

# **GENERAL PURPOSE STANDING COMMITTEE NO. 5**

**Friday 4 September 2014**

**Examination of proposed expenditure for the portfolio areas**

## **THE ENVIRONMENT, HERITAGE**

**The Committee met at 2.00 p.m.**

### **MEMBERS**

The Hon. R. L. Brown (Chair)

The Hon. R. H. Colless  
Dr M. Faruqi  
The Hon. T. Khan  
Mr S. MacDonald  
The Hon. M. Pearson

The Hon. P. G. Sharpe  
Mr D. M. Shoebridge  
The Hon. M. S. Veitch (Deputy Chair)

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### **PRESENT**

**The Hon. Mark Speakman**, *Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning*

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## **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:** Good afternoon, ladies and gentlemen. Welcome to the public hearing for the inquiry into budget estimates 2015-16. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay respect to the elders, past and present, of the Eora nation and extend that respect to other Aboriginals present. I welcome Minister Speakman and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio areas of Environment and Heritage.

Today's hearing is open to the public and is being broadcast live on the Parliament's website. In accordance with broadcasting guidelines, while members of the media may film or record Committee members or witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing. I urge witnesses to be careful about any comments they may make to the media or to others, after or before giving evidence, as such comments would not be protected by parliamentary privilege. Guidelines for the broadcast of proceedings are available from the secretariat at the side table.

Minister, there may be some questions that you or your colleagues could not answer without certain documents to hand or because of the circumstances. Under those circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days of having received that question in writing. Any messages from advisers or members' staff seated in the public gallery should be delivered through the Chamber and support staff or the Committee secretariat. Just signal and the staff will take notes to you. Minister, I remind you and the officers accompanying you that are free to pass notes and refer directly to your advisers seated at the table behind you. Transcripts of this hearing will be available on the web from tomorrow morning. I ask that all mobile phones be switched off. Members, witnesses and those in the gallery, no mobile phones, please.

All witnesses from departments, 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.

**BARRY DESMOND BUFFIER**, Chair and Chief Executive Officer, New South Wales Environment Protection Authority, sworn and examined:

**TERRENCE GERARD BAILEY**, Chief Executive, Office of Environment and Heritage, affirmed and examined:

**CHAIR:** I declare the proposed expenditure for the portfolio areas of Environment and Heritage open for examination. As there is no provision for a Minister to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

**The Hon. PENNY SHARPE:** Good afternoon, Minister.

**Mr MARK SPEAKMAN:** Good afternoon.

**The Hon. TREVOR KHAN:** Be nice.

**The Hon. PENNY SHARPE:** Maybe. Minister, when did the Environment Protection Authority [EPA] become aware of the issue at the Royal Australian Air Force [RAAF] Williamtown base?

**Mr MARK SPEAKMAN:** That is an operational matter. I invite Mr Buffier to respond to that.

**Mr BUFFIER:** Thank you. This matter goes back a number of years. If you are talking about when we were first aware of perfluorooctanesulfonic acid [PFOS] and perfluorooctanoic acid [PFOA] contamination on the Williamtown RAAF base, that goes back a number of years.

**The Hon. PENNY SHARPE:** How long? When did you first find out about it?

**Mr BUFFIER:** Back in May 2012 we had a meeting with Defence at the RAAF base when it notified the EPA of potential contamination issues at the site.

**The Hon. PENNY SHARPE:** What action did you take at that time?

**Mr BUFFIER:** We received some reports regarding that contamination much later than that, back in January 2013. We had an exchange of correspondence over a period of 12 to 18 months where we indicated to them that whilst we had no management control, or we had no regulatory control over Commonwealth land, it was an issue that we were concerned about.

**The Hon. PENNY SHARPE:** What about outside of the Commonwealth land?

**Mr BUFFIER:** No. The initial contact was around contamination on the site. Okay?

**The Hon. PENNY SHARPE:** Yes, but did you—

**Mr BUFFIER:** So there was not contamination off the site at that stage.

**The Hon. PENNY SHARPE:** How did you know that?

**Mr BUFFIER:** Well, that is what their report had shown us at that point. We, in correspondence, asked them over time to do a stage one assessment, which was received in March 2013. That was also sent to Hunter Water Corporation, council and the Department of Primary Industries [DPI].

**The Hon. PENNY SHARPE:** Sorry, what date was that?

**Mr BUFFIER:** May 2013.

**The Hon. PENNY SHARPE:** It was sent to Hunter Water then?

**Mr BUFFIER:** Yes, that is what my notes indicate. I am not certain—I am sorry, I am reading off my notes to see who it was sent to, but certainly we received it. We received it in March and it went to those other

bodies in May 2013. The report recommended a stage two assessment to delineate contamination. So it is not unusual to have found these chemicals on the site because they are used in firefighting, and particularly where there is training for firefighting. These were chemicals that historically have been in fairly regular use.

**The Hon. PENNY SHARPE:** Sure, but they ceased being used in 2008.

**Mr BUFFIER:** Yes, correct.

**The Hon. PENNY SHARPE:** Because of the significant dangers of these chemicals that people were aware of, and that is why they changed over; that is why Defence had done that.

**Mr BUFFIER:** Well, because of the unknown dangers. These are called emerging contaminants because it is not clearly understood what the contamination is.

**The Hon. PENNY SHARPE:** Well, it is pretty serious, is it not, given that you have put out a statement this morning saying that people are not to drink the water.

**Mr BUFFIER:** Yes.

**The Hon. PENNY SHARPE:** They are not to eat eggs.

**Mr BUFFIER:** Yes.

**The Hon. PENNY SHARPE:** They are not to do a range of things.

**Mr BUFFIER:** Yes. We use the word "precautionary" very carefully in that release.

**The Hon. PENNY SHARPE:** So when did you—

**Mr BUFFIER:** The EPA refers to these as emerging contaminants because we do not fully understand what the issue is—whether or not they are carcinogens. All of the studies that have been done in relation to these chemicals have been done on animals. They have not been human studies. The detail and the knowledge about these chemicals is not as good as it is with many other known carcinogens—

**The Hon. PENNY SHARPE:** Can I—

**Mr BUFFIER:** —which is why there is some uncertainty around it.

**The Hon. PENNY SHARPE:** Can I clarify when Defence told you about the fact that these contaminants had leaked into the creeks and into the bores?

**Mr BUFFIER:** Yes.

**The Hon. PENNY SHARPE:** When were you made aware of that?

**Mr BUFFIER:** That was about the middle of August this year.

**The Hon. PENNY SHARPE:** So two weeks ago—more than two weeks ago.

**Mr BUFFIER:** About two weeks ago, yes.

**The Hon. PENNY SHARPE:** Why has it taken two weeks?

**The Hon. TREVOR KHAN:** Point of order—

**CHAIR:** Order! A point of order has been taken.

**The Hon. TREVOR KHAN:** My point of order is that, while I do not say it is the worst case of Ms Sharpe jumping over a witness, the witness should be entitled to answer without her talking over the top of him, if for no other reason than Hansard.

**CHAIR:** Order! On this occasion I uphold the point of order. The witness was giving dates and his answer contained a series of specific information. I ask members to allow witnesses to complete their answers. It is a different matter if a witness is just waffling on, but when a witness is providing factual data, dates and times, Hansard will not be able to hear what they are saying if members are interjecting.

**The Hon. TREVOR KHAN:** And he is a decent bloke.

**CHAIR:** Order! I have made my ruling.

**Mr BUFFIER:** Thank you, Chair. Our electronic records indicate we received that on the eighteenth, so that is when they were entered into the record. It is possibly a day or two before that that it was received. We then held an interagency meeting on 20 August with the EPA, Hunter Water, the Office of Water, DPI, NSW Health and the Food Authority to discuss those issues. I would just like to stress that this was a draft report. The report came about because we had been asking the Commonwealth to do further studies on this to look at the possibility of off-site contamination.

**The Hon. PENNY SHARPE:** Can I just stop you there. You were getting Defence to do these extra studies; you were not doing these studies yourself off-site, in the areas surrounding the Defence site. Is that correct?

**Mr BUFFIER:** Correct.

**The Hon. PENNY SHARPE:** Why is that?

**Mr BUFFIER:** Well, because we have a finite budget in the EPA and the best way to deal with budget issues is to make other people spend the money—

**The Hon. PENNY SHARPE:** Make it someone else's problem?

**Mr BUFFIER:** No—absolutely not. I mean, in the area of ecologically sustainable development, polluter-pays is a well-known concept. That is the concept that we are applying here and it works very effectively because instead of us having to wait for a Treasury bid that might take 12 months in order to get extra funding—these events are not foreseeable.

**The Hon. PENNY SHARPE:** Sure. But you had known for two years that there is a problem.

**Mr BUFFIER:** No. We knew for two years there was contamination on the site. We know there is contamination of these chemicals on other sites. The issue for us was about whether it moved off-site. As I said, we do not have the ability to regulate the Commonwealth in these matters.

**The Hon. PENNY SHARPE:** I accept that. My issue is about the other land; it is not the Defence site. Are you aware of Hunter Water's decision to close off the bores in that area?

**Mr BUFFIER:** I am aware that it is not pumping from them.

**The Hon. PENNY SHARPE:** When did Hunter Water stop doing that?

**Mr BUFFIER:** I do not know.

**The Hon. PENNY SHARPE:** Can I put it to you that it was in 2012?

**Mr BUFFIER:** You could tell me that, yes, and I have no reason to—

**The Hon. PENNY SHARPE:** And you have no awareness that it decided to do that because of fears of contamination in relation to the water being pumped out of that bore?

**Mr BUFFIER:** It is aware of the issue. I do not know whether it was an operational issue, because it did not need the water.

**The Hon. PENNY SHARPE:** Can you rule out that it was not because of a fear of contaminants?

**Mr BUFFIER:** I cannot speculate. I do not know what was in the mind of Hunter Water when it made that decision.

**The Hon. PENNY SHARPE:** Can you take on notice whether the EPA was made aware of that at the time?

**Mr BUFFIER:** I can take it on notice as to whether Hunter Water notified us that that was the reason, yes.

**The Hon. PENNY SHARPE:** I appreciate that. Is it correct that the EPA has issued a map that is being put around to the public at the moment?

**Mr BUFFIER:** A map was issued as a result of a phone hook-up and the work that we have done over the past two weeks in getting this together. That was informed from DPI Water, so the map was actually produced by DPI Water which looked at the movement of the aquifers and where the likely contamination might have been going based on the off-site testing that had been done and with the knowledge of where the aquifer is moving.

**The Hon. PENNY SHARPE:** Is that the explanation you would give for the fact that the suspended area for commercial and recreational fishers and oyster farmers is outside the map that has been issued?

