

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Tuesday, 1 March 2022

Examination of proposed expenditure for the portfolio area

ENVIRONMENT AND HERITAGE

CORRECTED

The Committee met at 09:30.

MEMBERS

Ms Cate Faehrmann (Chair)

Ms Abigail Boyd

Mr Justin Field

The Hon. Rose Jackson

The Hon. Shayne Mallard

The Hon. Taylor Martin

The Hon. Mark Pearson (Deputy Chair)

The Hon. Walt Secord

The Hon. Penny Sharpe

Mr David Shoebridge

PRESENT

The Hon. James Griffin, *Minister for Environment and Heritage*

* Please note:

[inaudible] is used when audio words cannot be deciphered.

[audio malfunction] is used when words are lost due to a technical malfunction.

[disorder] is used when members or witnesses speak over one another.

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**

CORRECTED

The CHAIR: Welcome to the additional public hearing for the inquiry into budget estimates 2021-2022. Before I commence I would like to 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 Aboriginal people present. I welcome Minister James Griffin and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolios of Environment and Heritage.

Before we commence, I would like to make some brief comments on the procedures for today's hearing. Today's proceedings are being broadcast live from the Parliament's website and a transcript will be placed on the Committee's website once it becomes available. In accordance with the broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings. All witnesses in budget estimates have a right to procedural fairness, according to the procedural fairness resolution adopted by the House in 2018.

There may be some questions that a witness could answer only if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. Finally, everybody should please turn their mobile phones to silent for the duration of the hearing.

CORRECTED

ATTICUS FLEMING, Acting Coordinator-General, Environment, Energy and Science, Department of Planning and Environment, on former affirmation

DAVID FOWLER, Executive Director, Regulatory Practice and Environmental Solutions, NSW Environment Protection Authority, on former affirmation

DEAN KNUDSON, Deputy Secretary, Biodiversity, Conservation and Science, Department of Planning and Environment, on former affirmation

ANDREW NICHOLLS, Acting Deputy Secretary, National Parks and Wildlife Service, Department of Planning and Environment, before the Committee via videoconference, on former oath

MICHELLE DUMAZEL, Executive Director, Biodiversity and Conservation Division, Department of Planning and Environment, on former affirmation

SHARON MOLLOY, Executive Director, Biodiversity and Conservation Division, Department of Planning and Environment, on former affirmation

SAM KIDMAN, Executive Director, Heritage NSW, Department of Premier and Cabinet, affirmed and examined

JACQUELEINE MOORE, Acting Chief Executive Officer, NSW Environment Protection Authority, affirmed and examined

The CHAIR: Welcome, Minister. I will start with questions from the Opposition, Ms Penny Sharpe.

The Hon. PENNY SHARPE: Thank you, Minister, and thank you to your officials who are all here today. Congratulations on the new gig. It is very important for New South Wales. Minister, in the last budget the National Parks and Wildlife Service got a new helicopter. Is that correct?

Mr JAMES GRIFFIN: Yes.

The Hon. PENNY SHARPE: How many helicopters are there in the National Parks and Wildlife Service fleet?

Mr JAMES GRIFFIN: From memory and recent discussions with Mr Fleming, there are four. Am I correct, Mr Fleming?

ATTICUS FLEMING: I think it is five, Ms Sharpe. But there are a combination of owned and leased.

The Hon. PENNY SHARPE: But they are available now, 24 hours a day. Is that right?

ATTICUS FLEMING: I do not know off the top of my head what commitments they have right now, but they can be made available typically on short notice, yes.

The Hon. PENNY SHARPE: Has anyone called on them for use in the disaster unfolding in Lismore and the Northern Rivers?

ATTICUS FLEMING: Not that I am aware of.

The Hon. PENNY SHARPE: Do you know why not?

ATTICUS FLEMING: Why have they not been called on? No.

The Hon. PENNY SHARPE: Would they be available if they were asked to be used?

ATTICUS FLEMING: I would have to check that they are not in the middle of another job but if they are free, yes. If they are in the middle of another job, we could look at whether that could be diverted for a more important purpose.

The Hon. PENNY SHARPE: There are other examples where they have been used for these kinds of events, like rescuing people off roofs, for example.

ATTICUS FLEMING: I cannot comment on the history. I will not recall that. As I understand it, we are not typically the first call for that sort of work but we have assisted in disasters in the past, yes.

The Hon. PENNY SHARPE: No, but obviously we are seeing terrible things coming out of the Northern Rivers. I pay tribute to everyone who is doing their best under very difficult circumstances, including our local member, who had to swim to her own safety, and her staffer who rescued people yesterday. But I suppose my question is that given what we have heard, there are clearly government assets that are available. I am a little bit bemused about why they have not been asked to assist.

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Mr JAMES GRIFFIN: Thank you, Ms Sharpe. Obviously, everybody here today is thinking of those up on the North Coast. It would go without saying that any and all resources are available, if requested. We will do what we humanly can to make them available to support the efforts with the flood recovery and the issues that are unfolding there right now. I do understand that the EPA are working with an interagency working group to assist with issues like waste levy and post clean-up and will continue to do that. It goes without saying that any opportunity for my particular portfolio to assist with the challenges that the Northern Rivers communities are facing, we will happily do so.

The Hon. WALT SECORD: Minister Griffin, Mr Atticus Fleming said that there are five helicopters that are either leased or owned. How many helicopters do you have access to?

ATTICUS FLEMING: We have five helicopters—two owned and three leased.

The Hon. WALT SECORD: What are they doing right now? Are they just sitting on the tarmac?

ATTICUS FLEMING: We utilise them as effectively as we can. I do not have a record on hand as to what they are doing today. I can ask that question. I am happy to do so.

The Hon. WALT SECORD: Minister, wouldn't you be proactive knowing that we have the worst floods in the State's history on the North Coast, with people stranded on rooftops? Wouldn't it occur to you that there are five helicopters sitting on the ground doing nothing and that they could have been used on the North Coast to rescue people? Didn't it occur to you yesterday morning?

The Hon. SHAYNE MALLARD: You should ask the emergency services Minister, not the environment Minister.

The Hon. WALT SECORD: It is within his portfolio. He has five—

The Hon. SHAYNE MALLARD: The emergency services Minister would be more appropriate.

The Hon. WALT SECORD: He has five helicopters. I am sorry, colleague. Minister, you have five helicopters. Wouldn't it have been a good idea to fly them to the North Coast to rescue people?

The Hon. SHAYNE MALLARD: The emergency services Minister—

The CHAIR: Order!

Mr JAMES GRIFFIN: Mr Secord, we obviously want to have a coordinated approach to assisting the efforts up there. If I am asked by the relevant Minister to assist then, we will absolutely do that and make all assets that we have available if it would be useful and helpful, absolutely. But there is a coordinated approach by the Government with respect—

The Hon. WALT SECORD: May I ask one last question? There was a press release from the previous Minister announcing the formation of a risk and evaluation unit. That was after the bushfires. Some 125 frontline people were trained to respond to emergency situations. Were those 125 people and the dedicated risk and evaluation unit offered up to the rescue efforts on North Coast?

ATTICUS FLEMING: May I correct what I said earlier? I think I said three leased and two owned, but it is three owned and two leased. Sorry.

The Hon. PENNY SHARPE: I was going to come back to you about that because that is what I thought it was too.

ATTICUS FLEMING: I am happy to check what those helicopters are doing today. In relation to your question, the staff that were added after the last 2019-20 bushfire season were trained firefighters, as distinct from broader emergency personnel.

The Hon. WALT SECORD: Firefighters do rescue efforts.

ATTICUS FLEMING: I want to be clear we are happy to help in whatever way we are asked to do so.

The Hon. WALT SECORD: What are those 125 people doing right now? Are they just sitting, like the five helicopters, on the tarmac?

ATTICUS FLEMING: They are performing their duties as NPWS staff.

The Hon. WALT SECORD: But don't you think it is a matter of all hands on deck for the North Coast? Wouldn't you have offered those five helicopters and the 125 people up to the rescue efforts?

ATTICUS FLEMING: We are happy to help if asked. We are happy to contribute if asked as to what we are doing. They are firefighters; I want to be clear about that.

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The Hon. WALT SECORD: But firefighters do rescue—

ATTICUS FLEMING: The risk unit you refer to are professionals to assess fire risk, including, say, risk to koalas.

The Hon. WALT SECORD: Okay. I will end there. Thank you.

The Hon. PENNY SHARPE: They are also very skilled. I have seen them winch people in and out. Their skills, I think, are valuable. Minister, I want to ask you about koalas, funnily enough.

Mr JAMES GRIFFIN: I thought you might.

The Hon. PENNY SHARPE: I thought we should start, and I thought I would give you the opportunity to put on the record how much you love koalas. I am going to ask you a lot of questions and I am sure that it is going to come up, so I thought we might deal with that question first.

The CHAIR: What is the question, Ms Sharpe? "How much do you love koalas"?

The Hon. PENNY SHARPE: How much do you love koalas?

Mr JAMES GRIFFIN: Eminently sensible question, and I love koalas with all my heart and all my being. Obviously we will spend a bit of time on koalas today. I am more than happy to do so. It is well documented and well understood, I think, the challenges that the koala population face here in New South Wales and across the country. Only recently was the koala uplisted by the Australian Government, which I think is fair recognition with respect to the challenges that the koala population face. That followed with it their \$50 million contribution to salvaging and supporting the koala population. In New South Wales, we have committed \$193.3 million, which I think is a clear demonstration of the intent and the focus that the Government has on supporting the koala population and achieving our goal, our commitment, of doubling the koala population by 2050.

The Hon. PENNY SHARPE: Okay. Minister, if I can stop you there, we might unpack that, shall we?

Mr JAMES GRIFFIN: Sure.

The Hon. PENNY SHARPE: The previous \$44.7 million koala strategy expired in December last year. That is correct, isn't it?

Mr JAMES GRIFFIN: Yes.

The Hon. PENNY SHARPE: Minister, the last report we had in relation to that koala strategy was—there was basically an annual plan over the life of the plan. The last one was in 2019-20. Where is the 2020-21 annual report on the previous koala strategy?

Mr JAMES GRIFFIN: I will get Ms Dumazel to provide you with the detail on that. And, please, today if I am referring to officials, I am not trying to be evasive. I am just trying to ensure that we make use of this session.

The Hon. PENNY SHARPE: That is okay, sure.

Mr JAMES GRIFFIN: Before I do that, I do acknowledge that the previous strategy had a number of goals and commitments in it, a number of which had been met.

The Hon. PENNY SHARPE: Well, last year it was four out of 26.

Mr JAMES GRIFFIN: I will seek some further information from Ms Dumazel.

The Hon. PENNY SHARPE: I will obviously be very happy to speak to the public servants this afternoon on some of the detail about this. My first question is where is the annual report that wrapped up the final reporting on the last koala strategy?

MICHELLE DUMAZEL: We are in the process of finalising that report, which will be the final report for the first three years of that investment of \$44.7 million. Out of the 24 actions that were identified, 18 have been completed and five are on track to be completed this year. It was always the intention that they would have a longer lead time—for example, some of them relate to research in relation to chlamydia—and then there is one action that will be completed in 2022-23.

The Hon. PENNY SHARPE: Right. So the annual report is coming. I noticed there is an interdepartmental committee that oversees the previous koala strategy. It appears to me that they only met in May last year. Why is that?

MICHELLE DUMAZEL: There are two committees that we have. One is the independent expert panel, which is chaired by the deputy chief scientist, and there are a number of scientists on that panel. So they—

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The Hon. PENNY SHARPE: But that is not the committee that I am referring to.

MICHELLE DUMAZEL: I do not have on me the last date that the interdepartmental—

The Hon. PENNY SHARPE: The website tells me that it was May. They were responsible for producing the annual reports.

MICHELLE DUMAZEL: I will take that one on notice. I do not have the last date. I have obviously been in contact with all my colleagues across government in terms of the finalisation of the annual report and also in terms of the development of the work that we are doing now in relation to the 193.3.

The Hon. PENNY SHARPE: So when do we expect to get the report on the last koala strategy?

MICHELLE DUMAZEL: It is in the process of being finalised.

The Hon. PENNY SHARPE: That is great. Is it a month? Is it three months? Is it six months?

MICHELLE DUMAZEL: I would expect in the coming weeks.

The Hon. PENNY SHARPE: Coming weeks. Okay. Thank you. Just to go back to the previous strategy, last year we basically found out that there was around \$5 million of funding to purchase koala habitat that was not spent. Are you able to give me the figure, even if you have to give it to me later this afternoon, of how much of the \$44.7 million was expended under the previous strategy?

MICHELLE DUMAZEL: I will provide that exact figure this afternoon.

The Hon. PENNY SHARPE: All right. Thank you.

ATTICUS FLEMING: Is your question, Ms Sharpe, in relation to acquisitions specifically?

The Hon. PENNY SHARPE: I know you have had new acquisitions, including Ruins Way, for example, but we can get into that this afternoon. That is okay.

ATTICUS FLEMING: We have 15 acquisitions we can talk about.

The Hon. PENNY SHARPE: We will talk about them this afternoon. Thank you. The budget was in June last year. The Government and your very loud predecessor decided to shout from the rooftops about your \$193 million-over-five-years replacement koala strategy, announced in the budget with the hook of doubling the koala numbers by 2050. Where is the new koala strategy?

Mr JAMES GRIFFIN: The new koala strategy is something that I am looking forward to releasing shortly. It is something that will provide immediate support to the koala population, whether it be through private land partnerships with the likes of the Biodiversity Conservation Trust, landscape-scale restoration of thousands of hectares of land or the other pillars of work that need to be done in addition to—

The Hon. PENNY SHARPE: Thank you, Minister. I am across the pillars of the previous strategy that we have not finally done. I am just concerned—in October last year your predecessor said that the release of the \$193 million strategy was imminent. Are you now telling me that it is still imminent?

Mr JAMES GRIFFIN: Yes. It is something that—

The Hon. PENNY SHARPE: Right. Months? Weeks?

Mr JAMES GRIFFIN: I look forward to releasing it soon. It is something that I have pressured—

The Hon. PENNY SHARPE: Soon?

Mr JAMES GRIFFIN: —and impressed upon the department that we must get it out. I look forward to doing that as soon as possible.

The Hon. PENNY SHARPE: As soon as possible. Again, ballpark? Weeks? Months?

Mr JAMES GRIFFIN: I am happy to take that on notice and come back to you.

The Hon. PENNY SHARPE: You do not know when the key pillar of your environment actions is going to be released? I mean, we are coming up to a year since you announced the money, and you do not have a plan for it.

Mr JAMES GRIFFIN: I understand that, and we do have a plan. There is a lot of moving and working parts. It is a significant strategy, and I have impressed upon the department to get it out.

The Hon. PENNY SHARPE: Who is developing the strategy?

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Mr JAMES GRIFFIN: It has been a strategy that has had input from various experts, both external and internal to the department. I am happy to have Ms Dumazel provide you with more insight.

The Hon. PENNY SHARPE: I will come to this because I am confused about this.

MICHELLE DUMAZEL: We are in the process of finalising the strategy. We have worked quite—

The Hon. PENNY SHARPE: Sorry, who is "we", Ms Dumazel?

MICHELLE DUMAZEL: Sorry, the department.

The Hon. PENNY SHARPE: Which part of the department?

MICHELLE DUMAZEL: The Environment, Energy and Science Group. I have the team responsible for the koala strategy and koala policy within the Environment, Energy and Science Group. We have been working very closely with—we worked very closely with the independent panel, which is chaired by Mr Chris Armstrong, and there are a number of experts on that. We have also worked quite closely with staff across different organisations within government and also with our national parks—

The Hon. PENNY SHARPE: Is that the interdepartmental committee?

MICHELLE DUMAZEL: Yes.

The Hon. PENNY SHARPE: But that has not met since May last year?

MICHELLE DUMAZEL: I will get back to you with the last date that they have met. But they have been aware of the work that we have been doing to develop the strategy. Certainly the strategy that we are developing builds on the existing strategy. It does take into account those four elements and looks at the threats as well. While the new strategy will take into account the existing pillars of work, we will build on that because there is still a lot of work we need to do, for example, in the building of our knowledge in relation to koalas. There is a very extensive monitoring program that was finalised during the first strategy, and we actually need to continue the work on that. Mr Fleming outlined the work that is happening under the acquisition—

The Hon. PENNY SHARPE: Thanks, Ms Dumazel. As I said, I will ask you some more detail about that. I only have the Minister for a short period of time and I do not wish to waste that. Minister, I am confused over who is developing this strategy. Your predecessor told us last year that the chief scientist is developing a 30-year plan to save koalas. What is the status of that?

Mr JAMES GRIFFIN: It is quite clear in my mind after eight weeks that Ms Dumazel, through EES, is the relevant part of the department which is developing the strategy, working with other elements like the chief scientist's office to have input to deliver what we believe is—and I think a variety of other stakeholders will see it as—a science-based strategy to support the doubling of the koala population.

The Hon. PENNY SHARPE: That is terrific, but, just to be clear, what is the role of the chief scientist? Your predecessor at the meetings in October told us that the chief scientist is developing a 30-year plan to save koalas.

Mr JAMES GRIFFIN: Mr Knudson—

The Hon. PENNY SHARPE: There is no mention of this on the chief scientist's website. I think it might be a bit of a surprise to him.

DEAN KNUDSON: As was mentioned by Ms Dumazel, Chris Armstrong is involved as the chair of the expert panel. The expert panel is involved in providing the advice that has gone into the department formulating the strategy. That is the connection I think you are looking for, Ms Sharpe.

The Hon. PENNY SHARPE: Is it a 30-year plan? Is it a 30-year time frame?

DEAN KNUDSON: It is a 30-year plan, which the \$193 million is the funding associated with the first five years of that 30-year plan.

The Hon. PENNY SHARPE: Okay. Given the Federal Government during this period—do not forget, the last koala plan was supposed to be the biggest investment we have ever had that was turning around the dire situation for koalas. Yet things have gone backwards, as you have acknowledged, Minister, with the upgrading of the threatened status of koalas in New South Wales to "endangered". How much of the \$50 million federally will be allocated to New South Wales?

Mr JAMES GRIFFIN: That is a question I will have to take on notice. I have taken the opportunity to meet with the Federal environment Minister and express my view on the uplisting. I welcome any of that \$50 million into New South Wales. But I do not think we have any further detail on that at this stage.

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The Hon. PENNY SHARPE: There are no discussions with your Federal counterparts about how much New South Wales will get? Given that we are one of the three States where they are in such dire straits, I would expect we would get a fair chunk of that.

DEAN KNUDSON: There are discussions that have started with the Commonwealth. Exactly as you point out, the New South Wales population of koalas is a significant contributor to the overall population that has been listed as endangered. Certainly our expectation would be that a significant portion of the funding would come to New South Wales for exactly that fact.

The Hon. PENNY SHARPE: In terms of the allocation of the spending, what strings are attached from the Federal Government, or do you expect the money will just be able to be plugged into this yet-to-be-seen koala strategy?

DEAN KNUDSON: Based upon what the Commonwealth has told us with their recovery plan that they are developing in association with the uplisting, the actions that are called for in the recovery plan are absolutely consistent with what we have in our koala strategy, so there should be excellent alignment. One of the good things about being an iconic species is there is a lot of understanding and a lot of shared views of what the threats are and what needs to be done to address those threats.

The Hon. PENNY SHARPE: Terrific. Thank you very much. Minister, when you spoke to your Federal counterpart did you talk to her about the problems with the EPBC Act in relation to allowing clearing of key koala habitat for a range of different developments?

Mr JAMES GRIFFIN: No, I did not directly address that. It was more a discussion about the uplisting and acknowledging that we are grateful for their \$50 million national announcement, and we will obviously take every cent of that we can in New South Wales. But in the context of our \$193 million of the strategy, which we want to get out the door asap, it is welcome money and we will take as much as we can.

The CHAIR: Minister, what has your department done since the Black Summer bushfires to stop logging occurring in core koala habitat?

Mr JAMES GRIFFIN: I think the Black Summer bushfires were a seminal moment for many of us, particularly those who have a great interest in and care for the environment across the State. They were challenging, difficult scenes and we all empathise with the communities that were impacted there—and in addition to that, the wildlife and the catastrophic impact that it had on wildlife. With respect to forestry, I understand and have appreciated learning of the significant regulatory action that the EPA has taken and continues to take post-bushfires. It is obviously an issue of concern. Whenever it comes to matters of native forests, a balance really must be struck with respect to sustainable—in fact, it is part 5B of the LLS Act with respect to where I am particularly concerned about the environmental and ecological sustainability of any logging that takes place.

The CHAIR: Great. Minister, has the report been brought to your attention that was commissioned by the Natural Resources Commission before you took the portfolio and handed to your predecessor? It was the Natural Resources Commission—it was Cabinet in confidence, but it was the final report into the coastal IFOA operations after the wildfires. It was presented to your predecessor in June 2021.

Mr JAMES GRIFFIN: I am aware of the report and that elements of it are in the public domain. It is a Cabinet-in-confidence document at the moment. But I think it—

The Hon. PENNY SHARPE: Elements? The whole thing is out.

Mr JUSTIN FIELD: It is on their website.

The CHAIR: Particularly I wanted to ask a question around the Taree management area, which is one of the areas that was designated as "extreme high risk" by the NRC. What that means is that the NRC has said that all logging should be suspended in those three areas. It states that harvesting should be suspended for three years from February 2020 because of the extreme and irreversible impacts to environmental values, including koalas, that this logging will do. Are you aware of that?

Mr JAMES GRIFFIN: I am not aware of Taree that you mentioned specifically. But before I pass to Ms Moore to possibly provide some comment on that one specifically, or more broadly on regulatory matters that the EPA is undertaking with forestry, I have had the opportunity in eight weeks to meet with Forestry Corp and to meet with various stakeholders—

The CHAIR: Did you ask them to get out of, for example, Taree management area? In July Forestry Corporation—this is after your Government had the NRC report that said to get out of those areas and to suspend logging for three years. One month later, Forestry Corporation started logging Yarratt State Forest, which is wholly contained within Taree management area, of which Forestry Corporation has identified high or very high

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koala habitat. I have a map in front of me that has the area that was logged and is still being planned to log. It is littered with koala sightings. When you met with Forestry Corporation, did you talk to it about the fact it needs to stop logging core koala habitat after those fires?

Mr JAMES GRIFFIN: We had what I would characterise as a mature conversation about the ongoing sustainability of forestry in New South Wales. My position and view as the environment Minister is that there needs to be—and there is an opportunity to have—a discussion about striking an appropriate balance that sees that environmental aspects of forestry are acknowledged and protected; conservation areas that have high koala habitat are cared for and looked after; and, ultimately, what is the opportunity for perhaps other aspects of forestry that look at ecotourism, that look at mountain biking, that look at a whole host of things—

The CHAIR: Sure, Minister. You do acknowledge that Forestry Corporation continuing to log one of the areas identified by the Natural Resources Commission as being most at risk, extreme risk—"Stop logging there or we are going to lose all environmental values"—which is littered with koalas, is unacceptable?

Mr JAMES GRIFFIN: We need to ensure that the EPA continues to do the job that they have done outstandingly well as a good regulator.

The CHAIR: But they have not, Minister. They have not. Forestry Corporation went in after those obscene wildfires, one of the last refuges in the area unburned for koalas, they eyed it off and started logging. There is still more to log. At what point do you and your department say "Enough is enough" and stand up to Forestry Corp?

Mr JAMES GRIFFIN: I look forward to working through the NRC report. Again, as I said, I am open and look forward to having a continued dialogue with Forestry to have a discussion about the issues you have raised.

The CHAIR: Do you have any influence or power at all? Will you prioritise trying to get an outcome here?

Mr JAMES GRIFFIN: Absolutely. Yes.

The CHAIR: I am contacted by a number of groups in that area that say that logging is imminent in koala hubs. We have this forestry going on in a lot of places around the State, but for it to be occurring in koala hubs that the department has identified as koala hubs, for it to be occurring when your Government has committed to doubling koala numbers by 2050, at what point does logging get banned from koala hubs in New South Wales? You have just come into the portfolio, but it is up to you now, Minister.

Mr JAMES GRIFFIN: I very much understand your concerns and I think that is another reason as to why the \$193.3 million strategy has to get out the door. It is a comprehensive look at how we support the koala population. Again, I think there is an opportunity to have a new, forward-looking discussion about the opportunities that exist within State forests. As I said, I have had a dialogue with Forestry Corp and look forward to working with the relevant Minister on matters such as that.

The CHAIR: That is very good to hear. There are a lot of people in the community, I am sure you are aware, who are very concerned about what is happening with the koalas and they will be watching what you do very closely on this. I want to move, in the time I have available, to another issue that you would have watched on the *Four Corners* program recently on Kosciuszko and the battle around the horses. They are called feral.

Mr JAMES GRIFFIN: Yes.

The CHAIR: It did highlight the extraordinarily unacceptable situation of National Parks and Wildlife Service staff being threatened and being fearful of walking down the main street of their towns in the area, as well as environmentalists being disgustingly threatened with all sorts of things. I know it is not your job around the environmentalists—that will be a different budget estimates—but what is the department doing to ensure the safety of National Parks and Wildlife Staff in the area?

Mr JAMES GRIFFIN: Before I go to Mr Fleming, I have zero tolerance for people who intimidate or threaten national parks staff or workers or officials of the EPA who are going about doing their job. It is completely unacceptable. It makes it incredibly difficult to have a rational, adult discussion about the actual substance of the matter and I think anyone that witnessed or understood what had happened would be appalled. I do understand over the past year or so that there has been a review into safety and security matters for parks staff. Mr Fleming might provide some further detail.

ATTICUS FLEMING: Thank you, Minister. Chair, I share your concern, obviously, and we have been proactive as an executive team within NPWS and EES in providing for the safety of staff. Last year we had a security contractor effectively come in, review workplaces and review the risks, and there is a series of measures.

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In fact, all of the measures that have been recommended are being implemented, and that is everything from additional cameras at workplaces through to distress alarms at front desks. There is a range of measures that are in place. Obviously we are keeping a lot of the operational details from here on in not public. We are monitoring social media. There is a range of measures that are in place. We take it very seriously. I have made it really clear to staff that everything goes to the police. We are not going to tolerate it. We will not put up with threats or anything akin to that.

The Hon. MARK PEARSON: Welcome, Minister, and welcome to your portfolio.

Mr JAMES GRIFFIN: Thank you.

The Hon. MARK PEARSON: Congratulations. Is Mr Terry Brill here?

ATTICUS FLEMING: This afternoon, Mr Pearson.

The Hon. MARK PEARSON: Thank you very much.

ATTICUS FLEMING: Sorry, he is not here at all. He is not available.

The Hon. MARK PEARSON: Minister, can you advise us as to what the date was where the previous environment Minister, the Hon. Matt Kean, signed the 2022-26 kangaroo management plan?

Mr JAMES GRIFFIN: No, I do not know the specific date. I am sorry.

The Hon. MARK PEARSON: Can you advise if any consideration has been given to the recommendation by Portfolio Committee No. 7 to delay the signing of that management plan until the report on the inquiry's recommendations and findings are considered by the Government?

Mr JAMES GRIFFIN: Ms Molloy will be able to help me with that answer.

SHARON MOLLOY: Thanks, Mr Pearson. Thank you to the Committee for inviting us to give evidence last year on the inquiry into kangaroo health and other macropods. In relation to the Wildlife Trade Management Plan, which I think is the plan you are referring to—it is for five years and it commenced in January this year—that document does not require the approval of Minister Griffin. It is a requirement under the EPBC Act and has to be approved by the Federal Minister for the Environment. I do not have the exact date of when it was approved, but I think it was November because it had to be in force to allow the trade of kangaroos from 21 January 2022.

The Hon. MARK PEARSON: What does your department, Minister, have to provide to the Federal Minister for the Environment for her to be assured that the signing off on this program is in no way going to allow a breach of the EPBC Act?

SHARON MOLLOY: Yes, I can answer that. Thank you, Mr Pearson. There are quite a few things that we have in place that we have to provide to the actual Federal Government. It would be the annual reports, the quarter reports and also, more generally, how we govern the program including our legislative responsibilities under the BC Act and just in general how we manage the program. But I will quote a letter back to us from Minister Ley, "I have considered the environmental impact of kangaroo harvesting presented in the plan and noted information about the protection and management of kangaroos under the New South Wales legislation. I am satisfied that commercial harvesting will not adversely affect the sustainability of kangaroo populations in New South Wales over the life of the plan. I am also satisfied that New South Wales, through the annual reporting process, will demonstrate it has adequate provisions and safeguards in place to ensure the commercial harvest of all four kangaroo species will be humane and in accordance with the *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes*."

The Hon. MARK PEARSON: The Federal Minister relies completely and only on the information that is provided by the State ministerial department of the environment. Is the Federal Minister relying completely on your report and your information before Minister Ley would sign off on the plan?

DEAN KNUDSON: I will add something from my previous role with the Commonwealth. I used to run the environment part of that department. Minister Ley would have experts in not only kangaroos but also in wildlife trade who would provide advice based upon what they receive from the State Government, put their own expertise to bear and then provide the Minister advice on whether she should approve that or not. But that advice would have been backed up in the letter that Minister Ley sent to Minister Kean.

SHARON MOLLOY: I can also add, Mr Pearson, that the actual Wildlife Trade Management Plan was out on public exhibition for two months as well. There was quite a number of submissions that the Commonwealth had to address and it did so in consultation with us and there were some changes made as well.

CORRECTED

The Hon. MARK PEARSON: The Minister has written to me and said that she is signing off on the plan as it is at the moment, but that if any of the recommendations and findings from this Committee's inquiry into kangaroo and other macropods' wellbeing were to be adopted by the Government, it would have to come back to her for reconsideration.

SHARON MOLLOY: Yes, that is correct. There are a number of conditions that are attached to her approval and most of the conditions are standard for not only New South Wales but also the other jurisdictions that undertake the commercial harvest of kangaroos. There was a condition added, and I will read it out:

The NSW Department of Planning, Industry—

at the time—

and Environment must inform the Department of Agriculture, Water and the Environment of any changes to kangaroo management arrangements in New South Wales that affect this declaration.

You are correct. If there are any of those recommendations that are considered and implemented and it changes the wildlife trade management plan, then we have the ability to edit that plan and resubmit it to the Federal Minister for the Environment.

The Hon. MARK PEARSON: Minister, can you advise the Committee as to where the Government is up to in terms of the recognition and maybe adoption of the recommendations and findings from the inquiry into kangaroos and other macropods?

Mr JAMES GRIFFIN: That is a good question.

SHARON MOLLOY: I can answer that, Minister. There were 23 recommendations made by the Committee and the department has led the drafting of the response to those recommendations in collaboration with all of the other relevant agencies that have responsibilities, in collaboration with our colleagues in National Parks who look after non-commercial, Local Land Services, the Department of Primary Industries, the RSPCA et cetera. That draft response to the recommendations has gone through internal approval in the department and we are yet to brief the Minister on that and we will do that in due course. The response is due to be tabled—I think it is 19 April.

The Hon. MARK PEARSON: Yes.

SHARON MOLLOY: And it needs to go to the Premier as well before that. We will brief the Minister shortly on that when he is available.

The Hon. MARK PEARSON: On that point—this remains a mystery even though we had the inquiry—can you explain the role and the tasks required of the NSW Department of Primary Industries in the drafting, consultation and approval process for the plan?

SHARON MOLLOY: We have a number of governance arrangements. There is a kangaroo management advisory panel and DPI is on that. We have also got an interagency group and then there is a task force. There is quite a bit of governance around how we collaborate with both industry, also the RSPCA, animal welfare groups, Aboriginal communities and the different agencies. The Department of Primary Industries assists us with analysing data and doing research in terms of quotas and the surveys. It is involved in a number of different ways in terms of governing the program.

The Hon. MARK PEARSON: At what point does the Department of Primary Industries' interest in looking after our primary producers in managing kangaroo populations—in what way does the DPI influence the kangaroo management program when it has that responsibility? Is that correct?

SHARON MOLLOY: I cannot speak for the Department of Primary Industries in terms of how it engages with the industry. I can speak from our perspective and the governance we put in place to make sure that we take into consideration all aspects of managing or regulating—our role is to regulate.

The Hon. MARK PEARSON: Minister, are you aware that former Minister for Primary Industries the Hon. Niall Blair brought about a change to the DPI program for getting licences for mitigation purposes where landholders once had to actually apply for tags—a particular tag called a drop tag or a let-lie tag. If they shot a kangaroo, they would have to go and put that tag on the animal and that was a way of monitoring numbers of kangaroos. That was removed by former Minister Niall Blair, and now it is not a requirement. A farmer or a landholder or a person can just pull up and shoot the kangaroo and then leave, whereas the drop tag was one way of checking to see if there were any young in the pouch or young at foot or if the animal needed a coup de grâce shot.

CORRECTED

There has been a lot of concern expressed during the inquiries that the point-of-kill monitoring. It was becoming clearer and clearer that it was not clear as to what was really happening at the point of kill because of very little monitoring by regulators or by just counting the number of joeys that were killed. Is the Minister willing to reverse that decision or that requirement, which was removed three years ago, to ensure that any landholder who is going to kill kangaroos will require the specific tags to be attached to the bodies?

