

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Thursday 27 October 2011

Examination of proposed expenditure for the portfolio areas

ENVIRONMENT AND HERITAGE

The Committee met at 9.00 a.m.

MEMBERS

The Hon. R. L. Brown (Chair)

The Hon. R. H. Colless
The Hon. C. M. Faehrmann
The Hon. A. R. Fazio
The Hon. L. Foley

The Hon. S. MacDonald
The Hon. Dr P. R. Phelps
The Hon. P. T. Primrose
Mr D. Shoebridge

PRESENT

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

Office of Environment and Heritage

Ms L. Corbyn, *Chief Executive*

Ms S. Barnes, *Deputy Chief Executive*

Mr G. Sullivan, *Deputy Chief Executive*

Mr B. Carlon, *Acting Deputy Chief Executive*

Mr N. Hayman, *Director Finance*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

CHAIR: I declare this hearing for the inquiry into the budget estimates 2011-12 open to the public. I welcome Minister Parker 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 shall comment on some procedural matters. In accordance with the Legislative Council guidelines for the broadcasting of proceedings, only Committee members and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee, representatives of the media must take responsibility for what they publish or what interpretation they place on anything that is said before the Committee. The guidelines for the broadcast of proceedings are available on the table to my right.

Any messages from attendees in the public gallery should be delivered through the Chamber and support staff or the Committee clerks. Minister, I remind you and the officials accompanying you that you are free to pass notes and refer directly to your advisers whilst at the table. Transcripts of this hearing will be available on the web from tomorrow morning. The Committee has agreed that the Environment portfolio will be examined from 9.00 a.m. until 11.00 a.m., followed by a 20-minute break and then we will examine the Heritage portfolio from 11.20 a.m. until 12.00 p.m. This means that the proceedings will conclude one hour earlier than programmed. The Government has agreed not to ask questions so as to shorten the proceedings. The House has resolved that answers to questions on notice must be provided within 21 days of the Committee secretariat forwarding them. Questions must be provided to the secretariat within 48 hours. I remind everyone, including Committee members, to turn off their mobile telephones.

NEIL DOUGLAS HAYMAN, Director, Finance, Office of Environment and Heritage,

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

LISA CORBYN, Chief Executive, Office of Environment and Heritage,

GREG SULLIVAN, Deputy Chief Executive, Office of Environment and Heritage, and

BERNARD CARLON, Acting Deputy Chief Executive, Office of Environment and Heritage, affirmed and examined:

CHAIR: We will commence with questions from the Opposition.

The Hon. LUKE FOLEY: Minister, what is the current conservation status of the koala under the Threatened Species Conservation Act?

Ms ROBYN PARKER: We call koalas vulnerable species, not threatened species. There is a difference under the conservation Act. We are doing very well with koalas. We have released a \$1.2 million funded koala recovery plan. We are working hard on that with six councils across mid North Coast areas to review and develop comprehensive koala plans of management. We have an election commitment to protect threatened species across New South Wales and that includes better protection for koalas.

The Hon. LUKE FOLEY: So it is a vulnerable species. What does that mean under the terms of the Act?

Ms ROBYN PARKER: That means that we have concern. There are scientific categories that mean that we look at vulnerable species, look at their survival, make sure that they are not moving to a state where they are likely to be extinct. We have an extensive program working on monitoring and research. That means we expand our knowledge. We have a code of practice for managing koalas. I am quite proud of our election commitments for koalas.

The Hon. LUKE FOLEY: Yes, but I repeat, what is a vulnerable species under the Threatened Species Conservation Act? Do you need some help?

Ms ROBYN PARKER: No, I am just asking if anyone wants to add anything.

The Hon. LUKE FOLEY: Would you like to answer the question? What is a vulnerable species under the terms of the Threatened Species Conservation Act?

Ms ROBYN PARKER: I do not have the Threatened Species Conservation Act with me.

The Hon. LUKE FOLEY: Could I suggest to you that it is a species which is likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development—

Ms ROBYN PARKER: That is what I have already said.

The Hon. LUKE FOLEY:—cease to operate.

Ms ROBYN PARKER: We are very proud of our election commitment to make sure that they do not become extinct.

The Hon. LUKE FOLEY: I am not asking about your pride or your election commitment, Minister. I am trying to get the precise definition of what a vulnerable species is—

Ms ROBYN PARKER: And that is what our program addresses, making sure that their survival is sustained.

The Hon. LUKE FOLEY:—under the key legislation.

The Hon. AMANDA FAZIO: Minister, can you wait until the question has been completed before you attempt to answer it?

Ms ROBYN PARKER: I am being asked the question and I am answering it in the best way I can, and that is certainly my prerogative, to answer the question that is asked of me.

The Hon. LUKE FOLEY: You can only do your best, Minister. Would you agree with me that a vulnerable species is one which is likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development cease to operate? That is the definition, is it not?

Ms ROBYN PARKER: Fine. What we do in Government is make sure that we have programs in place to protect those animals that are listed as vulnerable.

The Hon. LUKE FOLEY: Indeed, and your election policy has a koala on the cover, does it not? Could I take you to page 1 of your election policy with a koala on the cover. In it you make the commitment:

We will protect threatened species across NSW, including better protection for Koalas ...

That is your election policy, is it not? What, in your view, is the major reason for the decline in koala population?

Ms ROBYN PARKER: It is clear that in some areas there are impacts of human existence, where we are building and developing in areas, that threaten a number of species, the koala being one of them. What we have to do is make sure that whenever there is a new development we protect the environment in which they live; that whenever there are new roads we have a management plan that addresses what happens with koalas. We make sure that the habitat in which they exist is protected. The Senate environment committee inquiry identifies things such as urban development, forestry, mining, climatic events such as droughts, bushfires, disease, dog attacks and motor vehicle strikes. Those are the major threats to species, and koalas are one of those species.

The Hon. LUKE FOLEY: Habitat loss and fragmentation would be right up there amongst the top reasons for loss of our koala population, would they not?

Ms ROBYN PARKER: It is certainly one of the issues and the Senate inquiry did not make a clear recommendation to list the koala as nationally threatened, but it did make some of those statements I have already referred to about what impacts on the koala—

The Hon. LUKE FOLEY: But it is a threatened species in New South Wales, is it not?

Ms ROBYN PARKER: It is a vulnerable species in New South Wales.

The Hon. LUKE FOLEY: Yes, which is one of the categories of threatened species?

Ms ROBYN PARKER: But it is not listed nationally as a threatened species.

The Hon. LUKE FOLEY: No, but in New South Wales it is defined as a vulnerable species under the umbrella of threatened species categories, is it not?

Ms ROBYN PARKER: So the point is?

The Hon. LUKE FOLEY: I am just asking you, Minister.

Ms ROBYN PARKER: We have already addressed that—

The Hon. LUKE FOLEY: Was that a yes?

Ms ROBYN PARKER: We have already addressed that it is a vulnerable species. We have already spoken about that.

The Hon. LUKE FOLEY: The Senate inquiry stated that habitat degradation is the primary cause of koala population declines and is the major threat to the koala's long-term population viability, did it not?

Ms ROBYN PARKER: It made 19 recommendations and it listed a range of things, including urban development. Obviously all of those things threaten their habitat.

The Hon. LUKE FOLEY: That was not my question, Minister. The committee stated that habitat degradation is the primary cause of koala population declines, did it not?

Ms ROBYN PARKER: I do not have all of their recommendations with me.

The Hon. LUKE FOLEY: It is in the executive summary, Minister.

Ms ROBYN PARKER: I have not got that with me, but I have already gone through some of their identifications, such as urban development, forestry, mining, climatic events, bushfires, disease—a whole range of things. One of the things that I am most proud about in our election commitments is our green corridors program. That is absolutely critical to sustaining koala habitat, koala survival, and that is what we are working on very hard. I think there are some really good results in terms of what we are doing—

The Hon. LUKE FOLEY: How many staff are employed by the Office of Environment and Heritage?

Ms ROBYN PARKER: Something like 3,600.

The Hon. LUKE FOLEY: There are 3,600 staff employed by the Office of Environment and Heritage?

Ms ROBYN PARKER: Yes.

The Hon. LUKE FOLEY: In an answer to a question on notice dated 13 September, you advised Parliament that \$200,000 of Office of Environment and Heritage staff time has been allocated to koala conservation activity since 26 March. That is a full-time equivalent of about three staff, is it not?

Ms CORBYN: It would depend on what level the staff are.

The Hon. LUKE FOLEY: What they are paid?

Ms CORBYN: Yes.

The Hon. LUKE FOLEY: If we did a back-of-the-envelope calculation, \$200,000 of staff time, as the Minister advises us, over a six-month period would be around three and, if I were generous, might even hit four full-time equivalents. Would that be a ballpark calculation?

Ms CORBYN: That would be probably right.

The Hon. LUKE FOLEY: Minister, your party made an election commitment to provide better protection for koalas. Do you think three staff out of 3,600 is providing better protection to our national icon?

Ms ROBYN PARKER: You would be wrong in assuming that they are the only staff that work on koalas.

The Hon. LUKE FOLEY: That is the advice you gave Parliament.

Ms ROBYN PARKER: When we are establishing Dharawal National Park, for example, there is a lot of work going into making sure that the koala habitat there is maintained. Our green corridors program is looking at koalas now. Specifically on koalas, that may be the case, but staff right across the portfolio and right across the Office of Environment and Heritage are looking at koala preservation in different ways. For example, we are working with local government. There will be staff working with local government to develop their own comprehensive koala plans—plans of management—so you would be wrong to assume that there are only three people who are focusing their attention—

The Hon. LUKE FOLEY: That is the answer you provided to Parliament. I am not making this up, they are your words that I am quoting to you, that \$200,000 of staff time since you Government came to office has been spent on protecting and conserving koalas. Can I put to you that, given your election policy, it is no real commitment at all to allocate three out of 3,600 staff to protecting our dwindling koala population?

Ms ROBYN PARKER: That money is the direct cost only. There are election commitments, and we are meeting all of our election commitments. Our election commitment on koalas remains strong, but do not assume that we do not preserve koalas in every other way that we can, in all of our consultations, in terms of new development, in terms of working with local government, with green corridors—a whole range of programs right across the portfolio.

The Hon. LUKE FOLEY: Are you familiar with the New South Wales recovery plan for the koala?

Ms ROBYN PARKER: Yes, I am.

The Hon. LUKE FOLEY: You would be aware that it, right up front, states that most populations in New South Wales now survive in fragmented and isolated habitat? Are you aware of that?

Ms ROBYN PARKER: Yes.

The Hon. LUKE FOLEY: Minister, why are you allowing logging near Coffs Harbour in the Boambee State Forest, a critical koala habitat?

Ms ROBYN PARKER: It is clear that in a range of areas there is an impact, so we are working very hard with Coffs Harbour City Council to improve koala protection—

The Hon. LUKE FOLEY: What, by logging the forest?

Ms ROBYN PARKER: We are working very hard with a native forestry code of practice and koala plan of management—

The Hon. LUKE FOLEY: What, to take out every last tree they live in?

Ms ROBYN PARKER: A proposal outlining the proposed changes—

The Hon. RICK COLLESS: Point of order: I think it would be more appropriate if the Minister was allowed to answer the question before Mr Foley interjected with a further question.

CHAIR: Interjections are unruly at all times. Minister, please proceed with answering the question.

Ms ROBYN PARKER: We have written to Forests NSW recommending a precautionary approach to managing impact on koalas in Boambee State Forest.

The Hon. LUKE FOLEY: What is a precautionary approach? Surely the precautionary approach would be for you, as the environment Minister, to stop the logging of this key koala habitat. That would be a precautionary approach, would it not?

Ms ROBYN PARKER: This integrated forestry operations approval was introduced by your Government.

The Hon. LUKE FOLEY: And you are now responsible for it and you have signed off on logging of the Boambee State Forest, have you not?

Ms ROBYN PARKER: Mr Foley, it seems you might not understand how forestry agreements work: They are agreed and we regulate the agreement. That logging protects koalas.

The Hon. LUKE FOLEY: How does logging protect koalas, it removes habitat?

Ms ROBYN PARKER: Mr Greg Sullivan will give you more information.

The Hon. LUKE FOLEY: I am asking you a policy question, Minister, not an administrative question.

Ms ROBYN PARKER: Mr Sullivan has more information.

The Hon. LUKE FOLEY: Do not flick it off to your bureaucrat to bail you out.

Ms ROBYN PARKER: I am asking Mr Sullivan to give you some more information about the integrated forestry operations approval that the previous Labor Government —

The Hon. LUKE FOLEY: I am asking you a policy question. Why are you, who promised to protect koalas—

CHAIR: Order. The Minister is allowed to answer the question in any way she sees fit.

Ms ROBYN PARKER: Mr Sullivan is going to give you more information because you do not seem to understand the integrated forestry operations approval that your Government signed off.

The Hon. LUKE FOLEY: I am asking you a policy question. Why is your Government allowing logging—that commenced last week—in one of the last remaining key koala habitats on the mid North Coast of New South Wales?

Ms ROBYN PARKER: Licences under the integrated forestry operations approval restrict areas in which they can log. There are very clear definitions about what is able to be logged. I have asked Mr Sullivan to provide more information. Either you want to hear the information or you do not.

The Hon. LUKE FOLEY: I want to ask you policy questions as the Minister.

Ms ROBYN PARKER: I am asking Mr Sullivan to give you more information.

The Hon. LUKE FOLEY: Why have you not responded to two letters since August from the North Coast Environment Council raising its concerns about the impact on the koala population of the mid North Coast if this logging proceeds?

The Hon. SCOT MacDONALD: Point of order: Mr Foley has already asked a question and the Minister has deferred to one of her officers. Is that going to be answered?

The Hon. LUKE FOLEY: It is policy—

CHAIR: Order.

The Hon. AMANDA FAZIO: To the point of order: The question being asked by the Hon. Luke Foley is a policy question. The Minister should be aware that policy questions are to be answered by the Minister and not bureaucrats. It is not the job of bureaucrats to justify or explain Government policy.

CHAIR: To the point of order. That is not correct. The Minister can defer to her advisers where the adviser is not making a comment on the validity of policy but is simply providing data to the Minister so the Minister can complete her answer. I will remind all members that this hearing will be conducted in an orderly fashion. The Minister must be allowed to answer the questions. Interjections at all times are out of order and there is no point of order.

Ms ROBYN PARKER: An integrated forestry operations approval is not a policy. Policy is what you take to an election campaign; this is not a policy question at all. In terms—

The Hon. LUKE FOLEY: You do not feel obliged to deliver on the policy to protect the koalas.

Ms ROBYN PARKER: We will take that on notice the question about the letters. I could not possibly tell you at the moment about those particular letters and where they are in our system. We will come back to you on notice with that.

The Hon. LUKE FOLEY: Minister, I put it to you, given that your party's election policy on page one promised better protection for koalas—you even badged the cover with a photo of the koala—that to fail to respond to repeated pleas over the last two months from the North Coast community to use your powers to intervene to protect the endangered koala habitat of the North Coast and to fail to intervene is a gross breach of your election policy to protect our national icon.

Ms ROBYN PARKER: We stand by our election commitments absolutely. Those commitments are funded and we are working very hard to deliver on them. When it comes to forestry the Government is about getting balance and protecting our native species. There is no doubt we are working hard on that.

The Hon. LUKE FOLEY: By logging them?

Ms ROBYN PARKER: The logging agreement was signed off by your Government. Perhaps you should have a look at what was going on when your Government signed off on that logging. The Government is working on getting a balance—

The Hon. LUKE FOLEY: You know very well that the compartments being logged now are a decision of your Government.

Ms ROBYN PARKER: We have a very good koala plan of management. This Government stands by its election commitment.