**Mr BUFFIER:** The map indicates where we think the issue is. The movement into those water courses is part and parcel of that overall movement of the aquifers. These are not drawn with absolute precision. As I said, this was a precautionary approach that we took. When we became aware of an issue from a draft report from the Commonwealth we acted expeditiously in order to put in place some of the restrictions that we thought were important. The reason we focused on fish is that one of the people on the phone hook-up yesterday was Professor Alison Jones, an internationally renowned toxicologist from Wollongong University, who said that the primary ways of exposure are fish, water and eggs in that order. So we went through a number of exposure pathways—

**The Hon. PENNY SHARPE:** Thank you. I have read that. So Defence told you about two weeks ago. How long had Defence known about the problems with the groundwater outside its land?

**Mr BUFFIER:** I do not think Defence was aware of that until it had this report commissioned.

**The Hon. PENNY SHARPE:** When was the report commissioned?

**Mr BUFFIER:** I am not sure exactly when Defence commissioned the report—

**The Hon. PENNY SHARPE:** Can you take it on notice and find out and let us know?

**Mr BUFFIER:** —but what they provided to us was a draft of the report for our comment.

**The Hon. PENNY SHARPE:** When was that?

**Mr BUFFIER:** On 18 August.<sup>1</sup>

**The Hon. PENNY SHARPE:** So Defence could have known about this for quite a long time. Are you concerned that it had not alerted you to this earlier?

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<sup>1</sup> In correspondence to the committee dated 7 September 2015 Mr Buffier provided the following clarification:

*I have subsequently been informed that two EPA officers received an invitation from URS and Defence on the 4<sup>th</sup> of August to attend a meeting on the 12<sup>th</sup> of August, with URS and Defence, to discuss the 2137 page draft report. That invitation included a link to the draft report that URS had undertaken for Defence.*

**Mr BUFFIER:** No. The fact that it gave us a draft report would indicate that it had not known about it for quite a long time.

**The Hon. PENNY SHARPE:** You are saying that. I would like to see the date for those.

**Mr BUFFIER:** I cannot tell you when Defence knew about it internally. I am not privy to that.

**The Hon. PENNY SHARPE:** Has there been any resistance from Defence about you putting out this alert to the public?

**Mr BUFFIER:** Defence was involved in the phone hook-up yesterday when we made it clear that we would put that release out and Defence contributed to it.

**The Hon. PENNY SHARPE:** Prior to that had Defence been resistant to this issue coming into the public domain?

**Mr BUFFIER:** I do not think you would represent it as resistant to being in the public domain. Defence was cautious about what would be the best way to put it into the public domain, but no.

**The Hon. PENNY SHARPE:** Cautious about that, okay.

**Mr BUFFIER:** I think the concern, as with all these things, is that you act on the information that you have available to you at the time. You have to find the right balance between unnecessarily alarming a community about an issue and taking a precautionary approach. We were sensitive about that, even putting out the press release.

**The Hon. PENNY SHARPE:** It is a precautionary approach but it is still asking people to take some fairly significant measures. You are saying that we have known about this since 2012.

**The Hon. TREVOR KHAN:** No, that is not what he said.

**Mr BUFFIER:** No.

**The Hon. PENNY SHARPE:** At some point Defence has known about it and then there has been at least two weeks but probably longer. Defence has clearly known that this has been an issue that is going into the groundwater for a period longer than two weeks. Why has it taken that long to issue the press release? On one hand you are saying it is a precautionary issue; on the other hand you are saying it is serious enough that people are not allowed to drink the water.

**Mr BUFFIER:** It is always a question of balance. There is not much of an issue about advising people not to drink the bore water. We had the same situation in Sydney with Orica at Botany.

**The Hon. PENNY SHARPE:** Are you saying it is not a serious matter?

**Mr BUFFIER:** No.

**The Hon. PENNY SHARPE:** People cannot drink the water.

**Mr BUFFIER:** If they have reticulated water available to them it is not a significant inconvenience to them to say, "We are sorting this out."

**The Hon. PENNY SHARPE:** I am not talking about an inconvenience; I am talking about hazards to health.

**The Hon. TREVOR KHAN:** Point of order: Again, I understand the Hon. Penny Sharpe's enthusiasm but she is speaking over the witness when he is answering with relevant material.

**CHAIR:** Order! I have previously asked members not to interrupt when a witness is trying to elucidate detailed information. Members should allow the witness to answer.



**Mr BUFFIER:** I will finish on that point. If you talk to Health you will see that its general advice is not to use bore water in preference to reticulated water. That is the general advice, regardless of whether or not there is contamination. That is just Health's general advice.

**The Hon. PENNY SHARPE:** It is not just that. It is not "eat the fish", and not "eat your eggs".

**Mr BUFFIER:** I thought we were talking about water.

**The Hon. PENNY SHARPE:** I am talking about all of it.

**Mr BUFFIER:** You are asking me whether it was a serious matter when we said that we asked people not to drink bore water. I am saying that on the scale of things that is a precaution that you would take while we are getting a better handle on this.

**The Hon. MICK VEITCH:** How long do you think that will take?

**Mr BUFFIER:** DPI put a closure on the fisheries and oysters for a month and they are testing now, so we will get a better idea of that off-site issue over the next month. We will certainly have a much better understanding of this within the next month.

**The Hon. PENNY SHARPE:** Will you be able to release the Defence report to which you alluded?

**Mr BUFFIER:** I do not know.

**The Hon. PENNY SHARPE:** Can you take that question on notice?

**Mr BUFFIER:** I will have to take it on notice.

**The Hon. PENNY SHARPE:** You indicated that you were aware of some other sites that have this contamination. Are you able to tell the Committee about that?

**Mr BUFFIER:** These chemicals have been widely used in firefighting and they have been widely used in training firefighters. So anywhere where there has been training of firefighters, you can be reasonably certain that these chemicals are there.

**The Hon. PENNY SHARPE:** What action is the EPA taking about that?

**Mr BUFFIER:** On a number of those sites we have a watching brief. We have had some discussions with Air Services Australia. Our concern is not so much when they are on-site because we understand what the extent of that is. But when they start to move off-site, the particular geography of the site and the water table there, the aquifers, mean that—

**The Hon. PENNY SHARPE:** Who is monitoring when it is moving off-site?

**Mr BUFFIER:** We would look at what are the precursors that might cause it to move off-site. If it is an area that is dry without significant underground aquifers and sub-surface groundwater movement the likelihood of it moving off-site is quite slim. But in risk assessment, these are emerging contaminants. They are called emerging contaminants because we do not know enough about them to define them as carcinogens—this is the United States Environmental Protection Authority that I am talking about. So the precision with which we might deal with these is not as good as it might be for other things, but also it means that the likely risk to human health is not of the same scale as an issue where we have an acute toxicity issue where we would move very quickly if there was a known carcinogen—

**The Hon. PENNY SHARPE:** These compounds are considered to be carcinogenic. Are you rejecting that?

**Mr BUFFIER:** I am not rejecting that. I am just telling you what the status of it is. That is why we had NSW Health as part of this process. That is why we had Professor Alison Jones there in order to get that expert opinion.

**The Hon. PENNY SHARPE:** Does the EPA know how many people use bore water in the contaminated area?

**Mr BUFFIER:** No, we do not.

**The Hon. PENNY SHARPE:** Are you going to find out?

**Mr BUFFIER:** Yes, we are.

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

**Mr BUFFIER:** We are doing a letterbox drop today. We have a dump of all the addresses in that site from Land and Property Information, which we got this morning. Those letterbox drops should be occurring now. DPI Water does know how many licensed bores there are but not how many unlicensed bores there are so it is working through that information right now.

**The Hon. PENNY SHARPE:** I might come back to that.

**Mr SCOT MacDONALD:** It is on top of it.

**The Hon. PENNY SHARPE:** No, it is not on top of it. It has known for two weeks and people are only now finding out about it.

**The Hon. TREVOR KHAN:** Now you are into speech making.

**CHAIR:** Order!

**The Hon. PENNY SHARPE:** Minister, I have a question about Fishermans Bay and UrbanGrowth pulling out of the planned housing development. It has abandoned the development for a range of reasons, partly because of community action and the fact that there are koalas in that area. Would you consider absorbing those lots into Tomaree National Park?

**Mr MARK SPEAKMAN:** I think you asked Minister Stokes about this a couple of days ago.

**The Hon. PENNY SHARPE:** I did. I am glad you noticed.

**Mr MARK SPEAKMAN:** I did. That is something that is on the radar and I will give it due consideration when I have been fully briefed.

**The Hon. PENNY SHARPE:** Are you are concerned that the planning process went so far when there were live koalas in the area and the joint regional planning panel [JRPP] rejected the evidence from locals about that matter?

**Mr MARK SPEAKMAN:** That is really a matter for the planning Minister and you have asked him that already.

**The Hon. PENNY SHARPE:** You are the environment Minister and you are supposed to care about koalas. Are you concerned that there has been a problem with the planning process in that the contemplation of wiping out critical habitat of koalas in that area went so far as for the JRPP to reject the evidence of locals in relation to koala presence in that area?

**Mr MARK SPEAKMAN:** I have confidence in the planning system and the JRPP on that occasion.

**The Hon. PENNY SHARPE:** Are you saying it is all right that the JRPP was prepared to ignore locals who had been watching koalas in that area all that time and had pictures of the koalas in that area? It is a pretty serious issue as we have a threatened species affected by a planning process that is supposed to take into account looking after threatened species. Do you not consider that you should care about raising the matter with the Minister for Planning?

**Mr MARK SPEAKMAN:** We as a government can be pretty proud of our record on koala protection. We are on the front foot—

**The Hon. PENNY SHARPE:** You are aware of the declining numbers?

**Mr MARK SPEAKMAN:** In answer to your question, we are on the front foot with protecting the iconic koala species. In New South Wales we are spending an unprecedented \$100 million over the next five years on species protection with strategies for all 973—

**The Hon. PENNY SHARPE:** Not just on koalas, though.

**Mr MARK SPEAKMAN:** No, I am glad you pointed that out; not just koalas but all 973 threatened species in New South Wales, of which the koala is one. As part of that, there will be a strategy for koalas.

**The Hon. PENNY SHARPE:** When will that be?

**CHAIR:** I am sorry, your time has expired. I move to The Greens.

**Dr MEHREEN FARUQI:** I will be nice, Trevor, not to worry.

**The Hon. TREVOR KHAN:** Yes, I know you will. I trust you.

**Dr MEHREEN FARUQI:** Minister, what recommendations did the Office of Environment and Heritage make to Australia's post-2020 targets for greenhouse gas emissions?

**Mr MARK SPEAKMAN:** The OEH does not make those recommendations. The Government decides whether or not it will make a submission and the Government did not make a submission.

**Dr MEHREEN FARUQI:** Was a submission prepared for input into that process?

**Mr MARK SPEAKMAN:** As part of a whole-of-government response, I get advice and the Premier gets advice from a different government agency. A government decision was taken not to make a submission on the Federal emissions target. I point out that the question of a national emissions reduction target is primarily a Federal matter. New South Wales' role in tackling and dealing with climate change is basically twofold. It is in the field of adaptation and it is in the field of complementary measures of energy efficiency, renewable energy and so on. A decision was made that as it is a national target, the New South Wales Government would not make a submission.

