any of the individual readings is more than 2.5 times the health limit, it must be investigated. That is the reason we said that Natalie O'Brien and the *Sydney Morning Herald* got it wrong. They were not taking that into account. Mr Gifford spoke to her—

The Hon. LUKE FOLEY: Why are you so hostile to journalists who question your methodology?

Mr BUFFIER: I am not hostile to journalists; I am hostile to incorrect reporting.

The Hon. LUKE FOLEY: Does the Environment Protection Authority have a glass jaw?

Ms ROBYN PARKER: Why are you so desperate to scare another community?

The Hon. TREVOR KHAN: Point of order: This has gone well, but Mr Foley's temperature is rising.

The Hon. AMANDA FAZIO: What is your point of order?

CHAIR: Do you wish to speak to the point of order?

The Hon. AMANDA FAZIO: He has not raised a point of order. He is just waffling.

The Hon. TREVOR KHAN: Mr Foley should allow Mr Buffier to complete his answer before he jumps on him.

CHAIR: Members of the Committee should allow witnesses to complete their answers.

Mr BUFFIER: One of the issues for the Environment Protection Authority is ensuring that we apply our resources to the high-priority areas that will impact on human health and environmental pollution. If people make allegations that are not substantiated by the experts we consult, as I have already said—

The Hon. LUKE FOLEY: You will go after them, will you?

Mr BUFFIER: We put a lot of resources into this issue and it is taking resources away from areas that could have a much better impact.

The Hon. LUKE FOLEY: You might have had some success at Girraween perhaps. I refer again to the concept of averaging. Is it not true that when you average out the results from 15 different sample sites, lower results from some sample sites will dilute the results from those sample sites with elevated readings?

Mr BUFFIER: That is exactly what I said. I agree. That is the reason there is another criteria that says individual readings, regardless of the average—you have to pass that test to start with—cannot be more than 2.5 times that figure in order to stop people diluting averages with a heap of low-level samples. If you trigger that 2.5 times you need to do a health investigation.

The Hon. LUKE FOLEY: But when children play in a playground and ingest soil through their fingernails they do not ingest an average sample, do they?

Mr BUFFIER: No, and that is taken into account when the National Environment Protection (Assessment of Site Contamination) Measure sets the average standards. The average is not set right on a level that will cause health problems; it is set given all the conditions that apply to it. The National Environment Protection (Assessment of Site Contamination) Measure requires not only that you meet an average but also that you meet a level that does not exceed the average by a large amount. That figure is set at 2.5 times. You lower the average to make that allowance.

The Hon. LUKE FOLEY: First, did you not rely on average results and not tell the community about the hotspots and, secondly, apply a lower standard—that is recreational C rather than residential A—so that you could deliver the news that everything is hunky-dory? You did those two things, did you not?

Mr BUFFIER: Absolutely not.

Ms ROBYN PARKER: Botany Bay City Council—I am sure you know the mayor—commissioned an investigation because you had people out there raising alarms and concerns.

The Hon. LUKE FOLEY: They are local residents. Do you want to visit the local residents with me?

Ms ROBYN PARKER: The council commissioned consultants to investigate the playground. The report concluded that the surface soils on the Grace Campbell Reserve do not contain levels of environmental contaminants that would be considered to pose a potential health risk to park users.

The Hon. LUKE FOLEY: Perhaps contaminated soil is something quite good for the people of Botany, too.

CHAIR: Thank you Minister and members.

(The witnesses withdrew)

TRACEY ANN AVERY, Director, Heritage Division, Office of Environment and Heritage,

TERENCE GERARD BAILEY, Deputy Chief Executive, Regional Operations Group and Heritage Division, Office of Environment and Heritage,

SALLY BARNES, Chief Executive, Office of Environment and Heritage, and

OWEN WALKER, Director, Finance, Office of Environment and Heritage, on former oath:

CHAIR: We will now move to the portfolio of Heritage. The Government has agreed to forgo its allotted time, which will truncate the proceedings. We will have 20 minutes of questions by the Opposition and 20 minutes of questions by the crossbench. We will commence with questions by the Opposition.

The Hon. AMANDA FAZIO: Minister, you would agree that the Heritage Council's role is absolutely vital in assessing the development of State significant buildings, would you not?

