



COMMONWEALTH OF AUSTRALIA

# Proof Committee Hansard

## SENATE

ENVIRONMENT AND COMMUNICATIONS LEGISLATION  
COMMITTEE

**Estimates**

(Public)

WEDNESDAY, 29 MAY 2024

CANBERRA

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## ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE

Wednesday, 29 May 2024

**Members in attendance:** Senators Bilyk, Brockman, Cadell, Cox, Davey, Duniam, Grogan, Hanson-Young, Payman, Barbara Pocock, David Pocock, Rennick, Roberts, Sharma, Thorpe [by video link], Tyrrell and Whish-Wilson

**CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER PORTFOLIO****In Attendance**

Senator McAllister, Assistant Minister for Climate Change and Energy

**Department of Climate Change, Energy, the Environment and Water****Executive**

Mr David Fredericks PSM, Secretary

Ms Kushla Munro, Acting Deputy Secretary

Mr Simon Duggan, Deputy Secretary

Ms Rachel Parry, Deputy Secretary

Mr Dean Knudson, Deputy Secretary

Mr Sean Sullivan, Deputy Secretary

Ms Luise McCulloch, Deputy Secretary

Ms Lyn O'Connell PSM, Deputy Secretary

**Corporate****Finance Division**

Mr Robert Hanlon, Chief Finance Officer

Ms Jill Mand, Branch Head, Property and Protective Security

Ms Michelle Crowther, Branch Head, Financial Management Branch

**Information and Communications Technology Division**

Mr Tim Spackman, Chief Information Officer

**Legal (Chief Counsel)**

Ms Jane Temby, Acting Chief Counsel

**People Division**

Ms Linda McGrath, Chief People Officer

Mr Nathan Hannigan, Branch Head, People Safety and Remote People Services Branch

Mr Andrew Oliver, Branch Head, People Branch

Ms Steph Bourke, Branch Head, Professional and Ethical Standards Branch

**Portfolio Strategy Division**

Ms Michelle Croker, Division Head

Ms Dana Sutton, Branch Head, Ministerial Liaison and Governance Branch

Ms Melina Saunders, Branch Head, First Nations Branch

Ms Miranda Lello, Branch Head, Portfolio Strategy and Integration Branch

Ms Anita Agett, Branch Head, Communications and Media Branch

Ms Claire Rochecouste Branch Head, National Security and International Branch

**Outcome 1****Climate Change Policy, Adaptation and Risk Division**

Ms Cathryn Geiger, Acting Division Head

Dr Nicole Mitchell, Branch Head, Climate Change Policy Branch

Mr Nigel Pinto, Acting Branch Head, Climate Active, Risks and Disclosures Branch

Ms Kathryn Smith, Branch Head, National Adaptation Policy Office Branch

**Electricity Division**

Ms Kirsty Gowans, Division Head

Ms Melissa Pang, Branch Head, Electricity Markets Branch

Mr James White, Branch Head, Branch Head, Consumer Energy Resources Taskforce

Ms Nadia Rosenman, Branch Head, Rewiring the Nation Office

Mr Paul Johnson, Principal Adviser, Rewiring the Nation

Ms Luana Cormac, Branch Head, Branch Head, First Nations Clean Energy and Supply Chains

#### **Emissions Reduction Division**

Ms Kath Rowley, Division Head

Mr Matthew Ryan, Branch Head, Land and Transport Branch

Ms Melanie Ford, Branch Head, National Inventory Systems and International Reporting Branch

Ms Kate Lea-Perry, Acting Branch Head, Carbon Crediting Branch

Mr Andrew Hutchinson, Branch Head, Net Zero Taskforce

#### **Energy Performance and Security Division**

Ms Clare McLaughlin, Division Head

Dr Peta Derham, Branch Head, Energy Performance Strategy Branch

Mr Chris Videroni, Branch Head, Home Ratings and Disclosure

Mr David Atkins, Branch Head, Industrial and Buildings Energy Performance

Mr Lachlan Bickley, Acting Branch Head, Security, Crisis Response and GEMS

#### **Gas and Liquid Fuels Division**

Mrs Paula Svarcas, Division Head

Mr Cris Cano, Acting Branch Head, Liquid Fuels Branch

Mr Hew Atkin, Branch Head, Gas Markets Branch

Mr Andrew Pankowski, Branch Head, Gas Transformation Strategy Branch

Ms Jennifer Anne, Branch Head, Liquid Fuels Branch

#### **International Climate and Energy Division**

Dr Sally Box, Acting Division Head and Branch Head, Climate Negotiations and Engagement Branch

Mr David Higgins, Branch Head, International Net Zero Branch

Ms Gaia Puleston, Branch Head, Strategic Partnerships Branch

Mr Sam Lowe, Branch Head, Renewable Superpower Taskforce Branch

#### **National Energy Transformation Division**

Ms Helen Bennett, Division Head

Mr Adam McKissack, Branch Head

Mr Matt Minchin, Branch Head

Mr Geoff Whelan, Branch Head

Mr Adam Sutherland, Branch Head

#### **Net Zero Industries Division**

Mr Shane Gaddes, Division Head

Ms Catherine Zerger, Branch Head, Hydrogen Strategy Branch

Ms Bronwyn Ray, Branch Head, Decarbonisation Initiatives Branch

Ms Edwina Johnson, Branch Head, Safeguard and CBAM Review Branch

Mr Paul Murphy, Branch Head, Offshore Renewables Branch

#### **Office of the Capacity Investment Scheme**

Mr Matthew Brine, Head of Office

Mr Salim Mazouz, Branch Head, Policy and Engagement

Ms Alison Wiltshire, Branch Head, Delivery and Governance

#### **Outcome 2**

##### **Biodiversity Division**

Ms Cassandra Kennedy, Division Head

Dr Ilse Kiessling, Branch Head, Protected Species and Ecological Communities Branch

Dr Fiona Fraser, Threatened Species Commissioner

Mr Glenn Block, Branch Head, Natural Heritage Trust Branch

**Circular Economy Division**

Ms Kate Lynch, Division Head

Mr Cameron Hutchison, Branch Head

Ms Chloe Bird, Branch Head

Ms Jackie Raynor, Branch Head

Ms Naomi Bocola, Acting Branch Head

**Environment Information Australia**

Ms Jane Coram, Division Head

Ms Juanita Pettit, Branch Head, Environmental Data and Analysis Branch

Ms Lisa Nitschke, Branch Head, Environmental Economics, Science and Reporting Branch

Mr Brendan Lynam, Branch Head, Environment Information Policy and Strategy

**Environmental Permitting and Compliance Division**

Mr Andrew McNee, Division Head

Mr Graeme Grosse, Branch Head, Compliance and Enforcement Branch

Ms Kate Elliott, Branch Head, Wildlife, Waste and Environmental Permits Branch

**Environmental Water and Aquatic Ecosystems Division**

Dr Simon Banks, Division Head

**Heritage Division**

Ms Michelle Dumazel, Division Head

Dr Wayne Beswick, Branch Head, Heritage Policy Branch

Ms Karen Najjar, Branch Head, First Nations Heritage Protection

Mr James Barker, Branch Head, World and National Heritage

**International Environment, Reef and Ocean Division**

Ms Katrina Maguire, Division Head

Mr John Foster, Branch Head, Great Barrier Reef Branch

Ms Belinda Jago, Branch Head, Ocean and Wildlife Branch

Ms Suzi Heaton, Branch Head, International Environment Branch

**Nature Finance and Market Division**

Mr Anthony Bennie, Acting Division Head

Ms Laura Higgins, Branch Head, Biodiversity Markets Branch

Ms Louise Perez, Branch Head, Global Nature Positive Summit Branch

**Nature Positive Integration Division**

Mr Greg Manning, Division Head

Dr Alison McMorrow, Branch Head, Regional Planning and Landscapes Branch

Ms Katrina Purcell, Branch Head, Environmental Policy Integration Branch

**Nature Positive Regulation Division**

Mr Bruce Edwards, Division Head

Ms Kylie Calhoun, Branch Head

Ms Tharanie Vithanage, Branch Head

Ms Kate Gowland, Branch Head

Mr Declan O'Connor-Cox, Branch Head

Ms Rachel Short, Branch Head

**Nature Positive Taskforce**

Mr James Tregurtha, Division Head

Ms Mahani Taylor, Branch Head, Nature Positive Law Reform and Standards Branch

### **Supervising Scientist**

Mr Keith Tayler

### **Outcome 3**

#### **Australian Antarctic Division**

Ms Kelly Buchanan, Acting Division Head

Ms Rhonda Bartley, Acting Branch Head, Science Branch

Ms Jemma Ball, Acting Branch Head, People and Culture Branch

Mr Phillip Boxall, Branch Head, Assets and Technology Branch

Ms Dani Yannopoulos, Branch Head, Operations and Logistics Branch

#### **Agencies and Statutory Authorities**

##### **Australian Energy Infrastructure Commissioner**

Mr John Sheldon, Interim Australian Energy Infrastructure Commissioner

##### **Australian Energy Regulator**

Ms Clare Savage, Chair

Mr Justin Oliver, Board member

Mr Geoff Purvis-Smith, Acting Chief Executive Officer

Ms Stephanie Jolly, Executive General Manager, Consumers, Policy and Market

##### **Australian Institute of Marine Science**

Professor Selina Stead, Chief Executive Officer

Mr Basil Ahyick, Chief Finance Officer

Dr David Wachenfeld, Research Program Director, Reef Ecology and Monitoring

##### **Australian Renewable Energy Agency**

Mr Darren Miller, Chief Executive Officer

Mr Chris Faris, Chief Operating Officer

##### **Bureau of Meteorology**

Dr Andrew Johnson, Chief Executive Officer and Director of Meteorology

Dr Peter Stone, Group Executive, Business Solutions

Ms Paula Goodwin, Group Executive Enterprise Services and Chief Operating Officer

Ms Elizabeth Johnston, Acting General Manager, Agriculture and Water

Dr Karl Braganza, National Manager, Climate Services

##### **Climate Change Authority**

Mr Brad Archer, Chief Executive Officer

Ms Eliza Murray, General Manager, Strategy Branch

Dr Matt Searson, Acting General Manager, Analysis Branch

Mr Joseph Hardwick, Acting General Manager, Corporate Branch

##### **Clean Energy Finance Corporation**

Mr Ian Learmonth, Chief Executive Officer

Mr Andrew Powell, Chief Finance Officer

Mr Simon Every, Head of Government and Stakeholder Relations

##### **Clean Energy Regulator**

Mr David Parker AM, Chair

Ms Mary-Anne Wilson, Chief Operations Officer

Mr Mark Williamson, Executive General Manager, Scheme Support Division

Ms Piet Powell, General Manager, Compliance Branch  
Ms Jane Wardlaw, General Manager, NGER and Safeguard Branch  
Ms Michelle Crosbie, General Manager, Vegetation and Analytics Branch  
Ms Jennifer Bradley, General Manager, Soils, Emissions Avoidance and Contracts Branch  
Ms Bronwen Shelley, General Counsel, Legal Services and Governance Branch  
Mr Carl Binning, Executive General Manager, Scheme Operations Division

**Director of National Parks**

Mr Ricky Archer  
Mr Jason Mundy, Division Head  
Mr Alan Davidson, Branch Head, Major Projects  
Mr Ranga Parimala, Chief Operating Officer  
Dr Barbara Musso, Branch Head, Legislative Reform Taskforce

**Great Barrier Reef Marine Park Authority**

Mr Joshua Thomas, Chief Executive Officer  
Mr Richard Quincey, General Manager Marine Park Operations  
Mr Fred Nucifora Acting General Manager Strategic Policy and Partnerships  
Dr Roger Beeden, Chief Scientist, Strategic Policy and Partnerships  
Mr Ian Walker, General Manager, Major Projects  
Mrs Jameelie Fletchett, Chief Operating Officer, Corporate Services

**Offshore Infrastructure Regulator**

Ms Sue McCarrey, Chief Executive Officer  
Mr Cameron Grebe, Deputy Chief Executive Officer, Strategic Regulation and Improvement  
Mr Owen Wilson, Executive Director, Offshore Renewables Regulation

**Offshore Infrastructure Registrar (within Oil and Gas Division, Department of Industry, Science and Resources)**

Mr Graeme Waters, Offshore Infrastructure Registrar  
Mr Steven Taylor, Director, OEI and Development

**Snowy Hydro Limited**

Mr Dennis Barnes, Chief Executive Officer  
Mr Roger Whitby, Chief Operating Officer

**Threatened Species Scientific Committee**

Professor Iain Gordon, Chair

**Committee met at 09:02**

**CHAIR (Senator Grogan):** I declare open this hearing of the Environment and Communications Legislation Committee into the 2024-25 budget estimates. I begin by acknowledging the traditional owners of the land on which we meet and paying our respects to elders past, present and emerging. The committee's proceedings today will begin with outcome 2, 'Conserve, protect and sustainably manage Australia's management through a nature positive approach', in the Climate Change, Energy, the Environment and Water portfolio. The committee has fixed Thursday 18 July as the date for the return of answers to questions taken on notice.

Under standing order 26, the committee must take all evidence in public session, and this includes answers to questions on notice. I remind all witnesses that, in giving evidence to the committee, they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence. The Senate has endorsed the following test of relevance of questions at estimates hearings. Any questions going to the operation or financial positions of the departments and agencies which are seeking funds in estimates are relevant questions for the purposes of estimates hearings.

I remind officers that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the parliament or its

committees, unless the parliament has expressly provided otherwise. The Senate has resolved also that an officer of a department of the Commonwealth should not be asked to give opinions on matters of policy and should be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution does not preclude questions asking for explanations of policy or factual questions about when and how policies were adopted.

Witnesses are reminded of the Senate order specifying the process by which a claim of public interest immunity should be raised, and I incorporate the public community statement into the *Hansard*.

*The extract read as follows—*

**Public interest immunity claims**

That the Senate—

(a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;

(b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;

(c) orders that the following operate as an order of continuing effect:

(1) If:

(a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

(2) If, after receiving the officer's statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.

(3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.

(5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.

(6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

(7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).

(8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

(d) requires the Procedure Committee to review the operation of this order and report to the Senate by 20 August 2009.

*(13 May 2009 J.1941)*

(Extract, Senate Standing Orders)

**CHAIR:** I remind all senators that, as we continue our work implementing the *Set the standard* report, as chair I will ensure that proceedings are conducted in an orderly, respectful and courteous way.

**Department of Climate Change, Energy, the Environment and Water**

[09:04]



**CHAIR:** I now welcome Senator the Hon. Jenny McAllister, Assistant Minister for Climate Change and Energy, representing the Minister for the Environment and Water. Minister, would you like to make an opening statement?

**Senator McAllister:** No, thank you.

**CHAIR:** I also welcome Mr David Fredericks, Secretary of the Department of Climate Change, Energy, the Environment and Water. Mr Fredericks, would you like to make an opening statement?

**Mr Fredericks:** No, thank you.

**CHAIR:** We will go directly to questions and start with Senator Duniam.

**Senator DUNIAM:** Welcome, all. It's good to see you again. I will start with the Samuel review and the reforms to the EPBC Act. One of the key concerns or criticisms raised by Professor Samuel was around complexity and inefficiency of legislation. That obviously forms part of the basis for the need for reform, doesn't it—the fact that there are too many complex, sometimes overlapping, regulations? That's correct, isn't it?

**Mr Knudson:** Professor Samuel had a number of observations about the inadequacies of the current legislation. I think, as we've canvassed before, it's well over a thousand pages of legislation. Probably the most compelling piece that Professor Samuel talked about was the lack of any particular outcomes that the legislation is trying to achieve. For the most part, it focuses on process, and that process has been embedded in that thousand or so pages of legislation. A number of his observations went to the inadequacy of relying on process to deliver outcomes as opposed to seeding the outcomes that you're seeking. I'll ask Mr Tregurtha if he wants to add anything further on that.

**Senator DUNIAM:** No, you've covered the field. Very good—as expected. I think that's a fair point that the legislation has a thousand-plus pages of it. Then, of course, we have state and territory legislation in addition to that, hence the sort of overlap, confusion and complexity. It is the case, though, as a result of the legislation—as you say, Mr Knudson—not being focused on outcomes and more about process that we do see delays as a result. The process, being complex and sometimes confusing for the layperson—and, as you say, being focused on process versus outcome—does result in protracted processes.

**Senator McAllister:** Certainly, Senator Duniam, that is one of the things that the government has sought to address. We've sought to address it through our law reform agenda. We've also sought to address it through properly resourcing the decision framework of the department. You may recall that, under the government that you were part of, on time approvals dropped to under 50 per cent of approvals. We have managed to raise that. Our current performance indicates, I think, in the March quarter that 82 per cent of decisions were being made on time. That's a substantial improvement. But you're right; it is one of the features of the law reform agenda as well.

**Senator DUNIAM:** We've started early, Minister. That's very good. We'll continue that tone, I suppose. Do you recall, at the Press Club on 19 July 2022, shortly after the minister was appointed to this portfolio, that she said, 'We can't waste another minute in the environment portfolio'?

**Senator McAllister:** I don't have the minister's speech in front of me. But it is the case that Minister Plibersek has been seized with the urgency for reform. She has been working assiduously to restore the capabilities of the department, to restore the resourcing that is necessary for a functioning national environment agency, and also to consult with stakeholders to establish a set of environmental laws that are fit for purpose—that meet the objectives of protecting our environment while supporting timely decision-making.

**Senator DUNIAM:** Okay. I'm happy to just quote to you. At the National Press Club address delivered on 19 July 2022, the minister did say, parroting what every government minister has said by a means of seeking to deflect from any responsibility you now have, 'After a lost decade, and a decade of going backwards; we can't waste another minute.'

**Senator McAllister:** It was a lost decade and a decade of going backwards. She was correct in this regard.

**Senator DUNIAM:** This claim and aim, I suppose, admirable though it was at the time in July 2022—and one I expect the minister thought she was going to be able to achieve—has proven to be utterly worthless and has crumbled away, given that a year and a half ago, the promise was made that we would have this legislation in place, and we still do not. What happened to that 'not a minute to waste'? In fact, nearly two years on, we don't have that legislation. How does that claim stack up against the facts and the history we now have before us?

**Senator McAllister:** I am quite happy to lay the facts out for you. We have passed laws to establish a nature repair market to make it easier to invest in nature, we have updated the water trigger and, today, the minister will introduce legislation to establish Environment Protection Australia and Environment Information Australia. This

is the second tranche of crucial reforms. We want to get them in place as soon as we can, and I look forward to your support for those reforms.

**Senator DUNIAM:** Minister, is what you've just outlined what was promised to be delivered by the government by this point in time?

**Senator McAllister:** The minister made it clear that she would be working with stakeholders, that that would be a consultative process and that we would work with urgency to remedy the defects that have been identified by Professor Samuel and others, and that is exactly what she has done.

**Senator DUNIAM:** Is what you have outlined what was promised by the minister both at her Press Club address and several times since?

**Senator McAllister:** That there would be a reform process to reform outdated environmental laws that require attention? Yes, she has done that.

**Senator DUNIAM:** Did the minister promise we would have new environmental laws in the parliament before the end of last year?

**Senator McAllister:** I have just indicated to you that laws were introduced to the parliament last year to establish a nature repair market to make it easier to invest in nature and to update the water trigger. Again, today, further reform will be brought to the parliament in the form of a bill to establish Environment Protection Australia and Environment Information Australia.

**Senator DUNIAM:** In terms of introducing the full suite of legislation required to replace, update and remedy the problems of the EPBC Act, was a promise made to have laws in parliament by the end of last year?

**Senator McAllister:** I don't have her speech in front of me, but I think the minister has been very clear about her intention to undertake legislative reform. She has indicated her intention to proceed in a staged way. The first stage of that reform occurred at the end of last year. The second stage is imminent, by which I mean it's to be introduced today. The third stage is the subject of continuing consultation with stakeholders. The minister has made it very clear that, in relation to stage 3, she will take the time that is necessary to get it right.

**Senator DUNIAM:** You have been representing that minister at that table for nearly two years now. I find it a little odd that you have to say you don't have the address to the Press Club in front of you. A core promise in the portfolio is to do certain things by a certain point in time. A headline promise I thought you might be able to recall was to have laws in parliament by the end of 2023 if for no other reason than most senators around the table have quoted it back to you several times. Was that a promise made by the minister or not?

**Senator McAllister:** I'm not trying to be difficult. I simply do not have that speech. It was one of many speeches given by the minister. But at the last election we indicated that we would establish a national environment protection agency to ensure compliance with environmental laws and to have centralised data collection and analysis so there is consistent and reliable information on the state of the environment across the country. The laws to do so are being introduced today.

**Senator DUNIAM:** Okay, thank you—that's an excellent answer to a question I didn't ask! I asked you: did the government promise to have laws by the end of 2023 at the election or any other point in time since it was elected to replace, amend or reform the EPBC Act as promised?

**Senator McAllister:** The minister has been absolutely clear that these laws are required. She has been absolutely clear that it was her intention to introduce those laws as soon as was possible. It was also her stated intention to work with stakeholders, to bring people together. What she is seeking to do is establish laws that are capable of receiving enduring support by way of having mainstream business organisations and mainstream environment organisations come together. That will require for people to give a little bit. I believe that she has made comments of that kind at the Press Club and since.

**Senator DUNIAM:** Excellent. Indeed, in the document that was released by government, *Nature Positive Plan: better for the environment, better for business*, there is a paragraph entitled 'Next steps'. I quoted this to officials at the extension crisis hearing we had not so long ago and I'll quote it to you. It is a government document. You probably have a copy over there. It says:

A package of new national environmental legislation will be prepared in the first six months of 2023 to implement these reforms.

By 'these reforms' it means the entire package, not the pieces you've mentioned. It goes on:

During this period, there will be extensive consultation with stakeholders around the detail of the legislation. Draft legislation will be released to enable further consultation and detailed feedback. The legislation will be released as an exposure draft prior to being introduced into the Parliament before the end of 2023.

Minister, I've asked several times and you've refused to answer. You've given me bits of information unrelated to my core, simple, straightforward question: was it, and does it remain, the case that this government has failed to deliver on a promise it made several times in the lead-up to the end of 2023 and is now trying to paper over the cracks by pointing to some measly new bureaucracy, the EPA, as a means of replacing the EPBC Act?

**Senator McAllister:** Senator Duniam, this mischaracterises the entire reform agenda.

**Senator DUNIAM:** Ha, ha, ha, ha!

**Senator McAllister:** The minister has been very clear that reform is necessary, and indeed the government, in the lead-up to the election was clear that reform would be necessary—

**Senator DUNIAM:** Oh!

**Senator McAllister:** and would require new laws and new institutions. A first tranche of law reform was completed at the end of last year. A second tranche of law reform, to establish institutions such as Environment Protection Australia and Environment Information Australia, is shortly to commence—today. It remains the case that agreement between stakeholders on the approach we should take going forward around the reforms to the EPBC Act is yet to be obtained. Different stakeholders put different arguments to the government, and we continue to work with them. People are going to need to give a little bit, and that process of consultation with those stakeholders is ongoing.

**Senator DUNIAM:** Okay. I'm not going to try and ask you a straightforward question about whether that document, *Nature Positive Plan: better for the environment, better for business*, actually was government policy and whether or not it was the government's intention to introduce the full suite of legislation, because you seem to be completely allergic to the idea of dealing with that particular issue directly. I know it's embarrassing. There's two years of neglect and mismanagement that we've had, if we're going start characterising periods of time in a certain way. The government has failed to deliver even on the most straightforward issue, and you refuse to deal with that. I might ask the officials: what is the oldest unresolved or unfinalised EPBC assessment matter on the books at present?

**Senator McAllister:** Sorry, Senator Duniam. Before you go to officials, I can't allow that characterisation that you've just provided in your long preamble to stand. The government came to office—

**Senator DUNIAM:** I will respond to this.

**Senator McAllister:** and discovered circumstances where less than half of the decisions that were required under the EPBC Act were being taken on time. We have significantly resourced the department to improve those approval timetables. We came to office understanding that the environment protection laws were not doing the job we need them to do. We have commenced a process of reform. We have introduced and passed one tranche of legislation in the Senate. We have a second tranche of legislation which is shortly to be introduced, and we continue to work with stakeholders on the third. At the time, in the NPC speech, I understand that Minister Plibersek said that she would aim to develop new environment legislation for 2023, and she said, 'We will consult thoroughly on environmental standards.' In the many updates she has provided to the public since that time, she's made it clear that that consultation is deep, substantial and ongoing.

**Senator DUNIAM:** Except if you're a participant.

**Senator McAllister:** She's also made it clear that it requires people to come together and to think about their objectives. Business say that they would like more certainty and a timely pathway for approvals. Environment organisations say that they would like stronger protections for the environment. We continue to believe that these objectives can be brought together, but it requires continuing discussion, and we are determined to do so. Enduring environmental laws—ones that last for a long time and are capable of receiving support for a long time—actually require the support of stakeholders from across the board, and that is what the consultation process is driving towards and it's what we hope to achieve.

**Senator DUNIAM:** It's pleasing to know that the stakeholders have got it wrong about the nature of the consultation process, which they roundly—

**Senator McAllister:** They're your words, Senator Duniam.

**Senator DUNIAM:** They are the stakeholders' words, Senator McAllister.

**Senator McAllister:** If you wish to characterise stakeholder views that way, that is up to you.

**CHAIR:** Order!

**Senator McAllister:** That is not our view.

**CHAIR:** We will not talk over each other.

**Senator DUNIAM:** The minister might be reminded of that fact as well. I was actually halfway through a sentence before the minister started speaking over me, so she might like to reflect on her behaviour here. The point is that in addition to promising consultation—deep and meaningful as it's been, in a locked room somewhere where people can't take their phones, iPads or anything else. They have to handwrite. As Mr Knudson said, everyone's arms get a workout during that consultation process. And, of course, Chinese whispers is a great thing to have when we're passing on information to stakeholders and their membership. Part of that promise was to have laws in parliament—the suite—by 2023. It's a bit like the \$275 promise. You can rewrite history all you like, Minister, but I think—if we want to rotate the call, I'm happy to—

**CHAIR:** Yes, I was going to ask whether you had a question.

**Senator DUNIAM:** No, I've just made my statement. I do have more.

**Senator McAllister:** Chair, if I may, the challenge here is that we are happy to answer questions, but Senator Duniam enjoys long preambles with a lot of political commentary.

**Senator DUNIAM:** You like long answers!

**Senator McAllister:** I am happy to provide answers to all of the incorrect assertions and assumptions in Senator Duniam's preambles. It does take up a lot of time. There is another way to conduct this. I'm happy for officials to answer questions if Senator Duniam wishes to direct questions to officials, but if he wishes to have a contest of polemic—

**Senator DUNIAM:** Or a simple question about 2023.

**Senator McAllister:** then it's going to be a very long day.

**CHAIR:** Indeed. Senator Hanson-Young.

**Senator HANSON-YOUNG:** What is the timeline for stage 3? When will it be done? When will we see legislation?

**Mr Knudson:** As the minister has pointed out, we're in the process of stage 2 now being introduced into parliament. As for stage 3, we have indicated that there'll be additional consultation. The explicit intention is to bring forward stage 3 as soon as possible. That being said, as the minister has pointed out, there is a need still for additional consultation, and that will take the time that it needs to take.

**Senator HANSON-YOUNG:** So there's no commitment as to when the government now wants stage 3 completed?

**Mr Knudson:** The commitment is as soon as possible, but it doesn't translate into a specific timeframe.

**Senator HANSON-YOUNG:** 'As soon as possible' could translate to 'indefinitely'. The reason stakeholders and, frankly, senators in this room find it hard to comprehend that is that there have been so many changes to the commitment of the timeframe. We were promised an exposure draft midway through 2023. We were then promised that we'd see it before the end of 2023. That disappeared. Then we were told we would see something at the start of 2024. Now that's been dumped. The promise to do it as a full package has been dumped, and now we're being told 'as soon as possible'. We're not even being told 'as soon as possible in 2024'; we're being told 'as soon as possible'. I think it's absolutely understandable as to why people who are desperate for our environment laws to be fixed would be utterly frustrated with this process.

**Mr Knudson:** The only thing I would say is that we brought forward stage 1—and we talked about this in the inquiry—because there was an opportunity to pass the nature repair legislation as well as the water trigger expansion—

**Senator HANSON-YOUNG:** Thanks to the Greens.

**Mr Knudson:** noting that the Greens did vote for that, yes. The second piece is that, as we canvassed in that inquiry, stage 2 stands up the EPA and EIA, which we think are important institutions to have in place to receive the stage 3 legislation on the nature-positive act. All that has been pulled forward. The consultations were pulled forward last year. I understand the frustration. We are moving, I can assure you, as quickly as possible to get the legislation package for stage 3 done as soon as possible. But, as the minister said, that is a process that needs to bring both the environmental groups and the business groups to try and see whether we can achieve, ideally, agreed positions on the reforms that deliver both better outcomes for the environment and better outcomes for business. That is the stated intent of these reforms. We want to try and continue to work towards that objective, but that is taking time, as we talked about in the inquiry.

**Senator HANSON-YOUNG:** Of course, the Samuel review itself ran an extensive consultation process, a very extensive consultation process, and it's frustrating that the recommendations from Professor Samuel, in terms

of the triaging of how quickly things needed to happen, have been thrown out the window. It was clear from Professor Samuel's final report that those standards needed to be first, as a matter of urgency, and now we're seeing that bit being kicked to the end of the line. I understand, from what I'm hearing from you, that that is the hardest bit to do—to get agreement on.

**Mr Knudson:** The one thing I would say is the standards are a piece that we have done multiple iterations on now with the stakeholder groups. The comments back on the standards are quite frankly relatively aligned. We're getting close, I would say, on the standards, but the standards to come into force need the legislation. That's the piece that we're working through, but I would say we're making fairly good progress on the standards as a collective.

**Senator HANSON-YOUNG:** The EPA and EIA legislation will be introduced this morning, I understand. Have you been told whether it's happened while we've been sitting here?

**Mr Tregurtha:** You're correct. It's proposed to be introduced this morning, but I don't have any information that it has been yet.

**Senator HANSON-YOUNG:** I'm just wondering: if we ask questions about that legislation, am I going to be told we can't talk about it because it hasn't been introduced yet?

**CHAIR:** I might help you out here. If you wish to go to the content of the legislation then that's more appropriately dealt with in the inquiry that you and I have discussed will occur once this legislation is brought to bear. If you want to talk about the broader context, knock yourself out.

**Senator HANSON-YOUNG:** I'm just hoping we're not—I've sat in this room a number of times asking for details and been told no, because it hasn't been released yet. I'm just wondering whether, if it hasn't been tabled as yet in the House, I'm still going to get those kinds of blockages.

**CHAIR:** I think I've been clear. I'm going to be your blockage—procedurally.

**Senator HANSON-YOUNG:** No. Hang on—

**CHAIR:** The essence of the estimates process is to look at the budget. If you want to go line by line through the legislation, it is more appropriately—

**Senator HANSON-YOUNG:** I don't have the legislation. None of us has the legislation. We can't go line by line.

**CHAIR:** It's more appropriately dealt with in an inquiry, which we have discussed will occur.

**Senator HANSON-YOUNG:** Okay. Let's give it a swing and see how we go. When is the head of the EPA going to be appointed?

**Ms Parry:** I'm going to make a couple of assumptions here. The bill will be introduced this morning. Upon royal assent to the bill—initially the EPA will be established inside the department. The head of the EPA will be an existing public servant. Recruitment for the permanent CEO will commence, and it will take effect from 1 July 2025.

**Senator HANSON-YOUNG:** The existing public servant—what is that person doing now?

**Mr Fredericks:** That will ultimately be a matter for me because it will be a position that sits within the department. That matter is still under consideration.

**Senator HANSON-YOUNG:** Are you telling me that you don't know who that individual public servant is at this stage?

**Mr Fredericks:** I'm still giving that consideration.

**Senator HANSON-YOUNG:** How many public servants do we currently have working on compliance and assurance within the department to date?

**Ms Parry:** I'll just ask my division head to come to the table to give us those numbers, but what I can foreshadow is that, again, as is laid out in the organisational chart of DCCEEW, Mr McNee's division and Mr Edwards's division will be forming the core basis of the future EPA as well as a variety of corporate functions that will move over to support the EPA.

**Senator HANSON-YOUNG:** Okay. That's not the question I asked, though.

**Mr McNee:** The actual FTE staffing as at 31 March for the Compliance and Enforcement Branch is 94.4.

**Senator HANSON-YOUNG:** That's 94.4 full-time equivalent?

**Mr McNee:** Yes, and 2.8 contractors.

**Senator HANSON-YOUNG:** How many of those staff will be transitioned to the EPA?

**Ms Parry:** All of them.

**Senator HANSON-YOUNG:** So it's just a rebadging of this unit within the department?

**Ms Parry:** As the legislation sets out, and as the government has been quite clear, initially the EPA will sit within the department, administering existing legislation. As of 1 July 2025, it will become an independent statutory authority, as an appropriate receiving environment for the nature-positive legislation as well as the existing seven pieces of legislation that it will administer.

**Senator HANSON-YOUNG:** Is there any new resourcing available in the budget for this rebrand of the compliance and assurance branch?

**Mr McNeer:** I might just indicate: in previous announcements, the government has announced \$121 million for the establishment of the EPA. A part of that—around \$18 million—is for an enhancement of compliance and enforcement.

**Senator HANSON-YOUNG:** How much of that money has already been spent?

**Mr McNeer:** I don't have the exact expenditure for that at the moment, but we're into the second year of that funding as we're coming into the new financial year.

**Senator HANSON-YOUNG:** So the big fanfare for the introduction of the government's only concrete commitment of the EPA is actually moving some desks, getting some new business cards, and half the money has already been spent. I mean, what a joke. This is about environmental protection, and what we've got is a policy to rebrand and refresh a bunch of bureaucrats.