Mr JAMES GRIFFIN: I was not aware of that until we had our most recent meeting, but as I understand it, you were explaining to me that it is, in fact, the Minister for Agriculture's responsibility rather than mine as Minister for Environment and Heritage.

The Hon. MARK PEARSON: My understanding is that in terms of the protection of the animal and it being a wild animal protected by both two State legislations and Federal legislation, you actually have the responsibility to protect a wild animal from harm. If the concern is that wild animals are being harmed unnecessarily and unjustifiably because of this weakening of the tagging system, I put to you: Would you be willing to rectify that?

Mr JAMES GRIFFIN: I would be more than happy to take up that discussion with officials.

SHARON MOLLOY: Yes. This is where we just need some clarity around commercial versus non-commercial licensing.

The Hon. MARK PEARSON: That is something that is very unclear. [*Time expired.*]

The Hon. PENNY SHARPE: On the Kosciuszko question and the safety of staff, there has obviously been a review and it concerns me greatly that distress alarms and those kinds of things are now becoming something that staff need. Given the number of horses under the draft horse plan that are due to be removed, what is the current staffing allocation given to that job?

Mr JAMES GRIFFIN: Mr Fleming or Ms Dumazel can provide the specifics, but I think it is a plan that has been a long time in the making and I think, on balance, it does provide and deliver the best environmental outcome. But with respect to the resourcing of the plan—

The Hon. PENNY SHARPE: There are two aspects to this. One is: What is the resourcing for the plan? My understanding is that there is only about 500 staff, which includes field officers and rangers, and at this point they are basically removing around 200 horses a year. Given significant numbers are going to be needed if you are going to reduce the numbers from 14,000 to 3,000, which is something that has strong support from this part of the room, I suppose there are two questions. One is: How many staff are allocated to this task? And, secondly, given the safety requirements, are you considering things like having staff working together rather than working on their own, given the safety risks that have been identified?

Mr JAMES GRIFFIN: Mr Fleming?

ATTICUS FLEMING: Ms Sharpe, in terms of the safety issue, we have got very rigorous processes in place to ensure the safety of staff. I am confident that those measures will be sufficient. In terms of the resourcing, as you know, we are fortunate at the moment to have an historically high level of staffing within PWS. That gives us some flexibility. There are specific dedicated positions that are being added for the purposes of the implementation of the plan. I will come back to you this afternoon with the specifics around that.

The Hon. PENNY SHARPE: I am very happy to get into that then.

ATTICUS FLEMING: The final point I was going to make is that the operational arrangements will evolve a little bit over the course of the next couple of years because we are shifting from one pattern of control to a series of additional measures. We are going to have to keep under review the resourcing requirements. I just wanted to give you the reassurance that that was happening and that adequate resourcing will be provided.

The Hon. PENNY SHARPE: Minister, coming back to koalas but in a broader context, which is about the fundamental need to keep the trees that they rely upon to live in the ground, your predecessor told the previous estimates hearing that the LLS review into private native forestry was yet to be finalised and was still on the desk of the former agriculture Minister, Adam Marshall. Can you give us an update on where that review is up to?

Mr JAMES GRIFFIN: Yes. It goes to the heart of a broader issue around land management. And, frankly, the rate of land clearing across New South Wales is too high. If you take even a step back from that globally, when the World Economic Forum lists biodiversity loss as one of their top three catastrophic risks for the next decade, all of us have to sit up and acknowledge that there is something significant that we need to do a better job of addressing, both globally and particularly here in New South Wales. The issue of land management is one that I am particularly concerned about and focused on. With respect to the review, it is still being worked through.

CORRECTED

The Hon. PENNY SHARPE: You say it is being worked through. Can we get a bit more on this? Submissions closed for the draft changes in May 2020.

Mr JAMES GRIFFIN: Yes.

The Hon. PENNY SHARPE: It is almost May 2022.

Mr JAMES GRIFFIN: Yes.

The Hon. PENNY SHARPE: We have zero progress. There are serious concerns about the weakening of protections for koalas under the new code. I assume it is now sitting with your colleague Dugald Saunders. Is that correct? Or is it sitting with Paul Toole? Who has got it?

Mr JAMES GRIFFIN: Ultimately I will provide concurrence for it.

The Hon. PENNY SHARPE: Yes, I know that.

Mr JAMES GRIFFIN: I understand it would be with the Minister for Agriculture.

The Hon. PENNY SHARPE: So it is Minister Saunders.

Mr JAMES GRIFFIN: Yes, but you might need to seek further clarity on that. Nonetheless, I think—

The Hon. PENNY SHARPE: I would hope that you would know who you have got concurrence with on it.

Mr JAMES GRIFFIN: Apologies, yes, with the Minister for Agriculture. Ultimately I will happily stand by the comments of my predecessor with respect to ensuring that there is no weakening of koala habitat, if that was a consideration.

The Hon. PENNY SHARPE: Have you spoken to Minister Saunders about this?

Mr JAMES GRIFFIN: I have expressed my concern with respect to land clearing but also acknowledged the opportunities that I think are before both myself and the Minister to work collaboratively and seek some partnerships and some opportunities to do things a little bit differently when it comes to issues of land management.

The Hon. PENNY SHARPE: We would welcome that because, not to put too fine a point on it, the National Party has basically stopped and hindered at almost every turn deregulation to allow more trees to come out and been generally hostile towards saving koalas. The key point is when are we going to see a review of the code? We already have the situation of massively burnt forests on public land, also on private land. Everyone keeps saying that we need to be looking after all this, but this code has been outstanding for two years. It will have a fundamental impact on koala habitat in the rules that are—how long do you think it is going to be before we see it?

Mr JAMES GRIFFIN: I could not give you a date, but what I can tell you is that with respect to things that are in my control, whether it is expanding the national park estate, which we've done significantly—

The Hon. PENNY SHARPE: As I said to your predecessor, the western national parks are great but there are no koalas on them. Let us be clear.

The Hon. TAYLOR MARTIN: Let's hear the rest of the Minister's answer.

The Hon. PENNY SHARPE: I am not asking him about national parks; I am asking about the private native code that he has got concurrence with.

Mr JAMES GRIFFIN: In the context of that, there is an interdependency between that and, for example, the fact that 70 per cent, or thereabouts, of New South Wales is held in private land. Then there is the work we can do with the BCT—funded annually with \$70 million—which has struck agreements with more than 2,000 landholders to deliver more than two million hectares worth of private land conservation agreements. I can give you a commitment that, when it is in my control, I will continue to ensure that we deal with issues relating to land management. But, ultimately, I look forward to seeing the code review.

The Hon. PENNY SHARPE: To be clear, you will not provide concurrence to the new code if it waters down koala habitat protection on private land?

Mr JAMES GRIFFIN: I will not be taking a backward step. If there is watering down of key critical koala habitat, then no.

The Hon. PENNY SHARPE: Okay, we will see. "Critical" or "key" will be interesting. I want to take you to another one. You have touched on this, and the State of the Environment report shows this. Under the land

CORRECTED

reforms that were introduced in 2017, there was obviously a new framework for land clearing. The evidence is in through your own State of the Environment report: We are now returning to broadscale land clearing. One of the key tools within that is the Land Management (Native Vegetation) Code. Again, that was something that seemed to grow into the never-never on former agriculture Minister Adam Marshall's desk. Can you give the Committee an update on where it is now?

Mr JAMES GRIFFIN: We have a five-year statutory review that will be coming up this year. If we are to look forward about what we can do to make significant improvements and change for the better, the five-year review presents an opportunity to do just that. The terms of reference are being developed for that.

The Hon. PENNY SHARPE: The previous terms of reference that Minister Kean signed off on for the three-year review, you are basically telling the Committee that that process has been abandoned?

Mr JAMES GRIFFIN: Ms Dumazel, did you have any comment, or Mr Knudson?

The Hon. PENNY SHARPE: Mr Knudson is nodding.

DEAN KNUDSON: That is correct. We have decided with Local Land Services to focus on the five-year review, and there are a number of things that we think we can do in the short term. One of those is the unexplained clearing statistics with respect to land clearing, and we have been working with them to try to break that down so it is much clearer because it leaves the impression that that is widespread illegal land clearing, and that is not the case. But the reality is we are not recording—

The Hon. PENNY SHARPE: No, but there are three different types.

DEAN KNUDSON: Exactly.

The Hon. PENNY SHARPE: There is unexplained, approved and occurring—with very little oversight under the code because it has essentially been deregulated—and then there is illegal. All of those are pointing upwards in terms of the amount that is happening, which goes back to the point around saving koalas. If we cannot keep their trees in the ground, we are not going to be able to do that. You are telling us that the five-year review is going to happen this year. What is the time frame for that starting? Where are the terms of reference up to?

DEAN KNUDSON: The review only starts in August of this year, so the terms of reference for that will need to be settled. But, obviously, we can take a look at what was done previously and build upon that. The other piece I would say is—the example that I just talked about, the unexplained clearing, that is something we expect to land before the review starts. It is not like we are sitting around waiting for the five-year review to be complete before we do anything in this space.

The Hon. PENNY SHARPE: Explaining the unexplained clearing is one thing, but it is not stopping it from being cleared.

DEAN KNUDSON: No, understood. For factual correctness, the amount of land clearing in the State has dropped by about 10 per cent versus last year. It is still up in historical terms higher than it was prior to the reforms.

The Hon. PENNY SHARPE: Since the change in the laws, it is essentially three times as much as it was. I know you can do year-to-year comparison, but let us understand that it was regulated, then it was deregulated and it has tripled since then. Do we accept that they are the figures? That is in the State of the Environment report.

DEAN KNUDSON: It is definitely higher. All I was pointing out was that one year, the most recent year, is a reduction from the year prior, that's all.

The Hon. PENNY SHARPE: Minister, when the new land clearing laws were introduced to Parliament, the then environment Minister, the Hon. Mark Speakman, said:

Overall, the reforms aim to slow down, to arrest and then to reverse the long-term decline of biodiversity and to maintain a healthy, productive and resilient environment now and into the future consistent with the principles of ecologically sustainable development.

Minister, do you believe the current regime and process are delivering that?

Mr JAMES GRIFFIN: As we have discussed just now, the State of the Environment report transparently sets out the issue and the situation that we have at hand. In a global context, it is not just New South Wales that faces this particular challenge.

The Hon. PENNY SHARPE: Sure, but you are the one with your hands on the lever about what happens in New South Wales. Do you accept that the aims of the reforms have failed?

CORRECTED

Mr JAMES GRIFFIN: As you pointed out, I have my hands on the lever, so I am quite optimistic about the opportunity ahead of us—whether it is continuing to expand the national parks, whether it is working with private land owners, or whether it is improving and looking at the statutory five-year review. It is an issue that concerns me. I think the data tells the story and speaks for itself and, you know, I congratulate the EPA on producing the report that sets out very clearly the challenges that we have got. But also there are some bright spots. I mean, the work that the BCT has done and that is—

The Hon. PENNY SHARPE: Sure, and I will be happy to talk to them about that later this afternoon and if you want to take another question to talk about the BCT, your colleagues are able to do that a bit later.

Mr JAMES GRIFFIN: No, but I—

The Hon. PENNY SHARPE: If you would like that and we are very happy to hear about what the BCT is doing. But look, I am not—I am really not trying to be too clever about this. The aims of what these laws promised are failing in terms of biodiversity protection. I am trying to understand that you, as a new Minister, basically there was supposed to be a three-year review. That has been abandoned through inaction. I am not blaming you for that; you are new to this. That is not on you, but it is on the Government as a whole, which means that this deregulation has been allowed to happen for another two years that maybe it should not have. It has been a failure. I am trying to understand what action you are willing to take through the review process to actually try to get this under control.

Mr JAMES GRIFFIN: Yes, and to be clear, as I said at the beginning, land clearing and land management are one of the most significant concerns as I see with respect to biodiversity and the pressure on our natural environment in New South Wales. We are not immune to that as a global issue and we are working incredibly hard, whether it be through the aforementioned initiatives, and will continue to do that.

DEAN KNUDSON: Can I just add one very quick point? I think the reason why also the Minister is referring to the BCT is the reforms had a number of elements. So one of the key objectives was to make things easier and clearer for landholders, and statistics would bear out that land clearing has increased—no question about that. But all I would suggest, Ms Sharpe, is that we need to look at the other parts of the reforms; which include the BCT; which include the offsets scheme; which include other investments like saving our species and the acquisitions of national parks.

The question of whether the reforms have delivered as a whole, I think, is something that we absolutely have to focus on, bring data to bear, take a look at the results. The State of the Environment report will certainly feed into this to coldly assess how we are going, where can we make improvements, and make sure that we are delivering outcomes for the State that talk about delivering for our biodiversity, but also about the health and wellbeing of our communities.

The Hon. PENNY SHARPE: I hope so, too. Thank you. Can we talk about the State of the Environment report? Pretty concerning—I mean, it is a really important report and I acknowledge the work of the EPA in bringing it together. It gives us the ability to look in three-year blocks and give a bit of a report card of how our environment is faring. I am going to just be clear: I am pulling out the climate change and those kind of things because that is a different Minister. But I do want to ask you about it. It paints a pretty dire picture, I think, in terms of many of the indicators that are actually getting worse—some of them you know.

I basically want to talk to you about a few of those. I want to talk to you, firstly, about threatened species. We have talked about land clearing but I want to talk to you about the threatened species issue. The situation in relation to threatened species, communities and populations continues to increase in terms of us having more species that are extinct and more that are going onto the threatened list. What are you going to do to turn that around?

Mr JAMES GRIFFIN: It is a really important part of the report. We are doing a number of things to arrest and turn that around. I had the opportunity in the past eight weeks to go and see firsthand some of the work that is underway in the Pilliga State Conservation Area. It is one of the seven feral-free areas that we are creating, whether it be Parks as the owner operator or in partnership with conservation groups. What these feral-free fenced areas have demonstrated is that there is an opportunity to do a tremendous amount of work through some significant investment to fence a particular area, eradicate the feral pests that might be in it and then re-wild or repopulate those particular areas.

The science and the data that we have collected from those particular areas demonstrate that it is working. Of the evening when we were in the Pilliga, there were two bilbies that had previously not been seen for over a century, and had been trapped and then released in that particular area. One of them had been born on site. I mention that just to give you an example.

CORRECTED

The Hon. PENNY SHARPE: Yes, Minister. Look, I think that is terrific, but let's understand, that that is a Noah's ark approach to basically trying to save very critically endangered animals rather than looking at how you conserve their habitat in the long term, or invest in pest and weed management more broadly so that all of the areas that they are currently in, rather than these very special gated communities that we are now moving them into to preserve them.

Mr JAMES GRIFFIN: Yes.

The Hon. PENNY SHARPE: My concern is that—and again the State of the Environment report says—it is now costing the economy about a billion dollars a year, huge amounts of money, because of weeds and pests in terms of their impact on agriculture. But obviously there is a massive impact on threatened species. I appreciate those efforts and they obviously need to be done, but that is a pretty critical end at the pointy end of the extinction of animals rather than that much broader approach that is needed, which again is about conserving habitat.

Mr JAMES GRIFFIN: Yes. Okay. So that is one example of the pointy end of delivery. National Parks is undergoing the biggest feral animal control program in the history of national parks. It has at times tripled the work that has gone on to deal with invasive weeds and species. We have also introduced, or reintroduced, eight locally extinct species. So these are examples of a comprehensive set of policies that are backed up by funding to reverse and deal with the issues that we have got with respect to extinction of native species, not to mention the Saving our Species program, which has been wildly successful.

The Hon. PENNY SHARPE: But which has now got less funding than it used to have.

Mr JAMES GRIFFIN: But it is been wildly successful. It is funded into the long term. All of these things when seen together provide an answer to your question in the sense of we are looking at holistically at whether it be land management or pointy-ended programs to help deliver and reverse this worrying trend. I think Mr Fleming has some further specifics on some of those programs.

The Hon. PENNY SHARPE: That is all right. I might come back to those this afternoon.

ATTICUS FLEMING: I just wanted to mention that while it is really important to work across tenures—and Ms Molloy can talk about some of the private land work—the National Parks and Wildlife Service has, under this Government, announced its zero extinction pledge and has a program to stabilise or improve the on-park trajectory of all threatened species. That is a really historic, that is a game-changing, initiative. I am not aware across the world of that kind of initiative. I think we are aiming as high as anyone in the world—and remember about 85 per cent of our threatened species are found on park. So while it is only part of a broader strategy across tenures, it is a really important part.

As the Minister has said, the approach is everything from the feral-free areas—one of which will be 40,000 hectares, which is massive—through to tripling the level of feral animal control, and a whole range of integrated strategies, the ecological health monitoring. We have got to the point where you may have seen the release towards the end of last year where a new species of frog was discovered and within about 10 days we had listed it as an asset—its habitat as an asset of intergenerational significance. So we are acting very quickly to address the threats on national park. Ms Molloy might like to add about private land.

The Hon. PENNY SHARPE: That is okay. All right. Thank you.

SHARON MOLLOY: I can talk about Saving our Species.

The Hon. PENNY SHARPE: It is okay. My interest with the Minister is that it is been cut by 25 per cent.

The CHAIR: Okay. Thank you, Ms Sharpe. We will move to questions from Mr Justin Field.

Mr JUSTIN FIELD: I have just realised I have no microphone. I need that. Good morning, Minister.

Mr JAMES GRIFFIN: Good morning.

Mr JUSTIN FIELD: Congratulations on your new role.

Mr JAMES GRIFFIN: Thank you.

Mr JUSTIN FIELD: I hope you do not mind but I might direct my first question to Ms Moore, if that is okay. Ms Moore, why has the EPA not acted to stop logging in extreme high-risk management areas as identified in the NRC's post-fire logging report?

JACQUELEINE MOORE: The EPA's powers are to regulate against the coastal IFOA provisions, not against that report.

CORRECTED

Mr JUSTIN FIELD: Sure, but in September 2020 when Ms Mackey wrote to the Forestry Corporation—and I am sure you were privy to the drafting of the letter at the time—you noted, "Subsequent timber harvesting in areas impacted by fire pose a major environmental risk to the extent that ecologically sustainable forest management as required under the Act is unlikely to be achievable under a business as usual approach." You concluded, "The EPA has a statutory objective to protect, restore and enhance the quality of the environment in NSW, having regard to the need to maintain ecologically sustainable development. In this context, I am currently considering regulatory options to ensure the risk to the environment continues to be appropriately addressed." Of course, at that time there were multiple stop-work orders in place. You now have an NRC report that says:

There is a risk of serious and irreversible harm to environmental values from the cumulative impacts of fire and harvesting.

My understanding is that is exactly the trigger that you are able to use to issue a stop-work order. Why have you not issued a stop-work order for logging in extreme and high-risk areas?

JACQUELEINE MOORE: My understanding of the trigger for issuing a stop-work order is where there is an occurring breach or likely breach of the Act or the rules of the coastal IFOA or the protocols.

Mr JUSTIN FIELD: You have warned that the Act is at risk of being breached under business as usual. The NRC, let's be clear, was brought in to broker a dispute between yourselves and the Forestry Corporation over the adequacy of the rules at the time. The NRC is quite clear that the current rules are not sufficient. But you have done nothing since that time.

JACQUELEINE MOORE: I would not accept that we have done nothing since that time.

Mr JUSTIN FIELD: They are logging in high and extreme risk areas still, are they not?

JACQUELEINE MOORE: We continue to regulate that logging. We are taking a very active role in that compliance space. We inspect before, during and after logging operations. We have taken a number of regulatory actions. Our regulatory actions are all published on our website.

Mr JUSTIN FIELD: We might come back to that those regulatory actions this afternoon. Minister, do you think it is acceptable, with these recommendations having been in the hands of the Government for nine or 10 months now, that logging is still occurring in extreme and high-risk management areas, despite the warnings of a risk of serious and irreversible harm to the environmental values?

Mr JAMES GRIFFIN: I will absolutely be encouraging my colleagues to resolve and deal with this particular issue. When it comes to my role, the environment should come first. Ultimately, we need to get the balance right.

Mr JUSTIN FIELD: Minister, was there a directive from your predecessor or from yourself to the EPA to not take further action to restrict harvesting operations?

Mr JAMES GRIFFIN: I cannot speak for the previous Minister, but no.

Mr JUSTIN FIELD: You have not issued any directive yourself.

Mr JAMES GRIFFIN: I cannot recall doing that, no.

Mr JUSTIN FIELD: Would you expect that it is the role of the EPA—acknowledging their own letter, which says that they have a statutory objective "to protect, restore and enhance the quality of the environment in New South Wales"—if they have got a warning and the Government's own independent adviser on natural resource management is saying there is a risk of serious and irreversible harm, they should do more to prevent that from happening?

Mr JAMES GRIFFIN: In all my discussions and engagement with the EPA over the past eight weeks, I have found them to be doing a thoroughly effective job when it comes to regulation across the board. Obviously this is a challenging set of circumstances with respect to the post-bushfire forestry and logging issues. I will continue to work with them to ensure that we do the best job possible.

Mr JUSTIN FIELD: Has a recommendation regarding the Government's response to the NRC report gone to Cabinet?

Mr JAMES GRIFFIN: I cannot comment on that.

Mr JUSTIN FIELD: Have you signed off on any response at this point?

Mr JAMES GRIFFIN: I cannot comment on that.

CORRECTED

Mr JUSTIN FIELD: When are we going to see it? It is getting beyond ridiculous, right. The fires were 2019-20. This damage has been done to a degree but is still occurring now. It is unacceptable, I would suggest.

Mr JAMES GRIFFIN: I would like to see action. As I said, I have met with a number of stakeholders in this particular area and it is something that I am focused on.

Mr JUSTIN FIELD: What is your time frame?

Mr JAMES GRIFFIN: I cannot give you specifics right now.

Mr JUSTIN FIELD: Is that because you do not really control this, do you? The National Party can actually dictate that this thing stays in the bottom drawer probably for the rest of your term in government.

Mr JAMES GRIFFIN: No. I have had a good dialogue with relevant Ministers and I am hopeful and optimistic about being able to seek a good outcome. I think there is an opportunity to have a new discussion when it comes to the sustainability and the balance of various forestry operations across New South Wales. I think that most people in the community would expect and want to see and have a discussion that takes into account the importance and the sensitivities in rural and regional towns where they are reliant on forestry, but also look at the opportunities that exist and a reimagined approach to forestry where appropriate.

Mr JUSTIN FIELD: I use those lines too, Minister, but unfortunately I do not have the ability to pull the National Party into line so we are relying on you, to a degree. The NRC review also recognised that the coastal IFOA monitoring program suggests that the existing prescriptions may not be adequate to maintain the hollow resource in the long term following the fires and recommended that additional temporary measures for hollow-bearing trees in medium and high-risk zones should be implemented for a period of 10 years. Have any additional prescriptions been put in place to protect hollow-bearing trees?

Mr JAMES GRIFFIN: As you would appreciate, I cannot comment on the specifics of that particular report, but I commit to you that I want to get the balance right.

Mr JUSTIN FIELD: If we lose those trees, it is 60, 70, 80 or 100 years before those species have a home. Has the EPA put any additional prescriptions on the Forestry Corporation with regards to hollow-bearing trees since they basically told to you go jump with regards to the site-specific conditions?

JACQUELEINE MOORE: We continue to enforce the conditions of the coastal IFOA and the protocols and the legislation.

Mr JUSTIN FIELD: The same ones that the NRC says are inadequate to protect hollow-bearing trees, which are the home for most of our threatened species in our Crown land State forests.

JACQUELEINE MOORE: I cannot comment on that report.

Mr JUSTIN FIELD: I understand. Minister, according to the State of the Environment report, more than 90 per cent of Murray-Darling Basin river valleys are rated poor or worse in terms of the health of fish communities. Wetland extent and condition is worsening and water bird diversity and abundance is already poor, but getting worse. How will you exercise your concurrence powers as it relates to water-sharing plans to ensure that the objectives of the Water Management Act are being delivered?

Mr JAMES GRIFFIN: From where I sit, with respect to water-sharing plans, the environment comes first. One of the most useful things that I have done in the last eight weeks is had the opportunity to go out and visit the Macquarie Marshes and see the importance and the critical role that water plays out there. It was teeming with bird life, it was green and it was doing what was expected. But the importance of environmental flows, the importance of getting the balance right and the importance of having science underpin water-sharing plans is vital. So whilst those are led by Minister Anderson, I will be carefully considering them and taking a science-based approach to any concurrence that is provided and also recognising that, from my perspective, I have a role to ensure the environment comes first.

Mr JUSTIN FIELD: Yes but, Minister, how? Have you read the ICAC report entitled the *Investigation into complaints of corruption in the management of water in NSW and systemic non-compliance with the Water Management Act 2000*?

Mr JAMES GRIFFIN: I have done a hell of a lot of reading in eight weeks, but I have not read that particular one.

Mr JUSTIN FIELD: I encourage you to read the first few chapters of that report, particularly recommendation 1, which recognises systemic noncompliance by water authorities in New South Wales—they have changed names numerous times since that investigation started—particularly regarding meeting the objectives of the Water Management Act around the priority of use—prioritising the environment and domestic

CORRECTED

water rights over extractive uses. They are systemic failures. I am asking you how you will ensure that the priority of use provisions, the objectives of the Act, are being met in the exercising of your concurrence powers.

Mr JAMES GRIFFIN: I will, of course, rely on the expert advice that is provided to me by the department. I am happy for Mr Knudson to provide further comment on that. But I can assure you that having had the opportunity to go out there and see firsthand the Macquarie Marshes and get a true appreciation for it, I appreciate the enormous complexity around water in this State and the long history that follows it. But I can assure you that I will rely on expert advice from the officials to ensure that the environment is considered first and foremost in any consideration that I give to water-sharing plans.

Mr JUSTIN FIELD: Minister, you may be aware that the Legislative Council disallowed for the third time last week the regulations proposed by the Government for measurement and licensing of floodplain harvesting. One of the critical concerns of the upper House and communities is that the needs of downstream communities and the environment cannot be addressed with the rules proposed for the use of that water. The Government has just sent out an update to say the licences already issued will stand, irrespective of the disallowance, and they will come into effect when the water sharing plans are modified in the middle of this year. Can you guarantee that you will ensure the rules for how that water is actually shared will prioritise environmental and downstream needs over the extractive demands of upstream irrigators?

Mr JAMES GRIFFIN: I have not been provided with the plan yet or a brief on it, but I can assure you that I reaffirm my previous comment and view that the environment will come first and foremost in my consideration, and I will rely on the expert advice of the officials.

Mr JUSTIN FIELD: Okay. Thank you, Minister.

DEAN KNUDSON: If I can just add one quick point. There was a water sharing plan with respect to the border rivers that came forward to Minister Kean previously. He put in two provisions in there. One was to ensure that more contemporary climate data was brought to bear to deal with those potential risks associated with climate change. The second one was to deal with the downstream effects. I think both of those are very much contemporary decisions by the Government, and we certainly support those positions and we will be seeking to reflect those in every water sharing plan concurrence decision.

Mr JUSTIN FIELD: You will get another crack soon, Minister. Thanks, Chair.

The CHAIR: Minister, I did just want to keep going on the water sharing plans issue, which of course is very important, as is everything we are asking about today. You said you would take the advice of officials. Within DPIE–Water there is an attempt—it came out through the floodplain harvesting inquiry and was evidenced in documents that were obtained through an order for papers in the upper House that there is an intention by the department to amend the water sharing plans by increasing the volumes overall that can be taken, which will essentially increase what is the legal limit within the Murray-Darling Basin plan from something like 64 gicalitres, which was in there for floodplain harvesting, to a massive 346 gicalitres. Part of the issue that we have been grappling with with this is that the department itself is wanting to amend those volumes within the water sharing plans that are going to you. Have you been briefed on that issue specifically?

Mr JAMES GRIFFIN: No, not on that issue specifically.

The CHAIR: It is a very complex issue, and, with what my colleague Mr Justin Field mentioned in terms of the ICAC report, I do feel that Ministers need to be very across what is happening within the department. Will you commit today to looking at what the amendments to the water sharing plan are and make sure that they stay within the legal limit of the Murray-Darling Basin Plan?

Mr JAMES GRIFFIN: I am very interested to understand the detail and the extent—the example that you have just provided. Yes, I will absolutely be seeking further information on that. What is clear is that these are complex, as you have said, and every consideration needs to be given to looking at them.

The CHAIR: Excellent. Thank you. One of the other issues that came up during the floodplain harvesting inquiry from all of the scientists, fish scientists as well, was the lack of environmental assessment to floodplain harvesting generally. If you think about the massive impact that floodplain harvesting has had on downstream communities, particularly the Darling Baaka River, and the mass fish kills and everything, the issuing of these licences, the potential—we agree that it should be licensed but it needs to be reined in within existing limits, but there has been no environmental impact assessment of the practice. Firstly, do you think there should be?

Mr JAMES GRIFFIN: Yes. It would be my expectation, with respect to floodplain harvesting, that there is the best possible environmental outcome. That is the prism through which I will be looking at it, and I

CORRECTED

would have an expectation of department officials that obviously that is the approach that we would be taking as well.

The CHAIR: There does seem to be a bit of a move on to pretty much license the vast majority of what has been taken in the past up in the north. That is clearly unsustainable. That has clearly led to almost ecological collapse in some parts of New South Wales. Your commitment to ensuring that past practice cannot continue would be very appreciated by downstream communities and, of course, the wetlands and fish and everything else you are responsible for.

Mr JAMES GRIFFIN: Yes. It goes without saying that a sustainable approach is really in the best interests of everybody, and I look forward to receiving further advice on this.

The CHAIR: We will come back to this, no doubt, in the months ahead, Minister. I did want to turn to a different issue, and it will be a question as well that I think the EPA can respond to if you are not across this issue. I wanted to turn to some concerning incidents that Whitehaven Coal has been doing around its Maules Creek Mine in the north-west of the State. I am not sure if you are aware of this, but Whitehaven Coal has been essentially burying large mining tyres on site at their six open-cut coalmines in the north-west of the State. They were doing this between 2014 to 2020, so for six years, but without the appropriate licence conditions.

The EPA was only alerted to this, by the way, from locals on the ground—the Leard Forest Research Node is one of the groups that alerted it to this. The EPA office issued official cautions to Whitehaven but nothing else happened. Then in January 2022 the EPA just issued Whitehaven with a modification to their licence to allow them to continue burying those tyres. Do you think that is appropriate action by the EPA to have allowed a coal company to get away for six years with an illegal activity, burying huge amounts of tyre waste, and then say, "Oh well, slap them on the wrist with a caution," and then issue them with a modification and let them get away with it?

Mr JAMES GRIFFIN: I am not aware of the specifics of the Maules Creek-Whitehaven issue, but I am sure Ms Moore can provide some further comment.

The CHAIR: Sure.

JACQUELEINE MOORE: As you would appreciate, dealing with huge mining tyres is a complex issue, and there are a lot of logistical complexities around treating of those materials. We took what we thought was the appropriate regulatory response in relation to the matters that you have raised, and we have been meeting with and working with I think it is the tyre stewardship council to look at what options there are in the future for dealing with this type of waste.

The CHAIR: Was the EPA aware of any of this for the six years that Whitehaven had been doing this?

JACQUELEINE MOORE: I am not sure when we first became aware of this. I would have to check that.

The CHAIR: What have been the discussions with the national Tyre Product Stewardship Scheme that you mentioned, and why did it take so long? Surely that should be what Whitehaven are doing straightaway, rather than their licence being modified to allow them to continue doing this. Have you been across the discussions that they are having and what that looks like in terms of a solution?

JACQUELEINE MOORE: Only in general terms. As I said, it is a complex issue. In fact, I think under the Waste and Sustainable Materials Strategy 2041 there is a recognised need for future recycling capacity to deal with tyre waste.

The CHAIR: What discussions have you been having with the Minerals Council about this in terms of tyre waste in mines generally across New South Wales?

JACQUELEINE MOORE: We have discussed it as an issue that we need to be working on to address.

The CHAIR: That does not sound like there is a solution too close—it does not sound like there is something that is able to be agreed to quickly on this.

JACQUELEINE MOORE: No, I think that is right. I do not think there is an immediate solution to recycling of mining tyres.

The CHAIR: Are you concerned about what this means for mine rehabilitation? For example, at Maules Creek Whitehaven is required to rehabilitate 752 hectares of that native forest woodland in the disturbance area of Maules Creek Mine—and good luck with actually rehabilitating back to anything like a native forest woodland, in terms of what it was. But are you concerned about what that means for rehabilitation more broadly?

CORRECTED

JACQUELEINE MOORE: We are obviously concerned when there are any issues that impact on the environment and where there is pollution. We will take whatever measures are appropriate if we become aware of any pollution that is associated with that action.

The CHAIR: Minister, is it of concern to you that there does not seem to be a solution, if you like? Is it a concern to you that mining companies have been, it sounds like, getting away with this for a long time now?

Mr JAMES GRIFFIN: It would be my expectation, as with many people out there—and this was borne out, I think, in the legislation that we passed through only the other week—that where pollution or activity takes place that adversely impacts the environment that people are appropriately held to account. I think the issue that you have raised with respect to Maules Creek presents a challenge in terms of ongoing rehabilitation for mining sites. I will take it on notice to go and explore how our waste strategy might look at that.