Ms ROBYN PARKER: I think the Heritage Council plays a vital role in preserving the heritage of New South Wales.

The Hon. AMANDA FAZIO: You would also agree, given the amount of money tourist-based development brings to the State, that the Heritage Council should be given time to assess these developments and to work on negotiated outcomes with developers when there may be concerns about impacts on heritage. Do you agree with that?

Ms ROBYN PARKER: The Heritage Council is given time to investigate and undertake assessments, I am not sure where you are going or what timing you are talking about.

The Hon. AMANDA FAZIO: If you agree with those two propositions would you then disagree with the planning white paper—

Ms ROBYN PARKER: No, I said I am not sure what you are talking about with timing.

The Hon. AMANDA FAZIO: So you disagree with the planning paper, which bizarrely asserts that the Heritage Council takes too long to assess State important heritage developments? Do you agree with that or not?

Ms ROBYN PARKER: We are at a point with the planning white paper and draft legislation that we need to have a look at the whole of planning. The whole idea is to have a look at planning across the spectrum and so in terms—

The Hon. AMANDA FAZIO: Minister, my question is not about—

Ms ROBYN PARKER: I am sorry but you are not on the set of *Law and Order*. If you ask a question I will answer it, given the time.

The Hon. AMANDA FAZIO: Only if you are answering the question that I asked you. In the planning white paper it asserts that the Heritage Council takes too long to assess State important heritage developments. Do you agree with that assertion in the white paper or not?

Ms ROBYN PARKER: I think that you are making assertions and taking sections out and talking about things that really are about long-term discussion, an involved discussion, about planning and how we look at heritage. The new planning system includes in its objects the conservation and sustainable use of built and cultural heritage. I do not know what part of that does not look at heritage.

The Hon. AMANDA FAZIO: Thank you for that answer, which did not address the question I asked you, but I will move on. Minister, you would be aware that Sam Haddad from the Department of Planning and Infrastructure has had to admit, following a complaint from the Better Planning Network, that there are critical issues for heritage under the new planning legislation, especially because the draft legislation clearly takes away the Heritage Council's role in assessing developments around State significant heritage buildings and gives it to

the Director General of the Department of Planning and Infrastructure. Are you aware of that? Do you think that is appropriate?

Mr SCOT MacDONALD: Point of order: I realise there is a bit of crossover but a question is being asked here about an officer of a different department.

The Hon. AMANDA FAZIO: That is not a point of order.

The Hon. RICK COLLESS: It is not for you to rule on.

The Hon. AMANDA FAZIO: I am speaking to the point of order. It is not a point of order; it is a debating point.

CHAIR: I do not uphold the point of order.

Ms ROBYN PARKER: The new planning system, the discussion, is a matter about which all departments and the community are involved in consultation, and that includes the Heritage Council. I cannot speak for the Director General of Planning in terms of what he may or may not have said or done but certainly I know that the Heritage Council and we, as the Office of Environment and Heritage, and the Heritage Division are very engaged in making sure that heritage protections are recognised and in place in the planning legislation. We are at a point where that discussion and decision-making is being worked out. There are 4,500 submissions to the planning white paper and those will be looked at.

The Hon. AMANDA FAZIO: Minister, that is not the question that I asked you. If you are not aware of Mr Haddad's comments I will move on to another question.

Ms ROBYN PARKER: You are not doing so well so far.

The Hon. AMANDA FAZIO: That is not for you to judge. Minister, will you give an undertaking today that the planning exposure bill will be changed to ensure that the Heritage Council remains the approval body in assessing developments for heritage buildings?

Ms ROBYN PARKER: I have said already, and I repeat, that we are working, as all departments are, collaboratively to get some good outcomes and that includes on heritage. That includes the Heritage Council, the Office of Environment and Heritage, senior officers working in terms of planning implementation and these changes, looking at the 4,500 submissions and making sure through all of those processes that the existing level of protection for heritage will be maintained, although the mechanism at this point is what we are discussing.

The Hon. AMANDA FAZIO: So you will not give an undertaking on that.

Ms ROBYN PARKER: Yes, I did. I have given an undertaking that we are working at officer level, at departmental level and at ministerial level to make sure that we get the right protections in place for heritage. What other undertaking would you expect from the Minister for Heritage—in fact, the first heritage Minister in more than 20 years? You did not even have one.