**Ms Parry:** I wouldn't agree with that characterisation. There have been a number of changes that will take effect as a result of the EPA. As Mr Knudson has already canvassed, this is stage 2 of the government's ultimate three-stage process of its nature-positive reforms. The new EPA bill, as will be introduced today, also has some transitional and consequential amendments to the EPBC Act, which will give greater penalties and powers to the administration of the EPBC Act. There is a much stronger compliance and enforcement focus around offsets that the EPA will be focused on, and it will be the first federal independent statutory authority that will administer the new nature-positive legislation. That's a significant step.

**Senator HANSON-YOUNG:** We haven't seen any of those changes to actually increase protection laws. That's the problem. You might get some new business cards over here for this team, maybe a new sign on the door, but koalas are not going to be protected. We've still got 148 projects on your government's books of projects that are going to destroy koala habitat and no laws to protect them. It's outrageous.

**CHAIR:** I believe the secretary has got a response there.

**Mr Fredericks:** I just wanted to add that you'd raised the issue of resourcing and budget measures to support resourcing for the EPA. There is an additional measure as well, which is the \$96 million which has been provided to the environmental approvals area of the department, which will also—

**Senator HANSON-YOUNG:** I haven't got to those—we're coming to those questions, Mr Fredericks.

**Mr Fredericks:** That's fine, but you did raise the issue about resourcing for the new EPA in its entirety, and that's an important component.

**Senator McAllister:** I'm surprised to hear senators who profess a concern about the environment diminish the contribution of the Australian Public Service in delivering environment protection.

**Senator HANSON-YOUNG:** There are no laws—

**Senator McAllister:** I would have thought, Senator Hanson-Young—

**Senator HANSON-YOUNG:** for them to implement That's the problem—

**Senator McAllister:** Perhaps I can finish my answer.

**Senator HANSON-YOUNG:** unless you've got laws that protect koalas—

**CHAIR:** Order! No shouting over each other!

**Senator HANSON-YOUNG:** protect the environment and stop native forest logging.

**CHAIR:** Senator Hanson-Young! Enough! You might be looking for the media clip and the rah-rah from outside—

**Senator HANSON-YOUNG:** Frankly, I don't need the media clip.

**CHAIR:** but let's just ask the questions.

**Senator HANSON-YOUNG:** These guys are the ones who are desperate for some environmental tinge.

**CHAIR:** Senator Hanson-Young, that is enough!

**Senator HANSON-YOUNG:** Everyone knows where I stand on the environment.

**CHAIR:** It's going to be a very long day if this is how we're going to proceed.

**Senator HANSON-YOUNG:** I think it will be a long day because this government has dumped its commitment to fix the environment laws to save and protect Australia's nature. All we've got is a rebranded branch of the department. It is hardly earth shattering.

**CHAIR:** I appreciate that is your perspective. To be clear, from everything we have heard and all of the stuff that's been out there, nothing's been dumped. The consultation is dragging out for a good reason. It is dragging out to get an agreement. The minister had a—

**Senator HANSON-YOUNG:** The mining industry are crowing and saying it's been dumped. They're pretty happy.

**CHAIR:** Senator Hanson-Young, enough. Minister do you have a comment you want to make before we move on?

**Senator McAllister:** Strong institutions, capable of enforcing strong laws, are a key part of the framework that the government seeks to establish. Both of these things are necessary. The reforms are taking place in three tranches. The first has been concluded. The second is on foot and the third is the subject of ongoing consultation. None of the characterisations offered by Senator Hanson-Young just now are correct.

**CHAIR:** Thank you. Senator Tyrrell?

**Senator TYRRELL:** I have some questions about Macquarie Harbour. The minister is considering the renewal of licenses in Macquarie Harbour. I was on the west coast the other week. The workers that are in the industry, who live and survive on the west coast, want to know the progress. They want to know how that is going because their jobs are important to them and their families. Can you give me an indication?

**Mr Edwards:** Certainly. You're right in that the current approvals around Macquarie Harbour salmon farming are under a reconsideration request. It is a fairly lengthy process. I can step you through that process and where we're up to. It kicked off with consultation over December to February, so all parties including salmon farmers and the local industry were invited to provide comments. Essentially, what they were doing was responding to new information that had been put to the minister to prompt that reconsideration process. We received 2½ thousand submissions. That's a lot of material. Step 2 in that process was to review those submissions. We've concluded that now, so we've reviewed that material.

**Senator TYRRELL:** Were the majority of those submissions local?

**Mr Edwards:** They came from all around. We certainly received several from the local community, from the salmon industry and from the conservation groups.

**Senator TYRRELL:** I'm curious. Is this a mainland problem, or is it a Tasmanian problem?

**Mr Edwards:** The skate is in Tasmania. That's the issue that we're focused on. We are very much focused on the plight of the maugean skate.

**Senator TYRRELL:** So the majority of the submissions that you've had are Tasmanian orientated submissions?

**Mr Edwards:** Sorry, senator. We're at cross-purposes a little bit. I don't think we've got a breakdown of how many submissions are Tasmanian versus national. Of course, it's protection under national law, so there's interest from across the nation in terms of the application of the law on that Tasmanian species.

**Senator TYRRELL:** There are a couple of people that are working down there taking submissions and doing walk-ins in the local area, and I believe that's contracted for another 12-month period. They're saying that the majority of the negative comments and support against the industry are not actually coming from Tasmanian residents. So I'd be curious to see a breakdown if that's possible.

**Mr Edwards:** We can certainly take that on notice. I should stress, though, the submissions weren't necessarily pro or against industry, but they were about the impact on the maugean skate. We can take on notice how many submissions originated from Tasmania.

**Senator TYRRELL:** How much longer do you think it's going to take?

**Mr Edwards:** We've reviewed the core submissions, and several of them had detailed scientific documents with them. The next step is the scientific analysis with our internal experts. We have species experts within the department. We will then undertake legal reviews, and it's very complex law, as we've discussed today. We then have to prepare a recommendation for the minister. The minister obviously has a period of time at her discretion

to consider that, and, once she's reached a decision, if she issues an outcome then there's a natural justice process for the industry to better engage with and respond to it. It's very hard to put a timeframe on it, but there are quite a few steps, and we've proceeded through the consultation and the primary review and are about to go into the scientific analysis of the material provided.

**Senator TYRRELL:** I know you can't put a line on it, but would you say in the next 10 months or next year?

**Mr Edwards:** I would hope so. We're moving as quickly as possible, so hopefully it's months versus years. I'd at least be able to give that assurance.

**Senator TYRRELL:** So we could be hopeful for before the next election then. I'll keep my fingers crossed.

**Mr Edwards:** I'm hoping as soon as possible. Again, the minister is concerned about the certainty with industry but also concerned about the plight of the maugan skate, so there are certainly imperatives to keep moving at pace, which is what we're trying to do.

**Senator TYRRELL:** I understand that, depending on the outcome of the review, the Commonwealth could look at imposing conditions on the industry. Are you planning to consult the industry about how that will impact on them and what the restrictions may be?

**Mr Edwards:** What's being looked at at the moment is the existing authorisation. If there's a new authorisation or new approval, or a different outcome that the minister proposes, then, yes, there's a natural justice process, which is what we do as standard. We basically provide a recommendation endorsed by the minister to a proponent to respond to, and that goes to things like practicality, for example—in that, if it leads to a new assessment process, again they have an opportunity to respond to that and provide any further information about why they support or do not support the minister's landing point.

**Senator TYRRELL:** So it'll come down to who believes what is more practical.

**Mr Edwards:** I think it'll come down to the science. But, certainly, practicality in terms of how you apply any changed decision would play into the framing.

**Senator TYRRELL:** Okay. So there will be consultation with the industry and the community, as well as the experts on the maugan skate and the environment.

**Mr Edwards:** There'll be consultation with the industry because, as I said, they're the proponents and would be held to those conditions, so that advice would go to them. But there has been a broad public consultation for input to inform the minister's view about whether there needs to be a different—

**Senator TYRRELL:** Will the Tasmanian government be part of that consultation?

**Mr Edwards:** Yes, they will be. The current arrangement is slightly unique in that the authorisation that's in place was actually put forward originally by the Tasmanian government. It's the Tasmanian government and the three salmon-farming companies in Macquarie Harbour.

**Senator TYRRELL:** Can I get the breakdown of the submissions, on notice, if that's okay.

**Mr Edwards:** Absolutely.

**Senator TYRRELL:** Perfect. That's all I have on Macquarie Harbour. If it's okay, I'd like to quickly ask about MMG as well. The mine in Rosebery is waiting on a decision from the environment minister about preparatory work to determine whether a potential new tailings storage dam at South Marion Oak is feasible. This has been going on for a very long time; it feels like forever. Are you any closer to having a decision, and when can the community expect to hear something?

**Mr Edwards:** I agree that it has been going for some time. The original decision that was made was put aside by the court, so we've had to remake that decision. It was based on additional information provided by local groups to a review. There are two referrals, as you might be aware. One is around the design and investigative work, and the second is for the tailings facility itself. We're fairly close to being able to provide advice now to the minister on that first element. I think we're within weeks of being able to submit a recommendation to the minister on that one.

**Senator TYRRELL:** So basically that's what's holding it up then?

**Mr Edwards:** We've had to do that work. Again, the original decision was put aside by the court, so we've had to be thorough.

**Senator HANSON-YOUNG:** When was it that the court put it aside?

**Mr Edwards:** I'll look to my colleague Ms Short to see if she's got that detail.

**Ms Short:** The original referral decision for the project was set aside on 28 July 2022.



**Senator HANSON-YOUNG:** Nearly two years ago?

**Mr Edwards:** It's actually up to the proponent to revise the material and provide that to us, so the majority of that time has actually been with the proponent.

**Senator HANSON-YOUNG:** The proponent? Not the activists who are trying to save the environment? The proponent is the one who is delaying the decision?

**Mr Edwards:** I'd say that they were committed to revising that in line with the decision from the court, and have been doing that process.

**Senator TYRRELL:** So the proponent was delaying it. How do we explain that to the communities down there, though? It's very legalese to them, and they don't really understand why things are taking so long and why their jobs are on the line. I understand that the environment is important but, when we go down to the West Coast and speak to those 3½ thousand people, who aren't really that important from a political point of view because there are not many votes down there, how do we explain to them: 'I'm sorry, it's a court thing; it's a design thing'?

**Mr Edwards:** I wouldn't characterise it as the proponent 'delaying'. The court put that aside. There was additional evidence of species that were not captured in the original decision or adequately considered in the court's view, so the proponent has been working thoroughly to ensure that they do have all the research and all the data to put into that revised referral. I absolutely sympathise with the community. It is very complicated but, obviously, they're hoping for a very robust proposal this time around that does indeed cover all matters and can be considered by the minister without further delay.

**Senator TYRRELL:** Because this has been going on for a long time, there was a line in the sand for the tailings dam decision so that business could continue. Does the department accept that, even if a decision is made soon, it could be too late—that we've delayed too long?

**Mr Edwards:** Again, I'm not aware of the decision points for the individual proponent. That's really their responsibility, but they have been proceeding through the regulatory processes they're required to.

**Senator TYRRELL:** Has the department considered a management plan if jobs are lost because the tailings storage support doesn't go through? I know that normally that would be a state support package, but this is a federal issue from this point of view. Do we have a contingency plan if the mines do leave?

**Mr Edwards:** Unfortunately, my responsibilities again are around the assessment of impacts on nationally protected matters, so it doesn't spill into industry support, but that might be a matter for the Department of Industry, Science and Resources. They may be able to help you with that.

**Senator TYRRELL:** So the short answer is that we've still got to wait?

**Mr Edwards:** Unfortunately, I do need to follow the legal provisions, yes.

**Senator TYRRELL:** Thank you.

**CHAIR:** Thank you. I'll just note that the bill has been introduced into the House, for those who are interested. We'll go to Senator Bilyk.

**Senator BILYK:** Quite often in estimates, we end up with an attempt to rewrite history or imply that previous governments have been perfect, so I want to go back to asking questions to get a bit of balance back into the room. If my memory serves me correctly, there was an audit office review into the department's environmental approvals process in 2019-20. Is that correct?

**Mr Edwards:** That's correct.

**Senator BILYK:** Can you talk to us about the high-level findings of the Auditor-General in terms of average time overruns or approvals which contained errors under that government?

**Mr Edwards:** I'll ask my colleague to speak to the detail. Just to frame that audit, though, it was not really focused on timeliness of approvals; it was looking at the overall regulatory support and assurance we have around our decision-making, so—

**Senator BILYK:** Looking at the—

**Mr Edwards:** It was really looking at the overall regulatory support and assurance we have around our regulatory system. So there were a range of recommendations, and they went to those types of aspects: condition setting, how we check and review assurances, the sort of information we provide, the guidance that our staff use in training and so on. But I'll ask my colleague Ms Vithanage to comment.

**Senator BILYK:** Thank you.

**Ms Vithanage:** In summary, there were five ANAO findings in audit snapshot. The first was that the then Department of Agriculture, Water and the Environment's administration of referrals, assessments and approvals of controlled actions under the EPBC Act was not effective. The second was that the department's regulatory approach was not proportionate to environmental risk. The third was that the administration of referrals and assessments was not effective or efficient. The fourth was that conditions of approval are not assessed with rigour, are not compliant with procedural guidance and contain clerical and administrative errors. The final one was that the department was not well positioned to measure its contribution to the objectives of the EPBC Act.

**Senator BILYK:** How much of those concerns or findings would be contributed to by resources constraints?

**Mr Edwards:** Certainly some of them were around that. But largely what it was pointing to was the absence of some of the architecture that you need to underpin a connected regulatory system. Again, the investment over time hadn't met the ANAO's standards in terms of having the data tracking and trending—

**Senator BILYK:** So the process wasn't appropriate? Is that what you're telling me?

**Mr Edwards:** Really that connective tissue within a system. Certainly we had processes in place. We had guidelines, we had staff working and working quite well on assessments, but a lot of that information you need when you've got a large mechanism was not mature and needed work. For example, one of the outcomes of that was for us to have an electronic workflow system which is connected to the outside world through portals. People could submit information and we could connect that through the workflow that the assessment officers were working on. It was those types of systems and mechanisms.

**Senator BILYK:** Is that how it's working now?

**Mr Edwards:** We do have a workflow system. We've got a public portal and a business portal. For example, people can now track the progress of their assessments, and it connects directly into a consistent system.

**Senator BILYK:** So there's been a drastic improvement. There's been an improvement in those processes?

**Mr Edwards:** There's been a very large improvement.

**Senator BILYK:** Great.

**Senator McAllister:** There were some quarters, back in 2016, 2017, 2018 and 2019, where the rate of on-time approvals was zero. We are now in a situation where the statutory performance is 82 per cent on time.

**Senator BILYK:** Can someone walk me through the additional funding in the budget for faster federal approvals?

**Ms Parry:** In the recent budget there was \$96.6 million over four years from 2023-24 to strengthen environmental approvals for renewable energy, transmission, critical minerals, to deliver additional regional plans and to undertake targeted science to improve environmental data used in decision-making. There was an additional \$19.9 million over four years from 2024-25 to develop, agree and maintain a national priority list of renewable energy projects and processes for priority renewable projects, to ensure that we get the right projects in the system in order to have their best chance of navigating the regulatory system.

What that means in practical terms is us working better with proponents to identify up-front guidance to get really good site selection. The quickest way through the regulatory processes is a light touch, so if a proponent can site it well, have good data and information and put forward a very strong submission, it will have a light touch through the regulatory process. So the additional funding that the department has received that the government has provided will enable that.

As well, the funding enables us to keep pace with the volume of referrals that we're getting. In practical terms, for instance in the renewable energy sector—that's the largest segment of referrals that we currently have—it's been under rapid growth. The number of renewable energy projects referred for assessment doubled from 2021-22 to 2022-23, and that continues at a pace. It helps us keep up with the pace, as with all of the other projects we have in the system. So we're able to address and keep up our statutory requirements for our statutory timeframes, which, as you've heard from the minister, represents 82 per cent. Is there anything that you'd like to add?

**Mr Edwards:** If you have additional questions, I can fill in.

**Senator BILYK:** Can you walk me through how many renewable projects the minister has signed off on and how those renewable approvals compare to those by the previous government.

**Mr Edwards:** Since the minister was appointed, she has signed off on 46 renewable projects. I'd have to dig a bit deeper in terms of past years. We might have to take that notice. I'm not sure we have the breakdowns.

**Senator BILYK:** Alright. How much funding has been allocated to set up Environment Information Australia?

**Ms O'Connell:** The government has funded Environment Information Australia with \$51.5 million.

**Senator BILYK:** Can you run through how Environment Information Australia is intended to operate.

**Ms O'Connell:** Certainly. Key to this is that Environment Information Australia sets up the first national dataset of environmental information. Previously, it's been held by jurisdictions—the states and territories—without a one single set of national information. Clearly, in terms of monitoring progress with environmental objectives, we need to have a national dataset. Also, environmental proponents need to have access to authoritative data that's timely and kept in a consolidated national form in order to make decisions faster.

**Senator BILYK:** Sorry, I have a bit of a hearing issue. Did you say this is the first time that this has been done?

**Ms O'Connell:** This will be the first time that there is a single national source of environmental data, and that's what's key and important about Environment Information Australia.

**Senator BILYK:** Do the states and territories feed into that? How does it work?

**Ms O'Connell:** Absolutely. We're working with the states and territories so that their information is accessible to Environment Information Australia rather than duplicative or starting from scratch. We're working closely with the states and territories to do that.

**Senator BILYK:** What sort of feedback have you received from industry about centralising and bringing forward this sort of data?

**Ms Coram:** I'm the head of Environment Information Australia, and I think it's fair to say that there has been support for the establishment of an independent environment data and information capability and for the frameworks that we're putting in place to ensure the smooth flow of quality data and information not only for regulatory processes but also for the public and any stakeholders to view and manipulate themselves. There has been support for the establishment of the EIA for the work that we have been doing in drafting environment data and information standards, and there's a sense that there is a real place for the Australian government to convene frameworks and provide leadership around national environmental data and information.

**Senator BILYK:** Would that work—

**Mr Knudson:** Sorry, I need to pick up on that point for a second. Through the consultations that we've been doing with both the environmental groups and the business groups, this is a pretty central piece. If we're able to provide clear information to communities and also to businesses—there were Ms Parry's comments about siting projects in a way that has less of an impact and therefore a faster path to approval, and the minister has talked about quick yeses and quick noes—this is central to that.

The other piece that we're working very explicitly on is the fact that the majority of the time that a proponent takes in doing an environmental assessment is by them. It's not dealing with the regulators; it's doing the surveying on the ground and figuring out what's where et cetera. So the more that we can get this information, which pulls state and territory information and also company and citizen information and builds it into a robust national dataset, the faster and clearer the decisions will be. That is key to delivering better outcomes for the environment and also better outcomes for business. This may sound like an anodyne discussion about data, but it's absolutely central to the reforms.

**Senator BILYK:** No, I think it's important. The public will be able to access this information—is that what you're telling me?

**Ms O'Connell:** There are the decision-making improvements through having access to data, but also key is greater accountability and transparency—things like Environment Information Australia releasing a state of the environment report every two years rather than what is currently every five years.

**Senator BILYK:** You predicted my next question. I was going to ask how it impacted—

**Ms O'Connell:** It really goes to that greater accountability and transparency by providing data publicly as well as providing the decision-making regulatory data.

**Senator BILYK:** Thank you. That's it from me for the minute, Chair.

**CHAIR:** Senator Duniam.

**Senator DUNIAM:** I might go back to the questions around Macquarie Harbour that the senator from Tasmania was asking. Senator Tyrrell—it's Wednesday, and I'm tired. Mr Edwards, you mentioned before that you had roughly 2,500 submissions from that December to February public comment period. Is that correct?

**Mr Edwards:** That's correct.

**Senator DUNIAM:** When did you finish the review that we were waiting for last time we met?

**Mr Edwards:** We finished that in the last week, actually.

**Senator DUNIAM:** In the last seven days?

**Mr Edwards:** Yes.

**Senator DUNIAM:** On which day?

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

**Senator DUNIAM:** Is there a formal process post that review being concluded—that is, is there a minute that goes up to the minister or to the secretary?

**Mr Edwards:** No. That's literally the team working through and being able to synthesise for themselves what's within that material, so it's not a point where we'd report to the minister.

**Senator DUNIAM:** Alright. You completed it in the last seven days, and you've taken on notice where the reviews come from. In that, I would be interested in a state-by-state breakdown—

**Mr Edwards:** Of course.

**Senator DUNIAM:** if you can include that as an addendum to Senator Tyrell's questions. You mentioned the next step being a detailed scientific review done internally. Is that correct?

**Mr Edwards:** That's right. We have species experts, and, if they feel that there's additional information needed from elsewhere, then we'll take that advice.

**Senator DUNIAM:** Sorry—additional information?

**Mr Edwards:** If our internal advisers feel that we need to seek any other information from other bodies, then we'll take their advice on that. But I envisage that it's largely comparing with our internal species experts.

**Senator DUNIAM:** These individuals conducting the scientific review are qualified scientists who are—did you say species experts?

**Mr Edwards:** Yes. We've got a range of line areas in the department. We have a number of experts in those areas that have that scientific expertise that can help us make sure that our understanding of the material provided to us is accurate and can help fill any gaps that we've found.

**Senator DUNIAM:** Is it the Threatened Species Commissioner that does this work? I'm getting a nod from—

**Mr Knudson:** Obviously, for the skate, updated recovery documents have been developed which have informed actions in the harbour. Ms Kennedy and Ms Fraser can talk to the expertise that'll be brought to bear not only in developing those recovery strategies but also in the work that is ongoing in the harbour, if that's helpful.

**Senator DUNIAM:** My question was really about whether there is scientific expertise. You're giving me and this committee an assurance that this internal scientific review is conducted by people with appropriate qualifications—the answer is yes?

**Mr Knudson:** Yes.

**Senator DUNIAM:** Excellent. So we're off the hook for that part. I will go to the timeframe in relation to this. There was a nebulous sort of answer around the timeframe, where you said 'as soon as possible—months, not years, hopefully'. I understand the difficulty with which you come at that question. So there is no legislated timeframe around the conducting of a review and the various stages to it?

**Mr Edwards:** No. The act asked us to proceed as soon as practical, so that's what we're doing. We're working through thoroughly and trying to do that.

**Senator DUNIAM:** So it's open-ended, in a sense: 'as soon as practical'. But there is no 'must be done within a year, two years, three years or two months'—nothing like that? Okay. Has the minister at any point sought an update on the progress of this work that you're currently undertaking?

**Mr Edwards:** No. We've spoken to the minister's office at various times. We keep them apprised of the steps, and we would expect to be in a position to update the minister more formally reasonably soon, but we haven't done that to date.

**Senator DUNIAM:** On notice, could you provide to the committee the dates on which you've provided updates to the minister or her office? Has the minister requested an end date to this process? Has she requested it be done by a point in time?

**Mr Edwards:** No.

**Senator DUNIAM:** No request from the minister?

**Mr Edwards:** No.

**Senator DUNIAM:** Going back to the matter of the EPBC Act that we were talking about a little earlier on, there've been a couple of numbers handed about. In terms of the last five quarters of the coalition government, is it the case that there were 269 EPBC referrals and that 94.8 per cent of those were decided on time? You may need to take it on notice.

**Mr Edwards:** I think we would have to take it on notice. I've got some financial years, but I don't have the quarters.

**Senator DUNIAM:** I think we've been able to obtain these from the website. Then, also on notice, in the first five quarters of the current government there were 280 EPBC referrals for assessment and 79.6 per cent of these were decided on time. Perhaps on notice if you can provide me with an update there that would be helpful, unless there is anything else to add at this point.

Concluding on the issue of the EPBC Act, has the minister requested that the work that is being undertaken to comply with the failure to meet the deadline of the end of 2023 to have legislation completed in this term of parliament. Has there been a request at all from the minister?

**Mr Knudson:** As I've mentioned several times now, the objective is to complete the stage 3 reforms as soon as possible.

**Senator DUNIAM:** I didn't ask what the objective was. I've asked if a request came from the minister to have it done in this term of parliament.

**Mr Knudson:** The request from the minister has been to complete the reforms as soon as possible.

**Senator DUNIAM:** So the request from the minister is to do it as soon as possible, but there's no timeframe on it.

**Mr Knudson:** As soon as possible.

**Senator DUNIAM:** Okay. Not this term. Minister, will the government introduce this legislation in this term of parliament or it's definitely not happening this term?

**Senator McAllister:** I've indicated to you that the minister's intention is to work through this as quickly as possible and in a way that engages the stakeholders, because it is her understanding and her analysis that lasting reform is dependent on achieving some measure of agreement between mainstream environmental organisations and mainstream business organisations. That's why there is such emphasis on consultation in the work that is presently underway.

**Senator DUNIAM:** Can you guarantee it will be tabled in this term of parliament?

**Senator McAllister:** I have indicated to you the minister's preference, which is that this work be done as soon as possible and in a way that involves consultation with business organisations and environmental organisations.

**Senator DUNIAM:** So no guarantee it will be in this term of parliament. That is fine. Does the department keep a track of how much in the way of resources, time and cost is related to the work undertaken in the overhaul of national environmental laws?

**Mr Knudson:** We do, in the sense that we have a committed taskforce which Mr Tregurtha, who's coming to the table, heads up. Its sole purpose is to reform the various stages of the legislation that we've been working through.

**Senator DUNIAM:** Mr Tregurtha, can you talk us through what data you have in relation to the resources expended on the overhaul of national environmental laws?

**Mr Tregurtha:** There've been two recent budget measures to support the work of the taskforce in undertaking the reform. I need to point out that a lot of the work in terms of developing the reforms also draws on various line areas across the department. What I'm giving you now are figures in relation to the expenditure on the taskforce.

**Senator DUNIAM:** Yes, that's fine.

**Mr Tregurtha:** But there's, of course, a range of communications support, corporate support and other areas of the department that contribute to the reform as well.

**Senator DUNIAM:** It's a conservative estimate, yes.

**Mr Tregurtha:** So, in implementing the Nature Positive Plan measure in the 2023-24 budget, overall that measure was \$214 million, of which \$34 million was directly for implementing the Nature Positive Plan. That \$34 million was spread between the taskforce and the Biodiversity Division to update recovery strategies, and there was a small amount of money as well for the department's Office of Water Science, who administers the Ramsar convention. Of the \$34 million, \$21.3 million was for the taskforce specifically. Then, in relation to 2024-25, there was an additional Nature Positive Plan measure in this budget of \$35.4 million, of which \$5.3 million

was additional funding to progress the reforms with the taskforce. So, in summary, for the taskforce there's that \$21.3 million plus the \$5.3 million, which is \$26.8 million. But, in addition, in that measure that I just referred to, the \$35.4 million was money for the nature repair market, which was also a commitment in the Nature Positive Plan.

**Senator DUNIAM:** I'll come to the nature repair market and that money a little later on—and I'm sure others will too. The \$26-odd million between the 2023-24 budget and the 2024-25 for the taskforce—

**Mr Tregurtha:** Sorry, Senator, I should say that that supports the taskforce in the current financial year and the next financial year.

**Senator DUNIAM:** That goes on to 2025-26.

**Mr Tregurtha:** 2024-25.

**Senator DUNIAM:** So, to be absolutely clear, 2023-24 was \$21.3 million for the taskforce.

**Mr Tregurtha:** Yes—spread over two years. So it's spread over this current year and next year, and then that was supplemented by an additional \$5.3 million in 2024-25 as well.

**Senator DUNIAM:** So we're still talking about roughly \$26 million to \$27 million across those two years.

**Mr Tregurtha:** Correct.

**Senator DUNIAM:** So it's 2023 through to the end of the 2025 FY.

**Mr Tregurtha:** The 2024-25 financial year.

**Senator DUNIAM:** Okay. So it's between \$26 million and \$27 million. How has that been spent?

**Mr Tregurtha:** That supports the taskforce itself—so the staff of the taskforce. There are approximately 39 FTE in the taskforce itself. It also supports a number of legal staff in the department who are engaged in preparing drafting instructions and supporting us with the legal workaround developing draft legislation, including the legislation that was introduced this morning. It also supports legal advice where we require external legal advice. For example, a small amount of money has been spent on going out to seek legal advice on things like the applicability of standards and the capacity to drive standards into legislative instruments. In addition—

**Senator HANSON-YOUNG:** Did you say 'the flexibility of standards'?

**Mr Tregurtha:** The applicability of standards. Finally, the other key cost I'd call out is the \$387,000, which is being spent on a contract with Frontier Economics to support the preparation of a restoration contributions calculator—so the actual development of the components of an offsets calculator. As you're aware, the Nature Positive Plan commits to introducing a payment mechanism in relation to offsetting, so that contract is supporting the taskforce to develop that particular component of the reforms.

**Senator DUNIAM:** So there are 39 FTE, and did you say that there is some legal support that—

**Mr Tregurtha:** In addition to the 39.

**Senator DUNIAM:** On notice, can you tell me how many legal personnel—

**Mr Tregurtha:** I'll have to take that on notice to consult with the legal team.

**Senator DUNIAM:** Indeed. Could you also provide on notice the breakdown of those 39 FTE and what roles they have specifically within the taskforce.

**Mr Tregurtha:** Certainly.

**Senator DUNIAM:** Can I ask that you provide on notice a breakdown of how that \$26-odd million will be spent.

**Mr Tregurtha:** Certainly.

**Senator DUNIAM:** With these 39 FTE, once the Nature Positive Plan—this thing that keeps moving off into the distance—arrives at our doorstep, what happens to those 39 FTE?

**Mr Tregurtha:** There are a couple of things there. When the taskforce is finished—we only have the funding through to mid next year, as we've pointed out. So those staff could be redeployed at the end of that timeframe in relation—

**Senator DUNIAM:** Do their contracts come to an end?

**Mr Tregurtha:** Pardon me?

**Senator DUNIAM:** Are they on a fixed-term contract?

**Mr Tregurtha:** No, Senator; they are largely, in fact, almost completely, permanent APS staff, but they can be redeployed into other areas of the department or more broadly depending on the department's requirements at that particular point in time.

**Mr Knudson:** When we were creating the taskforce, we pulled staff into that taskforce that had experience on the act and other parts of regulatory systems, from other government departments et cetera. So the transferability of the staff is very high. These are some of the best staff, I would argue, in my group.

**Senator DUNIAM:** It's a pity they've been bogged down in this.

**Senator HANSON-YOUNG:** I want to talk about the EIA. Mr Fredericks, you raised the EIA in relation to my previous questioning. When is that slated to start?

**Mr Fredericks:** We'll just have a change of personnel.

**Ms O'Connell:** EIA commenced, in its start-up form, at the beginning of last financial year, following the 2023-24 budget appropriation. As you could imagine, there was a lot of developmental work to get done to be able to establish a national data source. There's legislation being introduced today around putting some statutory obligations on the head of Environment Information Australia to do things like release the *State of the environment* report every two years.

**Senator HANSON-YOUNG:** So the EIA has effectively already started?

**Ms O'Connell:** It has started. It's not fully formed, but it has started.

**Senator HANSON-YOUNG:** So that's not new.

**Ms O'Connell:** It is new, Senator, to have a national source of environmental data.

**Senator HANSON-YOUNG:** Yes, but the minister's claiming a big exposure and fanfare today about this EIA—

**Ms O'Connell:** Yes.

**Senator HANSON-YOUNG:** and you're saying it started last year.

**Ms O'Connell:** Senator, what's new today is applying the statutory obligations to mandatorily release those pieces of information—that has not existed; that is fundamentally important.

**Senator HANSON-YOUNG:** Can you help us understand the reason you need the legislation? Is the reason you need the legislation so that the status of the environment report will be done more regularly?

**Ms O'Connell:** More than that, Senator—that it will be released publicly, and released publicly on a specified timeframe, and, yes, it will also move to two years rather than five years. But it is that transparency of having an obligation to release the information publicly on the head of Environment Information Australia.

**Senator HANSON-YOUNG:** The *State of the environment* report has—

**Senator McAllister:** May I add to the answer—

**Senator HANSON-YOUNG:** No.

**Senator McAllister:** I may add to the answer because that is how the standing orders work. I simply want to observe that—

**Senator HANSON-YOUNG:** I hadn't actually even asked the question.

**Senator McAllister:** I was adding to Ms O'Connell's answer, which is simply to observe that you'll recall that under the last government they hid the *State of the environment* report.

**Senator HANSON-YOUNG:** The *State of the environment* report—previously, yes, timeframes slipped. Ultimately, it was released, wasn't it?

**Senator McAllister:** By this government, not by the last one.

**Senator HANSON-YOUNG:** Ultimately, it was released, wasn't it.

**Senator McAllister:** By this government, because the last one sought to hide it.

**Senator HANSON-YOUNG:** It's not the only one there's been, Minister.

**Ms O'Connell:** Well, the 2021 *State of the environment* report was released in mid-2022.

**Senator HANSON-YOUNG:** What else does the legislation do in terms of the legislative requirements?

**Ms O'Connell:** The significant change to the legislation—and I assume that it's okay to speak about this here, given that it's being introduced—

**CHAIR:** It has been introduced; I can assure you of that.

**Ms O'Connell:** The main significant difference will be that the head will have independent statutory functions to provide reporting that cannot be directed by either the minister or the secretary of the department. They will include the regular two-yearly tabling of the independent *State of the environment* reports; environment economic accounts, which provide measures of the economic benefits of environmental values to society, so there will be regular reporting on them; and the provision of data and information. So the statutory functions will be the significant difference. The other thing will be the requirement to report on progress towards nature positives—the effectiveness of programs and initiatives to restore and protect nature. So that will be another significant piece.

**Senator HANSON-YOUNG:** But don't you need laws to protect nature?

**Ms Coram:** We currently don't have statutory requirements to report on the condition of the environment and how we are going tracking it.