The CHAIR: There is a national tyre stewardship scheme, though. It is a whole national scheme. How is New South Wales and the NSW EPA not working extremely closely with this scheme, and why has a solution not been identified years before now?

Mr JAMES GRIFFIN: As I said, I will take it on notice and go and have a discussion about that.

The CHAIR: Okay. We will come back to that later. I turn now to the very unacceptable situation that came to light in January this year when *The Sydney Morning Herald* reported that the Australian Reptile Park was in fact renting out koalas for people to have in their homes and hotels for \$2,000 an hour. What action have you and your department taken to stop this horrendous practice?

Mr JAMES GRIFFIN: That is obviously not okay. I understand that Taronga Zoo, which I have responsibility for, has ruled out and does not participate in those particular practices.

The CHAIR: This was the Australian Reptile Park.

Mr JAMES GRIFFIN: I understand that. They have been spoken to and I understand that they will not be proceeding to undertake that action or provide that service anymore.

The CHAIR: What about legislative change to ensure that no other park and no other zoo does that? Koalas get very stressed at the best of times, let alone in someone's hotel room.

Mr JAMES GRIFFIN: Yes, they do. I can speak for Taronga Zoo; I have been there a number of times in the past eight weeks. Their level of care and the way in which they support koalas—and all animals there—is of the highest level, as you would expect. But we will take that on notice with respect to any legislative change that we could deliver for that.

The CHAIR: We will come back to that. It is now our morning tea break. We will come back at 11.17 a.m. and have a full 15 minutes' break.

ATTICUS FLEMING: Chair, can I add one thing before we go, or do you want me to do it when we get back?

The CHAIR: Please go ahead.

ATTICUS FLEMING: I just wanted to add some information around the helicopter issue. The coordination of the emergency response is undertaken from the State incident control centre with the SES in the lead. They coordinate aviation assets across the State. Through their air desk they have all of the details of the NPWS machines, so they will call us up and deploy our machines as they need them—bearing in mind our machines are single engine rather than twin engine, which means there are some tasks that we would not be deployed for compared to a twin-engine chopper. You asked where our choppers were. I know we have two in Kosciuszko doing aerial shooting of feral herbivores—but not horses—at the moment, but I think there are another couple that could be readily deployed if necessary.

The CHAIR: Thank you, Mr Fleming.

(Short adjournment)

The CHAIR: Welcome back. Let's kick off again. We will go straight to questions from the Opposition and Mr Walt Secord.

The Hon. WALT SECORD: Firstly, Minister, I offer my congratulations. It is your first heritage hearing and my first heritage hearing as shadow heritage Minister. I will start with something that you may be familiar with. Are you familiar with the historic Waverley War Memorial Hospital site near Bondi Junction?

Mr JAMES GRIFFIN: Not terribly familiar.

CORRECTED

The Hon. WALT SECORD: Because I know that the mayor wrote to you, I think, about a week and a half ago.

Mr JAMES GRIFFIN: Okay.

The Hon. WALT SECORD: I know that council has made numerous representations to Heritage NSW. Mr Kidman, are you familiar with this?

SAM KIDMAN: I am familiar with the site, yes, Mr Secord.

The Hon. WALT SECORD: In mayoral minutes and council debates, council has confirmed that Heritage NSW has said that it is in fact a site worthy of protection. Is that correct?

SAM KIDMAN: I do not have those details at hand.

The Hon. WALT SECORD: But you said you were familiar with the site?

SAM KIDMAN: Yes, I am familiar with the site.

The Hon. WALT SECORD: Right. Are you also familiar with the proposal to put \$340 million of luxury apartments on this historic site that was built in the 1860s? Are you familiar with that?

SAM KIDMAN: No, I am not aware of that development application.

The Hon. WALT SECORD: You are not aware? There has been correspondence to you from the mayor about the need to protect buildings that were built in the 1860s and which became a hospital after 1919. Is there anyone among the witnesses who would be familiar with the application or concerns to protect this site or extend the protection?

SAM KIDMAN: I can certainly get details on that and come back to you this afternoon.

The Hon. WALT SECORD: The council has said that in correspondence with Heritage NSW it said the site "meets the threshold for heritage significance but is not considered a priority for heritage nomination." Is it because there is a \$340 million proposal for that site in the only green patch in Bondi Junction?

SAM KIDMAN: No, that would not be the reason. There are different levels of heritage significance, as I am sure you are aware. There is local significance and items contained in local environment plans, and there are items of State heritage significance that meet a certain threshold and get prioritised for listing. But certainly a development application would not have any impact on the assessment of the heritage significance of the item.

The Hon. WALT SECORD: The project is worth \$340 million and there will be buildings up to 21 metres high, there will be luxury residential living, and there will be the removal of 51 older residents at the site. Are you aware of that?

SAM KIDMAN: I just said before that I am not aware of that development application and the size of it. I can come back to you with the details.

The Hon. WALT SECORD: Can you take it on notice—

SAM KIDMAN: Of course.

The Hon. WALT SECORD: —about why in fact it meets the heritage criteria but has been refused repeatedly? Thank you. Minister, I want to take you to the *Manly Daily*. You read the *Manly Daily*?

Mr JAMES GRIFFIN: I certainly do.

The Hon. WALT SECORD: That would be your local paper, would it not?

Mr JAMES GRIFFIN: It is.

The Hon. WALT SECORD: You would be aware that on the weekend the metropolitan roads Minister, Natalie Ward, recommitted to the Beaches Link tollway?

Mr JAMES GRIFFIN: Right.

The Hon. WALT SECORD: You would be aware of that?

Mr JAMES GRIFFIN: Yes, that is Government policy.

The Hon. WALT SECORD: What is your department's involvement in the 20 Aboriginal sites that are in the proposed corridor?

CORRECTED

Mr JAMES GRIFFIN: The project itself has just concluded its environmental impact statement phase and I will happily defer to Mr Kidman for some further detail. However, my expectation would be that both Heritage and, where appropriate, Environment would have provided submissions and views into the environmental impact statement and the process, and raised any valid concerns that may exist with respect to those particular Aboriginal areas and places of importance that may be adversely impacted by the construction of the proposed tunnel.

The Hon. WALT SECORD: Mr Kidman, can you assist? How many Aboriginal sites are there actually—I have seen two sources: one that says it is 20 and one that says it is 26. How many Aboriginal sites are in this corridor?

SAM KIDMAN: I do not know off the top of my head, Mr Secord, but if they are registered on the Aboriginal Heritage Information Management System I can get that information very quickly.

The Hon. WALT SECORD: Are you familiar with any of the sites? I understand there is a rare whaling carving that actually goes back longer than the common Christian era, before the birth of Christ—it has been around that long. Are you aware that there are 20 Aboriginal sites on the corridor?

SAM KIDMAN: I am not aware of those specific items.

The Hon. WALT SECORD: Can you please provide them all on notice, the full list of the Aboriginal sites, and what is the planning proposal to protect those sites on there?

Mr JAMES GRIFFIN: I suspect some of those may be up near Garigal National Park, which is near Wakehurst Parkway, which is a proposed entry point for the tunnel.

The Hon. WALT SECORD: You are absolutely right. That is the one. Do you have anything to add on those sites that are at the entry point?

Mr JAMES GRIFFIN: I am familiar with them and where they are. They are at the border of the electorate. I understand that a significant amount of work was done by the Beaches Link project team to consider the importance and value of them and the potential impact of the proposed tunnel.

The Hon. WALT SECORD: Minister, back to correspondence to yourself. Would you be aware of correspondence from me and my colleague the shadow environment Minister, Penny Sharpe, in January about the historic cabins in the Royal National Park?

Mr JAMES GRIFFIN: Yes.

The Hon. WALT SECORD: We did not receive a reply to that correspondence and we have had numerous representations about the desire to protect those cabins and ensure tenure of the people who are involved in that. What is the current status on that and what is your response to community concerns?

Mr JAMES GRIFFIN: The cabins there and the communities that inhabit them obviously have a very long history and affinity with the area, and a number of the community members who are there make up the historic surf clubs that dot that beach. Only last week I had a meeting with some community representatives from that area and the appropriate parks team and one of the local MPs down there. We had a discussion about the plan of management that is proposed for the park and also the importance of recognising the historical and heritage presence and value that the cabins represent to that particular area. The issue at hand really stems from a 2007 decision around the leases for the cabins. That is coming up for renewal or expiry in 2027.

The Hon. WALT SECORD: Yes, March 2027.

Mr JAMES GRIFFIN: Yes. We have undertaken to more effectively reflect the importance of the cabins in the community in the plan of management and then, separate to that as a side discussion, working through the appropriateness and the next steps as far as the leases go.

The Hon. WALT SECORD: When will the families down there get certainty? When will they get a decision?

Mr JAMES GRIFFIN: There are two separate elements to it. One is with the plan of management that we are working through. It was in its draft form; it received a significant amount of submissions. We will finalise that and then that will provide some comfort and certainty as far as recognising the heritage aspect of the cabins and the community in the plan of management for the park. Separate to that, we have to resolve the lease issue prior to 2027, but we were seeking to have a resolution this calendar year to many of the aspects that were raised in your correspondence. Apologies, I have not had the opportunity to respond directly to you yet, but I have met with the community members.

CORRECTED

The Hon. WALT SECORD: I think it relates to about 140 coastal shacks. Mr Fleming, is there anything that you can add for those concerned about a wall of silence or belligerence involving the environmental staff, your staff, saying that they want the shacks gone? What is your response to that?

ATTICUS FLEMING: I am not aware of the specifics of any discussions that NPWS staff have had with the people who own the cabins. The only thing I would add is that in looking at the longer term solution that the Minister has referred to post-2027, we need to ensure consistency with the Act. Probably the biggest challenge in mapping out that solution is ensuring that the current provisions of the National Parks and Wildlife Act can be complied with because they basically limit the ability to issue a lease or a licence to certain circumstances. That is the key challenge in that post-2027 solution.

The Hon. WALT SECORD: You would be aware that they provide rescue services and community assistance down there? They provide a valuable service to the community through surf lifesaving, rescue, that kind of stuff.

ATTICUS FLEMING: Yes. I do not know the specifics, but I know they assist in the provision of some of those services.

The Hon. WALT SECORD: Minister, I want to take you to another project called Glenlee, which is in southern Sydney. Are you familiar with this project?

Mr JAMES GRIFFIN: Yes.

The Hon. WALT SECORD: It was formerly Lugarno Farm, which was part of the Lugarno Early Settlers Local Heritage Precinct. There was a parliamentary debate in the Legislative Assembly about this and there was a petition of 2,000 people. The previous Minister took a question on notice. I asked him about his commitment to purchasing the site and protecting it forever and he said that he would take it on notice. In the responses to questions on notice, there was no response to that. Mr Kidman, what is the latest on the protection of Glenlee, which is in southern Sydney?

SAM KIDMAN: In January of this year the Minister issued an interim heritage protection order over the site.

The Hon. WALT SECORD: You said "interim"?

SAM KIDMAN: Yes, under the Act.

The Hon. WALT SECORD: I think it expires a couple of weeks before the State election.

SAM KIDMAN: Before the State election or the council election?

The Hon. WALT SECORD: The forthcoming State election.

SAM KIDMAN: Initially the local council issued its own IHO, which it only made for six months because there was an upcoming council election. In January of this year the Minister made an IHO over the property for 12 months, which will enable Heritage NSW to do work on assessing its State heritage significance and the significance of Aboriginal cultural heritage values on the site. Depending on what the outcomes are, that may mean that the site is prioritised for listing and considered by the Heritage Council for adding it to the State Heritage Register.

The Hon. WALT SECORD: The heritage listing expires just weeks before the next State election. Local residents have put to me that this is just a ploy to quieten the community until the State election and that once the State election occurs, because it is an interim heritage listing, it will be lifted.

SAM KIDMAN: I would not comment on the politics of it, but what I can tell you is that the reason for the urgency around the IHO was because there was a risk that the owner of the site, who was planning a subdivision and development activity there to the extent of about 30 residential dwellings—

The Hon. WALT SECORD: Yes, that is correct.

SAM KIDMAN: There was a risk that, without an IHO, and with the expiry of the local government's IHO over the property, the developer would be able to go in with a complying development certificate and start excavation work and potentially damage items that are of State heritage significance. This 12-month period will give us an opportunity to do the work and protect the site, and then a decision will be made within 12 months, I suppose.

Mr JAMES GRIFFIN: Mr Secord, the limit of the term for an interim heritage order is 12 months.

The Hon. WALT SECORD: So it will expire just before the election?

CORRECTED

Mr JAMES GRIFFIN: Yes. Hopefully the council or Heritage NSW would have appropriately resolved the matter well before then—one would hope.

The Hon. WALT SECORD: I want to take you to the much-heralded Blue Plaques program of your predecessor. When will we see this program and when will we see the next stage or the successful nominations?

Mr JAMES GRIFFIN: It is a very well-received, well-regarded program, which will deliver an opportunity for people across communities around the State to experience and see heritage at a local level for places that they love and that have importance. I am working with Heritage NSW to roll out the program quickly. We have finalised and gone through and analysed all of the submissions that have been provided from the community, of which there were quite a lot. We have thoroughly fact-checked and considered them and we will be moving to make announcements and support communities in celebrating this great program in the next couple of months.

The Hon. WALT SECORD: This is budget estimates, so how much has been allocated to the Blue Plaques program?

The Hon. SHAYNE MALLARD: A budget question.

SAM KIDMAN: I can take that if you like.

Mr JAMES GRIFFIN: Mr Kidman.

SAM KIDMAN: It is \$5 million over two years.

The Hon. WALT SECORD: How many staff members have been allocated to work on this program?

SAM KIDMAN: We have three staff working on it at the moment.

The Hon. WALT SECORD: Mr Kidman, will you be familiar with representations from the Central West for a theatre called Regent Theatre in Mudgee?

SAM KIDMAN: I cannot recall the detail of it off my head, I am sorry.

The Hon. WALT SECORD: The local MP and now Minister was on 2GB talking about the need to protect this heritage-listed Regent Theatre in Mudgee. Are you taking that on notice?

SAM KIDMAN: Yes. I do not know the details off the top of my head, but I can come back to you.

The Hon. WALT SECORD: Then I will take you to another theatre. Your predecessor made many supportive comments about a theatre in Potts Point-Kings Cross called the Minerva Theatre. What has happened in regard to that?

Mr JAMES GRIFFIN: I recall reading reports about that particular theatre, but I do not have the details. I will have to ask Mr Kidman to provide an update.

The Hon. WALT SECORD: Mr Kidman?

SAM KIDMAN: Yes. There is a development application which is processing in relation to redevelopment of the site. I think there is some detailed archaeological testing work being undertaken to look at any sort of colonial or Aboriginal cultural heritage values that might be there before development can proceed.

The Hon. WALT SECORD: I understand that excavation has discovered that it was actually a historic building under the site and they found I guess the remnants of it. Is that correct?

SAM KIDMAN: Yes, that is correct.

The Hon. WALT SECORD: What did they discover under the Minerva Theatre?

SAM KIDMAN: Well, that is—

The Hon. WALT SECORD: We both seem to know, but I want you to tell me. What did they find or discover under the theatre?

SAM KIDMAN: I am not sure that that archaeological work has been completed yet. I do not think it has, but I can check that for you.

The Hon. WALT SECORD: The previous Minister made claims that he wanted to see it end. I have actually been on a site visit to the Minerva and I have spoken to the people who now have the site, and he made threats of compulsory acquisition of the site. What has happened with his threat to compulsorily acquire the site?

CORRECTED

SAM KIDMAN: I am not aware of any comments by the former Minister in relation to the compulsory acquisition.

The Hon. WALT SECORD: They were reported in *The Sydney Morning Herald*; It was very public. In fact, the proprietors had concerns about it and they wanted to know what was the latest on the Minister saying that he wanted to compulsorily acquire it. I figured that he would, in fact, consult with his own department if he was going to make comments like that.

SAM KIDMAN: Well, it is not—

The Hon. SHAYNE MALLARD: Point of order: This estimates inquiry is regarding the budget and regarding—

The Hon. WALT SECORD: Yes—

The Hon. SHAYNE MALLARD: Allow me to make a point of order, Mr Secord.

The Hon. WALT SECORD: Okay, sunshine.

The Hon. SHAYNE MALLARD: The Minister is Mr Griffin. We are not doing an estimates inquiry into the alleged comments made by the previous Minister. He needs to direct them so that they are relevant to the current Minister.

The CHAIR: Thank you, Mr Mallard, but there is no point of order. The member was being relatively relevant according to the portfolio and I think that is within order.

The Hon. WALT SECORD: In fact, I know that you have been around for a long—

The Hon. SHAYNE MALLARD: You do not need to talk back to me. You got the point of order.

The CHAIR: Mr Secord, continue your questions to the witnesses.

The Hon. WALT SECORD: Okay. This actually goes to budget estimates. The Minister threatened to compulsorily—

The Hon. SHAYNE MALLARD: Former Minister.

The Hon. WALT SECORD: The former Minister said he wanted to compulsorily acquire the Minerva Theatre.

The Hon. SHAYNE MALLARD: You allege he said that because—

The CHAIR: Order!

The Hon. WALT SECORD: He said it in *The Sydney Morning Herald*, and in fact I was on—

The Hon. SHAYNE MALLARD: Do not believe everything you read.

The Hon. WALT SECORD: Okay.

SAM KIDMAN: I am happy to take the question.

The Hon. WALT SECORD: Sir, I just want to know, was any work done in the area of compulsory acquisition?

SAM KIDMAN: Certainly not in relation to heritage. That would fall within the former Minister—

The Hon. WALT SECORD: Sorry, I cannot hear the answer.

SAM KIDMAN: That particular matter would fall within the Minister's former portfolio responsibilities, the Minister for the Arts.

The Hon. WALT SECORD: It was just hot air. There was no work done in that area. It was just an empty threat.

The Hon. SHAYNE MALLARD: Come on. Honestly.

SAM KIDMAN: No comment.

The Hon. SHAYNE MALLARD: I know you do not like Don, but do you have to goad him from here?

The CHAIR: Order!

The Hon. WALT SECORD: I want to take you to the Roxy Theatre at Parramatta.

CORRECTED

Mr DAVID SHOEBRIDGE: When?

The Hon. WALT SECORD: We have talked about the Regent Theatre; we have talked about the Minerva Theatre. What exercises have you undertaken to protect or preserve the Roxy Theatre?

Mr JAMES GRIFFIN: I have not had the opportunity to go there yet, but I look forward to you taking me on a date there.

The Hon. WALT SECORD: Okay, we will go together.

The Hon. SHAYNE MALLARD: I cannot erase that from my mind now.

Mr DAVID SHOEBRIDGE: I thought that was the offer, Walt.

Mr JAMES GRIFFIN: I will have to take that one on notice, Mr Secord, I am sorry.

The Hon. MARK PEARSON: His dates are always like that.

The Hon. TAYLOR MARTIN: You are left speechless after that.

The Hon. WALT SECORD: I can keep going if you want. Minister, how does reviewing or removing heritage listing from sites occur? Maybe Mr Kidman can answer. When you decide to remove a heritage listing on something, how does that occur and can you take me through the steps?

SAM KIDMAN: Yes, I can. The process is very similar to heritage listing. If an item was delisted because, for example, it was destroyed through a bushfire or a flood, there would be work done on whether there was anything salvageable from the heritage item. If not, there would be quite a lengthy research process. A recommendation would go to the Heritage Council and the Heritage Council would make a recommendation to the Minister to delist that item.

The Hon. WALT SECORD: Can you take this on notice: Last financial year, how many items were removed from the heritage list?

SAM KIDMAN: I am not aware of any, but I can take that on notice.

The Hon. WALT SECORD: Thank you.

Mr DAVID SHOEBRIDGE: Nice to see you, Minister. Congratulations.

Mr JAMES GRIFFIN: Thank you.

Mr DAVID SHOEBRIDGE: Minister, do you think that protecting State heritage is an important role for you as Minister?

Mr JAMES GRIFFIN: Very much so.

Mr DAVID SHOEBRIDGE: Do you respect the advice of the Heritage Council? How important is the advice of the Heritage Council to you in that?

Mr JAMES GRIFFIN: To me, very. They were one of the first groups that I had the privilege to meet with. I met with them and I had a great discussion with them to better understand their role and the expert advice that they provide to me as Minister, and I look forward to working with them during the year ahead.

Mr DAVID SHOEBRIDGE: If the Heritage Council said that there was a real threat to State heritage and that a site should be protected, what would you do as the Minister in order to ensure that that advice was reflected in government policy?

Mr JAMES GRIFFIN: I would encourage that advice and the expert advice from the Heritage Council to be considered by the proponent, whether it was the Government or whatever particular agency was moving ahead with the project, and I would hope that their advice would be considered and acted upon and appropriately responded to.

Mr DAVID SHOEBRIDGE: Are you aware that New South Wales planning has comprehensively rejected the advice of the Heritage Council when it comes to protecting the Ravensworth estate in the Hunter Valley and the surrounding landscape? Are you aware that the Department of Planning and Environment basically junked the Heritage Council's advice just in the last week?

Mr JAMES GRIFFIN: No, I was not aware of that having taken place, but I again would encourage and am proud of the advice that the Heritage Council and Heritage NSW provide into all aspects of government and will do the best that I possibly can to ensure that their advice is considered.

CORRECTED

Mr DAVID SHOEBRIDGE: When you saw the decision to destroy Juukan Gorge in WA and that destruction of Aboriginal heritage, what were your thoughts about it in terms of the importance of Aboriginal heritage and the way mining has destroyed that Juukan Gorge site?

Mr JAMES GRIFFIN: I think, like most people around Australia, it is upsetting, it is concerning, it should not have happened and it is a tragedy.

Mr DAVID SHOEBRIDGE: The Heritage Council has given advice to Heritage NSW, which has been conveyed to New South Wales planning, saying "Don't destroy the Aboriginal heritage around the Ravensworth estate. Don't destroy the Ravensworth estate; it is critically important and has State heritage values." But nevertheless, your Government is proceeding with a recommendation recommending the entire destruction of that landscape and the destruction of the homestead site. Are you comfortable with that?

Mr JAMES GRIFFIN: As responsible Minister, again, I am proud of and will support the view of Heritage NSW and the Heritage Council. It is my role to encourage other Ministers and agencies to take into consideration the advice that they are given, and that is the best that I can and will continue to do. But ultimately, I can only do what is within my power as the Minister responsible for heritage.

Mr DAVID SHOEBRIDGE: But you did not even know that the advice of Heritage NSW, the advice of the Heritage Council, had been junked by the Department of Planning and Environment. That has happened in the last week. You were not even given a briefing about that. Does that trouble you?

Mr JAMES GRIFFIN: As I said, I am eight weeks in. There is a steep learning curve, but I give you and Committee members a commitment that, whether it is advice provided by the Heritage Council, which I have met with and respect—they do great work—or my team in Heritage NSW, I continue to advocate for their view and their voice as it relates to projects across government.

Mr DAVID SHOEBRIDGE: I will read you the advice that Heritage NSW gave Planning about the Ravensworth Estate:

Heritage NSW [HNSW] further notes that the registered Aboriginal parties [RAPs] consider the local area around Ravensworth, as well as the broader regional area, to be of high cultural significance. Many of the values expressed by RAPs included a sense of loss and longing, expressions of 'connectedness' and 'belonging' to landscapes, waterways, vegetation and animal communities. They expressed strong connection to highly significant places within the local and regional area. The Plains Clans of the Wonnarua People [PCWP] identify both intangible and tangible for the local Ravensworth area. HNSW notes that the project's direct and indirect impacts will further contribute to the cumulative impacts and loss of Aboriginal cultural heritage values and sites in the local area and the region.

How do you respond, as Minister responsible for these heritage sites, to the complete destruction of that landscape on your watch, because that is what New South Wales Planning is proposing?

Mr JAMES GRIFFIN: As you have articulated, that is a very straightforward view from Heritage NSW. I support its view and congratulate them for raising its concerns and its voice, as you have just articulated.

Mr DAVID SHOEBRIDGE: It has raised its concerns but then New South Wales Planning has just junked it and said, notwithstanding that, those values will be destroyed.

The Hon. SHAYNE MALLARD: Point of order—

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

The Hon. SHAYNE MALLARD: Using the term "junked" about professional Planning staff is disrespectful to the public servants involved. They have assessed and rejected it or not taken it on board. Do not use the term "junked" because I think we have got to be respectful of our public servants.

Mr DAVID SHOEBRIDGE: That is not a point of order.

The CHAIR: I will ask the member to continue his line of questioning. I think the word "junked" is a reasonable verb and does not imply anything against the public servants. Continue, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Minister, on your watch, all those important cultural values—that sense of loss, that connectedness—are being destroyed. That is going to happen on your watch unless you intervene and do something. Why will you not step up and try to protect the site?

Mr JAMES GRIFFIN: As I have said, I support, congratulate and encourage the Heritage Council and Heritage NSW to ensure that that sort of issue is brought to the attention of the relevant agency. As the Minister responsible for heritage, I stand by and am proud of the concerns that it has raised. It has done that appropriately and made sure that it is considered by all areas of government. But as the responsible Minister, I am proud of the issues that it has raised.

CORRECTED

Mr DAVID SHOEBRIDGE: You are a ginger group that is being completely ignored by the decision-maker. That is what has happened here, isn't it? You are nothing more than a ginger group in the system of this destruction of Aboriginal heritage. That is the truth of it, isn't it, Minister?

Mr JAMES GRIFFIN: That might be your characterisation but I do not support that.

Mr DAVID SHOEBRIDGE: I will read what Planning said. Planning basically said protecting the heritage will get in the way of the coalmine, therefore the heritage has got to be destroyed. Are you aware of that?

Mr JAMES GRIFFIN: No, please.

Mr DAVID SHOEBRIDGE: It said:

The experts concluded that there are some alternative mine plan options that leave the Ravensworth Homestead in place and have a theoretical economic benefit to the State, however these options are considered too risky from an investment perspective ... and are not considered viable alternatives.

572. Consequently, the Department considers that there are no alternative mine plan designs available to Glencore, and the only option that would leave the Ravensworth Homestead in-situ would be to refuse the Project in its entirety.

At the end of the day, Planning said if we are going to protect the homestead, if we are going to protect Aboriginal heritage, we cannot get the coal, therefore we will not protect the heritage. Are you comfortable with that kind of decision-making—that coal always trumps heritage?

Mr JAMES GRIFFIN: No. As heritage Minister, we need to conserve, protect, celebrate, understand and appreciate our heritage. As Minister, that is what I will continue to advocate for within government. The issue that you have raised is one that, by all means, you are welcome to put to the relevant Minister with oversight for Planning. Heritage NSW and the Heritage Council have done their job in raising their concerns. I support them for that, and I will continue to advocate and make sure they have a strong voice in government.

Mr DAVID SHOEBRIDGE: Mr Kidman, you know that the department of planning, basically at Glencore's behest, tried to schmooze the Heritage Council as recently as October of last year, don't you? It came and tried to change the view of the Heritage Council about protecting Ravensworth. You know that happened, don't you?

SAM KIDMAN: I would not use that term. I was at that meeting, and that was an opportunity for DPIE to talk through the proposal with the Heritage Council, for the Heritage Council to ask questions and provide advice. It had a number of suggestions, as I am sure you are aware, about how impacts to the Ravensworth Estate and the ACH values, in particular on a massacre site, might be avoided. Further to your earlier line of questioning—

Mr DAVID SHOEBRIDGE: No, I am asking you a series of questions.

SAM KIDMAN: Sorry.

Mr DAVID SHOEBRIDGE: You know that after DPIE, basically at the behest of Glencore, tried to persuade the Heritage Council to change its position about protecting the estate and Aboriginal culture, the Heritage Council reaffirmed its position.

SAM KIDMAN: It did.

Mr DAVID SHOEBRIDGE: It said:

2. Notwithstanding the new information provided to the Heritage Council, the Council maintains its view that the importance of Ravensworth Homestead includes its role in frontier conflict and affirms its advice of 9 December 2020 and 5 February 2020.

SAM KIDMAN: That is right.

Mr DAVID SHOEBRIDGE: How is it that the Heritage Council's advice is then completely ignored and there is a recommendation to destroy it all?

SAM KIDMAN: With respect, that is not a question for Heritage NSW; it is a question for the department of planning.

Mr DAVID SHOEBRIDGE: So it is just hands off now? It is just going to go through a process of an inevitable destruction. We are going to have another Juukan Gorge happening here in New South Wales because it is not your job or the Minister's job to protect it?

SAM KIDMAN: Our role is to provide really frank and fearless advice to DPIE on issues of heritage significance, and that is exactly what we have done.

The CHAIR: Order!

CORRECTED

Mr DAVID SHOEBRIDGE: Which it just put in the shredder and said, "Coal will get its way". That is what happened, Minister.

The CHAIR: Order!

Mr DAVID SHOEBRIDGE: Coal always gets its way in New South Wales, doesn't it?

The CHAIR: Mr Shoebridge, your time has expired.

The Hon. MARK PEARSON: I am going to continue on a similar theme to Mr Shoebridge. It is a matter of helping us to understand what your powers are and what they are not. Seeing that koalas are now listed as endangered by the Federal environment Minister, does that not give you the power to rescind or quash former development or logging applications? For example, the Lendlease development approval for the Campbelltown area is highly controversial and extremely disturbing—what is not happening there. Now that these animals have been given this much higher listing in terms of protection, does that not give you the power to intervene in a situation like Lendlease and Campbelltown or a situation like the forests that Mr Field referred to, where the Natural Resources Commission has said that these are extremely sensitive areas that needed to be protected? Where do you stand? What can you do now for these animals?

Mr JAMES GRIFFIN: That is probably best answered in two parts. One is that there is a very complex interdependency, or interplay, between the Federal listing and what then commences at a State level, which I will get Mr Knudson to explain. Ultimately the decision about whether the koala is up-listed in New South Wales is one for an independent expert committee to also consider. There are two answers to your question. One is what is then the impact of the Federal Government uplisting and the impact then on developments such as Mount Gilead, for example. I met with a local councillor from that council only last week to discuss that issue, and I will be going out there. The second is to what extent do we then follow suit with respect to the uplisting. I will get Mr Knudson to—

The Hon. MARK PEARSON: For clarification, what would be the following suit? What would you do?

Mr JAMES GRIFFIN: The listing of the koala.

DEAN KNUDSON: To your question about what could you do about previously approved projects, there is a longstanding principle that you do not apply changes in law retrospectively.

Mr DAVID SHOEBRIDGE: Unless it is workers' rights or the environment, in which case, by all means, go for it.

The CHAIR: Order!

DEAN KNUDSON: For better or for worse, it is a legal principle of not doing retrospectivity.

Mr DAVID SHOEBRIDGE: Never for good. I accept it is never for good, only for bad.

DEAN KNUDSON: I am just trying to make sure that that point is clear.

The Hon. MARK PEARSON: But, sir, an approval is not law. An approval is just an approval.

DEAN KNUDSON: No, but it is been granted under law and if it is been lawfully granted, then it stands. That is effectively the point that I am making. Often what happens during an assessment of a project, these assessments can take multiple years. A new species gets listed during that period. That cannot be taken into account unless it was included in the original terms of reference of that assessment. It happens. It is a question for legislatures. If you think that is incorrect, then I invite to you consider changing the law. But that is pretty standard practice in environmental assessment. So I just wanted to point that out.

Then in terms of what happens from here, with the Commonwealth uplisting the species, they are making a recovery plan. The Commonwealth legislation requires that you cannot act inconsistent with a recovery plan. That is a higher test than what exists for a conservation advice, for example, which is the usual instrument that is used for a species at risk, so that is a significant development. The other thing that also opens up is Commonwealth funding. It increases that species subject to that listing level to be prioritised for funding. So they are the implications of the Commonwealth.

As the Minister pointed out, that then triggers off an assessment by the State jurisdictions—in this case, our threatened species committee—which almost always follows pretty closely the advice of the Commonwealth. There has been a work program to align listings so we do not have inconsistencies between State and Commonwealth listings and between States where species are across jurisdictions to make sure that they are treated equally as well. So that is actively under consideration.

CORRECTED

The Hon. MARK PEARSON: Okay. I am not sure how much that has helped us.

DEAN KNUDSON: Sorry.

The CHAIR: It was very informative.

The Hon. PENNY SHARPE: Or the koalas.

The CHAIR: Or koalas for that matter. I am not sure it helps koalas.

Mr DAVID SHOEBRIDGE: No. I can summarise it: It is no.

The Hon. MARK PEARSON: We will change the law. I will give you that guarantee. I just want to talk a little bit about wombats and mange, if you do not mind. Given the National Parks and Wildlife Service is working with the University of Sydney to assess mange in wombats using 10 years of data, can the Minister or one of his officials give an indication of when the final study results will become public?

Mr JAMES GRIFFIN: Yes. Thanks, Mr Pearson. I have only just sent you a letter regarding this.

The Hon. MARK PEARSON: Yes, thank you.