The Hon. LUKE FOLEY: To watch them disappear?

Ms ROBYN PARKER: It is only your assertion that I have not replied to letters. I will take that on notice.

The Hon. LUKE FOLEY: It is not my assertion; it is the people who have written to you.

The Hon. SCOT MacDONALD: Point of order: I would like to hear the answer.

Ms ROBYN PARKER: I have taken it on notice. You could claim anything. I have taken it on notice, which is fair enough, surely.

CHAIR: Order. A point of order has been taken. I also cannot hear the Minister's answer. The Minister will be allowed to give her answers.

The Hon. RICK COLLESS: One at a time, Mr Foley, it is much easier.

CHAIR: Order! I have already ruled on the point of order.

The Hon. LUKE FOLEY: So many questions, so little time. Minister, why has the State Government not approached the Federal Government, given your election commitment to protect the koala, to seek funding from the Carbon and Biodiversity Fund, the billion-dollar fund, to buy back the timber quotas in that forest to protect the koalas on the North Coast. Why have you not done that?

Ms ROBYN PARKER: What I want to know is when your Government signed up to the integrated forestry operations approval—

The Hon. LUKE FOLEY: I am asking the questions.

Ms ROBYN PARKER: Your Government signed up to the integrated forestry operations approval. Do you now recant that? Does the Labor Party want to shut down the forestry industry on the North Coast?

The Hon. LUKE FOLEY: Minister, can I take you to the Bermagui State Forest on the South Coast? That is one of the last breeding grounds for the koala on the South Coast, is it not?

Ms ROBYN PARKER: There is no doubt that the population of koalas in the Bermagui area has decreased significantly over the last 15 years. I remind you we have been in Government for six months.

The Hon. LUKE FOLEY: Why are you allowing logging there in the Bermagui State Forest, given that the Senate inquiry was told:

These koalas are probably the most critical population in Australia, in the sense that they may represent one of only two reservoirs, very small ones, of what is the native genotype of all the Victorian and South Australian animals left.

Why are you content to preside over the destruction of that last remaining critical population on the South Coast?

Ms ROBYN PARKER: You call it presiding, I call it responsible Government. What we are doing is fixing up 16 years of Labor problems.

The Hon. LUKE FOLEY: You call killing the remaining koalas responsible Government, do you?

Ms ROBYN PARKER: These are agreements that your Government signed up to. What we are doing now is developing a revised management approach to protect the population.

The Hon. LUKE FOLEY: To kill them.

Ms ROBYN PARKER: Revising what your Government put in place.

The Hon. LUKE FOLEY: Minister, Australia's national icon is on the verge of being declared an endangered species and you are not lifting a finger to help save the koala population, are you?

Ms ROBYN PARKER: I have told you that we are working with Forests NSW—

The Hon. LUKE FOLEY: To log the last remaining habitat?

Ms ROBYN PARKER: To develop a revised management plan.

CHAIR: Order. We now move to crossbench questions. I will take one question and then pass over to Ms Faehrmann. Minister, you might care to take pencil and paper. There are a couple of questions but they are all related to a particular aspect of the budget papers. The budget papers for Premier and Cabinet show a \$68 million amount to Environment and Heritage for management of pest animals, weeds and fire management in national parks. How does this figure compare to previous budgets and how much is new money? Is there a detailed analysis of how this will be broken down between the national parks?

Ms ROBYN PARKER: The answer to the first question is \$10 million more.

CHAIR: That is \$10 million new money?

Ms ROBYN PARKER: Yes.

CHAIR: Is there available a detailed breakdown between the parks that you could table or provide on notice?

Ms ROBYN PARKER: We might have to provide you with more information on that. We have an ongoing pest strategy at the moment.

CHAIR: Can you provide that within the 21 days? Can I get a broad breakdown?

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

Ms BARNES: In the budget papers you will find that there is \$7 million more for pests, weeds and fire management and \$3 million for visitor infrastructure. That was the \$10 million in the Government's commitment which was park management, visitor access and education. When it comes to the extra money—\$7 million—we are working through a process developing new pest and weed strategies. Draft strategies will be finalised by the end of the year following community consultation. Depending on what comes up as a priority through the community consultation process we will be able to give you further information on the breakdown of funds. We probably cannot respond within the 21 days, Mr Brown, but definitely by the end of the year.

CHAIR: Minister, what are the specific "improvements" in fire management referred to in the budget papers?

Ms ROBYN PARKER: We have an additional \$62.5 million to put into hazard reduction. What we have learnt from the Victorian fires and the Victorian royal commission is that we want to do our very best in hazard reduction. We have put in place additional teams. We are employing 90 front-line firefighters and we have two extra helicopters and six remote teams. I can give the Committee some details on hazard reduction. During the 2010-11 financial year 159 burns were completed over 56,060 hectares; as of 26 September over 400 hazard reduction burning activities had been scheduled to treat more than 165,000 hectares in parks; and this financial year 93 burns have been conducted over 18,500 hectares. We are maintaining our roads, trails and parks as best we can in fire suppression. The Government is proud of its overall fire management strategy. Last financial year hazard reduction was difficult because of the high rainfall experienced. We expect a lot of growth this year so we have a heightened alert. But the Government is very proud of its \$62.5 million election commitment, which is working well.

CHAIR: Minister, I seek clarification. That \$62.5 million does not come out of the \$68 million shown in the budget papers, does it? It must be extra money.

Ms ROBYN PARKER: That is over four years.

CHAIR: When you provide the information on the breakdown of that extra \$10 million, will you also provide the Committee with some information on the relative allocation between what I will call on-the-ground staff and programs, that is, wild dog officers, pest control officers and weed programs, and what I will call consultation, that is, planning and those sorts of issues?

Ms ROBYN PARKER: You want a breakdown of on-the-ground front-line staff?

CHAIR: Yes. I would be grateful if you could provide that information to the Committee. The budget papers for the Department of Premier and Cabinet, Environment and Heritage refer to a \$6.2 million allocation to purchase new parks across New South Wales. Will the Minister confirm whether specific properties have been earmarked for those purchases? I understand the Minister may not be able to do that for commercial reasons. Perhaps the Minister could also advise whether allocations have been made for active management of additional areas in the pest and weed management budget for the National Parks and Wildlife Service. In other words, if the Government intends to acquire further land to the value of \$6.2 million, has it also provided additional funding to manage those properties?

Ms ROBYN PARKER: One of the things that the Government is doing, in contrast to the former Government, is making sure that it has a maintenance commitment alongside the purchase of any land. The age-old criticism of locking up parks and not managing them well—

CHAIR: That is one of my favourite hobbyhorses, as you well understand.

Ms ROBYN PARKER: I know. You are not the only person to hold that view. For example, in recent days Cranebrook has been upgraded to Wianamatta nature reserve. Along with that comes \$1 million to upgrade the biodiversity within it to ensure that access trails and those sorts of things are provided. Dharawal National Park will be allocated \$1 million for maintenance. Under the land acquisition program the Government is allocating \$6.2 million for land purchase. That has commenced with seven properties under discussion, four of which are in the Southern Highlands south-west slopes. For example, the Government is endeavouring to identify areas in which to create green corridors that, as much as possible, are attached to other acquisitions so that they are neighbouring properties. The cost of management is included as part of the annual budget but one of the Government's high priorities is to maintain properties rather than just purchase them.

CHAIR: Does your strategy rely on the E3 zonings, which currently are being mooted in local environmental plans, as forming part of the Government's overall plan for green corridors? Do you rely on that at all?

Ms ROBYN PARKER: Part of the plan for green corridors depends on their biodiversity and their location, so they are being mapped very carefully. But it also is a case-by-case situation. We are looking at what is available and what might be an appropriate offset for development.

The Hon. CATE FAEHRMANN: Minister, do you stand by the comments you made in an interview that aired on the ABC on 21 October that dead fish found in the Macleay River had been tested and that their deaths were unrelated to leaks from the old Straits Hillgrove gold-antimony mine?

Ms ROBYN PARKER: What I said in that television interview was that I was advised that testing had been done or that they had been sent to the Department of Primary Industries for testing. What I have found out since then is that there is testing and there is an assessment. Because the dead fish were over 12 days old they were not able to be tested, so the Department of Primary Industries—and you would have to ask the Department of Primary Industries for more information on that—tested the water in the area where the fish were located. The department then made an assessment based on that. I assumed the testing was of the fish as that was the advice to me. At that point I could only repeat the advice I had been given.

The Hon. CATE FAEHRMANN: In that interview you were quite clear that you had been provided with advice that those fish were tested—I believe you said that twice—they were not linked to the overflow and they were tested by the Department of Primary Industries. Who provided you with that advice?

Ms ROBYN PARKER: That advice was given to me by my staff. It came from the Office of Environment and Heritage. Mr Greg Sullivan will be able to give you some more information about that advice. I did not know that testing and assessment were two different things. That was what I was advised and that is what I said in that television program. Mr Sullivan will be able to tell you exactly what that advice was.

The Hon. CATE FAEHRMANN: Minister, it was advice provided to you, not Mr Sullivan. You did say in that program that it was advice provided to you. I am not sure whether Mr Sullivan can help me in relation to advice provided to you.

Ms ROBYN PARKER: He most certainly can.

Mr SULLIVAN: Reports of dead fish in the Macleay River first came to the attention of the Office of Environment and Heritage on 19 September. Many of the reports, including the calls to the environment line of the Office of Environment and Heritage, as well as some calls directly to the Armidale office, were second-hand information. Office of Environment and Heritage staff immediately commenced trying to track down the people who had seen the dead fish. They were ultimately able to establish that there were two firsthand sources: one was a tour operator and the other was a resident near Lower Creek. Lower Creek is about 80 kilometres downstream of the Hillgrove facility. The tour operator reported that there were six dead catfish, and the resident reported four dead catfish, in the Georges Junction, Lower Creek area. Both of them stated that the fish were decayed and they estimated had probably died around 7 September. The initial estimates were that the fish had died approximately nine days after the overflow of the Straits Hillgrove mine. Importantly, no other species of dead fish was observed and the tour operator has not subsequently reported any other dead, sick or dying fish.

The Hon. CATE FAEHRMANN: Have you received reports of any other fish? It is my understanding that some residents are concerned about sick dogs having eaten catfish. Are you aware of that?

Mr SULLIVAN: I have not received reports of any other dead fish. In fact the information we have received is that there was significant insect and other fish activity in the river. The tour operator reported that the water had been unusually cold at the time. It is known that catfish in particular are a species susceptible to cold snaps, and there had been a cold snap at that time. What we were able to establish in relation to the information we could gain from the overflow as well as the in-stream data—this was information that was discussed and shared between the Office of Environment and Heritage and the Department of Primary Industries—was that the stream records at the Georges Junction show that there was a significant flow of water during the time when the overflow initially occurred. In total, over approximately nine days at the first overflow it would have been about 30,000 megalitres of water passed that point, which is 30,000 Olympic pools. The actual overflow from the mine at that stage over a three-day period was estimated to be less than a third of a megalitre, so that is less than a third of one Olympic pool. The dilution factor therefore is more than 100,000. What they were able to confirm—

The Hon. CATE FAEHRMANN: Mr Sullivan, as I understand it, the Office of Environment and Heritage advised some residents at the time not to drink the water and not to pump from the river.

Mr SULLIVAN: The Department of Health provided advice that was a reinforcement of the standard advice that exists about not drinking raw water from rivers, streams and dams. The reason is that there is always the possibility of microorganisms or algae or some other—

The Hon. CATE FAEHRMANN: Considering it is a spill from an antimony mine, there is the possibility of arsenic and antimony in the water, surely, not algae? That is the concern here, is it not?

Mr SULLIVAN: The actual figures show, for example if we chose arsenic, at the first accessible monitoring point downstream of the mine the arsenic level had fallen from 0.3 milligram per litre to 0.13 milligram. That is actually—

The Hon. CATE FAEHRMANN: I am aware that a lot of residents in that area are very concerned about the possible contamination of the river. They do not know whether they can water their cattle anymore and some fishing businesses have closed down because of the Hillgrove antimony mine. The role of the Environment Protection Authority in this instance, surely, is to reassure the community that their river is not contaminated? I am also aware that a number of residents have frozen some dead catfish that they found and have them in their freezer. Would you commit to testing these fish now to, hopefully, allay the residents' concerns that their river is not polluted?

Mr SULLIVAN: We are very happy to do any testing of any fish that might be provided. I should make a couple of points though. The first is that it is a highly disturbed catchment that has had more than 100 years of mining and it is highly mineralised to start with. The catchment and the river in particular—

The Hon. CATE FAEHRMANN: Does that mean highly contaminated? When you say highly mineralised, what do you mean by that?

Mr SULLIVAN: It means that it already has elevated levels of antimony and arsenic and other metals.

The Hon. CATE FAEHRMANN: As a result of the mine?

Mr SULLIVAN: As a result of the estimated seven million tonnes of mine waste placed beside the Macleay River that has washed into the river through a series of flood events over more than a century.

The Hon. CATE FAEHRMANN: And the continued breaches, as I understand it, in recent months?

Mr SULLIVAN: Those breaches you are referring to in terms of the overflows have been assessed as being diluted to the extent that they would make no impact on the background level of the water quality. Certainly that was the analysis and conclusions reached by both Office of Environment and Heritage and Department of Primary Industries staff. When they considered the concentrations coming from the overflow of the mine, the volume of water going through the system, the flow data, the delay in reporting the dead fish of more than 12 days, the absence of any contemporaneous water samples—no samples were taken at the site where the dead fish were observed—the conclusion was that it could not yield any useful information by analysing those particular dead fish.

The Hon. CATE FAEHRMANN: How much would it have cost the department to analyse those dead fish? Surely it is a matter of the regulator reassuring the community in circumstances where residents are terrified of drinking the water, they are told they cannot drink their water and they have cattle on their property? Surely it is the role of the Environment Protection Authority to test the fish and reassure the residents, rather than perhaps engaging in damage control for the Government? I am unclear what the regulator's role is in situations like this.

Mr SULLIVAN: The Office of Environment and Heritage is very happy to undertake samples. In fact, in terms of testing, we undertook 60,000 tests in the last 12 months, the last financial year.

The Hon. CATE FAEHRMANN: How much would it have cost the department to test a few fish in this instance?

Mr SULLIVAN: I do not have the specific costs available in terms of testing particular fish. But we are very happy to test the fish. The main point, however, is that it was not going to produce any result. There was not going to be any way to link those fish to the overflow for the reasons I have outlined, particularly—

The Hon. CATE FAEHRMANN: Do you think that testing of the fish would have demonstrated that the river was toxic or contaminated, as you have indicated? Was it a concern that, in fact, it may have revealed high levels and then the Government would need to address that in some way?

Mr SULLIVAN: Not at all. The assessment that I was provided was that it was unlikely that fish decayed for that time would have been able to provide any useful evidence about the level of metals and, moreover, if metals had been detected in the carcasses of the fish there was no way to be able to say it was linked to the Hillgrove mine because it was more than 75 kilometres downstream. With the dilution effects of more than 100,000 times, it is extremely unlikely that there was any link between the fish and the mine. In fact, the much more likely scenario was that as a result of a cold snap a number of catfish died and were observed by people downstream.

The Hon. CATE FAEHRMANN: Surely we would have got to the bottom of that if they had tested the fish? Minister, do you think it is the department's role to alleviate and allay the community's concerns over a toxic spill such as this as to whether their river is contaminated? What is your role here?