The Hon. AMANDA FAZIO: I would expect an undertaking that is clear and you have not given that today. I will move on to another question. You may be aware that the *Australian* newspaper recently reported that your Government is doing the equivalent of selling the Crown jewels, spruiking the Department of Lands and the Chief Secretary's building on Macquarie Street to overseas investors. Will you give an undertaking that any developments on these buildings will be fully assessed by the normal Heritage Council process?

Ms ROBYN PARKER: These are State heritage listed buildings so the appropriate protections are in place with those heritage listed buildings no matter where they are and the purpose they are used for. Those protections will not be compromised in the sale of those buildings because the Heritage Act controls the way in which those buildings can be used. The new owners would have to abide by those heritage controls and those buildings will have conservation management plans intact with them. But the use of old buildings is important and certainly with heritage buildings we know that the best thing you can do, while protecting the fabric of that heritage building, is to use it appropriately and use it well.

The Hon. AMANDA FAZIO: But I was asking you to give an undertaking that any developments on these buildings will be fully assessed by the normal Heritage Council process—that is, the current process; not any weakened process that comes out of the review of the planning system. Can you give that undertaking? Yes or no will do.

Ms ROBYN PARKER: We have what is called a Heritage Act and those controls in the Heritage Act apply. I am the Minister for Heritage and there is no change in that. Certainly those buildings that are State heritage listed will have a conservation management plan. They will have the protections that are currently in place, the controls that are currently in place, nothing will change with that. Their significance in Sydney's history and in Australia's history will not change. They may be adaptively reused. Some of them are currently used for departmental use and were under your Government.

The Hon. AMANDA FAZIO: I am aware of that. Given that all heritage protection for some of Australia's most important heritage at Thompson Square and Windsor Bridge were turned off because the Windsor Bridge replacement project was deemed to be State significant infrastructure, I think you can understand why people are a bit sceptical about your protecting the heritage of New South Wales. Given the heritage values of these two areas, will you give the Committee an assurance that the Department of Lands building and the Chief Secretary's building will not be deemed State significant development or State significant infrastructure so that the Heritage Act and heritage considerations cannot be overridden?

Ms ROBYN PARKER: I have given an answer to this. I have given repeated answers. I know that you have difficulty understanding that. I can repeat the answer, if you would like me to.

The Hon. AMANDA FAZIO: I do not have any difficulty in understanding that you are evading giving a direct answer to the questions you are being asked. If that is the best you can do then I will now move on to—

Ms ROBYN PARKER: Okay, here is the answer again.

The Hon. AMANDA FAZIO: I will now move on to—

Ms ROBYN PARKER: Any sale of these buildings will not comprise their significance to Sydney and the State and Australia because the Heritage Act controls will continue to apply.

The Hon. AMANDA FAZIO: I know that, Minister.

Ms ROBYN PARKER: Any future owners will have to apply—

The Hon. AMANDA FAZIO: Minister, will you give the Committee an assurance—

Mr SCOT MacDONALD: Point of order: I understand the argument is robust, but the Committee member is a serial interjector. Surely the Minister has to be given the chance to answer.

CHAIR: There is no point of order.

The Hon. AMANDA FAZIO: I did not ask her to read that out for the second time. I asked her to give us an assurance that those protections she is referring to—

Mr SCOT MacDONALD: Point of order: My point of order is about allowing the Minister to answer the question.

The Hon. AMANDA FAZIO: She is not answering the question. I did not ask her that question.

CHAIR: I uphold the point of order. I point out to all members that the witnesses must be allowed to answer questions in the manner they see fit. However, witnesses should not deviate too far from the root of the question that has been asked. Minister, if you wish to continue with your concise answer please do so. Otherwise Ms Fazio can move on to another question.

Ms ROBYN PARKER: I am confident that our Government can protect heritage and will continue to protect heritage. Certainly, we understand the significance of those buildings to Australia's history. I am very

confident of that. I am the first heritage Minister for 20 years. The former Government only ever had one, for 21 months. I do not think they are in any position to criticise this Government and our controls for the protection of heritage.