**Dr MEHREEN FARUQI:** Surely, climate change being such a big environmental issue, it would have been relevant for the New South Wales Government to make a submission. Is it correct that the submission was blocked from going to the Federal Government by the Premier?

**Mr MARK SPEAKMAN:** As I said, it is a whole-of-government decision. We get advice from agencies and the Government decides what submission to make, if any. Clearly, being a national emissions reduction target the decision was taken that it was a matter for Federal Government and that New South Wales is best placed tackling climate change by its world-leading adaptation measures and initiatives on energy efficiency, renewable energy and so on.

**Dr MEHREEN FARUQI:** Minister, one more time—and you can answer yes or no—can you rule out that a submission was blocked by the Premier?

**Mr MARK SPEAKMAN:** The question of the national emissions reduction target is that we as a State Government are interested in tackling climate change with action rather than telling the Federal Government what it should or should not do in the national interest—

**Dr MEHREEN FARUQI:** It is not doing anything at the moment, unfortunately.

**Mr MARK SPEAKMAN:** We are best placed to tackle climate change—

**The Hon. PENNY SHARPE:** You could have believed in climate change as a start.

**Mr MARK SPEAKMAN:** —by world-leading adaptation measures and complementary initiatives like energy efficiency schemes and renewable energy action.

**Dr MEHREEN FARUQI:** Is it correct that New South Wales is leading the National Clean Air Agreement for particulate matter [PM] 10 standards under the national environment protection measure [NEPM] for air quality?

**Mr MARK SPEAKMAN:** The PM10 prospective standard is one of a number of standards that the States and Territories and the Commonwealth are looking at through the National Environment Protection Council. One of the NEPMs relates to ambient air quality. There was a meeting in July between State, Territory and Commonwealth environment Ministers where there was an in-principle resolution about PM2.5. We will be looking at PM10 when we next meet, which I think is in mid-December.

**Dr MEHREEN FARUQI:** Has there been a delay in the finalisation of those NEPM standards?

**Mr MARK SPEAKMAN:** We have to get these standards right. On the one hand, we had to balance the clear detrimental health effects that PM2.5 and PM10 emissions have. I might just interpose that the discussions in July and December are about PM2.5 and PM10. Discussions on other pollutants are being led by Victoria. There are incontrovertible health detriments from PM2.5 and PM10 emissions. It is said, for example, that there is no safe level of PM2.5 emissions.

**Dr MEHREEN FARUQI:** Hence the urgency to finalise this.

**Mr MARK SPEAKMAN:** What we need to balance, on the other hand, is the effect that unduly restrictive emissions limits might have on industry because poverty is a health hazard as well. If restrictions are too stringent then industries may close and put people out of work and that is a health hazard as well, so it is a question of balance. Under our—

**Dr MEHREEN FARUQI:** When will you finalise—

**Mr MARK SPEAKMAN:** I have not finished my answer.

**Dr MEHREEN FARUQI:** I just want to know the timeline and a date for when they might be finalised.

**Mr MARK SPEAKMAN:** It is likely to be finalised at the December meeting of the environment Ministers. Being a Federal process, with eight States and Territories and the Commonwealth involved, trying to find common ground between all the jurisdictions is a lot slower than if it were just a unilateral decision on the part of New South Wales.

**Dr MEHREEN FARUQI:** Is it correct that a range of coalmining proposals are being considered at the moment by the Government, such as the Warkworth proposal, that would not be approved if they were required to comply with even the most generous PM10 option in the impact statement for the draft variation to NEPM?

**Mr MARK SPEAKMAN:** That question has a number of parts. Are there a number of mining proposals yet to be approved? The answer is yes. Would they fail with more stringent PM10? I do not know the answer offhand but I will take it on notice, if I may.

**Dr MEHREEN FARUQI:** Is there a current PM10 annual mean standard in New South Wales?

**Mr MARK SPEAKMAN:** The national environment protection measure [NEPM] does not have an annual mean standard in New South Wales. There is an annual daily standard. I will go back one step. The adoption of the NEPM by a State or Territory does not oblige any jurisdiction to adopt that standard in its planning or other regulations. Rather, it imposes an obligation on a jurisdiction to monitor against that standard. It is up to each individual jurisdiction whether it goes one step further and implements that in its planning regime.

**Dr MEHREEN FARUQI:** Given that you have said that air quality is such a big issue, would you recommend implementing that standard in planning codes?

**Mr MARK SPEAKMAN:** That may be putting the cart before the horse. First, we have to see where the National Environment Protection Council [NEPC] lands with the NEPM—the measure—and then decide what to do with that measure.

**Dr MEHREEN FARUQI:** Are you aware of the OECD report released last year entitled "Cost of Air Pollution—Health Impacts of Road Transport"?

**Mr MARK SPEAKMAN:** I have read a number of reports, but I am not sure whether I have read that one.

**Dr MEHREEN FARUQI:** It states that air pollution is now the biggest cause of environmental deaths globally and that 50 per cent of deaths from outdoor air pollution are now caused by road transport. It also states that while air-pollution-related deaths declined in most OECD countries, they increased alarmingly by 68 per cent in Australia. As the Minister for the Environment, are you concerned that new massive motorways are being built, using billions of dollars of public money, that will drastically increase air pollution and impact on people's health?

**Mr MARK SPEAKMAN:** Of course, I do not have portfolio responsibility for motorways.

**Dr MEHREEN FARUQI:** But you have responsibility for air pollution.

**Mr MARK SPEAKMAN:** Please let me finish. Sydney's population is growing dramatically. Over the next 20 years we will have millions more people, and they will need to be able to get around the city. Of course, public transport is an important integer of that. That is why we are building the North West Rail Link and have introduced initiatives such as light rail and so on. If people want to get from point A to point B—and there is no hub—they will need to use their cars. We can turn a blind eye to the need to cater for motor transport or do something about it. In every environmental matter like this it is a question of getting the balance right. Of course, one way to deal with increased air pollution from car use is to impose fuel and vehicle emission standards.

**Dr MEHREEN FARUQI:** The diesel retrofit program has been abandoned. Would you encourage those sorts of programs to reduce air pollution?

**Mr MARK SPEAKMAN:** I cannot say yes or no about that program. However, we will be active in looking at what initiatives we can implement over the next few years to tackle air pollution.

**Dr MEHREEN FARUQI:** Have you or your department made any representations to the Minister for Roads, Maritime and Freight or his department to push for filtration in road tunnels? That is a clear way to reduce pollution, even if you agree that we need them.

**Mr MARK SPEAKMAN:** Neither I nor the Environment Protection Authority are responsible for monitoring air quality in tunnels or emissions from ventilation stacks. I am advised that the Environment Protection Authority estimates that motor vehicle emissions have decreased by 50 per cent or more in the greater metropolitan region since 2003, and are projected to continue to decrease over the next 10 to 20 years in spite of increased vehicle travel.

**Dr MEHREEN FARUQI:** I will have to check those figures. Is there any central database of biodiversity offset sites in New South Wales?

**Mr MARK SPEAKMAN:** The maintenance of such a database is an operational issue, so I invite Mr Bailey to respond.

**Mr BAILEY:** I will take that question on notice. My recollection is that there is no single location. However, I highlight the need for that, and acknowledge that need as part of the biodiversity review.

**Dr MEHREEN FARUQI:** How do you check that there is no double-dipping happening with biodiversity offset sites? We have had them for a while. How do you know that one site that has been set aside as an offset is not set aside again? I know of a few cases of that happening.

**Mr BAILEY:** That is a planning matter in that the planning system is responsible for maintaining and monitoring those calculations through planning decision-making.

**Dr MEHREEN FARUQI:** Does the Office of Environment and Heritage monitor any biodiversity sites?

**Mr BAILEY:** As an agency it monitors an enormous number of biodiversity sites across the State.

**Dr MEHREEN FARUQI:** What is being monitored?

**Mr BAILEY:** We monitor for a series of things through our threatened species program and our state-of-the-parks reporting for the parks estate. We monitor for a large number of programs, including biobanking agreements, biocertification and so on. We do monitoring and have management plans with those responsible for them. However, the planning system actually makes those offsetting decisions. We work at setting the policy around that and we have input into planning decisions, but it is a planning matter in managing offsets.

**Dr MEHREEN FARUQI:** How do you monitor them if you do not have a register of their location and characteristics? What is the monitoring process?

**Mr BAILEY:** I said I would take on notice the question about the comprehensive system for offsetting.

**Dr MEHREEN FARUQI:** Thank you for that. However, I am concerned about what you are monitoring if you do not have a register of sites that must be monitored.

**Mr BAILEY:** I am clarifying that we do an enormous amount of monitoring across a range of different programs. We also do monitoring and accountability with project proponents, again through the planning system in relation to those offset requirements.

**Dr MEHREEN FARUQI:** I refer to the changes to the Native Vegetation Regulation 2013 that your Government is proposing. Are you aware that when the Queensland Government enacted similar changes to its system there was a threefold increase in land clearing?

**Mr MARK SPEAKMAN:** I have seen some data about land clearing in Queensland before and after changes to its regulations. However, it is not a valid comparison with anything contemplated in New South Wales. I will invite Mr Bailey to add something about comparison of codes in Queensland and New South Wales. It is important to note that our biodiversity reform is not simply a matter of allowing open slather, a return to broadscale clearing, repealing the Native Vegetation Act and doing nothing more.

For the first time in New South Wales we are taking a strategic bioregional approach to halting and reversing the biodiversity decline that we all agree has been happening in New South Wales for far too long. To the extent that there is any increase in clearing at a site scale, the Government is confident that that will be more than offset by the bioregional initiatives being implemented. I have previously mentioned Saving our Species, which involves an unprecedented \$100 million, five-year investment for each of the 973 threatened species in New South Wales. The Government will adopt all the recommendations of the independent biodiversity panel review. That includes allocating more money to the stewardship agreements—

**Dr MEHREEN FARUQI:** I have one quick question.

**Mr MARK SPEAKMAN:** I have not finished. The important thing is that the Government anticipates that a strategic approach will be taken to investment in stewardship and voluntary conservation agreements. Neither I nor the former Minister have invented this strategic approach. It is a bioregional strategic approach that has been endorsed by four leading experts. The other aspect of the answer is the question of comparing site specific or more small scale regulation between New South Wales and Queensland. I do not know whether Mr Bailey wishes to add anything on that.

**CHAIR:** I am sorry, Minister, but I have to keep it pretty tight. Dr Faruqi may wish to elucidate her question in the next round of questions. I now hand over to Mr Pearson.

**The Hon. MARK PEARSON:** In relation to the kangaroo industry and the New South Wales kangaroo management plans, since Russia implemented a ban in 2008 followed by an even more strict ban in 2009 and then another ban earlier this year on the imports of kangaroo meat, and that constitutes 70 per cent of all exports of kangaroo meat for human consumption, what funds did the New South Wales Government give to the kangaroo industry to address the hygiene and welfare concerns which underpinned the Russian bans?

**Mr MARK SPEAKMAN:** I do not know the answer to that question.

**Mr BAILEY:** I would have to take the question on notice, but I would like to do a bit of clarification as we work through. Are you looking for the contribution to that program from the Office of Environment and Heritage?