Mr JAMES GRIFFIN: Before I flick it to Ms Dumazel, I think, the national parks team met with wildlife rehabilitators on 8 February to discuss wombat mange treatments, which would be a proposal that would remove the need for individual licences to be issued to landowners. As we sort of uncovered in our last meeting, there has been, historically—and we can give you a more up-to-date insight into the work that is been going on between National Parks and institutions like the University of Sydney to address gaps in understanding the prevalence of mange and what can be done about it.

The Hon. MARK PEARSON: The Australian Pesticides and Veterinary Medicines [APVMA] has allowed "persons general", such as landholders, to treat wombat mange. Is there a reason that the National Parks and Wildlife Service continues to restrict mange treatment activities to just trained wildlife carers when the APVMA has listed it as "persons general"? There has a concern that people, landholders, who want to actually help the animals are not able to because of this restriction.

Mr JAMES GRIFFIN: Yes. I understand.

ATTICUS FLEMING: Mr Pearson, the real expert on wombat mange is a witness this afternoon. Could we possibly take that on notice and address it this afternoon?

The Hon. MARK PEARSON: Sure, not a problem.

ATTICUS FLEMING: Thank you.

The Hon. MARK PEARSON: Minister, I am sure you are aware that on the ABC 7:30 program last year, it showed a live kangaroo and her joey being dragged behind a commercial kangaroo shooter's truck. Has the Minister's department investigated this incident of cruelty?

Mr JAMES GRIFFIN: Ms Molloy will be able to give you an answer on that.

SHARON MOLLOY: Apologies: Just getting organised here. So that would be a matter not for us to investigate, but the police and/or in collaboration with the RSPCA. Animal cruelty would have been notified to the police and the RSPCA.

The Hon. MARK PEARSON: And it has been notified?

SHARON MOLLOY: I am not aware of that but I can try and find out.

The Hon. MARK PEARSON: Would it not be an investigation under National Parks and Wildlife Service as well?

SHARON MOLLOY: I do not think so because our role, or Parks' role, would be the issuing of licences under the Biodiversity Conservation Act for legal culling, either commercially or non-commercially. This is why we work very closely with some of those other agencies in terms of the cruelty to animals Act, which would be the RSPCA. Any kind of illegal use of weapons would be the police, but I do not have the details of that particular incident.

The Hon. MARK PEARSON: Okay. Thank you. Minister, a confidential document, cited as DPIE 0027 document kangaroo management compliance audit report 2018-19, referenced a statewide compliance audit of the kangaroo management program, including surveys of animal and skin dealers and desktop trading, et cetera. One of the recommendations from the audit was that there be an increase in focus on regulation of humane harvesting. Can the Minister advise what progress has been made in relation to that since that report?

CORRECTED

SHARON MOLLOY: Yes, I can answer that. So, as with all of the programs that we manage within the Biodiversity, Conservation and Science directorate, there is a process of continuous improvement just to make sure that we are doing things using the best available science and information available to us. We are undergoing a number of reviews of our protocols, prosecution guidelines, compliance guidelines et cetera for the kangaroo management program at the moment. That was an internal audit that was done back in whatever date you gave me there—I have completely forgotten the date. But we are sort of continuing to address some of the issues that came up in that internal audit in terms of continuously improving what we do in the compliance space.

The Hon. MARK PEARSON: One of the very concerning findings in the report was that in 70 per cent of received NHS reports sampled by the audit, the department did not take further compliance action—NHS being non-head shot. So 70 per cent of the received non-head shot reports sampled by the audit showed the department took no further action or compliance action. Causal factors may include insufficient evidence or the reports relating to non-commercial kill of kangaroos. What are you doing to increase compliance action when such situation has occurred where non-head shots have not been properly investigated according to that audit?

SHARON MOLLOY: All complaints usually received through the environment line or, if we do random inspections of chiller establishments, are recorded on our internal compliance database and they are all followed up. We have got stats that I can provide you in terms of the numbers of compliance actions that we have taken against the kangaroo management program.

The Hon. PENNY SHARPE: Minister, you stated earlier this morning that the as-yet-to-arrive New South Wales koala strategy will be based around the doubling of koala numbers. I assume that is by 2050. What is the baseline number that you are using to double?

Mr JAMES GRIFFIN: There is some conjecture around the actual number.

The Hon. PENNY SHARPE: I do not know how you can double something if you do not know how many you have to start with.

The Hon. MARK PEARSON: Zero by zero.

MICHELLE DUMAZEL: So, you know, the estimates range between 15,000 to 30,000 and we have been using the figure that was raised as part of the inquiry—around 20,000—and certainly one of the key features—

The Hon. PENNY SHARPE: Sorry—that is great. Can I just clarify? The koala strategy will be working on the basis that there are 20,000 koalas and that by 2050 there will, therefore, be 40,000 koalas, if this works.

MICHELLE DUMAZEL: Correct.

The Hon. PENNY SHARPE: Great. Thank you. I wanted to clarify that because there has been a lot of discussion. Is there agreement from the expert panel in relation to this figure?

MICHELLE DUMAZEL: Yep.

The Hon. PENNY SHARPE: Okay, good. I am not sure who this is for; maybe it is for Mr Fleming. There has been concern in relation to COVID contingency funding and what has been expended in relation to that. Are you able to provide to the Committee (a) how much was allocated within your agencies and (b) how much was spent and what it was spent on?

ATTICUS FLEMING: Can you clarify, are you referring to the stimulus funding or are you referring to funding for the department to assist in the management of COVID?

The Hon. PENNY SHARPE: There has been some media in relation to this. But the issue is that there was reporting from agencies that basically, as we understand it, Treasury provided funding to agencies to deal with COVID expenses. So it is not just stimulus money for projects; it is basically what was used by the department. What I am after is how much was allocated to your agencies and what the breakdown of the expenditure was. Basically, how much and what it was spent on.

ATTICUS FLEMING: I will have to take that on notice, Ms Sharpe.

The Hon. PENNY SHARPE: That is fine. Thank you. The IPCC report came out today. There is a lot going on. It is pretty disturbing in terms of what it is predicting for the future of the planet and the animals that live on it and our kids. I am aware that there was a court case in the Land and Environment Court that basically allocated—in 2021 the Bushfire Survivors for Climate Action won a Land and Environment Court case, requiring the EPA to develop objective guidelines and policies to ensure environment protection from climate change. Where is that up to?

CORRECTED

Mr JAMES GRIFFIN: That is a good question, which I will seek some further advice on from Ms Moore.

JACQUELEINE MOORE: We are still in the process of developing our climate change policy and action plan. We are intending to publicly consult on that document and we are expecting to do that soon.

The Hon. PENNY SHARPE: So you have prepared a document that is going out for consultation.

JACQUELEINE MOORE: We are in the process of preparing a document.

The Hon. PENNY SHARPE: How do you see—this is a genuine question. I mean, you do not have a climate change Minister. Previously, it was sort of with Minister Kean. You do not share the EPA with anyone else, do you?

Mr JAMES GRIFFIN: No.

The Hon. PENNY SHARPE: So you will be ultimately responsible then, Minister, for the outcome of this. Is that right?

Mr JAMES GRIFFIN: Yes. I think that with respect to just about everything we have discussed this morning it is difficult to separate the issue and the impact of climate change and, you know, everything else that we have discussed. I mean, there is an interdependency between issues of land management, pressure on biodiversity and the whole box and dice, really. Having had a look at elements of the IPCC report this morning, it is disturbing and it is challenging. I think it means that we have to redouble our efforts in the work that we are doing. I look forward to working with Ms Moore and the EPA on this particular report.

ATTICUS FLEMING: Can I add that Mr Knudson has already mentioned it has been factored into the water planning or water resource plans. Obviously it is a big factor in terms of our fire management planning. It is also factored into our threatened species planning, and you would have seen the *Carbon Positive by 2028* plan that NPWS released last year. So it is integrated in everything that we do.

The Hon. PENNY SHARPE: Sure. My concern is that it is major adaptation work that is necessary, but we are still not getting to the point where we are actually trying to mitigate. That is my issue. In terms of these kinds of guidelines and policies, will they be framed around adaptation or will they be also very much about mitigation in terms of what New South Wales can do to get our emissions down?

JACQUELEINE MOORE: We are definitely mindful that there is already a New South Wales Government climate change framework. The EPA is looking at what role as a regulator we have in that space. That will be reflected in our climate change policy.

The Hon. PENNY SHARPE: How will your policy fit with the framework?

JACQUELEINE MOORE: We are looking at what our role is and also obviously we need to comply with the court orders. It will be complementary to the whole-of-government climate change framework and we are also mindful of the Government's net zero plan as well in this space.

The Hon. PENNY SHARPE: Just to be clear, the framework does not sit with you though, does it, Minister?

Mr JAMES GRIFFIN: No. I understand that would be with the energy Minister.

The Hon. PENNY SHARPE: It still sits with Minister Kean.

Mr JAMES GRIFFIN: Yes. It is worth acknowledging that one of the better parts of the read of the State of the Environment report was with respect to emissions in New South Wales, where it did show some good outcomes.

The Hon. PENNY SHARPE: Yes. There are some concerns around uptake in terms of renewables, but that is all right; that is for another discussion. Obviously there are also issues in terms of emissions reduction if we actually stop land clearing. I also make that point, Minister. Ms Moore, what is the time frame for having this complete?

JACQUELEINE MOORE: I expect that will be going out for consultation shortly. I think last year we committed to early this year, and we are still working to that time frame.

The Hon. PENNY SHARPE: So that is Q1, quarter one, you think?

JACQUELEINE MOORE: We are hoping to be able to release that very soon.

CORRECTED

The Hon. PENNY SHARPE: So, in terms of finalisation, are we going to have something in place before the end of the year, do you think?

JACQUELEINE MOORE: We are definitely working towards that.

The Hon. PENNY SHARPE: This is an EPA question as well about biomass from native forests. Has the EPA provided any advice to government on biomass from native forest biomaterial?

JACQUELEINE MOORE: We have provided advice from time to time on that particular issue, yes.

The Hon. PENNY SHARPE: When was the last time you did so?

JACQUELEINE MOORE: When you say "government", are you talking about a particular proposal?

The Hon. PENNY SHARPE: I suppose it does not really matter where—I am interested in what the EPA is doing in relation to providing advice, some of it would be to Planning or whether it is to this Minister. I assume you do not brief the forestry Minister directly in relation to native forest biomaterial used for biomass.

JACQUELEINE MOORE: No. We certainly provide advice on proposals as they come forward and provide advice to Planning on particular proposals. We are also working to provide further guidance material for the regulated community and our stakeholders, and we are working with other government agencies on that clarification and further guidance material.

The Hon. PENNY SHARPE: Thank you. I might come back to that this afternoon. Minister, I have had raised with me that there are a variety of national park sites that are being closed on a regular basis. Can you tell me how it gets to that? Obviously catastrophic fire and flood notwithstanding, what are the circumstances that lead to the closure of a national park?

Mr JAMES GRIFFIN: I will ask Mr Fleming, other than saying we have got a significant revolving set of infrastructure works across the State, which may from time to time lead to the closure of the parks. Indeed, North Head national park in Manly is currently closed and undergoing some infrastructure upgrades. And then there is a significant amount of work being done on parks to ensure that the visitor experience is where you would want it and the conservation value is being preserved. Mr Fleming?

ATTICUS FLEMING: Without knowing the detail of any of the sites you have got in mind, the two biggest factors have been fire and flood in the last few years, combined with the investment in infrastructure. But our staff have done a fantastic job. I mean, after those fires it was something like 250 precincts that were closed and I think we are around 90 per cent that have been reopened—it might be between 85 per cent and 90 per cent. So they have done an extraordinary job to reopen precincts that were closed as a result of fire, many of which were then impacted by floods.

The Hon. PENNY SHARPE: Again, that is not really where I am heading. Where I am heading with this is about the concerns in relation to—I accept that it is unsafe and again acknowledge the work that park staff do. They have worked miracles in terms of the work that they have done. If there is infrastructure work happening in one of the parks, it has been raised with me that too often visitor centres are also closed at the same time. It has been raised with me at Yanga, Hay, Forbes, Cobar and Nowra.

ATTICUS FLEMING: Those have not been raised specifically with me, but I will ask that question and come back with information this afternoon.

The Hon. PENNY SHARPE: Terrific. Thank you.

ATTICUS FLEMING: Can I just add though that the other factor that has been important over the last, say, 12 months has been COVID, obviously. There is the infrastructure investment that we have talked about and from time to time high bushfire risk days involve or require—

The Hon. PENNY SHARPE: I am unconcerned about—I suppose the question is are your staff basically stretched so thinly that the routine response is to close rather than deal with that, and how often is that happening? What does that mean? If you could provide some more information this afternoon that would be extremely helpful.

ATTICUS FLEMING: I will.

The Hon. PENNY SHARPE: That would be good. Minister, I do not think Ms Faehrmann has covered this, but I am going to ask about it. Have you dealt with Ganguddy-Kelgoola?

The CHAIR: Not yet.

CORRECTED

The Hon. PENNY SHARPE: Okay. Last year the New South Wales Government ruled out releasing the Hawkins-Rumker proposed coal release areas on the edge of Wollemi National Park. There is, however, another area that I suppose is still in play, and that is called the Ganguddy-Kelgoola release area, which has two State forests in it. The previous Deputy Premier John Barilaro said that he had planned to rule this out along with Hawkins-Rumker. Similarly, Rob Stokes had supported the nomination of the Coricudgy State Forest and the Nullo Mountain State Forest into inclusion of the national park. I suspect you may not have been briefed on this, but I would like to get a sense of what your attitude is to that, and perhaps, Mr Fleming, whether there is any action being undertaken to progress these previous commitments from previous Ministers.

Mr JAMES GRIFFIN: Yes. Acknowledging an important stakeholder group, the Wilderness Society, I met with them. They raised this particular issue. I am incredibly sympathetic to their position. It is good that the former Deputy Premier and Minister that you have mentioned also had a particular view on it. But to the specifics, I might get Mr Fleming to provide a comment, but I have met with the Wilderness Society and I think there is an important opportunity there.

ATTICUS FLEMING: I think the process is one that is happening within the Department of Regional NSW, so I think the primary question is probably directed there. I am certainly aware of the two areas that you are talking about, and I am aware of the significant cultural and environmental values. I am not sure if you are asking me whether I support the addition of land to national parks or not.

The Hon. PENNY SHARPE: I would not do that to you, Mr Fleming, because that is not up to you, I know. As I said, this has been discussed and there has been an indication of it progressing. If it is going to progress, it is going to end up in national parks. I am just wondering whether there is any work going on to actually progress that discussion and stated commitment. I accept that you have met with groups, which is terrific. Is anything actually happening or does it need a push?

Mr JAMES GRIFFIN: I think we will take that on notice. I think we would all agree that it will be a great outcome. I am happy to take that on notice.

The Hon. PENNY SHARPE: Thank you. I want to talk about waste. Minister, the State of the Environment report suggests that we have issues in terms of waste. We are still generating too much and that is increasing. Our recycling rates, even though we have had some fairly bold targets, are not really being met and they are just turning the dial ever so slowly. Can you confirm when Greater Sydney will meet—basically when the landfills will be full by?

Mr JAMES GRIFFIN: I would have to defer to Ms Moore on that, but just to give you my view with respect to waste, I think although it might seem a sort of boring topic to some, it is actually quite exciting.

The Hon. PENNY SHARPE: No, it is great. I love it. I love waste.

Mr JAMES GRIFFIN: Principles of the circular economy.

The Hon. SHAYNE MALLARD: We are experts.

Mr JAMES GRIFFIN: I think it is an issue for which the time has come when you give consideration to how it might be looked at through a different lens. The circular economy is the best solution we have got to resolving the issue of waste. The issue that just about every single piece of plastic that has been created is still with us today I think is a shocking headline statistic or issue. So off the back of that, as you have said, there have been some bold initiatives. Return and Earn celebrated its seven-billionth bottle or container being returned this week. The effect or the impact of that is a 52 per cent reduction in litter, and I think by all standards that is a good outcome for an initiative. Then looking through to broader schemes with respect to the Waste and Sustainable Materials Strategy 2041, if you unpack that, I think there are some really exciting opportunities not only in the space of remanufacturing but FOGO, a whole bunch of different aspects of waste and how we more effectively manage that. The plastics plan comes into effect this year, which is great. We are not too far off with single-use being phased out.

The Hon. PENNY SHARPE: On 1 July.

Mr JAMES GRIFFIN: Yes, that is it, and then some follow-on in November, working as hard as we can to prepare small businesses for that change, but—

The Hon. PENNY SHARPE: That is terrific, Minister, but time is ticking.

Mr JAMES GRIFFIN: Sorry. To your issue of landfills—

The Hon. PENNY SHARPE: When are the landfills full?

Mr JAMES GRIFFIN: Ms Moore?

CORRECTED

JACQUELEINE MOORE: I think there is a difference between the Sydney and regional.

The Hon. PENNY SHARPE: Yes.

JACQUELEINE MOORE: And you are asking about the Sydney.

The Hon. PENNY SHARPE: Yes. You can also give me the figures for regional, but I understand that there is more room in those.

JACQUELEINE MOORE: I think that is correct. I can check those figures for you. I do think they are in the Waste and Sustainable Materials Strategy 2041. I can come back to you on those.

The Hon. PENNY SHARPE: Okay. My understanding is that Greater Sydney basically is full in 2028—

JACQUELEINE MOORE: Okay.

The Hon. PENNY SHARPE: —which leads to a fairly significant issue.

The Hon. SHAYNE MALLARD: Why did they ask the question?

The Hon. PENNY SHARPE: Sorry, do you have a question?

The Hon. SHAYNE MALLARD: I was whispering to my colleague.

The Hon. PENNY SHARPE: I could hear you.

The CHAIR: Order!

The Hon. PENNY SHARPE: I could hear your, but that is okay.

The Hon. SHAYNE MALLARD: You have good hearing.

The CHAIR: We have been very well behaved, generally. Compared to some other budget estimates I have been to recently, I think this one is going smoothly.

The Hon. PENNY SHARPE: My understanding also is that—

Mr JUSTIN FIELD: Let's see it through. We are nearly there.

The Hon. PENNY SHARPE: Come on, I still have questions. Come on.

The Hon. TAYLOR MARTIN: You know the answers.

The Hon. PENNY SHARPE: Stop interrupting.

The CHAIR: Order! I spoke too soon. Ms Sharpe.

The Hon. PENNY SHARPE: I know it is getting long in the day. I am about to run out of time. We are looking at 80 per cent diversion from landfill.

Mr JAMES GRIFFIN: Yes.

The Hon. PENNY SHARPE: We have now acknowledged that it is 2028. What is the modelling that sits behind our ability to get an 80 per cent diversion?

JACQUELEINE MOORE: I will have to get back to you on the modelling, but obviously we have a range of strategies in place to meet that target.

The Hon. PENNY SHARPE: So you will come back to me this afternoon in relation to that?

JACQUELEINE MOORE: I can.

The Hon. PENNY SHARPE: Okay.

Mr JAMES GRIFFIN: I think it is worth recognising that the 2040 waste strategy does set out some pretty ambitious goals and targets and, as you have just articulated, 2028 is not terribly far off.

The Hon. PENNY SHARPE: My concern is that waste infrastructure is extremely challenging to get planned for and delivered. There is a lot of community pushback in relation to these things. I am concerned that there are targets—this is where I am going with this, and we can explore this this afternoon. I am concerned that there are targets without strong modelling that is actually then linked to the infrastructure plan to actually deliver that. That is where I am going with those questions.

Mr JAMES GRIFFIN: Understood.

CORRECTED

The Hon. PENNY SHARPE: Thank you for that. My final question is around soil erosion and the work that is being undertaken. Again, going back to the State of the Environment report, one of the most concerning parts of that was just the state of our soils in relation to carbon in terms of carrying capacity. Carbon loss is getting worse. What is the role of EES in relation to that? Obviously a lot of this needs close work with DPI and Agriculture, but I am trying to understand what work is being undertaken in relation to soil within your purview.

Mr JAMES GRIFFIN: I think Mr Knudson can effectively answer that, but I think in discussions with NSW Farmers that I have had to date they see the importance and a tremendous opportunity when it comes to carbon sequestration in soil and better soil management techniques, regenerative farming practices. These are all things that I think there is an opportunity to really focus on to resolve some of these pressing issues. Mr Knudson?

DEAN KNUDSON: Thanks, Minister. I think I would just add one small piece to that, which is we have been talking with not only the Farmers Association but also Local Land Services, Regional NSW, Department of Primary Industries also about how do you unleash natural capital? That has not only a carbon component, which is absolutely tied to the soils, but also biodiversity. The Commonwealth has done some work in this space in the last little while, and we are certainly looking at that closely and trying to figure out how do we complement that? That is one of the key intersection points between the work of the group and DPI as you referenced to in your question.

The Hon. PENNY SHARPE: Thank you.

Ms ABIGAIL BOYD: Good afternoon, and congratulations on your promotion to this incredibly important portfolio.

Mr JAMES GRIFFIN: Thank you, Ms Boyd.

Ms ABIGAIL BOYD: Are you familiar with the Public Works Committee's inquiry into coal ash repositories?

Mr JAMES GRIFFIN: Somewhat.

Ms ABIGAIL BOYD: Have you read the report?

Mr JAMES GRIFFIN: I have not read that report, no.

Ms ABIGAIL BOYD: I will give you a leave pass because it is your first budget estimates and you are new to the role.

Mr JAMES GRIFFIN: Thank you. It is appreciated.

Ms ABIGAIL BOYD: But be on notice that I will be asking about coal ash at every estimates from now on.

Mr JAMES GRIFFIN: Of course, yes.

Ms ABIGAIL BOYD: One of the remarkable things about the report is that it had a very clear finding in it—a cross-party finding—that the impacts of coal ash being stored in these unlined dams and leaking out into our waterways was a significant environmental and health risk. In the Government's response to that report it was very clear that was accepted. On that basis, we are expecting some significant action to come out of that report. I have just today received a photo of someone who had the unfortunate luck to find themselves stuck in a river full of coal ash. The Russell Vale Colliery resumption—I understand the IPC placed a condition on its reopening that they would realign Bellambi Creek to avoid the coal tailings pollution issue. We are talking about coal ash which has in it toxins that, in places in New South Wales, have created two-headed fish and brain-eating amoeba in Lake Liddell—there is a lot of science behind this.

The deadline for Russell Vale actually doing that realignment was November, but it did not occur. For the last two days, with all the rain, Bellambi Creek has been running black with coal-tailing pollution. This is a creek that is really large. It flows through suburban areas. I am not allowed to use props, but I am holding up a picture of someone who has stuck their hands in the river near their home. Clearly this is unacceptable. What will you be doing about it, and why do these companies keep breaching these conditions with apparently no consequences?

Mr JAMES GRIFFIN: Obviously that is very concerning. It is the dual issue of not only the environmental challenge and pressure—another added one—but a human health risk. I thank you for the heads-up about coal ash and I will study up on it.

The Hon. PENNY SHARPE: It is a drama, that one.

CORRECTED

Mr JAMES GRIFFIN: And the particular report that you have referred to and the recommendations contained in it. Unless Ms Moore has anything to add from the EPA's perspective with respect to coal ash, I give you an undertaking that it is something that I will give due consideration to, particularly Bellambi Creek. I thank you for raising that particular issue.

Ms ABIGAIL BOYD: Is the EPA aware of that pollution event and what action is it going to take, particularly in relation to the breach of condition?

JACQUELEINE MOORE: My understanding is that I think you are talking about a mining issue and it is a breach of, potentially, the mining lease, but we would need to look into that. If it is, then we do not regulate to those mining conditions. I can tell you, though, that in response to the recent flooding we have certainly taken a number of measures including, in the last 48 hours, contacting our regulated licensed facilities in flood-impacted areas to see what assistance they need and how they are impacted by the flood event.

Ms ABIGAIL BOYD: One of the recommendations of the coal ash inquiry was that there would be a memorandum of understanding established between the EPA and Dams Safety NSW. As we saw with Origin and Eraring, we had an entire Sport and Recreation Centre close because of the danger of that dam breaching. With this kind of significant weather event that we are facing right now, I would love to know that that MOU has been signed and that there is now that oversight of these dams.

JACQUELEINE MOORE: We do have an MOU in place, yes.

Ms ABIGAIL BOYD: Excellent. That is one thing I can tick off. I will move on to clean air because I do not have much time. The NSW Clean Air Strategy that was released—which I like to call the "Clean Air Crystal Ball-Gazing Document" because it does not seem to have a strategy; it just seems to say what you think is going to happen in the future—when it comes to the air pollution coming out of coal-fired power stations it really just points to "Well, we're going to end up winding up these power stations eventually anyway." There was a study in 2018 that attributed 87 deaths per year to Eraring alone from the 30-odd toxins that come out of the stacks. Bringing that closure date forward by seven years will save 600 lives, but we still have Vales Point. Vales Point could be going for however long—it has got an exemption. Do you think it is acceptable that we should be putting that sort of cost on the community—in terms of respiratory illness, strokes, cancers and premature deaths—simply because those coal-fired power stations refuse to pay the money to install the technology that is standard everywhere else to reduce that air pollution by 85 per cent?

Mr JAMES GRIFFIN: I think the Clean Air Strategy articulated quite effectively the priorities and actions that the Government has. When you look at it in its totality and consider the work the Government has done with its renewable energy zones, the net zero commitments and electricity infrastructure, there has been a great deal of work that has taken place. We have obviously also got the most robust network of air quality monitoring stations in the country—

Ms ABIGAIL BOYD: We really don't! We have one on the Central Coast and I think another one has just been put in place, but our air pollution monitoring is pretty woeful by international standards.

Mr JAMES GRIFFIN: We can always do better. But to the specifics of your question, ultimately we would want to do everything that we can to minimise the health impact that people face from living near a coal-fired power station. Of course, the EPA will continue to regulate and be a strong cop on the beat when it comes to those particular facilities.

Ms ABIGAIL BOYD: I will just interrupt you there and refer you specifically to Vales Point. They have had an exemption in place since 2012 in relation to the NOx limits that they are subject to. At the moment, after the current exemption they are now about four times higher than what is allowed in other parts of the world. They were given this exemption on the basis that they would fix their emissions. We are 10 years down the track and they are still pumping out dangerous levels of NOx that are killing people in the community. The only reason that they do not install better technology is because the EPA keeps giving them an exemption. Is that acceptable?

Mr JAMES GRIFFIN: As I said, we can always do better. I will continue to work with the EPA with respect to the regulatory role that we play when it comes to power stations like Vales Point.

Ms ABIGAIL BOYD: In the time I have remaining—and I might pick up this afternoon, if there is time—in the last budget estimates hearings in October last year we were told that the load-based licensing scheme review was in the final stages of being completed and we would be able to see it before Christmas. This is the other side of it, is it not? If we are allowing these polluters to pump out massive amounts of pollution, surely we should at least have a load-based licensing scheme that reflects the true cost to the community—and by no-one's standards does it do that. We have been waiting a long time for this review. Why have we not got it?

Mr JAMES GRIFFIN: I will have to take that one on notice and take it up with the EPA.

CORRECTED

The CHAIR: I will stick with the Clean Air Strategy and go to the second greatest source of PM2.5 emissions in New South Wales. Are you aware of what that is, second to coal mining, in your Clean Air Strategy?

Mr JAMES GRIFFIN: Perhaps you might remind me?

The CHAIR: It is domestic wood heaters, quite significantly over other sources of PM2.5 such as diesel vehicle exhaust, electricity generation and other things. What is the Government doing to manage the extraordinary levels of pollution that are coming out of wood-fired heaters?

Mr JAMES GRIFFIN: I understand there is a significant education and awareness campaign for people that enjoy using their wood heaters to help them understand the impacts of that and how they might minimise the output and poor practices on that front. Ms Moore, do you have anything further to add?

The CHAIR: Just an education program? Nothing in terms of the actual requirements for wood-fired heaters to be installed to have far less emissions, which happens in New Zealand? Nothing more than that?

JACQUELEINE MOORE: We do have standards, of course, in the clean air regulation and we will be remaking the clean air regulation by 1 September this year. If you want further details on how we are currently regulating wood-fired heaters, Mr David Fowler can provide some further information.

The CHAIR: Yes please, Mr Fowler, just quickly. That would be useful.

DAVID FOWLER: The clean air regulation was most recently updated to reflect the Australian standard, which has emissions limits and efficiency limits. They are embedded in the clean air regulation. The EPA has in the past undertaken compliance campaigns looking at the sellers of wood heaters to ensure that they are selling heaters that meet those requirements. That is a retail issue. We also have ongoing comprehensive education and awareness-raising campaigns that we run in conjunction with local government around the maintenance and operation of wood heaters to minimise air pollution.

The CHAIR: This is a really significant issue. Asthma Australia has released reports and indicated just how much wood heaters can impact those with asthma. The study suggested that people are largely unable to protect themselves, obviously, from woodfired heater smoke. Minister, does the Government have any plans to address the issue over the next year or two in terms of setting much stricter requirements, as per New Zealand, on the emissions of these woodfired heaters that are still for sale?

Mr JAMES GRIFFIN: Not as far as I am aware, no.

The CHAIR: Your Clean Air Strategy, I would suggest, is going to be a bit of a flop if you do not address one of the most significant emitters. It is second to coalmining. They have a massive impact on the quality of air and a massive impact on people's health, but your Government does not seem to have any motivation or desire to address the issue by clamping down on the manufacture and sale of woodfired heaters?

Mr JAMES GRIFFIN: No. We will obviously work through the objectives and the priorities contained in the Clean Air Strategy. As Mr Fowler has outlined, we have the standards in place at the moment, but as far as I am aware there is no appetite to look at wood heaters.

The CHAIR: Why is there no appetite?

Mr JAMES GRIFFIN: We have our Clean Air Strategy, which we will work through for the year ahead.

The CHAIR: Sorry, just to say "there is no appetite"—you are the Minister responsible for clean air. There is no appetite to address one of the most significant contributions to very dangerous air, which is PM2.5? You have just released a Clean Air Strategy and you are saying in budget estimates that that is it, you are not going to address woodfired heaters.

Mr JAMES GRIFFIN: It is a very comprehensive strategy. A great deal of work has been put in—

The CHAIR: I would suggest that it is not if you are not addressing the second highest source of—

Mr JAMES GRIFFIN: I understand. But it looks at all other facets, and that particular emitter, and we will work through those as a priority and achieve the objectives of the Clean Air Strategy.

The CHAIR: So you are giving up on people with asthma who live in areas such as Armidale, for example, which is extraordinarily impacted by these types of emissions?

Mr JAMES GRIFFIN: No, not at all. We will look at clean air holistically and work through the strategy to achieve the outcomes.

CORRECTED

The CHAIR: I want to go to a completely different issue, which is the Kamay ferry wharf issue. I have been contacted by a number of members of the community who are particularly concerned about the impact that building an expansion of this wharf will have on the seagrass there, which is endangered—*Posidonia australis* seagrass—and is the home of the endangered White's seahorse and other threatened species. Have you been briefed on the impact that building this wharf will have on those threatened species?

Mr JAMES GRIFFIN: I have actually visited the proposed location of the wharf and had a look at the national park down there. I am familiar with the ecological sensitivity of seagrass, given particularly that we deal with it quite a lot over in Manly. I understand that national parks and the proponents will be working through the impacts that that wharf may have on that particular area and the seagrass that is around there.

The CHAIR: They will have to clear the seagrass. There will be quite a lot of impact on the seagrass there and that population of endangered White's seahorse. You do not know how they are going to mitigate that impact?

Mr JAMES GRIFFIN: No. My expectation would be that they undertake a comprehensive environmental assessment and look at the potential impacts and the risks. As I said, I have been down there and had a look at where the proposed wharf will go. But unless Mr Fleming has anything further to add, I cannot give you any further specifics on it, other than it would be my expectation that all consideration is given to avoiding the impact on any seagrass that is there.

The CHAIR: Fisheries NSW in its submission to this said it was unable to support the proposal due to the immediate destruction of the seagrass and possible residual impacts due to it becoming fragmented and isolated. Fisheries has also previously questioned the success, which I think is part of the justification for building the wharves—or part of the reason why your department has said that you will manage the impacts is that you will replant seagrass. Fisheries has previously questioned that success of replanting seagrass. Have you had any discussions with Fisheries about it? Do you know about its concerns?

ATTICUS FLEMING: Chair, may I give you some additional information after the break? I am aware of the project. I think it is a Transport lead—Planning obviously runs the assessment process. I have been copied in on various bits of correspondence, so I am broadly aware of the issues. But the specifics of where that assessment is at, I would have to give you that after the break.

The CHAIR: My final question before I throw to Mr Field for the last couple is on Dunoon Dam. My colleague Mr Shoebridge asked questions about Aboriginal heritage and I wanted to continue that line. This is in relation to a proposal for a dam, which has been reignited as a result of Rous County Council having new members elected after the local government elections. They have put Dunoon Dam again on the table, which is basically in the headwaters just below Rocky Creek Dam. It is going to flood a huge amount of Big Scrub rainforest, of which there is only 1 per cent left. It is a critically endangered ecological community and there is only 1 per cent left. It is going to flood a huge range of that, but also it is going to flood an area that has about 25 sacred burial mounds for the Widjabul Wia-bal people. It was rejected in 2011 because of the significance of that heritage, which has been found to be of potential State, if not national, significance. Are you aware of this?