The Hon. AMANDA FAZIO: What I was saying—what you seem incapable of grasping—is that, by somebody other than the heritage Minister deeming these projects to be State significant developments or State significant infrastructure, all the State's heritage protections can be overridden. You will not give a guarantee that that will not happen. That is what has happened in Thompson Square and at Windsor Bridge. I will turn to the still-very-controversial project—it is so controversial we have a documentary maker here today looking at it.

Ms ROBYN PARKER: You think you are on the set of *Law & Order*.

The Hon. AMANDA FAZIO: If you feel like a criminal that is your problem! Minister, you would know of the huge opposition to the Windsor Bridge replacement project, and that around 800 people attended a rally to save Thompson Square in July. The National Trust, the Heritage Council and the Federation of Australian Historical Societies, as well as the environmental impact statement for the Windsor Bridge replacement project—

The Hon. TREVOR KHAN: Point of order: It is a point I made earlier. I concede that there is an allowance for some preliminary observations but the member is engaging in the making of a speech as opposed to asking a question.

The Hon. PENNY SHARPE: To the point of order: There is no time limit on members of the Committee to ask a question. If we are in the same position as we are in the House—which I ask you to clarify—we have up to a minute to ask questions, if there is indeed any time limit.

CHAIR: I do not uphold the point of order but I ask the Hon. Amanda Fazio to get to the question as quickly as she can.

The Hon. AMANDA FAZIO: I have referred to all the organisations that agree that the project will have a major and devastating impact on the heritage values of Thompson Square. What representations in the last six months have you made to the Premier and to the Minister for Planning and Infrastructure about the major loss to heritage at Windsor that would be caused by this project?

Ms ROBYN PARKER: The interesting thing about this, and your previous line of questioning, is that you are criticising State significant infrastructure provisions, which were a hallmark of your Government. Certainly this is one of those State significant infrastructure provisions that were brought in under your Government. I am aware of Thompson Square. I have been out and looked at Thompson Square. I have talked to a number of people about Thompson Square. It is listed on the State Heritage Register. It is currently being assisted by the Department of Planning and Infrastructure because approval for the project is under the State significant infrastructure provisions, which will suspend the operation of the Heritage Act—something that your Government is responsible for.

Mr DAVID SHOEBRIDGE: You remade the laws.

Ms ROBYN PARKER: The Roads and Maritime Services has consulted with the Heritage Council about the heritage impacts on the new bridge and how its approaches might be mitigated. The Department of Planning and Infrastructure is undertaking a number of independent reviews, including a heritage review. The Heritage Council will comment on those reports. If you have further questions about this bridge you need to talk to the Minister for Roads and Ports.

The Hon. AMANDA FAZIO: You say you do not have any further responsibility. Minister, are you aware—

Ms ROBYN PARKER: At this point, the Minister for Roads and Ports has responsibility. It is being reviewed by the Department of Planning and Infrastructure under the State significant infrastructure provisions. There is a process in place. Certainly the Heritage Council will have more to say.

The Hon. AMANDA FAZIO: You say that there is a process in place. Are you aware that Roads and Maritime Services has let contracts already for traffic management, bridge spans and cranes for Windsor Bridge, pre-empting the approval process that you are talking about?

Ms ROBYN PARKER: I think you need to talk to the Minister responsible.

The Hon. PENNY SHARPE: Have you spoken to the Minister responsible, given the importance of this issue?

The Hon. TREVOR KHAN: Point of order: We seem to have to a tag team attack on the Minister.

The Hon. AMANDA FAZIO: There is nothing to stop that, Mr Khan. So mind your own business and stop wasting Opposition question time.

The Hon. TREVOR KHAN: The Minister is entitled to answer the question without being interrupted by two people as opposed to one.

CHAIR: There is no point of order, but I will remind members that the witness must be allowed to answer the question. Members should not interrupt other members.

The Hon. AMANDA FAZIO: Are you aware of two recent developments in relation to Thompson Square and Windsor Bridge. First, the Deputy Prime Minister has written to the Minister for Roads offering to give half a million dollars towards an independent study to consider alternative solutions to the current proposals so that heritage is saved. Also, the Federal Leader of the Opposition has given a personal undertaking to talk to the State Government about this issue. Given that these two things have happened, what are you going to do to try to save the heritage now that the Federal Government and the Federal Opposition are both offering to provide some solution to this problem?