Ms ROBYN PARKER: My role is very clear as Minister. In fact, since coming to Government most recently I have introduced legislation, which has passed through the lower House, to strengthen the role of the Environment Protection Authority. We are very committed to that, and I am hoping that honourable members can put politics aside to support the legislation through the upper House because it provides a much stronger Environment Protection Authority—

The Hon. CATE FAEHRMANN: The Environment Protection Authority as it stands now can test fish. I am not sure what the regulation is going to do in this instance where communities are concerned and the Environment Protection Authority, as I understand it, liaised with the Department of Primary Industries and for whatever reason made a decision not to test these fish.

The Hon. LUKE FOLEY: The Minister thought they had been tested.

The Hon. CATE FAEHRMANN: I do not know what our environmental department is for when concerned residents find a number of dead fish in their creek, phone the government environment department and request that these dead fish be tested and they are not tested.

Ms ROBYN PARKER: It is certainly up to the authorities to take the action they deem appropriate, given that they have the scientific expertise to do what they need to do. Mr Sullivan has already given you an undertaking that if there are other fish they can be presented to be tested. But on this occasion the information he has provided was that the water was tested rather than the fish because of the age of the fish. I think it is important that we allow the authorities, in this instance the Environment Protection Authority, to do what they do. It is not right to say that the situation is not being monitored by the Environment Protection Authority. They are working very hard with Straits mine. There are instructions, for example, to the mine owners to develop evaporators to work on reducing the water in the stormwater system. I understand that is an ongoing situation. This is over 100 years of pollution into this water. It is not going to be fixed up overnight.

The Hon. AMANDA FAZIO: Minister, given that you say that you did not know the difference between testing and assessment when you made a public statement that the fish are being tested, and given that you say that your role as Minister is to strengthen the role of the Environment Protection Authority when as Minister you ensured that the Environment Protection Authority was absorbed within the Office of Environment and Heritage, what confidence can the public of New South Wales have that you are across your own election promises and that you understand what goes on in your portfolio? You have just demonstrated your incompetence and haplessness. What confidence can people have in you as Minister? Do not laugh, this is a serious matter. You have very serious responsibilities as a Minister of the Crown and to date you seem to have discharged them in the most dreadful manner.

Ms ROBYN PARKER: That is perfectly your right to have an opinion. The Environment Protection Authority was established under the last Coalition Government. The Environment Protection Authority was rolled into what is now the Office of Environment and Heritage under your Government. Under 16 years of a Labor Government the Environment Protection Authority role was diluted, restructured and resource starved—

The Hon. AMANDA FAZIO: It was in its own department.

Ms ROBYN PARKER: It was resource starved under your Government.

The Hon. AMANDA FAZIO: That is rubbish. You are misleading the inquiry.

Ms ROBYN PARKER: What we have done since I have been the Minister is introduce legislation that has passed through the lower House and hopefully will pass through the upper House without—

The Hon. AMANDA FAZIO: It was introduced after this fiasco of your handling of the situation.

Ms ROBYN PARKER: It was introduced when we realised what was going on under—

The Hon. AMANDA FAZIO: It was introduced to cover your back.

Ms ROBYN PARKER: I will wait until you finish and then I will answer the question.

The Hon. AMANDA FAZIO: I think you have said enough. You do not have an answer about why we should have confidence in you.

CHAIR: Order! Interjections are disorderly at all times. They do not allow the Minister to answer the question. Members will allow the Minister to answer the question and then ask further questions of her.

The Hon. AMANDA FAZIO: I will defer to my colleague Mr Foley.

The Hon. LUKE FOLEY: Mr Sullivan, further to the Hon. Cate Faehrmann's questions about the discharge from the Hillgrove gold and antimony mine, did the Office of Environment and Heritage advise your Minister that dead fish had been tested by the Department of Primary Industries?

Mr SULLIVAN: The office advised that assessment had been undertaken and there had been no link established between the overflow and the dead fish.

The Hon. LUKE FOLEY: I repeat the question, Mr Sullivan. Did the Office of Environment and Heritage advise your Minister that dead fish had been tested by the Department of Primary Industries?

The Hon. SCOT MacDONALD: Point of order: In his previous question he said "live fish"; in the second question he said "dead fish".

CHAIR: Order! That is not a point of order. Please continue.

Mr SULLIVAN: The advice provided was general in nature and it was that there was no link established by analysis that had been undertaken by officers from both the Office of Environment and Heritage and the Department of Primary Industries in terms of trying to find a link between the dead fish that had been sighted and the overflow at the Hillgrove mine.

The Hon. LUKE FOLEY: Was that general advice to the Minister verbal or written?

Mr SULLIVAN: It was contained within a briefing document and it was reinforced verbally.

The Hon. LUKE FOLEY: Will you table that briefing document to the Committee?

Mr SULLIVAN: I will have to take it on notice but I am happy to provide it.

The Hon. LUKE FOLEY: Minister, will you give the Committee an undertaking that a report on the statutory review of the Threatened Species Conservation Act will be tabled in the Parliament this session?

Ms ROBYN PARKER: We are about to undertake the statutory review of the Threatened Species Conservation Act.

The Hon. LUKE FOLEY: About to? It has been under way for a year, Minister.

Ms ROBYN PARKER: Well, we are undertaking consultation on the Threatened Species Conservation Act. We have got some consultation going.

The Hon. LUKE FOLEY: Minister, are you not aware that the statutory review commenced more than 12 months ago? Are you not even aware of that?

Ms ROBYN PARKER: I am aware that you started the statutory review. We are continuing with our statutory review on the Threatened Species Conservation Act. Of course it will be tabled.

The Hon. LUKE FOLEY: This year?

Ms ROBYN PARKER: You did not table your progress when it was under your Government.

The Hon. LUKE FOLEY: Minister, will you table the statutory review this year?

Ms ROBYN PARKER: We will aim to get it this year. We will certainly be improving on your record.

The Hon. LUKE FOLEY: Will you give an undertaking that you will not dilute in any way the independence of the scientific committee established under the Threatened Species Conservation Act?

Ms ROBYN PARKER: The report is currently being finalised. We are planning to introduce it in the spring session. So that review establishes an independent scientific committee. It is responsible.

The Hon. LUKE FOLEY: Yes, and I am asking you whether you will give us a guarantee that you, as Minister, will not dilute in any way the independence of the scientific committee that your party has fought tooth and nail, in opposition, to stop being established.

Ms ROBYN PARKER: We have not considered the results of the threatened species—

The Hon. LUKE FOLEY: But surely you have considered the existence of the independent scientific committee that sits at the heart of our threatened species legislative framework in New South Wales? Surely you have considered that, have you not?

Ms ROBYN PARKER: We have made no statements at all in terms of the independent scientific committee.

The Hon. LUKE FOLEY: Exactly. I am trying to get just one from you.

Ms ROBYN PARKER: You will have to wait for the review and we will consider the results.

The Hon. LUKE FOLEY: So you cannot give us any comfort that the centrepiece of the legislative regime that protects threatened species in this State, the independent scientific committee that your party has fought tooth and nail against in opposition, will be preserved by you as Minister for the Environment? You cannot give us that one shred of comfort, Minister, today?

Ms ROBYN PARKER: We are working currently through the review. It is a statutory review and the independent scientific committee is working on that, so you will just have to wait.

The Hon. LUKE FOLEY: How many species of New South Wales plants and animals are presumed extinct by the independent scientific committee?

Ms ROBYN PARKER: There are a number that are listed as threatened: 957 species in 47 populations, and 91 ecological communities are listed as threatened in New South Wales.

The Hon. LUKE FOLEY: Extinct, Minister.

Ms ROBYN PARKER: Twenty-six species—

The Hon. LUKE FOLEY: Take the lifeline—it is being handed to you.

CHAIR: Order! Allow the Minister to answer the question.

Ms ROBYN PARKER: Twenty-six species. Nineteen per cent of land mammals have become extinct in New South Wales since European settlement.

The Hon. LUKE FOLEY: And what do you consider, as Minister, to be the major threats to biodiversity?

Ms ROBYN PARKER: The major threats to biodiversity are pretty obvious, are they not?

The major threats—

The Hon. LUKE FOLEY: Such as?

Ms ROBYN PARKER: Human existence, habitat loss.

The Hon. LUKE FOLEY: Human existence?

Ms ROBYN PARKER: Obviously. The more habitat that is lost through development, through mining, through forestry, through a number of human endeavours, causes habitat loss. Therefore that is the threat.

The Hon. LUKE FOLEY: Does the inclusion of "ecologically sustainable development" in the objects of the Act assist in integrating economic and environmental considerations? Can someone help the Minister, please? Do you want me to repeat the question, Minister?

Ms ROBYN PARKER: Well, absolutely. I am not sure that—

The Hon. LUKE FOLEY: Does the inclusion of "ecologically sustainable development" in the objects of the Act, right up front, the objects of the Act, assist in achieving the integration of economic and environmental considerations?

Ms ROBYN PARKER: It is one of the principles, obviously.

The Hon. LUKE FOLEY: Yes, it is. And I am asking you whether that principle assists in achieving both economic and environmental considerations in decision-making processes in this State.

Ms ROBYN PARKER: It is part of our environmental protection legislation, for example, that we are hoping you are going to support through the Legislative Council.

The Hon. LUKE FOLEY: It has nothing to do with the environmental protection legislation, Minister. I am talking to you about the Threatened Species Conservation Act, the inclusion of "ecologically sustainable development" right up front in the objects of the Act.

Ms ROBYN PARKER: It is right up front in everything we are doing. With our strategic land use, with all of our—

The Hon. LUKE FOLEY: Are you for it or against it?

Ms ROBYN PARKER: Of course we are working very hard in terms of all of our legislation.

The Hon. LUKE FOLEY: Of course you are working hard. Are you for it or against it?

Ms ROBYN PARKER: Of course we are working very hard—

The Hon. LUKE FOLEY: Are you for it or against it?

Ms ROBYN PARKER: —to have ecologically sustainable environments.

The Hon. LUKE FOLEY: Minister, do you have the foggiest notion of what you are talking about?

The Hon. AMANDA FAZIO: Do you understand the question, Minister? Can you answer that yes or no?

Ms ROBYN PARKER: Are you wanting to put it in the Act?

The Hon. LUKE FOLEY: It is already in the Act, Minister. Good God!

CHAIR: Order! Interjections are disorderly at all times. Minister, please try to answer the question as best you can. Members will remain silent and allow the Minister to answer the question.

The Hon. LUKE FOLEY: Would you like more time?

Ms ROBYN PARKER: No.

The Hon. LUKE FOLEY: We just sit here and wait?

Ms ROBYN PARKER: We can wait for your next question.

The Hon. LUKE FOLEY: What is your view of the seven-part test imposed under the Environmental Planning and Assessment Act when deciding on whether there is likely to be a significant effect on a threatened species?

Ms ROBYN PARKER: We are, in this Government, doing far more than your Government ever did in terms of making sure we take into account biodiversity. We take into account the different land management and different land uses whenever we look at planning legislation. For example, with our Consolidated Land Use Plan we are making sure we look at the heart of all of our assessments of planning and legislation and what is possible.

The Hon. LUKE FOLEY: I repeat: What is your view of the seven-part test under the Environmental Planning and Assessment Act when deciding on whether there is likely to be a significant effect on threatened species? What is your view? Are you for it or against it?

Ms ROBYN PARKER: Some of your questions are probably more appropriate for the planning Minister—

The Hon. LUKE FOLEY: Or more appropriate for someone who knows something about environmental protection in this State.

Ms ROBYN PARKER: We are at the table in a way in which your last seven Ministers for the Environment in your Government were not—

The Hon. LUKE FOLEY: Are you for or against the seven-part test?

Ms ROBYN PARKER: We are working very hard on our consolidated land use and strategic land use program. We are reviewing planning. We are reviewing planning completely.

The Hon. LUKE FOLEY: Are you in favour of it or are you against it? Have you ever bloody heard of it?

The Hon. SCOT MacDONALD: Point of order—

The Hon. LUKE FOLEY: Pardon the French.

The Hon. RICK COLLESS: It was not French; it was disgusting.

CHAIR: Order! Members are reminded that they must conduct themselves with decorum at all times. Minister, please answer the question.

Ms ROBYN PARKER: I have answered the question.

The Hon. AMANDA FAZIO: You know nothing.

The Hon. LUKE FOLEY: Perhaps I could ask you seven times the same question about the seven-part test. Are you for it or against it? Is it not a key matter in the statutory review of the Threatened Species Conservation Act? It is, is it not?

Ms ROBYN PARKER: It is all part of what we are considering in all of our reviews.

The Hon. LUKE FOLEY: It is a bit hard for a shrug of the shoulders to be recorded in *Hansard*. Is it a yes or is it a no?

Ms ROBYN PARKER: It is all part of what we are reviewing, obviously. I have already said that we are reviewing every aspect of our planning legislation.

The Hon. LUKE FOLEY: Can you tell us whether you like it or you do not like it? I am not sure how else to put it to get an answer from you.

The Hon. AMANDA FAZIO: Perhaps you should put your glasses on to read the notes that the bureaucrats are passing to you.

The Hon. Dr PETER PHELPS: Point of order: The Leader of the Opposition is repeatedly asking for an opinion from the Minister.

The Hon. LUKE FOLEY: It is a policy.

The Hon. Dr PETER PHELPS: The point is that as a Minister she has no opinion other than that which is by Cabinet.

The Hon. AMANDA FAZIO: As a Minister she has no idea about her portfolio. That would be a more pertinent point of order.

The Hon. PETER PRIMROSE: To the point of order: The Minister is responsible for interpreting and understanding the legislation that she is responsible for administering. The question is: "Minister, do you understand that legislation?"

CHAIR: Order! There is no point of order. The Minister may answer the question as she sees fit.

Ms ROBYN PARKER: I have answered it over and over again. We are reviewing the threatened species Act. We are reviewing planning legislation. We have a strategic land use plan in place at the moment. We are at the table; I am at the table looking at biodiversity mapping, making sure that land use is as appropriate as possible. We are looking at every aspect, unlike your Government that just imposed part 3A, switched off everything and allowed development at the whim of the Minister at the time.

The Hon. LUKE FOLEY: I will ask you about the Native Vegetation Act. We might get some information from you on that one. When will the annual report on native vegetation for 2010 be published?

Ms ROBYN PARKER: We are currently reviewing the native vegetation regulations. The review of the 2010 Native Vegetation Act found that the objectives of the Act were valid but there were strongly held concerns about the native vegetation Act—

The Hon. LUKE FOLEY: That is not my question.

Ms ROBYN PARKER: So we are embarking on a native vegetation regulation review.

The Hon. LUKE FOLEY: I am not asking about the review. Ms Corbyn, when do you expect—

Ms ROBYN PARKER: I have only just got the report. It has only just come to me.

The Hon. LUKE FOLEY: It has not got to you.

Ms ROBYN PARKER: It has gone to the director general.

The Hon. LUKE FOLEY: Perhaps Ms Corbyn could help us.

Ms ROBYN PARKER: As soon as it comes to me, within weeks of having a look at it, we will see—

The Hon. LUKE FOLEY: Ms Corbyn, when will the 2010 annual report on native vegetation be shared with the public?

Ms CORBYN: I have just received a copy of it. We have a very thorough process that we go through within the Office of Environment and Heritage to make sure that the information we have included in that is accurate. Our internal review process is to make sure that the science is well constructed so that it is a good communication document. It is quite a thorough report and I would expect that we would be able to get it out before Christmas.

The Hon. LUKE FOLEY: Thank you. Let us move on to the native vegetation review that you raised. Will you undertake today not to change the objects of the Act as far as they provide for the management of native vegetation in the social, economic and environmental interests of the State? Will you give us that undertaking?

Ms ROBYN PARKER: If you undertake a review, you undertake a review. You cannot pre-empt the outcomes of a review.

The Hon. LUKE FOLEY: So you will not give us that undertaking?