Mr JAMES GRIFFIN: I am not aware of that specific level of detail, no.

The CHAIR: Could you commit today to finding out the extent of the potential destruction of the Aboriginal heritage if this dam goes ahead?

Mr JAMES GRIFFIN: I will commit to working with Heritage NSW to fully understand the impact that it will possibly have.

The CHAIR: I will continue to communicate with you about that.

Mr JUSTIN FIELD: Minister, will you give concurrence to any marine park changes that wind back the areas of dedicated marine sanctuaries?

Mr JAMES GRIFFIN: My passion for marine parks is well known and well documented. We have just concluded the consultation phase of some of the marine park State reforms. At the heart of that is the ecological importance of marine biodiversity. I want to look at the marine park network as a whole, rather than in a piecemeal approach, which may have been the case previously. I look forward to receiving the review and the documentation and then making a decision on how we will proceed with that. The next stage of works will include the rules as far as the zones go. We are not quite up to that particular point yet.

Mr JUSTIN FIELD: But you would be aware that there is currently an amnesty in place, which allows fishers to break the law in New South Wales in five marine sanctuaries in the Batemans Marine Park, including

CORRECTED

the internationally recognised Montague Island. How long is it acceptable for that amnesty—allowing them to break the law—to be in place before you actually have to sign off on this or reject it?

Mr JAMES GRIFFIN: I am aware that there are some different rules in place down there in Batemans Bay. As I said, we have just concluded the consultation phase. Underpinning that will be the ecological importance of marine biodiversity but also, importantly, striking a balance with recreational uses and that includes rec fishing on the coast. But I have seen firsthand the importance of a strong marine ecosystem and the driver that that delivers from an ecotourism perspective, for example.

Mr JUSTIN FIELD: No worries.

The CHAIR: Mr Secord, one more question.

The Hon. WALT SECORD: Actually, I have 1½ here. I would just like to correct the record from earlier. Mr Kidman, my suggestion that Mr Harwin wanted a \$30 million compulsory acquisition of the Minerva was from an article in *The Daily Telegraph*. The article states:

Arts Minister Don Harwin urged to invest in Parramatta's abandoned Roxy Theatre.

The article is from 3 November 2021 and is by James O'Doherty.

The Hon. SHAYNE MALLARD: But you called it Minerva.

The Hon. WALT SECORD: One quick question: At the very end, I asked about the delisting of heritage listings. Why are you removing the protection on the Loftus Junction signal box? Why are you removing the heritage listing on that?

SAM KIDMAN: We are not removing the listing. There may be a recommendation of the Heritage Council to the Minister because its heritage values have been—

The CHAIR: Excuse me, could you please speak into the microphone?

SAM KIDMAN: Sorry. We are not delisting it, but work is underway to make a recommendation to the Heritage Council, which will then make a recommendation to the Minister, because the heritage values of that have been compromised over a long period of time. In relation to the past 12 months, there have been no delistings—can I just clarify that?

The Hon. WALT SECORD: I want to go back to the Loftus Junction—

The CHAIR: Last question, Walt; we are at time.

The Hon. WALT SECORD: Okay. It was listed in the *Government Gazette* on 16 February. It says, "Notice of intention to consider removal from the State heritage register." That is a recommendation that you are taking public comment on. I put it to you that this is a rare example of a small signal box with a remote function dating back to the Victorian period—one of the last ones in the State. Why are you removing heritage from it?

SAM KIDMAN: Can I come back to you with the detail on that this afternoon?

The Hon. WALT SECORD: Thank you.

SAM KIDMAN: Can I also just clarify some information in relation to a question you asked earlier, Mr Secord? In relation to the Waverley War Memorial Hospital—

The Hon. WALT SECORD: Yes.

SAM KIDMAN: On 4 August 2020 the Heritage Council resolved not to prioritise and progress the SHR nomination—

The Hon. WALT SECORD: That is what I said.

SAM KIDMAN: —because the part of the site that is potentially of State significance is already protected under the local environmental plan. The Heritage Council asked Waverley Council, I understand, for further information that would require the Heritage Council to reconsider its position, and that information has not been forthcoming as yet.

The Hon. WALT SECORD: So you are not—

The CHAIR: Thank you. We can continue in the afternoon.

Mr JAMES GRIFFIN: Madam Chair, I have just got one clarification regarding a comment. We have covered a lot of ground. I referred in an earlier answer to part 5B of the LLS Act in a response to a question on forestry. That was intended to be a reference to part 5B of the LLS Act and part 5B of the Forestry Act.

CORRECTED

The Hon. MARK PEARSON: Thank you.

The CHAIR: Thank you, Minister. Eight weeks in the job and you did pretty well.

Mr JAMES GRIFFIN: Thank you. I appreciate that.

The CHAIR: Thank you very much for appearing.

(The Minister withdrew.)

(Luncheon adjournment)

HUGH DURRANT-WHYTE, NSW Chief Scientist and Engineer and NRC Commissioner, Natural Resources Commission, affirmed and examined

BRYCE WILDE, Executive Director, Natural Resources Commission, affirmed and examined

FRANK HOWARTH, Chair, Heritage Council of NSW, affirmed and examined

ROBYN PARKER, Deputy Chair, Heritage Council of NSW, before the Committee via videoconference, sworn and examined

TRISH HARRUP, Acting Executive Director, Conservation and Aboriginal Partnerships, National Parks and Wildlife Service, Department of Planning and Environment, affirmed and examined

RACHEL PARRY, Deputy, Secretary, Energy, Climate Change and Sustainability, Department of Planning and Environment, on former affirmation

CRISTIEN HICKEY, Acting Executive Director, Climate Change and Sustainability, Department of Planning and Environment, on former affirmation

NAOMI STEPHENS, Executive Director, Park Operations (Coastal), National Parks and Wildlife Service, Department of Planning and Environment, affirmed and examined

STEPHEN BEAMAN, Executive Director, Regulatory Operations Metro, NSW Environment Protection Authority, on former oath

PAUL ELTON, Chief Executive Officer, Biodiversity Conservation Trust, Department of Planning and Environment, on former affirmation

NANCY CHANG, Executive Director, Regulatory Policy Initiatives and Advice, NSW Environment Protection Authority, on former affirmation

The CHAIR: We are back from lunch and ready to kick off the afternoon session. Before we begin, Mr Fleming, you have something to contribute.

ATTICUS FLEMING: I was just going to, if it is okay with you, provide some answers to some of the earlier questions that we took on notice.

The CHAIR: Yes.

ATTICUS FLEMING: In terms of the Kosciuszko wild horse management plan, we have six dedicated staff at the moment. There are another seven being recruited. As I said earlier, we will keep that under review because the scale and nature of the operations will evolve. You asked a question about the koala that was being—

The CHAIR: There were a few of those.

ATTICUS FLEMING: The specific koalas to do with the reptile park. I wanted to add that we are happy to take on notice whether we had any advice; I am not aware of any. But you might direct a question to DPI and its Minister because under the exhibited animals Act, I think they would have had primary responsibility. In terms of the COVID funding, Ms Sharpe, EES received \$1.1 million to support increased cleaning costs due to COVID. That was \$440,000 in 2019-20 and \$670,000 in 2021-22. There was also \$52.6 million in additional funding to cover revenue shortfalls as a result of COVID-19. That was NPWS, Taronga, the Jenolan Caves and so on. In terms of the Kamay wharf project, that is a State-significant infrastructure project. As I think I said, the proponent is Transport for NSW. We did provide advice on the draft EIS. I think the proponent has now done its response to submissions, so the final decision-maker is the Minister for Planning. I wanted to add two things: The vast majority of works are not on the national parks estate; and the specific matters that you raised around the seagrass and the horses, the primary responsibility for advice on those matters is DPI, given its responsibilities under the Fisheries Management Act.

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The Hon. WALT SECORD: Mr Kidman, I want to return to questions that we did not get to finish involving the Loftus signal box. Who instigated, or who pushed for, the removal of its heritage listing? How did that occur?

SAM KIDMAN: I believe that it was requested by Sydney Trains, but I can confirm that. I do have some further information about the delisting process. I understand that the Heritage Council considered the delisting in 2012 and 2013. There was a notice of intention, advertised for public submissions. In June 2013 the Heritage Council resolved that that delisting was broadly supported, based on the submissions and that the item was understood was to be of local rather than State heritage significance. However, the delisting process was deferred until further information on its significance and long-term viability could be provided by Sydney Trains.

Sydney Trains has now undertaken a more detailed assessment and made plans for the future conservation of the item. This was reviewed by the State Heritage Register Committee last month. A recent more detailed assessment, as I said, has assessed the item as having local rather than State significance. Further, there are some issues around vandalism of the item, because it is very close to the train line and it is very difficult to fence around it, and it is also at significant risk of fire damage due to its proximity to the Royal National Park. Subject to approval, Sydney Trains has made plans for the signal box to be moved to the Sydney Tramway Museum at Loftus where it could be repaired and conserved before being gifted to the museum, which I understand is eager to accept it. So Heritage NSW is currently advertising for public submissions prior to the State Heritage Register Committee, the subcommittee of the Heritage Council, reviewing submissions again and making a recommendation to the Minister.

The Hon. WALT SECORD: Thank you, Mr Kidman. I would like to turn—it is probably actually dedicated to Mr Fleming, but there may be some overlap with Mr Kidman. Last November, 14 November, 13 November, the previous Minister made a public contribution on the renaming of national parks and other areas of heritage that had historical question marks—for example, Ben Boyd National Park because Ben Boyd was connected with so-called blackbirding. There was a push to rename, so when will Ben Boyd Road, Ben Boyd Bay and Ben Boyd reservoir and the park be renamed? What is happening in that regard?

ATTICUS FLEMING: I can provide information about the national park. NPWS has contracted an anthropologist and an independent facilitator to work through a process with the various Aboriginal groups and ultimately other local stakeholders, including the council. We are expecting that to identify a new name and we are aiming for that process to be wrapped up by the end of the year.

The Hon. WALT SECORD: Mr Kidman, how many other sites in New South Wales are the subject of a similar investigation or have questions over their names due to previous practices?

SAM KIDMAN: I think the naming of places is a matter for the Geographical Names Board.

The Hon. WALT SECORD: Yes, but you must have input into this process?

SAM KIDMAN: In my time in the role, I have had no—renaming or dual naming has not arisen. I have no reason to believe it would, to be honest. But I can investigate that further, if you would like.

The Hon. WALT SECORD: I guess I would like to know your input into the process. Mr Fleming—

ATTICUS FLEMING: I was just going to clarify.

The Hon. WALT SECORD: Yes?

ATTICUS FLEMING: Even for the national park, that goes through the Geographical Names Board. I think in the examples you are raising, it is probably whoever the relevant owner or manager of the site is.

The Hon. WALT SECORD: But how many, other than the Ben Boyd National Park? Do you have any other parks or institutions under your purview that fall into this category?

ATTICUS FLEMING: There are a number of national parks and locations within parks where we are introducing dual naming. I think there are some other locations within parks where we are looking at renaming. I will take on notice whether that is true and give you a number of examples.

The Hon. WALT SECORD: Mr Kidman, you would be aware that overseas the British National Trust did a report on historical links to properties involving colonialism, slavery—things like that?

SAM KIDMAN: Yes. I am broadly aware of that. I am not aware of it in any detail but I have read newspaper articles about it.

The Hon. WALT SECORD: Is that an issue that has come up in New South Wales in your area of jurisdiction?

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SAM KIDMAN: Well, no.

The Hon. WALT SECORD: No?

SAM KIDMAN: I mean, obviously, there are a number of—as some Committee members have mentioned already—places in New South Wales that have been the subject of conflict between settlers and the Aboriginal community, but—

The Hon. WALT SECORD: I want to take you to something my colleague David Shoebridge touched on, which is Aboriginal massacre sites. I think that the number is around 300 in Australia at the moment of frontier massacre sites. Is there any work being undertaken by your area of the bureaucracy involving this?

SAM KIDMAN: There are a number of massacre sites that are listed. There is some work underway in relation to the Appin massacre site to assess whether that would be potentially State heritage listed, recognising the shared cultural values of parts of that place. I can come back to you with some more detail on places of conflict that are represented on the State Heritage Committee if you would like.

The Hon. WALT SECORD: Okay. If you could, could you come back with a list of what is under consideration at the moment?

SAM KIDMAN: Yes, sure.

The Hon. WALT SECORD: Is there a protocol on advice that you provide if a massacre has been documented on a site and there are proposals to develop or change the site? Is that taken into consideration?

SAM KIDMAN: As part of if that place was listed for—or was nominated, excuse me—State heritage significance, obviously we would have a role in assessing those values. Otherwise, if there was a known massacre site and it is not the site of a State significant development, we would assess whether an Aboriginal Heritage Impact Permit is required. If it was a State significant development infrastructure, we would provide, as I said earlier today I think, advice through to the proponent—usually the department of planning—about those values and how they should be protected and considered.

The Hon. WALT SECORD: Are you familiar with the Powerhouse Parramatta project?

SAM KIDMAN: Yes.

The Hon. WALT SECORD: Yes. Are you familiar with a terrace called Willow Grove?

SAM KIDMAN: I am aware of the Willow Grove terrace in Parramatta, yes.

The Hon. WALT SECORD: What is the current status? Has it been removed?

SAM KIDMAN: I do not know whether it has been removed. As you would be aware, I think there was some strong community concern about the heritage significance of that building and its history. I gather it was assessed as being of local significance, rather than State heritage significance, and the decision was made, rather than to remove the building, to relocate it. I have no visibility over how and when that is happening.

The Hon. WALT SECORD: Do you have any involvement in, I guess, what happens to Willow Grove next?

SAM KIDMAN: It is not on the State heritage register, so we would not—

The Hon. WALT SECORD: It is not under your responsibility.

SAM KIDMAN: No, no. It isn't.

The Hon. WALT SECORD: Can I take you back to the Blue Plaques program?

SAM KIDMAN: Yes.

The Hon. WALT SECORD: Maybe there are other people who can comment. So how many nominations were submitted for this round?

SAM KIDMAN: There were 761 nominations through the nomination process.¹ I think it was through October and November, which was—the former Minister called for nominations from all members of New South Wales Parliament.

¹ In [correspondence](#) to the committee dated 29 March 2022, Mr Sam Kidman, Executive Director, Heritage NSW clarified his evidence.

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The Hon. WALT SECORD: What is happening at the moment?

SAM KIDMAN: As you may be aware, four nominations were announced by the now Premier, the former Minister, last year.

The Hon. WALT SECORD: Yep.

SAM KIDMAN: There has been a process of going through a very significant number of nominations and a process of fact checking whether they meet the eligibility criteria, whether the owners of that particular item where the blue plaque might go have actually given their approval for a blue plaque to be placed on it.

The Hon. WALT SECORD: So technically if, for example—I am not going to give an example—but if you had building X and something historic happened there could you, in fact, if you are the owner of that building, refuse to have a blue plaque there?

SAM KIDMAN: Yes, you could.

The Hon. WALT SECORD: You could. Okay. So when will—of the 761 you announced before, who has the final decision on what, I guess, makes mustard? What is picked?

SAM KIDMAN: We go through a process of some, as I said before, fact checking, meeting the eligibility criteria and then my understanding is that the—actually I am pretty sure this is right—the Minister and/or the Premier may have, or will, make the final—it is a process where you have to meet the eligibility criteria and, if you do—yes, if those criteria are met—you will be eligible for a blue plaque.

The Hon. WALT SECORD: But ultimately it is just a political decision. The Minister gets to decide.

SAM KIDMAN: No, no. It is not a political decision at all. It is based on the nominations meeting the eligibility criteria. As you understand, with the Blue Plaques program—which is based on the program in the United Kingdom, as I am sure you are aware—there is a certain prestige attached to a blue plaque and we want to make sure that the stories are accurate, that they are genuine, local, community stories that can be backed up by fact; and I suppose another factor is, as I said before, the owner of the item where the blue plaque is going to be affixed has agreed to that. As you might understand, there is not just a blue plaque involved; there is a digital component. So there will be a digital component attached to the plaque that you will be able to access through your phone the story.

The Hon. WALT SECORD: But there will also be traffic to the site, too, presumably?

SAM KIDMAN: Sorry?

The Hon. WALT SECORD: There would also be traffic to the site, presumably?

SAM KIDMAN: Yes.

The Hon. WALT SECORD: I understand.

SAM KIDMAN: Yes, presumably. One of the ideas is that you would—as is the case in the UK—it offers up opportunities to build up community heritage tourism trails.

The Hon. WALT SECORD: What is the—is there something further you would like to add?

SAM KIDMAN: I am sorry: I missed that question.

The Hon. WALT SECORD: I would like to turn to the Parramatta Female Factory. What is the status of the World Heritage listing of the female factory? I think the previous Minister promised in December that it would go ahead.

SAM KIDMAN: I do not know whether he promised it would go ahead. I do not really want to talk for the previous Minister but—

The Hon. WALT SECORD: Okay. We will talk about what is happening now.

SAM KIDMAN: —my understanding is that he asked for the World Heritage listing to be investigated.

The Hon. WALT SECORD: It was 1 December he pledged that the Government would work towards achieving World Heritage listing. What is happening with that? I would assume work has not stopped now that there has been a change of Minister?

SAM KIDMAN: That work has not progressed. That is my understanding. At this time, you would need to—achieving World Heritage listing is a very complicated, lengthy and costly process. I am not saying—

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The Hon. PENNY SHARPE: Can I jump in? My understanding is that you basically need to prepare a bid for World Heritage listing that is done between the Commonwealth and the State Government, with usually the State Government doing all of the legwork and then it goes to the Commonwealth to be included in our list for World Heritage. Are you saying there is no work underway and there is not even a budget or anything in terms of progressing the initial assessment?

SAM KIDMAN: I might have to take part of that question on notice. But since 1 December last year, obviously, it is not a huge amount of time between December and now. I am not saying—

The Hon. WALT SECORD: You just said that work had stopped.

ATTICUS FLEMING: Perhaps it is one that we should take on notice and provide you with considered advice. As Ms Sharpe says, it is a pretty complicated process.

SAM KIDMAN: It is.

ATTICUS FLEMING: It is the Commonwealth that ultimately makes the decision as to whether to nominate. But we will come back with something as soon as possible.

The Hon. WALT SECORD: I am actually quite familiar with the process because when I worked for Premier Bob Carr and the Sydney Opera House was nominated for World Heritage listing, it was a process but it starts ultimately with Heritage NSW and the Government. I want to go back to Mr Kidman. When Minister Don Harwin left, you just downed tools on this project?

SAM KIDMAN: I would not say we downed tools on it. There is a process to go through to make sure that you can—

The Hon. WALT SECORD: You said in earlier evidence that you stopped work on it. Who instructed you to stop work on it?

SAM KIDMAN: I do not think I said stopped work; I think I said work had not commenced or something of that nature.

The Hon. WALT SECORD: Okay, so you said work is not commencing.

The Hon. SHAYNE MALLARD: I think you have made it clear—

The Hon. WALT SECORD: No.

The Hon. SHAYNE MALLARD: Point of order—

The Hon. WALT SECORD: I want to explore this and find out—

The CHAIR: A point of order has been taken. I will hear the point of order.

The Hon. SHAYNE MALLARD: Mr Fleming said that they would take this on notice and give a considered response. I do not think that pursuing the question and trying to trip up the witness is fair.

The CHAIR: Yes. He has indicated that he will take it on notice. If the member has a slightly different question that he is asking to seek information from, he should ask it. But the witness has said that he will take the question asked before on notice. That is true.

The Hon. WALT SECORD: It would assist Mr Kidman and give him a bit of a flavour of the kind of answer and the questions that I am asking. I just wanted to know, was an instruction given to stop work on the listing or did it simply fall through the cracks?

SAM KIDMAN: No. There was no instruction to stop.

The Hon. WALT SECORD: Are you aware of the comments from eminent curator Kylie Winkworth, who criticised the State Government several days after the article actually saying that women's heritage, particularly colonial heritage and Aboriginal female heritage, has been ignored by the Government? Is the Heritage Council doing any work in this area?

SAM KIDMAN: I am not aware of that report.

The Hon. WALT SECORD: Are you aware of the subject matter about a push to increase knowledge, awareness and recognition of women's heritage?

SAM KIDMAN: I am broadly aware of that but I am not aware of that particular report that you are referring to.

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The Hon. WALT SECORD: You are broadly aware of the area of policy. So what are the Heritage Council and Heritage NSW doing in this area?

SAM KIDMAN: I will have to take that on notice.

The Hon. WALT SECORD: Can I take you to something similar then? I just noticed this morning that you are advertising for an executive officer for Australian Convict Sites. What work are Heritage NSW and the Heritage Council doing in this area?

SAM KIDMAN: There is a national Australian convict site council that sits every couple of months. That role provides secretariat and policy support in relation to the promotion, celebration and education about convict sites across the country.

The Hon. WALT SECORD: Are you familiar with a hotel on the South Coast called the Royal Willows Hotel in Pambula?

SAM KIDMAN: I am aware of that hotel.

The Hon. WALT SECORD: What is the current status of the plan to demolish this historic pub?

SAM KIDMAN: An interim heritage order was requested for that pub late last year.

The Hon. WALT SECORD: Requested.

SAM KIDMAN: It was requested. It was refused because the pub was not under any imminent threat of being demolished.

The Hon. WALT SECORD: I beg to differ. I think that on 7 December there was a Zoom meeting—sorry, it was a telephone hook-up—which constituted the Southern Regional Planning Panel to take place. In fact, there were plans, and the plans are still afoot, to demolish this 135-year-old pub, one of the rarest pubs on the South Coast, and replace it with a supermarket. Is that correct?

SAM KIDMAN: I am not aware of that level of detail. I could take that on notice. But my understanding is that when the IHO was refused, there was no imminent threat to that item.

The Hon. WALT SECORD: *The Daily Telegraph* actually wrote an article saying that, in fact, the heritage listing was not stopped and it was rather a bureaucratic stuff-up involving Heritage NSW.

SAM KIDMAN: I am not sure what the question is.

The Hon. WALT SECORD: Was there a bureaucratic stuff-up involving putting protection on this historic pub on the South Coast?

SAM KIDMAN: The assessment was that it was not subject to imminent threat. If and when it was, that decision could be reconsidered, I suppose.

The Hon. WALT SECORD: Mr Kidman, would you be familiar with a site in western Sydney called Fernhill Estate?

SAM KIDMAN: I am aware of the Fernhill Estate but I do not think I have the detail with me, I am afraid. I am happy to take questions.

The Hon. WALT SECORD: Fernhill Estate is the subject of a plan of management that runs to 2026 and refers to land use opportunities on the site.

SAM KIDMAN: Right.

The Hon. WALT SECORD: One of the proposals is to allow glamping—

The Hon. SHAYNE MALLARD: Excellent.

The Hon. WALT SECORD: —boutique accommodation, food and beverage provision and health and wellness spas on this heritage site.

The Hon. SHAYNE MALLARD: Fantastic.

The Hon. WALT SECORD: Are you aware of those plans?

SAM KIDMAN: No, I am not. But I am happy to take any questions that you have about it on notice.

The Hon. WALT SECORD: You are taking a lot of questions on notice. How long have you been in the position?

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The CHAIR: That is their prerogative, Mr Secord.

The Hon. SHAYNE MALLARD: It is in the charter.

The Hon. WALT SECORD: It is an extraordinary number of questions that are being taken on notice. Are you familiar that most of the Fernhill Estate is on the State Heritage Register?

SAM KIDMAN: Yes.

The Hon. WALT SECORD: How long has been it on the State Heritage Register?

SAM KIDMAN: I do not know the answer to that question.

The Hon. WALT SECORD: Do you want to take that on notice too?

SAM KIDMAN: Yes.

The CHAIR: I have my first few questions for Professor Hugh Durrant-Whyte. They are in relation to your report into Campbelltown koalas. Have there been changes or updates to that report since the first release?

HUGH DURRANT-WHYTE: Firstly, I should emphasise that I am here with my commission for NRC hat on, rather than with my chief scientist hat on. I have more than one role in government. I am appearing as chief scientist on Thursday, just so we are aware of that. I only have my notes here for the commissioner role and not for the koala role. Having said that, I understand people were asking questions this morning so I do have a page here. So I am not entirely—

The CHAIR: That is my mistake. I had assumed as Chair of this inquiry that you were also here in relation to your role in the environment portfolio.

The Hon. SHAYNE MALLARD: This is always the koala inquiry.

The CHAIR: It is koalas, koalas, koalas on this Portfolio Committee No. 7.

The Hon. SHAYNE MALLARD: And a kangaroo occasionally.

HUGH DURRANT-WHYTE: I have got it in front of me. The answer is no. There have not been any changes.

The CHAIR: Okay. We will potentially pursue that then on Thursday as well, because I understand there have been changes and I had a whole lot of questions in relation to those changes.

HUGH DURRANT-WHYTE: I am ready to talk about some of the koala stuff if you want to ask questions today.

The Hon. WALT SECORD: That is a challenge.

The CHAIR: We will come back to that. That is fine. I know you just settled in, but I wanted to move to biodiversity offsets. At the last budget estimates the previous Minister said:

I think it is clear that there needs to be root-and-branch reform of the scheme both from a policy level and an integrity level, and, yes, we will be doing both.

I just wondered how much we could be updated here about how that is progressing.

DEAN KNUDSON: Sure. Thank you for the question. We have an integrated improvement and assurance plan that has been put in place. It covers off a number of the reviews that have happened, whether it is parliamentary inquiries or whether it is Audit Office findings et cetera, with respect to the scheme and tries to pull that all together. The other thing that has happened is we have asked Mike Mrdak, who is a former secretary of the Department of Infrastructure in the Commonwealth, to oversight that work and to provide the Minister with quarterly updates on what he believes is the progress with respect to the implementation of that plan. The other thing that we have done—and we are going to have our first session tomorrow—is a stakeholder meeting that will happen on a regular basis, which is trying to get an insight beyond the policy settings to actually how is the scheme working on the ground for those that are trying to sell biodiversity credits into the scheme or to purchase credits. We are hearing that both of those have difficulties and we need to work on those, so we are making sure we get that input.

The last thing that we have done since Minister Kean appeared—and I think we talked about this in the inquiry into the offset scheme—is we have put in place a conflict of interests policy within the department. In some, what that has done is it says that employees in my area are not allowed to participate in the scheme in any way, shape or form. There were four staff members who had at one point or another had interests in the scheme. Two of those staff members have decided to move on to other jobs outside of the department or outside of the

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Government, so they are no longer subject to that policy and they can carry on with their interest. The other two staff members are in the process of divesting of their holdings or their control of those interests in the scheme. Those are the elements that we have put in place since we last talked, but all of that is contained in that one work program, the integrated improvement and assurance plan. I hope that helps.

The CHAIR: Thank you. That is in relation to the integrity side of it.

DEAN KNUDSON: No, it is also the policy setting. Sorry if I did not say that. I know I talked, especially the back end, on the assurance side, but there are a number of policy elements that I am happy to turn to Ms Dumazel to walk through. Fundamentally, what we are looking at is how do you increase the supply of biodiversity credits into the scheme, and we know there are a number of issues around that that we are trying to work on. We are also trying to make sure that there are ways that local landholders, local government areas, businesses can come to us so that we can help facilitate—in effect, to walk through the scheme and how it can work and work for them. We are working closely with the Biodiversity Conservation Trust, and Mr Elton is here as well and he has a fairly important piece with respect to the biodiversity offset calculator that we are looking to replace, and we can talk through that as well. So there are a number of elements on the policy side as well, but I am more in your hands as to where you would like us to dive into.

The CHAIR: On the supply side that you indicated, we are very conscious of the issues there that were raised during the inquiry. Mr Fleming, is there an appetite within the National Parks and Wildlife Service for national parks to be able to be part of that supply side?

ATTICUS FLEMING: I think from a National Parks point of view, if we think about where the national park estate should be in sort of 30 or 50 years' time, that involves connecting parks that are currently isolated. Effectively, it means we need to think about getting into the park estate and restoring country that may not be in pristine condition at the moment. So, taking that long-term view, if we want a really great national park estate in a few decades from now, we need to be bringing land into the estate and restoring it. I think that aligns neatly with the provision of credits. So, yes, in that context in particular, there is potential alignment with the scheme, which would see good outcomes for our national park estate over the next few decades.

The CHAIR: When you are saying bringing estate into—you are talking about new additions, is that right, that need restoring?

ATTICUS FLEMING: Correct.

The CHAIR: Is that what you are referring to?

ATTICUS FLEMING: I think that is a big part of it. There are parts of our national park estate—it is obviously a large area of land. There are parts of that national park estate that need restoration. They are obviously relatively small parts, but they are also areas that could potentially generate credits. As you will recall from the debate or discussion around the proposed elements of the bill last year, we are conscious that that would need a very strict additionality test. For parts of land that are in the park estate at the moment, that could only apply if you meet that additionality test. You are going above and beyond what would be normal national park management.

The CHAIR: When you are saying that restoration is needed in some, are you specifically referring to things like the damage caused by wildfires—for example, the bushfires?

ATTICUS FLEMING: No, I was actually thinking about the fact that when we purchase a block of land, there might be a paddock that has been cleared within that block of land; or there might be areas that have been subjected to degradation as a result of feral goats, for example. So part of our role is restoration. Now, as I said, if we are talking about routine park management, then we have not proposed that that give rise to credits, but if you are going beyond that reasonable additionality test, then, yes, potentially areas that are currently within the park estate could generate credits. But, to go back to my initial comment, I think one of the bigger drivers is looking forward a few decades and aligning what we need to build a really world-class, robust national park estate with the biodiversity credit scheme.

The CHAIR: It sounds like, therefore, there is not enough money allocated in the current budget to realise the vision that you potentially have and you are seeing a little bit more money available in the offsets scheme to do what you say needs to be done.

ATTICUS FLEMING: We are fortunate at the moment in that the budget for national parks, I think, is probably higher than it has ever been. So it is not—my comments do not reflect the lack of funding currently. Obviously we also have a long list of commitments. We do not want to overstate that. We are always reviewing whether we have sufficient funds to deliver on the commitments that we have. But, no, my comments are not driven by a desire to fill a funding gap. They are driven by an acknowledgment that, of course, given the decline

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in biodiversity, we need to be doing more across the board, and that includes taking every opportunity we can to responsibly expand the park estate.

The Hon. MARK PEARSON: I will just ask the questions and whoever is the most qualified can answer. I just want to talk a little bit about the grey-headed flying foxes. Do we have an estimate as to the number of grey-headed flying foxes there are in New South Wales?

SHARON MOLLOY: There isn't an annual grey-headed flying fox count that is done nationally. The sort of more recent data is around 700,000, of which about 70 per cent of them are in New South Wales. That is the latest count data.

The Hon. MARK PEARSON: Why such a high percentage in New South Wales? Is it just the flora?

SHARON MOLLOY: It would be the flora but, as you would be aware, they do move around, depending on where the certain trees are flowering. So they would move between States as well, just depending on how things are going.

The Hon. MARK PEARSON: Because they are a keystone species in terms of pollinators, what sort of protection level are they offered at the moment apart from just the normal protection of a wild animal?

SHARON MOLLOY: Grey-headed flying foxes are listed as vulnerable at the moment.

The Hon. MARK PEARSON: How long have they been listed as vulnerable?

SHARON MOLLOY: That is a good question. I would have to get back to you. It has been a while, hasn't it, Dean? I cannot remember exactly, but I can find that out for you.

The Hon. MARK PEARSON: If you do not mind. I understand there have been some mass death events of these species. Is the cause of that fire, disease or both?

SHARON MOLLOY: I think during the bushfires of 2019-20 there were a number of mass mortality events. They do not cope well once temperatures hit the forties. I think there are some estimates that around the 70,000 mark were impacted during the bushfires of 2019-20. It does not have to necessarily be a fire; it can just be a heat event, where they do not cope very well once it goes over about 38 degrees Celsius.

The Hon. MARK PEARSON: Particularly if it is cumulative over several days? Does that make it worse?

SHARON MOLLOY: Yes. I am not an expert but I imagine that would be the case.

The Hon. MARK PEARSON: I just want to move to wildlife rescue now and a couple of questions about the provision of services or support. Basically, when they take a wild animal that needs veterinary attention to a veterinary surgery they often have to wait a lot longer because often the veterinarians are doing the work on a volunteer basis. Have there been any resources considered to try to bridge that gap so that veterinarians are actually paid to be able to prioritise treatment for wildlife during crises like fires et cetera?

TRISH HARRUP: I am not aware that any funding has been made available for vets to cover the cost of their care. However, substantial funding was made available, particularly through the NSW Koala Strategy and as a result of the bushfires, to support vets to increase their training in wildlife care. Vets had indicated a willingness to provide those services if they have the requisite skills. We have now implemented a training course in partnership with Taronga Zoo.

The Hon. MARK PEARSON: That was actually going to be one of my questions. I would now like to ask a question about a couple of developments. Is the department aware of the Frensham School's proposed development at Southern Highlands Shale Woodland, which is listed as critically endangered by the Commonwealth? Are you aware of this particular development proposal by Frensham School? What it would do is see 249 koala trees cleared, along with the destruction of habitat belonging to wombats, platypuses and at least 50 other species. Could the department explain how such a project could be allowed? The Frensham School says it has approval to do this expansion. Are you aware of it at all?