**Senator HANSON-YOUNG:** Yes.

**Ms Coram:** It tends to be disparate data sets and intermittent reporting. So what we're trying to do is make this very regular and repeatable so that everyone can see how we're going and so that we can actually get a lot more systematic in how we design programs and investments with respect to protecting and repairing nature.

**Senator HANSON-YOUNG:** But we'd need laws to actually protect nature. Otherwise, we're just reporting on how terrible the situation is all the time.

**Ms O'Connell:** Part of those new laws is to introduce obligations for transparency and that's what this does.

**Senator HANSON-YOUNG:** I hear that. But the problem is that the current environment laws are not strong enough to protect nature.

**Senator McAllister:** Senator Hanson-Young—

**Senator HANSON-YOUNG:** Full stop. That's what Professor Samuel's review showed. That's what all of the experts say. That's what the evidence shows. And we have 148 projects before the minister, waiting for her to green-light them, that destroy koala habitat, a species that is facing extinction. Our laws are broken. So you can keep reporting on them, but unless you fix the laws, we are just going to see the head count of koala deaths go through the roof.

*Senator Cadell interjecting—*

**Senator HANSON-YOUNG:** A lot of coalmines too, frankly, Senator Cadell.

**CHAIR:** Maybe if you just hold up the commentary and get a response. Minister?

**Senator McAllister:** Senator Hanson-Young, we don't need to be convinced that law reform is required. The minister has been very clear that the laws require reform and she has been working to progress those reforms. That is not incompatible with also believing that improved transparency and data is immensely important. Again, these simplistic dichotomies where you seem to assert that we should have one or the other, we should choose between transparency or law reform—

**Senator HANSON-YOUNG:** Well, you have chosen, because you've dumped the law reform—

**Senator McAllister:** seems surprising to me, because the institutional capabilities that are necessary—

**Senator HANSON-YOUNG:** You have chosen. That's the exact point—

**CHAIR:** Senator Hanson-Young, can you please stop.

**Senator HANSON-YOUNG:** You have chosen bureaucracy over protection.

**CHAIR:** Alright. You no longer have the call. Minister, could you please continue.

**Senator McAllister:** The government's view is that we need institutional reform, good data and law reform to adequately protect our environment. We also require investment in our environment, which is reflected both in the nature repair market reforms that have already passed the parliament and the improvements to funding for public sector investment environment protection that have occurred already under this government. It is not possible to repair the environment through one single measure. What is necessary is a comprehensive program—

**Senator HANSON-YOUNG:** No. We want the full package, and you've dumped it.

**Senator McAllister:** of reform, and that is exactly what the government is delivering. Thanks, Chair.

**CHAIR:** Thank you. Senator Pocock.

**Senator DAVID POCOCK:** I'm keen to ask some more questions about total funding for environment. I know we've discussed this a few times at estimates. The Australian Land Conservation Alliance has done some really good work looking at funding for nature in the budget. Mr Knudson, I know you and I have had discussions at previous estimates about what is funding for conservation. But, looking at the framework that was actually set



out on page 149 of the state of the environment report, ALCA have compiled total on-ground conservation spend from portfolio budget statements, and the figure they arrived at was 492 million over this coming financial year. I understand that doesn't include water and those other things, but does that broadly sound correct?

**Mr Knudson:** We can talk to the specifics with respect to species on the ground actions. But one thing I would say is, again, if you go back to the recently agreed global biodiversity framework, you will see it talked about a number of drivers of loss of biodiversity. For example—and this is just to extend your point about water—climate is absolutely one of them. So, when you take a look at this budget and the expenditure on climate, it's pretty significant. But Mr Hanlon is here and can answer the question about the overall profile of expenditure on the environment. And then we can dive in, if you wish, onto threatened species more specifically.

**Senator DAVID POCOCK:** I assume that's why on page 149 of the state of the environment report they go into detail about what we can class as funding for conservation. I'm interested if that roughly \$500 million figure is correct?

**Mr Hanlon:** Since the last estimates where we tried to walk you through the expenditure, we did have a look at the methodology that we were using and we have come up with a methodology to explain environment spending—not just conservation but environment, which is reference to the portfolio budget statements. People can argue the methodology, but this is my view. So I looked at outcome 2 for the environment, which is in our portfolio budget statement, removed any depreciation, so non-appropriated expenses, and removed any pass-through costs to other entities. I looked at outcome 3, which is the Antarctic Division, with the same methodology; the Treasury payments to states specifically in budget paper 3 for environment; the Australian Institute of Marine Science, the Bureau of Meteorology, the Director of National Parks, the Great Barrier Reef Marine Park Authority and the Sydney Harbour Federation Trust. That's departmental and administered funding. The total for the 2024-25 budget is 2.6 billion, including the forward estimates 8.9 billion, using that methodology.

**Senator DAVID POCOCK:** What about using the methodology set out in the state of the environment report, which the minister just said that the Labor government released?

**Mr Hanlon:** I haven't looked at that, to be honest.

**Senator DAVID POCOCK:** Are you happy to have a look at it and maybe come back on notice?

**Mr Hanlon:** Yes. I can take that on notice.

**Senator DAVID POCOCK:** Because a separate group, ACF, looked at new spending measures in the budget. We all know that nature is not doing well. But less than 0.3 per cent of the new spend—less than one-third of one per cent—was for environment protection. Given the declines we're seeing and environmental law reform being kicked down the road, is that enough to actually deliver on the government's 'no new extinctions' commitment?

**Mr Knudson:** Again, as we've talked about before—so Mr Hanlon has laid out the overall expenditure on the environment. I've talked about the expenditure on climate change [inaudible] example—

**Senator DAVID POCOCK:** Which doesn't square with the state of the environment methodology—

**Mr Knudson:** No—

**Senator DAVID POCOCK:** You can package up things to make it sound—

**Mr Knudson:** I understand—

**Senator DAVID POCOCK:** to make it sound big, but—

**Mr Knudson:** I guess, what I'm trying to say is that, again, you're looking at one instrument by one level of government, which is the Commonwealth expenditure et cetera. Ms Kennedy can talk about what we spend on species. You've asked about conservation, which is a different methodology again. That one, quite frankly, we will have to take on notice, because I'm not completely across the methodology that you're referring to in the state of the environment report. Nonetheless—you mentioned zero extinctions—one of the pieces that we'll be taking to environment ministers in the national meeting in a few weeks is trying to get agreement to a set of national targets with respect to biodiversity and put those into our national biodiversity strategy. That's a requirement out of the Convention on Biological Diversity. We'll be one of the first countries to actually deliver something along those lines, on the back of the global biodiversity framework that was agreed in 2022. That will include, we expect, a commitment on invasive species, a commitment on zero extinctions, a commitment on 30x30, which is really important for dealing with habitat laws, which is another key driver.

So I'm just trying to give you a few examples of the framing of what needs to happen to actually turn around species loss. We've talked about the investment in the nature repair market many times before, about trying to drive philanthropic. Commonwealth money is absolutely another contributor. So are state and territorial

commitments with respect to expansion of the national reserve system, new parks et cetera. I would also mention—and Ms O'Connell has the lead on this as well—the investment in the Murray-Darling Basin et cetera is really important for fish and other species around that habitat. All of these things together are what is going to turn around the trajectory of species. I'm not—

**Senator DAVID POCOCK:** So you're confident, as deputy secretary, that the current level of funding is sufficient to turn around the trajectory of species?

**Mr Knudson:** What I'm saying is that no level of funding alone will achieve any of those types of objectives. What you need is a comprehensive approach which sees all levels of society pulling in the same direction towards a shared set of objectives. That's what we're taking to environment ministers in three weeks and hoping to get an agreement on. That will be a fundamental step forward for the country, laying out a framework of what we're all trying to pull towards, which includes the philanthropic all the way up to the Commonwealth level of government.

**Senator DAVID POCOCK:** Sure, but you can't escape the fact that conservation takes funding. We've talked about this before. Australia's best environmental scientists came up with about \$2 billion in today's terms on threatened species, boots on the ground, invasive species management—all of those interventions. If you use a similar methodology, we're spending about \$500 million. So why do we know better than the best environmental scientists?

**Mr Knudson:** Again, that is looking at one instrument to try and achieve an objective. What I'm arguing is that you need a whole suite of objectives, including law reform, to drive those sorts of outcomes. You could spend all the money in the world, and, if you don't have that complemented by complementary actions by states and territories and private landowners and also in our environmental laws, then you're not going to achieve those objectives.

**Senator DAVID POCOCK:** Minister, even if we go off the \$8.9 billion to protect the environment, which Minister Plibersek put all over her social media, that's still less than what we spend on fossil-fuel-subsidising fuel tax credits a year. That's about \$10 billion. What are we saying to Australians about the value we place on this incredible megadiverse continent that we spend less on protecting the very thing that sustains us as a society than we do on giving tax back to companies for using diesel?

**Senator HANSON-YOUNG:** Who are destroying the environment.

**Senator DAVID POCOCK:** It seems like a real disparity.

**Senator McAllister:** There are two parts to my response, Senator Pocock. The first is that we've talked before about pulling all the levers for conservation. Those levers available to governments include public investment, and that investment needs to go to some of those specific things that interest you around species recovery, but I would argue that it equally as importantly needs to go to landscape-scale conservation. I've spent 20 years of my life thinking about the Murray-Darling Basin. I can tell you that remedying some of the overextraction in that basin and returning those river systems and the associated flood plains to health is one of the most important things that we can do for biodiversity in this country, as an example.

We need private expenditure. This cannot be met by the state alone. We need law reform, and we are pursuing that, as we've discussed this morning. We need institutional capability, including for enforcement, and there is a bill in the House of Representatives today to establish the EPA. We also need good information and good science. The bill today provides obligations for our new environment information organisation to prepare that information at a national level and places obligations on a statutory officeholder to do so.

All of this needs to be integrated in work that we do with the states and territories, who also have levers at their disposal, including the national park estate, which is managed mostly by the states and territories, and their own planning laws. We engaged with them in a detailed way. Mr Knudson has just talked to you about the work that's being done to make sure that the levers they're using are the same as the levers that we're using.

That's the overall approach. You asked about how that compares to other kinds of expenditure. We don't accept that assessment of tax expenditure that you alluded to. I think it was prepared by the Australia Institute. It includes a range of measures that we wouldn't categorise as subsidies, but I appreciate the point you were making. We have to continue—

**Senator DAVID POCOCK:** I think Mathias Cormann has actually said it's a—

**Senator McAllister:** We don't accept that analysis.

**Senator DAVID POCOCK:** The OECD?

**Senator McAllister:** We consider protecting biodiversity to be important, and that's why it's been such a focus for this government. The minister has brought through the first tranche of reform. She is presently pursuing legislative reform, but there are a range of other institutional measures that have already taken place over the last two years to improve our national capability.

**CHAIR:** We were going to rotate, if you—

**Senator DAVID POCOCK:** I've got a couple more on this funding question.

**CHAIR:** Okay.

**Senator DAVID POCOCK:** So you don't accept the OECD's assessment that the fuel tax credits are a fossil fuel subsidy?

**Senator McAllister:** The government is committed to—

**Senator DAVID POCOCK:** No—that's what the OECD says, and you're saying that's not correct? So I'm saying: either you do or you don't accept their assessment.

**Senator McAllister:** You can ask these questions in Treasury, because it's a tax measure, but the analysis that we have is that this is a business tax arrangement that relates to the status of the fuel tax as an input, essentially, of business activity.

**Senator DAVID POCOCK:** Even if that's your assessment of it, what does it say about us as a country that, when we're in an extinction crisis, we're giving more in fuel tax credits than the total spend on the environment federally? And, yes, there are state and territory obligations, but the federal government is responsible for threatened species.

**Senator McAllister:** This government has done more on the environment in two years than was achieved—

**Senator DAVID POCOCK:** A very, very low bar.

**Senator McAllister:** in the last decade. We are working as fast as we can to remedy years of neglect and damage. There is an enormous amount of work to do, and you can see it in the law-reform agenda and in the agenda for institutional reform. You may wish to do more—and I understand that and I appreciate your advocacy. We are working very, very hard to remedy a lot of problems that were created by those opposite.

**Senator DAVID POCOCK:** It's not just me. What I'm hearing from people I represent in the ACT is that they are frustrated with Labor promising a lot and then kicking environmental law reform down the road, and nothing that we're hearing from scientists, whether it's on the Maugean skate or on koalas, is pointing to dealing with the root causes of the extinction crisis that we're seeing, whether it's native forest logging or environmental laws that don't work. I'm concerned we're putting the EPA—essentially, bureaucracy—over bettongs or bandicoots.

**Senator McAllister:** It is incredible to me that a senator for the ACT would diminish the Australian Public Service in the way that you have just done. Institutional capability is a core part of our ability to protect the Australian environment. It's not the only part—

**Senator DAVID POCOCK:** I think you're verballing me. I'm not having a go, at all, at the Public Service.

**Senator McAllister:** but it's an extremely important part of our focus—

**Senator DAVID POCOCK:** I'll be the first one to stand up for public servants, and have been doing at—

**Senator McAllister:** I'm not sure that dismissive references to 'bureaucracy' assist our debate.

**Senator DAVID POCOCK:** Well, from what I've heard, it will be the same very hardworking, capable—

**Senator McAllister:** If you want to have a debate about it, you need to think about institutional capability.

**Senator DAVID POCOCK:** public servants—

**Senator DUNIAM:** Badly led by a bad government.

**Senator DAVID POCOCK:** shifted to the EPA. So, Minister, you can try and spin it like that, but I think Australians are starting to see through it and to see that you need to give these incredible public servants the funding and tools to be able to make decisions that I often seem to see they want to make. They want to look after this place; they want to hand it on in a better state to their kids and grandkids, and yet our environmental laws don't allow them to do that. We're kicking it down the road and we're going to try and hang up the EPA at the next election as, 'We've delivered for Australians,' when we all know that that's not going to save the koalas or the bettongs.

**Senator McAllister:** You don't need to convince the government that law reform is required. It has been a clear focus since we came in. We've been working with stakeholders. But we don't want to make the mistakes of the last government. Minister Ley introduced a bill into the parliament, she didn't talk to anybody about it and it

went absolutely nowhere. Lasting reform is dependent on bringing people together. That is why the approach we've taken really does emphasise working with stakeholders, and that includes business stakeholders and conservation movement stakeholders. But we are not—

**Senator HANSON-YOUNG:** But the mining industry's got everything they want. They're crowing about it.

**Senator DAVID POCOCK:** Thank you, Chair.

**CHAIR:** Thank you. We'll go to Senator Payman.

**Senator PAYMAN:** Good morning. I'm going to ask some questions around threatened species. In January the ACF reported that 2023 was the highest recorded year of threatened species ever. How many listings has Minister Plibersek made since becoming minister in June 2022? And how many of those listings were affected by the bushfires in 2019 to 2020?

**Ms Kennedy:** Thank you, Senator. I'll start off with the listing decisions. Since Minister Plibersek has been in her position, from 1 June 2022, she has made listing decisions for 224 threatened species and eight ecological communities. Dr Kiessling might be able to help with the exact number of how many of those were bushfire affected, but essentially it was a lot. So we have seen quite high numbers of listings come through, particularly over the last 12 to 18 months, and that is largely driven by an uplift in listing assessment work that was really necessary after the terrible Black Summer bushfires. Also, we have had quite a lot of resourcing to be able to do that as well. I'm not sure whether Dr Kiessling might have more information on the number of bushfire listings. Otherwise, we can take that on notice.

**Dr Kiessling:** I'm afraid I don't have the exact numbers, but, as Ms Kennedy said, the majority of those species that have been listed are fire affected.

**Senator PAYMAN:** Let me know if you need to take this on notice as well, but how many listings were ready for a minister's decision before Minister Plibersek was sworn in?

**Dr Kiessling:** Sorry, Senator. I would have to take that on notice. I don't have that to hand. There was a lot of work underway since the bushfires happened, and there was an uplift in the work of the Threatened Species Scientific Committee and also the work that our team was doing in supporting them through those assessments. So there has been a lot in the pipeline during that time, but the work hasn't slowed; it's continued at pace since that time. It is interesting, because there has been some reporting about the high number of listings as a concerning thing. It really isn't. It's actually a really positive thing that those assessments have been undertaken and we have the best science there to be able to understand what protections are needed for those species. So I think it's a very important thing to be able to have there.

**Senator PAYMAN:** Thank you. Just on that, what kind of protections are in place once a species is listed? Are you able to step us through that process?

**Ms Kennedy:** They're protected as matters of national environmental significance under the EPBC Act. It depends on the level that they're listed at. Certainly, colleagues from the Nature Positive Regulation Division could talk through the process and what that means, but essentially that means that, if there's potentially a significant impact on those species once they're listed, that will come through to the department for a consideration of how and whether or not that can proceed.

**Senator PAYMAN:** Okay, excellent. Finally, is there a conservation plan in place that you can—

**Ms Kennedy:** Absolutely. A hundred per cent of listed species have a recovery plan and/or a conservation advice in place, to guide their recovery. Those documents, as you say, Senator, have multiple different purposes. They obviously perform a regulatory purpose for our regulatory colleagues when they're looking at those things, but they are also very helpful not just for the Commonwealth—in terms of guiding our investment through programs and our work with recovery teams that are looking at what's needed to help put those species back onto a better trajectory—but also for states and territories, which are definitely using those documents as well, and for others in the conservation movement. Also, other potential proponents and people who might be looking at what they might do in future can look to those statutory documents.

**Senator PAYMAN:** Thank you, Ms Kennedy.

**CHAIR:** We might suspend for morning tea now. When we return, we'll continue with outcome 2.1.

**Proceedings suspended from 10:44 to 11:03**

**CHAIR:** We'll now resume, continuing with outcome 2.1. Senator Davey.

**Senator DAVEY:** I just want to follow on from Senator Payman's comments and questions about threatened species. Conservation Volunteers Australia have produced a report, which I'm willing to table. This report has

looked at the increase in threatened species and specifically notes that, since the Albanese government came to power in 2022, there have been more species—specifically animal species—listed as threatened than during the entire nine years that the coalition government was in power. That can't all be down to bushfires.

**Mr Knudson:** As I think was mentioned, the extent of the bushfire summer was so comprehensive—I can't remember the exact number of species that we accelerated either the assessment or reassessment of, but I believe it was in the hundreds. It was a really significant event. I remember the figures being about three billion species being killed during that single event.

**Mr Fredericks:** I think it was 148 species and nine ecological communities.

**Senator DAVEY:** The bushfires were in the summer of 2019-20. With those species that moved over to the threatened species list, did it take more than two years to assess them?

**Mr Knudson:** I'll get Ms Kiessling to—

**Senator DAVEY:** That's concerning in itself, if it took over two years to make that assessment.

**Mr Knudson:** What I was trying to say was that the scale of the impacts was enormous and the number of species impacted was enormous. The normal rate of assessments of the Threatened Species Scientific Committee is orders of magnitude less than what has been done as a result of the bushfires. If I can turn to Ms Kiessling to expand on that a bit more, she'll give you a sense of the scale of the work that's been undertaken to make sure that those species have appropriate protections.

**Dr Kiessling:** At the time of the Black Summer bushfires, there were approximately 800 species that were considered for assessment. That was as a direct result of the Black Summer bushfires. That's not to say that all of those species have been listed, but there were around 800 that were considered for whether or not they should go forward for a full assessment for listing. Of those species, since the Black Summer bushfires 148 fire-affected species have been uplisted or included in the threatened species list for the first time, and nine ecological communities affected by the bushfires have been added to the threatened ecological communities list.

To go to your question about the length of time that assessments take, in some cases those assessments can take years, and that is because, for some species—for many species—there is insufficient information to be able to conclude as to whether they are eligible for a listing under the Environment Protection and Biodiversity Conservation Act. For those species, more information is required, new surveys are required, and, as I say, for some species, that can take years for the full assessment to be completed.

**Ms Kennedy:** Senator, we did receive yesterday a copy of the report that I think you're talking about, which CVA seems to have worked with a consultant to develop. It is based on publicly available data. Of course the impacts of the fires have been significant, but, as I said to Senator Payman before, there has also been over that nine-year period, as you've talked about, a significant increase in resourcing to both the team in the department that is working on these matters and the TSSC, the Threatened Species Scientific Committee. That did start at the time of the bushfires, but it has certainly continued on since that time.

**Senator DAVEY:** The increasing of resourcing, however, had started under the former coalition government.

**Ms Kennedy:** Yes. There was a \$200 million program that included additional resourcing for the department and for the TSSC and on-ground recovery works as well. It was for two years, and it started under the former government. But that funding finished some time ago now. Those resourcing levels have continued, and the staff have been made—they were contractors and they are now, I think, exclusively full-time equivalent staff.

**Senator DAVEY:** So you've converted contractors into FTE staff?

**Ms Kennedy:** Yes. I haven't done a 100 per cent comparison of exactly how many people there are doing this work now versus before, but it's at least as many people, and it's because it is a big and important job that we've got ahead of us. Yes, the fires were a huge factor in all of this, and that's something that I think has been broadly recognised. Yes, we had increased capacity through the TSSC because the ability of that important, independent scientific committee to actually look through all of the work that's produced and everything is important. There was also money for independent science to make those assessments fast-tracked, particularly in the instance of fire-affected species. But also, yes, we do have more permanent staff on board doing this important work than we did—for instance, in some of the early days of that nine-year period that you were talking about there. That seems to have been the period that—I haven't looked at it in detail; we only got it yesterday, but it looks as though that has been picked up in some of this work that the consultant has done.

As I said to Senator Payman, I really don't think that we should be seeing more listings and more protections for threatened species as anything but really positive things. It means that they really do have protections under

our national law and that there is the best science in place to guide their recovery. I understand that the numbers are going up, but I think that's positive.

**Senator DAVEY:** I'll note that. At the last estimates, my colleague Senator Duniam asked about the cut to the Landcare Rangers program. It was increased initially by the Albanese government from a \$75 million program to a \$90 million program, which was widely supported by Landcare, only now to have been cut, or deferred, until beyond the term of this government. I know it was covered off in the last estimates, but a question has arisen: not only have you cut or deferred that program but the government has also cut funding for organisations like Conservation Volunteers Australia—

**Ms Kennedy:** Sorry, Senator, I don't agree with the characterisation of 'cutting of funding' for Conservation Volunteers Australia. I'm aware of funding that has gone to that organisation previously. Some of it has been from my division and I know there are others—

**Senator DAVEY:** They've been running 40 years—

**Ms Kennedy:** I think there have been a number of different time-limited sets of funding that they've had. The one from my division was actually part of that bushfire funding—that two-year program that we mentioned. That work they did with us came to an end; it finished some time ago. Mr Block might be able to help me with the exact year that the funding finished, but it was a significant period ago. I've spoken to CVA and I've mentioned to them different competitive funding opportunities that are available. I think there were a couple of them that I mentioned to them recently, related to the Saving Native Species Program. That has now been announced. And I think there's another one that I can't comment on at the moment because it's under assessment—round 2 of the Urban Rivers and Catchments Program. So I think that suggesting we've cut funding to that organisation, when it has actually been a natural conclusion of projects that they have been funded for by the department, is not actually right.

**Senator DAVEY:** I have correspondence from them, where they've certainly interpreted it as having their funding cut.

**Ms Kennedy:** I—

**Senator DAVEY:** And they also said that there has been an end to the nation's marine plastics and natural disaster volunteering service. Would you—

**Ms Kennedy:** Sorry, that's one that a different colleague would need to speak about. But Mr Knudson has just asked me to ask if you'd like me to clarify the situation with the Landcare Rangers program?

**Senator DAVEY:** Yes, most certainly.

**Ms Kennedy:** We did speak about it briefly with Senator Duniam at the last estimates, but just to clarify: there was a deferral of that program. As you said, it was originally a \$75 million election commitment. Then, initially through the October budget process, there was another commitment added to it as well, which was the National Landcare Facilitator Program. Once it was costed up with departmental costs and other administrative costs included, that was going to be \$90 million.

As part of that, once we started working it through, we were talking to a range of different stakeholders around Australia, particularly in the regions, including our NRM regions and others. We were hearing quite a lot of feedback about the difficulty that organisations were finding in retaining and employing new staff. This is not even necessarily our department, but our NHT is run between us and the Department of Agriculture, Fisheries and Forestry. A decision was taken at the following budget to definitely not cancel the Landcare Rangers Program but to defer its commencement. The first year of that funding is still there in the forward estimates, but the government has absolutely still committed to the full \$90 million over the whole period. That's the \$75 million commitment plus the \$2 million, plus the additional administrative overheads to make sure that a program of that scale and ambition could be realised.

**Senator DAVEY:** To clarify, the \$75 million was the original commitment for Landcare Rangers, and then the National Landcare Facilitator Program—

**Ms Kennedy:** That's \$2 million, and that has been announced. That's under way with the National Landcare Network.

**Senator DAVEY:** That's part of the \$90 million?

**Ms Kennedy:** Yes.

**Senator DAVEY:** My maths is terrible.

**Ms Kennedy:** Mine too. I think it leaves \$13 million.

**Senator DAVEY:** That's \$13 million for—

**Ms Kennedy:** For the administration of the program over the period. Some of that was already expended in the first year, when we were doing that establishment and looking at how the program would be stood up and how it would work. Some of that has been expended in that first year, but over the entire life of the program—for the Landcare Rangers and the facilitator program as a whole—that \$90 million commitment has been retained. That is a decision of government that is still there, just deferred, given the economic circumstances and the feedback we were getting, particularly about the really tough competition in trying to find employees out in the remote and regional areas.

**Senator DAVEY:** You've just raised an issue. In question on notice submitted by my colleague Senator Duniam—SQ24-000318—Senator Duniam asked:

Further to the confirmation at the Estimates hearing of 12 February 2024 that the Government will no longer be proceeding with this commitment during this term of Parliament: how much money has been spent, if any ...

Your response was:

The ranger program will be delivered. The Government adjusted the program following advice ...

but you did not mention that any money had been expended. You now admit that \$2 million, as part of that \$90 million, has been, and that some of the \$13 million in admin fees has been expended. Why didn't you provide that information? It was a very specific question asked by my friend—how much money has been spent?—and you completely ignored that question.

**Ms Kennedy:** I'm certainly happy to confirm—the answer is factual. I am able to—

**Senator DAVEY:** It's factual, but it doesn't answer the question. Yes, you're saying the program will be delivered and will commence in 2027. That may be factual, but the question was: how much money from the \$90 million has been spent? You don't even acknowledge that that part of the question was asked.

**Senator DAVID POCOCK:** There's a whole handbook on that.

**Mr Knudson:** Are you talking about question 318? I just want to confirm.

**Senator DAVEY:** Yes.

**Mr Knudson:** When I read that question, it asks: 'what are the reasons for the funding'—that was the first one.

**Senator DAVEY:** That was question 1.

**Mr Knudson:** The second one says: 'how many new rangers in total were employed and upskilled as a result?'

**Senator DAVEY:** Before that—and I quote from the question submitted—it says:

Further to the confirmation at the Estimates hearing of 12 February 2024 that the Government will no longer be proceeding with this commitment during this term of Parliament: how much money has been spent, if any, by the Albanese Government on the Landcare Rangers program—and how many new Landcare Rangers, in total, were employed and upskilled as a result?

You could take that as: (a) how much money has been spent?; and (b) how many new Landcare Rangers? You didn't answer either part of those questions.

**Senator McAllister:** I will get the official to provide the information she has. It's an example of the discussion we were having yesterday—I don't think you were in the room—about the significant growth in questions and the fact that the raw number of questions coming in doesn't reflect the actual number of questions. This is a question notionally in two parts, but it's actually three, four or five questions. We are happy to try and provide the information, but it is an example of the multipart question that we were discussing yesterday. There is a growth in questions coming through to the government.

**Senator DUNIAM:** So therefore no-one will reply.

**Senator DAVEY:** So move on.

**Senator McAllister:** No, no. I'm not saying that. The official can provide a response.

**CHAIR:** We'll go to Senator Whish-Wilson.

**Mr Fredericks:** Chair, I think we would have an opportunity to answer that.

**CHAIR:** Sorry; I thought you'd finished.

**Ms Kennedy:** All I was going to say, if it's helpful, is that what we were trying to convey with the answer is that we haven't spent any money—I think this is what Mr Knudson was saying as well—on any rangers at the moment. We have had departmental money spent on that initial investigative work. That's in the order of—I can give you a figure—\$1.69 million. The National Landcare Facilitator, as I said, is a complementary measure separate to rangers as well in the way that—

**Senator DAVEY:** But it's part of the \$90 million from the October budget.

**Ms Kennedy:** Yes, but the way Senator Duniam's question was asked was more specific. I'm happy to be able to provide you with those details to date. The facilitator is underway. National Landcare Network is doing that work with us, and that's \$2 million over the period. There was just that small amount of departmental funding. The \$90 million is committed by the government.

**Senator DAVEY:** Can I ask one final question, because it's very relevant to this, and it was reported in your newspaper, Senator Grogan—the Adelaide *Advertiser*—on 14 February. Landcare Australia were responding to their disappointment that it's been deferred, but they were quoted in this article saying:

Landcare Australia understands an announcement about essential funds for Landcare under the Natural Heritage Trust is imminent, providing another \$14.5 million for Landcare over the next five years.

Has that been announced?

**Ms Kennedy:** Yes, it has. That is a separate program. It is out of the NHT, as you've just said, but it's led by our colleagues over at the Department of Agriculture, Fisheries and Forestry. I think the announcement was made in their last few weeks, but it has been made.

**Senator DAVEY:** Thank you. I'll look it up.

**Senator WHISH-WILSON:** I have some questions. I appreciate you've already had some questions this morning from Senator Duniam and Senator Tyrrell on the EPBC referral for Macquarie Harbour, but I have some additional questions. Mr Edwards, I understand you said this morning the department is still going through submissions in relation to the consultation period that closed in February and that you haven't put a timeframe on a decision by the minister. My question is this. At the moment, we're seeing trials being partly funded by the FRDC for micro-oxygenation using a barge they call the *Wombat*. I've met with the recovery team recently. We're also seeing work being done on breeding the skate. How do these two programs impact the minister's decision if at all, given that the oxygenation trial data won't be available until late this year and that the recovery team still have a lot of work to do?

**Mr Edwards:** We're certainly feeding any new data we receive into the process, but it's probably worthwhile to answer that question by framing what the reconsideration process covers. It's fundamentally asking two questions.

**Senator WHISH-WILSON:** I'm familiar with those two, and, actually, that is my next question. They would be: confirm the original 2012 decision, or revoke the decision and substitute it with a new decision.

**Mr Edwards:** I was going to reframe the actual information that we're looking for. There are two types of information to come through that. It's new information about the impacts that we didn't know in 2012, and then it's any substantial change in the circumstances of the species that were not foreseen in 2012. They're the two elements. It's fundamentally about what we had in place in 2012 and what we know now. For some of the measures that are underway at the moment, we'll certainly be looking at the data that comes through. A lot of that may, in fact, fundamentally inform a forward-looking management regime, whereas the reconsideration is—

**Senator WHISH-WILSON:** I appreciate that, but in relation to the minister's decision, very specifically, you've got the information you've collected in your 3,000-plus submissions. You've also got this oxygenation trial that the federal government is partially funding, as well as the partial funding that's going towards the recovery team. Will that information be material to the minister's decision, and will the decision timing be based on the completion of those trials?

**Mr Edwards:** It's difficult to answer that in a linear way, but I'll try. The information is really about the approval that was in place in 2012, what we now know about the impacts and what has changed for the species.

**Senator WHISH-WILSON:** That would be new information, presumably.

**Mr Edwards:** Yes. That information may help inform how you better manage the species and what different techniques or measures you might have in place, and the minister will consider that. For example, if you landed on wanting to set new particular manners around the decision, she may draw on some of that information to decide that.

**Senator WHISH-WILSON:** So yes or no—will the minister's decision wait, or will its timing be impacted by those two specific programs?

**Mr Edwards:** It won't wait—

**Senator WHISH-WILSON:** So it'll just be on the submissions?



**Mr Edwards:** We're required to proceed as soon as practical, and the minister will use all the information on hand during that process, but of course there's uncertainty for the skate and for the community. We're aware of that.

**Senator WHISH-WILSON:** What is the department's understanding on the completion of the oxygenation trials? When are you expecting to get the data to be able to inform us on what kind of tonnage of reduced oxygen demand would be required to positively or negatively affect the skate?

**Mr Edwards:** I will have to ask a colleague. That's run through our Biodiversity Division.

**Dr Fraser:** The oxygenation trial is run through the Fisheries Research and Development Corporation—

**Senator WHISH-WILSON:** I'm aware of that.

**Dr Fraser:** so more detailed questions would go to them, but that trial is essentially over two years. It's a pilot. It commenced in January or February this year, and, in fact, the recovery team saw some of that work underway and saw the *Wombat* barge when we were out there. Regardless of the outcome of the reconsideration decision, that work, and other work of the recovery team, is continuing afoot—the captive breeding, the reoxygenation trial to offset salmon et cetera.

**Senator WHISH-WILSON:** It's clear to me, then, that the information from the oxygenation trial won't necessarily impact the decision, but it may be used to inform future management, as you say. On that question, what's being decided is whether the minister will confirm the original 2012 decision or revoke the decision and substitute it with a new decision. Senator Tyrrell and others today have tried to frame this as being an all-or-nothing decision: do we stop salmon farming or not? Just to be clear, if the minister does decide to revoke the decision and substitute it with a new decision, the information can then be used to provide a different management framework. Is that correct?

**Mr Edwards:** Yes, that's right. Again, it entirely depends on the outcome of that decision. There could be another 'not controlled action with particular manners', and that sort of information could form part of the particular manners going forward, but, again, there are multiple decisions the minister could take.

**Senator WHISH-WILSON:** For the community's benefit, this is not a decision strictly about whether salmon farming continues or doesn't continue in Macquarie Harbour. It may well be about how it continues.

**Mr Edwards:** To be really clear, it's about making sure that the activity is having acceptable impacts. We are charged with protecting the maugan skate, and the government, in doing so, will have an interest in both the welfare of the community and the welfare of the species.