Ms ROBYN PARKER: The review will take nine months. Why would I pre-empt a nine-month review by giving you an undertaking now?

The Hon. LUKE FOLEY: As environment Minister you could give us some confidence that you will bat for the environment. How about that? It is a key object of the Act, once again fought tooth and nail by your parties in Opposition, that the management of native vegetation will be in the social, economic and environmental interests of the State. Do you commit to retaining that key object of the native vegetation legislative regime?

Ms ROBYN PARKER: Just to clarify so you understand, we are reviewing the regulations, not the Act. The Act is still there. We are reviewing the regulations.

The Hon. LUKE FOLEY: Why can you not give us the commitment I am asking for that you will not change that object of the Act?

Ms ROBYN PARKER: We are not changing the Act. We are reviewing the regulations.

The Hon. LUKE FOLEY: So that is an undertaking.

Ms ROBYN PARKER: When you review regulations—

The Hon. SCOT MacDONALD: Point of order—

Ms ROBYN PARKER: Of course, we are reviewing regulations. The Act is not changing.

The Hon. SCOT MacDONALD: I would like to hear the answer to the question. Maybe the Minister needs to speak a little more slowly for the Leader of the Opposition because he does not seem to understand.

The Hon. LUKE FOLEY: Play for time—that is a good suggestion.

CHAIR: Order! There is no point of order. The Minister may resume.

The Hon. LUKE FOLEY: Unless someone could hit a light switch to help her. Will you commit to keeping the current 1990 regrowth date?

Ms ROBYN PARKER: We are reviewing the regulation. I will not pre-empt what our consultation and review discusses.

The Hon. LUKE FOLEY: Will you commit to doing a single thing to defend the environment in the review of the native vegetation regulations?

Ms ROBYN PARKER: You are being ridiculous. What we are doing is reviewing—

The Hon. LUKE FOLEY: Give us one undertaking that would give us some confidence that you will protect the key environmental criteria in the native vegetation legislation. I invite you to give us one.

The Hon. AMANDA FAZIO: Do you know one? Is that the problem?

Ms ROBYN PARKER: In our consultation with stakeholders we are looking at making sure that regulations are streamlined. That is what our Government is about. We are reviewing and consulting. It will take about nine months. We are talking to the Nature Conservation Council, the Local Government and Shires Associations, a whole range of stakeholders—

The Hon. LUKE FOLEY: Will you keep the 1990 regrowth date?

Ms ROBYN PARKER: We have targets in our State plan but this is a regulation review. I am not pre-empting the outcome of any review.

The Hon. LUKE FOLEY: Will you commit to keeping the existing protections for old growth, rainforests and threatened species? Will you just commit to keeping those protections in the native vegetation laws in this State? Can you give us that commitment?

Ms ROBYN PARKER: You should go home and for your homework read our State plan.

The Hon. LUKE FOLEY: That is a no.

The Hon. AMANDA FAZIO: That is a pathetic response from a Minister. You should be ashamed.

[Time expired.]

CHAIR: We note that in the 2010 announcement of the river red gum reservations the Labor Government announced a \$23.52 million allocation for active management of the reserves over the next three years. That would be to 2013. Can you tell us why this budget has been cut to \$4.3 million a year? Specifically, what programs are you excluding or cutting?

Ms ROBYN PARKER: I am advised that there is no cut.

Ms CORBYN: I think the \$23 million may have been over numerous years.

CHAIR: Yes it was, to 2013.

Ms CORBYN: So I do not believe there has been a cut in this year's budget.

CHAIR: That would have been roughly \$7 million a year; now it is \$4.3 million a year. How has the reduction come about?

Ms ROBYN PARKER: Mr Hayman might be able to give you some more detailed information on that.

Mr HAYMAN: The \$4.3 million you are speaking of is just the capital component.

CHAIR: Minister, I understand there is an allocation of \$10 million under the four-year river red gum program to help timber industry businesses and workers in regional communities affected by the previous Government's declarations of national parks. Could you tell us how this money will be allocated and spent over the forward estimates?

Ms ROBYN PARKER: This is the Community Development Fund?

CHAIR: The Community Development Fund.

Ms ROBYN PARKER: I just approved and signed off on some of those. We signed a deed of agreement in all but two of the 41 projects under round one. Those are already signed off. I will give you examples of some of the other projects that we have funded. We have provided \$50,000 for the Finley farmers market, which was a great success, initiating a farmers market on a monthly basis to try to create some economic sustainability and to give local farmers an outlet. We relocated Emflow Pty Limited from South Australia to that area which resulted in job creation and other things. Barham Hotel constructed an all-weather shelter so it can use its outdoor area with a funding allocation of \$35,000. Deniliquin Shire Council was given \$1 million to construct a purpose-built medical centre on a greenfield site. Chetwynd Pty Limited, which is expanding its orchard and citrus packing shed, received a funding allocation of \$600,000. This is about jobs creation and creating better amenities such as medical centres and those sorts of things for the community.

CHAIR: In my conversations with people in the area I became aware of what I will call at this stage a consistent and persistent rumour that National Parks and Wildlife purchased a mechanical harvester and some transportation equipment specifically for thinning operations. Is that true?

Ms ROBYN PARKER: I will take that question on notice and come back to you with that information.

CHAIR: The point of my question is that probably five or six mechanical harvesters are sitting in the backyards of contractors who no longer have any work in the area. If the department purchased equipment it was probably not a good idea, given the sensitivities in the area.

The Hon. CATE FAEHRMANN: Minister, how would you and the department have responded to the Orica Kooragang Island incident if there had not been such intense media interest in the event?

Ms ROBYN PARKER: I have thought about what happened at Orica on a number of occasions, which is why the Government introduced legislation to institute a number of changes. Clearly, what was business as usual for authorities and industry and what industry was allowed to do under existing legislation was not good enough. It was not good enough that industry interpreted "as soon as practicable" to mean 16½ hours later. It was not good enough for authorities to assume that an industry such as Orica would go out doorknocking and informing the community. It is important to ensure that those in this industry understand their reporting responsibilities. This Government introduced legislation to ensure that they pick up the phone immediately and inform authorities.

There are now clear guidelines and incentives for them to do so in order to avoid a \$2 million fine for not reporting immediately. Everyone must understand. The Hon. Cate Faehrmann asked me how I would respond. As Brendan O'Reilly pointed out, perhaps making a statement in Parliament, which I did in order to inform the Parliament, brought it into the political realm. Instead of focusing on what the authorities needed to do there was a heightened state of concern for the community. It is not good enough that the community was not informed. Industry did not do the job it ought to have done right from the beginning and the community should never have been placed in such a situation.

The Hon. CATE FAEHRMANN: As per part 6.2 of the Protection of the Environment Operations Act, how many mandatory environmental audits have been undertaken in the past 12 months?

Ms ROBYN PARKER: Mr Sullivan may have the details on that.

Mr SULLIVAN: The total number of mandatory environmental audits has been nine, with the most recent addition making it 10, being the one that has been placed on Orica. That tenth one is the only one in the last 12 months of which I am aware.

The Hon. CATE FAEHRMANN: So there has been one in the past 12 months?

Mr SULLIVAN: There have been 10 in total.

The Hon. CATE FAEHRMANN: Since?

Mr SULLIVAN: Since the legislation was introduced.

The Hon. CATE FAEHRMANN: What year is that again?

Mr SULLIVAN: It was 1997.

The Hon. CATE FAEHRMANN: If it is the case that the department has shifted away from undertaking mandatory environmental audits of companies, as allowed under part 6.2 of the Protection of the Environment Operations Act, and has shifted to more strategic environmental compliance audits for specific groups of licences, why the shift? We know, for example, that Orica breached its licence conditions—I think it has been reported—130 times. It seems that the only reason there has now been a mandatory environmental audit of Orica is the intense media interest. We are hearing about hundreds, if not thousands, of breaches of environment protection licences. Why have there been only 10 mandatory environmental audits of industry since 1997?

Ms ROBYN PARKER: I think it is wrong to assume it is because of media interest. I think it is right to assume that this Government realised what was unacceptable under the former Government when there were 76 major incidents, many communities were not informed and there was no press release or statement from the Minister. This Government is now fixing that and making sure it does not occur again. Do not forget that we are undertaking the largest audit ever undertaken in New South Wales, with 42 major hazardous facilities being audited at the moment. Mr Sullivan can give you the specifics on that.

Mr SULLIVAN: I think it is important to keep the mandatory audits tool in context. It is one tool amongst a whole series of tools. It is a very significant tool in the sense that it imposes a major obligation on the licensee that requires it to undertake effectively an audit of every part of his or her operational process from the front gate to the back gate. I should add that it is also part of a suite of responses. For example, hundreds of audits are undertaken every year as well as thousands of inspections. The mandatory environmental audit sits within a framework of regulatory responses which involve inspections and audits—announced and unannounced, formal and informal. Where action is required there is a suite of responses from cautions through to infringement notices, pollution reduction programs and prosecutions.

The Office of Environment and Heritage has maintained a consistent record with respect to, for example, prosecutions over the past five years. They average at around 120 prosecutions per annum. That has been consistent now for quite a number of years. Similarly, if you look at the trends for pollution reduction programs, infringement notices, warning notices and inspections, they are all either broadly stable or, in fact, increasing. The number of inspections has increased dramatically in the past 18 months. So within a context, mandatory environmental audits are an important tool but they are just one tool—

The Hon. CATE FAEHRMANN: An important tool that the department has not employed for some time it appears, until the recent media interest in Orica.

Mr SULLIVAN: It has been suggested that the mandatory audit had been brought about because of media interest. That is not correct. The Hunter region was planning to use a mandatory environmental audit as a result of other incidents at the Orica site, and all the incident on 8 August did was simply confirm its view that it was the appropriate tool, which is why it was applied.

The Hon. CATE FAEHRMANN: Minister, was the department given any extra resources to investigate the Orica Kooragang Island incident?

Ms ROBYN PARKER: We have reorganised resources.

The Hon. CATE FAEHRMANN: So no?

Ms ROBYN PARKER: Well, we have reorganised resources, to put more people—

The Hon. CATE FAEHRMANN: So no—the question was whether the department was given any extra resources outside its usual resources?

Ms ROBYN PARKER: We have reorganised our resources.

The Hon. SCOT MacDONALD: Point of order. Can we hear the answer from the Minister please?

Ms ROBYN PARKER: Well, we have reprioritised, so we have moved people who would have normally been on other tasks.

The Hon. CATE FAEHRMANN: Thank you, you have answered it. So, in other words no.

The Hon. SCOT MacDONALD: No, that is not correct.

The Hon. CATE FAEHRMANN: What extra resources?

Ms ROBYN PARKER: We have taken people from one section to another; we have not brought new people in.

The Hon. CATE FAEHRMANN: So that is not the department being given extra resources in my opinion; that is reprioritising and shifting resources around.

Mr SULLIVAN: The question was whether there were extra resources applied to that Orica case?

The Hon. CATE FAEHRMANN: No, the question was, was the department given any extra resources?

Mr SULLIVAN: I was able to use resources from across the entire agency and apply them. So, for example, I applied the entire Special Investigations Unit to the Orica investigation.

The Hon. CATE FAEHRMANN: So what investigations were put on hold then to investigate Orica at the time? Where were the Special Investigations Unit staff drawn from and how many are there?

Mr SULLIVAN: There are approximately eight investigators in the Special Investigations Unit and, yes, they have other investigations under way at all times. Some of those investigations would have been paused whilst they applied themselves to the Orica investigation; but they were a substantial additional resource that was applied to that investigation.

The Hon. CATE FAEHRMANN: Are they still working on that investigation or have they gone back to their original tasks?

Mr SULLIVAN: A number of those investigators are in the final stages of completing the brief of evidence which will then be submitted to our lawyers. Others within that group have returned to their other duties that they were already on before Orica.

The Hon. CATE FAEHRMANN: What about, Minister, the 42 audits that are taking place now? Who is undertaking those then—these eight staff in the Special Investigations Unit, Minister?

Ms ROBYN PARKER: We have put extra—Mr Sullivan may tell you exactly how many—resources into that audit so, as Mr Sullivan says, we have moved people from audits. Obviously, it is not at my direction where staff go, but we have seen it as a significant priority. Mr Sullivan can tell you how many exactly or Ms Corbyn might be able to tell you how many exactly.

Ms CORBYN: We clearly went through from the overall office's perspective to see where we could shift resources, both money and people, because this is a very important investigation process for us. So it is something that agencies do regularly in incidents like this, which, hopefully, do not happen often, but—

The Hon. CATE FAEHRMANN: So did all the finances come from the Energy Policy Research Group unit, from Mr Sullivan's unit, from within that?

Ms CORBYN: We would have had additional resources from agency-wide resources that we would have in the office.

The Hon. CATE FAEHRMANN: Would you be able to table how much that audit is costing, rather than take up too much of the time now, and where the money is coming from within various parts of the office?

Ms ROBYN PARKER: We will take it on notice.

Mr SULLIVAN: I am happy to provide that detail and take it on notice but I can provide advice that there is a team of eight auditors. We have within the division a standing group of auditors that is maintained—a team of environmental auditors. We supplemented those with some additional auditors that we brought back on a temporary basis, who had either previously worked for us or were experienced auditors, in order to strengthen the team.

The Hon. CATE FAEHRMANN: Minister, when the Premier moved, or downgraded I think I said at the time, the Department of Environment, Climate Change and Water into the Premier's department and renamed it the Office of Environment and Heritage—and goodness knows what else happened at the time—he said it was because he wanted to elevate environmental issues. Can you please explain how environmental issues have been elevated as a result of the move?

Ms ROBYN PARKER: Absolutely. I think one of the key things that the Premier is focused on is—you have seen his passionate advocacy for Dharawal, for example, in the last few weeks—by elevating it we are in the Premier's cluster, so we are immediately under the Premier. That means we work very closely with the Premier's office, with other Ministers in our cluster, so that means that environment is at the heart of whatever we are doing. When we are reviewing planning legislation, when we are looking at strategic land use, for example, environment is right at the centre of it, so we are a step closer to the centre of Government.

The Hon. CATE FAEHRMANN: Okay, so a question for Miss Corbyn then: how is your reporting line different to that under previous Ministers, for example, the last Minister, Frank Sartor?

Ms CORBYN: I report directly to the Minister on all matters, weekly. I do have a dialog with Mr Eccles, the Director General of the Department of Premier and Cabinet, to get feedback from him, but I report directly to the Minister.

The Hon. CATE FAEHRMANN: Minister, what are the parameters for you to report environmental issues to the Premier? What are the guidelines there?

Ms ROBYN PARKER: The usual parameters of environmental issues are discussed at Cabinet through the cabinet minute process. I talk regularly with the Premier about his interest and concerns in the environment—we have an ongoing dialog. There is certainly a focus, interest and attention—and you would have seen that in our election commitments—on the delivery of our election commitments in this last budget, and of course the priority we had towards the environment in our State Plan.

The Hon. CATE FAEHRMANN: Were you aware before the election then, in terms of your election commitments, that part of that commitment was to move or downgrade the Department of Environment, Climate Change and Water, remove climate change from the title, shift it over, call it an office and put it within the Premier's Department? Was that part of your commitment?

Ms ROBYN PARKER: I was not aware of that but that does not mean it is downgraded; that means we have put it at the heart of government, we have put it a step closer to the Premier. So nobody assumes that that is a downgrade. As far as I see it, that is an upgrade in terms of the environmental achievements of our Government. And they are significant already. When you look at some of the things we have already implemented and when you look at the goals and what we are planning to do with the State Plan—changes to the Environmental Protection Act, upgrading reserves and what we are doing in the Botanic Gardens. We have a number of significant initiatives that look at ways in which we can get people far more engaged with our national parks, how they can get more access to national parks, more activity, and things like fire plans, the flying fox netting subsidy program.