Ms ROBYN PARKER: As I said before, it is being undertaken by the Department of Planning and Infrastructure. I am delighted that everybody is enthusiastic about maintaining our heritage, as I am. We will see the outcome of the Federal election and talk with the Government of the day. The Government is currently in caretaker mode but we will certainly be working with the relevant Ministers who have responsibility in this process and see what outcome can be delivered. I am delighted that everybody is engaged in protecting our heritage and understanding the challenges that this presents.

The Hon. AMANDA FAZIO: I do not know that that will give any satisfaction to people who are concerned about heritage in Thompson Square and Windsor Bridge. We will now move on to another group of people who are unhappy about a proposal relating to Challoner House at Mittagong, which was formerly the Renwick children's home. Two weeks ago you received urgent correspondence from Leeallison Downer—who is here—from the Renwick group, Wingecarribee Council, and the Opposition's Barbara Perry asking you to put an urgent interim order on Challoner House, which is part of the historic Renwick State Ward's Home in Mittagong and under threat of demolition by the owner, the Department of Family and Community Services. You only answered the shadow Minister yesterday. In your answer you said that it is not necessary to impose an interim heritage order because the matter is now before the planning Minister. But the planning Minister can reject the joint regional planning panel's recommendation to retain the building. What are you going to do to save it? It is too late after the Minister—

Ms ROBYN PARKER: No, it is not.

The Hon. AMANDA FAZIO: So you are going to wait and see what the Minister for Planning and Infrastructure does.

Ms ROBYN PARKER: Another Minister has responsibility.

The Hon. AMANDA FAZIO: Have you made representations to the Minister for Planning and Infrastructure about this matter?

Ms ROBYN PARKER: Another Minister has responsibility at this point in time for this project. It is not too late; it is not under imminent threat. Certainly I have received requests, and responded to those requests. This is being reviewed by the Hon. Brad Hazzard, who is the Minister for Planning and Infrastructure. I know

that the Southern Joint Regional Planning Panel has made a recommendation to the Minister. I am sure he is taking that recommendation on board in making his decision. The recommendation is that the current development application to demolish the house be refused. We are waiting to see what the Minister says. At this point an interim heritage order is not necessary. The property is not at high risk while the Minister is making his decision.

The Hon. AMANDA FAZIO: Minister are you saying that if the Minister for Planning and Infrastructure were to overturn the recommendation of the Southern Joint Regional Planning Panel then you would put an interim order in place?

Ms ROBYN PARKER: I am saying that it is a hypothetical question. We will wait and see what the Minister says and then we will make a decision about what action may or may not be taken as a result of what he might decide. He may agree with the Southern Joint Regional Planning Panel. We will wait and see what the Minister decides. Hon. Amanda Fazio, I think you are at the wrong estimates hearing because you really should have been at the estimates hearing where Minister Hazzard was appearing.

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.

The Hon. AMANDA FAZIO: Minister, will you fund a heritage assessment of the building and ensure that the building will not be demolished.

Ms ROBYN PARKER: Mr Chair, I am sorry that I have to keep repeating my answers because the Member keeps asking the same question.

The Hon. AMANDA FAZIO: Minister, I have not asked you about heritage assessment yet. That is the first time, Minister. I think you should listen a bit more carefully.

Ms ROBYN PARKER: The answer is that we will wait and see what Minister Hazzard's assessment is of this position and then we will take a course of action. There is no point answering a hypothetical question from you on this.

The Hon. AMANDA FAZIO: Minister, you still have not replied to Leeallison Downer, who is representing the Renwick group, or set up a meeting with her group. You have told her that your office is too busy to do so at present. If your office is too busy to do that then how did your staffer Michael Duffy have the time last Wednesday to ring up June Bullivant, Chair of the Greater Western Sydney Heritage Action Group, to query her on who are the principal members and who are the associate members of her group? Was that because her group is trying to fight the loosening of heritage protections under your regime?

Ms ROBYN PARKER: You have made a number of assertions in that question. Certainly requests to meet with me are met enthusiastically. If I do not have time to meet people then other people from my office will meet with people. I have not told any group that I am too busy to meet them. That is an incorrect assertion, and I think you should withdraw that sort of allegation.