DEAN KNUDSON: I am not, sorry. But we can check with our staff back in the department and come back to you.

The Hon. MARK PEARSON: You can take it on notice then? Okay. Are you aware if there have been any complaints of expansive tree clearing at the Gidleigh Station near Bungendore?

DEAN KNUDSON: No. Because our role at this level is relatively limited—we have experts within the department that provide the advice into the planning area or the local government area—unfortunately we are not

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going to be terribly across the individual projects, unlike my colleague Mr Kidman, who has got a remarkable knowledge of an incredible number of projects, it turns out.

Mr JUSTIN FIELD: Good afternoon to you all. Mr Knudson, I asked a number of questions on notice in advance of this hearing today, which I am sure you are aware of. One related to the issue raised this morning of the unexplained clearing in the SLATS reporting, the tree cover change reporting. The answer indicates there was some analysis done of this. It then states:

A set of actions resulting from the analysis that may help to categorise, reduce and explain some 'unexplained clearing' in future reporting is being considered by Government.

Could you provide a little bit more detail about what work has been done and what this analysis is, or, if you cannot go into what specifically has been suggested to the Government to respond, what has actually gone to the Government—a report, detailed analysis, aerial assessment et cetera?

DEAN KNUDSON: It is nothing nearly that interesting at this point. What ended up happening was—

Mr JUSTIN FIELD: It is interesting to me.

DEAN KNUDSON: I mean just in the sense of how far we have gotten. We meet on a regular basis with Local Land Services. We discussed this—gosh, it was before last estimates. I think the number does not do any service to anyone. It is too large. It leads to misconceptions et cetera. We agreed with Local Land Services to bring together some of our staff to do what that response is talking about, which is trying to do some analysis that will help unpack, in effect, what constitutes unexplained clearing. That has not come back to senior management within the department yet, but the officials are meeting and trying to work their way through it. I am hoping that within the next few months we will be able to provide a lot more clarity on this and, quite frankly, set a better mark going forward for every year, explaining the nature of the clearing and what it can be attributed to much better than we have in the past.

Mr JUSTIN FIELD: When you say it has gone to Government, it has not gone to a Minister?

DEAN KNUDSON: No.

Mr JUSTIN FIELD: It is being considered within the departments at the moment as to how to better understand what this information is?

DEAN KNUDSON: That is correct. It is staff working for myself and the head of LLS who are working on that. But it has not gone as a formal report to a Minister or anyone senior yet.

Mr JUSTIN FIELD: Having done that analysis, you must have a bit of idea: What portion do you think is allowable activities, code-based clearing? What portion do you think could represent illegal clearing? You must have some sort of idea?

DEAN KNUDSON: No, I can assure you I have no specific idea on what they have found. I just know that what I have heard from my staff is they are making progress and they think they can explain it much more clearly than they have in the past. They have not quantified what portions go in what explanation et cetera, but I am quite hopeful that—based upon what I am hearing back—we will be able to make some good progress on that shortly.

Mr JUSTIN FIELD: When will the next tree cover change reporting be published?

DEAN KNUDSON: I do not—

MICHELLE DUMAZEL: In June.

DEAN KNUDSON: There we go—June.

Mr JUSTIN FIELD: In that reporting in June, can you give us an undertaking that we will see this clearing broken down with more information and clarity? You might want to turn to Ms Dumazel—she is shaking her head. She looks very concerned about what you are about to say, Mr Knudson.

DEAN KNUDSON: Let me say this: I think it is beholden on us to give it our best shot and really try to crack through that. It may not be the perfect answer. It may not be complete as to where we end up the year after. But I want to see progress because, like I said, fundamentally I do not think the number helps anyone as it stands currently.

Mr JUSTIN FIELD: It does not, given that we still do not have a native vegetation regulatory map that is published. It is very difficult to draw any conclusions here.

DEAN KNUDSON: No—and understood.

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Mr JUSTIN FIELD: What do you think we will see in the July reporting? How do you think it will be reflected then?

DEAN KNUDSON: Again, because we are at the beginning of March I do not know what that report is going to look like. As I mentioned earlier on, the trends are still up from a historical level of around 30,000 up to about 55,000 to 60,000 over the last few years. I do not see any particular reason why that would have changed dramatically one way or the other. They have been small movements in the last three years, not large ones.

The Hon. PENNY SHARPE: It is good to see everyone has come back. Thank you. Mr Fleming, you talked about the COVID extra funding and I appreciate that. You have provided us with good information. You said there was \$1.1 million over the last two years for increased cleaning. Can you give a bit more detail of what that actually involved?

ATTICUS FLEMING: I can tell you that in 2019-20 it was \$440,000 and that has been fully spent. The \$670,000 in 2021-22—obviously we are still in 2021-22 so that is being spent. The funding was for additional cleaning for, in particular, NPWS offices, depots and visitor infrastructure, but also our scientific laboratories within BCS.

The Hon. PENNY SHARPE: And the revenue shortfalls?

ATTICUS FLEMING: The information I have is that that is primarily for NPWS, Taronga, Jenolan Caves and Lord Howe Island.

The Hon. PENNY SHARPE: It is just to cover the fact that people could not go to the zoo?

ATTICUS FLEMING: Yes, that is right. They could not go to the zoo. They did not go to Lord Howe Island—Lord Howe Island is quite heavily dependent on income that is associated with visitors. Likewise with NPWS, it is obviously a smaller part of our revenue but still significant.

The Hon. PENNY SHARPE: I should know the answer to this but I do not, so I am going to ask. Were any of those agencies eligible for JobKeeper?

ATTICUS FLEMING: I should know the answer to that as well. I think the answer is no, but I will take that on notice.

The Hon. PENNY SHARPE: I am just wondering about casual staff.

ATTICUS FLEMING: Certainly within NPWS it was never something that crossed my desk, but I will check for the others, which are either independent or semi-independent, and come back to you.

The Hon. PENNY SHARPE: The previous Premier's Priorities had a range of things. There were not a lot of specific environment ones. There was one in relation to tree planting. Does your department have anything to do with the tree planting or is that located within Planning? It sat under Minister Stokes. I am confused about who is responsible for it.

ATTICUS FLEMING: Planning.

The Hon. PENNY SHARPE: So you have had nothing to do with that aspect of it?

ATTICUS FLEMING: I cannot recall it ever crossing my desk and I am looking around the room and I do not think it has crossed anyone's desk.

The Hon. PENNY SHARPE: I understand that the new Premier has provided charter letters to his new Ministers. As I understand it, they do not necessarily reflect the Premier's Priorities of the previous Premier, which you would understand. Are you able to tell me whether there are any new priorities with an environment focus?

ATTICUS FLEMING: That is probably a question that perhaps should have been for the Minister.

The Hon. PENNY SHARPE: I might ask the Premier or the Premier's secretary. On the Saving our Species program, my question is fairly simple: Can you provide the Committee with any examples of where threatened species have actually been de-escalated in terms of their endangerment and whether there are any under the Saving our Species program?

ATTICUS FLEMING: Sorry, are you asking whether their status has improved?

The Hon. PENNY SHARPE: Yes, that is right. Sorry, it was the wrong terminology. Yes, that is what I meant.

CORRECTED

ATTICUS FLEMING: I hope Ms Molloy will be able to give you some answers. Certainly, looking more broadly than just the Saving our Species program specifically, we have reintroduced eight species which have been listed as extinct in New South Wales.

The Hon. PENNY SHARPE: That is a pretty big upgrade, from dead to not dead.

ATTICUS FLEMING: That is right, from extinct. That is incredibly significant. Looking across other agencies within the portfolio, obviously the Lord Howe Island woodhen's numbers have doubled effectively since the rodent control program was implemented. There are a series of success stories. I will ask Ms Molloy to add to that in terms of SoS.

SHARON MOLLOY: Thanks, Mr Fleming. I can add to that. As you know, the Saving our Species program is now in its sixth year. We have had a total investment of \$175 million over a 10-year period. We are investing in, to date, about 470 species and threatened ecological communities. The objectives of the program are not simple by any stretch, but to maximise the number of threatened species secure in the wild over the next 100 years. We have about 1,200 sites that are tenure blind across the State. We work very collaboratively with our colleagues in national parks, but we also have quite a few sites that are in what I call the off-park, private land space. Our analysis of how we are going so far is that roughly about 80 per cent of them are on track according to what we are trying to achieve with Saving our Species.

The Hon. PENNY SHARPE: Can we just unpack "secure in the wild"? We had that discussion about fenced areas. I am very happy that they are safe in their pens, but they are in pens, even if they are very big pens.

ATTICUS FLEMING: Ms Sharpe, they are regarded as in the wild from a science point of view.

The Hon. MARK PEARSON: It is like Auschwitz.

ATTICUS FLEMING: I do not believe that "in pens" is accurate.

The Hon. PENNY SHARPE: But they are in a fenced area. Anyway, I am genuinely not having a go about that, but it is a fairly extreme measure that has been acquired because of all the other difficulties. You said there are 470 species. To go back to my original question, have any of them been delisted or considered more safe? You have the six that were extinct, including the woodhen. In terms of the 470 species out of the Saving our Species program, you said—

SHARON MOLLOY: About 80 per cent are on track to be secure in the wild.

The Hon. PENNY SHARPE: Secure in the wild includes within those rewilding NRM's?

SHARON MOLLOY: Yes, it would, definitely, but not all of them are part of the rewilding. A really good example locally in the Hunter is *Personia pauciflora*. It is a critically endangered small plant and it has increased by 1,000 per cent over the last 10 years of investment. That is a combination of securing conservation agreements on private land, replanting and getting rid of weeds. There are lots of good examples.

The Hon. PENNY SHARPE: There is a body of work that shows how you can turn it around by pulling all of those pieces together.

SHARON MOLLOY: Yes. It would be different for different species.

The Hon. PENNY SHARPE: I was going to ask you about coastal emus. They are up around Coffs.

SHARON MOLLOY: I might have to get back to you on the specifics of that.

The Hon. PENNY SHARPE: My understanding is they are exactly that problem, which is that they live in this area that is under extreme pressure from housing development and there is not really a natural place that you can offset them to.

SHARON MOLLOY: They are a site-managed species so they are specific to a particular area. I do not have that information about that species. I have lots of other information here in front of me, but I can certainly get back to you on where we are up to with coastal emus.

The Hon. PENNY SHARPE: So, 80 per cent. Of the 20 per cent that are not on track, would you be able to provide on notice the ones where we are struggling?

SHARON MOLLOY: Yes, I can. I do not have the 80/20 split of the 470.

The Hon. PENNY SHARPE: I do not know why you cannot just recite them!

DEAN KNUDSON: Mr Kidman has all of that information.

CORRECTED

SHARON MOLLOY: But a lot, as well, we need to put in the context of the impacts of the fires in 2019-20. We had to shift focus and there would still be some species there probably in that 20 per cent that are struggling and we need to change tack on that.

The Hon. PENNY SHARPE: That goes to my question about the 80 per cent that are on track post-bushfires. I assume some would possibly not be on track as a result of that?

SHARON MOLLOY: Yes, quite likely, but I will have to get you the detail about why they may not be on track. It may not be all to do with the fires. And in the context of biodiversity, six years is not a long time, but things should start to trajectory in the right direction.

The Hon. PENNY SHARPE: We touched on the Private Native Forestry Review this morning. I understand that it is a concurrence role that you have and that you are not the primary agency, it is LLS, so it comes under the agriculture Minister. Can you tell me what the status of the terms of reference is? At the last budget estimates the Minister indicated that the previous Minister had signed off on some terms of reference that then sat on the desk of the agriculture Minister. Are those terms of reference still in play or are there new terms of reference? Where is that up to?

DEAN KNUDSON: I think you may be conflating two things. There were terms of reference with respect to the land management biodiversity conservation reforms review, the three-year review—

The Hon. PENNY SHARPE: Yes, which Minister Kean definitely signed off on.

DEAN KNUDSON: He did.

The Hon. PENNY SHARPE: But in terms of the previous PNF one, he did not sign off on those, is that right?

DEAN KNUDSON: On the PNF codes, if that is what you are talking about, no, I do not—

The Hon. PENNY SHARPE: But he does have concurrence in terms of finalising it, is that right?

DEAN KNUDSON: Yes, he does.

The Hon. PENNY SHARPE: Are you able to give me any more information about—there are two things that I want to understand. Look, clearly it is over at LLS, but does Environment formally have a role in terms of the development and consultation around what that looks like, or is it all done over at Agriculture and then it hits the environment Minister's desk and we are going to have a fight about koala habitat? That is really what I am—

DEAN KNUDSON: No, there are two elements. Mr Wilde is here to help with the NRC component. But, certainly, I have now been in the job a little over 11 months and in week one we were meeting with Local Land Services, Regional NSW, the EPA, et cetera, to try to sort through what the codes could look like going forward. That work is not finished, but we are making very good progress on that. I was wondering, did you want to offer any comments, Mr Wilde?

BRYCE WILDE: The Natural Resources Commission has been engaged to undertake an in-confidence review of the private native forestry codes. We were commissioned by the former planning Minister at the request of the former Deputy Premier with the concurrence of the former environment Minister.

The Hon. PENNY SHARPE: Obviously it is in confidence but are you able to give us some ideas about the time lines for that? Or has it been done?

BRYCE WILDE: We are approaching the end of our review.

The Hon. PENNY SHARPE: From there, that then goes back to those—Mr Field, did you want to jump in? I am okay for you to.

Mr JUSTIN FIELD: I am just wondering, Mr Wilde, when was that commissioned?

BRYCE WILDE: I will have to take that on notice. It was late last year, and we are looking to finalise it in the coming month.

The Hon. PENNY SHARPE: The work that has been happening in the department with the EPA and regional New South Wales and LLS feeds into that. That will then go to the Ministers and then there will have to be a sign-off. Is that the way that will work?

BRYCE WILDE: Yes.

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The Hon. PENNY SHARPE: Ms Moore, are Forestry providing the data that they were refusing to provide last time the budget estimates Committee met? There was a whole bunch of data we went over in the last hearing in October—I do not think you were there—where there had been some issues with the provision of data both from LLS and from Forestry. Has that been resolved?

JACQUELEINE MOORE: Yes, certainly we have made progress in obtaining data from both Forestry Corporation of NSW and Local Land Services. We have now established a senior officers working group with Local Land Services. That group is meeting regularly. LLS has a new CEO, who I think has only been in the role for a short time but I have certainly already spoken to him about the exchange of information and, potentially, improving that. But it is definitely a much better space.

The Hon. PENNY SHARPE: You are getting what you are actually legally required to get?

JACQUELEINE MOORE: We are getting the information, yes.

The Hon. PENNY SHARPE: There is nothing outstanding?

JACQUELEINE MOORE: Not that I am aware of.

The Hon. PENNY SHARPE: I will start with you, Mr Fleming. I know that some of the climate change people are here, so they might be able to answer it. Obviously the IPCC report came out overnight. Again, it was very sobering reading. As a result of that report, what is the internal process across the department to assess that report and then plug that into the work that is ongoing in many different areas, some of which we have touched on today?

ATTICUS FLEMING: I think that is for Ms Parry.

RACHEL PARRY: Thanks for your question. I was, in fact, reading that report as you were asking that question—ironically timed.

The Hon. PENNY SHARPE: I had a flick through very early this morning. It was not good.

RACHEL PARRY: It is a bit dense. Thank you for your question. In terms of how the Government will consider that report, clearly, as you are aware, the Government has its net zero plan in place with some very concrete targets and actions. In addition to when this Committee last met, there has also been the establishment of the Net Zero Emissions and Clean Economy Board, chaired by Dr Kerry Schott, including a number of eminent people with very strong climate change credentials advising the Government on the implementation of its plans. I have no doubt that those committee members will be taking that report into consideration and advising the Government on any further actions they could take.

The Hon. PENNY SHARPE: Just to be clear, I suppose your part of the department will read that report. I assume you will brief the Ministers responsible to that. Do you have a formal briefing role to the clean energy net zero board? Do you support their secretariat? Who supports their secretariat?

RACHEL PARRY: We support the—

The Hon. PENNY SHARPE: You are the secretariat.

RACHEL PARRY: That is right. The department has a secretariat role there. I have no doubt, we will be briefing the Minister on the outcomes of that report. I can take that on notice but I am confident that we would be.

The Hon. PENNY SHARPE: I would hope so.

RACHEL PARRY: We also provide the secretariat services to that committee, which provides advice to government on their implementation of their net zero programs and policies and provides advice on any further actions the Government may want to consider. We provide secretariat services and support to that committee. That committee is meeting next week as a matter of fact. Again, I have no doubt that the IPCC report will be discussed at that meeting as well.

The Hon. PENNY SHARPE: If there is to be a change in the plan after we have now got all this new evidence that shows that things are accelerating perhaps faster than people had thought, it is through the clean energy board that we would feed any changes into within the framework. Who has ownership of the plan?

RACHEL PARRY: The Government, ultimately—the department, ultimately—has ownership of the plan. Given the variety of programs that occur across the climate change space through the net zero, whether that is through agriculture or whether that is through the energy and emissions reduction activities, the Government will be obviously reviewing their progress against their targets and implementation of that plan. The advisory board is there to lend quite impeccable climate change advice and expertise. They will be providing advice to

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government on the implementation of its policies and programs and will be providing advice. Again, it is an advisory board. I want to make that point. They will be advising the Minister on any other opportunities that they feel the Government could take advantage of.

The Hon. PENNY SHARPE: Is their advice going to be public?

RACHEL PARRY: I will have to take that question on notice. Going back to the terms of reference, I certainly know the intention is that the minutes of the meetings will be captured and made public.

The Hon. PENNY SHARPE: But the actual specific advice would not necessarily—but you will take that on notice.

RACHEL PARRY: I was going to say, let me take that on notice. The board has actually just met for the first time so we are still in the early stages of that board, but I will take that on notice.

ATTICUS FLEMING: We may be drifting into the Minister for Energy's space as well with some of these questions.

The Hon. PENNY SHARPE: I did not get time with him. That is fine. I do not actually have any new questions on that. I am just trying to understand it.

ATTICUS FLEMING: We certainly are integrating climate change factors into everything that we do or certainly aiming to do that, as I think I mentioned this morning, in terms of our fire management, in terms of our threatened species planning—Parks has its carbon-positive plan. It is mainstreamed in the sense within our portfolio.

DEAN KNUDSON: To add to that, the science capacity to analyse not only the impacts of climate change but the risks associated with it et cetera very much sits in my organisation, and I am very happy to provide whatever would be helpful. If it is just a simple short list of the type of activities that we try to make sure has a foundation—because that then has spill-on effects to whether you are designing where to put a park and what risks it might be facing or whatever.

The Hon. PENNY SHARPE: That would be very helpful. I have only got a couple of minutes left and I have got a long list of things, but we are coming back. On the plastics plan, 1 June is when lightweight plastic bags are coming out and then straws, stirrers, cutlery, bowls, plates, cotton buds plus food service items by November. Can you give us an update in terms of the education and information that is going to industry in relation to this and their understanding of the change?

JACQUELEINE MOORE: Yes. We are certainly working with APCO on that and I think my colleague Nancy Chang can give you some further details.

The Hon. PENNY SHARPE: Great, thank you.

NANCY CHANG: Thank you for the question. In terms of the implementation of the plastic plan, the EPA is the sole regulator for the Plastics Action Plan. What we are currently doing is establishing a team within the EPA to implement all aspects of the Plastics Action Plan. The intention is that we will use all regulatory tools within our disposal to ensure the success of this plan, and that includes education campaigns. That includes getting the word out there with our regulatory officers to ensure that particularly small providers and people from culturally and linguistically diverse communities understand these new laws. Certainly it is our understanding that large providers and large supermarkets are very much on board with this already and have moved ahead of the curve. Our job will very much be about educating the other parts of the community and ensuring that they are well aware before we start implementing any compliance or fines or any of the sort of more harsher regulatory tools. We are well on track to doing that. We are standing up a team as we speak.

The Hon. PENNY SHARPE: That is great. There is only three months though until plastic bags are gone. I completely accept that large retailers are well across that; in fact, most of them have actually taken action in relation to plastic bags. Can you just give us an idea of the budget that you were provided with to do this education work?

NANCY CHANG: The budget for the Plastics Action Plan formed part of the larger Waste and Sustainable Materials Strategy, which, as you know, is the \$356 million that will commence on 1 July this year over five years.

The Hon. PENNY SHARPE: If you could take it on notice and be a little bit more specific in terms of how much you are actually putting into that, that would be very helpful.

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Mr DAVID SHOEBRIDGE: Nice to see the expanded witness list here this afternoon. I have a number of questions of Mr Howarth in his capacity as Chair of the Heritage Council. Mr Howarth, thank you for your work as Chair of the Heritage Council.

FRANK HOWARTH: Pleasure. It is most enjoyable work, I have to say.

Mr DAVID SHOEBRIDGE: It is not always the easiest chair to occupy. The Ravensworth issue is a case in point, which is what I would like to explore with you. In February 2020 the Heritage Council considered an application for State heritage listing for the Ravensworth Homestead and some of the surrounding landscape. Can you tell us what the position of the Heritage Council was when it first considered it in February 2020?

FRANK HOWARTH: In brief, the homestead and surrounding landscape will meet the criteria for State heritage significance, but whether we should recommend or not for the Minister was complicated by the proposal for expanding the mine. The council took the view that we should let that planning process unfold before we made a decision, because to recommend it, in effect, when the mining process was being considered would, in reality, be pointless. We made our comments very clear to DPIE, as it was then, and have continued to provide advice in the planning process.

Mr DAVID SHOEBRIDGE: If there had been no coalmine involved, you would have recommended State heritage listing for the homestead and the surrounds?

FRANK HOWARTH: Yes.

Mr DAVID SHOEBRIDGE: Were you aware that, separate to that, Heritage NSW—the bureaucrats—was in the process of putting together a briefing to the Minister about the issue?

FRANK HOWARTH: I will give you a clear answer of yes and no. The Heritage Council is an independent advisory body, and Heritage NSW supports us and provides advice to us. But I am well aware that Heritage NSW also provides advice to the Minister in its role as a main line agency, and we do not always see and are not always aware of that advice.

Mr DAVID SHOEBRIDGE: The documents produced to the upper House show, in a briefing signed by Mr Kidman's predecessor, Pauline McKenzie, on 9 March and Kate Foy in her capacity as deputy secretary of community engagement on 19 March, that they said to the Minister:

Ravensworth is an exceptionally intact cultural landscape that tells the story of shared Aboriginal and European heritage in the Hunter Valley, including early conflict, the development of pastoralism and the convict labour system. A proposed State Significant Development aims to extend an existing adjacent open cut coal mining approval into the cultural landscape site.

Mr Kidman, were you aware of the briefing that went to the Minister in March 2020?

SAM KIDMAN: Yes, I was aware that Heritage had provided a briefing to the Minister on the heritage significance of that place.

Mr DAVID SHOEBRIDGE: Were you aware that the position of your department was that—and, again, I will read from the briefing:

Ravensworth is an exceptionally intact cultural landscape that tells the story of shared Aboriginal and European heritage in the Hunter Valley, including early conflict, the development of pastoralism and the convict labour system.

Were you aware of that?

SAM KIDMAN: I cannot remember those precise words from the briefing, but I am aware that that is—

FRANK HOWARTH: That accords with the Heritage Council's view, definitely.

Mr DAVID SHOEBRIDGE: The briefing continues:

The site is noted to have the strongest documentary evidence of any conflict site across the Hunter Valley.

Were you aware of that, Mr Kidman?

SAM KIDMAN: Yes, I am aware of the historical importance of that site.

Mr DAVID SHOEBRIDGE: Does that accord with Heritage Council's view, Mr Howarth?

FRANK HOWARTH: Yes. The actual and potential Aboriginal conflict sites are of concern to the Heritage Council. Because while some appear to be reasonably well known, there is a great deal of conjecture about the range and extent of those conflict sites. In advice that the Heritage Council provided to—or a briefing we provided to—the relevant local government entity, we raised some concerns. Also I think we raised the same words with DPIE, that there was an element of uncertainty there and that there was a danger that the mining expansion would potentially destroy things that were not well known or understood.

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Mr DAVID SHOEBRIDGE: There was a series of frontier conflict episodes in and around the Ravensworth Homestead.

FRANK HOWARTH: Yes.

Mr DAVID SHOEBRIDGE: And there was one particularly large massacre, a tragic massacre, of at least 18 Aboriginal people. There is some contest about whether or not that occurred on the actual homestead site. Would that be fair, Mr Howarth?

FRANK HOWARTH: Yes, fair comment.

Mr DAVID SHOEBRIDGE: You then revisited this matter on behalf of the Heritage Council in December 2020. I have the benefit of having the date in front of me: 9 December 2020. Can you recall what the position of the Heritage Council was at the end of 2020?

FRANK HOWARTH: I cannot recall in detail but the council's position has not changed, in my awareness. There is still uncertainty about massacre sites. Our view remains that the homestead is significant. We provided more advice around the potential options for moving the homestead during that process.

Mr DAVID SHOEBRIDGE: I will not read onto the record your conclusion, but you are right, you reinstated your position and you said that there should be a precautionary principle adopted to protect Aboriginal heritage in the circumstances.

FRANK HOWARTH: Yes. They were my words, yes.

Mr DAVID SHOEBRIDGE: Then towards the end of last year you had an approach from DPIE to come and make a presentation to the Heritage Council. Do you remember that?

FRANK HOWARTH: Yes.

Mr DAVID SHOEBRIDGE: It would be an unfair summary of that to say that DPIE wanted to come and change your mind?

FRANK HOWARTH: Yes, that is an unfair summary. I do not recall it as being as such. We certainly fairly vigorously questioned some of the assumptions that DPIE had made. It is an area that is complicated because the bottom line is we are looking at the reasonably well-established heritage significance of a place now against a coalmine that may or may not continue to be relevant in the medium term.

Mr DAVID SHOEBRIDGE: DPIE, in its correspondence to Heritage NSW requesting the site, said that protecting the homestead would result in the loss of the social and economic benefits of the project, as identified by the applicant, including approximately 1,040 jobs, \$229 million in capital investment and approximately \$398 million in direct net benefits to New South Wales. Do you remember it putting that position to you?

FRANK HOWARTH: Yes.

Mr DAVID SHOEBRIDGE: They were the proponents for the project, weren't they?

FRANK HOWARTH: I do not know the planning laws well enough, but I am assuming the coal company was the proponent for the project.

Mr DAVID SHOEBRIDGE: You would not know that from reading Planning's correspondence to you. This correspondence on 14 December was all pro the project, wasn't it? It was not a balanced view; it was pushing the project.

FRANK HOWARTH: It is certainly a view. I will not comment as to whether it is a balanced view or not. But it was a view, yes.

Mr DAVID SHOEBRIDGE: It was very consistent with the position of the proponent, Glencore, which wanted to minimise the heritage significance to get its approval up, didn't it?

FRANK HOWARTH: I assume Planning was quoting figures that may have originally come from Glencore, but I assume they also tested those figures themselves.

Mr DAVID SHOEBRIDGE: They then met with the council, didn't they, in October?

FRANK HOWARTH: Yes.

Mr DAVID SHOEBRIDGE: They tried to persuade you to change the position. They were there to try to put holes in the position that the Heritage Council had adopted.

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FRANK HOWARTH: I do not recall the motive being that direct and I do not recall anybody from Planning say, "Please change your view," because our view was based on a reasonably rigorous heritage assessment. We questioned some of the advice of Hector Abrahams, who I think was the heritage consultant deployed by, I think, Planning, I am guessing. But I do not recall Planning say, "We want you to change your view," as such.

Mr DAVID SHOEBRIDGE: They were trying to persuade you of the benefits of relocation. They were trying to persuade you that the contested massacre site could not be on the Ravensworth property. They were actively trying to persuade you on these matters, weren't they?

FRANK HOWARTH: The short answer is yes.

Mr DAVID SHOEBRIDGE: That would be the kind of persuasion I would have expected from the coal company, Glencore, not from the notionally independent planning authority. Did it surprise you?

FRANK HOWARTH: I am not in a position, nor should I comment on the motives of a main line government agency like DPIE, as it was then. I am assuming in the background they were balancing a wider range of factors than we take into account. They were balancing the economic and other factors against what we had said. What the Heritage Council looks at are the heritage factors.

Mr DAVID SHOEBRIDGE: Had you ever had the Department of Planning come to the Heritage Council and make such a presentation after you had adopted a position and effectively try to persuade you?

FRANK HOWARTH: Not in my experience, but nor have we had an issue as perhaps, if I can put it, complicated as Ravensworth, either.

Mr DAVID SHOEBRIDGE: So how long have you been involved with Heritage Council, Mr Howard?

FRANK HOWARTH: Three and a half years.

Mr DAVID SHOEBRIDGE: Can you recall another occasion when any government agency has ever come—

FRANK HOWARTH: No, I cannot.

Mr DAVID SHOEBRIDGE: —to try to persuade you in that way?

FRANK HOWARTH: Transport for NSW is often trying to persuade us around things, so it is not unusual for a government agency to debate with the council around heritage significance.

Mr DAVID SHOEBRIDGE: But once you had adopted a position—

The CHAIR: This is your last question.

Mr DAVID SHOEBRIDGE: But once you had adopted a position—in this case you had affirmed it twice—had you ever had planning or another government agency come and try to effectively persuade you out of it like this?

FRANK HOWARTH: No.

Mr JUSTIN FIELD: I want to go back to the questions I was asking before about unexplained clearing, but I guess the extension of that is regulatory actions under part 5 of the Local Land Services [LLS] Act. I got some information through questions on notice to you as well about the number of regulatory actions, compliance actions. There has been just one prosecution in the last five years since the code came into effect, but there have been quite a lot of advisory and warning letters: a number of penalty notices and remediation orders. So this must give you a bit of an idea about the nature of some of that clearing that might have appeared in the unexplained clearing column of the Statewide Landcover and Tree Study [SLATS] review. I am trying to get a bit of an understanding about the nature of these advisory and warning letters. What are the sorts of issues you are seeing out there on the ground?

DEAN KNUDSON: I will turn to Ms Molloy to give you the details on that, but it is absolutely standard and appropriate that you have an escalating approach to compliance in which you are pointing at some interventions at the lower end as you escalate up. But I think you have to view it as a whole and I appreciate the question because I think you are trying to get exactly at that. Ms Molloy?

SHARON MOLLOY: Thanks, Dean, and thanks for the question. I mean, I can give you sort of—I can explain a little bit more about our compliance framework and how we operate within that. It does take a risk-based approach, but we deal with all of the calls that come into the environment line and various other ways that we are made aware.

CORRECTED

Mr JUSTIN FIELD: Sure, but I have limited time.

SHARON MOLLOY: Okay.

Mr JUSTIN FIELD: There have been 587 advisory and warning letters. You have had to go through quite a bit of process before you sent that out, so you are sending those relating to a specific concern.

SHARON MOLLOY: Yes.

Mr JUSTIN FIELD: In the main, what is the majority of those warning letters about?

SHARON MOLLOY: Well, it is about just warning. So it is a warning letter.

Mr JUSTIN FIELD: So you have identified clearing—

SHARON MOLLOY: We have identified—

Mr JUSTIN FIELD: —that may not have been code compliant?

SHARON MOLLOY: There may have been some question about whether it was compliant or not. So it is about a warning around the legislation and their responsibilities—clearing up. Do not forget there are a lot of things that are allowable or things that are not allowable. So it is around making sure that they are aware.

Mr JUSTIN FIELD: Potentially asking for an explanation?

SHARON MOLLOY: Yes.

Mr JUSTIN FIELD: So you would have received responses back to some of these?

SHARON MOLLOY: Yes, we would have received responses and sometimes—

Mr JUSTIN FIELD: And some of those might also have been escalated to cautions or penalty notices.

SHARON MOLLOY: Yes. Sometimes there is a conversation. One of the things that we are trying to do with the early change monitoring system that on a two-weekly basis compares satellite imagery and one of the things we want to do and increase is our connection and engagement with the landholders early in the piece. If we see something that we are concerned with, we will then subsequently talk to those landholders before we then get the full picture about what has happened and then we can go through hierarchy of compliance.

Mr JUSTIN FIELD: So to the penalty notices then as we escalate up the hierarchy, I think 12 of those—the majority—have actually been issued in the last three years, 12 last year. What is the majority of penalty notices for? What sort of issue?

SHARON MOLLOY: I would have to get back to you on the actual specifics of that because then it escalates up from the warning letter.

Mr JUSTIN FIELD: Sure.

SHARON MOLLOY: It would be small-scale clearing.

Mr JUSTIN FIELD: Sure. These are fines, right?

SHARON MOLLOY: Yes, these are fines.

Mr JUSTIN FIELD: Can you give us a sense of the value of the fines?

SHARON MOLLOY: Yep, I sure can. In 2020 to 2021, so that sort of financial year, there were 17 penalty notices issued to a total of \$61,000 and up to December this year, so in this sort of year, over 1,200 penalty notices, \$35,720. It just depends on the nature of the clearing.

Mr JUSTIN FIELD: I notice that 35 remediation orders have been issued and—

SHARON MOLLOY: Yes.