The Hon. CATE FAEHRMANN: Thank you, Minister. I think you have answered the question. I move to the removal of hazardous waste, industrial waste, radioactive waste, whatever it is called now, from the former uranium smelter site on Nelson Parade Hunters Hill. Could the Minister please tell the Committee how the reclassification of the radioactive waste has occurred, from what was previously, as far as I am aware, a 1987 classification from the Australian Nuclear Science and Technology Organisation that there was significant radio activity in the soil, to what is now classified as waste that SITA can handle?

Ms ROBYN PARKER: Mr Carlon might be able to talk about that, or Mr Sullivan. Do you want to talk about the reclassification or not?

The Hon. CATE FAEHRMANN: Not across it?

Ms ROBYN PARKER: Well, Mr Sullivan might be able to talk about the reclassification. I can talk certainly about the issues.

Mr SULLIVAN: The soils were first comprehensively tested by the Australian Nuclear Science and Technology Organisation in 1987. At that stage there were no guidelines for the classification of wastes which contained naturally occurring radioactive material. What they did find was that the highest concentration of radiation at the time was 44 becquerels per gram. Now to give you an indication there, so it has some sort of relativity, that is about three times the level of radiation in a banana, which is about 15 becquerels. A series of assessments were carried out following the 1987 assessment. Because the threshold for radioactive waste is 100 becquerels per gram, the soils would not have been classified formally as being radioactive waste—they did not meet that criteria—and each of the five subsequent studies has found that that initial assessment was correct.

The Hon. CATE FAEHRMANN: So we may as well just throw it in the bin. If it is just as radioactive as a banana, what are we worried about?

Mr SULLIVAN: No, that is not what I said. To provide some relativity to it, I said it had about three times the radioactivity of a banana, because a banana contains potassium and therefore, just like a human being, it will have a level of radioactivity. What it actually shows is that 44 becquerels per gram was the highest reading they were able to obtain. It fits the classification known as restricted solid waste. That assessment has been undertaken on several occasions—in fact, through 2000, 2005, 2009, a second review in 2009, and then there was a further more recent review of the work that had been done previously by the Australian Nuclear Science and Technology Organisation. All of the analysis has come back as saying it is restricted solid waste; it fits within that classification. Indeed, the Australian Nuclear Science and Technology Organisation went further and said that on the basis of their assessment, on looking at the chemical and radiological containments, the entire site could be classified as restricted solid waste. So in a formal sense it does not meet the classification that would exist for radioactive waste.

The Hon. LUKE FOLEY: Minister, could I turn to the National Parks and Wildlife Amendment Bill that you put through the Parliament last week. Could I take you to your agreement in principle speech where you stated that not one extra log above what was agreed in the forest process will be taken. What was the total yield agreed to in the process that you referred to?

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

The Hon. LUKE FOLEY: Will you come back with the exact figure agreed to in the process that you told the Legislature about?

Ms ROBYN PARKER: I have already said I will take that on notice in terms of what the agreement was. It was an agreement made by your Government.

The Hon. LUKE FOLEY: Indeed. The part of the legislation I am referring to is the extension of time for logging in the Yathong State Forest for three more years and the Wilbertroy State Forest for two more years. Why did you provide absolutely zero information to the Parliament to back up your assertion that not one extra log will be taken?

Ms ROBYN PARKER: Because what we have provided is an extension of time; there is no change to the agreement. What we have provided is an extension of time.

The Hon. LUKE FOLEY: Up to three years more logging of those forests.

Ms ROBYN PARKER: That is what we are told is needed. It needs to be done strategically.

The Hon. LUKE FOLEY: By who?

Ms ROBYN PARKER: Forests NSW. It needs to be done strategically.

The Hon. LUKE FOLEY: Told by Forests NSW?

Ms ROBYN PARKER: You just cannot go in in one week and completely log the area.

The Hon. LUKE FOLEY: One week?

Ms ROBYN PARKER: They have told us they need an extension of time. It is due to the rainfall and it is due to their accessibility.

The Hon. LUKE FOLEY: So you are an environment Minister who just does what Forests NSW asks you to do. Is that right?

Ms ROBYN PARKER: Whatever the agreement was is what is continuing.

The Hon. LUKE FOLEY: What was the agreement?

Ms ROBYN PARKER: It is an extension of time and I have told you I will come back on notice with the number of logs.

The Hon. LUKE FOLEY: You do not know? Minister, you put a bill through Parliament in great haste to reverse the decision of the Parliament last year to reserve these two forests as national parks from 1 January 2012. You are earmarking them for logging for two more years and three more years respectively—Wilbertroy and Yathong—yet you think it is acceptable to provide not a scintilla of information on how many logs will be taken, do you?

Ms ROBYN PARKER: The agreement stands. I have told you I will come back—

The Hon. LUKE FOLEY: What is in the agreement, Minister?

Ms ROBYN PARKER: I have taken that on notice. We have not changed the agreement; we have changed the time. There is no difference in terms of what is going to be logged in that area; the difference is just the time it is taking. There is no difference.

The Hon. LUKE FOLEY: Ms Corbyn, what advice did the Office of Environment and Heritage provide to your Minister about the extension of logging in those two forests?

Ms CORBYN: From our perspective because of the circumstances of flooding and the challenges from an economic perspective it was an appropriate thing to do because the original cypress agreement was that the areas would come into the national park system once they had been logged. From a timing perspective, particularly in light of the flooding that had happened out west, we felt that it was appropriate to understand the circumstances of the local communities and to make sure that there was a reasonable amount of time. One of the things we have learned is that extreme events can happen and you need to be able to have time to do some of that planning. So from an environmental outcome perspective, we did not think that it would make a significant difference but we thought that it would be very important from a local community perspective to extend the time.

Ms ROBYN PARKER: And that is about jobs. That is about forestry jobs.

The Hon. LUKE FOLEY: Ms Corbyn, I have studied the Act that went through Parliament last year on the south-western cypress reservations and the parliamentary debate. I cannot find anywhere any reference to the yield, the amount of logging to be done in those forests. The legislation was expressed in terms of an exit date rather than a final quantity, if I can put it that way. That is correct, is it not?

Ms CORBYN: As I recall—I cannot remember all the detail of everything that is in the legislation—our people at a regional level did go through very thoroughly, as much as they can, all of the areas. Because the cypress Act has numerous particular areas and there are different sizes, they went through it very thoroughly. I saw some of the machinations they were going through to try to understand exactly where all the properties were, the sizes, what the types of logs might be, who might need to have access to them or not and whether they fit with the principles of the national parks and the conservation objectives that we had. So I know that our people on the ground did go through very thoroughly as many areas as they possibly could.

The Hon. LUKE FOLEY: Ms Corbyn, to assist the Committee where would we find, to quote the Minister's speech in Parliament, "what was agreed in the forest process"?

Ms ROBYN PARKER: We have already said we are taking that on notice. If we are taking it on notice you will have to assume that we do not have the absolute accurate details here. We have taken it on notice and we will give you the information.

The Hon. LUKE FOLEY: Minister, I am not asking for the absolute accurate detail now. I know you do not have anything like that. I am asking where would I find the process that you specified in your parliamentary speech justifying this delay?

Ms ROBYN PARKER: Usually integrated forestry operations approvals are public documents. I am taking it on notice to give you that public document but I am assuming you could look that up yourself if you wanted to.

The Hon. LUKE FOLEY: I have the integrated forestry operations approval, Minister.

Ms ROBYN PARKER: Then why were you asking for it?

The Hon. LUKE FOLEY: Because you might not know it commences from 1 July 2011, does it not, Ms Corbyn?

Ms CORBYN: But the integrated forestry operations approval was negotiated based on the forests that were actually coming in. So there was a substantial amount of analysis done. I cannot tell you off the top of my head where that is actually said but, as the Minister said, if we can take that on notice then we can determine the information and come back to you.

The Hon. LUKE FOLEY: Minister, are you familiar with the integrated forestry operations approval for the south-western cypress region?

Ms ROBYN PARKER: I am familiar with what we are doing here, which is about making sure—

The Hon. LUKE FOLEY: That is not my question, Minister.

Ms ROBYN PARKER: —that people have jobs in that area and making sure that we have a good plan to draw them into a national park after logging.

The Hon. LUKE FOLEY: After logging? They will leave a lot.

Ms ROBYN PARKER: There is no difference, as I have already said.

The Hon. LUKE FOLEY: Minister, I repeat my question: Are you familiar with the integrated forestry operations approval for the south-western cypress region? Are you familiar with that document?

Ms ROBYN PARKER: Not the detail of it, no.

The Hon. LUKE FOLEY: But you have signed it, Minister. Your signature is on it. You are telling us you are not familiar with it?

Ms ROBYN PARKER: It is not my role to know every line, sentence and paragraph.

The Hon. LUKE FOLEY: You just sign what is put in front of you, do you?

The Hon. AMANDA FAZIO: Do you not read it?

Ms ROBYN PARKER: Have you got another question?

The Hon. LUKE FOLEY: Could I take you to page 33 of the integrated forestry operations approval that bears your signature, "Division 2 — Planning forestry operations on an annual basis"? Do I take it from that there is an annual program of logging under the integrated forestry operations approval, Minister? Is that a yes for the *Hansard*?

Ms ROBYN PARKER: Yes.

The Hon. LUKE FOLEY: Have you studied the annual plan for this financial year, Minister?

Ms ROBYN PARKER: No, not the detail of it.

The Hon. LUKE FOLEY: No, but you put a bill to the Parliament to allow two years and three years more logging and asserted to the Legislature that is not one extra log will be taken, but you now tell us that you have not studied—

Ms ROBYN PARKER: Well, it is only that—

The Hon. LUKE FOLEY: —the annual program of forestry operations that this year.

Ms ROBYN PARKER: The circumstances have not changed in terms of the logging. What has changed is the time. It is only a—

The Hon. LUKE FOLEY: How much longer is there going to be?

Ms ROBYN PARKER: Well, it is only a timing difference. That is all we have changed.

The Hon. LUKE FOLEY: What does the annual plan say about the logging operations to be carried out in Yathong and Wilbertroy forests?

Ms ROBYN PARKER: We are not changing how much logging exists. We are changing the timing of that logging and the agreement states that—

The Hon. LUKE FOLEY: What does the annual plan say about when those logging operations are to be carried out?

Ms ROBYN PARKER: The agreement says the same. You have it in front of you, I guess, so why do you not read it out, chapter, line and verse.

The Hon. LUKE FOLEY: You obviously do not have a clue what is in there. I am referring to the preparation of the annual program of forestry operations on page 33—

Ms ROBYN PARKER: What you are confusing—

The Hon. LUKE FOLEY:—of the document you have signed, Minister. You have told us you have not looked at the annual program. Can you tell us: When are those operations in Yathong and Wilbertroy to be carried out under the annual program?

Ms ROBYN PARKER: What you are confusing is the Minister's role with the regulatory role. Certainly we can get some more information for you. We take it on notice—

The Hon. LUKE FOLEY: Take it on notice.

Ms ROBYN PARKER: The information is regulatory. You are confusing a regulatory role with a ministerial role.

The Hon. LUKE FOLEY: No, Minister. You put a bill to Parliament last week, and had it carried through both Houses, that changes the reservation status of these forests for two years and three years respectively. You asserted in your agreement in principle speech and in your speech in reply that the justification of this is that not one extra log will be taken, yet you cannot give us a skerrick of evidence to support that assertion, can you?

Ms ROBYN PARKER: Well, there is no change to the agreement, except for the timing.

The Hon. LUKE FOLEY: Tell us what is in the agreement.

Ms ROBYN PARKER: Well, there is no change to it. I have taken it on notice. I know you are opposed to forestry jobs, but that is what this is about.

The Hon. RICK COLLESS: Hear! Hear!

The Hon. SCOT MacDONALD: Hear! Hear!

The Hon. RICK COLLESS: He hates forestry workers.

CHAIR: Order!

Ms ROBYN PARKER: This is about maintaining forestry jobs and livelihoods of communities to make sure that children have food on the table and that people are employed. That is what this is about. Your line of questioning as opposed to—

The Hon. LUKE FOLEY: Do you not have a statutory role as Minister to protect the environment, Minister?

The Hon. RICK COLLESS: I thought the Labor Party was supposed to protect jobs. You do not care about jobs, Luke.

Ms ROBYN PARKER: Your line of questioning today in opposition to forestry jobs is really appalling. We are about supporting forestry jobs. There is no change in terms of this coming to the national park.

The Hon. LUKE FOLEY: No matter how many forests are cut down?

The Hon. RICK COLLESS: You do not care about forestry jobs.

Ms ROBYN PARKER: All the change is, is a timing change. There is no change to the agreement in terms of—

The Hon. LUKE FOLEY: I am trying to get to the bottom of that, Minister.

Ms ROBYN PARKER: We are taking that on notice.

The Hon. LUKE FOLEY: I am asking for the evidence that would support your assertion.

CHAIR: Order! The Clerks have advised me that Hansard is having difficulty reporting when a number of people speak at the same time. I remind members that interjections are disorderly at all times. I ask that a member ask a question, the Minister answer it and all other members remain silent.

The Hon. LUKE FOLEY: Thank you, Mr Chairman. Minister, can I take you to page 34 of the Integrated Forestry Operations Approval [IFOA] that bears your signature. Have you seen the site-specific operational plans that are required under the integrated forestry operations approval for the Yathong and Wilbertroy forests?

Ms ROBYN PARKER: I will give you the direct—

The Hon. LUKE FOLEY: Have you seen them?

Mr SULLIVAN: Perhaps I could assist, Mr Foley?

The Hon. LUKE FOLEY: Please.

Ms ROBYN PARKER: Certainly, Mr Sullivan can make some comments because the document that I have signed I have reviewed, and that is on advice from the Office of Environment and Heritage who handle the regulations. So Mr Sullivan can give you some more detail as the regulator.

Mr SULLIVAN: Thank you, Minister. The way that the forestry regulation is set up is that we have a Crown forestry section and we are currently in the process of merging that with our private native forestry section to create an integrated forestry unit. We are also going to provide some additional resourcing to that unit around \$900,000 this financial year and further increases over the remaining three years in the forward estimates. The way that the Crown forestry section operates is that it has both a proactive and a reactive regime. For example, with the proactive, that involves two main components: One is a systematic regime of audits. For example, in 2010-11, the unit undertook 28 audits as a result of which Forests New South Wales were issued eight warning letters, 12 penalty notices and in fact a prosecution of them in relation to audits.

The Hon. LUKE FOLEY: Are you talking about Yathong and Wilbertroy, Mr Sullivan?

Mr SULLIVAN: The second part of the proactive approach is the planning side. This is where I just go directly to your question, Mr Foley. Those plans of management that you spoke about, my staff have involvement in the actual assessment of those plans. There is a great deal of discussion back and forwards between my staff and Forests New South Wales as Forests New South Wales develop those plans.

The Hon. LUKE FOLEY: Have you seen the plans for Yathong and Wilbertroy, Mr Sullivan?

Mr SULLIVAN: No, I have not seen those plans.

The Hon. LUKE FOLEY: Thank you.

Mr SULLIVAN: That is not a matter that would come before me. That is the reason of why I have got a manager of the Crown forestry section and a number of staff. But they also have a reactive function, which is they receive complaints. For example—

The Hon. LUKE FOLEY: Thank you, Mr Sullivan. Minister, if I could turn back to you, what is the intended yield under the site-specific operational plans for Yathong and Wilbertroy?

Ms ROBYN PARKER: I will take that on notice.