**The Hon. MARK PEARSON:** Yes.

**Mr BAILEY:** I will take the question on notice and do a clarification. My understanding is that we would not have contributed funding.

**The Hon. MARK PEARSON:** Thank you. In the development of the 2012-16 kangaroo management plan, what was the methodology used to inform the helicopter surveying conducted for the purpose of calculating and determining the number of kangaroos that may be permitted to be killed lawfully?

**Mr MARK SPEAKMAN:** I will invite Mr Bailey to answer that if he can.

**Mr BAILEY:** Again, Mr Pearson, that is quite a detailed answer on which I will come back with an answer on notice for you, noting that it is scientifically robust. As you have noted, the plan runs from 2012 to 2016, which means we are in the process of preparing another plan for agreement with the Commonwealth. I am pleased to say we are, obviously, reviewing it again. We will have peer reviewed the methodology that utilises or underpins any further work in relation to a management plan that might continue beyond 2016.

**The Hon. MARK PEARSON:** Thank you. Is the Minister satisfied that the infrared heat tracking methods used to determine kangaroo numbers did not mistake goats, dogs, sheep and other large animals for kangaroos in the calculation of kangaroo numbers?

**Mr MARK SPEAKMAN:** I am not presently dissatisfied. I am not going to answer that in a double-negative way, but I will take that question on notice, if I may.

**The Hon. MARK PEARSON:** Thank you. Despite a number of kangaroo management plans having been approved by the Commonwealth Government and the New South Wales executive Government over the past 20 years, not one of those plans has been the subject of debate or consideration by this Parliament. Would the Minister support a motion—and I look to bring such a motion to the House—to refer the commercial harvesting of kangaroos to General Purpose Standing Committee No. 5 [GPSC5] to investigate the sustainability of this industry?

**The Hon. TREVOR KHAN:** What do you reckon about that?

**The Hon. RICK COLLESS:** We could do that.

**CHAIR:** We could do that.

**The Hon. PENNY SHARPE:** I think you have a deal.

**Mr MARK SPEAKMAN:** I will read the transcript of your question, give consideration to that and respond as soon as I can.

**The Hon. MARK PEARSON:** Thank you very much. What are the trading names of the commercial operators that were contracted to undertake the helicopter flights for any or all of the surveys undertaken for the development of the 2012-16 kangaroo management plan?

**Mr MARK SPEAKMAN:** As that is a question of operational detail, I will ask Mr Bailey whether he is able to answer that question.

**Mr BAILEY:** Thank you, Minister. Sorry, Mr Pearson, I am not able to answer that question today. I will take that on notice.

**The Hon. MARK PEARSON:** The reason behind that question is that, because the operator is a private company retained to do that work, attempts by any organisation wishing to find the details of how that evidence is gathered have been thwarted and blocked. That information is quite pertinent to determine how kangaroo numbers are calculated, considering the consequence of injury and death which will ensue.

**Mr BAILEY:** I will certainly go back and take that question on notice. My recollection is that we have an intimate involvement in the annual surveying program that we run. We generally run those out of our own fixed-wing plane, which is managed through the Parks and Wildlife Service. But I will come back with more detail.

**CHAIR:** We now move to Opposition questions.

**The Hon. PENNY SHARPE:** Minister, in this year's budget papers the service group for the National Parks and Wildlife Service indicates a fall in full-time equivalent employees from 1,913 to 1,878 in 2014-15. Given the drop in numbers, can you explain to me why the employee-related expenses are set to more than double from approximately \$98 million to \$214 million in 2014-15?

**Mr MARK SPEAKMAN:** What page, Ms Sharpe?

**The Hon. PENNY SHARPE:** The Office of Environment and Heritage service group statements, National Parks and Wildlife, page 5-23 in the budget papers.

**Mr BAILEY:** I do not have it in front of me. Sorry, I missed the question initially.

**The Hon. PENNY SHARPE:** I am happy to provide you with a copy of it. Essentially you are cutting 35 staff, but your employee-related expenses as set out in the budget papers are doubling and I want to know why.

**Mr MARK SPEAKMAN:** May we have a copy?

**The Hon. PENNY SHARPE:** Sure. You can take it on notice if you do not know.

**Mr BAILEY:** We will be able to step through it. The question is the employee-related expenses as they are forecast?

**The Hon. PENNY SHARPE:** Yes.

**Mr BAILEY:** So the paper that I am looking at shows the forecast for 2014-15. Are we talking— ?

**The Hon. PENNY SHARPE:** Essentially I want to know why your employee-related expenses are doubling from \$98 million to \$214 million.

**Mr BAILEY:** This will help explain. The Parks and Wildlife as a service group is actually more comprehensive than the National Parks and Wildlife Service in its own right. It is inclusive of a series of other aspects of the organisation that are actually funded through the same. I will have to have a look. That is a comparison of 2013-14 against 2014-15. The employee-related expenses often have a couple of major variations—there will be some additional programs that are then set into the service group statement of Parks and Wildlife in its own right.

**The Hon. PENNY SHARPE:** Would you be able to set those out? I am happy for you to take that on notice and provide that to the Committee.



**Mr BAILEY:** And a set of clarity around which agencies, organisations or trusts are incorporated into that service statement—it is often broader, and it certainly is broader than the Parks and Wildlife Service in its own right. We also have to manage matters around what financial relationships we have in a given year in terms of employee costs, so I will set that out. I will have a look at that for you.

**The Hon. PENNY SHARPE:** I appreciate that. How much is the savings dividend that the National Parks and Wildlife Service has to find this year in dollar terms?

**Mr BAILEY:** I will just find my notes, but I would just capture for you that savings for this purpose are actually set at the Office of Environment and Heritage [OEH] level. So the savings that we look to grab in any year are actually set across the whole of OEH. Portions of those travel into each of the different agencies. The saving measures in their own rights for the Office of Environment and Heritage come in multiple forms. I am just trying to find the right spot that sets them out for me. I would note across the whole of the agency there is actually an increase in budget year on year.

**The Hon. PENNY SHARPE:** That is not what I am asking. I am asking: What is your efficiency dividend for this year?

**Mr BAILEY:** If I can have a couple of moments, I will come back—

**The Hon. PENNY SHARPE:** That is fine. You can take it on notice.

**Mr BAILEY:** No, I can set it out for you. In 2015-16 the efficiency dividend saving is \$13.9 million across the OEH program.

**The Hon. PENNY SHARPE:** Will you be able to provide to the Committee what that means for the National Parks and Wildlife Service? You can take it on notice. I understand you cannot give it to me now, or are you saying to me that is not the way it is dealt with?

**Mr BAILEY:** There will be efficiency dividends out of that that are then allocated to the National Parks and Wildlife Service on a pro rata basis generally. There are a series of different efficiency dividends that we need to produce—procurement, savings and those sorts of things.

**The Hon. PENNY SHARPE:** Will you be able to give us a breakdown of that?

**Mr BAILEY:** I can give you those at an OEH level, yes.

**The Hon. PENNY SHARPE:** To clarify, \$13.9 million was cut as per efficiency for OEH? That is on top of the \$21 million that was cut out of the budget? Is that right?

**Mr BAILEY:** Sorry, on top of—

**The Hon. PENNY SHARPE:** The budget papers this year show that there was a cut of \$21 million. Can you confirm if the \$13.9 million is on top of that?

**Mr BAILEY:** No. We need to make sure we are talking about the same figures in the budget. The reason I say that, what does become complicated is that in any given year we are underwritten by the Treasury, particularly around fire management. So if we have a bad fire season, we will be underwritten. My recollection is that that \$21 million, or thereabouts, was a subsequent allocation for management of fire through the year. It always looks—

**The Hon. PENNY SHARPE:** Do that say that you think we will have fewer fires rather than more fires this year?

**Mr BAILEY:** The reason it comes up oddly in the budget papers is that I get that reimbursed at the end of the year, depending on the fire season. My expectation is that if we have \$27 million worth of fire expenses in a given year, we will get \$27 million back at a later date. There is often a lag period on that. It looks like an anomaly but it comes in. If it is a quiet fire season, it will be less during the course of the year.

**The Hon. PENNY SHARPE:** Thank you. That has been very informative. Minister, are you looking at increasing existing park use and camping fees in the National Parks and Wildlife Service? If you do not know, you can take it on notice.

**Mr MARK SPEAKMAN:** Just give me one moment.

**The Hon. TREVOR KHAN:** This is the problem with not dividing it up. We have all these folders and it makes it difficult for the Minister.

**The Hon. MICK VEITCH:** Rumpole, just relax.

**The Hon. PENNY SHARPE:** The Minister is doing fine.

**The Hon. TREVOR KHAN:** I think he is doing very well.

**The Hon. MICK VEITCH:** Just relax. It is okay.

**Mr MARK SPEAKMAN:** I will have to take that on notice.

**The Hon. TREVOR KHAN:** That is the first.

**The Hon. MICK VEITCH:** He does not need your counsel.

**The Hon. PENNY SHARPE:** Minister, is the National Parks and Wildlife Service looking at reducing or removing low utilisation assets?

**Mr MARK SPEAKMAN:** I will invite Mr Bailey to answer that.

**Mr BAILEY:** Certainly it is important that we know and understand our asset base. As an organisation we have had a much improved understanding of our asset base over the past couple of years. We have activated new programs to understand the entire asset base across the State, given that we are managing 8 per cent. We have activated programs that have allowed our asset management system to be working in real-time. That is associated with field staff being out there and recording. We have significantly more information that will inform us then about the overall cost of managing the asset base, which we know in the parks estate is getting close to \$2 billion in terms of asset, the asset base for the entire land and the facilities that sit on it.

We are also then looking at the visitor numbers to those sites. The key aspect is what is the visitor experience and expectation that people want to have. When you start to look at those factors, we need to make informed decisions around what is the visitor experience people are looking at and what is the facility they need when they get there, so it is bringing those three components together around the total asset base.

**The Hon. PENNY SHARPE:** Are you looking at selling off some of the assets, like staff accommodation?

**Mr BAILEY:** I do not have any plans in place to sell off any of the staff accommodation.

**The Hon. PENNY SHARPE:** Or letting it out for other purposes?

**Mr BAILEY:** We are rationalising our asset base and will continue to rationalise our asset base and the management and use of the asset base with the primary principle of allowing as much access for the general public to the park estate as we can.

**The Hon. PENNY SHARPE:** That is a yes?

**Mr BAILEY:** We will continue to step through it. Have I taken any decisions to do that at this moment? No. Are we looking to rationalise our asset base? Absolutely.

**Mr MARK SPEAKMAN:** I have an answer to your earlier question, Ms Sharpe.

**The Hon. PENNY SHARPE:** At this point I might need to give you a document that indicates that there is extensive selling off of assets. I am about to put in front of you a memo from the deputy chief executive of the National Parks and Wildlife Service that says the following, "The Office of Environment and Heritage and other New South Wales Government departments are facing ongoing budgetary pressures associated with increasing costs and salaries and decreasing expense allocations across the future years. We need to be proactive in identifying and implementing opportunities for savings."