Mr JUSTIN FIELD: —the vast majority of those in the last two years. None of those has been completed yet. What is the process for guaranteeing that these remediation orders are complied with?

SHARON MOLLOY: There would be a certain period of time that they have to sort of remediate that land. I do not have to hand the specifics of each of those remediation orders and the longevity of when they have to complete that work, but it then subsequently would be our responsibility to follow up to make sure that they have actually done that remediation. I think some of them can be over a period of maybe 10 years. I would need to get back to you on the specifics of those remediation orders.

CORRECTED

Mr JUSTIN FIELD: Sure. We are not talking about a tiny amount of land here—over 2,000 hectares under remediation order. If you could give me on notice a bit of a sense of the program of work and the resources you have to monitor and ensure compliance are in your annual reporting because I would like a better understanding about how the remediation orders work.

SHARON MOLLOY: Yes. I can certainly do that. Of course you might appreciate there is a lot of detail behind that that I do not have here with me today.

Mr JUSTIN FIELD: Sure.

SHARON MOLLOY: But in terms of resourcing, we have had a slight increase in the number of full-time equivalent—up to 43 staff to 37, which has been of fantastic assistance to us, but I can get back to you on the detail around that.

Mr JUSTIN FIELD: That would be great. Mr Wilde and Mr Durrant-Whyte, I do just have one quick question for you, if I could. I want to get a sense of the status of funding for the Forest Monitoring and Improvement Program. I think we talked in the forestry inquiry last year and it seemed that there were some concerns that possibly that funding runs out at the end of this financial year. I want to get an update from you if you have any certainty around funding going forward.

HUGH DURRANT-WHYTE: Yes, it does run out at the end of this financial year. I will hand over to Bryce and he will give you a little bit of an update.

BRYCE WILDE: So the former Premier funded the Forestry Monitoring and Improvement Program to \$7.2 million over four years. That expires in June of this year. The EPA also has funded the coastal IFOA monitoring program for \$2 million over five years, which has one more year to go. On behalf of many agencies across Government, the NRC, as independent chair of that forest monitoring steering committee, has put forward a budget bid, which is going through the normal Treasury processes for future funding.

Mr JUSTIN FIELD: Okay. So we will not get a sense of that until we see the budget then, I guess?

BRYCE WILDE: Correct.

Mr JUSTIN FIELD: No worries at all. Just to test again the question that Ms Sharpe raised, did you offer a specific date when you thought you would be finalising the PNF review?

BRYCE WILDE: Yes, at the end of this month.

Mr JUSTIN FIELD: The end of this month. I take it, as per normal reviews by the NRC, that even the terms of reference are secret, is that right?

BRYCE WILDE: This one is confidential. Not every job that the NRC does is confidential, but this one is.

Mr JUSTIN FIELD: A lot seem to be these days. You have come in at the very end of this process. This has already gone through a public consultation and has been the subject of substantial political debates. That is quite unusual. Can you give us a sense of is this a broad-ranging review? Are you looking at a specific recommendation and providing a response to that? Can you give us any more information about what this review looks like?

BRYCE WILDE: We have been asked to look at the final draft PNF codes, taking into consideration previous work and reviews. So that is the review we are doing. I am really not at liberty to go into further detail than that.

Mr JUSTIN FIELD: You have then suggested there is a final draft code. So the Government has agreed on a code position that you are then providing advice on.

BRYCE WILDE: That would not be a correct understanding of what I said.

Mr JUSTIN FIELD: Okay.

BRYCE WILDE: So sorry, if I was not clear. It is a draft proposal—

Mr JUSTIN FIELD: A draft.

BRYCE WILDE: —from Local Land Services that we are looking at.

Mr JUSTIN FIELD: Okay.

BRYCE WILDE: There has been no government decision.

CORRECTED

Mr JUSTIN FIELD: Got you. Thank you for that. Ms Moore, I might turn to you. That is all for the NRC. Thank you, gentlemen. I wanted to go back to some of the compliance questions that I was raising this morning with regards to Crown land forestry now. You indicated—and I understand your defence of the organisation's role here—that you were undertaking compliance actions in our State forests before, during and after logging activities. I must say that is a concern to me because it has been suggested that actually very little pre-logging activity is done by the EPA in the forest. Are you able to give us an indication of how often you have got officers going out into the field before Forestry Corporation actually commences logging in a coupe?

JACQUELEINE MOORE: I do have the figures for total numbers of inspections. I will have to get back to you on the pre.

Mr JUSTIN FIELD: You were quite clear this morning in saying, "We are going out before, during and after." It seems to me that the approach that the EPA has been taking more recently is very much that you are only really responding to complaints when they are received, and that really since the reform or the restructure there has been little pre-logging compliance work happening. I would appreciate if you could give us a sense of how many times the EPA has gone out on site before logging operations has commenced at a new coupe—how many times during and how many times after. That would be greatly appreciated.

JACQUELEINE MOORE: Yes. We will take that on notice.

Mr JUSTIN FIELD: I have been hearing that there are some concerns with how the restructure of the organisation has affected forestry activities, in particular. Do you have more operations officers with forestry experience today than you had when that restructure started, or fewer?

JACQUELEINE MOORE: The realignment that was undertaken in 2020 did not result in staff losses. We have not lost any forestry officers as part of that realignment. We have the same expertise within the agency; we have just moved to a functional model. We have also grouped together our operations officers with regulatory expertise, which allows us to basically flex up and send more people out on forestry issues as required or on other environmental issues as required, instead of having just one group of forestry officers and that was the only group who were available to undertake that work.

Mr JUSTIN FIELD: We might come back to that in the next round. Thank you, Chair.

The CHAIR: We will now go on a break and come back at 3.45 p.m.

(Short adjournment)

The CHAIR: Welcome back. It is very unorthodox, but we will start with the crossbench for five minutes. Mr David Shoebridge?

Mr DAVID SHOEBRIDGE: Thank you very much, Chair. I suppose this question is best put to you, Mr Fleming, and you can send it where you think best. Are you aware of the Australian Conservation Foundation report entitled *Emissions expose: Australia's biggest polluters are emitting more than approved and getting away with it?*

ATTICUS FLEMING: I think I might have seen something in the media, but I have not read the report.

Mr DAVID SHOEBRIDGE: I might help you then.

ATTICUS FLEMING: Sure.

Mr DAVID SHOEBRIDGE: The report says that on reviewing fossil fuel projects they found that "two in three fossil fuel projects were wrong in their estimates of greenhouse emissions by more than 25 per cent". Was that brought to your attention?

ATTICUS FLEMING: It was not. But I think it is probably something that should be directed towards the Minister for energy and climate change. Ms Parry, do you want to add anything now?

RACHEL PARRY: No. I have nothing to add and I am not aware of the report.

Mr DAVID SHOEBRIDGE: Do you, the EPA or anyone in your space have a role in double-checking that people comply with their emissions?

ATTICUS FLEMING: It would depend on what approval we were talking about, I suspect.

Mr DAVID SHOEBRIDGE: Do you have any oversight as to whether or not these quite massive fossil fuel projects in any way comply with their predicted greenhouse gas emissions or is it all just dragons and you do not look?

CORRECTED

JACQUELEINE MOORE: I was going to say I think you were referring to the information put together as part of a planning process. EPA obviously does not regulate the planning conditions. We do have a role in relation to regulating emissions for standards that are in environment protection licences. We obviously have a role if they are committing an offence under the Protection of the Environment Operations Act or if they are breaching any part of the clean air regulation.

Mr DAVID SHOEBRIDGE: What about the fact that Whitehaven's Maules Creek coalmine is emitting somewhere between 357 per cent and 452 per cent of their estimated greenhouse gas emissions? Is this something that never comes across your desk, Ms Moore? Is it someone else's problem?

JACQUELEINE MOORE: No. As I said, if that is a breach of their environment protection licence then that is definitely something that the EPA would be responsible for and we would be taking action if they were breaching their licence.

Mr DAVID SHOEBRIDGE: But to know that you would have to review the report and read the report. Have you done that?

JACQUELEINE MOORE: I have not read that report, no. I am aware of it.

Mr DAVID SHOEBRIDGE: Did nobody at all in any part of environmental regulation in New South Wales pick up the report and think, "We may have a problem here."? Mr Fleming?

ATTICUS FLEMING: If you are asking about planning approvals, that is a question for the Minister for Planning. If you are asking about EPA approvals, I think Ms Moore has answered that. It depends on what the regulatory framework is. For the regulatory frameworks that we manage, yes, we obviously monitor compliance, but your question is fairly general. If it is a permit or a licence that the EPA manages, the framework that they manage, then I assume they are taking action—

Mr DAVID SHOEBRIDGE: Is there an EPA licence on Maules Creek?

JACQUELEINE MOORE: Yes.

Mr DAVID SHOEBRIDGE: When this report says that they are emitting between 357 and 452 per cent of what they estimated would be their greenhouse gas emissions, has anybody in the EPA gone up and pulled up the licence and said, "Hang on, let's have a look here"?

JACQUELEINE MOORE: I am not aware if anyone has done that or not. But, as I said, we would be regulating against our own licensing conditions, not against information that was provided to Planning as part of a planning process.

Mr DAVID SHOEBRIDGE: You would assume that they have not told—although it is the fossil fuel industry, so who knows—Planning one thing and something totally different to the EPA when they were trying to get an EPA licence, would you, Ms Moore?

JACQUELEINE MOORE: I assume they would not, but that is not really a matter for me.

Mr DAVID SHOEBRIDGE: But if you do not check, you do not know—and you have not checked?

JACQUELEINE MOORE: We definitely check compliance with our own licence conditions.

Mr DAVID SHOEBRIDGE: What about the fact that Whitehaven's Narrabri underground coalmine is emitting between 240 and 340 per cent of their estimated greenhouse gas emissions? Again, that is a "haven't checked, haven't looked"?

JACQUELEINE MOORE: I personally have not looked at their licence.

Mr DAVID SHOEBRIDGE: I am not asking you personally. You know that, Ms Moore. I am asking about the agency.

JACQUELEINE MOORE: I can look. I can get back to you on what we have done recently in connection with checking that that licence holder is complying with their licence.

ATTICUS FLEMING: Can I just—

Mr DAVID SHOEBRIDGE: I will put one more to you: MACH Emergency's Mount Pleasant coalmine up in the Hunter Valley emitting between 145 and 255 per cent of what they estimated would be their greenhouse gas emissions in the planning process. Again, is that a "don't look, don't see" problem?

JACQUELEINE MOORE: As I said, it would depend on what emissions standards we have in our licence.

CORRECTED

Mr DAVID SHOEBRIDGE: Will you commit, on notice, to go and look at this report, look at the licence conditions, and advise us whether or not you are taking any regulatory action?

JACQUELEINE MOORE: Yes, I am happy to look at whether or not. But, as I said, whether we are responsible for taking regulatory action will depend on what our licence conditions are and our own framework.

Mr DAVID SHOEBRIDGE: Could I put this final proposition to you? I assumed somewhere in the department there is somebody who has some responsibility about planning the State's transition to net zero.

ATTICUS FLEMING: Can I—

Mr DAVID SHOEBRIDGE: That is a question, Mr Fleming.

ATTICUS FLEMING: If you are talking about planning approvals, that is a question for the planning department, for a different Minister.

Mr DAVID SHOEBRIDGE: That is not the question I asked you, Mr Fleming. Somebody in the department, I assume, has some kind of—

ATTICUS FLEMING: If it is a question about policy—

Mr DAVID SHOEBRIDGE: Let me finish my question. It will be quicker.

ATTICUS FLEMING: Sure.

Mr DAVID SHOEBRIDGE: Somebody in the department has the role, or a senior role, in following the State's transition to net zero. Is that right?

ATTICUS FLEMING: I want to be really helpful, and I understand what you are asking. If it is a broader policy position around net zero, that is a different Minister. That is the Minister for Energy. If it is compliance with planning conditions—which I think is what you are referring to—that is also a different Minister. That is Minister Roberts. If you could put those questions to them, you will have an answer.

Mr DAVID SHOEBRIDGE: What about the fact that this obvious breach of what they said to Planning is likely to be a breach of the EPA? Is there nobody putting two and two together and coming up with anything other than nought?

ATTICUS FLEMING: If there is an EPA licence, Ms Moore has said she will get you, on notice, any response. Clearly the EPA has a responsibility there. But I think, from most your questions, you are referring to planning approval conditions, and that is a different Minister. So it is not our role to be monitoring those conditions.

The Hon. PENNY SHARPE: I want to come back to Ms Chang. I still had a couple of questions on plastics. I wanted to know what the policy was in relation to compliance. As we said, the plastic bags ban starts on 1 June, then there is another tranche in November. Is there a grace period? What is the official policy around compliance activity and issuing fines in relation to the rollout?

NANCY CHANG: As I said, the EPA, in terms of our regulatory role under the plastics plan, we will be looking at what is the best regulatory approach for this. We will be looking to educate and enable the community first before we consider any fines or any harsher—

The Hon. PENNY SHARPE: Yes, which I appreciate and I think is a very sensible way. I am just conscious that there are three months until the plastic bag ban. Who decides what the policy is in terms of flicking the switch onto compliance? Is that a decision for the Minister? Is there a sort of policy applied in relation to waiving periods as people are getting used to it?

NANCY CHANG: In terms of the regulatory approach, the EPA is the regulatory authority under the Plastics Action Plan.

The Hon. PENNY SHARPE: So does the EPA board decide whether there is going to be a grace period in relation to starting to issue fines from 1 June?

JACQUELEINE MOORE: We have our regulatory strategy and our regulatory policy. They are the documents that we would be primarily looking at when we are exercising our discretion.

The Hon. PENNY SHARPE: And what does it say in relation to grace periods?

JACQUELEINE MOORE: There is nothing in those documents about grace periods, but our general approach would be to start in that education space and then we will assess our response on a case-by-case basis when we come across breaches.

CORRECTED

The Hon. PENNY SHARPE: Thank you for that. I wanted to come back to waste and the waste strategy. I was just having a look at this. The new waste strategy was put out in 2021. The previous strategy basically had a target of 75 per cent recycling by 2021, and my understanding is that we have only gotten to about 65 per cent recycling. Is that correct?

JACQUELEINE MOORE: Yes, I understand that is correct.

The Hon. PENNY SHARPE: The best performers are construction and demolition, which is around 80 per cent; commercial and industrial is around 53 per cent; but municipal or household waste has plateaued at about 40 per cent. Is that correct?

JACQUELEINE MOORE: Again, yes, I understand those figures are correct.

The Hon. PENNY SHARPE: Given that the new plan basically talks about an 80 per cent change by 2030, which is not very far away, how confident are you and what sits behind that target? Is it aspirational, or is it something that the plan basically commits to delivering?

JACQUELEINE MOORE: I think there are a whole range of actions that sit behind that target.

The Hon. PENNY SHARPE: Yes, I am not talking about the actions. I am talking about—this is what I was touching on before. I know that the plan talks about the need for some infrastructure. I am really just trying to understand where is the—is there a detailed plan for contaminated waste infrastructure that is linked to modelling that says that we can get to 80 per cent?

NANCY CHANG: There was significant work done in the development of the Waste and Sustainable Materials Strategy, including modelling work, to understand what infrastructure needs as well as activating of markets to ensure that we do get to the 80 per cent recovery rate. In terms of whether we will achieve that target, I think when it comes to waste everybody has a role to play. The rate of waste creation is growing exponentially, and it is about flattening that curve. In terms of waste avoidance, the best thing to do is to avoid it, which involves a lot of consumer choice in this space. The waste strategy is moving the New South Wales Government from a push model to a pull model. The waste levy has done the heavy lifting in this space—

The Hon. PENNY SHARPE: Sorry, what does that mean?

NANCY CHANG: It means that the waste levy has done the heavy lifting in diverting—

The Hon. PENNY SHARPE: What is the change from a push model to a pull model? What does that practically mean?

NANCY CHANG: It means that as we divert more from landfill, we need to create the market for that diversion to actually re-enter the market. The waste levy has very much achieved the push away from landfill in diverting waste from landfill. What now the Government—

The Hon. PENNY SHARPE: Just to be clear, we have not met the target that we set—we were supposed to be at 75 per cent, and we are at 65 per cent.

NANCY CHANG: I understand. That is why the Waste and Sustainable Materials Strategy looks at FOGO as a key initiative. It looks at carbon abatement for material substitution in construction and demolition. It looks at infrastructure and development of key infrastructure in New South Wales, as well as circular economy funding to ensure that we actually can pull that diverted material back into the market and create those markets. That requires a partnership between the Government, the industry and local government, and it involves every consumer doing their bit to ensure there is less contamination in waste streams so that we can actually recycle it.

The Hon. PENNY SHARPE: Where are we at? I understand that the packaging issue, which is about stopping waste at the start, is obviously a complicated issue because it is Federal and we are working in international markets—I get all of that. Are you able to tell me what active steps are being undertaken to actually deal with the issues associated with reduction of packaging at its source? Is New South Wales involved in any of that through the ministerial council or any of those things? Are we leading any of that? Where are we at with packaging covenants? Who can give me an answer on that? Is there progress there?

NANCY CHANG: I will refer to Ms Hickey.

CRISTIEN HICKEY: Yes, New South Wales is involved with the national used packaging materials—NEPM.

The Hon. PENNY SHARPE: That is right, NEPM. Yes, I had forgotten that one.

CRISTIEN HICKEY: That work is being worked with under the Australian Packaging Covenant Organisation, which leads the delivery of those targets. We are working with other States and Territories and the

CORRECTED

Federal Government to monitor how well they are going at meeting those targets. We have put in place, under the Plastic Reduction and Circular Economy Act 2021, a number of measures to capture things that are not being met. That includes mandating packaging targets for brand owners who choose not to become signatories to the Australian Packaging Covenant and improving some of the reporting requirements for all packaging brand owners to improve the data collection and ensure progress towards the targets is measurable.

The Hon. PENNY SHARPE: Obviously that is one aspect. When we go to this target of 80 per cent in the waste strategy, what percentage of that, if any, is factored in regarding change in packaging over the period of time?

CRISTIEN HICKEY: I might need to refer back to the EPA on that issue. Obviously as we move ahead in implementing the actions under the plastic plan and the waste strategy it is a dynamic environment, because where streams will be moving and impacts on landfills will be changing over time. We need to be monitoring how that is progressing and where the waste streams are moving. But that is more of an implementation issue. Sorry, Nancy, I will have to throw back to you.

NANCY CHANG: In terms of the 80 per cent recovery rate, I think the strategy commits that to all waste streams and there is a specific commitment to triple the recycling rate of plastics, particularly as the plastic export bans have come on line. In terms of some of the actions that we are undertaking in this space, there is a number of grants being rolled out in conjunction with the Commonwealth and Remanufacture NSW. A number of applications have been received in this space to ensure that, again, recycling infrastructure comes on line in this State.

The Hon. PENNY SHARPE: Great. One of the key points with all of this is actually having a market for the recycled materials. Do we monitor or have any sense of how much recovered material is being used across government in terms of large infrastructure projects? I am trying to get a sense of what we are doing to actually create a market—for example, whether underneath WestConnex we could be using a lot of that recycled glass, just as a very basic and not a specific example. Do we have a handle on how much the Government is contributing in terms of requiring recycled materials in our large infrastructure projects?

JACQUELEINE MOORE: I think as part of the WASM there is a commitment that government will—

The Hon. PENNY SHARPE: Sorry, as part of the?

JACQUELEINE MOORE: Sorry, the Waste and Sustainable Materials Strategy.

The Hon. PENNY SHARPE: Thank you.

JACQUELEINE MOORE: There is a commitment there that government will prioritise the use of recycled materials.

The Hon. PENNY SHARPE: I am wanting some figures. There are lots of nice words; I am trying to understand what is actually being done.

JACQUELEINE MOORE: I do not have those figures, no.

The Hon. PENNY SHARPE: Can you take them on notice and provide them, or do we just not know them?

JACQUELEINE MOORE: We can take that on notice.

The Hon. PENNY SHARPE: Thank you. This is becoming a pretty critical issue in relation to the 80 per cent target, which, as I said, I completely agree with but I am concerned that we are not going to meet it. The report suggests we have got issues. Our food waste basically, in terms of landfill, is going to hit capacity in Greater Sydney, as I understand it, around 2036. Is that right?

NANCY CHANG: For putrescible?

The Hon. PENNY SHARPE: Yes. Sorry, I cannot say that word, which is why I avoided it.

NANCY CHANG: Yes, that is correct.

The Hon. PENNY SHARPE: Obviously the expansion of FOGO, which people welcome and has been in place for a while—do you actually have clear figures on the transfer over to FOGO and how much longer that is going to give landfills in terms of space? Do we actually have some hard numbers on that?

NANCY CHANG: Modelling has been undertaken to understand how much capacity will free up from landfills with the mandating of FOGO for every council.

The Hon. PENNY SHARPE: What is the figure?

CORRECTED

NANCY CHANG: I can take that on notice.

The Hon. PENNY SHARPE: Terrific. For non-food—all of the hard stuff, majorly construction and demolition et cetera, inert commercial and construction—is it correct that the landfill there is basically going to top out at 2030?

NANCY CHANG: Roughly, yes.

The Hon. PENNY SHARPE: What is the key driver in terms of getting those figures? Construction and demolition is pretty good. Commercial and industrial is only at 53 per cent. What are the key drivers, in terms of the plan, on those materials and that landfill?

NANCY CHANG: Under the EPA's Waste Delivery Plan, which is an action plan that sits under the Waste and Sustainable Materials Strategy, it details the actions that the EPA is taking, including time frames and milestones. In relation to your specific question, the EPA will commence consultation with council areas, particularly regional and remote areas, in April 2022 to discuss critical infrastructure needs, including landfills.

The Hon. PENNY SHARPE: Does that mean we are moving more of Sydney's rubbish to the regions?

NANCY CHANG: We will be doing consultation in April 2022 to understand what is the solution that New South Wales needs to address our landfill capacity.

The Hon. PENNY SHARPE: My last topic is hazardous waste. Again, the strategy suggests that we are going to top out at 2031 in relation to hazardous waste. What is the plan on managing that?

NANCY CHANG: In terms of hazardous waste, again, we will be discussing with all relevant stakeholders in terms of managing the infrastructure needs of New South Wales depending on the stream of hazardous waste. There is a number of other initiatives under the plan that we have commenced, including the national hazardous waste tracking system.

The Hon. PENNY SHARPE: That is really trying to tackle illegal dumping of that material. That is what that is for.

NANCY CHANG: And the transportation and illegal stockpiling, yes.

The Hon. PENNY SHARPE: Am I correct that at the moment a portion of that hazardous waste actually gets transported interstate?

NANCY CHANG: I will have to take that on notice.

The Hon. PENNY SHARPE: My final question on the waste topic: How much is the waste levy going to bring in this year?

NANCY CHANG: I can find that information and come back to you later in terms of the—

The Hon. PENNY SHARPE: I am sure Ms Moore knows. Have we hit \$800 million yet?

NANCY CHANG: I believe there is no estimated decrease in the waste levy compared to previous years.

The Hon. PENNY SHARPE: There is an estimated decrease? Why is that?

NANCY CHANG: Sorry, I said that I believe there is no estimated fluctuation compared to previous years.

The Hon. PENNY SHARPE: No, that is right. So no-one can tell me?

NANCY CHANG: We do have that information.

ATTICUS FLEMING: If you give us a couple of minutes to find it.

The Hon. PENNY SHARPE: That is fine. Then I want to know the percentage that is going to Consolidated Revenue, and whether it is still a 70-30 split.

NANCY CHANG: One-third of the waste levy comes back to the Environment portfolio, which is shared equally between the EES and the EPA.

The Hon. PENNY SHARPE: Two-thirds is still going to Consolidated Revenue?

NANCY CHANG: Correct.

The Hon. SHAYNE MALLARD: It is going to hospitals, police stations and public transport.

CORRECTED

The Hon. PENNY SHARPE: I am aware of what it is used for.

ATTICUS FLEMING: Ms Sharpe, reading from one of the notes here, the EES WELE levy share for 2021-22 should be \$105 million—that is the expense—plus \$33 million for the capital budget.

The Hon. PENNY SHARPE: That is what you are getting funded from the waste levy, correct?

ATTICUS FLEMING: Correct. It is \$105 million plus \$33 million.

NANCY CHANG: The waste levy is forecast to collect \$3.9 billion over the five years to 2025.

The Hon. PENNY SHARPE: We can even that out over five years?

NANCY CHANG: Sorry?

The Hon. PENNY SHARPE: We can divide that by five? That is safe to say because it is not a big change.

NANCY CHANG: To 2025, yes.

The Hon. PENNY SHARPE: We might start back on koalas.

ATTICUS FLEMING: While people are coming for koalas, to your question about closures earlier I did ask for some information. Some of the examples you gave—Cobar, Forbes and Nowra—might fall into this category. I do not think there has been a change in Cobar. At Forbes and Nowra we are consolidating office space to try to ensure we have teams together and better facilities.

The Hon. PENNY SHARPE: Does that mean that you are going from two offices to one office, is that what you are talking about?

ATTICUS FLEMING: Yes. For example, in Nowra we are going from two offices into one. As you know—and I qualify this by saying that we have a lot more to do, so I do not want to overstate it—we have more staff than we have ever had before. Our commitments are high. We try to get staff to the areas of greatest need over time. Even though we have more staff than we have had before, there are places—and I think Hay would fall into this category—where we have fewer staff than we have had in the past. That reflects us trying to get resources into the areas of greatest need. I hope that partly answers your question, particularly your underlying question about whether we are stretched too thin.

The CHAIR: I have a question to the EPA on a situation that has come to our attention as a result of a GIPAA that Western Sydney Direct Action obtained, which is in relation to Cleanaway and Bingo and the dumping of toxic ash. I understand Cleanaway has a medical incinerator at Silverwater where it incinerates clinical waste, radioactive waste, cytotoxic substances such as chemotherapy drugs as well as quarantine waste from cruise ships. The information obtained under GIPAA shows that from September 2018 the EPA has been aware that Bingo was illegally transporting this toxic ash from Cleanaway's incinerator to the Bingo landfill at Honeycomb Drive, Eastern Creek. It means that the EPA, as I understand, has failed to notify the surrounding community that this is occurring when in fact the EPA has been aware that this has been going on since September 2018. Ms Moore, are you aware of that situation?

JACQUELEINE MOORE: I am not across that issue but Mr Steve Beaman may be able to give you some information.

STEPHEN BEAMAN: No, I am not aware of that. I am happy to take that on notice and come back with further details. I am not aware of the specifics of that.

The CHAIR: That is the end of those questions. I want to turn to you, Ms Moore, but stay there, Mr Beaman, just in case. In relation to the EPA office in Narrabri, I understand that that has had no staff for several months. Is that correct?

STEPHEN BEAMAN: My understanding is that the staff member up there was a single EPA staff officer and that officer has left the organisation. That is correct.

The CHAIR: So there is a single officer in the EPA at Narrabri. Is there an office there?

STEPHEN BEAMAN: We do have an office there.

The CHAIR: Is it open?

STEPHEN BEAMAN: It has no staff in it at the moment. That is my understanding.

The CHAIR: I understand that some locals are suggesting that it appears to be getting renovated or is under construction.

CORRECTED

STEPHEN BEAMAN: Sorry, I am just getting advice. We have two staff there.

The CHAIR: Two staff positions or two staff?

STEPHEN BEAMAN: Two staff.

The CHAIR: What are those positions?

STEPHEN BEAMAN: It is not my area, but I am happy to take that on notice and come back to you on those at Narrabri.

The CHAIR: You said there was one before. Are there two full-time staff?

STEPHEN BEAMAN: That is my understanding. I will take that on notice and come back.

The CHAIR: The reason I am asking about the level of staffing at Narrabri is because of the expansion of coalmining in the Namoi Valley and the increasingly problematic poor compliance record of Whitehaven Coal. Clearly it is one of the companies that is expanding in that region. Are there any plans for the EPA to expand its presence in the area?

STEPHEN BEAMAN: Not that I am aware of, no.

The CHAIR: With a company such as Whitehaven expanding in the region, which has an increasingly problematic compliance record, do you not think that there should be an increase in EPA staffing? How does that occur when clearly the remit of the EPA in that area is going to be probably more than it has been in the past?

STEPHEN BEAMAN: We have an excellent regional footprint across New South Wales, so we are able to deploy officers as we need out into those regional areas, and we are able to flex up and down as we need to in terms of deploying our resources and fulfilling our compliance checking. We have an office in Armidale and one in Dubbo, so we are able to access that part of New South Wales quite easily.

JACQUELEINE MOORE: Further to the question earlier, I am informed that we have an operations officer and a head of operations at the Narrabri office. We have a recruitment open for one more position and they are ongoing roles.

The Hon. SHAYNE MALLARD: Lonely.

The CHAIR: They are all quite lonely.

Ms ABIGAIL BOYD: Thank you to all of you. There is a cast of thousands in here. I wanted to pick up on a couple of things that I raised this morning with the Minister, but I also understand my colleague Mr Shoebridge was here talking about the situation with the coalmining companies that have been emitting more emissions than has been perhaps reported. My understanding is—or maybe you can tell me—that you believe you have no power to regulate that and that there was no breach. Is that correct?

JACQUELEINE MOORE: No, I think the evidence I gave was that if there are breaches in relation to the planning consent then that is something that is not regulated by the EPA, but where there is an environment protection licence or a breach of the Protection of the Environment Operations Act or the general clean air regulations then that is a matter where we have powers and responsibilities.

Ms ABIGAIL BOYD: But given that you do have the power to regulate greenhouse gas emissions under an environment protection licence, why do you not do that when it comes to these coalminers?

JACQUELEINE MOORE: We have a number of limits that we set on those licences. We review those licences from time to time. If you would like further detail on specific licences, Mr Steve Beaman is probably better placed to provide that information.

Ms ABIGAIL BOYD: Perhaps the easiest way is to let me know—given the evidence before that there was no breach of anything relevant—which of the coalmines identified as under-reporting have an emissions limit in their EPL?

STEPHEN BEAMAN: We actually need to backtrack a little bit. The report that I think you are referring to was done by a student out of ANU. It was reported on the ABC a week or so ago. It was an interesting piece of work. That calculation was done off the planning approvals. Often with planning consents, people put in their environmental assessments, they do their studies and then the planning approvals will often have as their first condition that you have to be consistent with the documentation that you submitted with your planning approval. The regulation of that issue around the alleged under-reporting of the greenhouse gas emissions really sits with the Department of Planning. That is something from a compliance perspective that you should—

Ms ABIGAIL BOYD: But it does not—

CORRECTED

STEPHEN BEAMAN: No, it does.

Ms ABIGAIL BOYD: My question is not around the planning approval. I understand how that works. My question is, given that the EPA does have the power to regulate greenhouse gas emissions under the environmental protection licences for coalmines, why has it chosen not to?

JACQUELEINE MOORE: As I said, we do have some conditions on those licences. We review those licences from time to time.

Ms ABIGAIL BOYD: But not in relation to greenhouse gas emissions. Why? You have the power to do that and, in fact, I am looking at a government report, a DPE assessment accompanying the recommendations for Narrabri, which makes it very clear that we do not need to worry about greenhouse gas emissions being part of the planning approval process because the EPA has the power to put this greenhouse gas emission limit in the EPL, but there is no evidence that you do that. Why?

STEPHEN BEAMAN: I think up to that point to date that has been managed through the planning process.

Ms ABIGAIL BOYD: But it clearly has not.

STEPHEN BEAMAN: No.

Ms ABIGAIL BOYD: This report is making it very clear that the expectation from the department apparently is that it will be.

STEPHEN BEAMAN: But they have been put through the planning process and so they are regulated through the planning process and it is probably best directed to the planning department.

Ms ABIGAIL BOYD: Why would the department in its assessment accompanying its recommendation in relation to Narrabri make this deliberate point that the EPA has powers to unilaterally amend an EPL, although EPLs do not currently set limits on GHG emissions? I understand that maybe this was not something you did 10 or 20 years ago but, given recent court decisions, given the focus and given the climate emergency, why are you not putting regulations on greenhouse gas emissions under EPLs?

JACQUELEINE MOORE: Further to your comment about the powers we have with EPLs, I think depending on the type of planning approval, we have to give licences that are consistent for the first period for certain types of planning approvals.

Ms ABIGAIL BOYD: But the EPL can be unilaterally amended at any time. That is something we look to the EPA to do in order to adjust to the ongoing environmental risks.

STEPHEN BEAMAN: Just to clarify a correction there, we cannot unilaterally amend it under the planning legislation for a set period. I think it is three years. We have to be consistent with the planning approval for the first three-year period.

Ms ABIGAIL BOYD: Okay. How many of the coalmines that have been approved further than three years ago, which would be a great number of them, have you now unilaterally acted to amend their EPL to include a limit on greenhouse gas emissions?

JACQUELEINE MOORE: I can take that on notice.

Ms ABIGAIL BOYD: I would really appreciate if you could let me know, firstly, how many coalmines have an EPL that has any kind of limit on greenhouse gas emissions. I suspect it is zero, but I would love it if it was not. Secondly, how do you decide whether or not you are going to put something like a greenhouse gas emission limit on an EPL? I want to know how that has not happened, basically. Any information you could give me would be very much appreciated. I will follow up on a couple of things from this morning. Were you able to find out if Bellambi Creek was notified to the EPA and what action was taken against Russell Vale Colliery for not having met its November deadline in relation to the ash tailings?