The Hon. AMANDA FAZIO: I am not going to withdraw it, Minister.

CHAIR: Order! The time for Opposition questions has concluded.

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.

Mr DAVID SHOEBRIDGE: I appreciate that. I am quite certain that Leeallison Downer and the Renwick association will continue to contact your office until they get that meeting. I have found them to be worthwhile to listen to.

Ms ROBYN PARKER: I will be delighted to meet with them and I have not refused to meet with them.

Mr DAVID SHOEBRIDGE: I accept that. Are you aware that Thompson Square is the oldest public square in Australia?

Ms ROBYN PARKER: Yes.

Mr DAVID SHOEBRIDGE: In fact, it is part of that wonderful vision that Governor Macquarie had for one of the Macquarie towns. You would have to accept that it is a key part of our heritage, not just the heritage of New South Wales but the heritage of Australia?

Ms ROBYN PARKER: Yes.

Mr DAVID SHOEBRIDGE: Therefore, you must be troubled by the fact that the heritage protection provisions have been turned off because this is about State significant infrastructure. Even if we do have a heritage Minister, you, your offices and the Heritage Council of NSW cannot make the decision to protect that heritage—that has been handed over to the Minister for Planning and Infrastructure. That must trouble you, Minister, when you sit there with your heritage hat on.

Ms ROBYN PARKER: That is certainly something we have inherited, and we are making changes to the planning system. So we can only take that on board and make sure that we have an understanding of how that might be improved. It sounds from what Hon. Amanda Fazio was saying that the Federal Government and the Federal Opposition are prepared to get involved in this issue. So there are a lot of people prepared to have a look at this. It is with other Ministers at the moment. I am happy to continue talking with them, but I do not have responsibility, as you have outlined, under State significant infrastructure at this point.

Mr DAVID SHOEBRIDGE: I accept that the previous Labor Government did appalling things on heritage under part 3A of the Environmental Planning and Assessment Act, such as turning off the heritage controls. But the problem here is that your Government passed legislation that remade all those controls for State significant infrastructure. So it is actually Coalition legislation that has turned off your power as the heritage Minister, and the power of the Heritage Council of NSW, to refuse approval for the destruction of this heritage area. What are you doing as Minister, now that your Government has turned off the heritage protections, to protect this precious piece of our heritage?

Ms ROBYN PARKER: It is at the stage where another Minister has responsibility for assessing that development—with input from the Heritage Council of NSW, from the community and from other Ministers including the Minister for Roads and Ports. There are a lot of people involved in this particular issue. Now I hear that the Federal Government and Federal Opposition are involved in this issue. Let us all keep talking and see where this issue in general, and in particular the outcome for Thompson Square, concludes. I note that this started because there is an issue with the bridge that exists there at the moment. It is a balancing act. Through the Heritage Council of NSW, we are certainly actively involved.

Mr DAVID SHOEBRIDGE: Minister, I am continuing to ask you questions about this because it is so important. Has your office or your department made a representation to the planning Minister about the heritage

significance of Thompson Square? Is there something in front of the planning Minister now from your office or your department that sets out how important the heritage is so that he has that information?

Ms ROBYN PARKER: Certainly, through the Heritage Council of NSW.

Mr DAVID SHOEBRIDGE: Does that though have the support of your office? That is the question I am asking. Does your office support what the Heritage Council of NSW has said?

Ms ROBYN PARKER: The appropriate mechanism has been through the Heritage Council of NSW.

Mr DAVID SHOEBRIDGE: And you know that the Heritage Council of NSW is dead against the Government's proposal—I see Ms Barnes nodding.

Ms ROBYN PARKER: Yes.

Mr DAVID SHOEBRIDGE: Do you support the position of the Heritage Council of NSW as the Minister for Heritage?

Ms ROBYN PARKER: The Heritage Council of NSW is a statutory authority and it has put its view forward—and stridently so. It has made a submission and we will see where this ends up.

Mr DAVID SHOEBRIDGE: That is why I am asking you about this now as the elected representative. As you say, and it is great to see, you are the first Minister for Heritage for decades in New South Wales. But as the Minister for Heritage are you going to stand up now and support this key part of New South Wales heritage and support the submission that your own Heritage Council of NSW has made to protect Thompson Square?