If you look at the second page there are eight current projects that I understand your department is undertaking that are going to do a range of things. They go to the questions I have been asking previously. One is increasing camping fees and park use fees for members of the public. The other looks to me like the preparation of closing of offices and more senior staff are to go. Another one looks like selling assets. I draw your attention to "Capital works. Subproject 6", that says, "Prepares the total asset management plan", which Mr Bailey was just telling us about, and a business case for retention of revenue derived from asset sales. Do you accept this work is being undertaken in your department, Minister?

**Mr MARK SPEAKMAN:** I will take that question on notice.

**The Hon. PENNY SHARPE:** You are going to take on notice a memo from the deputy chief executive on 29 June that I have provided to you that sets out these projects? Are you saying to me that these projects are not underway?

**Mr MARK SPEAKMAN:** Ms Sharpe, I am neither the author nor the addressee—

**The Hon. PENNY SHARPE:** Can I ask Mr Bailey then?

**Mr MARK SPEAKMAN:** Please let me finish. I am neither the author nor the addressee of this memorandum and I will take advice from the agency and get back to you.

**The Hon. PENNY SHARPE:** Your agency is right next to you, Minister. Mr Bailey, are you able to confirm that these projects are underway within the Office of Environment and Heritage?

**CHAIR:** All questions must go through the Minister, please.

**Mr MARK SPEAKMAN:** The memorandum does remind me that I had foreshadowed answering one of your other questions and that is that the advice that I have from my agency is that the anticipated total park entry fee increase in 2015-16 will be 2.5 per cent.

**The Hon. PENNY SHARPE:** Are you looking at further increases above that?

**Mr MARK SPEAKMAN:** As I said, the advice that I have from the agency is that it is anticipated that total park entry fees for 2015-16 will be rising by 2.5 per cent.

**The Hon. PENNY SHARPE:** Minister, are you able to rule out the sell-off of staff accommodation or the letting of staff accommodation as outlined in this project?

**Mr MARK SPEAKMAN:** I think Mr Bailey has answered a similar question. I am happy to rely on his answer.

**The Hon. PENNY SHARPE:** Which would be yes?

**Mr MARK SPEAKMAN:** No, his answer in the terms in which he gave it.

**The Hon. PENNY SHARPE:** It was a very long way of saying yes, I think.

**The Hon. TREVOR KHAN:** You have to shut the gate first.

**The Hon. PENNY SHARPE:** Minister, if you are taking this memo on notice, will you come back to the Committee and outline the status and the expected savings that will be derived as a result of each of these projects that I have just put before you?

**Mr MARK SPEAKMAN:** I will take that on notice.

**The Hon. PENNY SHARPE:** You are taking on notice whether you are going to provide me with an answer?

**Mr MARK SPEAKMAN:** No, I will answer your question. The way you have put it is a question to me, which I will answer.

**The Hon. PENNY SHARPE:** You will provide us a breakdown of all of those?

**Mr MARK SPEAKMAN:** You have posed a question to me and I will answer it on notice.

**The Hon. PENNY SHARPE:** I appreciate that. I just want to go back to koalas and the koala recovery plan. Has the previous koala recovery plan been reviewed?

**Mr MARK SPEAKMAN:** I will invite Mr Bailey to add some details on that.

**Mr BAILEY:** I note the reference to a "koala recovery plan". There were amendments to the Threatened Species Conservation Act that established priority action statements for threatened species. My recollection is that priority action statements were put in place some years ago. The priority action statements have been the subject of review. They were reviewed leading into the 2013 decision to establish the Saving our Species program as the way of delivering the priority action statements for threatened species across New South Wales and we continue to work in accordance with the Threatened Species Conservation Act requirements.

**The Hon. PENNY SHARPE:** I want to follow up an operational issue with the EPA. I understand that there has been an ongoing issue internally within the EPA about an investigation into one of the managers threatening and bullying a licence holder during mediation. Is that correct?

**Mr MARK SPEAKMAN:** I will invite Mr Buffier to deal with that operational issue.

**Mr BUFFIER:** There is no ongoing issue that I am aware of.

**The Hon. PENNY SHARPE:** It is not an ongoing issue, but there was an investigation. Are you saying that that has been completed?

**Mr BUFFIER:** Well and truly; yes.

**The Hon. PENNY SHARPE:** Can I confirm that that investigation was run by Mark Gifford.

**Mr BUFFIER:** I think we are getting into matters of individual staff members. I would prefer not to get involved in that.

**The Hon. PENNY SHARPE:** I will rephrase the question. The investigation was done by someone within your department who reported the findings to you. Is that correct?

**Mr BUFFIER:** The normal procedure, when we get a serious allegation, is to appoint someone in the department who is not involved in that issue to be the person responsible for managing that process. Where it is a serious issue we normally get an external investigator such as IAB to come in and do the investigation. They provide their report to the person who has been given the role of looking after that issue. We have a separation of powers there. We do not have the area that is involved in the allegation managing that process. We get someone else in the department to do it. Quite often the investigation itself is done by an external party.

**The Hon. PENNY SHARPE:** What was your role in relation to this investigation?

**Mr BUFFIER:** Eventually, the report turned up on my desk.

**The Hon. PENNY SHARPE:** Are you aware that there is information that suggests that you had ongoing contact with the complainant during this investigation?

**Mr BUFFIER:** I am aware of a number of things that we have received on this matter, which are still being determined. I am not sure that it is appropriate for me to discuss them here.

**The Hon. PENNY SHARPE:** Can you clarify whether you were in contact with the complainant during the investigation.

**Mr BUFFIER:** I will answer that question. When these matters occur often the complainants contact me. The very nature of a complaint means that the complainant often tries to go to the top of the organisation. In some instances we also have ongoing business with that particular person so they may contact me in relation to ongoing business. The point I would make is that if there are allegations that this was not handled properly there is a very appropriate process to go through, and that is to refer all these matters to the Ombudsman. All the papers and all the issues are available for the Ombudsman to look at and to make a decision on. I think that that would be a good result in this case.

**The Hon. PENNY SHARPE:** Minister, do you believe that it is appropriate that the head of your agency is in contact with a complainant during an investigation?

**Mr MARK SPEAKMAN:** I will repeat what Mr Buffier said: If there is any suggestion of impropriety people can make complaints to the Ombudsman. I have confidence in Mr Buffier and the way he handles matters in the EPA.

**The Hon. PENNY SHARPE:** Is that investigation now finalised? Is there any further investigation being undertaken for any of the officers involved?

**Mr BUFFIER:** It was finalised some time ago.

**The Hon. PENNY SHARPE:** When, exactly?

**Mr BUFFIER:** I would have to take that on notice. From recollection it was more than 12 months ago.

**CHAIR:** I will now adjourn the hearing until about 12 minutes past 3.

**(The witnesses withdrew)**

**(Short adjournment)**

**CHAIR:** We will reconvene the hearing. We will now move to questions from the crossbench, Dr Faruqi, for 15 minutes.

**Dr MEHREEN FARUQI:** Minister, I am just going for a minute back to the question of climate change and Australia's post 2020 targets—just a clarification. Did the Office of Environment and Heritage [OEH] prepare a submission?

**Mr MARK SPEAKMAN:** I, as Minister, get advice from time to time on all sorts of environmental matters from OEH and from the EPA. I take that advice into account and then a whole-of-government decision is made. In this case it was that the State would not be making a submission on the emissions reduction target, which is a national target. It is a national issue and New South Wales is best placed to tackle climate change through its world-leading Act.

**Dr MEHREEN FARUQI:** Thank you, Minister. You gave that answer before, but could you just answer my specific question, yes or no. Did OEH prepare a submission?

**Mr MARK SPEAKMAN:** I have answered that question.

**Dr MEHREEN FARUQI:** I do not think you have.

**Mr MARK SPEAKMAN:** OEH gives advice from time to time. I take that advice into account. The Government makes a decision and the Government did not make a submission on the national emissions reduction target to the Federal Government.

**Dr MEHREEN FARUQI:** Minister, the Government's response to the report of the inquiry into the performance of the Environment Protection Authority was pretty disappointing with only seven of the 17 quite modest recommendations supported. I just want to ask a couple of questions on that.

**Mr MARK SPEAKMAN:** Certainly.

**Dr MEHREEN FARUQI:** Why would Government refuse to cover coal wagons, even if this was recommended by the New South Wales Chief Scientist?

**Mr SCOT MacDONALD:** Point of order: I think that is factually wrong. I think that question is factually wrong.

**CHAIR:** I apologise: I was not listening to the question. I will not uphold the point of order. I am sure the Minister is capable of pointing out if a question is factually wrong. Minister, it is over to you.

**Dr MEHREEN FARUQI:** I can just highlight that recommendation. It was Recommendation 7 made by the Committee, which stated:

That, in the event that the Chief Scientist recommends that all coal trains be fully covered and all empty wagons be washed to reduce coal dust emissions, the NSW Environment Protection Authority amend the relevant licences to adopt the Chief Scientist's recommendation.

This was not supported by the Government.

**The Hon. TREVOR KHAN:** Yes, but that is not the question you put.

**Mr SCOT MacDONALD:** Yes. The Chief Scientist did not make that recommendation.

**CHAIR:** Minister, if you care to answer in some fashion, it is up to you.

**Mr MARK SPEAKMAN:** Thank you, Chair. I think the important thing to note here is that we have engaged the independent Chief Scientist to undertake an inquiry into work on coal trains and emissions. Professor O'Kane has been instructed to undertake a review of rail coal dust emission management practices. She has been asked to provide advice on coal dust and related emissions in the rail corridor and in particular to identify, to describe and comment on key issues, including current scientific knowledge and matters of express public concern; to do the same with the issues in New South Wales and other jurisdictions to address issues,

including measurement, prevention, and management practices; to do the same with any gaps arising; and to describe advances in technology.

**Dr MEHREEN FARUQI:** Sorry, Minister, if I could just interrupt. That was not my question.

**Mr MARK SPEAKMAN:** —to describe advances in technology for sampling and monitoring air emissions—

**Dr MEHREEN FARUQI:** I will put my question again. If the key findings—

**Mr MARK SPEAKMAN:** — from the coal train in the rail corridor

**The Hon. TREVOR KHAN:** Point of order—

**CHAIR:** I do not need the point of order. I remind all members that they should not speak over or interrupt a witness during an answer. I remind witnesses at the table to answer as succinctly and quickly as they possibly can. But I will not direct a Minister how to answer a question.

**Mr MARK SPEAKMAN:** Thank you, Chair.

**Dr MEHREEN FARUQI:** Thank you, Chair.

**Mr MARK SPEAKMAN:** The important point is that we have asked the Chief Scientist and Engineer to undertake that independent review on dust from coal trains on those terms of reference and to provide advice. We are not running away from the issue; rather, we are tackling the issue head-on with independent advice from the Chief Scientist. That is against the background that the Committee report noted: That it had considered evidence received—I think about an alleged cover-up by the EPA in relation to this issue—and compared the findings made in various versions of reports with comments made publicly by the EPA. The committee did not find any evidence to suggest that there had been alterations to draft reports that had sought to do anything other than ensure that the findings accurately reflected the data gathered. There are a lot of theories about contributors to air pollution in the air shed there.