**Senator WHISH-WILSON:** If the minister confirms the original 2012 decision, is there anything under the current 2012 decision that could also lead to changes in the way Macquarie Harbour is managed or monitored? Is there anything within that decision that could lead to change, or will it require a revoking of that decision?

**Mr Edwards:** That decision very much refers to the current state fisheries measures. The harbour is managed by the state.

**Senator WHISH-WILSON:** Does that include an oxygenation trial?

**Mr Edwards:** No, not to my knowledge, but—

**Senator WHISH-WILSON:** Could you check on that for me, Mr Edwards?

**Mr Edwards:** I can check that. But, just to finish the answer, my understanding is it's an adaptive management approach that they deploy, so there could be some flexibility within their current framework.

**Senator WHISH-WILSON:** Adapt to one disaster to another. I've been following this closely, as you know, for a long time. It's been a bit of a sad saga. The minister could still keep the original decision and there could still be changes to the way Macquarie Harbour's managed?

**Mr Edwards:** Again, under that scenario there would be scope for the Tasmanian government to adjust some of their settings under their current management regime.

**Senator WHISH-WILSON:** For the Tasmanian government to adjust?

**Mr Edwards:** The Commonwealth decision refers to the Tasmanian management regime, so they could obviously make adjustments within that.

**Senator WHISH-WILSON:** Without the minister revoking the original decision?

**Mr Edwards:** That would be my understanding, yes. Just to be clear, I think we'd have to work through that, but she gets a landing permit which is retained. So you're right, you don't revoke or replace. In the scenario that she retains—

**Senator WHISH-WILSON:** But, if she revokes a decision and substitutes it with a new decision, what's the difference then, essentially, with keeping the original 2012 decision and correcting the Tasmanian government to make changes?

**Mr Edwards:** A new decision to be more specific around the management requirements or the other parameters that the minister finds should be in place.

**Senator WHISH-WILSON:** More specific in terms of the Commonwealth's oversight?

**Mr Edwards:** It could include additional Commonwealth oversight and/or recommendations around changed management regime at a local level.

**Senator WHISH-WILSON:** Okay. This morning, Senator Tyrrell seemed to be implying that this was a Tasmanian issue and a Tasmanian decision. Just to be clear, the skate is an endangered species under federal law—is that correct?

**Mr Edwards:** That's correct.

**Senator WHISH-WILSON:** Hence, we're having this decision at a federal estimates. It's also under review at the moment for a reclassification to critically endangered—is that correct?

**Mr Edwards:** Correct.

**Senator WHISH-WILSON:** Therefore, its potential extinction is a national issue or an international issue—is that correct?

**Mr Edwards:** It's a matter of national environmental significance, correct.

**Senator WHISH-WILSON:** Great. In relation to that reclassification, I understand the timeframe is for later this year. What's the process before that? It's been recommended. I suppose what I'm asking is: is it a certainty that it's going to be reclassified, or is there a process that you need to go through before that happens?

**Dr Fraser:** That process is well underway. It's the same process for any species listing consideration. In this case, the Threatened Species Scientific Committee will be preparing advice for Minister Plibersek around whether that species should be considered endangered, which it currently is at the moment, or uplisted to critically endangered. That work is well underway. That includes a listing assessment and also an update to the conservation advice as part of that with the most recent science, and that's on track to be decided by October this year.

**Senator WHISH-WILSON:** The reason I'm asking this question is obviously I'd hate to see any political interference in the classification of the species. I'm not saying that is the case, but this is Parliament House, and this is a very hot button topic, as I'm sure you're very aware.

It has been recommended that the skate be listed as critically endangered. Would its uplisting, if you don't mind me using that term, impact the minister's decision in relation to the EPBC referral—if suddenly we are dealing with a critically endangered species in Macquarie Harbour?

**Ms Kennedy:** Dr Fraser might be able to help me, but I'm not sure the characterisation of 'recommended' is quite right. It's certainly been nominated, and it's been accepted onto the Finalised Priority Assessment List for consideration by the Threatened Species Scientific Committee on whether it should be in that higher category. But the point at which it's recommended by the TSSC for that uplisting is the point at which it has finished that process—that's my understanding. The assessment is well underway, and that is the category they're looking at. But to say it was 'recommended' to be that level at the point when it was nominated and accepted onto that FPAL list might be a bit of a different way to the way that we would usually characterise that, just to be clear.

**Senator WHISH-WILSON:** I might just go away and have a look at *Hansard* and reframe the question for you. I'm interested in what new information could possibly lead to it not being reclassified as critically endangered.

**Ms Kennedy:** It's not a job for the department either.

**Senator WHISH-WILSON:** No, it's the committee.

**Ms Kennedy:** There's a statutory process that needs to take place there. As you've said, it's on the FPAL. There are a series of steps that need to happen, and then there's a decision, after the TSSC has made its recommendation, that the minister for the environment needs to make. I think the most notable next step that needs to happen here is a public consultation process, and we expect that to happen soon. Dr Fraser has—

**Senator WHISH-WILSON:** A consultation process around the reclassification?

**Ms Kennedy:** That's correct.

**Senator WHISH-WILSON:** That's a standard thing for all—

**Ms Kennedy:** Yes, that is standard. That happens every time we have a species that's been listed for the first time or one that's being considered for a relisting, either up or down, or for reclassification. There's nothing unusual about the process. The only slight difference, I think, in this situation that I can think of is that the urgency of this situation led to the TSSC looking at revising its conservation advice urgently last year, which is the one that came out in October of last year. That was an important process for them to do, and you're well aware of that document, and that's obviously taken into account by Mr Edwards and his colleagues as well.

**Senator WHISH-WILSON:** So that will be taken into account in the EPBC referral decision?

**Mr Edwards:** Yes. All the latest known science will be taken into account.

**Senator WHISH-WILSON:** Good.

**Mr Edwards:** We've had three people request reconsiderations. They've provided substantial evidence and science to back in those requests, and I would imagine that a lot of that same material is drawing on the sort of information that the Threatened Species Scientific Committee would be looking at as well.

**Senator WHISH-WILSON:** This is my last question on this topic. It relates to question on notice SQ23-001593. The question I asked was:

Salmon Tasmania has claimed that it has raised concerns about the decline in the Maugean skate for "some time"? Prior to this year, what conversations is the Department aware of where concerns about the Maugean skate were raised by the salmon industry in Tasmania?

This is the salmon industry saying, 'We're concerned about the skate.' The response I got back is:

The department is aware of conversations occurring during compliance monitoring activities conducted in February 2017 and January 2018.

Is somebody aware of the details of these conversations? Specifically, were they around the court case when members of the salmon industry were going to war with each other over poor regulation and concerns about the skate in Macquarie Harbour?

**Dr Fraser:** I'll just check my notes, but I think that does refer to Huon Aqua.

**Senator WHISH-WILSON:** That was Huon?

**Dr Fraser:** I'll just check my notes on that.

**Senator WHISH-WILSON:** Could you check on that, Dr Fraser, because if that was Huon saying it was worried about the skate that would correlate with my understanding that members of the salmon industry were taking each other to court. Huon were claiming the Tasmanian government weren't doing their job regulating Tassal, in particular, about overstocking in Macquarie Harbour?

**Dr Fraser:** That's right. It was February 2017. Huon Aqua initiated those legal proceedings against the Tasmanian government and the EPA around stocking rates in the harbour.

**Senator WHISH-WILSON:** And that was a point where it was noted that the Tasmanian salmon industry had concerns about the future of the maugean skate. Alright. Thank you.

**Senator DAVID POCKOCK:** I have some questions about the 'tranching'—if that's a word—of environmental law reform. While the officials are coming up I'll mention that I was thinking about the almost 224 threatened species and eight ecological communities that were listed after the fires. Last night I was reading a bit about projections. This author, who was an IPCC lead author, was saying that, if you take into account the Future Gas Strategy and things like that, by 2040 the year 2019 will be an average year and by 2060 it will be a cool year. That's pretty frightening given we're having these conversations about threatened species and then we're seeing the other arm of government with the Future Gas Strategy.

But I don't want to ask about that! I'm keen to understand the process behind the decision to bring forward tranche 2. We know from media reports that the WA Premier, Roger Cook, travelled to Canberra in late March and early April to meet with the environment minister and the Prime Minister in relation to environmental law reform, and then, days later, the environment minister announced the deferral of environmental law reform. I'm interested in the process here. Did the department meet with the WA Premier?

**Mr Knudson:** We canvassed this exact line of questioning in the inquiry. As we said very explicitly, the first time that we provided advice into the office with respect to the possible staging of the legislation was in December of 2023, so quite some time ago. I just wanted to make that really clear. There is no connection between the Premier and that decision.

**Senator DAVID POCKOCK:** But my question is: did the department meet with the WA Premier?

**Mr Knudson:** No.

**Mr Tregurtha:** No, we did not.

**Senator DAVID POCOCK:** Did you meet with officials from the WA government?

**Mr Knudson:** We have met with WA officials a number of times over the last several months, as we've been progressing the reforms. We've been meeting with all states and territories.

**Senator DAVID POCOCK:** So on that visit you met with officials who were travelling with the Premier?

**Mr Knudson:** No—sorry, senator. What we can come back to you on is the specific times that we've engaged the states and territories.

**Senator DAVID POCOCK:** Sure. That would be great.

**Mr Knudson:** What I'm trying to say very explicitly is that there have been a number of engagements of all states and territories on the reforms. We've also had bilateral calls with various jurisdictions that have expressed interest in understanding the reforms better. Mr Tregurtha had a call with Victoria a couple of weeks ago.

**Senator DAVID POCOCK:** Sure. I understand that. I'm just trying to understand whether you met with officials when the WA Premier was here.

**Mr Knudson:** No.

**Senator DAVID POCOCK:** Did the department officials meet with representatives from mining companies or peak bodies representing mining or gas while the WA officials or the WA Premier were in town?

**Mr Knudson:** No, but, again, I'm not even aware of what dates the Premier was here. That being said, we can come back again with lots of information about—

**Senator DAVID POCOCK:** That would be great. Could you take on notice the list of dates.

**Mr Knudson:** Yes, but also the peak bodies. As you'd understand, we're involved with both the peak NGOs and the peak business groups, and we can talk a fair amount about that if that's helpful.

**Mr Tregurtha:** If you have a date, we may be able to help you now in terms of the meetings that we had during that time period.

**Senator DAVID POCOCK:** I think it was the first or second week of April. I'd also be interested in the meetings that Minister Plibersek had with WA officials or the Premier in March and April.

**Mr Tregurtha:** My colleague is pointing out to me that on 16 April we convened a meeting of our intergovernmental reference group on the reforms. We've been running these pretty much monthly.

**Senator DAVID POCOCK:** Was 16 April the date that Minister Plibersek announced tranche 2?

**Mr Tregurtha:** Yes, it was.

**Senator DAVID POCOCK:** I'm interested in before that.

**Mr Tregurtha:** Prior to that? As part of the March consultations we had a session with states and territories. That was at the end of the last week of March. We had one of our consultation sessions. Those consultation sessions included a session that was explicitly for state and territory governments, so we met with all states and territories on that timeframe.

**Senator DAVID POCOCK:** Maybe to save time, if you could provide the list of those meetings on notice, that would be great.

**Mr Tregurtha:** Can I just clarify: when you say 'a list of the meetings', is that including where we've met with—you asked before about mining—

**Senator DAVID POCOCK:** Mining peak groups, gas peak groups and WA officials.

**Mr Tregurtha:** Just to be clear, the timeframe is from March—

**Senator DAVID POCOCK:** Maybe just this year is fine.

**Mr Tregurtha:** We can do that.

**Senator DAVID POCOCK:** That would be great. When the minister met with the WA Premier, there was no-one present from the department?

**Senator McAllister:** I don't have a record of the minister's meetings, so I'm unaware of—

**Senator DAVID POCOCK:** Can I ask for that on notice?

**Senator McAllister:** Yes, you may.

**Senator DAVID POCOCK:** Thank you. Then I'd be interested in how many times the department and the minister met with mining companies or mining peak bodies in March/April, or maybe back to January. I'm asking this because of one of my concerns. I know how much work the department has been doing on environmental law reform for a long time now. We've seen this political decision to delay it to 'as soon as possible'. Having lived in the spectacular state of WA for while, I know a few journos there. After the Premier and some mining officials came and met with the minister, this journalist was told by them, 'The minister has told us no environmental law reform this term,' and then a few days later, on the 16th, we saw her announce tranche 2. I'm trying to understand what happened in that timeframe.

**Mr Knudson:** Like I was saying in the inquiry, if you go back—we talked about December being really important in terms of us developing our advice on the staging of the reforms. At that point we had been successful in prosecuting the nature-repair legislation and also the extension of the water trigger. In that last sitting week of parliament, the government was able to get that through. That's what, in effect, made us think about what else could be pulled forward in the reforms, and that's where it led to. Standing up the institution, from a policy standpoint, made a lot of sense, so that they're ready for the—

**Senator DAVID POCOCK:** Yes, I understand that.

**Mr Knudson:** My point is: you're effectively trying to draw a link between WA engagement in March and April and the decision for staging, and I'm saying as clearly as possible: those two are not connected. It started months before that. It was on the back of having successfully delivered stage 1 that we looked at what institutions could be put in place as soon as possible, which led to today's legislation being introduced, in advance of stage 3.

**Ms Parry:** I might supplement that answer by indicating that another trigger for the government bringing forward its stage 2 reforms was its offset audits, which indicated that there were some significant compliance matters. The government was keen to ensure that those were addressed. It therefore wanted to bolster the compliance and enforcement activities under the current EPBC Act but also the future EPA. That was another trigger to bring forward the stage 2, to establish those institutional arrangements and to bolster the penalties and powers under the EPBC Act to be able to direct our compliance and enforcement activities appropriately, in a risk based way, based on the outcomes of the audit findings.

**Mr Fredericks:** I wasn't in the committee, but I think the point was made—and I think I need to emphasise it to you today—that this department advised the minister as early as December of 2023, on an ongoing basis, that a staged approach of the stage 2 that you're seeing unfolding today was a sensible way to go forward on this reform. The department provided that advice. We worked assiduously in the implementation of that advice. You know that the processes around developing legislation and what you see today are complex and take time. We worked assiduously on that, including with the Office of Parliamentary Counsel. Of course, as I would expect of my staff, they have engaged closely with all manner of stakeholders and all manner of interests in order to make sure that we are as well informed as possible to make judgements and provide advice on stage 2 and to help form stage 3. I think it's really important to say that on behalf of the government. This department provided the advice.

**Senator DAVID POCOCK:** I appreciate that. I'm just interested in the timing, with this headline from the *West Australian*: 'Premier Roger Cook used Canberra trip to urge Albanese government to break up contentious nature-positive laws'. Within two weeks that had happened.

**Senator McAllister:** I would perhaps make this observation before we leave this last one: we can either search for a simple explanation, which is that the government is keen to progress these reforms and received advice that the best way to do that would be through a staged approach, or we can look for a complex conspiracy. The Occam's razor principle is that the simplistic explanation is usually the best. The department provided advice that there was a way to make progress on some of the elements of the reform that were less contentious and would also be effective in responding to some of the other challenges we're aware of around EPBC compliance and enforcement. The minister accepted that advice, and the bill that was introduced today is the product of that advice.

**Senator DAVID POCOCK:** Okay. Ms Parry, to your point on enforcement, it's something I've heard the minister talk about—'We need this for enforcement'—but my understanding is that we could just be enforcing what's currently happening. One of the things that I've heard her say is: 'We need bigger fines.' I'm interesting in how many times a company or individual has been fined the maximum amount under the current fines.

**Ms Parry:** I'll just call on my colleagues, but before we get into that specific question I guess one of the contextual—

**Senator DAVID POCOCK:** I'd be keen just to go on this. Sorry—I'm short on time.

**Ms Parry:** Well, I just want to make the point that contextually, again, government has made a very concerted effort to emphasise compliance and enforcement. That is happening currently under our current activities, staffing it as such. Mr McNee and Mr Grosse can walk you through that. That would also very much form the basis of the new EPA and is part of the bills that you're seeing today around increased compliance and enforcement penalties and powers.

**Mr Grosse:** There are various offence provisions within the legislation already, and for a breach of approval conditions there's a strict liability offence, which is an infringement notice, and we always apply the maximum penalty for the infringement notice.

**Senator DAVID POCOCK:** But this headline figure—what's the highest fine? Is it \$10 million or something?

**Mr Grosse:** It's different for different offences. There are some civil penalty provisions, which carry a fine of I think 5,000 penalty units, and it is about \$313 per penalty unit at the moment. That would be the maximum fine for a civil penalty—

**Senator DAVID POCOCK:** How many times has that been used?

**Mr Grosse:** I'd have to take that on notice. There have been none in the past year that I'm aware of.

**Senator DAVID POCOCK:** My concern is, with fines I've seen in the past—for all sorts of what I think most Australians would say are pretty heinous breaches of environmental conditions or agreements—it's usually a slap on the wrist. So, to me, increasing the fine is not going to solve the problem. I note that today the Climate Council has said that the EPA, without environmental law reform, is 'a waste of time'. So I'm concerned as to why we're not dealing with the root cause here.

**Senator McAllister:** I have two points. I have been through this a number of times, certainly with Senator Hanson-Young and perhaps you, Senator Pocock: you don't need to convince us that environmental law reform is required. That is the government's view. It is also the government's view that we require stronger institutional capability, including stronger compliance capability, and the bill before the parliament provides some important new capabilities that Ms Parry was keen to talk to you about just earlier.

**Senator DAVID POCOCK:** But Minister, you said that the simplest view is the best.

**CHAIR:** It doesn't get any headlines, though, does it?

**Senator DAVID POCOCK:** No, but talking to people who are watching this space—the Labor premier flies in; he's very open about the fact that he's trying to create tranches, delay environmental law reform. And two weeks later there's an announcement: 'We're delaying environmental law reform, as soon as possible, but here's tranche 2.' To me, that seems like the simplest explanation.

**CHAIR:** I wonder who else they met with. You know, maybe it was another meeting. And does that mean that they've completely captured—

**Senator DAVID POCOCK:** Not with the Prime Minister.

**CHAIR:** The Prime Minister meets with all sorts of people all the time. I think one of the things to maybe consider is that when you are in government you do have to govern for the country, not just for one particular perspective. You have to get a balance, and you do have to meet with lots of different people. That doesn't mean to say that you agree totally and utterly with whatever they put to you—just a thought for you.

**Senator DAVID POCOCK:** To respond to that, I would say that governing for the country is doing everything it takes to protect this incredible continent and its biodiversity, because we're part of nature. We're fooling ourselves in thinking that we can just kick things down the road, not fund it to the degree necessary, and we're somehow immune. If nature goes down, we are going down with her. I'm concerned that what we're seeing here is delay—

**Senator HANSON-YOUNG:** Head in the sand.

**Senator DAVID POCOCK:** And I appreciate all the hard work that has been happening, but, from the outside, industry is getting what it wants and Labor is trying to hold up an EPA in the next election and say, 'Look at the tough cop on the beat that's implementing'—woefully inadequate. As Graeme Samuel said, we may as well throw the EPBC Act in the bin.

**CHAIR:** I feel like we're going in quite a lot of circles here. Your time has expired. We will go around on another rotation. We'll give the secretary a chance to make his comment and then move on.

**Senator DAVID POCOCK:** I feel like you hit on something when the secretary is involved, so I'm keen to hear what you've got here, Secretary.

**Mr Fredericks:** Thank you for the invitation. You put to my officials the view that the EPA is a waste of time.

**Senator DAVID POCOCK:** Not my view—that was the view of the Climate Council.

**Mr Fredericks:** That's been put to my officials, and I would like my officials to have the opportunity to tell you and the people who are listening that the EPA is not a waste of time. I will ask Ms Parry to address that issue.

**Senator DAVID POCOCK:** Sorry, the second bit, just to be clear: the EPA is a waste of time if we don't address our broken environmental laws. I'm happy for you to address that in whole, but please don't just focus on the first bit because it's the second bit that's the critical bit.

**Mr Fredericks:** To be fair, you didn't put the second bit in your proposition.

**Senator DAVID POCOCK:** I did; check the *Hansard*.

**CHAIR:** In terms of being really clear, because I feel like we're going round in circles—assertions from over here, answers from over here, assertions again without listening—no-one has said the environmental laws are being dumped. It is being delayed because, as we all know, the consultation is not concluded. There are many different views for—

**Senator HANSON-YOUNG:** The consultation was a sham!

**CHAIR:** Senator Hanson-Young, please don't shout over me.

**Senator HANSON-YOUNG:** It's not your job to do—

**CHAIR:** I am allowed to have an opinion here. You will note I have asked no questions today. I am trying to give you guys as much time as you need, but I am allowed to have an opinion and ask a question when I feel like it.

*Senator Hanson-Young interjecting—*

**CHAIR:** No, but I am allowed an opinion. We will go to Ms Parry to answer the question.

**Senator DAVID POCOCK:** Including the second bit.

**CHAIR:** Including the second bit.

**Ms Parry:** In terms of the EPA, I want to pick up a couple of points characterised today. Professor Samuel's starting point was there was an erosion of trust in the institutions around environmental legislation. Establishing the EPA is a key part of restoring that trust. It will be the first independent statutory agency federally, and the government has introduced a bill today to establish that. That is a big step forward for transparency and accountability. It is accompanied by the bill for the EIA, which will provide better data and information for decision-making. Those are significant steps in addressing the initial Samuel findings.

The other points around the EPA and its establishment are around compliance and enforcement—and it ties into the offset audit. The government wasn't waiting for the establishment of the EPA to start to take action around its compliance and enforcement activities; it's taken the opportunity within the bill today to increase the penalties and powers. But the offset audit clearly showed there are some areas in greater need of compliance and enforcement. Increased penalties and powers are part of that but also part of us being able to understand where the offset system is falling down, where we need to target our education and proactively work with proponents on how they meet their offset obligations, and where we need to in effect lift our compliance game. That's been backed in with budget funding as well. That is all laying the foundation for the future EPA.

In terms of getting the institutional arrangements right, we've canvassed that previously as well. It is complex setting up a new statutory agency. We are recruiting for a new CEO, a proposed advisory body—all that will be undertaken in time for it to operate as an independent statutory agency by 1 July 2025. In the meantime there are lots of things we are doing under the current legislation and under future proposed legislation that will enable better decision-making, enable better data and information to be brought to bear, enable us to meet our statutory obligations for on-time decision-making—the penalties and powers are part of that. All of that taken together is what I would see as—we're well and truly on a staged approach because it makes sense to do so. We can bring some of these things in now to start to address some of the underlying problems you're highlighting.

**Senator DAVID POCOCK:** Does the minister have a call-in power with the EPA?

**Mr Knudson:** The decision-making remains as it is. The minister can delegate to the head of the EPA decisions, but she is the ultimate decision-maker.

**Senator DAVID POCOCK:** Until July next year?

**Ms Parry:** Under the current EPBC Act, the decision-making will remain the same—keeping in mind the EPA will also administer six other acts, not just the EPBC Act.

**Senator DAVID POCOCK:** With approvals, just so I'm clear, the minister will still be the decision-maker, even with the EPA there?

**Ms Parry:** Under the EPBC Act, the minister or her delegates will remain the decision-makers.

**Senator DAVID POCOCK:** Isn't this the whole problem with the EPBC Act?

**Senator McAllister:** You asked a two-part question, and Ms Parry answered the first one: what will the establishment of an EPA facilitate? The second question was around law reform. I have said to you many times this morning—its only noon—that law reform is important and you don't have to convince the government it is required. Yesterday the minister, consistent with her statements about the approach to stage 3, published a paper which sets out the key issues that require further consultation and engagement with stakeholders and describes what that will look like. I'm not going to go through it in detail—you can read it—but the headings are quite instructive in terms of the complex issues that require resolution and where very different opinions exist between different parts of the stakeholder community. The headline issues are: the assessment and approval system; the approach to restoration contributions; the standard for First Nations engagement and participation in decision-making; the approach to regional forestry agreements and, in particular, how to appropriately apply national environmental standards to those agreements; exemptions, clarifying the actions covered by exemptions and when changed circumstances should limit the operation of an exemption; and climate change, with the interaction between environment and climate laws. I know they are all things that are of interest to you and many of the stakeholders you talk to. The minister has set out her intention to progress a body of work to bring stakeholders together to land each of those areas where further work, frankly, is required between the stakeholders.

**Senator DAVID POCOCK:** Thank you, Minister. Ms Parry, I just want to be clear: even under the EPA, with the current EPBC Act, the minister is still the decision-maker when it comes to approving fossil fuel projects?

**Ms Parry:** The EPA, if the bill passes and receives royal assent, will be established within the department and will operate existing legislation under the existing delegations that currently occur until such time as there are new environmental laws and legislation. Different delegations would then take effect, and, in effect, the CEO of the EPA would then be making those decisions.

**Senator DAVID POCOCK:** Minister, on regional forestry agreements: it seems to me this is something we don't necessarily need another look at. It seems like there's broad consensus from Graeme Samuel, from ecologists—it's losing money. We're talking hundreds of jobs. Surely what we actually need is for the government to have some courage for a transition package, to look after workers and to save a whole bunch of iconic threatened species, rather than giving this to an agency and kicking it beyond the next election—even noting the work that has been done in this area, which I think is exemplary.

**Senator McAllister:** Sorry, what's the question?

**Senator DAVID POCOCK:** On regional forestry agreements: should we not be dealing with that rather than giving that to a body?

**CHAIR:** You're going into a whole new area. There are other people waiting.

**Senator DAVID POCOCK:** Only because the minister raised RFAs. I was just wanting to check.

**CHAIR:** If we can have a speedy answer—

**Mr Knudson:** A very quick clarification. We will be looking at the government's commitment to apply the National Environmental Standards to the regional forestry agreements. The regional forestry agreements are administered by the Department of Agriculture, Fisheries and Forestry. In talking with them there was a line item in the budget which also included them looking at the Forest Policy Statement. I encourage you to ask questions about future forestry in that context.

**Senator DAVID POCOCK:** I'll put some QONs on that. Thank you.

**Senator DUNIAM:** Can I just get some clarification: we're in outcome 2 and I have some questions relating to First Nations heritage, which is program 2.2. Are we able to do that here and now?

**Ms Parry:** In 2.2—I think we have that scheduled after lunch.

**Senator DUNIAM:** Okay. We will stick to that. I will move, then, to the nature repair market. In Budget Paper No. 2, I'll just step through some of the budget allocations that were provided for the nature repair market. It has there \$17.6 million over two years to establish and commence the operation of the market. It has \$14 million for the Clean Energy Regulator to administer the market once it's open. We have covered the \$5.3 million



for the Nature Positive Plan, I gather, and \$4.1 million over two years to drive voluntary uptake of the nature repair market. Starting with the \$17.6 million, what do we get for \$17.6 million to establish and commence operation of the market?

**Mr Bennie:** That \$17.6 million, which is \$7.8 million in 2024-25 and \$9.8 million in 2025-26, is for continuation of the work of putting in place the arrangements for the market, including method development, supporting the Nature Repair Market Committee, putting in place the development of a biodiversity assessment instrument so the market can commence operation in early 2025 and that continued work of supporting the committee as it undertakes its work in assessing methods for advice to the minister.

**Senator DUNIAM:** In terms of the expenditure of that funding, is that to cover the costs of the officials that would be doing that work? Is it consultants? How is it expended to develop methods and to support the committee?

**Mr Bennie:** That would be supporting departmental officials in servicing the committee but also paying for some of those support services, including the committee. Ms Higgins would be able to further elaborate on some of those potential services that would be supporting that work.

**Senator DUNIAM:** Of interest, how many officials would be engaged in the work that needs to be done? Did you confirm that officials would be responsible for method development or is that something being outsourced?

**Mr Bennie:** In terms of method development, certainly the department would be undertaking that work with experts. I will ask Ms Higgins to elaborate on that.

**Ms Higgins:** Your question was on the method development—

**Senator DUNIAM:** The \$17.6 million—how is that being spent? With reference to staff, I am interested in how many staff will be engaged in this and what outside-of-department expenses will be incurred.

**Ms Higgins:** The budget funds 32 ASL in the first year of funding and 42.5 in the second year of funding. We currently have a similar amount of ASL working on the nature repair market now. That's a continuation of that funding. That is \$14.2 million of the funding amount; we have an additional \$3 million for supplier costs and additional costs beyond ASL.

**Senator DUNIAM:** So that might be procurement of consultants et cetera to assist with expert—

**Ms Higgins:** That's right—legislation drafting expenses, as per what Mr Bennie outlined. So it's for some legal advice, nature committee expenses and some ongoing maintenance around an online platform and engagement.

**Senator DUNIAM:** What does the \$4.1 million over two years for 2024-25 to drive voluntary uptake get us?

**Ms Higgins:** That's funding that goes to the financing for nature work within the department, which contributes to foundational work that the department has already undertaken to support and contribute to the infrastructure that supports increased investment in nature. That includes things like nature related reporting and engaging with Treasury on a sustainable finance strategy. We provide support there, including nature related data.

**Senator DUNIAM:** How does what you've just described drive voluntary uptake of engagement in the nature repair market?

**Ms Higgins:** A combination of those things is about the corporate sector engaging with and reporting in line with their climate risks, understanding their dependencies on nature and how they might direct their resources to activities, including the nature repair market, which is one of the activities with which they might engage. But the voluntary nature reporting uptake is a reflection of some work we did with the Taskforce on Nature-related Finance Disclosures last year

**Senator DUNIAM:** We're talking about private sector uptake of the government run scheme, or participation in it, and providing information through reporting. Are we talking an education campaign? Are we talking about incentives directly to business?

**Ms Higgins:** That's the capability across sectors—that includes the corporate sector—to understand their dependencies on nature and opportunities as well.

**Mr Bennie:** I can elaborate if you'd like. At the end of last year—it was probably around September or October—the Taskforce on Nature-related Finance Disclosures released its framework for business around assessing and reporting on the dependencies and impact on nature. The department had been working with the team at the taskforce was about the development of that that framework, and also working with businesses in Australia about what that might mean to business. This is a continuation of that work of working with the private

sector to better understand their dependencies or impacts on nature, which is a potential driver going forward for the Nature Repair Market.

**Senator DUNIAM:** Going back to page 59 of Budget Paper 2, there's a statement there relating to further funding for the Nature Repair Market: 'The government will consider further funding for the Nature Repair Market when further information is available on the scale, complexity and demand for the Nature Repair Market.' That's rather an odd statement to include, when the government can make any decision it likes in a future budget and doesn't necessarily foreshadow it this way. Why is this being foreshadowed in this way?

**Mr Bennie:** The funding that was provided is for two years. This is indicating that the government would consider further funding of the operation of the market in a future budget process. That would also be informed by the growth in the market or the potential number of methods and supporting that further development.

**Senator DUNIAM:** It refers to scale, complexity and demand. Has this department done any modelling, has there been any work done, on any of those unknowns as referenced in that paragraph?

**Mr Bennie:** We haven't done any forecasts on potential demand, no.

**Senator DUNIAM:** So we literally aren't sure what lies ahead of us.

**Mr Bennie:** We know that there's increasing interest and demand through things like the Taskforce on Nature-related Finance Disclosures framework, also companies that are increasingly considering environmental and social aspects of their business, but also the biodiversity co-benefits that are provided by our carbon. So there is certainly increasing demand across those different sectors, but we haven't modelled an estimate of that demand.

**Senator DUNIAM:** Just on that, I will note that former Treasury secretary Ken Henry suggested that a billion dollars was needed for this. We didn't have an inquiry into this legislation. How many times has the Nature Finance Council met? Does anyone from the minister's office attend these meetings, and if so who?

**Mr Bennie:** The Nature Finance Council has met on three occasions: on 4 December 2023, on 1 March 2024 and on 21 May 2024. On those three occasions the minister attended a part of that meeting.

**Senator HANSON-YOUNG:** Since the legislation tabled today has now been seen by stakeholders, the same stakeholders that the government is purporting to consult with, I want to put to you some of the criticisms that have been levelled against the government's policy today. The Climate Council said:

Establishing the new Environment Protection Agency without fixing our broken national environment law is like planting seeds in barren soil—a waste of time.

The Australian Youth Climate Coalition said:

This EPA bill is yet another distraction the Albanese Government is using to delay real action on climate change.

Another organisation, 350.org, said:

Voters will remember this broken promise at the next election. The Albanese Government's reputation on climate and environment is in tatters.

Lock the Gate said:

The Albanese Government has folded to the demands of the WA mining and gas sector, and is squandering an opportunity to finally bring Australia's environment laws up to a modern standard that the community expects and was promised.

Greenpeace and others have also criticised these moves.

I want to go to an example of how the current environment laws are being used by the minister. It beggars belief that we've got a minister for environment that seems to be more a minister for destruction. I'd like to ask about the destruction of a 400-year-old woodland and trees at Lee Point in the Northern Territory. Four-hundred-year-old trees make up this precious woodland. Is that you, Mr Edwards?

**Mr Edwards:** It is.

**Senator HANSON-YOUNG:** You're the lucky fella today, aren't you? You're having to justify all of this failure to protect these beautiful places. Under the current EPBC Act—the one that the government has shelved the fixing of—the environment minister approved the clearing of Lee Point in Darwin—

**CHAIR:** Senator Hanson-Young, it's getting quite exhausting you characterising something in a manner that is not true. I will just take you back to—

**Senator HANSON-YOUNG:** I have an opinion, just like you.

**CHAIR:** But there's a difference between—

**Senator BILYK:** You're supposed to ask questions, not force your opinions.

**CHAIR:** Well, I do, so I'll take that.

**Senator HANSON-YOUNG:** Under the current EPBC Act, the minister for the environment approved the clearing of Lee Point in Darwin. Some of the trees that make up this woodland are over 400 years old. There are a number of endangered species, particularly bird species, that migrate to and live in this area. Under what advice did the minister think that this approval should happen?