STEPHEN BEAMAN: I am happy to answer the one on Bellambi Creek. The first we heard about Bellambi Creek yesterday was a report through ABC and the *Illawarra Mercury*. We really encourage people to use our 131 555 number to come and report to us directly, but it did not happen in this case. Officers have gone out to Bellambi Creek. It was not running with coal ashes, which is what the allegation was. It was actually turbid water which happens with these big storm events at the moment. The creek was running brown was the advice I had back from the staff.

Ms ABIGAIL BOYD: It is black.

CORRECTED

STEPHEN BEAMAN: There is black material in those creeks and that is the geology of those creeks, and so there is material. Scooping your hand up in the creek is not a determining factor, but my staff are out there—very experienced staff from the Illawarra and very experienced regulators—and their advice back to me was that it was not an issue. In terms of the allegation that there has been a coal washery issue washing down that creek, it was not confirmed.

The Hon. SHAYNE MALLARD: Do they analyse it in the lab?

Ms ABIGAIL BOYD: I was going to ask the same thing. Do they do some water testing?

STEPHEN BEAMAN: No, it is a visual inspection.

Ms ABIGAIL BOYD: Right. Okay. I will be generous and say that is fine if that is the assessment that they have made. In any event, the condition that was put on Russell Vale Colliery has not been met. The deadline was November. What action has the EPA taken?

STEPHEN BEAMAN: I am unaware of that requirement, but I am happy to take that on notice given that it is November 2019.

Ms ABIGAIL BOYD: That would be very useful. This is an IPC condition that in order to reopen they would realign Bellambi Creek.

STEPHEN BEAMAN: Again, IPC conditions would be a matter for the Department of Planning, unless that condition has been transferred into the environment protection licence. We do the environment protection licence. The Department of Planning does the compliance on planning matters such as development consents and planning approvals.

Ms ABIGAIL BOYD: Given that some coalmines have 200 or 300 conditions placed on them, are you saying that it is not the responsibility of the EPA to follow that up but it is actually something that the planning department is supposed to police?

STEPHEN BEAMAN: Correct.

Ms ABIGAIL BOYD: Right, which is a whole other issue, isn't it?

STEPHEN BEAMAN: We do the compliance on environment protection licences and the Department of Planning does its compliance checking on its planning approvals.

Ms ABIGAIL BOYD: Can we talk about the load-based licensing review, which, as we discussed earlier, is delayed. Where is it? When will it be released? But also, is the reason for the delay because we have not added previously assessable pollutants for coalmining?

JACQUELEINE MOORE: I think Ms Chang is happy to take that one.

NANCY CHANG: I understand that the load-based licensing review has taken a long time. I absolutely acknowledge the frustration; however, the load-based licensing is a regulatory tool. It is a very powerful tool and we need to make sure that it is complementing a range of government initiatives and strategies. There have been a number of strategies released recently, including the net zero plan, including the energy road map, as well as the latest clean air strategy in particular, and the EPA is now looking at all those strategies to understand how best the load-based licensing can complement the success of those policies.

Ms ABIGAIL BOYD: Is the review looking at adding assessable pollutants for coalmining to the regime?

NANCY CHANG: It will consider all of the things that will complement those strategies.

The Hon. PENNY SHARPE: I just wanted to come back to the koala strategy, Ms Dumazel. I know that I asked this this morning, but have you been able to get me a figure on how much of the \$44.7 million has been expended?

MICHELLE DUMAZEL: I actually would like to take that on notice. You might recall this morning I mentioned that 18 of the 24 actions had been finalised, but there were still some. I just want to confirm because there are some acquisitions that I am not at liberty to talk about today.

The Hon. PENNY SHARPE: Sure.

MICHELLE DUMAZEL: I would rather take that on notice. But we are close to finalising the expenditure on the \$44.7 million.

CORRECTED

The Hon. PENNY SHARPE: Yes, that is right. In terms of those acquisitions under that strategy there was \$20 million, and I think last year when we talked about it I think you were up to about \$14 million. Is your expectation, without divulging the negotiations that are underway, that all of that money will be expended?

MICHELLE DUMAZEL: Correct, and we are actually already looking at some acquisitions in relation to the \$193.3 million funding.

The Hon. PENNY SHARPE: That is great. I look forward to seeing the plan. Again, you can take this on notice because these things have not been finalised. I know last year we had a conversation around how many hectares had been added to the conservation estate. I know that there were some in transition that had been earmarked. I am happy for you to give this answer on notice. Can you basically give a breakdown of that?

ATTICUS FLEMING: Are you asking about acquisitions under the strategy? Because I can give you a quick aggregate update.

The Hon. PENNY SHARPE: Yes.

ATTICUS FLEMING: As Ms Dumazel mentioned, there are a couple of recent—I will call them acquisitions, but essentially properties under contract that have not settled yet which we have not announced. Without giving away individual details, we have acquired—

The Hon. PENNY SHARPE: Is Ruins Way included in that one?

ATTICUS FLEMING: That has been announced, but it is still under contract.

The Hon. PENNY SHARPE: It will come under this program.

ATTICUS FLEMING: It has not settled yet. Technically we do not own it yet. I am just doing quick add-ups. In terms of hectares—

The Hon. PENNY SHARPE: I suppose I really want to know did you hit the 20,000 hectares, which was under the plan?

ATTICUS FLEMING: We are now at about 7,500 hectares in total.

MICHELLE DUMAZEL: We are getting close to the 24,000 hectares of the State forests that were being transferred across as well. Also, in terms of private land conservation, as at the end of the calendar year there were 2,834 hectares on private land conserved.

The Hon. PENNY SHARPE: How many did you say?

MICHELLE DUMAZEL: There were 2,834 through the BCT.

The Hon. PENNY SHARPE: There was a lot of discussion about this in October. Arguably there were only four out of the 24 actions. You have now said that all but four are completed. Is that right?

MICHELLE DUMAZEL: Eighteen out of the 24. There are five of them that are on track to be completed this year. For example, we have been working on some guidelines with NPWS and RFS for planned burns and also some finalisation of some of the State forest transfers. I mentioned the acquisition program that is being undertaken with Parks. Then there are a couple of the research programs, particularly around chlamydia and disease. The one that is going to be delivered in the next financial year relates to thermal and dietary constraints affecting koala habitat. Our research plan under the initial koala strategy was a 10-year plan. We will be looking to see, of those elements that we have funded in those first three years, what we will be extending over the period. There will be follow-on work, given the research findings that are coming through.

The Hon. PENNY SHARPE: I could go through all of them but I do not want to take up everyone's time. I suspect I am looking for an update in terms of the detail of how completed they are. For example—and I suspect we may disagree about whether this is completion or not—one of the key recommendations is the management of Crown land, travelling stock routes and other public land to conserve high quality habitat. Last year it said it is in progress and there is an initial 12-month pilot project. I want to know whether that was it and we now consider that a tick or whether we consider that progress.

MICHELLE DUMAZEL: Can I take that one on notice?

The Hon. PENNY SHARPE: I am asking for an update on all of them on what you consider to be in progress and what you consider to be completed. We do not have time to argue the toss about that.

MICHELLE DUMAZEL: The detailed annual report is—

CORRECTED

The Hon. PENNY SHARPE: That will have all of that in it, will it? We asked about when that was coming, we should say. My last question is a specific one. There was an issue about the koala fencing on Picton Road and other hotspots. I believe that because of COVID none were done in 2019-20. Can you give us an update on what was completed in 2021, given we had more COVID?

MICHELLE DUMAZEL: There was the nine kilometres of fencing that was installed along Picton Road near Wollondilly.

The Hon. PENNY SHARPE: That was in 2019, though.

MICHELLE DUMAZEL: That is right.

The Hon. PENNY SHARPE: So nothing new since then?

MICHELLE DUMAZEL: I do not have anything further on there. But I do know that the team, working with Transport, did struggle during COVID. I will have to get back to you on that.

The Hon. PENNY SHARPE: I will wait for the annual report; that was due in November.

Mr JUSTIN FIELD: Ms Moore, I will come back to you on some of the EPA's regulatory responsibilities around forestry, and private native forestry in particular. Before the realignment there was a dedicated forestry operations team that did the work in terms of inspections and regulatory actions with regard to forestry. How many of those staff who were originally in the dedicated forestry team have left the EPA? I am happy for you to take that on notice.

JACQUELEINE MOORE: Yes, I would have to take that on notice. But, generally, as I mentioned earlier, under our realignment we have not decreased our resourcing from the forestry—

Mr JUSTIN FIELD: I appreciate that. I am talking about the experience and the specialised knowledge. I am concerned that there has been a loss of the specialised knowledge around forestry, and that with the realignment there is a lack of information sharing about what is going on in the different sections of forestry. That is really where I am coming to. I am trying to get a sense of how much of that skill set is still within the EPA.

JACQUELEINE MOORE: I am sure there has been some staff turnover. I would need to take that piece on notice. I do not accept that there has been a loss of specialist knowledge in respect of forestry matters.

Mr JUSTIN FIELD: How many of your EPA operational staff do you think can identify a hollow bearing tree on site?

JACQUELEINE MOORE: We have done training for our operations officers, particularly those who had less experience in the forestry space. We have a lot of knowledge of forestry matters across our operations officers.

Mr JUSTIN FIELD: Species identification?

JACQUELEINE MOORE: Again, I cannot give you a figure on how many particular officers can recognise what, but we have done a lot of training to ensure that our officers have the skills and expertise that they need.

Mr JUSTIN FIELD: I asked some questions on notice about compliance activities around private native forestry. In the 2021-22 financial year I got a breakdown of the number of compliance actions that have been taken by the EPA with regard to PNF operations. I think there are 3,750 PNF plans in New South Wales. In the past 12 months there have been 17 inspections. Those 17 inspections resulted in, if I am reading this right, 21 different compliance actions, including advisory letters, formal warnings and cautions. That suggests that nearly 100 per cent of your inspections have shown up compliance issues within private native forestry. Is that right?

JACQUELEINE MOORE: Where we inspect, we inspect based on a priority basis. We will be taking the information that we receive through annual reports, we will be looking at satellite imagery and we will be looking at other datasets we have, so that where we are inspecting, it is in an area where we think it is a high priority issue.

Mr JUSTIN FIELD: I appreciate that. We know that there are reporting obligations on private native forestry holders. In the reporting year that is due to finish, I think, at the end of this March, the EPA—in its answers to questions on notice I got back last week—said that you have received five reports.

JACQUELEINE MOORE: That is correct.

CORRECTED

Mr JUSTIN FIELD: What percentage of private native forestry operations in New South Wales do you think that represents?

JACQUELEINE MOORE: I am not sure what percentage that is. But, as you have just indicated, people have until the end of March to submit their annual reports, and they are only required to submit those if they have undertaken private native forestry clearing operations in the 12 months preceding the date the report is due, or if they are planning to do that.

Mr JUSTIN FIELD: Let us assume that some of them did not report by the end of February, or the middle of February, when you answered this question, and they are going to answer next month. But last year—and the reporting year is closed—you got 25 reports in the whole year. What percentage of private native forestry activities do you think that represents?

JACQUELEINE MOORE: I would have to take that on notice.

Mr JUSTIN FIELD: You must have done some analysis of the likely compliance around reporting.

JACQUELEINE MOORE: Certainly, we look at, as I said, a range of factors, including the reports we receive. We look at satellite imagery and we look at other information and datasets to get an understanding of what clearing we think is occurring.

Mr JUSTIN FIELD: I am joining the dots here. You have received five reports so far as this year and you have sent out 17 advisory letters, so something has tipped you off to the fact that there are some private native forestry activities that have not yet been reported. You must have some internal assessment about the level of private native forestry that is going on. I have been trying to get a handle on how much timber and land is being logged in the private estate for three years, and no-one in government—and you are the responsible agency—has been able to answer that question. Have you got any internal analysis to suggest the level of private native forestry going on in New South Wales?

JACQUELEINE MOORE: I just want to correct one issue. I think the annual reports can be provided either to the EPA or the Local Land Services.

Mr JUSTIN FIELD: We have been there over the last three years. David, help me out here: Haven't we decided this is you?

DAVID FOWLER: Thanks for your question, Justin. The issue around PNF and PNF regulation is certainly an area that the EPA has more recently started to focus its regulatory oversight on. With the now regular and comprehensive provision of data across from the Local Land Services, that is now allowing us to look more fulsomely at the level of PNF activity that is occurring on the ground in the absence of what you have pointed out may be a shortcoming in the annual reporting in terms of numbers of reports that are associated with PNF activity.

So, as pointed out by Ms Moore, we are looking at the SLATS veg change data to identify land that is subject to a PNF approval and where vegetation change has occurred in a PNF approved area. We are using the early change monitoring system, which gives more regular updates in terms of satellite information and vegetation change on the ground. We are using the native vegetation regulation map and the biodiversity values map to help us prioritise our on-the-ground effort to ensure that we are looking at those highest priority vegetation PNF activities.

Mr JUSTIN FIELD: Okay. Are we getting somewhere here?

DAVID FOWLER: I do not have information regarding the level of historical activity versus the level of reporting.

Mr JUSTIN FIELD: No, no; that is fine. I do not want to go back over the history here. But, you know, you have the SLATS reporting. You have just acknowledged that you are able to overlay that with PNF approvals. You are working with the team within EES, who are looking at this for other reasons as well. There must be a collective view somewhere within Government of likely how much private native forestry happened in the last 12 months. Someone has put a number on a document somewhere—at least a hectares level. You must be able to say there has been change in this many hectares that are subject to private native forestry approval. That is somewhere.

DAVID FOWLER: I have not seen a hectare value put on PNF activity based on the information that we have more recently received from LLS and that we have been using to inform our regulatory activities in the EPA.

Mr JUSTIN FIELD: So in questions I have asked of the Forestry Corporation, we know that because of the fires and the hit to the Crown estate in terms of wood supply, there was a push into private native forestry,

CORRECTED

to some degree, increasing on the South Coast more than there might have been in others because of the severity of the hit down there. Ms Moore, your inspections, or when you have provided advice on inspections, there has been just one inspection in the South Coast in the last 12 months. That does not seem to reflect the forward-looking, get it there before, during and after approach to regulation of this part of the forestry industry. Why would there be only one inspection?

JACQUELEINE MOORE: In the last 12 months there have been some issues, particularly in the private native forestry space around COVID-19 impacting and raising some health and safety issues for us with sending staff out to, essentially, private landholders' properties.

Mr JUSTIN FIELD: You did 17 on the North Coast, one on the South Coast and one in the river red gum areas. So COVID affected us all and, with respect, it is pretty sparse out there. Social distancing is not a great challenge. I do not want to put your staff in harm's way but there is an identified environmental risk here. You have got more warnings as a result of the few inspections you have done than the numbers of inspections you have held, so this high risk, it seems this is not being done well. Why so few inspections in the west and in the south?

JACQUELEINE MOORE: We have used our priority. As we have said, we look at where to prioritise our regulatory actions in that space. I do not know if Mr Fowler has anything to add to that.

DAVID FOWLER: No, I do not.

Mr JUSTIN FIELD: Okay. I will get you to put something on notice, if you could, around where the investigations into the south rim and Mogo complaints—and, I understand, investigations and then possibly prosecutions are—if you could.

JACQUELEINE MOORE: Certainly. I am happy to take that on notice.

Mr JUSTIN FIELD: That would be great. Chair, I do have more, if you get a chance to come back.

The CHAIR: All right. Mr Pearson has some questions.

The Hon. MARK PEARSON: Thank you very much, Chair. Who do I talk to about diving magpies?

ATTICUS FLEMING: Ms Harrup. She is our magpie and mange expert.

The Hon. MARK PEARSON: You cannot mistake that glorious song they have. Even Joan Sutherland would not be able to better it.

The Hon. SHAYNE MALLARD: It is called warbling.

The Hon. MARK PEARSON: It is called trilling in opera.

The CHAIR: Is it? Okay, we are ready.

The Hon. MARK PEARSON: You are ready to go?

The CHAIR: Yes.

The Hon. MARK PEARSON: I am just wondering; I have asked the Minister a few questions about this and this comes up because of those magpies that were shot because they were dive-bombing people. There was discussion in the past about non-lethal methods to try to deal with this issue. I know that in Queensland this has been explored and it has been quite successful. So the question is: Where is our department up to with looking at alternatives to lethal ones?

TRISH HARRUP: Thank you. We are, and as I think we have communicated to you, reviewing the policy for the management of aggressive birds, and for a range of other wildlife management issues. We have completed a review and the next steps will be that we will soon be engaging with key stakeholders with a view to putting out a new policy. The policy will cover the range of issues.

The Hon. MARK PEARSON: But the department is seriously turning its mind to non-lethal methods?

TRISH HARRUP: Yes. The policy will canvass a range of methods, including looking at the non-lethal methods that can be applied to these situations.

The Hon. MARK PEARSON: Great. Thank you for that. Probably my next question is for you, Ms Molloy. It is in relation to compliance. One of the recommendations from the audit that I referred to earlier with the Minister was to move to mandatory reporting for non-head shots and underweights with kangaroos. Can you advise whether this has been implemented or whether there is work in progress to fulfil this very important recommendation?

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SHARON MOLLOY: Is that the internal audit that we talked about earlier?

The Hon. MARK PEARSON: Yes, that is correct.

SHARON MOLLOY: I will have to get back to you on that because there were a number of recommendations, and some of them I am more familiar with than others. But I am happy to provide you with a report on how we are tracking with those recommendations, if that is helpful.

The Hon. MARK PEARSON: Yes. It would be very helpful because that is certainly what that audit found and also our inquiry. It was the lack of the on-the-ground monitoring and us not really knowing what is happening to these animals and how they are being killed.

SHARON MOLLOY: Yes.

The Hon. MARK PEARSON: Ms Molloy, during the inquiry you were asked how many kangaroo compliance officers there were, and you replied 40. In later and further questioning, you clarified that there are no dedicated kangaroos or other macropods compliance officers but, rather, general compliance officers. Can you confirm exactly how many compliance officers that the department has and if any are dedicated to the kangaroo management program and, since the inquiry, whether the number of compliance officers has increased?

SHARON MOLLOY: The total number of compliance officers across all the pieces of legislation that we are required to do compliance against has increased from 37 to 43. So the kangaroo management team that looks after—that regulates—the program, there are six staff in that. The compliance is done in a combination of people within that team but also our regional compliance teams. So the regional compliance staff and the authorised officers that are right there on the ground are very familiar with all aspects of all the legislation that we need to comply with. So we do not have dedicated specific officers because they are able to undertake the duties across Aboriginal cultural heritage, native veg, the old legacy cases, Local Land Services and also the regulation of the kangaroo industry.

There may be people who are more familiar with specific areas of the State and specific compliance issues in relation to kangaroos. We would deploy those people to assist the regional teams. We have also got, in the legal team within the department, some specialist investigation unit staff that help us when we have some of the more egregious or tricky cases to be able to support us, and that is regardless of what regulation we are trying to do compliance on.

The Hon. MARK PEARSON: It is a bit concerning. I am not sure if you are aware of an email that was found by discovery from Sonya Errington asking people to make a "guesstimate" of how many times each animal dealer was inspected in 2019 as she was finalising a report for the Commonwealth. Why would department employees need to make a "guesstimate" about the number of inspections of animal dealers? Is that information not recorded?

SHARON MOLLOY: Yes, that information is recorded. I am not aware of the details behind that email. I will have to take that on notice.

The Hon. MARK PEARSON: I can send you the email, if you like.

SHARON MOLLOY: Yes.

The Hon. MARK PEARSON: Of course, that points to the concern of compliance, which is what has been coming up all the time.

SHARON MOLLOY: We also have the case management system that records all of our compliance actions, regardless of the legislation. I can also provide statistics on what we have done in that space in relation to the kangaroo management program specifically, if that helps.

The Hon. MARK PEARSON: Thank you.

The CHAIR: I might just continue on that line of questioning in relation to compliance around kangaroos. I understand that the department does compliance audits. Is that correct, Ms Molloy?

SHARON MOLLOY: We would audit programs and if compliance is part of that, then that would happen, yes.

The CHAIR: Have you received a compliance audit in relation to the kangaroo management program recently?

SHARON MOLLOY: Not recently, no.

The CHAIR: When was the last one?

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SHARON MOLLOY: I think it was that internal one, which was back in 2018-19, to the best of my knowledge, but I would have to double-check that.

The CHAIR: Have you put in place a process to address all of the shortcomings found in that audit report?

SHARON MOLLOY: Yes. I think I sort of described some of the processes that we are going through at the moment in terms of that. For any of the programs that we manage there is that sort of continuous improvement. We are also looking at it more broadly in terms of our compliance program, not just for kangaroos, and we have got an internal review happening of that. We are going to get some external advice to support us in terms of rolling that out. Any time there is a review of compliance it also includes the kangaroo management program itself. There are sort of three- and four-year internal audits that are done within the department as well for a whole range of our programs.

The CHAIR: Who undertook the last audit?

SHARON MOLLOY: It was probably before my time in the role so I will just have to double-check who undertook that audit. I can get back to you on that.

The CHAIR: Just to be clear, there is a plan in place within the department that has set, for example, a timeline to meet the 44 recommendations from that audit to ensure that the kangaroo management program is improved?

SHARON MOLLOY: I will have to get back to you on that and what specific documents I have got to align with the audit. But we would be on that track of continuous improvement and looking at all of the recommendations that come out of any kind of review or audit in terms of making sure we are continuously improving how we deliver our programs. But I can get back to you on the specifics.

The CHAIR: That would be good if you can provide on notice exactly what the response has been.

SHARON MOLLOY: That is not a problem.

The CHAIR: Thank you. I just wanted to go back to koalas if I can, Professor Durrant-Whyte. I wondered if you could just recall the detail of the report that was undertaken by yourself into Campbelltown koalas. One of the critical parts of that report was the corridors that need to be retained to ensure as best as possible that that koala population is maintained and does not come to too much harm as a result of all the development that is happening in the area. Does the recommended average width of the 390 metres to 425 metres for the koala corridors include the buffer of 30 metres or not?

HUGH DURRANT-WHYTE: I was not involved personally in the whole Campbelltown koala corridor thing. My deputy, Chris Armstrong, who I think was referred to this morning, led that program and also chairs the Koala Strategy group. He will be here on Thursday, should you wish to ask that question. But I am not in a position to answer it. I could take your question on notice.

The CHAIR: If you could take the question on notice, that would be great. Although, I will probably still ask it on Thursday if I get to that session.

HUGH DURRANT-WHYTE: Yes, no problem.

Mr JUSTIN FIELD: Mr Knudson, sorry, I meant to ask you this before. I have put it in there now. Have you considered how the 25-metre rule that came about as a result of the bushfire response might be picked up in the next tree cover change reporting?

DEAN KNUDSON: What was the last part of your question?

Mr JUSTIN FIELD: How that might be picked up in your next tree cover change reporting—SLATS reporting.

MICHELLE DUMAZEL: I cannot comment on the next report because it is being developed at the moment but, certainly, what the team is finding within our science division is that because it is along the boundary, it is much more easily identifiable. So we are actually picking it up a lot sooner in our early change monitoring, but how much will be picked up in that period—

Mr JUSTIN FIELD: I am not asking for a number at this point. I just want to make sure you are actually going to be able to identify it and segment it out so we can understand the consequences of that terrible ecological decision of the New South Wales Government. That would be useful. Thank you. Ms Moore, if I could just quickly go back, while I have got a second, to those investigations, particularly South Brooman and Mogo. If you do have anything you can put on the record today, that would be good. I am happy for you to take it on notice. One was

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subject to a stop-work order and the other, I think, there was a threat of one—it was not implemented because Forestry moved out for a time. They are now logging back in those neighbouring forests down there. We know there are investigations, but there seems to be no action at this point, no sense of regulatory response and no idea of prosecutions that are still on foot. Can you give us a bit of an update?

JACQUELEINE MOORE: Do you want me update you on prosecutions that are on foot? I can certainly take on notice your question about those two investigations, but I can give you an update on the three prosecutions we do have on foot at the moment.

Mr JUSTIN FIELD: That would be great.

JACQUELEINE MOORE: We have prosecutions on foot in relation to Tomerong, Wild Cattle Creek and Dampier.

Mr JUSTIN FIELD: I think we knew about those from last year. So they are still on foot and we have got no resolution. So you have not launched prosecutions with regards to either South Brooman or Mogo at this point?

JACQUELEINE MOORE: No, we just have the three prosecutions on foot.

Mr JUSTIN FIELD: No worries. If you could on notice provide an update on the investigations there or if there has been any regulatory action around those at this point because it is now quite some time since the stop-work order was in place. That seems to have been in place because of breaches that were occurring, but we have not seen a regulatory response. The community is really keen to know what is happening there. I just wanted to ask some final questions with regards to biomass for energy. My computer just died. I do not want to misrepresent what your predecessor told me at the last estimates but, if I recall, I was having a conversation with the Minister and Ms Mackey about biomass to energy in the context of the Redbank Power Station.

The suggestion that was made to me was that advice was being prepared for the Minister around how the regulations were going to address whether or not native forest biomaterials could be used at the Redbank Power Station. I see Ms Chang has taken up a spot at the witness table because she jumped in at that point. I would just like to know if that advice has been advanced any further or if it has gone to the Minister at this point, and when we will see some clarity around how those exemptions in the regulations will be dealt with when it comes to Redbank if it gets approval.

NANCY CHANG: In terms of the biomaterials work that was discussed at previous estimates, we are well progressed on providing further clarification to industry and community on how the biomaterials framework works and what is in scope and not in scope and what can be used. In particular, what we would like to clarify is the higher order use. That is under the POEO.

Mr JUSTIN FIELD: That is right, yes.

NANCY CHANG: In terms of Redbank, that is a question for my planning colleagues. I cannot comment on that. Where the EPA is concerned in terms of Redbank will be about the source of the biomaterials that is being proposed to be used by Redbank and any energy from waste that they propose to use—that is, whether EPA will be providing advice to our planning colleagues and our concerns will be whether it meets the current regulatory framework and the current regulations.

Mr JUSTIN FIELD: You just said then providing advice to, I think, "our customers and the community" but not advice to the Minister. I was quite certain that advice was being prepared for the Minister on any regulatory change that might be required to clarify that higher order use question.

NANCY CHANG: We have provided advice to the previous Minister on the program of work that the EPA is undertaking to provide that further clarity on how biomaterials can and cannot be used in New South Wales.

Mr JUSTIN FIELD: Okay. Can native forest biomaterials be burnt at a power station at the moment for electricity?

NANCY CHANG: Native forestry cannot be logged for the purposes of electricity creation. Where biomaterials can be used for energy recovery is if it has no higher order use. That is the point of clarity that we would like to provide to industry.

Mr JUSTIN FIELD: When will that clarity be provided? I know that those pulp logs, which would otherwise be left standing, ultimately are knocked down in the process of logging a high-quality log and the suggestion—well, we know some of them go to Condong and Broadwater, we know that already, under existing licences and exemptions. Redbank is a million tonnes, possibly, per year of this material. Primarily, they are

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seeking it from native forests. Will they be able to do that, or will you declare that there is a higher order use for that in some other form?

NANCY CHANG: Again, I cannot comment on the specifics of Redbank. Whether EPA will be seeking further information on any proposal will be about where is the biomaterial sourced from and whether it has a higher order use. That is something that the EPA will be seeking information on before we decide whether it meets the biomaterials regulation.

Mr JUSTIN FIELD: Is a higher order use it being left sitting on a forest floor for the purposes of maintaining soil and preventing erosion? Is that a higher order use?

NANCY CHANG: Erosion, habitat provision, timber products, landscaping—all of those are higher uses than energy recovery, yes.

Mr JUSTIN FIELD: Okay. So those uses clearly exist. Am I to take from that that there is no way they could get a licence to burn that in the power station?

NANCY CHANG: If they can provide information that demonstrates that the biomaterials that they are sourcing has no higher order use and the best use is energy recovery—but that is for the proponent to demonstrate to the EPA, and we will be seeking that information.

Mr JUSTIN FIELD: Ms Chang, can I suggest you might need to do a little bit more work on the clarity to the community and to the customers. I have no idea what that means. How would they go about demonstrating whether or not there is a higher order use for that material? Do they have to demonstrate that there is no customer in the market who wants to use that for landscaping or that the forests are quite comfortable with the level of leaf matter on the ground that they do not require it anymore? What does that look like?

NANCY CHANG: We are actively progressing the guidance. I can assure you that that is on foot, and it will be provided shortly. In terms of the Redbank proposal, I cannot go to the proposal, but I can—

Mr JUSTIN FIELD: Will that be signed off by the EPA or the Minister—that guidance?

NANCY CHANG: The guidance material is currently being prepared by the EPA.

Mr JUSTIN FIELD: For the Minister to sign off or for you to decide?

NANCY CHANG: We will be providing the Minister with an update on where that is up to.

Mr JUSTIN FIELD: Does that require concurrence of the agricultural Minister?

NANCY CHANG: I think when it comes to providing guidance to industry, particularly as it comes to regional New South Wales, it is always best that we consult with our colleagues in Regional New South Wales. I believe that is best practice and it will ensure that the guidance gets the most success.

Mr JUSTIN FIELD: We have seen this story play out before. Thank you, Ms Chang.

The Hon. PENNY SHARPE: I have a quick follow-up. Just to be clear, the guidance is the guidance. You are going to let the Minister know and you said you are going to let the Minister for Agriculture know, but do they actually decide? If the EPA decides that this is the guidance, does the Minister actually have to sign off on that? Does he or she—well, they are both "he"—have veto in relation to that?

NANCY CHANG: This is—

The Hon. MARK PEARSON: Ms Chang, could you bring the microphone in a bit closer, please.

NANCY CHANG: Sure. This is about providing clarity on the existing frameworks. It does not require further approvals. We are simply trying to communicate better with all stakeholders involved how this current framework applies.

The Hon. PENNY SHARPE: Yes, I get that. But who decides—so you are preparing the guidance. The final wording goes to the Minister. You said now it possibly might go to two Ministers, maybe even three. It sounds like to me that Minister Toole is going to get a go at this, that Minister Saunders is going to get a go at this, that Minister Griffin might get a little bit of a go at it. Perhaps the energy Minister, the Treasurer, may get a bit of a go at it too.

NANCY CHANG: Sorry, I just want to clarify I am not saying that their concurrence is required. I am simply saying that—

The Hon. PENNY SHARPE: No, I know that.

CORRECTED

NANCY CHANG: —for the guidance to have the best success and being communicated successfully to everyone involved, the EPA—and it is good practice that we consult and get on side and consult with any relevant stakeholders, including our colleagues at the Department of Regional NSW.

The Hon. PENNY SHARPE: To be clear, the Ministers are stakeholders and the decision in terms of the final wording of the guidance is the EPA's but that you will take on board comments from the Ministers and they should be considered stakeholders in this. I am just trying to understand: Who makes the final decision about whether this is adopted or not?

NANCY CHANG: We will be consulting with people in the Department of Regional NSW.

The Hon. PENNY SHARPE: Yes.

NANCY CHANG: It is up to them whether they brief their Minister or not.

The Hon. PENNY SHARPE: Sure.

NANCY CHANG: That is simply so that we can ensure that this information is disseminated to the broader—

The Hon. PENNY SHARPE: Ms Chang, I completely get that. You are not answering the question that I am asking. Who has the final sign off on the guidance that is adopted?

NANCY CHANG: In terms of the guidance of the wording, that is currently being prepared by the EPA because we are not changing the framework. We are simply providing clarification on the extra framework. It is part of engagement and information—

The Hon. PENNY SHARPE: So it will be the EPA?

NANCY CHANG: Correct.

The Hon. PENNY SHARPE: Thank you.

The CHAIR: Thank you. On that note, we get 10 early minutes. No, we do not because Mr Fleming is going to take up the 10 minutes.

ATTICUS FLEMING: It will be nine and a half. Mr Secord earlier asked some questions about Ben Boyd and renaming.

The CHAIR: Of course.

ATTICUS FLEMING: I really just wanted to note how important that issue was for the Aboriginal staff in EES—I am sure all staff in EES—and just confirm that I did not want there to be any doubt there is a process that we go through. If there are any names that are offensive or otherwise inappropriate, there is a process we would work through to change those names.

The CHAIR: Thank you very much. Do Government members have any questions?

The Hon. SHAYNE MALLARD: We get allocated 15 minutes but we will not be taking up that opportunity. Thank you for coming in today.

The CHAIR: Thank you very much for your time today. The secretariat will be in touch with the questions that you took on notice and with any other supplementary questions.

ATTICUS FLEMING: I think Ms Chang wanted to add something.

The CHAIR: Ms Chang?

NANCY CHANG: Sorry, I just wanted to address a question previously put by Ms Sharpe around the cost of the education campaign for the Plastics Action Plan. There is a contract with the National Retail Association to deliver engagement in education and it is \$540,000, excluding GST, and it will run very soon until post-November bans.

The Hon. PENNY SHARPE: Thank you.

(The witnesses withdrew.)

The Committee proceeded to deliberate.