**Dr MEHREEN FARUQI:** Minister, I am sorry: I have to interrupt. That was not my question.

**Mr MARK SPEAKMAN:** We are getting the Chief Scientist to—

**Dr MEHREEN FARUQI:** I have very limited time so if I could ask the question directly: If the Chief Scientist does recommend covering and washing of coal wagons, will the EPA do it?

**Mr MARK SPEAKMAN:** As I have said, we are not running away from the issue but, rather, we are tackling it head-on and we have engaged the Chief Scientist to provide us with that report.

**Dr MEHREEN FARUQI:** Minister, are you aware that Hume Coal is now proposing to cover coal wagons on the South Coast? If coal companies are recognising the need to cover coal wagons, why is not the EPA? Surely it is a matter of health? Every day that goes by impacts on the health of communities.

**The Hon. TREVOR KHAN:** I take a point of order at this stage. That was three questions. It is quite unreasonable, essentially, to put one loaded question on top of another. The only fair thing for the witness is to ask one question so that the witness can answer it.

**CHAIR:** I will not uphold the point of order, simply because Ministers are used to robust questioning. I am sure the Minister can break the question down into components and answer it. If there are parts of the question that are out of order, I am sure that someone will take a point of order on parts of the question.

**Mr MARK SPEAKMAN:** I am happy to deal with that question or multiple questions, however, one wishes to characterise it. The important thing is that you could not get a more independent, robust analysis than the one we are engaging the Chief Scientist to do, so the public can have complete confidence in the transparency of what we are doing and the decision-making process. At the end of the day, the public and the EPA and policymakers like us should not decide things on whether or not a particular company chooses or does

not choose to do things voluntarily. The best scientific evidence is what we are getting with commissioning the Chief Scientist to do a thorough review.

**Mr DAVID SHOEBRIDGE:** Given the current reform process on Aboriginal heritage legislation has been going for five years, at what stage is it up to? When can we expect an outcome?

**Mr MARK SPEAKMAN:** The premise of your question that it has been a long process is certainly correct. In 2012 we established the independent expert working party to advise us.

**Mr DAVID SHOEBRIDGE:** The previous Government had been on it for a couple of years before then. You picked up its work so it is five years.

**Mr MARK SPEAKMAN:** That working party provided us with recommendations in October 2012. In September 2013 the Government released a proposed model for stand-alone Aboriginal cultural heritage legislation. We subsequently had extensive consultation. Yes, there has been a delay, but at the end of the day it is more important to get things right than to cut corners. This area is extremely sensitive. There are difficult issues. One difficult issue is who speaks for country. This is answering your question because I am explaining why it has taken this time. One issue we will have to grapple with is who speaks for country. We exhibited a model in 2013, where we tried to have traditional owners do that. As I understand it, the New South Wales Aboriginal Land Council, among others, preferred a model where the land councils are the interlocutors, if you like. That is a difficult issue to resolve. It is a sensitive issue and we want to take the time to do it properly.

**Mr DAVID SHOEBRIDGE:** You are quite right: Who speaks for country is a key issue. When are we likely to see a response from the Government to the raft of submissions that have been put in to that discussion paper?

**Mr MARK SPEAKMAN:** As I said, we are trying to hit the bullseye, if you like, and get the right answer. We are moving as quickly as possible. At the end of the day, we want to get the right answer rather than cut corners and end up in the wrong spot because we are more interested in expediency than a good outcome.

**Mr DAVID SHOEBRIDGE:** From December 2013 to September 2015, and there still does not look like any kind of horizon for an outcome. Surely you accept that Aboriginal people across the State deserve something better from the Minister than just an "off in the never-never" again?

**Mr MARK SPEAKMAN:** Aboriginal people in this State deserve the best possible outcome, as do all citizens of this State. There are matters of balance and protecting Aboriginal cultural heritage on one hand and making sure that people who want to do things with their property face the minimum amount of red tape on the other hand. It is a difficult balance. We are moving as quickly as possible but at the end of the day we want to achieve the right outcome.

**Mr DAVID SHOEBRIDGE:** Every month, every day, that we wait for some decent Aboriginal heritage laws in this State more and more Aboriginal heritage is being destroyed. What is the current approval rate of Aboriginal heritage impact permits? How many of them were approved last year, and how many, if any, were refused last year?

**Mr MARK SPEAKMAN:** In 2014-15 there were 108 Aboriginal heritage impact permits issued in New South Wales and there were 16 permit variations approved. One permit was transferred from one development proponent to another.

**Mr DAVID SHOEBRIDGE:** How many were refused?

**Mr MARK SPEAKMAN:** I am coming to that. What is important is that applicants for those permits must identify what harm is avoidable and what conservation outcomes will be achieved, and develop management strategies to minimise unavoidable harm, and they must do that in consultation with Aboriginal people. When we get to the number you are after, which is zero, there were no applications refused in 2014-15—

**Mr DAVID SHOEBRIDGE:** I was hoping for a different number, to be honest, but I was expecting zero.



**Mr MARK SPEAKMAN:** That is the number. There are two things: The process requires applicants to identify what harm is avoidable and what conservation outcomes will be achieved; and the process will discourage applications by those who expect their applications to be refused when there is that thoroughness of a process to go through.

**Mr DAVID SHOEBRIDGE:** How many breaches relating to the current Aboriginal heritage laws were reported to the Office of Environment and Heritage in the last financial year? Of those, how many were investigated? I am happy for you to take it on notice

**Mr MARK SPEAKMAN:** No, I think I can answer that. In the last financial year, 2014-15, the Office of Environment and Heritage's environment line received 76 reports of harm to Aboriginal cultural heritage. Each of those reports was assessed to determine whether there was likely to be a breach of existing protections and to assess their risk to Aboriginal cultural heritage conservation and the integrity of the regulatory system. As a result of that risk assessment, where there is a high-risk matter investigations are undertaken; and if a breach is confirmed then regulatory action is taken. In 2014-15, 16 advisory letters were issued by the Office of Environment and Heritage, and there were 16 warning letters in relation to Aboriginal cultural heritage matters. No prosecutions were commenced or completed.

**Mr BAILEY:** Consistent with concerns about the sorts of practices associated with the Aboriginal Heritage Impact Permit program, we have commenced an audit program. In 2014-15 our audit program saw 50 desktop and 20 field-based inspections of the Aboriginal heritage impact permits undertaken. The audit showed that the conservation outcomes are being achieved as a result of the permits, and no serious cases of non-compliance were found through the audit program. I note that is a high proportion of the number of issues that a permit complied with in terms of the audits that were undertaken.

**Mr DAVID SHOEBRIDGE:** The summary of last year's performance on Aboriginal heritage was that your office approved 108 instances where Aboriginal heritage could be destroyed, in whole or in part, there were 76 reports of harm of Aboriginal heritage, and not a single prosecution. Is that not a system that is failing Aboriginal people and Aboriginal heritage?

**Mr MARK SPEAKMAN:** There are two answers to that.

**Mr DAVID SHOEBRIDGE:** Yes and yes.

**Mr MARK SPEAKMAN:** No. That is wishful thinking.

**Mr DAVID SHOEBRIDGE:** It is not wishful thinking. That is why the reform agenda needs to be at the front of your desk.

**Mr MARK SPEAKMAN:** There is a careful reform agenda and, as I said, we are taking our time to ensure it is absolutely right to balance competing considerations. But to the contrary of your proposition, the data you cite proves the opposite. The fact that there is such a low level of refusal is an indicator of the thoroughness concerning applications, the process and the system of applications that discourages people from making applications that they suspect would be refused. More to the point, as Mr Bailey pointed out, the strength of the auditing and compliance program shows that there is a very high level of compliance with permits that are issued.

**Mr DAVID SHOEBRIDGE:** Has the New South Wales heritage office signed off on UrbanGrowth's plans for the Parramatta Female Factory and the Cumberland precinct at Parramatta? If so, why?

**Mr MARK SPEAKMAN:** Let me answer that question against the context of what my role is as heritage Minister. I have a number of defined functions in the Heritage Act, primarily the making of interim heritage orders—

**Mr DAVID SHOEBRIDGE:** I was asking about the office.

**Mr MARK SPEAKMAN:** I am coming to that. In my role as Minister I make interim heritage orders in relation to matters of State or local heritage significance and I list or delist things on the State Register. Permission to do works to State-listed items is a matter for the Heritage Council, rather than for me as Minister. There has, as I understand it, been an iterative process between the Heritage Council, using OEH staff as their

secretariat, on the one hand and UrbanGrowth in relation to Parramatta north. I understand that iterative process has not yet been finalised. I think Mr Bailey can answer that question.

**CHAIR:** The Greens' time has expired.

**Mr DAVID SHOEBRIDGE:** That is okay; please take it on notice.

**CHAIR:** There is more time for the crossbench later.

**The Hon. MARK PEARSON:** The 2013 quota for the commercial killing of kangaroos was just under two million animals. Barnaby Joyce and the Queensland Government recently sent a delegation to China on the back of the Russian ban on kangaroo meat to try to open up the export of kangaroo meat for human consumption into China. On the tail of that delegation, I went to China with an Indigenous elder, Uncle Max Dulumunmun, because of his grave concerns about how this impacts on the culture, totem and connection with kangaroos that the Indigenous community has.

Would the Minister consult with all the elders and custodians of this land we talk about every day? The largest slaughter of land-dwelling wildlife occurs in Australia. Would the Minister, in contemplating the next kangaroo management plan—which you will have to address early next year—consult with all the key elders involved in that process in relation to the decision to sign off on a kangaroo management plan?

**Mr MARK SPEAKMAN:** It is our intention to consult with people generally, and the relevant Aboriginal communities would be part of that consultation.

**CHAIR:** We will move to questions from the Opposition. Mr Pearson, if you wish to ask another question there will be time later.

**The Hon. PENNY SHARPE:** I have a specific question in relation to fairy penguins at Manly and how they are being looked after, as I understand there is an issue with foxes going after them at the moment.

**Mr MARK SPEAKMAN:** Is that your question?

**The Hon. PENNY SHARPE:** Yes, I want to know whether there is currently an issue with foxes and the fairy penguins at Manly.

**Mr MARK SPEAKMAN:** Between 12 and 29 June this year there were 27 little penguin deaths at North Head. On 11 August five kilometres away at Dobroyd Head on Reef Beach an additional little penguin was found dead. The cause of the attacks is believed to be one or more foxes hunting in that area. I understand four or maybe five foxes have been trapped in that period, most of those at Dobroyd Head. About a week after the 27 deaths National Parks thought they had caught the culprit. But a necropsy was done at Taronga Zoo that revealed it was not the fox that had been killing the little penguins.