**Mr Edwards:** The minister receives advice around the 'acceptability of impacts' under the act. The act, of course, allows for ecologically sustainable development, which doesn't mean no impact. But what we do through the regulatory process is try to reduce those impacts through avoidance, mitigation and, if necessary, offsetting to a point of acceptability. The minister on this one issued her statement of reasonings around that particular decision publicly.

**Senator HANSON-YOUNG:** There are threatened species in this particular wildlife corridor, including the Gouldian finch—there are many endangered birds, but particularly the Gouldian finch. How does approving this destruction of this particular woodland, a prime area for migratory birds, meet the government's commitment to zero extinctions?

**Mr Edwards:** Again, it's around an acceptability test.

**Senator HANSON-YOUNG:** So it's acceptable?

**Mr Edwards:** The minister is required to look at the full range of impacts across a landscape and look at the status and threats to the species of the particular action. That's what the minister turned her mind to again in this case, and, again, published her statement publicly.

**Senator HANSON-YOUNG:** I understand that the department has, on the record, claimed that there are no provisions for moratoriums on approved developments under environmental law. That's correct?

**Mr Edwards:** I'm not aware of those claims.

**Senator McAllister:** Is there a source for that? You could table it.

**Senator HANSON-YOUNG:** This is in relation to the approval of this particular destruction.

**Senator McAllister:** But is there a source for the quote?

**Senator HANSON-YOUNG:** I assume it's the approval that you gave.

**Senator McAllister:** We can't respond to quotes that we don't know the provenance of.

**Senator HANSON-YOUNG:** Okay, I'll see if I can find that document, and then we can come back to that.

**Senator McAllister:** Great.

**Senator HANSON-YOUNG:** What I'm interested in, of course, is that the proponent of this destruction is the federal government themselves, the Defence Housing Australia agency. One part of government wants to build and clear all of this ancient woodland, putting these native species and threatened species at further risk, and the other part of government, the environment minister, has ticked it off and said, 'Okay, off you go.' How would an EPA stop that?

**Senator McAllister:** I think we are going over ground that was canvassed earlier. The government believes there's a requirement and a need to reform our laws to better protect nature. That's why we're engaged in a law reform process.

**Senator HANSON-YOUNG:** What laws are being changed today that stop the environment minister from allowing the destruction of these 400-year-old woodlands?

**Senator McAllister:** We've talked already this morning about the approach to law reform, and I stepped through, just before, the work that the minister has signalled is needed with stakeholders across six key areas of consultation. It includes the approach to approvals. It also includes the development of the standards which, as you will recall, are a core piece of the architecture recommended by Professor Samuel and a core piece of the architecture the department as been developing as part of the reform package. That said, I do understand that the department seeks to use the existing laws as best as it can to provide protection where it's possible, and the officials can talk to you about the way that the approval seeks to protect certain matters, including the protection of the Gouldian finch—but you don't have to.

**Senator HANSON-YOUNG:** Sorry, we're running up against the clock, and I would like to keep asking my questions. At Lee Point earlier this month, Defence Housing Australia paused the bulldozing, after doing quite a bit of it already, to investigate alleged breaches of their Northern Territory approval sections 75B(1) and 75C(1). Are you aware of those breaches?

**Mr Edwards:** I'm aware there was concern that they were not meeting Northern Territory government approval requirements.

**Senator HANSON-YOUNG:** What were the breaches? What was the breach? What were they not abiding by?

**Mr Edwards:** You would have to ask the Northern Territory government for specifics, but in my understanding there was concern about a species spotter being on site.

**Senator HANSON-YOUNG:** Has the department investigated any potential breaches of DHA federal approval as well?

**Mr Edwards:** We're satisfied that they're compliant with their federal approval.

**Senator HANSON-YOUNG:** On notice, could you give us any correspondence between the environment department or the minister's office and DHA since the breach became known publicly?

**Mr Edwards:** Yes, I can do that.

**Senator HANSON-YOUNG:** Thank you—any correspondence between DHA and your department, any correspondence between the minister's office and DHA and any correspondence between the minister's office and the department in relation to the DHA brief. Is there anything in the current environment laws that the minister is able to use to stop this project from further destroying this woodland, given it has been paused?

**Mr Edwards:** The minister has made her decision, and that has, again, been published publicly. She was asked to reconsider a previous authority to operate to clear in that area. She did so. She included additional conditions and remade that decision.

**Senator McAllister:** I understand that the additional conditions determined that the original approval conditions should be changed and Defence Housing Australia has agreed to redesign the plan to incorporate a 50-metre buffer around nearby Gouldian finch habitat. Changes were also made to clear invasive gamba grass and replace it with native grass species which the finch can feed on. Access points to Casuarina Beach were also changed to avoid disturbance to migratory birds who use the beach to roost and breed.

**Senator HANSON-YOUNG:** Who did the department use in order to ascertain whether those conditions were going to work or be appropriate?

**Mr Edwards:** I'm not quite sure that—

**Senator HANSON-YOUNG:** On what basis is the 50-metre buffer zone considered to be enough?

**Mr Edwards:** We essentially look at statutory guidance. We look at known NSW science and mitigation and avoidance techniques. We engage with our own line area experts, and we form a view and provide a recommendation to the minister.

**Senator HANSON-YOUNG:** I don't want to talk about hypotheticals; I want to know who you used. Who was this source that suggested this 50-metre buffer zone was enough?

**Mr Edwards:** Again, we don't go to a source; we pull together all the statutory information that we have at hand—

**Senator HANSON-YOUNG:** So no-one actually gave you evidence that this 50-metre buffer zone was enough?

**Mr Edwards:** 'Enough' is subjective. The minister needs to reach a view about what she believes is acceptable mitigation and reduction in impacts, and that's what she did.

**Senator HANSON-YOUNG:** Let me ask again. Who advised that 50 metres was acceptable?

**Mr Edwards:** The minister decided that 50 metres was acceptable.

**Senator HANSON-YOUNG:** She just chose the number?

**Mr Edwards:** She was provided with recommendations, as I've mentioned. We work through the statutory guidance. We talk to our own species experts and provide a view in terms of—

**Senator HANSON-YOUNG:** Is there a staff member or an officer within the department who provided the advice to the minister that 50 metres was acceptable?

**Mr Edwards:** We would have briefed the minister with the recommendations.

**Senator HANSON-YOUNG:** Is there a name of an officer who provided the advice that 50 metres was acceptable?

**Mr Edwards:** I will take on notice who cleared the briefing that would have gone to the minister, and that would be the name you're looking for.

**Mr Fredericks:** Can I just emphasise something? Evidence was provided. We utilised species experts within the department, which is common practice. We will happily take on notice your question about who. But I can tell you right now we will not be naming a public servant official within our department.

**Senator HANSON-YOUNG:** Just to be clear, you only used internal sources?

**Mr Fredericks:** We used species experts.

**Senator HANSON-YOUNG:** Species experts in what?

**Mr Fredericks:** Within the department—experts who I think are highly regarded and approach these issues with a professional, objective and evidence based approach.

**Senator HANSON-YOUNG:** Can I please have a copy of the brief that this species expert provided the minister to suggest 50 metres was acceptable?

**Mr Fredericks:** We'll take that on notice.

**Senator HANSON-YOUNG:** Were there any other requirements that your species expert proposed that have not been implemented?

**Mr Edwards:** We provided a recommendation based on our own regulatory expertise and understanding of the laws.

**Senator HANSON-YOUNG:** I understand that.

**Mr Edwards:** We provided a recommendation for an overall proposal to the minister—

**Senator HANSON-YOUNG:** The reason why this is a particularly grievous example is that this is the government's own project. This isn't some outsourced or third-party mining company or housing developer. This is the government's own agency wanting to destroy 400-year-old woodland where there are threatened species, and the advice and the approval given by the minister we can't see.

**Ms Parry:** You seem to be implying that there's some kind of conflict in that a Commonwealth agency can regulate another Commonwealth agency. We are agnostic as to who the proponent is. We apply the law. We apply good judgement based on evidence; Mr Edwards has just walked you through our regulatory process. We are agnostic as to who that proponent is—

**Senator HANSON-YOUNG:** Why didn't the EPBC approval have requirements for fauna spotters?

**Ms Parry:** and we uphold the law in a way that you would expect us to.

**CHAIR:** Senator Hanson-Young, can you please stop talking over people and pay some respect to these officials who have come here to answer the questions?

**Senator HANSON-YOUNG:** I am sorry, Ms Parry; I am not asking you a question about the conflict. I am pointing out that this is a problem.

**Ms Parry:** I don't see it as a problem. We apply the law irrespective of who the proponent is.

**Senator HANSON-YOUNG:** I would like to see the advice, then.

**Ms Parry:** We have taken that on notice.

**Senator HANSON-YOUNG:** Why didn't the EPBC approval have requirements for fauna spotters?

**Mr Edwards:** Again, the minister put her decision in the public domain. I don't think it's helpful to try to re-prosecute—

**Senator HANSON-YOUNG:** No, this is important. You have just told me that what the pause was for was that there was a fauna spotter.

**Mr Edwards:** No, there was a pause in the Northern Territory—

**Mr McNee:** The department has applied a requirement for a fauna spotter to be part of the conditions. The department did receive an allegation on 30 April 2024, which I think you are referring to, that that fauna spotter wasn't in place. The department has made inquiries in relation to the work on site and the commencement. We've met several times with Defence Housing Australia to discuss what took place there and to understand exactly what happened on the site. The compliance area in our department—Mr Grosse might talk about the process around that—has determined that all of the clearing that has occurred has been conducted in accordance with the construction environment management plan, which was approved in 2017. That's in accordance with the EPBC.

**Senator HANSON-YOUNG:** We have heard the laws are broken and don't protect nature. This is the problem. You are giving these approvals for the destruction of these parts of the environment and we're just meant to cop that because you've gone through the process and yet we are hearing that the laws are broken but there is

no plan to fix them. We are not just going to trust that this is all being done properly when clearly there is a problem with the system.

**Mr Fredericks:** In fairness, while I appreciate what you're doing, you are conflating two issues. Officials here have the right to answer questions about the processes that they properly and in good conscience followed under the existing law. That's what our officials' job is—to apply the law. I think they have a right to explain to you how they have applied the law without the conflation with propositions around what the law could otherwise be.

**Senator HANSON-YOUNG:** Okay. I have one final question. Have you investigated at all since the breach of the NT laws whether there have been any breaches of the federal approval? Has anyone asked for that? Has it been investigated? Have there been any reports back to the minister about that?

**Mr Grosse:** I can confirm that there have been no breaches of the federal approval of the EPBC Act.

**Senator HANSON-YOUNG:** Has the minister seen the 50-metre buffer zone herself? Has she been to Lee Point?

**Senator McAllister:** I don't have that information.

**Senator HANSON-YOUNG:** Could you get that before the lunch break finishes.

**CHAIR:** We will go to the lunch break now. Thank you.

#### Proceedings suspended from 12:33 to 13:34

**CHAIR:** Welcome back, everybody. We will return to outcome 2.1: conserve, protect and sustainably manage Australia's environment through a nature-positive approach. We will start with Senator Duniam.

**Senator DUNIAM:** I can't ask the minister any questions yet, but—

**CHAIR:** I probably should've waited for the minister.

**Senator DUNIAM:** Well, I will ask the officials. I think under standing orders we're okay.

**CHAIR:** We can.

**Senator DUNIAM:** Let's play nice.

**CHAIR:** To be perfectly honest I just looked at the clock and went, 'That'll do, let's go.'

**Senator DUNIAM:** I'm in your hands.

**Senator PAYMAN:** They're two minutes away.

**Senator DUNIAM:** Do you want me to ask a really long question?

**CHAIR:** Yes, go on.

**Senator DUNIAM:** They're not very long. I'm going to ask about the Saving Native Species Program. Can I ask what the original funding commitment for this program was over the forward estimates at that point in time?

**Dr Fraser:** It was \$224.5 million.

**Senator DUNIAM:** Excellent. That was from 2022-23 across the forwards; is that right?

**Dr Fraser:** Yes.

**Senator DUNIAM:** They're short answers. How much is left to be spent of that \$224.5 million, and over what time period? Perhaps you can give me the profile.

**Dr Fraser:** As of about a week ago, we have committed two-thirds of those funds, so about 65 per cent. By the end of June we'll have committed a further \$67 million, and those projects run over the period of the program. That will leave us with \$12 million at the end of June, which is not yet committed in contracts. We are working through a bit of a stocktake of where those funds could most strategically be deployed, probably with a focus on the Threatened Species Action Plan and any gaps left there after we've funded all of those Saving Native Species projects and also all of the Natural Heritage Trust projects which are also contributing to that action plan. So it's quite a planned and strategic approach to the deployment of those funds.

**Senator DUNIAM:** So by the end of June, the end of this financial year, all going according to plan the full \$224.5 million will have been committed. Is that what you're saying?

**Dr Fraser:** No. By the end of June all but \$12 million will have been committed—whatever the maths is on that.

**Mr Knudson:** It's \$212 million.

**Dr Fraser:** Yes—\$212.8 million.

**Senator DUNIAM:** So the other \$12 million will be spent on native species projects. For the process you'll go through to determine which projects get that funding—you talked about the action plans et cetera—how do you prioritise, triage et cetera?

**Dr Fraser:** It's a good question. You'll know under the action plan there are 110 priority species, 20 priority places, a range of priority threats and also other targets and actions. Many of the programs which have been administered over the last year and a half have really focused on implementing the Threatened Species Action Plan. Many of these initiatives are competitive, so you don't know exactly what's going to come out in the wash. There are good projects and good partnerships, but not everything will get picked up through that process. So what we will do is a stocktake of any gaps. For example, there might be a couple of species which haven't received funding under either of those initiatives; there might be some more work we need to do in one of the priority places; or there might be some more work we need to do on myrtle rust, which is a plant disease, feral cats—so an invasive predator—or gamba grass. So we will look at where those gaps are to then provide advice to the minister on how those funds might be most strategically deployed.

**Senator DUNIAM:** So \$212 million will be allocated by June, and you'll be looking for priorities to spend the \$12 million. All of that will go in accordance with what was originally envisaged for the full bucket of money. Did Conservation Volunteers Australia ever apply for funding from this pool of money?

**Ms Kennedy:** Senator, I'm just going to repeat your question because Dr Fraser didn't hear it. I think you're asking about Conservation Volunteers Australia.

**Senator DUNIAM:** Correct.

**Ms Kennedy:** As Dr Fraser said, there have been a number of different competitive processes under the overarching banner of that program. My understanding is that CBA has applied for some of those programs, at least one of them, and—look, I'm just not sure whether it's really appropriate for me to comment on—

**Senator DUNIAM:** So take notice then what I've asked—

**Dr Fraser:** We don't need to take it on notice. What we can say is that Conservation Volunteers Australia have applied under the competitive grants round for saving priority native species. All of the successful applicants under that grant round have now been announced by the minister and are published. Conservation Volunteers is not on that list. We don't ordinarily share the people who are unsuccessful.

**Senator DUNIAM:** Through deduction we can work out they're not. Thank you. That's it for me for the moment, Chair.

**CHAIR:** Senator Roberts.

**Senator ROBERTS:** Thank you for appearing today. This is about Eagleby and Coomera Connector 2 up in Queensland. Can you please provide an update on any progress of an EPBC referral or any conversations in relation to Coomera Connector 2?

**Ms Parry:** We can. We've just got officials coming to the table.

**Senator ROBERTS:** Thank you.

**Mr Edwards:** It's my understanding that we have not yet received a referral for that stage of the Coomera Connector.

**Senator ROBERTS:** That's from the Queensland government?

**Mr Edwards:** Correct.

**Senator ROBERTS:** In the meeting minutes you gave in SQ24-000073, you mention the potential likelihood that the referral would have to be subject to a public environment report—PER. That would be usual for a project with this level of complexity, public interest and controlling provisions. Did Queensland's Department of Transport and Main Roads preference bypassing the PER and have the project dealt with only by referral information?

**Mr Edwards:** They don't actually get to dictate the assessment approach.

**Senator ROBERTS:** That's under your authority, is it?

**Mr Edwards:** That's right They refer it and we look at things such as complexities you've mentioned and determine what we believe is the right assessment approach to take.

**Senator ROBERTS:** Do you have any further expectations on when you expect a referral to be made?

**Mr Edwards:** I'll just ask my colleague Mr O'Connor-Cox.

**Mr O'Connor-Cox:** The Queensland Department of Transport and Main Roads are aware of their obligations and they have indicated to us that they will refer. I can't give an exact date about when that referral might occur, but my understanding and best guess would be that it would be a matter of weeks.

**Senator ROBERTS:** Imminent?

**Mr O'Connor-Cox:** Imminent.

**Senator ROBERTS:** Can you provide any minutes of any further meetings you've had with transport and main roads Queensland on Coomera Connector 2 on notice?

**Mr O'Connor-Cox:** I can take that on notice. I'm not aware of any further meetings, but I'll take that on notice.

**Senator ROBERTS:** I can't be an expert on every topic—none of us can be—so pardon my ignorance, but in the answer you gave in the previous minutes, what's an offset site and what's an advanced offset site?

**Mr O'Connor-Cox:** After a proponent has avoided and mitigated impacts to matters of national environmental significance, there might be still a residual impact, and they're required to offset that. They go to a site that has comparable values and they protect that site and improve that habitat, to square the ledger if you like, to compensate for the residual impacts that they have.

**Senator ROBERTS:** What's an advanced offset site?

**Mr O'Connor-Cox:** An advanced offset site would be one where they've commenced work before the approval is granted and they can then claim credit for the improvements they have made prior to the approval.

**Senator ROBERTS:** Under what conditions would they start work before approval?

**Mr O'Connor-Cox:** That would be something that's before the approval. It wouldn't be something we condition. They would then do that on their own volition and do so at their own risk, I guess, because they haven't been granted an approval where we've said 'Yes; that's the appropriate offset.'

**Senator ROBERTS:** Okay, so they're just taking a risk that you will approve it with the right conditions, so they're starting work early.

**Mr O'Connor-Cox:** I should add I'm very much talking in the general sense. I haven't been involved in any of those discussions. It's likely that discussion was around the prospects or potential rather than us getting involved in any detailed discussions about any actual advanced offset site. But generally that's how it works.

**Senator ROBERTS:** I'm not raising a flag up the pole for everyone to start work without permission—I can see Mr Knudson shaking his head vigorously.

**Mr Knudson:** No, advanced offsets don't have a negative impact. It's basically taking actions to improve environmental outcomes and then using that, as Mr O'Connor-Cox talked about, to balance the ledger later on. 'I've already done this beneficial action in terms of an offset, therefore any residual impacts can be dealt with by something I've already secured in an offset.' That's the point of an advance: you've done it in advance of the impact.

**Senator ROBERTS:** Thank you both.

**CHAIR:** We'll go to Senator Thorpe online. I will just remind you this is 2.1. I know you also have questions in 2.2. but we're not there yet. You can run through the questions you have for 2.1.

**Senator THORPE:** Thank you for appearing today. I wish to ask about the nature-positive reforms that have now been separated out into tranches, particularly the establishment of a national standard for First Nations engagement and participation in decision-making. I understand there's a reference group that was established to be consulted with on this standard. Can you please tell me when was this reference group established?

**Mr Knudson:** We have undertaken a number of rounds of consultation with respect to the standards. That originally started with a working group within the task forces area—that's my area. Subsequently, the responsibility for advancing the standard on First Nations engagement in decision-making has been taken over by Michelle Dumazel, who's a division head, who's at the table along with one of her branch heads. They can talk about where we've gotten to now, if that is helpful. But I wanted to say it started with us, and it transferred over.

**Senator THORPE:** Could that also include, on notice, a full list of members?

**Mr Knudson:** I assume so.

**Ms Dumazel:** As Mr Knudson outlined, we're working on the draft of the First Nations Engagement and Participation in Decision-making Standard. We're close to complete. We're looking also to make sure that we're thinking about how it interacts with the community engagement standard. We have the work that was undertaken



by the First Nations members of the working group, and we're using that to support our finalisation of the draft that we will go out to consultation on.

**Senator THORPE:** Thank you. Can you tell me when that will be, and also, are all members of the First Nations Heritage Protection Alliance on this reference group, and how many organisations and individuals that aren't part of the alliance are included in this reference group?

**Ms Dumazel:** Because the engagement standard, the principles, will be the same for the First Nations cultural heritage reform, as Dean Knudson outlined, that work has now come across to our division. We're refining the standard with the First Nations Heritage Protection Alliance, so we're doing it through the partnership that we have with the First Nations Heritage Protection Alliance.

**Senator THORPE:** Sorry, but my question was: who's on it? It's just a brand, right, it's a title. So who's on this group, and my question was how many organisations and individuals that aren't part of the alliance are included in this reference group?

**Ms Dumazel:** I'm going to hand to my colleague, Dr Beswick.

**Dr Beswick:** Thanks, Senator Thorpe. I believe that, yes, there is some overlap between the members of the reference group established to support the working group that developed the independent standard and the First Nations Heritage Protection Alliance. We can take that on notice and do a comparison to get you the advice on what overlap is between the reference group and the members of the alliance.

**Senator THORPE:** I'd appreciate that. How many times has the reference group met?

**Dr Beswick:** To my knowledge, the reference group has met once. But I can take that on notice to confirm.

**Senator THORPE:** In the timeframe of when to when?

**Dr Beswick:** I believe it was late last year. From memory, the working group was established in the second half of last year. I believe, from memory, that the reference group met towards the end of last year—possibly in October or November but, again, I can take that on notice and get you the details.

**Senator THORPE:** So no meetings this year?

**Dr Beswick:** No, no meetings this year.

**Senator THORPE:** Thank you. This reference group has Professor Samuel's draft of the First Nations Standard to consider. Is it the case that the Indigenous Advisory Committee, with the department, has also developed the draft version of the First Nations Standard?

**Dr Beswick:** Yes. The working group that was co-chaired by the chair and deputy chair of the Indigenous Advisory Committee was comprised of members of the department and First Nations members. The First Nations members of the group agreed to develop a standard, drawing on the work by Samuel and also drawing on their own views. They developed an independent standard, and that's proving to be an important input into the work that's currently underway on the First Nations Standard.

**Senator THORPE:** Great. Have you provided updates to the minister's office on the programs of this standard?

**Dr Beswick:** We have regular conversations with the office in relation to work on the First Nations Standard.

**Senator THORPE:** Has any draft First Nations Standard been provided to the minister's office?

**Dr Beswick:** We've done some preliminary work. We don't actually have what I would describe as a 'first draft' of the standard at this point in time. When we do, we'll look to brief the minister formally on that standard.

**Senator THORPE:** Other draft standards have been released for consultation, but not a First Nations Standard. Why has there been such a big delay in developing the First Nations Standard, given that there was already Professor Samuel's draft version to work with, and draft versions of the other standards had been included in consultation sessions? Why are we always the afterthought and why is this taking so long? It's so important; our country is being destroyed. Maybe it's part of a delaying tactic—I don't know—but when are you going to do anything for black justice?

**Ms Dumazel:** This is definitely an important standard, and it's an important standard not only for the Nature Positive Plan reforms but also for the First Nations cultural heritage reforms. One of the things that we really wanted to make sure with the standard—and this is one of the reasons it has come across to the Heritage Division—is that we want to make sure we develop a standard that can cut across a number of pieces of legislation. We want to make it as simple as possible for traditional owners and for proponents to be able to engage. From our perspective, particularly when we've been looking at the First Nations Cultural Heritage

Reform, the importance of early engagement is critical. So we want to make sure that the standard we come up with can cut across both.

We are close to finalising a draft standard. We have taken into account the information that was in the Samuel review and the work that was done by the First Nations members of the working group, and we're close to having a draft standard that we will go out to consultation on.

**CHAIR:** Senator Thorpe, would you mind if Senator Duniam asks a follow-up question?

**Senator THORPE:** Sure.

**Senator DUNIAM:** Thanks, Senator Thorpe. Given the time that it's taken to get to where we are—and I appreciate everything you've said—has the minister asked for the standard to be completed before the election, or by a point in time?

**Ms Parry:** The minister has just been very clear about getting the standard right. As Ms Dumazel has indicated, the standard was being developed with the cultural heritage reforms. Clearly, the work on the Nature Positive legislation was continuing concurrently to that, and we wanted to make sure that there was consistency of standard across both pieces of legislation. That's what Ms Dumazel and her team, along with the cultural heritage alliance and our Indigenous advisory committee within the department, are working towards. The minister has been really clear that this is a cornerstone standard of both pieces of legislation, so taking the time to get that right has been a priority.

**Senator DUNIAM:** So there's no requirement to have done by a point in time, despite it being listed in the Nature Positive Plan as a develop of this standard as a 'priority', and this will ensure that First Nations interests and cultural heritage are identified early and can be protected?

**Ms Parry:** I don't think there's anything that we have said that indicates this has not been a priority. We have been working on this with the cultural heritage alliance for months and months and months. As Ms Dumazel has indicated, we are on the verge of being able to release that standard as a draft for a broader consultation. The priority the government and the minister has placed on this is getting it right and getting it to a point where it's in a good state so that we can go out for public consultation.

**Mr Knudson:** We have also said that the draft standards will be ready at the time of introduction of the legislation, because that's what enlivens the standards.

**Senator DUNIAM:** We don't want to open up that can of worms again, I don't think, Mr Knudson.

**Senator THORPE:** I hear all these words about priority, but remember, your committee has only had one meeting this year. It doesn't seem very genuine in it being a priority, with all due respect. If the minister has been so adamant on getting the standard right, why has there only been one meeting so far, and nothing this year? We know what's going on. We know what has been going on for 200 years. To my people this is just a delay tactic. We need to know when the consultation has or hasn't occurred and what the end date of this is before any more of our country is destroyed by a minister who is particularly committing a genocidal act against First Nations people right now.

**CHAIR:** Senator Thorpe, I would ask you to withdraw that comment.

**Senator THORPE:** I am trying to stop genocide from continuing in this country, with due respect. This is an act of genocide under the Geneva Convention.

**CHAIR:** Senator Thorpe, the rules of the chamber apply in these committees. I will ask you to withdraw that or I will withdraw the call.

**Senator THORPE:** Don't yell at me, please.

**CHAIR:** I'm not yelling. I'm raising my voice over the noise in here.

**Senator THORPE:** Don't yell at me. I withdraw.

**CHAIR:** Thank you very much, Senator Thorpe. Please continue if you have any further questions.

**Senator THORPE:** I want an answer—

**Ms Parry:** Can we have an opportunity to answer the question on the number of meetings? I think there has been a misunderstanding in terms of the nature and type of meetings that have taken place. Ms Dumazel would like to walk Senator Thorpe through the extent of the meetings that have happened across both cultural heritage and the Nature Positive standard.

**Ms Dumazel:** The work of the First Nations members of the working group to develop a draft standard has been completed. We're using that information to draft a standard, and that work is now happening in consultation with the First Nations Heritage Protection Alliance. It's in a completely different phase. We meet regularly with

the First Nations Heritage Protection Alliance, which represents over 50 organisations across the country. The meetings are at least fortnightly.

**Ms Parry:** That has been the case dating back since December 2021. So there has been extensive work that has gone into leading up to the development of the standard. I don't want to leave an impression that there has only been one meeting.

**Senator THORPE:** When does it get delivered? When do we see the action?

**Ms Dumazel:** We're finalising the draft and we're expecting to consult on the draft shortly.

**Senator THORPE:** Next year? This year? Next month? Next week?

**Ms Parry:** The government has committed to engaging publicly with that standard when it is ready. Ms Dumazel has indicated it is very close. We are getting ready to brief the minister on that standard, so we are envisaging within coming weeks and months that standard would be released.

**Senator THORPE:** Months—weeks and months.

**Senator HANSON-YOUNG:** I have a question in relation to the Santos Barossa pipeline. I understand that Santos is currently dredging the Darwin harbour in order to lay its pipeline as part of the Darwin Pipeline Duplication Project. It has been approved by a delegate of the minister under the EPBC provisions back in March. During the references committee hearing on the 17 April I asked about why this approval had been published two weeks late at the end of the sitting fortnight, which technically is in breach of the EPBC regulations. During that hearing, I asked whether the final recommendations report had been published and provided to stakeholders who requested it. On notice, your department noted its requirements under sections 170A and 135A to do both and said these, along with a statement of reasons, would be provided to the requesters. I note that the recommendations report has still not been published. Why is that?

**Mr Edwards:** I might ask my colleague Ms Calhoun to talk about the status. We're actioning a few requests relating to that program at the moment.

**Ms Calhoun:** We are in the process of preparing the statement of reasons. Under this the proponent is afforded seven days to look at what is in there, from a commercially sensitive information process. We are at the process where I think that should be released either later this week or early next week. We're just going through the process. That will be released shortly and published on our website.

**Senator HANSON-YOUNG:** So how many weeks late is that? I mean it's late, isn't it?

**Mr Edwards:** There is no statutory requirement around the statement of reasons. It takes some time to prepare. The process Ms Calhoun described needs to be stepped through, but we are doing the best we can to provide that material.

**Senator HANSON-YOUNG:** First the decision was made in March, and that was hidden from the public and the community for two weeks. Then it was dropped out on the eve of Easter—called 'putting out the trash'. And now we're still waiting for this next iteration, but you are assuring me that it is coming?

**Ms Calhoun:** It is coming. The recommendation report will be included as well as a statement of reasons. I can guarantee you it is being worked on at the moment and it will be published shortly.

**Senator HANSON-YOUNG:** That's in relation to 170A. In accordance with 135A, have you provided this report to those who have requested it?

**Ms Calhoun:** I don't have the section in front of me. That is the recommendation report. That is part of the process and that will be provided to them shortly as well.

**Senator HANSON-YOUNG:** What's 'shortly' mean?

**Ms Calhoun:** Either the end of this week or early next week.

**Senator HANSON-YOUNG:** End of this week or early next week. Okay. They'll be waiting. The way I see it, we've had the department fail to publish the decision within seven days, delaying it until the eve before the Easter break, as mentioned after the parliamentary sittings. The department has still failed thus far to publish the recommendation report as required. You say it may be coming. The department has failed to provide the copy of the recommendation report to those that requested it, as such. And the department still hasn't provided the statement of reasons within the agreed timeframe. If the decision was made back in March, the minister sat on it for two weeks. When was Santos told?

**Mr Edwards:** I believe they were advised at the same time that the notice was published.

**Senator HANSON-YOUNG:** So Santos was told on the eve of Easter as well? Is that right?

**Ms Calhoun:** I think we need to take that on notice.

**Senator HANSON-YOUNG:** I think you might have to. You think Santos might have been told before the community was?

**Mr Edwards:** There was an administrative error, you might remember, with publishing that notice, so there's a chance that in that period we did communicate with the proponent, but we had some delays in getting the notice up on our website, so the broader community may, obviously, have not seen that.

**Senator HANSON-YOUNG:** Hang on, what? You had trouble getting it up on the website?

**Mr Edwards:** This was raised last time we discussed this matter. As you say, there was a gap between publishing that notice, and we did have to undertake some additional briefing and then put that notice on our website to make sure that it was published, but we had a couple of days in there where we thought it had been published on our website and it hadn't.

**Senator HANSON-YOUNG:** How many days did you think it had been published when it wasn't?

**Mr Edwards:** I think it was around two days where we thought it was—

**Senator HANSON-YOUNG:** But the minister had made the decision two weeks before that? So you were still in breach of the seven-day requirement.

**Mr Edwards:** Yes, we missed that timeframe. That's accurate.

**Senator HANSON-YOUNG:** When do you think Santos was told?

**Mr Edwards:** Again, Ms Calhoun mentioned we need to take that on notice. We generally communicate with the proponent and try to issue the notice as soon as we can, but in this case we didn't meet the statutory timeframe for the latter.

**Senator HANSON-YOUNG:** What are the consequences for failing to adhere to your own requirements under the EPBC?

**Mr Edwards:** We publish any instances when we miss those timeframes. There are a lot of administrative decisions and timeframes under the act. We publish all of that in our annual report.

**Senator HANSON-YOUNG:** So you put it in a report. That's the consequence. You just have to put it in an annual report and hope no-one sees it.

**Mr Edwards:** No. It's transparent and published for everyone to review, and we do our best to try to meet those timeframes, but there are occasions where we don't.

**Senator HANSON-YOUNG:** So you can breach the law, fumble around trying to find excuses for it, the proponent gets told, the community is kept in the dark, but at the end of the year when you do an annual report it will be written in there somewhere. That's the consequence? No wonder people have no faith that compliance and assurance and monitoring in the department is legitimate.

**Ms Parry:** I think that's an unfair characterisation. What Mr Edwards and Ms Calhoun have described is a process by which the deadline was missed by a number of days.

**Senator HANSON-YOUNG:** No, it was missed by two weeks! Let's be clear.

**Ms Parry:** There was an administrative error in terms of putting it up on the website. We've talked about that. Our disclosure is very public and transparent. We have an opportunity to come to Senate estimates and discuss exactly what has happened in those situations. Ms Calhoun has talked about when those statement of reasons will be fully published and transparent on our website.

**Senator HANSON-YOUNG:** You want us to believe you missed a two-week deadline, and it just happens to be convenient that when you worked it out, everyone had clocked off and gone home for Easter?

**Mr Fredericks:** What we want you to believe is the truth, which is—

**Senator HANSON-YOUNG:** What is the truth?

**Mr Fredericks:** It's exactly the evidence that's being provided now.

**Senator HANSON-YOUNG:** Why was it delayed? There was a two—

**CHAIR:** I will call you to order.

**Senator HANSON-YOUNG:** What we've now been told is that there were two days where there was a thought that it had been published on the website, and it hadn't been.