The Hon. LUKE FOLEY: You will take that on notice. Thank you. Will you, when you come back to us, table the operational maps required under your Integrated Forestry Operations Approval [IFOA] for Yathong and Wilbertroy forests? That is a yes—for the benefit of Hansard?

Mr SULLIVAN: The operational maps are matters for Forests New South Wales.

The Hon. RICK COLLESS: Ask the Forests people, Luke.

Mr SULLIVAN: We review their planning.

The Hon. LUKE FOLEY: They are provided to your office, are they not, Mr Sullivan?

Mr SULLIVAN: They would be provided in terms of being able to review them.

The Hon. LUKE FOLEY: I am asking the Minister.

Ms CORBYN: This Integrated Forestry Operations Approval [IFOA] was actually negotiated very strongly by our staff and gives a really good framework. We also report regularly on integrated forestry

operations approvals in great detail. As they are activated, there will be reports that will come through in great detail about outcomes from the integrated forestry operations approval.

The Hon. LUKE FOLEY: And, indeed, Ms Corbyn on page 37 of the integrated forestry operations approval there are requirements for monthly advices on operations, are there not?

Ms CORBYN: That is right, but these really are regulatory instruments that would be dealt with by Mr Sullivan's people on the ground to go through in detail. Because the integrated forestry operations approvals are very thorough, as you can see from the documentation that you have there, it is one of the reasons that we have actually provided additional resources to that area so that it is right.

The Hon. LUKE FOLEY: I do not think it is anywhere near as thorough as the one for the brigalow, but we will move on.

Mr SULLIVAN: Perhaps I could add there, Mr Foley, that the integrated forestry operations approval documents, as you may be aware, are extremely complex regulatory instruments.

The Hon. LUKE FOLEY: Clearly, for this Minister.

Mr SULLIVAN: The briefest of them would run to hundreds of conditions. In fact, some of the older integrated forestry operations approvals have almost 1,500 conditions. They are extremely complex regulatory documents. That is why—

The Hon. LUKE FOLEY: You make a good point, Mr Sullivan, thank you. I understand that this Government has removed many, many conditions that regulate forestry operations. But, Minister, if I can come back to you: Have you seen the monthly advices for July, August, September and October?

Mr SULLIVAN: I can answer that, Mr Foley.

The Hon. LUKE FOLEY: I am asking the Minister, Mr Sullivan, thank you.

Mr SULLIVAN: Well, they come from my division, Mr Foley.

Ms ROBYN PARKER: He has not given them to me.

The Hon. LUKE FOLEY: I am not asking you, Mr Sullivan, with respect, whether the Minister has seen them. I am asking her.

Mr SULLIVAN: The Minister cannot have seen what I have not provided.

The Hon. RICK COLLESS: There.

The Hon. LUKE FOLEY: Minister, you have not seen them?

Ms ROBYN PARKER: You just heard the answer. I was about to tell you, but you were interrupting Mr Sullivan so much that it was impossible.

The Hon. LUKE FOLEY: Mr Sullivan, perhaps you could assist us, given you have seen them. What are the quantities of timber yielded for the months of July, August and September?

Mr SULLIVAN: Well, I have not seen them at this stage. They come through periodically, and there will always be a time delay.

The Hon. LUKE FOLEY: You have not seen July's figures?

Mr SULLIVAN: I have not seen July's figures at this stage. They come through periodically, as I said. They tend to come through in batches at times. Again, that is detail which I would be briefed on at a summarised high level. If the manager of the Crown forestry section was concerned about what they were seeing, they would provide that advice to me in terms of a regular update. The way they would ordinarily operate is that if they see

concerns in terms of a potential non-compliance with the integrated forestry operations approval, they schedule audits and they start to audit those areas to see if they are complying

The Hon. LUKE FOLEY: Okay, thank you, Mr Sullivan. Minister, we have certainly seen concerns because you have brought a bill to the Parliament and had it passed that involved such concerns from you that you sought to change the legislation to provide for two years and three years further logging of these forests. Why did you not provide the Legislature with any information on the yield and the detail of the logging operations to substantiate your claim, in your words, that not one extra log will be taken? Why can you not provide us with a skerrick of information to back up that assertion?

Ms ROBYN PARKER: We have gone over it again and again. The advice was that it was essential in order to undertake the Integrated Forestry Operations Approval to extend the time and all we have done in this Act is to extend the time. There are no changes in terms of the nature of the logging that is to be undertaken.

The Hon. LUKE FOLEY: Will you undertake to provide us with some evidence that would satisfy us that your assertions are on the money?

Ms ROBYN PARKER: We have undertaken to provide you with some more information. We did that about 20 minutes or half an hour ago, prior to your badgering.

The Hon. LUKE FOLEY: Mr Sullivan, have you reviewed the operations register in relation to the operations in Yathong and Wilbertroy provided for on page 41 of the Integrated Forestry Operations Approval?

Mr SULLIVAN: That is not something I would personally be turning my mind to. That is why I have a manager of the Crown forestry section who would be reviewing all of that type of material on a regular basis.

The Hon. LUKE FOLEY: Will you take it on notice to provide that information to us?

Mr SULLIVAN: I am very happy to do that.

CHAIR: I note an allocation of \$19 million to help local councils to conduct estuary, coastal and floodplain management planning and mitigation with a new focus on preparing for more coastal storms and sea level rises. On what basis is the department expecting "more coastal storms and sea level rises"?

Ms ROBYN PARKER: This is a huge concern. Today is the first day of a consultation we are undertaking with a number of communities—we are starting on the Central Coast—about coastal management, sea level rise and issues relating particularly to 15 hot spots around the State in coastal and estuarine areas. It is something we are very focused on. Recently we have seen some indications that are quite concerning, particularly around Kingscliff, which is not one of our 15 erosion hot spots. The Australian Government has estimated something like 40,000 residential buildings in New South Wales coastal areas are at risk if there were to be a 1.1-metre rise in sea levels. New South Wales has identified the highest risk exposure for commercial buildings. Our policy supports adapting to sea level rise impacts. We want to make sure that we get the best planning in place to deal with what is a huge concern for so many communities in terms of how local government and communities manage the issue. Our funding program assists councils to undertake planning for sea level rise for coastal erosion and estuarine management, such as how they might dredge or protect the coastal surrounds to make sure they are best prepared.

CHAIR: Would you be able to provide on notice a list of the scientific advice that you have received from either the Federal Government or other independent scientific experts to support the Government's move to provide this advanced planning?

Ms ROBYN PARKER: Certainly we can provide that advice if we can take that on notice. As I said, there are 15 hot spots where more than five properties are at risk. In a pictorial sense it is absolutely evident what is going on as sea levels change and environmental impacts occur. We need to be prepared for extreme events, whether it is a sea level rise or extreme weather.

Ms CORBYN: The Environmental Trust, which the Minister chairs, has contributed to the development of a scientific program called "east coast lows". We call it the Eastern Seaboard Climate Change Initiative. We are working very strongly with the Bureau of Meteorology and a range of other people to make sure we can understand what happens when the east coast lows come across. Those weather events are

happening, as we have seen with the *Pasha Bulker* and some others. That is one side of new science that will be coming and we can provide you with the scope of that. We also did some regional scanning, a sort of vulnerability study so that we can understand the different impacts that might occur when and if extreme events happen in the different regions. We can provide that also.

CHAIR: Ms Corbyn has just reminded me of another question I should ask. You mentioned the Environmental Trust. Could you provide the Committee, perhaps on notice because it would be an extensive document, with a breakdown of the allocations in this budget to the Environmental Trust?

Ms ROBYN PARKER: Yes.

The Hon. CATE FAEHRMANN: Mr Sullivan, referring again to Nelson Parade, which study is the Government relying on when it says the soil on those properties is no longer hazardous?

Mr SULLIVAN: There has been a series of studies, including two reviews by the Australian Nuclear Science and Technology Organisation [ANSTO], undertakings or reviews conducted by Aegis Environmental and GHD, and reviews of the GHD work by Environment Protection Authority scientists as well.

The Hon. CATE FAEHRMANN: As I understand it they have all taken quite different samples and done different tests. Not all of them tested the soil as far as I am aware.

Mr SULLIVAN: I am not sure of the detail of the exact testing.

The Hon. CATE FAEHRMANN: Some of them tested gamma radiation in the atmosphere.

Mr SULLIVAN: Some of them have been very comprehensive inquiries and all of them conclude that the classification is correctly described as restricted solid waste. That is not to say there is not a level of radioactivity; there is a level of radioactivity in the material but it does not reach the level of 100 becquerels that would make it radioactive waste.

The Hon. CATE FAEHRMANN: Out of all the studies the department has before it, what is the highest level of radiation contained in the soil at some of the hot spots that exist on those blocks?

Mr SULLIVAN: My advice was that 44 becquerels was the highest they had been able to identify. I am happy to take on notice whether there has been a higher reading but I note that in every case they have come to the same conclusion: it is restricted solid waste and the Australian Nuclear Science and Technology Organisation report in particular says that remediation is not justified on radiological safety grounds, by which they mean it is not waste that would reach the radioactive waste threshold.

The Hon. CATE FAEHRMANN: I think the upper House inquiry into the issue was told that the Australian Nuclear Science and Technology Organisation report in 1987 had one sample that had a total activity of 787 becquerels per gram.

Mr SULLIVAN: That is not the advice I have.

The Hon. CATE FAEHRMANN: There were 37 samples from 25 sites where radiation exceeded the 100 becquerels per gram limit. That is in the submission by Sinclair, Knight and Partners, which was undertaken by the Australian Nuclear Science and Technology Organisation in 1987.

Mr SULLIVAN: It is not the advice I have been provided but I am happy to have that checked. There may be hot spots on the site but the general assessment has been—and it has been conducted by multiple different entities—that it is not above the radioactive threshold of 100 becquerels and it can be classified as restricted solid waste.

The Hon. CATE FAEHRMANN: As far as I am aware that 1987 test was the most extensive. They did hundreds of soil tests and I understand that some tests since then have been of only 19 samples. What measures does the Government have in place if any levels of radioactivity higher than 100 becquerels per gram are found during remediation or any work to remove the soil? What will be done with the soil then?

Mr SULLIVAN: The first point to make here is that there has been no decision about how to approach remediation of the site. It is a matter for the State Property Authority to ultimately reach a decision and put a proposal to the Office of Environment and Heritage that we would then assess. In the scenario you have described we would need to provide an approval in the form of a licence to undertake that activity. It would need to be undertaken by a suitably licensed, qualified and experienced contractor. There would be conditions in place regarding the possibility that if there were small pockets of higher radioactive material located the plan would need to have in place steps to deal with those. For example, if it were above the threshold of radioactive waste—that is, it could be classified as radioactive waste—then that material could not be disposed of in New South Wales. It would have to be stored. We would then have to examine what the storage arrangement would be for that particular material that exceeded the threshold. It would only be that material that exceeded the threshold, not the entire site.

The Hon. CATE FAEHRMANN: Currently in New South Wales is there somewhere to store waste material that is over 100 becquerels per gram if you found it?

Mr SULLIVAN: There are multiple locations across New South Wales where there are facilities that can store that type of waste, for example, major hospitals and universities have storages that can contain small quantities.

The Hon. CATE FAEHRMANN: How small is small?

Mr SULLIVAN: I do not have the detail of the storage capacity of each facility. But there are storage facilities across the State and the Office of Environment and Heritage maintains a facility.

The Hon. CATE FAEHRMANN: It is my understanding that in documents obtained under Government Information (Public Access) Act last year a contract with SITA, the waste company that may be accepting this waste from Kemps Creek, was included. That contract states that SITA agrees that it will hold and store non-approved waste material until the customer is able to locate another disposal facility for the delivery, storage and disposal of the non-approved waste material. Does that clause still stand in any current contract with SITA to dispose of the Hunters Hill waste? Is that contract still current?

Ms ROBYN PARKER: It was a contract with the previous Government. I will have to take your question on notice and ascertain whether it still stands with the current Government. Ultimately, this is a decision for another Minister. Mr Sullivan has explained our role, but ultimately the State Property Authority needs to make the decision in terms of what action it wishes to take.

Mr SULLIVAN: I could just add that SITA has made clear, as it must under its licence agreement, that it cannot accept waste that is in the radioactive category—

The Hon. CATE FAEHRMANN: Which is over 100 becquerels per gram?

Mr SULLIVAN: That is right. SITA is limited to restricted solid waste so that is what its licence permits it to receive. That is the limit of what it can take.

The Hon. CATE FAEHRMANN: Will you also take this question on notice? What is the cost of transporting to and storing the material at Kemps Creek?

Ms ROBYN PARKER: That question should really be put to the State Property Authority rather than to us.

Mr SULLIVAN: I just add that there will be a whole series of variables involved in that—quantity for a start, but also the number of requirements that might be imposed in terms of any arrangements around the safe transport of the material, what types of vehicles, how they are cleaned and sealed, and training for the operators on the site. It is impossible until they have the actual task of cleaning up the site and they can put a quote together.

The Hon. CATE FAEHRMANN: I refer the Minister to environment protection licences for power stations. The Protection of the Environment (Operations Clean Air) Regulation 2002, known in-house probably as CAR, indicates that, I believe, by January 2012 certain power stations are required to move from group two facilities for nitrogen oxide, or NO_x, emissions, allowing currently I think it is 2,500 micrograms per cubic

metre, to group five, which is must more stringent and has a NO_x emissions limit of 800. I am aware of documents, again obtained through the Government Information (Public Access) Act that reveal that a number of power stations may not be able to achieve this. I believe those power stations are Wallerawang, Bayswater, Liddell and perhaps Vales Point may not be able to reduce their NO_x emission limits according to their licence—I think that is within a couple of months. If not, what is the reason behind those power stations not meeting those new limits in terms of reducing NO_x emissions in New South Wales?

Ms ROBYN PARKER: I think it is a detailed regulatory question and I will ask Mr Sullivan to answer it.

Mr SULLIVAN: There have been at least two applications that I am aware of in terms of seeking exemptions from the shift from group two to group five for a period of time. I am happy to supply the details of those and take that on notice. In each case the applications for the exemptions were very closely scrutinised by both Environment Protection Authority staff as well as air quality specialists in terms of looking at what the implications were, particularly at ground level. The modelling has found that the vast majority of time the group five emission standards can be met. However, to be certain of meeting group five at all times it would require significant upgrades to the power stations involved and because of the scale of those upgrades, the equipment involved and the need to take the plant off-line these are steps that are planned years in advance. They are generally scheduled many years in advance. You mentioned Wallerawang as an example. Currently there is consideration there of a plan to install significantly upgraded fabric filters. That is work that will be scheduled probably between the 2015 to 2017 type of period. They need to be planned a long way in advance.

The Hon. CATE FAEHRMANN: But they have known about this for some time, have they not?

Mr SULLIVAN: They are extremely expensive as well as technically complex tasks that take years and years of planning. They generally try to coincide it with some other piece of major maintenance that has to be undertaken. You would not do them separately; you would wait until there are opportunities to do other work and do it all together.

Ms CORBYN: They have made a commitment to do those upgrades. It is just a question of timing.

The Hon. CATE FAEHRMANN: Those exemptions will probably be granted to at least a couple of power stations to continue emitting high levels of NO_x?

Ms ROBYN PARKER: To reduce.

Mr SULLIVAN: As for the exemption not to go to group five, at least one of those has been granted. However, they are still required to meet stringent standards in terms of the level of emissions. By and large, those emissions generally meet group five but in order to be able to seek to meet it all the time it would require significant capital upgrades to the machinery and the plant involved. As I said, it is something that needs to be planned years ahead.