There have been no deaths at North Head since 29 June. I am advised that chances are the fox has taken bait and died. I was recently there and part of the problem is that North Head is a multi-use area—it is not all a national park. You have the Quarantine [Q] Station operating as tourist accommodation and men in lycra cycling around, which makes any shooting and trapping operations fairly problematic. An expert shooter was brought in to get this fox—I am sorry, we did not consult you, Chair.

**CHAIR:** That is alright; next time.

**Mr MARK SPEAKMAN:** Trappers were brought in as well and we have also relied heavily on local volunteers. Initially a very high number of people were on site trying to get the fox. When it was not caught and the theory was the fox has gone elsewhere, those operations were scaled back. There are still regular National Parks and Wildlife Service people monitoring the situation. Another problem is that in people's minds little penguins turn up at beaches in flocks and are so easy to protect. When they are nesting, they are dissipated throughout North Head and it is impossible to have a guard for every pair as there may be 70 or 80 penguins.

**The Hon. PENNY SHARPE:** Yes, but 27 deaths is a lot in one area.

**Mr MARK SPEAKMAN:** It is a lot and it is very distressing to me and the volunteers. As I say, we have done everything reasonably possible to prevent further deaths. My advice is that while 27 is a significant number, the National Parks and Wildlife Service is confident that the colony will recover.

**The Hon. PENNY SHARPE:** How many whales have we had in the harbour this season?

**CHAIR:** And can you name them?

**Mr MARK SPEAKMAN:** I would have to take that on notice?

**The Hon. PENNY SHARPE:** Can anyone with you answer it? I understand there has been at least one.

**Mr BAILEY:** My recollection is only one. Our mammal expert will be able to give us that number.

**The Hon. PENNY SHARPE:** When there is a whale in the harbour, there is a significant role for National Parks and Wildlife Service officers to protect the whale from people wanting to play with it, ferries and such. Is that correct?

**Mr MARK SPEAKMAN:** Yes.

**The Hon. PENNY SHARPE:** How many staff at the Sydney Harbour National Park have been off doing firefighting duty?

**Mr MARK SPEAKMAN:** That is an operational question that I cannot answer. Maybe Mr Bailey can.

**The Hon. PENNY SHARPE:** I will make my question more precise. I understand there has been a lot of burn-off work for fires outside Sydney. How many staff from the Sydney Harbour National Park have been offsite doing that work rather than at the Sydney Harbour National Park? You can take the question on notice, if you need to.

**Mr BAILEY:** I would have to take that on notice. There are a couple of components to come back to. One is remembering that we manage our resources. We have about 1,200 qualified firefighters across the National Parks and Wildlife Service filling that role in bushfire fighting and in hazard reduction burning.

**The Hon. PENNY SHARPE:** They do a terrific job.

**Mr BAILEY:** Whenever they are available and the weather conditions are right, it is important that we deploy the resource into the right areas to meet the hazard reduction targets we have set. We are proud of the hazard reduction work we have done in the last few years. It is not unusual for us to have staff move to any part of the State to deliver the hazard reduction program. I will look specifically at what that has meant for Sydney Harbour but I would not think it is anything out of the ordinary.

**The Hon. PENNY SHARPE:** How many permanent full-time field officers do you have for the Sydney Harbour National Park?

**Mr BAILEY:** I have not brought that level of detail with me today. I will take that on notice.

**The Hon. PENNY SHARPE:** It has been suggested to me that there are only four. Does that sound about right?

**Mr BAILEY:** I would have to take that on notice.

**The Hon. PENNY SHARPE:** Minister, you can see where I am getting to. There have been significant issues in the Sydney Harbour National Park in relation to fairy penguins and whales as well as job cuts that are forecast in relation to the budget. Do you believe there is sufficient funding to ensure there are sufficient staff to care for the fairy penguins, the whales and all other parts of the National Parks and Wildlife Service?

**Mr MARK SPEAKMAN:** Absolutely. I invite Mr Bailey to comment on staffing at Sydney Harbour National Park and North Head, in particular, insofar as the deal did not affect the protection of little penguins.

**The Hon. PENNY SHARPE:** I am asking this question in a larger context.

**Mr MARK SPEAKMAN:** Your question may have the implication that staff cuts—

**The Hon. PENNY SHARPE:** Yes, I am pretty worried as I do not think there are enough staff to protect the penguins or to look after the whales.

**CHAIR:** I have a solution, Penny.

**The Hon. PENNY SHARPE:** I do not think we want to know it, Robert. Mr Bailey, can you take my question on notice?

**Mr BAILEY:** I am happy to provide some clarification. I draw your attention to the year-on-year 2014-15 comparison with the 2015-16 budget allocation to the National Parks and Wildlife Service—not to that broader group. There is a \$6.8 million increase in that budget in 2015-16 compared with last year. I expect that the service will receive additional funds as part of the Saving our Species program that we run through another component. I am confident that the combination of our staff, volunteers and contract support staff who helped with trapping at North Head and Manly meant that there was no compromise to the operation. We ensured that we did as much as we could. We also flew in some expert shooters from around the State to ensure we had the best marksmen in the park service on site during that period. It is not unusual in high-impact moments to bring people from throughout the State to do that support work.

**The Hon. PENNY SHARPE:** I appreciate that answer. If you want to provide more information that would also be appreciated. Minister, I refer you to the Parramatta Female Factory heritage assessment and the other buildings that are part of the UrbanGrowth NSW project. Was the first Heritage Council submission made only in February this year?

**Mr MARK SPEAKMAN:** I am not sure of the precise timing. It is important to note that the Government recognises that the Parramatta North precinct is an exceptional part of our heritage. Indeed, I think you have been canvassing its international significance with another Minister in the past few days.

**The Hon. PENNY SHARPE:** That is correct.

**Mr MARK SPEAKMAN:** The Government certainly supports its national listing. I am advised that the Heritage Council, using heritage office staff as its secretariat, has been regularly involved in discussions with UrbanGrowth NSW and an iterative process is underway.

**The Hon. PENNY SHARPE:** Can you confirm that that started only in February this year?

**Mr MARK SPEAKMAN:** As I said, it is an iterative process. The important thing is where we land. Any plans on exhibition at the moment are only plans, not final outcomes. The Government recognises the incredible significance of the site. That is why it is planning to spend \$103 million on protecting and preserving its heritage. I am confident that will be a great outcome that will make its contribution to dealing with Sydney's housing crisis on the one hand and appropriately protecting and conserving this exceptional piece of heritage on the other.

**The Hon. PENNY SHARPE:** Are you aware if there is a conservation management plan or a built heritage strategy for this site?

**Mr MARK SPEAKMAN:** I will invite Mr Bailey to comment on that. As I said, it is an exceptional site. I went there a few months ago and spent the afternoon walking around. I appreciate its significance, not only to the people of Parramatta but also to the rest of New South Wales and beyond.

**Mr BAILEY:** UrbanGrowth NSW is preparing a consolidated conservation management plan for the Parramatta North historic precinct in consultation with the Heritage Council of NSW. That is consistent with the guidelines for State-owned heritage assets.

**The Hon. PENNY SHARPE:** When did that begin?

**Mr BAILEY:** I cannot provide a date. I will take that question on notice. I can assure the Committee that the consolidated conservation management plan is in preparation and that the Heritage Council has been closely consulted.

**The Hon. PENNY SHARPE:** Minister, are you concerned that UrbanGrowth NSW is going ahead with building about 4,000 units in and around the site when there is no conservation management plan?

**Mr MARK SPEAKMAN:** That question presupposes that apartments, housing and so on will be approved and built before a plan is put in place. UrbanGrowth NSW is preparing a consolidated conservation management plan in consultation with the Heritage Council. I understand that UrbanGrowth NSW has amended its layout plan and sited new buildings to minimise impacts on areas of exceptional heritage value. The bottom line is that it will not happen until it has been thoroughly examined by the Heritage Council. While I understand people's passion about Parramatta North and their concern about the outcome for this unique area, at the end of the day nothing is cast in stone or concrete—that is not intended to be a pun—until the council has thoroughly examined it and the iterative process is completed.

**The Hon. PENNY SHARPE:** Is the Heritage Council working on the basis that the Female Factory will be World Heritage listed?

**Mr MARK SPEAKMAN:** As I understand the process, as a result of intergovernmental agreements within Australia entered into about 10 years ago there is a protocol that sites or items will not be nominated for World Heritage listing until they have national heritage listing. Mr Bailey is an expert in this area, having worked in the World Heritage area at the Commonwealth level, and he may be able to elaborate.

**The Hon. PENNY SHARPE:** I understand the Federal Minister has applied for national heritage listing.

**Mr BAILEY:** That is correct. My recollection is that an intergovernmental protocol was agreed to in 2004 by the States and Territories, and that is the foundation of the establishment of the Australian National Heritage List. It states that before a site is considered for world heritage listing it should be assessed for inclusion in the National Heritage List. Consistent with that protocol, that is proceeding. A world heritage nomination is incredibly complicated. I have prepared the last three world heritage nominations for the Federal Government, so I have an intimate understanding of the operational guidelines and procedures.

Identifying world heritage items that might be of outstanding universal value is a complicated iterative process. However, the Heritage Council's key consideration is that it is looking to manage and protect the heritage fabric of the site. In general terms, if it is being done for State heritage values, national heritage values tend to be a subset of the State heritage values, and the world heritage values are generally a subset of the national heritage values. If you comprehensively plan for the State heritage values, you capture the outstanding national heritage values and any international heritage values on the site.

**Dr MEHREEN FARUQI:** Is the New South Wales National Parks Establishment Plan still the basis for making decisions about acquisition priorities for national parks, or has it been replaced by the directions statement?

**Mr MARK SPEAKMAN:** It has not yet been replaced by the directions statement. The Government is considering it.

**Dr MEHREEN FARUQI:** Does the directions statement have specific targets and timelines for acquisition?

**Mr MARK SPEAKMAN:** The final form of the directions statement is still under consideration by the Government. It is likely to focus on the most appropriate strategies for acquisitions. There may well be government documents and policies that deal with other aspects, for example, community consultation and the triple bottom line. It will look at whether we should be focusing on acquiring land that enhances connectivity between existing holdings or whether we should be concentrating on acquiring plots that will make boundaries more sensible or that fill gaps in our comprehensive, adequate and representative [CAR] system.

**Dr MEHREEN FARUQI:** Are you still committed to a CAR system? Can you commit to timelines and targets within that directions statement when you review it? A copy is already available.

**Mr MARK SPEAKMAN:** A copy has gone out for discussion. However, the final form of that directions statement is still under consideration.

**Dr MEHREEN FARUQI:** Can you commit to targets and timelines in that directions statement?

**Mr MARK SPEAKMAN:** Its content is still under consideration.

**Dr MEHREEN FARUQI:** Surely a plan must have targets and timelines.

**The Hon. TREVOR KHAN:** Was that a question?

**Dr MEHREEN FARUQI:** No, it was a statement. Minister, how many staff are there for compliance in the regional operational division of OEH?