**Mr Fredericks:** That's correct. It was an administrative error, which has been explained.

**Senator HANSON-YOUNG:** What about the other nine days before that?

**Mr Fredericks:** Perhaps you'll allow the witness to explain the two weeks.

**Mr Edwards:** There are two issues. I mentioned that we had believed the notice had been published, and that really kicked us over our seven-day period into a broader period. In the earlier week, we also had to take our standard process of making sure we had briefed the minister. We're delegates of the minister, so it was a delegated decision. In that instance, we identified that we hadn't provided the full briefing about that decision, so we also used that time to make sure the minister, who's the ultimate holder under the act of that power, had all the information about that decision.

**Senator HANSON-YOUNG:** We still haven't had the statement of reasons and we don't have the recommendation report, but the dredging in the harbour's started, hasn't it?

**Mr Edwards:** I'm not sure if we're aware of the status, but that project has been approved.

**Senator HANSON-YOUNG:** So you don't know whether they've started destroying the environment yet?

**Mr Edwards:** I don't know whether commencement of activity has been authorised under the national environmental law, but we can take that on notice for you.

**Senator HANSON-YOUNG:** It'd be good if somebody could check by the end of today as to whether the dredging in the Darwin Harbour has started, considering the community have had no line of sight as to why this was allowed to go ahead, why it was approved, what the reasons were and what the recommendations were.

**CHAIR:** I'll get you to wind up, so we can rotate the call. Senator Duniam.

**Senator DUNIAM:** I'll briefly go back to the matter of staffing at the EPA. It was mentioned before that the CEO recruitment process will kick off after the legislation passes. Is that right?

**Ms Parry:** That's right.

**Senator DUNIAM:** Will it be a standard form recruitment process engaging a firm to search for someone?

**Ms Parry:** That has not yet been decided, but we would expect it would be. The minister has indicated quite clearly that we would undertake a transparent recruitment process. That would kick off after the legislation has been passed and received royal assent. That would work its way through normal government processes and, ultimately, get approved by the Governor-General.

**Senator DUNIAM:** At that point in time, we can deal with that. Have the skills and qualifications been outlined yet for what's required of the applicant? The explanatory memorandum to the bill mentions certain skills and qualifications. Is that something that'll be determined closer to the date?

**Ms Parry:** The explanatory memorandum does undertake, from memory—I don't have it in front of me—the kinds of skills that the CEO would need to bring to bear in the role. Clearly that will form the basis, as well as any other characteristics, of what a senior public servant at the head of a statutory agency would be expected to hold in such a position.

**Senator McAllister:** Chair, I'm conscious that—and you alluded to this at the very beginning of the hearing—we're in an unusual situation where there is a bill that has been introduced with detailed provisions and an explanatory memorandum, which Senator Duniam is reading from. There's also a budget measure associated with establishing an EPA. To that extent, I think it's appropriate that we answer broad questions about policy. If we are getting into detailed questions about the provisions of legislation, I think we are straying beyond the purpose of estimates as has been well established in the standing orders. I'm trying to accommodate it, Senator Duniam, and I do understand that, because there's a budget measure associated with this, it is appropriate to ask questions. But I think asking officials to comment on the explanatory memorandum might be taking us beyond the realms of what's reasonable.

**Senator DUNIAM:** Sure. I'm not dissatisfied with the answers Ms Parry's giving, and I know there will no doubt be an inquiry into this legislation.

**CHAIR:** There will be.

**Senator DUNIAM:** I look forward to engaging in that. Very much in that spirit, I'm not going to pursue every clause of this EM that you don't have in front of you. We have talked about staffing of the EPA quite extensively today, and I wanted to get my head around a couple of things now that I do have some extra information, without straying down the path you've mention, Minister. In terms of appointments of the rest of the staff, there was a suggestion that the staff currently in the taskforce—I can't remember the name of it—will transfer across. No?

**Mr Tregurtha:** No, that's incorrect.

**Senator DUNIAM:** Good.

**Mr Tregurtha:** The staff of the taskforce are departmental staff. The primary staff who've been identified in the department who would transition into a new EPA are those staff currently undertaking the regulatory functions themselves, which are the compliance and enforcement functions, the permitting and licensing functions undertaken under each of the six or seven different acts that are picked up by the new bills and the staff who undertake assessments and approvals functions.

**Senator DUNIAM:** Okay, so they move across. Is there an interview process for each of those appointees or those transitioning from the department to the EPA, or are we just—

**Ms Parry:** No. Current staff doing current roles under existing legislation will transfer across to the EPA to carry out existing functions.

**Mr Fredericks:** It's essentially going to be a machinery-of-government change. There'll be a new agency created on 1 July, so there'll be a traditional approach to a machinery-of-government change to settle the transfer of resources and humans between DCCEEW and the newly established independent statutory authority.

**Senator DUNIAM:** There's a difference between a government agency, as DCCEEW is structured, and an independent statutory agency. There are very different powers, which is why I'm asking this question. Because it does have a different role with a different focus and a different accountability mechanism, I am seeking to understand. I accept what you say, which is that it's a machinery-of-government change, but as of 1 July 2025 these staff will have a very different focus to what they're doing in terms of how the new EPA will be structured.

**Mr Fredericks:** I'll let others talk about the issue of what the role is, but, as I say, at the end of the day, you know as well I do the traditional process we'll go through in a machinery-of-government change.

**Senator DUNIAM:** Too well.

**Mr Fredericks:** Exactly. It'll be our responsibility as a department to identify the resources that are currently within the department which, as a result of the new administrative responsibilities of the new statutory authority, will need to be transferred to that statutory authority. The advice that you're being provided now by officials is our current understanding of the likely cohort, the likely resources, as we are currently able to identify them, that will be transferred to the new statutory authority. But we'll need to work through that on the traditional principles and rules for doing a machinery-of-government change in the Commonwealth.

**Senator DUNIAM:** It does go to the point that Senator Hanson-Young made around there being a change of name and logo et cetera but the same people administering laws that are in the same place if it's simply a machinery-of-government change.

**Ms Parry:** I would—

**Mr Fredericks:** Yes. Go ahead. Address the issue of the commonality of who's got the job.

**Ms Parry:** It's the commonality of the skill set as well as the six other pieces of legislation that the EPA will be administering. We'll also be administering the Environment Protection (Sea Dumping) Act, the Hazardous Waste (Regulation of Exports and Imports) Act, the Ozone Protection and Synthetic Greenhouse Gas Management Act, the Product Emissions Standards Act, the Recycling and Waste Reduction Act and the compliance and enforcement components of the Underwater Cultural Heritage Act. All of those officers currently administering those acts, as well as compliance and enforcement activities, will carry on under current and future legislation, under the current EPBC Act and under future nature-positive legislation, as well as officers who are undertaking the regulatory activities and the assessments. The EPBC Act will continue in its current form until such time as there is new legislation to take its place, and then those officers will be administering new legislation. That's not unusual.

**Senator DUNIAM:** It's not really a question of it being unusual, and I'm not asking you to commentate on whether things are unusual or not. From where we sit, things have been quite protracted when we were promised they wouldn't be. We're being told that this new entity is this amazing shift in how a federal government administers federal environmental approvals, but it's being put to me as a machinery-of-government change, moving the people who currently do it to a newly branded entity. It can't be both.

**Mr Fredericks:** To be clear, those things aren't mutually exclusive. At the end of the day, the agency that's going to be created will have an independent statutory lead and an independent existence from this department. So of course an agency like that needs to resource itself up, and, as the machinery-of-government rules have always recognised, the logical place to resource is from the department which is its antecedent. It is well known that the officials in this department in the areas like assessment and compliance are highly experienced, highly expert, highly professional, and the new agency will have the huge benefit of receiving that cohort of staff.

**CHAIR:** Senator Duniam, I'll wind you up there.

**Senator DUNIAM:** Are you going around again?

**CHAIR:** Yes.

**Senator DUNIAM:** Alright.

**CHAIR:** Senator Whish-Wilson.

**Senator WHISH-WILSON:** I note in the recent budget a \$5 million commitment to crown-of-thorns on the Great Barrier Reef, which is a marine invasive species, a native species. I was just wondering when the department was going to respond this committee's inquiry into *Centrostephanus*, long-spined sea urchins. Are you currently working across portfolios on responding to that?

**Ms Maguire:** The departments are currently working together to develop the draft response for government to consider before tabling.

**Senator WHISH-WILSON:** I asked you about this at last estimates and the response—maybe not from you individually, Katrina—was: 'The government regularly considers a range of budget and policy proposals.' Does the department recognise the risks of marine invasive species? As you know, under our federal legal architecture we have invasive species that are border risks—they come in across the border—but what about something like *Centrostephanus*? We give a lot of money to crown-of-thorns, which is a native species that is overabundant and causing damage. Is *Centrostephanus* on the agenda as being an important risk that needs to be mitigated?

**Ms Maguire:** Yes. You might recall we also outlined the investments that the Australian government has been making in the inquiry itself and talked about the investments in crown-of-thorns and what investment the government is doing for *Centrostephanus*.

**Senator WHISH-WILSON:** Which wasn't much, to be fair, especially compared to crown-of-thorns. We had hundreds of millions into crown-of-thorns and maybe five million over 20 years into research on *Centrostephanus*, or something of that magnitude, so a pretty big difference. I presume we'll just wait for that response. For my information, though, is DCCEEW playing a major role in responding to that, and what other departments are you working with?

**Ms Maguire:** The recommendations cut across a number of Commonwealth departments, but most specifically it is the Department of Agriculture, Fisheries and Forestry and us. We're working closely with that department in preparing the response.

**Senator WHISH-WILSON:** We've previously talked about the Sustainable Ocean Plan and our global commitments there and the fact that the department is looking at developing one of those. Are *Centrostephanus* or other overabundant marine invasive species going to be considered in that plan?

**Ms Maguire:** We've been doing extensive consultation in developing the Sustainable Ocean Plan. Stakeholders have raised numerous issues and areas of priority for the Sustainable Ocean Plan to focus on, and the sustainability of the marine environment—

**Senator WHISH-WILSON:** Has this issue been raised with you specifically?

**Ms Maguire:** Yes, it has.

**Senator WHISH-WILSON:** Of all the issues I've looked at in the ocean in the last 15 years, the march of these sea urchins is one of the biggest. It's remarkable how much it's slipped under the radar. I wanted to check. Also, in relation to the Global Nature Positive Summit, are oceans going to be on the agenda for that?

**Ms Maguire:** Yes. We had originally thought we would have a separate summit called the National Ocean Summit, but, given the crossover between the issues, we've decided to integrate the National Ocean Summit into the Global Nature Positive Summit, and there'll be a strong emphasis on the ocean throughout that summit.

**Senator WHISH-WILSON:** Are the dates for that set?

**Ms Maguire:** Yes, 8-10 October 2024.

**Senator WHISH-WILSON:** How does one get an invitation? Not me, but ocean stakeholders like the Great Southern Reef Foundation, for example—just putting it out there. How do you get an invitation to this? Is it by invite only from the department or will there be a process?

**Ms Parry:** Our organisers of the summit coming to the table now.

**Mr Bennie:** Yes, it is invitation only. The core focus of the summit is around unlocking private sector investment into nature—bringing together ministers from across the globe but also the private sector environmental groups. We're working through at the moment the sending out of invitations and the like.

**Senator WHISH-WILSON:** It sounds like an absolutely perfect forum for *Centrostephanus*, which the fishing industry is wanting to develop a solution to this massive environmental problem. Unfortunately I've got a lot of other questions, so I will be quick. With the flip side of *Centrostephanus* and the damage that's being done, obviously giant kelp—*Macrocystis*—has been on the radar for the respective federal governments, and it's a priority place or species. Could you update me on the funding for giant kelp? Previous responses were that there was a \$3.5 million allocation to giant kelp out of \$224.5 million dollars. Has that grant been allocated yet?

**Dr Fraser:** The giant kelp threatened ecological community is one of the priority places under the Threatened Species Action Plan. We are very close to finalising that project proposal. It's a really fantastic proposal that's come together, so I expect next time the Senate committee sits, there will have been an announcement on that.

**Senator WHISH-WILSON:** As a matter of interest, how was \$3.5 million determined? Was that based on any kind of qualitative or quantitative—or was it just a quantum of money available?

**Dr Fraser:** No. My team undertook an analysis of the biodiversity assets and the condition of each of the 20 priority places under the Threatened Species Action Plan. Of course, giant kelp is a little bit different. Because it was the only truly marine place, it was analysed in a slightly different way. Essentially, we came up with a formula for allocating funds to each of those priority places that was commensurate with the scale of the place, the opportunities for restoration or biodiversity benefits over the timeframe available, and applied that to the funding envelope that we had available to come up with a probably imperfect but reasonable formula for allocation of funds across those different places.

**Senator WHISH-WILSON:** This is probably more a statement than a question: those fantastic scientists that will hopefully be involved in that grant will tell you that if we don't do something about *Centrostephanus*, there probably isn't any point in regrowing giant kelp.

**Dr Fraser:** *Centrostephanus* was certainly one of the key threats to giant kelp, and you'll be familiar with the other key threats. We are anticipating that a bunch of those threats will be addressed through the funding that you're talking about.

**Senator WHISH-WILSON:** Great, thank you. I have a question about the International Whaling Commission. I know previously I've tended to ask these questions through AAD. If it's appropriate, I have some broad questions. Obviously, Japan has announced recently that they're hunting Minke whales, Bryde's whales and sei whales, and is considering adding the second largest mammal on earth, the fin whale, to their whaling list. Has this been clocked by the department, and has it been raised at the recent IWC meeting? I know they're not part of the IWC, but they would've had an observer there—

**Ms Heaton:** Yes, we are aware of this. We've raised it directly with the Japanese government.

**Senator WHISH-WILSON:** You have raised it directly?

**Ms Heaton:** Yes.

**Senator WHISH-WILSON:** How did you do that? Did you do that through DFAT?

**Ms Heaton:** Through officials, yes,

**Senator WHISH-WILSON:** Who raised that?

**Ms Heaton:** With the DFAT secretary.

**Senator WHISH-WILSON:** And the minister communicated to the DFAT secretary, or did you—

**Ms Heaton:** We've been engaging closely with DFAT on this issue.

**Senator WHISH-WILSON:** Great. Is it possible to get a copy of any correspondence in relation to what was raised?

**Ms Heaton:** This was raised verbally.

**Senator WHISH-WILSON:** What about the IWC meeting a couple of weeks ago? I understand there was no minutes made available from it. Are they available to the public?

**Ms Heaton:** Which meeting?

**Senator WHISH-WILSON:** Over in South America.

**Ms Heaton:** The scientific committee meeting in Slovenia. There should be a formal meeting record circulated soon, if it hasn't been already.

**Senator WHISH-WILSON:** In Japan, did they have observers there?

**Ms Heaton:** I think they did, yes.

**CHAIR:** Senator Brockman.



**Senator BROCKMAN:** I understand I'm in the right place for the offshore wind farm approvals process.

**Senator McAllister:** It depends a little on which aspect of the approval process you wish to contemplate. This is the part of the department which is, amongst other things, responsible for administering the EPBC Act. Perhaps you could start and we will see.

**Senator BROCKMAN:** Let's start. If you tell me I've got to put them on notice or go somewhere else next time, I'm happy to live with that. What's the department's relationship in terms of contemplating approvals processes particularly for offshore wind farms with WWF? Are they a stakeholder like any other? Do they have roles on particular committees in this space?

**Mr Fredericks:** I have a suspicion you're asking about the current process that's underway around licensing. Are you contemplating any questions around the licensing regime that is now being put in place for the various areas and which the department is overseeing advising the minister to make licensing decisions, or are you thinking about what the future EPBC Act arrangements will be for the approval—

**Senator BROCKMAN:** I'm hoping to consider both those things.

**Senator McAllister:** Are you thinking about the processes underway in your home state?

**Senator BROCKMAN:** Yes, partly.

**Senator McAllister:** It's like a game of famous heads!

**Mr Fredericks:** That is absolutely in outcome 1, which was yesterday. There were a large range of questions asked. I don't think we went to that issue. Yes, that process is currently in the climate change part of the portfolio under Minister Bowen. That was yesterday's estimates.

**Senator BROCKMAN:** Okay. What would be in this area?

**Mr Fredericks:** The only relevance here will ultimately be, in the longer run, any environmental approval processes under the EPBC Act. But we're a long, long way away from that yet.

**Senator BROCKMAN:** Challenges.

**Senator McAllister:** No, not challenges.

**Mr Fredericks:** No, just any required environmental approvals under the act.

**Ms Parry:** When a proponent would go to build an offshore wind facility, they would be potentially seeking EPBC approval. That's what we would cover.

**Senator BROCKMAN:** That's when it would come to you?

**Ms Parry:** That's right.

**Mr Fredericks:** That's right; that's here.

**Senator BROCKMAN:** When that comes to you, what status does an organisation like WWF have in the process? Do they sit on working groups? Are they embedded into your decision-making process at all? What's their status?

**Ms Parry:** I'm happy to get Mr Edwards to walk you through it, but the short answer is primarily the relationship sits between the proponent and the department. But Mr Edwards will have a more sophisticated answer than that.

**Mr Edwards:** A project will be referred to us for assessment. The referral, which is the description and some of the supporting material, will go to public consultation. Groups such as you're mentioning will be able to input into that process, and, at a later time, they'll publish their environmental impact assessment, and, again, comments will be made. The proponents are required in those instances to document all comments that have been provided to them and explain how they've addressed them during the process, and we as the regulator—either ourselves or as a delegated decision-maker—will advise the minister on the merits of the proposal, including any comments that have come forward and how the proponent has responded to them, so that—

**Senator BROCKMAN:** At what point does the public get involved? At what point do interested outside parties like WWF get involved? How do you intersect that process between the proponent and the department with the broader interested community?

**Mr Edwards:** As I said, the first point really is on the referral documents. That is published publicly, and people are invited to make comments on those and again, later, once the environmental impact assessment material is developed, there is a further opportunity for the public and any group to make comments on that. The minister, ultimately, considers all comments made during that process in reaching her final decision.

**Senator BROCKMAN:** What would be the status of comments from an organisation like WWF? Do they have any particular standing? I raise this because, for example, on your facts about offshore wind farms that you publish on your website, you quote positively from a WWF document:

The main conclusion of a World Wide Fund for Nature review was that with proper planning and mitigation measures it is possible to construct offshore wind farms without significantly damaging the environment.

That is in the facts about offshore wind farms.

**Mr Edwards:** Everyone's got equal billing, so there's no particular standing assigned to people who comment, but where there's established science and evidence, that's what's fed in and considered by the minister. That can come from any source. The proponent would put forward their own analysis about their impacts. Others may put forward, during those comment processes, their own views, including other scientific sources. The minister will weigh all that up in reaching her final decision.

**Senator BROCKMAN:** The WWF receives grants from this department through government decisions. How do you balance conflicts of interest in those kinds of processes? Do you assess conflicts of interest in terms of submissions?

**Mr Edwards:** Not in terms of comments because, again, it's the substantive nature of the material provided. The minister has a very high evidence threshold that needs to be met under the act, and it's the relevance of the material provided that she will consider. So it comes from lots of sources, as you say. Some could be community groups or green groups or business groups that have a certain interest, but it's the quality and the relevance of the material that she considers.

**Senator BROCKMAN:** So the fact that the proponent, Orsted, is a known partner—including, I believe, a funding partner—of WWF doesn't raise any concerns? Would that need to be declared in any submission made by WWF?

**Mr Edwards:** No. Again, it's really about the substantive nature of the impact of the project being proposed and the evidence around that. The minister has to reach a view of its acceptability. People will always come with different perspectives and different drivers, including proponents who will want a favourable outcome quite often. The minister understands that people have different perspectives but, ultimately, it's about the relevance of the material that she's considering for the regulatory decision process.

**Senator BROCKMAN:** I'm happy to leave it there. I'll put some more questions on notice.

**Senator HANSON-YOUNG:** Mr Fredricks, who do I need at the table to answer questions about the Living Wonders case?

**Mr Fredricks:** I was looking for Mr Edwards. He's gone already.

**Senator HANSON-YOUNG:** Mr Edwards, I'm referring to the judgement of the Living Wonders case two weeks ago. The Environment Council of Central Queensland challenged the minister's refusal to scrutinise two specific projects for their climate harm. The case was dismissed—we know that—but the Federal Court judgement concluded: 'The arguments on this appeal do underscore the ill-suitedness of the present legislative scheme of the EPBC Act to the assessment of environmental threats such as climate change and their impact on matters of national environmental significance in Australia. This proceeding and the merits decision-making underlying it might be said to raise the question whether the legislative scheme is fit for purpose in this respect.' This comes from paragraphs 140 and 144 of the judgement. What advice, if any, has the department taken in relation to that particular statement that 'the laws are clearly not working'?

**Mr Edwards:** I might just start with a couple of points, Senator. I'm dearly hoping to give you a positive outcome at some point. We are considering that judgement more fully. It's a pretty recent judgement. The key thing I would say as a practitioner of the act—I don't have a view on policy, but the courts have obviously provided their own view of the adequacy of the legislation—is that there is a further 28-day period that the parties have to consider further action in the courts, so I think we are fairly limited in being able to comment on that ruling.

**Senator HANSON-YOUNG:** Are you saying that perhaps there may be an appeal on this?

**Mr Edwards:** I'm saying that the courts provide certain periods to people, and we do our best not to enter into commentary, should that occur.

**Senator HANSON-YOUNG:** Does the department have a view as to whether climate change is one of the greatest threats to our threatened wildlife and environment?

**Mr Knudson:** As I think I said earlier on today, out of the global biodiversity framework, when identifying a number of key threats to biodiversity and what's leading the decline in biodiversity, climate change is absolutely one of those issues.

**Senator HANSON-YOUNG:** Do you accept the insights from the Federal Court that the environment laws are 'ill-suited' to address the climate challenge?

**Mr Knudson:** I'm pretty sure it was mentioned in the Nature Positive Plan a year and a half ago: climate change is absolutely one of the issues that we'll be looking at in the reforms for the third stage of the legislation. And, as the minister representing noted earlier on, Minister Plibersek has put out a commitment to engage on six key issues over the next while, including climate change.

**Senator HANSON-YOUNG:** In relation to the two coal projects that this case was over, they now sit on the minister's desk for approval; is that right?

**Mr Edwards:** They're in the assessment process; that's correct.

**Senator HANSON-YOUNG:** Can you just remind us what point of the assessment they're up to?

**Mr Edwards:** I believe it's in the assessment process, but I'm going to ask Ms Gowland if there's any more detail.

**Ms Gowland:** Those projects are in the final stages of their assessment, but we're still reviewing the judgement before we progress assessments of those projects.

**Senator HANSON-YOUNG:** Just so that I'm clear: what characterises 'final stage'? Does it mean you've got all the information you need and now you're just considering the court hearing or—

**Ms Gowland:** Yes. The environmental impact assessment has been finalised and submitted and accepted by the department, including all of the public comments that were provided on that assessment. In ordinary circumstances the next stage would be for the department to review that assessment and all of the information that is relevant to that assessment, including all of the public comments. Then a proposed decision is made with the conditions and then we consult with the proponent on draft conditions and put a brief to the minister to make the final decision.

**Senator HANSON-YOUNG:** How long do you expect that that process will take? There has been a lot of public commentary about these particular mines. You must have some understanding of whether you want to deal with this very slowly or whether you want to get this done quickly?

**Mr Edwards:** We'll progress according to the act. I think it's probably a couple of months worth of work. We do need to consider the judgement. There's quite a bit of legal review, as you would understand, when we draft a recommendation brief, and then the minister has a set time in terms of considering that decision as well. I do think it will probably be a couple of months before we're able to bring that to conclusion.

**Senator HANSON-YOUNG:** How many coalmines has Minister Plibersek approved since becoming the minister?

**Mr Edwards:** For coal, I have three coalmines or coal related projects.

**Senator HANSON-YOUNG:** What about expansions?

**Mr Edwards:** Sorry; two of those three are extensions to existing projects.

**Senator HANSON-YOUNG:** Can you remind us which ones they are?

**Mr Edwards:** They are the Gregory Crinum coalmine that we talked about, Ensham coalmine extension and the Isaac River coalmine project.

**Senator HANSON-YOUNG:** How many coalmines are in the final stages?

**Mr Edwards:** I'm not sure I can break it up in stages, but we currently have 40 coal related projects on the case load. I would have to get a breakdown on stages.

**Senator HANSON-YOUNG:** Can I ask you to take the stages on notice?

**Mr Edwards:** Yes.

**Senator HANSON-YOUNG:** Thank you. Is the Whitehaven Coal Narrabri extension one of your 40 there?

**Mr Edwards:** It would be.

**Senator HANSON-YOUNG:** That, of course, is slated to be, if it's approved, on critical koala habitat, isn't it?

**Mr Edwards:** Certainly, the east coast of Australia has a lot of koala habitats, so it's likely. I don't have it in front of me, but it may be impacting koala habitat.

**Senator HANSON-YOUNG:** Is there anyone who has details on this particular Whitehaven Coal Narrabri extension?

**Ms Gowland:** We'd need to take the detail on notice. It is definitely species and communities who are controlling provision for that project. If koala habitat does exist in that area—and I'm confident that it does—then it's likely that that would have been a part of the assessment for that project.

**Senator HANSON-YOUNG:** And you don't have the details there, Mr Edwards, as to what status that's up to?

**Mr Edwards:** No. I have the total and types of projects.

**Senator HANSON-YOUNG:** Ms Gowland, you seem to know a bit about this particular project. I just want to be clear. You understand that an assessment has been made around the threatened species in that area?

**Ms Gowland:** There was a requirement, through the environment impact assessment process for species and communities that are protected under the EPBC Act, to be assessed in relation to the impact from the mine.

**Senator HANSON-YOUNG:** And that's been completed?

**Ms Gowland:** The environment impact assessment has been completed, yes.

**Senator HANSON-YOUNG:** There are koalas there. They are threatened. They are facing extinction, particularly in New South Wales. How can this go ahead?

**Ms Gowland:** The Narrabri coalmine is actually an underground coalmine, so the disturbance on the surface of that area is not extensive. There will be some impacts on the surface, and we also look at the impacts on water resources—

**Senator HANSON-YOUNG:** There will be trucks. They've got to get the coal out and truck it. There will be lots of people around, surely.

**Ms Gowland:** There are definitely going to be impacts to some matters. I don't have the details of which matters are likely to be impacted.

**Senator HANSON-YOUNG:** Okay. Minister, surely your government won't tick off on an expansion of a coalmine that threatens koalas.

**Senator McAllister:** In asking me that question, you know you're asking me to pre-empt a decision to be taken by the minister that needs to be taken in accordance with the law, and I simply can't do that. The minister applies the law and she does so with the advice of the department. The department officials have provided to you some of the information that will be relevant to this decision. I simply cannot predict it, and it's not a reasonable question to put to me. You know that because you have put it in other circumstances and been provided with the same answer.

**Senator HANSON-YOUNG:** But, if you had a policy of protecting or a moratorium on critical koala habitat, you could—I mean, that's the problem. These laws are broken. You can't even protect the koalas from the coalmines. That's how fundamentally broken and stuffed these laws are.

**Senator McAllister:** I will say to you again, for at least the fifth or sixth time today, that the government does believe that law reform is required.

**Senator HANSON-YOUNG:** But you're not doing it.

**CHAIR:** On that, I will give the call to Senator Duniam.

**Senator DUNIAM:** I will go to something I put on notice yesterday, but I'm wondering whether, given it relates to what we've been talking about, to ease the burden on the department around the number of questions on notice that have been put in, as we've heard about a couple of times over the last couple of days—I asked whether any of the performance agreements that senior executive officers in this section have relate to the speeding up of environmental approvals. I wonder whether I would be able to get an answer to that question at this point, or will it be left on notice? I thought I might ask the individuals with whom there are the performance agreements, but, if we want to keep it on notice, I'm happy to do that given it is an individualised—

**Ms Parry:** I would just make the broad observation that our performance agreements that we have in place, particularly in the area of environmental regulations, do go to the delivery of effective performance in the regulatory space. We have to publicly report against our statutory timeframes. That is a corporate measure that is published in our corporate plan, our annual report and the budget statements. All of these things cascade down to our performance agreements. So our performance agreements are very much tied to the efficient and effective work of our regulatory system, of which our statutory on-time approvals are a component.

**Senator DUNIAM:** Okay. I did ask on notice for a template, which was McCulloch took on notice, and I will stick to the question on notice. You have given me a nice, broad response to that. That's fine, but we will stick to the specific question of whether there are elements of the performance agreement that—

**Mr Fredericks:** You're after the number. I think that was one of your elements.

**Senator DUNIAM:** Correct.

**Mr Fredericks:** I think you will find that the number will reflect the evidence that Ms Parry just gave. We'll take it on notice, you'll hear that again and you'll get a number.

**Senator DUNIAM:** Delightful. Thank you very much. With regard to the EPA legislation and the work being done to eventually get us to replacement laws for the EPBC Act, has the minister briefed any members of parliament from parties other than government on the legislation that has been tabled to date for the EPA, the EIA and where things are going with the EPBC Act?

**Senator McAllister:** I don't have that information. Was there something particular that you're interested in?

**Senator DUNIAM:** I have a fundamental view that enduring legislation often is best achieved with bi- or multipartisan support for legislation, and to the end I assume the minister has worked across the spectrum to achieve the outcome desired, which is, as you have said multiple times, enduring and effective legislation. To that end, what work has the minister done to ensure that, when the bill lands on the table in parliament, it's not going to encounter myriad potential roadblocks, which are part of the democratic process? Briefings to non-government members and senators are often a good way to obviate those roadblocks.

**Senator McAllister:** Perhaps I can say this: I am very confident that the minister will seek to work across the parliament to make sure that all members and senators have the information that they need.

**Senator DUNIAM:** That's helpful. Thank you. It kind of touches on what I ask! But would you take on notice the question I asked?

**Senator McAllister:** Sure.

**Senator DUNIAM:** Thank you. I will look out for the answer on that one because it's something I've asked in a roundabout way a couple of times.

I go to the gillnet ban decision for Queensland. This may be something you do have to take on notice, but has there been any further assessment of the impact of that decision on local communities now it's been made?

**Senator McAllister:** I'll ask officials to provide what information they can about this particular policy setting.

**Ms Maguire:** The responsibility for that assessment lies with the Queensland government. My understanding is they have been rolling out the structural adjustment package and have made amendments to the licences. I'm not sure if they've undertaken any further assessment of the impacts on the community.

**Senator DUNIAM:** It sounds like I'm going to have to go to Queensland for some more granular details, so we might leave that one. If I can go to regional planning. Why do you look so suspicious, Mr Knudson?

**Mr Knudson:** Not in the slightest. My division head for that issue has COVID, so he's not here.

**Senator DUNIAM:** Can't he dial in?

**Mr Knudson:** You're going to get myself and his very capable branch head, Dr McMorrow.

**Senator DUNIAM:** The minister has made it very clear that regional planning is critically important. I asked a question on notice, 001519 previously. Have you got that one there, Dr McMorrow? It relates to what regional planning projects have been devised during 2023.

**Dr McMorrow:** Yes, I have got that one.

**Senator DUNIAM:** There was an MOU, initial mapping, another MOU in August of last year, and still in discussions around that, and it then outlines the figures. What progress has occurred since that question on notice at the end of last year?

**Mr Knudson:** I'll do the first crack at this. Queensland, in particular, have been the first movers on this, which that document refers to. Where they're at is they've finished their initial heat maps which indicate from one to 10 different colour degradations of the relative ecological value in three different areas in the state. They're now taking that process and the methodology that they use getting that peer reviewed. They expect that will be done in the next couple of months or so—that finalisation. That's really important because that gives us an agreed methodology that's been independently reviewed et cetera for how to do mapping of biodiversity values at a regional scale. So that's one piece that's quite new.

South Australia, Dr McMorrow can talk a little bit further about that, but they're making good progress under their MOU. We've also been in discussions, and are close to finalising agreements, with both the Victorian and the New South Wales governments. The WA government has also reached out. So we've got a number of different propositions being put to us, some of those are further advanced than others, but we're happy to talk in more detail. But I wanted to give you that overview.

**Senator DUNIAM:** Thanks. Ms McMorrow, do you have anything to add, particularly with regards to South Australia?

**Dr McMorrow:** South Australia did sign that MOU back in August last year. They've been very focused on setting up the planning and the governance arrangements. As you'd appreciate, regional planning is a multi-agency or multiportfolio exercise so they've got the governance arrangement that touches on different portfolios in the South Australian government, which we sit on as well. They will develop two regional plans focused on likely renewable energy, maybe critical minerals. They're still confirming the locations of those. As part of confirming those locations, they're working through what data might be required for the different regions. Some might need more investment into data to lift up the quality of the evidence to start the planning process. That gives you a sense of where they're up to.

**Mr Knudson:** One other thing I would add is that the Victorian government has been using a piece of software which they've made available to the other jurisdictions as well. If we get the methodology, the software et cetera more standardised and available more broadly, we think that's something that increasingly won't need as much federal involvement, and states and territories can progress that by themselves.

**Senator DUNIAM:** In the question on notice it talks about \$2.5 million in 23-24, \$2 million in 24-25, \$1½ million in 25-26 and zero in 26-27. Has that profiling changed?

**Dr McMorrow:** No, that's the amount that's contracted at the moment. We haven't got new amounts contracted yet. We are in advanced discussions with some of those other jurisdictions, which would lead to further contracting of funds.

**Senator DUNIAM:** Has the minister expressed a desire to have these discussions and everything in place and regional plans established at a point in time?

**Mr Knudson:** The minister has asked a number of times about the status of where regional plans are up to, and, indeed, at the environment ministers meeting a few months ago, the Queensland minister herself gave the update as to where Queensland was at on that process that they're undertaking. This is a constant watch point, quite frankly, because each jurisdiction and each regional plan will help inform the others. So there's a collective learning that needs to happen at pace.

**Senator DUNIAM:** Okay. Alright.

**CHAIR:** We might rotate again.

**Senator DUNIAM:** Sure thing. We wish Mr Manning well in his recovery as well.

**Senator McAllister:** That's very kind of you, Senator Duniam.

**Senator DUNIAM:** I'm known for my kindness.

**Senator McAllister:** Senator Grogan, Senator Duniam asked about briefing for parliamentarians. In the period since you asked that question, I've been advised that the crossbench have been briefed on the legislation that was introduced today.