The Hon. CATE FAEHRMANN: This morning I was made aware of what seem like yet more pollution incidents in the Pilliga Forest and Pilliga State Conversation Area. This morning I was made aware that conservationists who have been investigating the activities of the operation of Eastern Star Gas have found several coal seam gas ponds. They have found dead and dying trees. This is not new, as dead and dying trees have been found around coal seam gas ponds in the past. They raised concerns today in the media and with me about the fact that eight frogs have recently been found dead in these coal seam gas ponds. It has become apparent that they have obviously gone into the very contaminated coal seam gas ponds and were unable to exit.

I am aware that the Minister also has before her evidence of other dead wildlife in coal seam gas ponds in the Pilliga Forest. I am aware that the Minister has complaints before her about dead and dying vegetation around coal seam gas ponds that have overflowed during storm events. What is the Government, your department and you, as Minister, doing to investigate these most recent complaints—complaints that I am sure will continue to pour in as these activities continue to harm the environment so much? Of course, if this is approved you will obviously have many more complaints in the future.

Ms ROBYN PARKER: The Office of Environment and Heritage has been part of investigations into alleged breaches. They are not in the national park. Can I ask Mr Greg Sullivan to give you some more detail on that?

The Hon. CATE FAEHRMANN: Minister, what is your role in this as Minister if it is not in a national park? I am not sure of the relevance of that.

Ms ROBYN PARKER: I thought you mentioned it was in a national park.

The Hon. CATE FAEHRMANN: The State conservation area and forest. As Minister, you deal with pollution incidents that potentially impact on threatened species and endangered ecological communities.

Ms ROBYN PARKER: Absolutely. My role as Minister is to make sure that the regulator is as strong as possible. They give me advice. I do not get involved in the detail of their investigations. We make sure that they are investigating and that they are involved with other agencies that might need to investigate. I am aware of a number of investigations that occurred in August, and there are ongoing investigations. Certainly, we are concerned—

The Hon. CATE FAEHRMANN: Will you look into the most recent one today?

Ms ROBYN PARKER: Absolutely.

The Hon. CATE FAEHRMANN: It is yet another one.

Ms ROBYN PARKER: Absolutely. If I get the information, we will certainly do something. I am not sure whether Mr Sullivan has been given the details of it. But if you have some information to give us, we will certainly inquire. We are as concerned as anybody is about some of these breaches. That is why we are concerned about making sure the Environment Protection Authority has the strength that it needs: a strong board, a strong regulator, an independent statutory authority, and with the understanding and confidence of the community and conservation groups alike that we are on the case in terms of any breaches, and pollution incidents in particular.

[Short adjournment]

CHAIR: Minister, I note there are no additional staff at the table.

Ms ROBYN PARKER: No. I would clarify that Petula Samios, who would normally be here, is on leave. So Mr Bernard Carlon will take questions relating to her department. Also, the Office of Environment and Heritage has not had Heritage as part of that portfolio before; it is only six months that it has had that portfolio.

CHAIR: Thank you, Minister. For the Heritage section of the Committee's hearing, Mr David Shoebridge will substitute for the Hon. Cate Faehrmann.

The Hon. PETER PRIMROSE: Minister, do you agree that the remaining 62 timber-truss road bridges are a significant part of the State's heritage?

Ms ROBYN PARKER: We have a bridge program to maintain heritage timber bridges, and we work with other departments in relation to those. I have more than one of those in my electorate. We work very closely with the Hon. Duncan Gay, the Minister responsible for historic bridges, timber bridges.

The Hon. Dr PETER PHELPS: A very good Minister.

Ms ROBYN PARKER: He is a very good Minister. We have a program in my electorate to maintain a bridge. Maintaining heritage structures in some instances might mean that the structures are strengthened without losing the heritage look and value of the bridge. For example, in my electorate the Morpeth bridge has just undergone an almost complete upgrade. Parts of that structure have been replaced. The heritage value and look of the bridge have been maintained; the timber deck is still there but other parts of that bridge are now steel and not timber.

The Hon. PETER PRIMROSE: Do you agree that the remaining 62 are a significant part of the State's heritage?

Ms ROBYN PARKER: I agree that we must maintain heritage structures wherever possible and wherever realistic. You have to take these on a case-by-case basis in my view.

The Hon. PETER PRIMROSE: Why are there only 29 on the State heritage list?

Ms ROBYN PARKER: There must be 29 that have been requested to be assessed or have been assessed for heritage listing. That they are not on the heritage register does not mean they do not have some heritage value. They might be in the local heritage register, or they might be in the process of being assessed. I would not know whether they have been assessed or not. Sometimes local communities value heritage structures which, when assessed on a State basis, are not included on the State heritage list.

The Hon. PETER PRIMROSE: Would you delist a bridge from the State heritage register if it cannot cope with transport loadings and traffic conditions?

Ms ROBYN PARKER: We take these sorts of things on a case-by-case basis, so I could not give you a hypothetical on that; that is an opinion, really, on what I might or might not do.

The Hon. PETER PRIMROSE: Do you endorse the Roads and Traffic Authority's preservation plans for the remaining 62 timber-truss road bridges?

Ms ROBYN PARKER: I work very closely with my colleagues. As I said, it is done on a case-by-case basis. We are working very hard to maintain wherever possible these sorts of structures, but within reason and in the economic environment, to make sure that they are safe and that they can take the right load limits. I take the advice of other departments when it comes to roads infrastructure and bridge infrastructure. We are looking at the heritage value and significance.

The Hon. PETER PRIMROSE: Can I ask you what you have done to save the historic fig trees in Laman Street, Newcastle?

Ms ROBYN PARKER: Yes, you can. I can tell you quite a lot about this issue. Interestingly, it was not raised with me as Minister for Heritage until the Friday evening—I could not tell you the actual date at the moment—when the trees were first slated for lopping and in fact the first branches were taken off the fig trees. We had calls to my office that evening, or late in the day, to ask what I could do to assist.

CHAIR: Grab a chainsaw.

Ms ROBYN PARKER: This has been an ongoing issue since 2008.

The Hon. LUKE FOLEY: That was basically her response, yes.

Ms ROBYN PARKER: This has been an ongoing issue since 2008. There have been council decisions to remove the trees, council decisions to rescind decisions to remove the trees, and council decisions to again decide to remove the trees. It is an ongoing issue that has been continuing—

The Hon. PETER PRIMROSE: Can I ask you then, Minister, what you have done to save them?

Ms ROBYN PARKER: When I got the request to see what I could do we had a look at it, and I made lots of phone calls over that weekend to see what was possible. We had a look at it from the perspective of being Minister for the Environment. Really, there were no options or avenues I could take in terms of that. The trees are not listed as heritage items. Newcastle City Council went down that path some time ago. The trees have not been listed under the Heritage Act. There was a possibility that I could do something like make an interim heritage order. An interim heritage order would only provide some time; it would not necessarily save the trees or achieve anything else.

When I had had a look at that I sought legal advice. I talked to councillors, people from the Save Our Figs group, the insurance broker and to the general manager of the council, and I got legal advice on what I was legally able to do. Applying an interim heritage order was one step, and people hoped that that might be the answer so that we could have a further independent assessment of the trees. Legal advice was that, even applying an interim heritage order, section 88 of the Roads Act overrode that, so that council was obliged to continue with the program that it was undertaking. That was their legal obligation.

The Hon. PETER PRIMROSE: I understand, Minister.

Ms ROBYN PARKER: I am answering your question. It is a quite long and involved matter.

The Hon. PETER PRIMROSE: My question, with due deference, was not what you had not done. It was: What have you done to save the trees?

Ms ROBYN PARKER: I am telling you the steps that I took. The legal advice was that even if I made an interim heritage order it would have no effect. There is no point doing something that has no effect. I discussed this with the Premier and with my other ministerial colleagues who have responsibility in this, the Minister for Local Government and the Minister for Roads, in terms of what our approach would be. Our approach has been the same all the way through. We came to government with a view that we were not a government—unlike the last government—that imposed from the top down on local government. We wanted to return decision-making to local government. If a local government authority asked the Government to intervene it would be available to do so, but Newcastle City Council has not made any such request. I have had discussions with the council and the Premier has offered to find an arborist—

The Hon. PETER PRIMROSE: Did the local member approach you and ask for your help?

Ms ROBYN PARKER: I have been in constant discussions with the local member.

The Hon. PETER PRIMROSE: Did the local member approach you and ask for help?

Ms ROBYN PARKER: Absolutely, and I have been in constant discussions with that member.

The Hon. PETER PRIMROSE: And you said to him—

Ms ROBYN PARKER: I said I would do everything I could to—

The Hon. PETER PRIMROSE: So the answer was nothing.

Ms ROBYN PARKER: —encourage the council to undertake another independent assessment, which it can do if it wishes. The Government has offered to assist the council. However, the general manager issued a press release yesterday stating that he would not ask for the State Government's assistance. I also had a discussion with him yesterday. Given that is the position, even if I applied an interim heritage order it would have no legal basis. If the council had asked, the Government would have found an arborist. Ultimately, this is a local government issue and Newcastle City Council is making its own assessment and taking its own steps.

The Hon. PETER PRIMROSE: So nothing has come from the local member?

The Hon. AMANDA FAZIO: What level of indexation is applied to funding for the Heritage Council?

Ms ROBYN PARKER: The Heritage Branch has a budget of \$4.5 million and the State Heritage Grants budget is \$2.7 million, giving a total of \$7.2 million. We also provide funding to the Historic Houses Trust. The total budget is \$33.5 million.

The Hon. AMANDA FAZIO: What is the specific budget for the Heritage Council?

Ms ROBYN PARKER: I do not have that information with me.

The Hon. AMANDA FAZIO: Will you take that question on notice?

Mr CARLON: The administration of the Heritage Council is within the operational budget of the Heritage Branch. We can provide the details of the operational costs.

The Hon. AMANDA FAZIO: And the increase for the current budget period?

Mr CARLON: We can provide the current budget period allocation for the operation of the Heritage Council.

The Hon. AMANDA FAZIO: What is happening with the grants program? Is it correct that, as indicated on your website, most of the grants applications closed in December 2010?

Ms ROBYN PARKER: That is a two-year program. The grants program is about improving the physical condition of heritage items.

The Hon. AMANDA FAZIO: I know the purpose of the grants program. Your website indicates that grants applications closed in December 2010. Is that correct?

Ms ROBYN PARKER: Yes, and it is a two-year program.

The Hon. AMANDA FAZIO: Have the successful grants been announced? If not, when will they be announced?

Ms ROBYN PARKER: Some have been announced and we are yet to announce others.

The Hon. AMANDA FAZIO: When will the next round of applications for grants funding open?

Mr CARLON: In the next financial year. The grants are allocated on a two-year basis.

The Hon. AMANDA FAZIO: If it is for the next financial year you will be asking for expressions of interest and applications prior to that. When will you be commencing that process?

Mr CARLON: We will provide the details of the timing.

The Hon. AMANDA FAZIO: Will the funding be maintained for each of the programs until 2013?

Ms ROBYN PARKER: Absolutely. The budget is there and the grants programs are fully funded. It is a two-year funding program. In addition to that we have a Hunter Region Heritage Grants program, which has a separate allocation of \$5.4 million.

The Hon. AMANDA FAZIO: Do you have separate allocations for regions other than the region in which you live?

Ms ROBYN PARKER: That was a decision of the former Government. I happily live there now, but I did so unhappily under the former Government. The decision to establish the program was made by the former Government. It involved a commitment made by United Collieries to the Heritage Branch.

The Hon. AMANDA FAZIO: Will you extend those sorts of special regional grants to other areas of New South Wales?

Ms ROBYN PARKER: We will deal with it on a case-by-case basis. We are happy to make arrangements wherever possible to assist the heritage program. That was a specific allocation.

The Hon. AMANDA FAZIO: So you have no specific plans to expand it to include, for example, an Illawarra-South Coast heritage program?

Ms ROBYN PARKER: There are no specific plans. I was not the Minister and we were not in government when that arrangement was put in place.

The Hon. AMANDA FAZIO: Is the membership of the Heritage Council under review and when will you make your appointments to the council?

Ms ROBYN PARKER: There is ongoing membership of the Heritage Council. During the election campaign we committed to ensuring that the format of the Heritage Council was more workable and that commitment will be honoured.

The Hon. AMANDA FAZIO: What is your proposal?

Ms ROBYN PARKER: The council now has 11 members and we propose to reduce that to nine. That would involve two ex officio members who would attend but not have voting rights.

The Hon. AMANDA FAZIO: Has there been any increase this year in the funding for the Historic Houses Trust?

Ms ROBYN PARKER: The current year's allocation is \$562,000.

The Hon. AMANDA FAZIO: Is that an increase on the allocation last year?

Ms ROBYN PARKER: That is not correct. We will get the specific details because the advice here does not—

The Hon. AMANDA FAZIO: That does not make sense.

Ms ROBYN PARKER: No.

The Hon. AMANDA FAZIO: Will you commit to indexing funding for the Historic Houses Trust to inflation?

Ms ROBYN PARKER: We will honour our election and budgetary commitments.

The Hon. AMANDA FAZIO: I will take that as a no. What actions are you taking to preserve the State's industrial heritage?

Ms ROBYN PARKER: We are doing thematic heritage listing and the Heritage Branch is looking at different themes around New South Wales. Industrial history would undoubtedly be part of that.

The Hon. AMANDA FAZIO: Can you advise whether you will step in when local councils fail to list or deliberately delay the listing of State-significant properties or where there is considerable concern about the failure to have a property listed?

Ms ROBYN PARKER: We are certainly looking to streamline heritage listing. That might mean establishing timelines for me as Minister. We are also looking to make more information available on websites about when projects are being considered and how they are progressing. This Government does not step in over local government; it assists. There is a huge difference between your Government and our Government in terms of how we interact with local government. We want to make it easier for local government and local heritage officers to operate and we will provide expertise to support them. It is about reducing red tape and regulation and the time it takes to list properties so that heritage is at the forefront. There must be more transparency and less regulation and red tape. Ministerial advisory committees will probably be abolished.

The Hon. AMANDA FAZIO: If a local government has refused to heritage list an item and there is considerable community concern that that item or property should be preserved will you step in where local government is negligent? We all know that while most local government bodies take their responsibilities seriously, some do not when it comes to heritage. What do you see as your role in those circumstances to preserve significant heritage items?

Ms ROBYN PARKER: Clearly, what I have stated already to you, and we have given the Laman Street figs example, is that we do not have a view of stepping in over the top of local government, but members of the community can make requests for heritage listing. This Government does not step in over local government but the community can make requests of this Government for a heritage listing.

The Hon. AMANDA FAZIO: Do you have a discretionary fund for the purchase of heritage items for preservation?

Ms ROBYN PARKER: There is a range of processes involved in maintaining heritage structures.

The Hon. AMANDA FAZIO: No, I am not talking about—

Ms ROBYN PARKER: As part of the Historic Houses Trust, for example—

The Hon. AMANDA FAZIO: I am not talking about maintaining existing properties within the public domain; I am talking about properties that might become available for purchase.

Ms ROBYN PARKER: I was just about to get to that. The Historic Houses Trust has an Endangered Houses Fund that provides a program for saving endangered houses and buildings so that over the long term they can be adaptively reused and sold. There are some innovative things happening so that they can be preserved for future generations.

The Hon. AMANDA FAZIO: But do you have a discretionary fund where, as the Minister, you can allocate funds to assist that program?

Ms ROBYN PARKER: No.

The Hon. AMANDA FAZIO: Is it done entirely from within the budget of the Historic Houses Trust?

Ms ROBYN PARKER: It is within the budget of the Historic Houses Trust. The Endangered Houses Fund operates under that budget. Clearly, I do not have my own little cash reserve to dish out electorate by electorate.