**Mr MARK SPEAKMAN:** I invite Mr Bailey to answer that question.

**Mr BAILEY:** The number of compliance staff in the regional operations group is 24. That is a consistent number with the previous financial year and an increase on the previous two.

**Dr MEHREEN FARUQI:** Are these staff fully dedicated to compliance or do they do other duties as well?

**Mr BAILEY:** Their fundamental role is compliance under the Native Vegetation Act, the Threatened Species Conservation Act and the Aboriginal impact components of the National Parks and Wildlife Act.

**Dr MEHREEN FARUQI:** How much area do they cover in hectares?

**Mr BAILEY:** Our program covers the State.

**Dr MEHREEN FARUQI:** And do you think that 24 staff are enough to look after compliance for the whole State? During the Environment Protection Authority [EPA] inquiry we found out that there were only 27 EPA staff dedicated to the oversight and compliance of Forestry NSW and that that is why we were having some quite poor outcomes and issues in terms of breaches. Do you think 24 are enough to cover the whole State? Maybe the Minister could answer this question. Are there any plans to increase compliance staff in the regional operations division?

**Mr BAILEY:** There are a couple of components that I will point out. There are 24 staff in the regional operations group who are involved strictly in a compliance program. I would point out that statewide we have a number of other authorised officers under multiple pieces of legislation including many within the Parks and Wildlife Service who are also regionally based, and again in an organisation that brings all these things together—

**Dr MEHREEN FARUQI:** In regional areas, though?

**Mr BAILEY:** In regional areas. As an organisation our parks service is in about 220 locations around the State, so we are very spread out across the whole of the State. The number of compliance staff that we have is an increase on where it was. There are two things that I would point out. One is that we have also invested more heavily in the past couple of years in satellite imagery, which gives us a significant understanding around many of the compliance responsibilities that they have. We are now purchasing particular satellite monitoring that increases our intelligence and our information around the compliance program to support them. That is a significant contribution in its own right. So I am satisfied with the numbers that we have doing our work and we will continue to look at how we present tools to assist them in the work that they do.

**Dr MEHREEN FARUQI:** Minister, why has there been no New South Wales commercial kangaroo harvest annual report since 2013?

**Mr MARK SPEAKMAN:** Mr Bailey knows the answer.

**Mr BAILEY:** There has been a delay in the issuing of that. I have looked into it and I expect that I will be able to issue a report in the next short while. I will indicate when that will be. That will go back for that period.

**Dr MEHREEN FARUQI:** Could you merely indicate today how many inspections of commercial kangaroo harvesters have taken place in 2014-15?

**Mr BAILEY:** I cannot give you the number of those. The numbers that are set in those are outlined in our management plan that we look to achieve, and that is working with the requirements with the Commonwealth Government.

**Dr MEHREEN FARUQI:** On the satellite imagery, is that imagery accurate enough to pick up paddock trees if they have been cut down? Does it go down to the scale of individual paddock trees?

**Mr BAILEY:** Yes. We now have a level of resolution that we are purchasing that would indicate that to me.

**Dr MEHREEN FARUQI:** Thank you. Regarding kangaroo harvesting, Minister, your response to questions on notice dated 1 July noted that these compliance activities are part of the role of the Office of Environment and Heritage compliance officers. Does this mean that there are specific compliance officers for the commercial kangaroo harvest plan or is it part of the duties of other officers?

**Mr BAILEY:** It is a combination of both. Primarily we have tended to have that skill reside in a limited number of people. Many of our compliance staff are based geographically across the State. The kangaroo harvest management component is the western part of the State so it really aligns with the officers in the western part of the State. But I point out that our officers are authorised and trained across multiple disciplines to be able to do the work. By and large it is in the western part of the State.

**Dr MEHREEN FARUQI:** Has there been any reduction in the compliance officers that are specifically dedicated to the commercial kangaroo harvest program?

**Mr BAILEY:** Over the past couple of years there has been a reshaping of the compliance program across the whole of the State, so our key people out in the western part have multiple authorisations and multiple activities that they take accountability for. Again, those accountabilities and responsibilities reside with senior team leaders who are delivering on those programs with their compliance staff. From memory, our compliance numbers in the past two years are up.

**Dr MEHREEN FARUQI:** Minister, given that South Australia, the Northern Territory, the Australian Capital Territory and Tasmania have banned single-use plastic bags and, as I understand, the former Minister for the Environment, Minister Stokes, was quite enthusiastic about addressing plastic pollution, does the New South Wales Government have any plans to ban single-use plastic bags in the near future?

**Mr MARK SPEAKMAN:** You can assume I am very enthusiastic about action on plastic as well.

**Dr MEHREEN FARUQI:** Good to know.

**Mr MARK SPEAKMAN:** Last year or the year before, I went out with the Australian Nuclear Science and Technology Organisation [ANSTO], which is looking at the effect on marine life of plastic ingested. I went on a trip with the organisation around Port Hacking and out into Bait Bay in Cronulla. There is no doubt that plastic bags have a negative impact on our environment. We are estimating that at the moment there are around 10 million of them permanently entering the environment every year.

**Dr MEHREEN FARUQI:** Do you have any plans to tackle that issue, Minister?

**Mr MARK SPEAKMAN:** What we want to do is lead a national approach. At the Meeting of Environment Ministers [MEM] 2—which was the second Meeting of Environment Ministers, in February this year, before I became the Minister—the Commonwealth, State and Territory environment ministers agreed that New South Wales would lead a national work to examine plastics and microplastics—a working group—

**Dr MEHREEN FARUQI:** Minister—

**Mr MARK SPEAKMAN:** Hang on—I had not finished yet.

**Dr MEHREEN FARUQI:** A national approach basically means delaying the process when other States have done it. If we cannot be leaders, surely we can follow a good example.

**Mr MARK SPEAKMAN:** On the contrary—we are leading national work on this. That will be considered by Australian environment ministers hopefully in December this year.

**Dr MEHREEN FARUQI:** But, Minister, how can we be leading national work when other States have bans and we do not?

**Mr MARK SPEAKMAN:** I cannot change the terms of the resolution of environment ministers at the national level in February. They agreed we would lead. Even though different States had done different things and are at different stages, they agreed that we would lead national work on this project. That is what we are doing. I hope to be able to report on that work to the Meeting of Environment Ministers in December.

**CHAIR:** Minister, before I pass over to Mr Pearson, could you elucidate the acronym "MEM2" for *Hansard*?

**Mr MARK SPEAKMAN:** Sure: the second meeting of environment ministers. "MEM" is meeting of environment ministers. The first meeting is called MEM1, the one in July was MEM3 and the next one is MEM4.

**The Hon. TREVOR KHAN:** I bet they set up a committee to work that one out.

**CHAIR:** Thank you. We move to Mr Pearson's questions.

**The Hon. MARK PEARSON:** The Animal Justice Party is concerned about all animals, which includes all different group of animals. It also includes introduced animals, otherwise referred to as "noxious", "pests", "unwanted", "feral" et cetera. This maligning and demonising of them can cause a great deal of harm to them because of the view that they need to be removed at whatever cost. Has there been a comparison made between human impacts—habitat destruction and clearing through forestry and agriculture and other human impacts on wildlife and other aspects of our environment—and the actual impact of introduced species?

**Mr MARK SPEAKMAN:** Mr Bailey might know more about direct comparisons, but I think the important point to note is that invasive fauna and flora, and habitat loss are both significant contributors to biodiversity decline in New South Wales. So it is not a question of dealing with only one and not the other. But in terms of their relative contribution, I do not know whether Mr Bailey has any statistics he is able to share.

**Mr BAILEY:** Thirty years' experience. I apologise, I am very hesitant to take the question on notice, because I suspect there are a number of species in the answer. As the Minister points out, there are multiple threads that impact our native wildlife. To make a determination that loss of habitat through one action versus the introduction of a pest species and balance or weigh the two against each other to say one is more significant than the other, I can think of introductions of pest species that I would say outweigh loss of habitat. In critical spots, I would see loss of habitat outweighing the introduction of threatened species. To use a non-New South Wales example, I worked and lived in the Top End of Australia and saw the movement of cane toads across the Top End.

When you look at the habitat, the habitat remains in place, but when you look at the impact on small mammal fauna, particularly the carnivores, it is a significant impact. You cannot weigh the two against each other to say one outweighs the other in respect of impact. We must be concerned about the combination of the two. Those key biosecurity questions that worry us, and clearly we contribute to through the National Parks and Wildlife Service, are primarily the responsibility of the Department of Primary Industries. I cannot give you a definitive answer or point you to a set of statistics that say that one is more problematic than the other.

**The Hon. MARK PEARSON:** Underpinning my question, for example, are the claims about feral cats, that we need an invasive species program and all the trumpeting from the rooftop about that, but we do not have the same pitch and volume in relation to the forestry industry by the governments of the day—



**CHAIR:** I think The Greens might disagree with that.

**The Hon. MARK PEARSON:** —or of agribusiness or agriculture impacts. We are very quick to move to a demonising criticism of these introduced animals. This is why I am asking the question. Rather than opinion, has there been a very objective analysis of which of these factors impact on the environment and wildlife in various ways?

**Mr MARK SPEAKMAN:** I do not know about a direct comparison, but there is no doubt that invasive species are a very serious threat to our biodiversity. As I understand it, 20 million feral cats kill 75 million native animals every night. So whether that is more than is happening or has a worse or a less impact than habitat loss, or the effect of human occupation, to me, is a moot point. It is clear that invasive species, like feral cats, are killing our native animals and, as humanely as possible, we have to do something about it.

**CHAIR:** Thank you, Minister. Although it is such an informative session, it is over. Before I conclude, Mr Bailey, do you have some written answers that you wish to table?

**Mr BAILEY:** I want to clarify that budget question from earlier, which was about budget estimates 2014, page 5-23, and the comparison of the 2013-14 figure and the 2014-15 figure and why it is 98 versus 214. The absolute definitive answer that I chased during the break was that the commencement of the Government Sector Employee Act in February that year changed the reporting relationships. There are two reports for which our accounts were applicable in that given year—one under the Office of Environment and Heritage and one under the Department of Premier and Cabinet at the time. So the total numbers are at about the same and consistent across the two. That is the explanation.

**The Hon. PENNY SHARPE:** I appreciate that. It was a very large number.

**Mr MARK SPEAKMAN:** Chairman, I need to clarify an answer I gave to Ms Sharpe's question about park fee increases. I mentioned the figure of 2.5 per cent. That represents the consumer price index [CPI] component for this year. By way of further information, we have not had park use fee increases since 2004, or camping fee increases since 2007. I cannot tell you how much fees will increase this year, but given that long lag time since the last fee increase, it is intended to look at accumulated CPI since that period and catch up on the erosion of our revenue base.

**CHAIR:** Thank you. Minister, we would appreciate replies to any questions on notice within 21 days of you receiving the questions in writing. I thank you and your staff for agreeing to appear today. Thank you very much for your evidence.

**Mr MARK SPEAKMAN:** Thank you, everyone.

**(The witnesses withdrew)**

**The Committee proceeded to deliberate.**

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