**Senator DUNIAM:** The EPA and the EIA?

**Senator McAllister:** Correct.

**Senator DUNIAM:** But not on the progress of the EPBC replacement—it's alright. You've taken it on notice, so that's fine.

**Senator McAllister:** I don't have that additional piece of information. I'm sorry; there are just limits to my knowledge.

**Senator DUNIAM:** You've done well to give me that. It's helpful. Thank you. When you say 'the crossbench' that's Independent members—okay. If any further information becomes available, I'm sure you'll let me know.

**CHAIR:** Senator Wish-Wilson.

**Senator WHISH-WILSON:** I just wanted to follow up on a letter I wrote to Minister Plibersek around the continuing use exemption in environment law and whether it is going to be removed from the EPBC Act. I haven't received a response. I won't go into the details of the letter, of course. As Mr Knudson would acknowledge, it's a long-running question for me around the use of shark nets. There's never been a federal government

environmental assessment of the thousands of protected animals they kill. I was just wondering if that is being considered as part of the environmental law changes.

**Mr Knudson:** I would point to what was previously mentioned about those six issues that will be consulted on—the key issues that have been called out. One of those is the exemptions issues and continuing use provisions.

**Senator WHISH-WILSON:** Is the national interest exemption also one of those issues?

**Mr Knudson:** We've already gone out and consulted on a proposition for a change to how the national interest exemption would operate. But for continuing use exemptions under the act—for example, shark nets, because they were deployed prior to the coming into force of the current act, are a prior authorisation.

**Senator WHISH-WILSON:** Will there be any interim process around providing a review, at least, of their use and potential environmental issues around them—shark nets?

**Mr Knudson:** What we've committed to at this point is to go out and do consultation on this as one of the six remaining issues that we think we really need to crack through.

**Mr Edwards:** In the minister's release on this he talks about the next steps, and it says that implementation workshops will be held with impacted groups, including states and territories, which goes to the issue you're talking about around shark netting, to refine and clarify the provisions. So there is the intention to have those discussions.

**Senator WHISH-WILSON:** Okay. I might put some extra questions to you on notice on that. I want to go to a specific issue in South Australia, and Senator Hanson-Young would be familiar with this—the beaching of a rare whale and dolphins immediately following a seismic survey. I understand DCCEEW did investigate this. I'm not sure if there is anyone here who could answer the questions. But, on 21 and 22 February, as part of work performed to salvage a desalination plant at Billy Lights Point near Port Lincoln, a seismic survey was undertaken. The survey equipment had a source level of 220 decibels, which is just shy of what we see out in the open ocean, and a peak frequency of 40 hertz. Three days later the South Australian Department for Environment and Water attended a site at Spalding Cove, less than 10 kilometres from the seismic site, where a rare pygmy whale calf had beached itself, and two dolphins were also found beached on the same day. This is very rare. It happened to be a few days following that seismic survey. Senator Hanson-Young and my colleague in South Australia Tammy Franks MLC wrote to DCCEEW about this expressing concern asking that they investigate this. They did, and I have a copy of the letter here that they sent to her that basically said 'there is nothing to see here'. Are you able to tell us what investigation was undertaken in relation to the beaching of this whale?

**Ms Lea-Perry:** I am not. I am not sure if it is within our compliance area or to whom the letter was sent and who responded. I don't have it in front of me. Mr Grosse might be able to answer your question.

**Senator WHISH-WILSON:** Just for your information—South Australians would be aware of this including probably the chair—Boston Bay, where the survey took place, is known as a pygmy right whale hot spot. I could provide the information on that as well.

**Mr Grosse:** I can confirm we are liaising with South Australian authorities in relation to that matter. I don't have much further advice to provide you at this point in time as to the status of the inquiry.

**Senator WHISH-WILSON:** Did the South Australian Department for Environment and Water advise you on the fact that whale had been sighted near and prior to the seismic survey taking place?

**Mr Grosse:** We have what information was referred to us in that letter you refer to.

**Senator WHISH-WILSON:** That was not in that letter.

**Mr Grosse:** I don't have that letter, so I will have to take it on notice.

**Senator WHISH-WILSON:** Fair enough. I will put these two on notice. Tammy Franks said the response she received was that you investigated it and 'there was nothing to see here'. I'm very keen to follow up exactly how you investigated that and what process you employed. As I am sure you are aware, this committee has raised significant concerns around seismic blasting on our marine life.

**Mr Grosse:** We can take that on notice.

**Senator WHISH-WILSON:** I will ask for clarification on the process. I know we have GBRMPA coming this evening but what is the process with UNESCO and the World Heritage in danger listing process, which is imminent? Does the department influence, for example, the deployment of GBRMPA staff to attend meetings in Paris? It looks like there's been a couple in late January and April where the CEO has flown to Paris with Senator Nita Green and other personnel. What is your involvement in the apparent lobbying that is going on around the UNESCO process?

**Ms Lea-Perry:** The Australian government continues to protect its interests with all its World Heritage properties and continues to represent its interests to both UNESCO and its advisors and the World Heritage Centre. The reef authority has participated as our preeminent technical advisers who can speak to current events that are unfolding on the reef, so they do accompany us.

**Senator WHISH-WILSON:** They accompany you? So does someone in the department dictate, for example, that Mr Thomas, you make yourself available—?

**Ms Lea-Perry:** It depends on the nature of the engagement.

**Senator WHISH-WILSON:** I mean specifically on UNESCO.

**Ms Lea-Perry:** On UNESCO, for example, last year in Riyadh for the World Heritage Committee meeting, the 46th committee meeting, Mr Thomas attended in his capacity as CEO of the reef authority. He was part of the Australian government delegation. As well, Mr Thomas undertakes his own international travel activities that would be in accordance with his role.

**Senator WHISH-WILSON:** Do you mean like Paris in April?

**Ms Lea-Perry:** He undertook that activity as well. Ms Dumael can speak to that in particular, because she was there accompanying him and Senator Green. I understand from that trip in particular, there was an oceans conference that he was attending and then he took the opportunity as well to meet with officials and UNESCO to provide an update on the unfolding bleaching event.

**Senator WHISH-WILSON:** Do you mean the officials that would be voting on the World Heritage in danger list?

**Ms Lea-Perry:** I beg your pardon?

**Senator WHISH-WILSON:** Do you mean the officials who will be voting whether the reef is declared in danger or not?

**Ms Lea-Perry:** I want to back up a bit to explain the nature of our engagements. When we do engage with the centre it is around a whole variety of activities. It is not about lobbying; it is about representing Australia's interest. We are sitting on a number of committees. We make representations about a number of our World Heritage properties, the Great Barrier Reef being one, Murujuga being another, potential listings coming up. We take a strong stand on traditional owner representation within the World Heritage system, so there is a suite of interests that we represent.

**Senator WHISH-WILSON:** I don't have a lot of time. I think we can split hairs about the difference between representation and lobbying. They are pretty much the same thing in my books, if you're trying to get an outcome, to use your words, Ms Parry, to protect Australia's interests.

**Ms Lea-Perry:** We are actively involved in the World Heritage structures, so what I'm getting at is we are not just there to influence an outcome; we are there to participate in committees; we are there to influence—

**Senator WHISH-WILSON:** Yes, but my questions are about the aspect where you are clearly trying to influence outcomes, as has happened multiple times in the past. My last question is how is it protecting our interests to try and stop UNESCO declaring the Great Barrier Reef in danger from climate change?

**Ms Lea-Perry:** The Australian government position has been a consistent position across—

**Senator WHISH-WILSON:** Consistently wrong in my opinion.

**Ms Lea-Perry:** Can I finish my answer, please? We have been working constructively with UNESCO and the World Heritage Centre to engage to look at the impacts of climate change across all World Heritage listed properties—

**Senator WHISH-WILSON:** Which distracts away from the Barrier Reef.

**Ms Lea-Perry:** We are working as committee-level members to understand the impacts of climate change, not just on the reef but across all World Heritage properties. We are looking to share our knowledge about reef adaptation. We are looking to engage very constructively with UNESCO. We are very open and transparent—

**Senator WHISH-WILSON:** Adaptation to distract away from the burning of fossil fuels causing the ocean marine heatwaves which are bleaching corals, and we happen to be one of the biggest exporters of fossil fuels on the planet?

**Senator McAllister:** Senator Whish-Wilson, I recognise there is a kind of repetitiveness to estimates sessions and I think that is the nature of the beast, so I regret giving you this advice again but I will since you raise the issue again. The Australian government absolutely understands the relationship between climate change and the Great Barrier Reef. We similarly understand our obligations to do everything we can to protect the reef and that



means, amongst other things, taking local action where we can, and this is the subject of many of the discussions in the meetings that you are referring to, and also being a good global citizen, being part of the international community's attempts to limit global warming to a safe level and it is why we increased our targets—

**Senator WHISH-WILSON:** Your government has done neither. You legislated the target of two degrees, which is equivalent to the destruction of 99 per cent of the corals on the Great Barrier Reef. What else have you done on climate change?

**Senator McAllister:** Would you really like me to make a list?

**CHAIR:** Order! It is really disorderly to continue to ignore the chair, Senator Whish-Wilson. I will rotate the call. Senator Duniam.

**Senator DUNIAM:** I would like to ask about feral cats, if I may. It is a bit of a gear change.

**Senator WHISH-WILSON:** It's a good distraction.

**Senator DUNIAM:** Yes, I am running interference for the government! But they are a serious problem, so not to make light of this serious problem, last year in September, I think it was, the minister declared war on feral cats. I am seeking to understand, as a result of that commitment from the government that we're going to tackle this scourge of feral cats, how much funding has been allocated to this war on cats, what is the breakdown of funding—the profile over different financial years—and what will it be used for?

**Mr Knudson:** One of the things that is contextually really important here is the minister was able to get agreement across jurisdictions to a threat based strategy for feral cats at, I think, the last environment ministers' meeting. The reason why that is important is because most of the actions that will be taken will be at the state and territorial level, nonetheless we do what we can to could contribute to that.

**Senator DUNIAM:** At a federal level? Excellent.

**Dr Fraser:** The minister has approved well over 20 projects in that time which focus on the control of feral cats to support threatened species recovery. I can give you some examples of those projects. What we don't intend to do is provide a single tally on investments for invasive species, because often those investments are part of integrated projects that might do fire management, invasive space management and captive breeding rolled into a single project. But we can talk about numbers of projects that include a focus on that particular threat.

**Senator DUNIAM:** That would be helpful.

**Dr Fraser:** It was well over 20 projects in that time. As I alluded to earlier, we're in a process of doing lots of contracting of projects at the moment, having undergone those processes through Saving Native Species and Natural Heritage Trust. So, over the coming two or three months, we'll be able to get a much more precise line of sight of the number of projects, where they are, which threatened species are benefitting et cetera.

**Senator DUNIAM:** That's fine. Perhaps on notice you could provide me a list of those projects. I understand that they're not exclusively about tackling feral cats and that that may be part of a broader program. It was September last year that that commitment was made. Have any new projects or programs been initiated following on from that announcement?

**Mr Knudson:** When we come back with the specific details on the 20 or so projects, we can also say when those were initiated. The point is that these types of projects and the ones that are going to come after those 20 or so take a while to get up et cetera. We're doing this in collaboration with a bunch of different organisations, but I'm happy to come back with the details on that.

**Senator DUNIAM:** My next question was going to be: have we got any understanding of how many feral cats we've taken care of around Australia since the announcement? But, given the nature of how things are rolling out, I expect that number is not one you can furnish me with.

**Dr Fraser:** We do not measure the number of feral cats killed. That's a very non-strategic approach to threatened species recovery. What we focus on is where the environmental asset is that needs to be protected and what threats need to be addressed in that space. For example, if we are considering an island eradication of feral cats, we would look to remove every single feral cat from that island. If we're considering landscape-scale control, which is not a safe haven behind a fence or an island, there may be annual knockdown of those feral cats but not actually the eradication of all cats from that landscape. And not all feral cats are equal. Some feral cats are incredible predators and can annihilate an entire penguin colony overnight, for example, and others are less effective in their space. So we look to address the impact as opposed to the number of animals which are controlled.

**Senator DUNIAM:** Okay. I won't expect a number of cats, but I'm pleased I now know that not all feral cats are equal. I wasn't expecting that answer today! I want to move now to the war on feral goats. In November last

year, the minister also declared war on feral goats as one of her acts. There are a few fronts opening up here. What funding has been allocated to our war on goats? What projects have been funded over how many years? Noting that we don't measure success of these programs by the number of goats eradicated, can you talk me through some of the success or otherwise of anything that might have happened in this war?

**Dr Fraser:** The statement on goats last year was in relation to a threat abatement plan for feral goats being released for public consultation. That is a really important document, which is then adopted under the EPBC Act, and the release of that document included a lot of new science and management information to abate the threat of feral goats, which are amongst our top 10 invasive species. Our threat abatement plans are plans to be implemented by all stakeholders, not just the Australian government, although the Commonwealth is obliged to implement them on our own estate. So they're for state governments and they're for other agencies and land managers to use as a guide to implement. They don't come with a single implementation bucket of funds as such, much as the feral cat threat abatement plan doesn't, but we look to direct funds from our projects where feral goats are having the most impact on threatened species. Compared to cats, we have a much smaller number of projects which are focused on feral goats, but one example is addressing the impact of goats on Mallee birds in that Mallee habitat between Victoria, New South Wales and South Australia. There are a couple of other examples, and I could possibly find them in my notes.

**Senator DUNIAM:** That alright. In the same way that you are going to do with cats, if there's anything you can furnish me with on notice around goats, that would be helpful. These are my final couple of questions for this program. Does anyone know anything about the Minderoo Foundation grant?

**Ms Parry:** Is there any context to the grant?

**Senator DUNIAM:** I have 'Game-changing partnership for ocean biodiversity', a joint media release between the Hon. Tanya Plibersek MP and Dr Andrew Forrest AO.

**Mr Fredericks:** I'm advised that that's with National Parks.

**Senator DUNIAM:** I'll put that on notice. That's me then, Chair.

**CHAIR:** Senator Hanson-Young?

**Senator HANSON-YOUNG:** I have some questions in relation to the EIS relating to the Middle Arm project. I understand that part of the department's process is to conduct an adequacy review of the Middle Arm EIS before it can be put out for public consultation. Is that correct?

**Mr Edwards:** That's correct.

**Senator HANSON-YOUNG:** Has that happened?

**Mr Edwards:** I understand we're currently looking at an earlier draft of the EIS, but I'll ask Ms Calhoun to provide some detail.

**Ms Calhoun:** I can confirm what Mr Edwards said. We've got an early draft at the moment and we're currently working with the NT government on that draft.

**Senator HANSON-YOUNG:** What's the definition of an early draft?

**Ms Calhoun:** I guess we're looking at the principal assessment documents. We're looking at how they're defining the impact and looking at how that impact is on the matters of national environmental significance and how they'll manage those impacts to an acceptable level.

**Senator HANSON-YOUNG:** So we've got a copy of the EIS?

**Ms Calhoun:** We've got a number of documents that will make the EIS, and we are working iteratively together through workshops and ongoing discussions about the detail that are in those documents, what we deem will meet the basic acceptable level, from our perspective, and how that's articulated. Once that is agreed, that will then go out for public comment.

**Senator HANSON-YOUNG:** In this iterative process, is that the adequacy review, or does the adequacy review come after you've tried to iron out the other issues?

**Senator McAllister:** Senator, I wonder if it would be helpful for officials to talk through the long sweep of the approval journey rather than—

**Senator HANSON-YOUNG:** I don't want general. I have limited time and I want it to be specific to this project.

**Senator McAllister:** It's just that I observe sometimes that we get very caught up in one step of the range of things that the department needs to do in relation to any proponent's application and I wonder if it would help to place this in context. But, if you don't wish to have questions asked or answered about that, that's fine.

**Mr Edwards:** Because it's a pretty complicated one, we will work through that in our iterative way. Then we'd expect a final to be provided to us. Then we would do the ultimate adequacy test on what we have as a complete product.

**Senator HANSON-YOUNG:** So you don't have a final version yet on which to do the adequacy review?

**Mr Edwards:** No.

**Senator HANSON-YOUNG:** How long do you expect this iterative process to take?

**Mr Edwards:** It's a little bit hard to pin down, because it will be up to the NT government's responsiveness, but we think that we'd be working on that for the next month or two. I think the rough timeframe that the Northern Territory has set out is for either quarter 3 or quarter 4 public consultation. So they've obviously got an objective there, and we'll try to support them in that endeavour.

**Senator HANSON-YOUNG:** Have you provided back to the NT government any formal feedback? Are there any documents that show feedback? This is a hotly and highly contested project, so I imagine you're having to try to do everything by the book. You wouldn't want to be having general chats.

**Ms Calhoun:** The definition of formal document is—as I said, this is working through the EIS process, where we're ensuring that the details will be there before it goes out for public consultation, at which stage there are formal steps in a strategic assessment that will be met. This is not, I guess, a formal exchange of documents at this point in time.

**Senator HANSON-YOUNG:** But you have given the NT government some feedback?

**Ms Calhoun:** Yes. As I stated, we are working backwards and forwards with the NT government on this document at this point in time.

**Senator HANSON-YOUNG:** Could I ask on notice for a summary of what has developed so far.

**Ms Calhoun:** When you say developed so far, do you mean the dates of engagement?

**Senator HANSON-YOUNG:** The dates of engagement would be helpful, yes—and whether the early draft was sent back with commentary.

**Ms Calhoun:** For this year?

**Senator HANSON-YOUNG:** Yes. At what point do you decide, or is it up to the NT government to decide, that the draft that is given to you is the draft that will go through the adequacy review?

**Mr Edwards:** Largely we try to come to that together. It is iterative because we're trying to help them craft a document that will meet our requirements. Ultimately we would give them a view where we think it's pretty close. We would hope that they would take our direction on that rather than submit something that's perhaps not ready yet.

**Senator HANSON-YOUNG:** Just to be clear: there was no draft given that didn't pass an adequacy test and then was sent back and now you're trying to fix it up?

**Mr Edwards:** No. This is a really complex plan. There are different elements to it. Strategic assessments do have an interesting role, where we have a policy support role in trying to help them craft what it needs to look like. Each one is quite bespoke, so there is a bit more engagement than with a normal assessment process, where someone cooks it up and hands it over in more of a set format.

**Senator HANSON-YOUNG:** We've heard a lot of commentary today about the water trigger inclusion in the EPBC laws and the extension to include shale gas fracking. I'm interested as to whether there have been any referred projects under that trigger to date.

**Mr Edwards:** There are no referrals at this stage. We understand there's exploration activity continuing. We're working very closely with the Northern Territory government to monitor that. We've also taken a lot of steps to make sure that potential proponents understand their obligations, what a referral would look like and when that would need to occur.

**Senator HANSON-YOUNG:** Do you expect that the Tamboran Resources projects will be referred?

**Mr Edwards:** Again, it is ultimately up to those proponents, but we would expect that a full production project would come for assessment. That would be the general expectation, yes.

**Senator HANSON-YOUNG:** I've written to the minister to ask why these projects haven't been referred under the water trigger yet and whether she can call them in. She obviously has the power to do that, doesn't she?

**Mr Edwards:** She does. If she believes it's a significant impact occurring then she can take that step.

**Senator HANSON-YOUNG:** Are you providing advice to the minister as to whether the Amungee north-west and Shenandoah south projects will be called in?

**Ms Calhoun:** In regard to some of the exploration activity happening in the Northern Territory at this stage: as soon as the water trigger was passed through parliament early in the new year, we wrote to the proponents that we understood may be impacted by this change and informed them of what their duties were. We have subsequently followed that up with another letter to outline what our expectations are. There are a number of meetings that have been set up with some companies to work through and discuss whether there will be a significant impact for the water trigger. We are working through that. We're also working with our colleagues in the Northern Territory government in terms of what processes they're undertaking and where we think the impact—

**Senator HANSON-YOUNG:** Could you table that documentation, those letters, that you've sent to Tamboran?

**Ms Calhoun:** I don't have them on me.

**Senator HANSON-YOUNG:** No, but if you could provide them on notice.

**Mr Edwards:** We can definitely do that.

**Senator HANSON-YOUNG:** Could I ask that, as a committee, we have them before the end of next week. That would be helpful because we have Tamboran in front of us in the references committee Monday week.

**Mr Edwards:** We will do our best to do that. No problems.

**Senator HANSON-YOUNG:** It would be helpful so that we're not playing bat and ball with a company that clearly needs to follow the new law.

**Mr Edwards:** Understood.

**Senator HANSON-YOUNG:** Is there a timeframe by which you think the minister will make a call as to whether she will use her powers under section 70 to call them in?

**Mr Edwards:** Again, what we're doing at the moment is making sure people understand their requirements. We're working with the Northern Territory. We have boots on the ground all the time to get our best understanding of the nature of the activity. As we've explained to them, if they're moving to full production our understanding is the exploration activity—unlike what we know to be significant, but we will keep monitoring that. Once that moves into a proposal for full operation, we would anticipate a referral then. As Ms Calhoun mentioned, we are continuing to engage with those companies to make sure they understand that as well.

**Senator HANSON-YOUNG:** I understand the NT government, under their laws, has called in those projects in relation to this issue as well. I'm just wondering why we would have to wait so long if the NT government has clocked it.

**Mr Edwards:** They regulate different matters. They would have already authorised, for example, the exploration activities because they've got a broader mandate in terms of water and impacts. I'm not sure that they've taken additional, or you might be referring to the original authorisation process.

**Senator HANSON-YOUNG:** But at this stage there hasn't been a decision not to call it in; it just hasn't been called in yet?

**Mr Edwards:** That's correct.

**Senator HANSON-YOUNG:** If we could get that documentation, as I said, by the end of next week, that would be very helpful. Thanks, Chair.

**CHAIR:** We will go quickly to Senator Whish-Wilson for a clarification, not a lengthy line of questioning.

**Senator WHISH-WILSON:** A very quick clarification on whaling. I asked before about Japan announcing new whale targets and species of whales that they plan to slaughter. More specifically, did the department also raise directly with the Japanese government through DFAT the fact that they have a 9,300-tonne whaling vessel that can travel 13,000 kilometres and that they have made comments—I will quote the president of the Japanese commercial whaling operator—that, 'The ship is designed to be able to go to the Antarctic Ocean,' and that, 'If the government gives us an order to secure protein no matter what, we are ready.' Are those the specific comments that you raised concerns about?

**Ms Heaton:** I'm aware that the secretary raised the fin whale issue. I'm not sure whether they raised the factory vessel issue.

**Senator WHISH-WILSON:** Are you aware of the factory vessel?

**Ms Heaton:** Yes.

**Senator WHISH-WILSON:** I will put those other questions on notice. Thank you.

**CHAIR:** Before we break, we will release the Director of National Parks, the Threatened Species Scientific Committee and the Australian Antarctic Division at outcome 3.1, on the basis that questions will be placed on notice for those organisations. We will now break for afternoon tea. We will return on outcome 2.1!

**Proceedings suspended from 15:34 to 15:53**

**CHAIR:** Welcome back, everyone. I actually have a couple of questions that you may be able to help me with. At a resource conference last week in Perth, Peter Dutton announced a policy—I'm wondering if you've had a look at that and whether you have any views on it—regarding the government capping environment assessment time frames for projects under national environmental law. I think it was characterised that the coalition would turbocharge mining critical minerals and gas by basically cutting the assessment time frames in half. Could you maybe step us through what that would do if you just put a time frame on it? What would that mean for an assessment? I'm particularly concerned—if you were to theoretically cap the assessment period, if you ran out of time would that mean the project would just be approved because it had run out of time? And how would that work with the system that we're working in now?

**Mr Fredericks:** Do you mind if I just raise an issue for your consideration?

**CHAIR:** Sure. Certainly.

**Mr Fredericks:** I understand the broad intent of your question. Traditionally, I as the secretary—and the department—have always been a bit reluctant to pass opinion on really any issue where you're asking for an opinion, particularly on what might have been said or not said by a member of the parliament. So—

**CHAIR:** I think—shaping it up as this is the policy that they are going to take to the next election. I don't know. Senator Duniam might want to comment on this, given it was his boss that put it out there.

**Senator DUNIAM:** Do you have the document you could table, please?

**CHAIR:** There is a range of transcripts. There's one from Sky. I think there's even a press release. We can certainly get those tabled.

**Senator DUNIAM:** Are you asking the department to commentate on that—or the minister?

**CHAIR:** I'm asking the department—given that we are within 12 months of an election—

**Senator DUNIAM:** Are we really?

**CHAIR:** and obviously working through those policy pieces you would need to do an assessment of this, whether there is any work to be done. I appreciate that it is a slightly cheeky question.

**Mr Fredericks:** It is a slightly cheeky question. And I think my slightly cheeky answer is: I'd like to take that on notice please.

**CHAIR:** Okay. I don't know if the minister would like to make a comment?

**Mr Fredericks:** It's just a practice I've had whenever I've sat here, over many years, and I don't want to be inconsistent.

**CHAIR:** No.

**Mr Fredericks:** So, if it's okay, I'll add to our growing burden of questions that I've take on notice. I think this is the right call from me if that's alright.

**CHAIR:** Absolutely. That's totally fine.

**Mr Fredericks:** Thank you. I appreciate that.

**CHAIR:** I don't know if the minister has any comment?

**Senator McAllister:** Perhaps just to say that there is something very rich about having Mr Dutton go on record, claiming to shorten approval times when there were very significant problems with approvals under the government that he was last part of.

**CHAIR:** Thank you. Outcome 2.1 appears to have ended. The other people who were coming are no longer coming. So we can release outcome 2.1.

**Mr Fredericks:** Thank you.

**CHAIR:** The committee has also decided to release the Australian Institute of Marine Science. On the same basis, there will be questions on notice.

[15:58]

**CHAIR:** With that, I now call officers from the department in relation to program 2.2, Protecting Australia's cultural, historic and First Nations heritage. I'll first go to Senator Cox.

**Senator COX:** Can I ask the government to provide an update on the World Heritage listing for Murujuga.

**Ms Parry:** We will happily provide you with an update on Murujuga.

**Ms Dumazel:** The Murujuga Cultural Landscape nomination dossier was deemed complete in September 2023. The World Heritage Centre advised the department in March this year that the nomination will be evaluated this year, and then the property will be considered by the World Heritage Committee hopefully at the 47th session of the World Heritage Committee meeting.

**Senator COX:** Did the Commonwealth government provide the Murujuga Aboriginal Corporation with financial support to undertake a strategic agreement-making project that would support this nomination, and, if so, how much?

**Mr Barker:** Yes, some funding was allocated in the last budget—that is, last year—for the strategic agreement-making process. It was \$2 million over two years.

**Senator COX:** Over two years, was it? Sorry, I missed the amount.

**Mr Barker:** \$2 million.

**Senator COX:** The MAC have recently signed a statement of intent, and I believe your minister was a signatory to that. There's a quote here from the signing—what I believe to be called a heads of agreement—around that development of:

... a modern framework that recognises Traditional Owners' and Custodians' self-determination and equal status in decision-making.

... ..

This new and innovative agreement-making process will allow the co-existence of this spectacular and unique cultural landscape with industry ...

Can the government tell me what their understanding of that statement is and what they are going to put in place to ensure that the co-existence does not destroy the petroglyphs and the rock art that exists in Murujuga through this heads-of-agreement process?

**Mr Barker:** The agreement-making process was one that was sought by MAC to support their own management of the anticipated World Heritage area. One of the criteria for a successful World Heritage nomination is that there is a demonstrated and rigorous management framework for the World Heritage area, and the Murujuga Aboriginal Corporation sought funding so that it could pursue agreements with, particularly, industry players in the area to support its management of that area. So the agreements will be progressed under the head agreement that's being signed, and then it's a matter for the Murujuga Aboriginal Corporation, which is leading that progress.

**Senator COX:** No disrespect, Mr Barker, but Murujuga Aboriginal Corporation is up against some pretty big money in Woodside, wouldn't you agree?

**Mr Barker:** Well, the funding is really to support Murujuga Aboriginal Corporation to do that—

**Senator COX:** So you've given them \$2 million to fight to co-exist alongside industry in one of the world's oldest landscapes on this earth; do you think \$2 million is going to suffice that? Is that what this government thinks? An industry like Woodside—this corporation had nearly \$2 billion in profit last year. They're up against a massive amount of conflict in a political sense and the money that flows out of the ports of Karratha every single day in export—trade of gas—which ruins the rock art in this precinct. I ask the question: what are you going to do to make sure that this co-existence can happen? It's not a fluffy word. They don't even have any brushes on their chimneys out at Burrup. We're not even measuring the air quality at Burrup. How is this department facilitating and helping the Murujuga people to protect their country in a World Heritage listing nomination? How?

**Mr Barker:** I would say that the initiative was taken by the Murujuga Aboriginal Corporation to seek that amount of funding for this particular project, so it's being led by them. We are also supporting that by participating, where we're invited, in engagement through the strategic agreement-making progress. The Western Australian government is also participating. What I would primarily emphasise is that it is a process led by the Murujuga Aboriginal Corporation.

**Senator COX:** The legislation for this lies in the hands of the federal government, wouldn't you agree, Minister? When will we see standalone cultural heritage legislation—a promise from your government when elected two years ago? A kick in the can down the road, and now we have a heads of agreement facilitated by the

state government of Western Australia and by the Commonwealth government and the environment minister to destroy cultural heritage because there's no legislation that will help to protect it. We keep doing the same thing.

**CHAIR:** Can I stop you for a minute. I appreciate that this is a deeply passionate issue, but I will ask you to temper your approach to the witnesses.

**Senator COX:** I'd love to get an answer, if I can, Chair.

**CHAIR:** Yes, but shouting at them isn't going to help.

**Senator McAllister:** I'm quite happy to provide an answer, should I be allowed to make a contribution. Senator Cox, thank you for the question. It is a really important issue. There are a number of things that the government is doing to support better protection of First Nations cultural heritage, generally and specifically, in the Murujuga cultural landscape. Your question goes to a number of the different elements of the things that the government is doing. The government's activity include working through the reforms to cultural heritage protection, which officials can update you on; working to make sure that the existing mechanisms that exist under the ATSIHP Act are functioning well, or as well as they can be, noting that reform is required; and working, in the local context, to support the progression of the nomination for Murujuga.

All three elements of that work were referenced in the question that you put to officials. I'll ask them now to step through those. I appreciate that the consequence of having all of those things in the one question is that the answer might be a bit long. Is there one particular thing you'd like to start with so that we can best respond to the things that are the highest priority for you?

**Senator COX:** I'm happy for your officials to walk us through, I'm pretty sure, what we've already heard.

**Ms Parry:** You have very specific questions about the Murujuga Aboriginal Corporation and how we're supporting them. I think we can give you quite a detailed response there. But I think it would be useful for us to give you an update, first and foremost, on where we are at with cultural heritage reforms, and then we can come back to the question of Murujuga, if that's acceptable to you.

**Senator COX:** That's fine. Before you get started, my question is: what is the timeline, and when can we see a draft from this government? I don't want to waste my time getting an update if the answer doesn't contain those two things: the exposure draft and a timeline.

**Ms Dumazel:** Where we're at in the process is we've started targeted consultation. We have been in the process of developing the framework, which takes into account a number of principles drawn from the government's response to a way forward in the final report of the destruction of cultural heritage in Western Australia and the Dhawura Nhilan and the principles that underpin that. The four main principles for that are that First Nations people are the custodians of their heritage; First Nations cultural heritage is acknowledged and valued as central to Australia's national heritage; First Nations cultural heritage is managed consistently across jurisdictions in accordance with community ownership; and First Nations cultural heritage is recognised for its global significance. I wanted to outline those principles because it's what outlines our work as a heritage division when we're looking at valuing, protecting and supporting First Nations cultural heritage.

I'll continue on with the reforms. We're at the point where we've started targeted consultations with states and territories and peaks. Some of the issues that we've been working through predominantly are the importance of early engagement of traditional owners in projects that could impact on cultural heritage, information for proponents on who they need to engage with to better understand the impacts of their projects on cultural heritage, clear requirements on engagement to give businesses certainty and reduce the risks of timelines and budgets, and better information and support for traditional owners and proponents, particularly those traditional owners who may not have the resources in place to engage.

One of the things that are very clear is that we need to make sure that traditional owners do not feel pressured or coerced and are not prevented from speaking out. We need to make sure that decision-makers consider the genuine effort of proponents and traditional owners to identify and address impacts on cultural heritage, mechanisms to help resolve disputes and review and appeal mechanisms that are timely and efficient. Part of the targeted consultation process is to understand what's happening in different states and territories and also to understand from the major peaks as well.

**Senator COX:** Ms Dumazel, I mean no disrespect, but we've already had a Senate inquiry on this. One of the critical things you've missed is the gag clauses that were given to the people of Murujuga in the BMIE Agreement that they signed with the government. When we remove gag clauses from agreements where black voices in this country continue to be silenced, that's when we're going to get somewhere, not your business and investor guide that you've done alongside industry and your advisory group—when we start letting First Nations people be heard about their culture heritage. Right now, we're sitting here waiting for that to be legislated.

It's really nice that people want to sit here and tell me that we own our cultural heritage. Our cultural heritage is part of our identity. We don't own it; that's who we are. Every day that ticks past—and I've said this time and time again in this committee—there's another cave blown up or another site being destroyed because we don't have the legislation to protect it. We went back to 1978 in Western Australia. Today this government went out with a digital atlas and listed at No. 86—I'll table that for the committee—Murujuga as being a significant site and protected under national heritage, yet we sit here and ask questions about where the World Heritage listing is, how much money we are up against and where the standalone legislation that's going to protect it is. We still don't have that.