Ms ROBYN PARKER: The Heritage Council have their views, and in this case they are opposed to the changes. That is the mechanism, and I have gone through the process and the point where we are at at the moment. It looks to me as though it is some way off a final conclusion, in spite of what Hon. Amanda Fazio says.

Mr DAVID SHOEBRIDGE: Key Federal politicians—the Leader of the Opposition, no less, and the Federal Minister for Infrastructure and Transport—have come forward as elected representatives and made their position clear that they want to see this protected in part. You, though, are the Minister for Heritage, with key responsibility in this area. I am just asking you: What is your view? Do you agree with the Heritage Council of NSW? Should the heritage be protected?

Ms ROBYN PARKER: My personal view is not important in this issue: It is about what the Heritage Council of NSW have recommended. The Heritage Council of NSW have made recommendations. As a Government, we continue to talk with all Ministers around the table about State significant infrastructure. That is how our Government works. It is the responsibility of another Minister at this point in time. I am delighted that the Federal Government and the Federal Opposition are interested in and involved with this issue.

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.

Mr DAVID SHOEBRIDGE: Minister, the planning white paper—and I think it is clause 6.12 of the planning white paper—proposes to turn off the power of the Heritage Council to grant or refuse approvals for destruction of heritage items under the Heritage Act. The Director General Of Planning, Mr Haddad, has said, in effect, that that drafting does not accord with government policy and it was not intended. Can you say what the government policy is in terms of retaining the Heritage Council's power to grant or refuse approvals under the Heritage Act?

Ms ROBYN PARKER: David, I do not think you were here before when we were discussing this.

Mr DAVID SHOEBRIDGE: I was; I was with Ms Fazio.

Ms ROBYN PARKER: We are robustly involved in discussions on the planning white paper, we are robustly involved in making sure that heritage and sustainable use of built and cultural heritage is maintained.

Mr DAVID SHOEBRIDGE: But what I am asking you about is the draft now, because the draft does not do that. The draft that has been put out—it must have gone through Parliamentary Counsel—does not protect the Heritage Council's role; it actually hands it over to the director general of planning.

Ms ROBYN PARKER: We are actively involved at senior officer level, at ministerial level, in ensuring that we get the right outcome in terms of heritage. It is a discussion—

Mr DAVID SHOEBRIDGE: This is what people want to know: They want to know they have a heritage Minister in the corner of heritage fighting to keep the Heritage Council's powers and not have them watered down in the white paper. Is that what you are fighting to do?

Ms ROBYN PARKER: I certainly do not want any watering down of heritage protections. You have my assurance that we are actively and robustly engaged in discussion in this space, as are the Heritage Council and I think people broadly across New South Wales, to make sure that we have the right protections in place.

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.

Mr DAVID SHOEBRIDGE: You would have been aware of the Auditor-General's report on the management of historic heritage in national parks and reserves.

Ms ROBYN PARKER: Yes.

Mr DAVID SHOEBRIDGE: You must have been deeply disturbed to see the slide in the protection of heritage within national parks in New South Wales?

Ms ROBYN PARKER: Well no, I totally disagree that there is a slide in protection of our heritage properties. I think the Auditor-General quite rightly pointed out how many—

Mr DAVID SHOEBRIDGE: It predates your time in office. Between 2005 and 2010 the proportion of sites that have been regarded as excellent have fallen from, I think, 23.5 per cent to 7.8 per cent and the proportion of sites whose protection is regarded as fair or poor has risen dramatically from 9.6 per cent to one-third.

Ms ROBYN PARKER: I think what he identified is what we know: that the National Parks and Wildlife Service has responsibility for a vast array of heritage properties. So the way to approach that—

Mr DAVID SHOEBRIDGE: Eleven thousand I think are listed.

Ms ROBYN PARKER: Yes, 11,000 heritage items. That ranges from forts to cabins to bridges to more significant items like lighthouses—

Mr DAVID SHOEBRIDGE: The Great Northern Road, et cetera.