The Hon. AMANDA FAZIO: If an important property were endangered and the Historic Houses Trust did not have enough funding in its Endangered Houses Fund, what would your role be as heritage Minister to try to step in to save those properties from being bulldozed or demolished?

Ms ROBYN PARKER: That is a hypothetical question, but certainly we are a Government that has made a heritage Minister as a stand-alone Minister. So that gives you an indication of the significance of our interest in heritage preservation and issues and in maintaining our heritage items, whether they are built heritage, Aboriginal cultural heritage or physical environmental heritage. You can guarantee from us that the priority we place on heritage is well and truly up there with our own Minister. I would be able to take advice from people about what they considered was significant and important. It is up to the community to tell us that and for us then to take appropriate steps to support or otherwise, with advice from the Heritage Council.

The Hon. AMANDA FAZIO: Do you have contingency plans or a protocol already in place to deal with such circumstances or will you just make it up on the run if the circumstance presents itself?

Ms ROBYN PARKER: We take it on a case-by-case basis. Chair, these are hypothetical questions about what might or might not crop up. We have a plan for what is currently in our forward works. We have a plan for preserving government buildings. We certainly have a great record in our approach to Aboriginal cultural heritage, which certainly is a focus of mine, but hypothetical questions about what might or might not happen in the future are really difficult to answer.

The Hon. PETER PRIMROSE: That is why you have policy, Minister. That is what the question asked. Do you have a policy?

Ms ROBYN PARKER: Yes, we have policy and we have a stand-alone heritage Minister, unlike your Government.

The Hon. PETER PRIMROSE: Do you have any policy that would answer the question asked by the Hon. Amanda Fazio?

Ms ROBYN PARKER: I have answered the question.

The Hon. PETER PRIMROSE: So you have no policy.

The Hon. AMANDA FAZIO: So you have no plans and no protocols in place to deal with these issues should they arise?

Ms ROBYN PARKER: We are taking advice from the Heritage Council.

The Hon. AMANDA FAZIO: Minister, you would have to agree that from time to time these sorts of situations occur. Do you not think it would be in the public interest for you to have a plan that you could put in place when these situations arise rather than dealing with them on an ad hoc case-by-case basis?

Ms ROBYN PARKER: Heritage is something you do deal with on a case-by-case basis because it is very individualised and specific to a location, a building, an environment. You can only do heritage on a case-by-case basis. We are looking at preserving the heritage of New South Wales for the future. We have a good record. We have a stand-alone Minister. I take the advice of the Heritage Council, which is working through a schedule of works in relation to heritage preservation on a thematic approach. Bernard Carlon may want to answer further—

The Hon. AMANDA FAZIO: No, I want to ask you about your answer. You said, "We have a good record." Apart from creating a stand-alone Minister for Heritage, what is this good record that you stand on?

Ms ROBYN PARKER: Certainly.

The Hon. PETER PRIMROSE: Stand alone might be a very good comment.

Mr CARLON: Can I clarify: the Heritage Act actually provides, obviously, for the Heritage Council to consider heritage listing from the community. There are application processes and reviews that happen independently within the Heritage Council.

The Hon. AMANDA FAZIO: I am well aware of that, but my question is about the provision of funding by this Government to preserve heritage items that may come up for sale where the choice is preservation or demolition. I am concerned about that because you would know that one of the most compelling exhibitions and publications of the work of the Historic Houses Trust was the demolished houses of Sydney. Nobody in New South Wales would want to see that happen again. That is why I am asking the Minister this line of questioning.

CHAIR: Unfortunately, time is getting on. Mr David Shoebridge will now ask questions.

Mr DAVID SHOEBRIDGE: Minister, in relation to the protection of vulnerable properties one of the substantial concerns raised by heritage groups is that complying development applications often allow for the demolition of quite substantial heritage properties that have not got local heritage protection. Are you going to review the operation of the complying development process that allowed, for example, the historic Tilba house to be demolished with no capacity in the council to protect it?

Ms ROBYN PARKER: I have given an undertaking that not only are we considering environmental issues when we review our planning process, but we are looking at putting heritage upfront in what happens. You can have that guarantee from me that as part of that current planning review and as part of our overall philosophy we will be looking at how we can best encapsulate heritage issues.

Mr DAVID SHOEBRIDGE: Is your office going to make a submission to the planning review addressing that and other specific heritage matters?

Ms ROBYN PARKER: Absolutely.

Mr DAVID SHOEBRIDGE: In time for the deadline for the receipt of submissions?

Ms ROBYN PARKER: Yes, as far as I know. Sorry, we do not have all our heritage staff here today, but that is our intent.

Mr DAVID SHOEBRIDGE: But you will be making a submission addressing those heritage issues?

Ms CORBYN: My understanding is that the planning legislation is taking submissions in a staged way. There will be opportunities at numerous different time frames and following a discussion paper that they are putting out later as well.

Mr DAVID SHOEBRIDGE: The discussion paper is intended to be informed by the original set of submissions?

Ms CORBYN: Yes.

Mr DAVID SHOEBRIDGE: And will be a key document in the planning process.

Ms CORBYN: That is right.

Mr DAVID SHOEBRIDGE: Minister, will your office be making a submission to inform the discussion paper?

Ms ROBYN PARKER: Yes.

Ms CORBYN: That is our intent.

Mr DAVID SHOEBRIDGE: Will you also look at the issue of the very narrow protection given to heritage items under the current standard LEP instrument, which does not require local councils to consider the impact on heritage items when there is substantial development in the vicinity?

Ms ROBYN PARKER: We will certainly have a look at that.

Mr DAVID SHOEBRIDGE: In answers to questions from Ms Fazio you said that you were concerned about cases where local councils were not listening, but you supported local autonomy. Is there a process in place or will you consider putting in place a process to allow people concerned at a lack of action at a local level to list heritage matters to approach you to start a listing at a local level?

Ms ROBYN PARKER: My understanding is that they certainly can make approaches to us for listing.

Mr DAVID SHOEBRIDGE: At a State level?

Ms ROBYN PARKER: At a State level.

Mr DAVID SHOEBRIDGE: But under the current legislation, if the local council fails to act there is no capacity to approach anyone else to get a listing at a local level?

Ms ROBYN PARKER: No.

Mr DAVID SHOEBRIDGE: Are you considering putting in place such a process?

Ms ROBYN PARKER: I had not considered it, but if you give me more instances and detail, we can have a think about how that might work. However, as I have said numerous times today, we are not of the view that we should override what local councils are doing. We are working closely with local heritage offices and we have a number of programs that work with our local heritage offices, which are located within each local government area, to assist them with the right advice, support, tools and information so that they can do their job well, which is advise on local listing.

Mr DAVID SHOEBRIDGE: Is that going to include any systematic review of the current listings by local councils? Some of them have no items listed on their local heritage list, yet others will have 200 or 300 items listed. That kind of ad hoc protection of heritage at a local level surely must be of concern to the Government.

Ms ROBYN PARKER: It is something we can have a look at. We are currently looking at implementing our election commitments in terms of the Heritage Council and streamlining what we do at a State level in terms of getting our ship in order. Certainly we could have a look at what happens at a local level following that, but I am most anxious to make sure that we have everything going as well as possible from our perspective.

Mr DAVID SHOEBRIDGE: Consistent with giving autonomy to local councils, which I think is a major part of your Government's pledge, will you consider getting rid of the ministerial veto for the listing of local heritage items?

Ms ROBYN PARKER: Why do we not have a further discussion about that and I will have a look at how that interplays with local government? Currently we are not of a view to interfere with what local government is doing at a local level.

Mr DAVID SHOEBRIDGE: Consistent with that would be getting rid of the ministerial veto for listing.

Ms ROBYN PARKER: If they want to list something locally, it is my personal view that that is of significance to their local community.

Mr DAVID SHOEBRIDGE: Would you entertain speaking with the planning Minister about reforming the Planning Act to get rid of that provision?

Ms ROBYN PARKER: Sure.

Mr DAVID SHOEBRIDGE: You answered some questions about the Laman Street figs development—"fiasco" might be a better word for it. Did you have discussions with the roads Minister about the possibility of the Minister temporarily assuming authority for that road and therefore being able to break the deadlock?

Ms ROBYN PARKER: It was certainly a consideration because the legal advice to me was that that Act overrode it. I do not think I had a particular one-on-one discussion with him, but others did in terms of his view on that and he was not of a mind to override—

Mr DAVID SHOEBRIDGE: Are you not concerned by the failure of that Minister, the Hon. Duncan Gay, even to consider and give the local community the option of assuming Roads authority over the road in order to break the deadlock and get that kind of peer assessment for the fig trees?

Ms ROBYN PARKER: It is not for me to comment on what another Minister does in their portfolio. He would have very good reasons. We made it abundantly clear that we were available to assist in providing support to the council. I made it abundantly clear on a number of occasions that my personal view was that I wished that the council would have another independent assessment and make sure that that independent assessment was agreed to by both sides. The general manager—and it is really his call—has made the final call. He decided that he would look at other arborists and for some reason those arborists were not available. The Premier then suggested that we could find arborists within the State Government if the council wished us to do so, and he did not wish us to do so.

Mr DAVID SHOEBRIDGE: With one flick of his pen, the roads Minister can resolve this and protect the heritage of those fig trees by temporarily assuming authority for the roads, and then go through the process that the Premier has promised, that the local member has promised and that you have offered. It could be done with a flick of the pen by the roads Minister. Why will you not be urging your fellow Minister to do that?

Ms ROBYN PARKER: It is entirely his decision, but it was the council's decision to take the action that it has.

Mr DAVID SHOEBRIDGE: The Minister has said that, even if the council asked, he will not do it because he will not assume the roads authority.

Ms ROBYN PARKER: That is a question for him rather than for me.

Mr DAVID SHOEBRIDGE: Do you accept that that is a dysfunctional situation? We have the Premier, you and the local member wanting to protect the heritage—wanting to do what they can to protect the heritage—but the one legal avenue open, which is the roads Minister stepping in, has been closed by that Minister. Do you accept that that is dysfunctional decision-making?

Ms ROBYN PARKER: What I accept is that the council really needs to take the action. The council chose to apply section 88 of the Roads Act. If the council decided not to apply that, to go back and rescind that, then that is a decision for it.

Mr DAVID SHOEBRIDGE: You know the council cannot do that because it has had a rescission motion and it cannot address it again for three months, so the council is in legal limbo and the only avenue is the roads Minister.

Ms ROBYN PARKER: But surely the council, if it wanted to wait the three months, could wait the three months and not spend the \$20,000 a day it has on barricades and police protection.

Mr DAVID SHOEBRIDGE: That would be one avenue, but the general manager has advised that they need to act and the only legal avenue is the roads Minister, who refuses to act.

Ms ROBYN PARKER: Yes and no. If the council decides to take the trees down, that is its decision. They could wait, do you not think? They could wait and go back to the council in three months if they choose to. It is their choice.

Mr DAVID SHOEBRIDGE: The position on the ground is driven by the general manager and the council. The one clear legal way of breaking the deadlock is the roads Minister acting, and he refuses to. Therefore, the heritage figs are in peril. You must accept that is not a good solution from a State—

The Hon. RICK COLLESS: Point of order—

Ms ROBYN PARKER: I think it is a question for the roads Minister.

The Hon. RICK COLLESS: If the member would like to get an answer from the roads Minister, perhaps he should ask the roads Minister directly rather than asking this Minister about a roads issue.

The Hon. PETER PRIMROSE: To the point of order: The Minister is an advocate, surely, for heritage in New South Wales. If she does not want to do that, she should not claim to be an advocate.

CHAIR: There is no point of order. I understand the member is moving on.

Mr DAVID SHOEBRIDGE: The old site of The King's School at Parramatta is a substantial part of western Sydney's heritage. What action is your Government taking to protect that site?

Ms ROBYN PARKER: I have been to visit it and there are some spectacular buildings there and some really great adaptive re-use is currently being undertaken. There is a master plan and a conservation management plan for the precinct, which I think will form the basis of future proposals. I am keen to make sure that there is very careful consideration of how we might be able to re-use some of the buildings. The conservation management plan for the area was previously endorsed by the Heritage Council. I would like it to have a look at that in terms of recent changes, including the closure of Parramatta jail. The master plan I think can work very well. When we look at adaptive re-use we might look at putting things such as an art gallery in some of those buildings, perhaps a cafe, but those plans need to be reviewed in any future proposals. It is spectacular and we want to maintain it. We have our heritage branch located there as well, so we are very keen on that site.

Mr DAVID SHOEBRIDGE: Are you committed to retaining it in public ownership?

Ms ROBYN PARKER: Part of it has already been committed to being sold, but we are definitely committed to not selling the rest of that school.

Mr DAVID SHOEBRIDGE: Has any funding been set aside to implement the master plan and, if not, why not?

Ms ROBYN PARKER: It was not part of our election commitment other than looking at ways to maintain and do some work. There is currently some funding for works being undertaken. Work is being undertaken in terms of maintaining, for example, the roof of one of the buildings. I cannot remember exactly which one it is—the old dormitory I think—but if there is ongoing work there, in terms of a master plan, that

will require significant funding. We will need to revise the master plan and look at what stages we do that, and how we then go to the Treasurer and ask for funding.

Mr DAVID SHOEBRIDGE: So you are in the process of preparing a budget request for funding of the master plan?

Ms ROBYN PARKER: The first thing we need to do is review the master plan, given that as part of the precinct now the closure of Parramatta jail has been announced. The master plan is there, so let us review it and look at how we stage that. I will take the advice of the heritage branch on how we should do that. I have certainly had a tour and I think it is an exciting proposal that we create an arts precinct there.

Mr DAVID SHOEBRIDGE: I will move to a different tack. Minister, will you be supporting the continuation of the Redfern Waterloo Heritage Task Force given the Government's proposal to wind up the Redfern-Waterloo Authority—not before time I might add.

Ms ROBYN PARKER: I remember being involved in the Redfern-Waterloo issue in its early stages. In terms of the task force I would have to take some advice in relation to what its plans are, what future plans they have.

Mr DAVID SHOEBRIDGE: You will respond on notice?

Ms ROBYN PARKER: Yes, absolutely.

Mr DAVID SHOEBRIDGE: Do you know when the Aboriginal Cultural Heritage Advisory Committee last met and whether or not the terms of reference for that committee include reviewing of applications for Aboriginal heritage impact permits?

Ms CORBYN: I believe the Aboriginal Cultural Heritage Advisory Committee met yesterday and is meeting today. I meet with them regularly as well. They are not an operational committee. They are a policy advisory committee. They are providing advice on the reforms and the policies that we are bringing forward. It would be my expectation that they do not review the individual Aboriginal heritage impact permits, but they certainly have the capacity to bring issues forward and the agency looks at them. They have an active agenda.

Mr DAVID SHOEBRIDGE: Do you remain committed to a stand-alone piece of legislation protecting Aboriginal heritage in New South Wales?

Ms ROBYN PARKER: Absolutely. We are about to undertake a very exciting consultation on Aboriginal cultural heritage. It should be something that will be a good hallmark of this Government, and is something I am keen to do.

Mr DAVID SHOEBRIDGE: There will be public submissions?

Ms ROBYN PARKER: Yes, and consultation around the country. A working party will be established that will move around and find out what people understand in terms of ownership, who speaks for country, how we deal with artefacts and how we maintain them, and who has ownership of artefacts in the future. That is an exciting process we are about to embark on and I can give you more information soon. Every community will be involved.

CHAIR: Thank you, Minister, to you and your officers for attending this hearing and being so cooperative. We will now call the public part of the hearing to a close and I ask the public gallery to leave so the Committee can have a brief deliberative.

(The witnesses withdrew)

The Committee proceeded to deliberate.