Ms ROBYN PARKER: Exactly. So it is a huge task, and what we will be doing under management with the Heritage Division is making sure that we look after the most significant places in a strategic way, and we address the best ways of doing that—whether that is adaptive reuse or how we might approach that or, in some cases, how we might interpret that heritage. It is fair to say that the last Government took over lots of properties and then left them. Stations were taken over into national parks and then heritage buildings were just left—no plan in terms of how to manage some of those heritage buildings. But we have some absolute standout work being done by National Parks with our heritage buildings. We have Audley Dance Hall, we have work with lighthouses and we have Q Station—some great examples of what can be done.

Mr DAVID SHOEBRIDGE: What the report says is there are a number of individual examples where National Parks is doing the right thing, but they say, "The management of the heritage asset base is not guided by a clear set of agency-wide objectives or priorities". What have you done since receipt of that report to put in place those agency-wide objectives or priorities?

Ms ROBYN PARKER: We are working very carefully through that report and we will respond to that report. He notes that we are looking at a more than \$30 million cost in terms of maintenance for those historic heritage items. We will develop a statewide strategy in terms of preservation and conservation of those items. I will have some news soon in terms of funding that might be used in terms of heritage right across the State and I think you will see that we really are determined to make sure that we do this well.

Mr DAVID SHOEBRIDGE: I do not mean to put words in the Auditor-General's mouth but in part what he was suggesting in his report was that he had not got enough money to cover all the heritage; you are going to have to focus on protecting some and letting some others deteriorate. I think that is a fair general summary of what the Auditor-General said. What community consultation are you going to engage in if you go down that path and make those kinds of selections? Because people would hate to see their local heritage underfunded and left to rot.

Ms ROBYN PARKER: It depends on what it is that is decided. For some properties it may be about interpretation and the community might be comfortable with that. But whatever we do on a national park is about consultation. So a plan of management looks at how properties might be best used and what the community thinks and says should be done. If it is an interpretation or if it is an adaptive reuse the community is involved in that. We have a great record of volunteers being involved across our properties. Some of them may

want to take on properties and maintain them working in partnership. We will have those conversations, but he rightly identifies the challenge and I rightly feel we are up to that challenge in terms of the strategic plan.

Mr DAVID SHOEBRIDGE: When are going to see the strategic plan and a formal response to the Auditor-General's report?

Ms ROBYN PARKER: I think we will take some time to respond appropriately and properly to the Auditor-General's report, and we are developing the strategic plan alongside that. Dr Avery was appointed with that view in mind. She might want to make some comments, although she has only been in the job for seven weeks.

Mr DAVID SHOEBRIDGE: Just in time to get the Auditor-General's report.

Dr AVERY: In response to the Auditor-General's report and the fact that there is a Minister for Heritage for the first time in many years, my first task is to produce a heritage policy for New South Wales. It will be a comprehensive policy and it will involve consultation with key stakeholders, the community and other key agencies. The Government will be seeking views on how best to—

Mr DAVID SHOEBRIDGE: But you are not going to put off responding to the deterioration of national park assets until the end of the development of that policy, are you?

Dr AVERY: No.

Mr DAVID SHOEBRIDGE: I am seeking some guidance about the time frame for responding to this specific report and getting that strategic plan for heritage assets.

Ms ROBYN PARKER: Ms Barnes might be able to give you the overall view of the Office of Environment and Heritage on that response.

Ms BARNES: We are responding immediately. We have a program called the Heritage Revitalisation Program. It talks about looking at where we can revitalise heritage through adaptive reuse or other measures. We are also realigning the structure within national parks so that historic heritage is a key deliverable across the organisation. That said, we often inherit heritage items that are not in tip-top condition. It is not as though they came in shining and they have run down. We have to make hard decisions about what is the most significant, what we must keep and how we manage the others. That is particularly so from a visitor safety perspective. We are already working on a prioritisation within national parks.

Mr DAVID SHOEBRIDGE: What is the time frame?

Ms BARNES: I think there was a time frame in the Auditor-General's response. We are working towards that.

CHAIR: We are out of time. Minister, I thank you and your advisers for agreeing to come here today. As I said before, the House has resolved that answers to questions on notice should be provided within 21 days of you receiving them.

Ms ROBYN PARKER: Thank you.

(The witnesses withdrew)

The Committee proceeded to deliberate.