**Ms Dumazel:** Can I go to the agreement-making process that the government has provided \$2 million to Murujuga for. Mr Barker did outline that it is their process that they're undertaking. We are supporting them with that. Certainly when it comes to the World Heritage nomination, we are supporting them. It's their nomination, and we're guided by them in how they want to proceed with that. While we're working on the reforms, there's also significant work that we're doing. We're concerned about the destruction of First Nations cultural heritage. In the recent budget, there was \$17.7 million provided. That was first and foremost to clear the backlog that we have on the Aboriginal and Torres Strait Islander Heritage Protection Act.

**Senator COX:** How many claims are in the backlog? Can you give me a figure?

**Ms Dumazel:** There are 53 open cases at the moment.

**Senator COX:** Is Murujuga included in that complex cultural heritage? What's meant by the word 'complex'? Can you explain that to me from your perspective and under your policy?

**Ms Parry:** While Ms Dumazel is finding it, there are currently 53 open applications under ATSIHPA that are—

**Senator COX:** That are complex? What do you determine to be complex about them? They're up against industry? Are they fighting Woodside, Santos and all the other big gas companies and mining companies in this country? Is that what's complex about it?

**Ms Dumazel:** There are different forms. Ms Najjar will be able to go further through the process that we have for the Aboriginal and Torres Strait Islander Heritage Protection Act. We have section 18, section 9 and section 10. Section 18 is a short form. It's 48-hour protection. Section 9 is a 30-day process. Section 10 is where we will get a reporter to do a report. It's the section 10 reports that will take longer. I'll just ask Ms Najjar to elaborate on that for me.

**Ms Najjar:** The complexity of the ATSIHPA applications comes through a couple of lenses. One is the legislation itself. There are a number of elements or tests to the legislation that have to be satisfied. The two key tests for the legislation are that the area or object that are being sought to be protected is of particular significance in accordance with an Aboriginal tradition and that the area or object of significance is at threat of injury or desecration. That itself is a complex piece of the legislation.

The other elements of complexity are about ensuring that we can actually provide opportunity for the traditional owners or the applicants to appropriately advise us about what is significant in the area and about the threat to that significance. That's not necessarily a straightforward process. As Ms Dumazel referred to, we're certainly making a lot of efforts to ensure that we are working with applicants to, for example, always speak with them and provide them the opportunity to ask questions, have oral submissions and tell us about any kind of limitations or appropriate sensitivities in managing a particular case.

**Senator COX:** Ms Najjar, can you tell me how long it takes after a section 10 application for the report to be written and the consultant to go out and talk to the TOs who are obviously wanting to share both tangible and intangible cultural heritage? How long does it take for the minister to sign off on those reports and give an answer? Right now, for Murujuga, it's been over a year that Ms Cooper has been waiting for Minister Plibersek to release that report. It has been sitting on her desk—this section 10. When can we expect that result? Are we waiting to clear all the other 50-whatever complex cases before we get to this one, because it involves whatever goes on in the background—whatever the heads of agreement thing is or by other negotiation? Is Ms Cooper's information she's given in this section 10 not important enough to be considered by the minister or for her to have the right of reply to the section 10 process? Why are we continuing to make people wait?

**Ms Najjar:** We are working on the Murujuga case at the moment. In terms of the particulars of how long that section 10 application might take, I can't give you an exact number. It does depend on every case. It is important that the reporter—



**Senator COX:** Can you provide on notice to me what the average wait time is? Right now, as I said to you, there is a case that is sitting and waiting. The report has been written. It's on the minister's desk. Can you provide to me on notice what the average wait time is?

**Ms Parry:** I think it would be useful for Ms Najjar to finish her answer so you have some visibility of the steps that are actually undertaken during the section 10 and the generality of it also and the specificity with Murujuga. It is an iterative process, and I think it would be worthwhile if—

**Senator COX:** Ms Parry, I mean no disrespect, but I've sat beside Ms Cooper while she's gone through this process, and I'm not not aware of the process. I've been given the wind-up by the chair, so, with due respect, I do know what that looks like. What I want to know is when the minister is going to deliver the report.

**Ms Parry:** But I think Ms Najjar is actually trying to tell you that around the procedural fairness in this instance that has to be undertaken as part of section 10. That is absolutely applicable to this case in particular.

**Ms Najjar:** The section 10 report—the executive summary—has been released to the affected parties. We actually asked for submissions by Monday, this Monday just past, so those submissions have closed. We have received some significant submissions, as we would expect. We will now work through those submissions. I would anticipate that there would be some information in those submissions that may be new since the last report, and we will be required to put that information back out to the affected parties to have the right of reply, as you put it, before we can actually finalise our recommendation to the minister.

**Senator COX:** So, there's no timeline—that's what you're telling me? At the end of all of that? I can't go back to Ms Cooper, a constituent of mine, and tell here, 'This is when you can expect to receive the report from the minister'?

**Ms Dumazel:** Perhaps I could just say—what Ms Najjar was also referring to—that with the procedural fairness process we need to make sure we allow all affected parties the opportunity to provide further information. Ms Najjar mentioned that it looks like we have new information, which means that we have to, as part of the procedural fairness process, make sure people have sufficient time to digest that information and then come back. That's part of the current process for ATSIHP. The ATSIHP Act is something we are working hard to reform, and we know we need to make changes to the ATSIHP Act. It's not working for First Nations people, and it's not working for proponents.

**Senator COX:** It's certainly not, if we've got other people who can contest our cultural heritage. And anybody who makes a contrary claim to somebody's section 10 is now being taken into consideration. I don't understand how that happens. I thought we were the owners of our cultural identity. I thought that was how we started this conversation. But my last question—because I am getting the wind-up—is: is the current prevention of this new legislation that is coming on making way for new claims, plus the 50 that you already hold around complex cultural heritage, because of the mining boom in critical minerals? I go back to the chair's opening question. Are you holding this up because industry are telling you that these are complex cases because critical minerals are in some of the most sacred sites, waterways and protected places in this country? And we continue to see no legislation. Is that why?

**Ms Parry:** There is nothing holding up the reform process. The reform process is happening at a pace. Ms Dumazel started to outline the process we are undertaking. We are right now consulting on the proposed reforms. We are working with peaks. We are working closely with the alliance and their 50 membership groups as well. These reforms are happening now. Again, the overriding feedback we are getting is, 'Get these reforms right, because they are so important.' So, there is no timeframe on them. We have received feedback from both the alliance and the peak bodies that we are engaging with of, 'Take the time to get it right'—because we've seen in WA what happens when it goes wrong. So, we are taking the time to get that right. We are ensuring that the First Nations Engagement Standard can be properly developed so that it has applicability across both the cultural heritage reform and the nature positive legislation. In the meantime, we are trying to bolster the ATSIHP Act as it currently stands. We are offering a 24/7 hotline. We are encouraging those same principles of early engagement and communication with the First Nations community to be happening now. We're not waiting. We're brokering between applicants and proponents. We have received resources so that we can ensure that we have timely responses to ATSIHP applications. More broadly, we are ensuring that the development of World Heritage nominations and heritage nominations reflects the wishes of First Nations people.

**Senator COX:** But that's only if industry tell you it's okay, right?

**Ms Parry:** That's not the case.

**Senator COX:** We'll still be sitting here in another two years having the same conversation, will we not, Minister? You've given us no timeframe. You've given us no idea of when we're going to see an exposure draft.

You've given us nothing. And you've been consulting since I've been sitting here. In 2½ years I've asked the same question every time I've come to estimates, and every time you come back with, 'We're still consulting.' Well, people must be getting paid pretty well to be consulted, because you fellas are too happy not to give us a draft. You were happy not to actually stop this in its tracks and protect cultural heritage, which essentially is creating destruction of our connection to this country. And unfortunately that's what some people want—for us to disappear, obviously. If you don't allow us to protect cultural heritage, that's what's going to happen. In this week, Reconciliation Week, you'd think you'd understand that. It's ridiculous—embarrassing.

**CHAIR:** Perhaps we could go to the minister for comment.

**Senator McAllister:** Only to say, Senator Cox, that this is really important. I've said to you previously and again today that it is important to get it right, too. There are a range of perspectives within Aboriginal communities and in the broader community about how to best approach this, and we are determined to get it right. The Commonwealth legislation on cultural heritage hasn't been amended since 2007. Quite a lot of other things have happened since then in the legislative landscape, and there are complexities to work through. In the meantime we are working hard to apply the resources that are necessary to make the existing legislation work and to support First Nations communities to participate.

**Senator COX:** In the meantime, Minister, we'll keep ending up in the Federal Court. We will keep ending up with cases like Barossa, like Scarborough, where we end up contesting cultural heritage because your government will not give us the standalone legislation. I don't know who thinks we've got some big bag of cash hanging around to keep us going to court. This is a constant slow burn, and this government are not helping us. You said you wanted a voice to parliament and we're telling you what you should do but you're not listening. This government are not listening.

**CHAIR:** Senator Cox, I appreciate where you're at. We have other senators in the room who also want to ask some questions. I'm happy to come back to you afterwards. We'll go to Senator Thorpe.

**Senator THORPE:** I concur with Senator Cox. I want to begin by reminding people that this is all our workplace, and words towards black women in particular like 'passionate', and the condescending responses I'm hearing, are not a safe workplace—maybe look at your cultural training manuals and remind yourselves of a workplace that we also need to be safe in.

**CHAIR:** We look forward to you conducting yourself in the same fashion, Senator Thorpe. Please go ahead and ask your questions.

**Senator THORPE:** I beg your pardon, Chair?

**CHAIR:** I said we look forward to you behaving in exactly that fashion. We totally take on board what you're saying. We are trying very hard to make this a respectful place to engage—

**Senator THORPE:** Sorry, Chair; I was talking about cultural awareness and I was talking about the safety of the black women who are participating right now. I wasn't talking about myself or other black women; I was reminding people of their obligation to their APS values, and to yours, as the chair, on what constitutes racism, like using the word 'passionate' about something that we have a birthright to. It creates a very unsafe environment, and I need that noted and understood. Thank you; I'll get on with my questions.

**CHAIR:** I'm happy to have a further conversation with you offline. If I've said anything that's offended, it was absolutely not intended in the way that you have characterised it—but I completely understand. Happy to take that offline with you.

**Senator THORPE:** Chair, I'm not here for your cultural awareness; that's something you have to take up yourself. I'll get on with my questions, thank you.

I wish to ask about a different aspect of the Murujuga custodians and their fight to protect cultural heritage. We've heard all the lines that you've been given to answer these difficult questions in a difficult time. The section 10 application under the ATSIHP Act—I want to clarify the events that have occurred until now. I understand a draft report was shared with the applicant and other affected partners or parties on Friday 19 April; is that correct?

**Ms Najjar:** To be clear, it wasn't a draft report; it was the executive summary of the independent reporter's section 10 report.

**Senator THORPE:** I understand that when this summary was provided to relevant parties it was stated that it was being shared on a strictly confidential basis and only for the purposes of the ATSIHP Act application process, and it should not be further circulated and dissemination to third parties may be a breach of confidence. For clarity, can you please explain why it is so important to maintain confidentiality throughout section 10 application?

**Ms Najjar:** Like most regulatory processes we like to ensure we follow the particular steps. We have a quite defined process to make sure that we are considering and taking on board all the right information, and that we are then also providing opportunity for the applicants and other affected parties to respond to information. We have a couple of elements in ATSIHP that are important. One is about the fact that a number of the participants will have their culturally sensitive information, and there may also be personally sensitive information, and there may also be commercially confidential information, provided through the course of an ATSIHP application. We take very seriously protecting all those elements of the information provided to us, noting that this is going through the process and hasn't yet gone to the minister for a decision. We remind everybody that the expectation of confidentiality over the process information is important, and there can be multiple rounds, as we spoke about earlier, where information comes in and is then provided further.

**Senator THORPE:** Are you aware that this summary report was leaked to the *Australian* newspaper?

**Ms Najjar:** Yes, I am aware.

**Senator THORPE:** Are you aware that it was leaked on the same day it was shared with the applicants?

**Ms Najjar:** I've been made aware that that's the case, yes.

**Senator THORPE:** And whose article gave the impression the report had cleared Woodside of any concerns relating to the impact of its industrial emissions on Murujuga petroglyphs, and, conveniently, this occurred just days before the company's AGM; is that correct?

**Ms Najjar:** I'm sorry, I'm not sure I understood the question. Were you asking about who published the article? I believe that was the *Australian*.

**Senator THORPE:** The article gave the impression the report had cleared Woodside of any concerns relating to the impact of its industrial emissions on Murujuga petroglyphs.

**Ms Parry:** We're probably not in a position to comment on the tone and tenor of the article, but we are aware the *Australian* wrote a piece on that day and we are aware that it would appear that a copy of the report summary was sent to the *Australian*.

**Senator THORPE:** And that it was days before the company's AGM; are you aware of that?

**Ms Parry:** I'm probably aware of that—yes, broadly, but we were more concerned at the point around what appeared to be a breach of confidentiality with the section 10 executive summary.

**Senator THORPE:** Other senators in this hearing haven't been privy to this, but it's out there. Do you have any grasp on how violating and violent it is for First Peoples to share this culturally sensitive information, in an attempt to protect cultural heritage, only to have it leaked to the media and used against them? How is that procedural fairness? Can you tell me that? Do you understand the sensitivities here?

**Ms Najjar:** Yes; that's one of the reasons why we stress confidentiality. I think it's well understood that it is an incredibly difficult thing for traditional owners to have to share elements of their cultural heritage with parties who would not normally need to be made aware of that information. We take it very seriously, and my team and the reporters who undertake these jobs are very cognisant of that fact. It is a difficult process for any First Nations person to engage in.

**Senator THORPE:** Well, you don't know because, when you have your own country destroyed, you have to be—you don't understand; please don't condescend to me on that one. What are the consequences of breaching the confidentiality agreement as set out in the act, both in regard to its impacts of the application process and any repercussions for the party responsible for the leak? How are they going to pay for that?

**Ms Parry:** So, again, we take that confidentiality extremely seriously. We have followed up with the parties, reminding them of their confidentiality obligations.

**Senator THORPE:** What are the consequences?

**Ms Parry:** The department doesn't know who disclosed the report, first and foremost. On the information available, we don't consider that we can take any legal action in relation to this matter. The ATSIHP Act doesn't contain any specific secrecy or confidentiality provisions, nor does it give the minister or the department powers to investigate. What is in our gift is to remind parties of those confidentiality provisions and, again, ascertain that they will not disclose—

**Senator THORPE:** There are no consequences, just a reminder, 'Hey, guys, don't forget you can't do that.' Okay, I'll get on to my next question. Do you accept, then, that deliberately leaking the draft report in this way represents an attempt to sabotage, undermine and pre-empt the findings of the investigation?

**CHAIR:** I would imagine, Senator Thorpe, that the challenge here is that it is not the officials at the table who have leaked the documentation. They're doing their best to answer your questions, but I would imagine there's only so much they can provide to you with—

**Senator THORPE:** Sorry, I'm just asking for an answer.

**CHAIR:** because they are not the ones that leaked the documentation. But, please, Ms Parry, if you have—

**Ms Parry:** Sorry, I'm just—

**Senator THORPE:** Sorry, Chair, I'm not asserting or accusing the department of leaking it.

**CHAIR:** Indeed, you're not. I wasn't implying that.

**Senator THORPE:** I've had a response that says that this company is just being reminded of confidentiality, so I've ascertained there are no consequences to their actions, even though it has undermined the process. If you don't mind, can we go back to my answer?

**Ms Parry:** Can I address that in terms of the ATSIHP Act? Section 10 does allow for that procedural fairness. We are still carrying on with the procedural fairness and we'll be making recommendations to the minister. I fully accept the breach of confidentiality and the hurt that that may have caused and did cause; we fully accept the premise of your statement. However, it has not impacted on the regulatory process and our abilities to continue to regulate and undertake procedural fairness in relation to this case.

**Senator THORPE:** Outside of the act, what options does the minister or the department have to address these issues? Can the department investigate the matter on its own, or does it require direction by the minister? This behaviour can't continue. This is unfair.

**Ms Parry:** As I've indicated, we don't know who disclose the report. On the information available, we don't consider that we do have any legal avenues, because, as I've said, the act itself doesn't contain any confidentially provisions and it doesn't give the minister or the department any powers to investigate. So we don't feel that we have a basis on which to do that. However, as I've indicated, that has not stopped us continuing to undertake procedural fairness and continuing to gather evidence in accordance with the ATSIHP Act.

**Senator THORPE:** I'm also aware that the applicants had to read recommendations in the draft report calling for the protection of sites that have already being destroyed or substantially impacted during the time the report has been in preparation. Are you aware of this also?

**Ms Najjar:** Yes, I'm aware. I've been advised by one of the proponents on the area that some of the sites have been impacted by activities. That's one of the reasons why we need to have a good look at the evidence that's been provided in this most recent procedural fairness round so we can understand what has actually occurred and make known what the circumstances are now.

**Ms Parry:** The point I would add to Ms Najjar's feedback there is that this is an active application, so we are limited in our ability to comment on the specifics of what's contained within the application.

**Senator THORPE:** So the applicant not only has to deal with sensitive information being leaked but also has to read about protection measures that will come either too late or not at all, while watching their heritage being destroyed. Given Woodside's ongoing disregard for confidentiality and human rights, what faith can we have in Woodside to engage in procedural fairness? We know the laws are broken. There is no fairness here. Lastly, we know the Labor Party take donations from this company. So I need some answers.

**Senator McAllister:** Senator, I think the evidence you've been provided with from the officials is that they are working through this process under the law, and it's really important that they're allowed to do that and that they continue to do that, because the law does provide protections and it's important that any decision taken, in this case or any other case, is consistent with the legal obligations on the department. As Ms Parry has indicated to you, there are limitations on what I can say and what the department can say, because the law requires a certain and robust approach.

**Senator THORPE:** Yes, I know. It's the colonisers' law. It's not meant to protect us—that's for sure. It must be very hard for you, Senator, to sit there and preach that, given you're a good person. But I'll move on to my next question.

The case at Murujuga is yet another example of the need for standalone cultural heritage legislation, another reform that we keep seeing delayed. In the previous session, you told me that the protection alliance is meeting at least fortnightly. Is that correct?

**Ms Parry:** Yes, it is.

**Ms Dumazel:** In the past year, we have been meeting fortnightly at various levels. There will be different groups that meet. We are not in a consultation phase at the moment; we're in a deep policymaking phase. We've started the targeted consultation, of course, with states and territories and with peaks. But, through the partnership with the alliance, we're in a deep policy phase where we're considering existing state and territory legislation and the changes that have and haven't been made in states and territories. We are also going through previous reviews that have been undertaken and making sure that we're considering all that information as we grapple with the issues with the current act.

**Ms Parry:** I would just add to that testimony slightly. We are also, at the same time, developing the First Nations engagement standard, which will be used across both pieces of legislation and which should be in a position to be publicly consulted on soon.

**Senator THORPE:** Yes, I think I heard that in the last session. 'Soon' was months or weeks. There was no information to the people watching tonight on what 'soon' means to the department. 'Soon' doesn't mean much to First Nations people in this country given the circumstances. Anyway, I was told that work for developing a First Nations engagement and participation standard has been transferred to the Heritage Division and the protection alliance. Can you please clarify which groups are tasked with overseeing the First Nations standard, because you keep coming up with different groups, and there are different names of different groups, but the people on the ground don't know what's going on. So I need you to tell all the people watching out there which groups are tasked with overseeing the First Nations standard. Is it solely now with the First Nations Heritage Protection Alliance? Can you give us some information?

**Ms Dumazel:** The department is developing the First Nations engagement standard. We are doing that in consultation with the First Nations Heritage Protection Alliance. The First Nations Heritage Protection Alliance has a membership of over 50 organisations. We are working with the leadership team of the First Nations Heritage Protection Alliance.

**Ms Parry:** We're also working with—

**Senator THORPE:** That was great. It sounds wonderful. In the interests of time, could you please provide a full breakdown on notice of all of those current groups that are active and the work that they are involved in, including your working groups and your reference groups.

**Ms Parry:** Yes, that's no problem. We can do that. I just wanted to add that the other point of close consultation in the development of the First Nations engagement standard has been the department's Indigenous advisory committee.

**Senator THORPE:** Could you also provide on notice who your internal advisors who provide this advice in relation to both cultural heritage and the standard are. Are you okay with that being on notice?

**Ms Parry:** Yes.

**Senator THORPE:** So the alliance is the only group tasked with overseeing cultural heritage legislative reforms, which have been delayed and delayed, and now they're working on the First Nations engagement standard, which is also delayed. Are all of these reforms being combined—that's my No. 1 one—and is the plan to release exposure drafts of the standard alongside drafts of the cultural heritage draft legislation? They are both going to be ready soon, so which one will we see first?

**Ms Dumazel:** The First Nations engagement standard, being the piece that cuts across the nature-positive reforms and the First Nations cultural heritage reforms, will be the first standard that will come out. The department is finalising that draft, and we will be going out on consultation on that. In terms of the reforms for the First Nations cultural heritage, we are still working through the detail. We have started targeted consultation on the full set of reforms, and, in parallel, we are doing the deep policy work required to finalise a full draft for consideration by government.

**Senator THORPE:** Could you let all the people who are listening and watching tonight know about when and where those consultations are happening.

**Ms Parry:** We are currently conducting targeted consultations, as Ms Dumazel has indicated, around the broader cultural heritage reforms. That has been happening with the states and territories, peak bodies and the alliance membership itself. That will carry on. It will reach a stage where it becomes a much broader public consultation. We don't have a timeframe for that as yet. In terms of the First Nations engagement standard, that is one of the pieces that was outlined by the minister today that is available on our website, and I'm indicating again that that will be a specific part of the consultation process as we move forward as part of the nature-positive reforms.

**Senator THORPE:** Are those organisations and peak bodies who say they represent the people who this affects going to be named on your website so that community can make sure that their voices are heard?

**Ms Parry:** The full alliance membership and the organisations which they represent are available on our website.

**Ms Dumazel:** And once we have a full package of the reforms we will go out to broader consultation. It will follow the normal consultation processes, and everybody will have an opportunity to have their say.

**Senator THORPE:** Thank you very much for your time.

**CHAIR:** Senator Duniam.

**Senator DUNIAM:** I have a question following on from that: has the minister expressed a desire or issued a direction to have the work with regard to the legislation we've been talking about completed by a point in time?

**Ms Parry:** If you're referring to the cultural heritage reforms—

**Senator DUNIAM:** Yes, I am.

**Ms Parry:** No. The minister has always been very clear that her imperative is to get the reforms right. We saw what happened in WA when it didn't go well. Her overriding direction has been on codesign, with the Cultural Heritage Alliance reaching a point where we can go out more broadly with targeted consultation. But I think the minister's overriding desire is to see these reforms succeed.

**Senator DUNIAM:** Thank you very much.

**CHAIR:** Senator Pocock.

**Senator DAVID POCOCK:** Thanks for staying with us. I have some questions about the Murujuga Rock Art Strategy. I'd like to table some documents and ask the officials some questions about them. I don't expect the officials to consider the documents in any detail—

**CHAIR:** The various members of the committee have had a quick skim over those documents and we do wish to consider them further. I'm happy for you to talk around them but the committee would like to consider the risks associated with those documents.

**Senator DAVID POCOCK:** Okay. I was under the impression that there were no objections.

**CHAIR:** There were further conversations with other members of the committee and some concerns have been raised along the lines of the concerns I raised with you earlier. I wonder if we could have a little sidebar? Does anyone have any further questions on this topic? No. We'll just suspend for a few minutes.

#### **Proceedings suspended from 16:52 to 16:54**

**CHAIR:** Okay. The concern has been cleared up and we'll table those documents. The committee is now comfortable with that. Senator Pocock, please go ahead.

**Senator DAVID POCOCK:** Thank you, Chair. As I said, I don't expect you to look at them in detail. I guess this builds on some of the concerns that have been raised. These documents outline concerns about inadequate steps to protect the rock art. I take it from the answers to Senator Thorpe's questions that the department is well aware of the concerns that LNG developments pose a threat to sacred ancient rock art in Murujuga National Park.

**Ms Parry:** Yes.

**Senator DAVID POCOCK:** There's a letter dated 7 July 2023 that raises concerns about a lack of engagement by Woodside on risks posed to the Murujuga rock art. Has this concern been raised with the department?

**Ms Parry:** We are seeing some of this material for the first time—

**Senator DAVID POCOCK:** Outside of that, have concerns been raised with you that there has been a lack of engagement by Woodside?

**Ms Parry:** I would have to take that on notice. That concern has not been raised directly with me. It may have been raised with some of my officers, but we would have to take that on notice.

**Senator DAVID POCOCK:** Have any of the others?

**Ms Najjar:** We would have to take it on notice. We're working through the regulatory process.

**Senator McAllister:** We'll need to take that on notice.

**Senator DAVID POCOCK:** So you're not aware of any concerns raised about Woodside's engagement? If you know of concerns raised, I think you need to just answer it.

**Ms Parry:** We're endeavouring to answer your question. We've indicated we'll take it on notice to see whether or not that approach has been made more broadly or by anyone in our heritage area. Again, I just would like to remind you that we do have an active ATSIHPA case right now that the department is undertaking. It is an active regulatory matter, so our ability to make open commentary about those applicants who are involved in the case is limited. We don't want to compromise any regulatory outcomes.

**Ms Dumazel:** What we can say more broadly about what we do understand about the project—I'm yet to go through this information—is that the WA government has released the Murujuga Rock Art Strategy and it's responsible for implementing the strategy. We, the Commonwealth, are an observer on the Murujuga Rock Art Stakeholder Reference Group. We understand in December 2023 the first technical report was released. On the matter that you refer to, I'll need to take that notice.

**Senator DAVID POCOCK:** I'll quote something from the letter dated 23 September 2019: 'It appears to me that the WA government has adopted many strategies that give the appearance it is also concerned but truly does not care.' I'm interested in what steps DCCEEW is taking to engage with the WA Department of Water and Environmental Regulation in terms of appropriate oversight.

**Ms Parry:** Appropriate oversight of what, sorry?

**Senator DAVID POCOCK:** Protecting the rock art. Or do you just take them on their word? What's the oversight that you're applying?

**Mr Barker:** It's a collaborative effort. Essentially, the work to monitor rock art is ongoing. It's being led by the WA government. There is an active monitoring of emissions in the area. That work is, as I've mentioned, being led by the WA government. It's quite technical. While we're an observer to that work, we don't provide technical input. It is very much led by the WA government. We can take on notice some of the background around the rock art monitoring strategy, but we are not the lead on that work.

**Senator DAVID POCOCK:** Do you do anything more than observe?

**Mr Barker:** As I've mentioned, it's a technical project, so we're aware that it's going on; if there were issues that arose, we would respond to those, but, at this stage, we're just observing it. It's a long-term monitoring project. At this stage, that work just continues.

**Senator DAVID POCOCK:** Given all the concerns that have been raised over a period of time now, is just observing enough—given the grave concerns about incredible ancient rock art?

**Mr Barker:** Because the work is ongoing and, as I've mentioned, it's long term, there aren't clear conclusions yet about whether there is damage to the rock art, from my own understanding of the technical report that's been released so far. The question really would depend on what the nature of the concern was and what the particular issue was to be responded to.

**Senator DAVID POCOCK:** It seems like there have been quite a few reports and expert evidence that LNG emissions are posing a risk. Do you have any power to intervene or can you just observe? What would it take for someone to intervene and say, 'Actually this needs to be protected'?

**Mr Barker:** It would depend on the nature of the risk that might have been realised.

**Senator DAVID POCOCK:** The risk of either degrading it or, ultimately, destroying the value of it.

**Mr Barker:** Yes, that's correct.

**Senator DAVID POCOCK:** That's the risk I'm asking about. What would it take to be able to intervene?

**Mr Barker:** There is already a national heritage listing for Murujuga.

**Senator DAVID POCOCK:** That's why I'm asking.

**Mr Barker:** That provides the Commonwealth a regulatory basis to intervene should it apprehend that there is a potential significant impact happening to the values that are protected under the national heritage listing.

**Senator DAVID POCOCK:** What would an intervention look like?

**Mr Barker:** Again, I'm speaking speculatively, because it would depend very much on the nature of the issue.

**Senator DAVID POCOCK:** The nature I'm asking about is if this rock art were actually at risk of being affected, degraded, ultimately destroyed, by LNG development.

**Mr Barker:** It depends on the nature of the approvals that are in place around the work that's occurring. It depends on exactly the scale of the impact and the clarity of that. There are many variables that could affect the nature of the Commonwealth's ability to intervene in that case, but there are significant penalties under the act for having unauthorised significant impacts on matters of national environmental significance.

**Ms Najjar:** The Murujuga Aboriginal Corporation is heavily involved in the monitoring program that is being run by the Western Australian government. That program will be handed over to Murujuga Aboriginal Corporation. We're led by Murujuga Aboriginal Corporation in terms of the nomination process that they're going through for the World Heritage Committee. The rock art is a significant component. More importantly, the management of Murujuga Cultural Landscape by the traditional owners is the key feature of that nomination. We will work with them. Once information becomes available—with the monitoring program, I understand, there is going to be a further point in the coming months, and perhaps, having not seen the information that's come through in relation to the procedural fairness process, there could potentially be some information in that. We are yet to go through that. But we will certainly make sure that we're considering any findings that come through that strategy in relation to what it might mean for national values and what it might mean for World Heritage values.

**Senator DAVID POCOCK:** Will you continue to observe the monitoring after it has transferred to the Murujuga Aboriginal Corporation?

**Mr Barker:** We are actively engaged with Murujuga Aboriginal Corporation on a range of matters, so I expect that, yes, we would.

**Senator DAVID POCOCK:** You will?

**Ms Parry:** I can't give you a specific answer to that question yet, Senator, but I think the supposition is that it's likely we would be. But that question hasn't been definitively defined.

**Senator DAVID POCOCK:** Okay. Thank you very much.

[17:05]

**CHAIR:** With that, we will release program 2.2 and move to program 2.3: Accelerate the transition to a circular economy, while safely managing pollutants and hazardous substances. I would just like to thank the officials from the last session for their dedication and efforts in what can be a very difficult situation. Thank you very much. We will start with Senator Pocock.

**Senator DAVID POCOCK:** I have some questions about PFAS. I'm interested to learn a bit more about what's happening in the space, because we've seen more and more coverage and I think more Australians are rightly very concerned about the impact of PFAS. We look overseas and see jurisdictions and governments dealing with this in what looks to be a pretty serious manner. We saw in January that researchers at the University of Tasmania had found PFAS in nesting soils and the blood of little penguins that forage and breed along Tasmania's coastline. What would bring us into line with best practice that we're seeing in places such as the EU? Are there plans for a comprehensive national program for monitoring chemical residues in the environment? My understanding is that we don't do much monitoring.

**Ms Lynch:** Within Australia, responsibilities on PFAS are spread across a number of different portfolios, as I know you're aware. In relation to research on the environment, I am not aware of any longitudinal studies. We do have various research projects that have been conducted over time—research that has been funded by the Australian government in previous years—and then, of course, a separate stream of research activity that's governed out of the health portfolio. But details of those previous environmental studies are things that I may need to take on notice.

When it comes to PFAS overall, PFAS is in fact a class of substances; there are thousands of different PFAS chemicals. They are certainly substances of concern to the government, not only the federal government but also all the states and territories. They have been used for such a long time in a wide range of goods that your example of finding evidence of PFAS in certain species of wildlife has been replicated around the world, effectively. We are aware of studies that have found PFASs, even in rainwater, across the majority of the globe. They're very diffuse. They tend to be long-lasting in the environment.

**Senator DAVID POCOCK:** Hence the name 'forever chemicals'?

**Ms Lynch:** Exactly. Within Australia, one of the important bits of work that we are doing at the moment is, effectively, working to restrict or ban the use of PFAS. That would include banning them coming into the country. That's through the Industrial Chemicals Environmental Management Standard, IcHEMS. That is a regulatory regime that sits within the DCCEEW portfolio, and it complements some of the other chemicals regulation work that is within the health portfolio and the agriculture portfolio, for example.

In relation to PFASs, just in the last couple of years some important decisions have been taken in terms of regulating PFASs. In December 2023 a further nine chemicals were added to the industrial chemicals environmental management online register. So there were some listed prior to that, but, in December last year, we basically listed PFOA, which is perfluorooctanoic acid; PFOS, and PFHxS. They are three of the most toxic forms



of PFAS. Listing them on this register means that all of the regulators across Australia will give effect to that through their regulation. So it's a harmonised regulatory scheme. All of the state and territory EPAs will regulate, for example, manufacturing activities or storage and the like that occurs within those jurisdictions, and the Commonwealth will regulate at the border—

**Senator DAVID POCOCK:** I'm sorry, Ms Lynch—in terms of the language, when you say 'regulate', do you mean 'ban it'?

**Ms Lynch:** Yes. This means that Australia will ban or severely restrict the import, use and manufacture of over 800 chemicals related to this group of materials—these persistent organic pollutants that were listed in December last year. Three of those were PFOA, PFOS and PFHxS. Those standards will come into effect from 1 July next year.

**Senator DAVID POCOCK:** If this is such a serious problem, why is there no regular monitoring?

**Ms Lynch:** A range of different monitoring activity occurs. It tends to be location-specific. So a lot of this is undertaken by state and territory governments within their mandate. Some of it is relevant to the Commonwealth's role—for example, when there are projects that are being assessed under the Environment Protection and Biodiversity Conservation Act. So if a proponent is seeking to undertake an activity where there are concerns of PFAS being present, then quite often the assessment process under that legislation includes the department seeking that information about different PFASs, or perhaps instituting, as a condition of a development approval, for example, an obligation to monitor levels over time. So there is a range. Off the top of my head, they're some of the examples, but specifically to your question: to my knowledge, there isn't a single national monitoring program for levels of PFASs in the environment.

**Senator DAVID POCOCK:** Why is that? We've seen, in different parts of the world, they're monitoring drinking or recreational water. They have set safe levels. My understanding is that we don't even have safe levels for drinking water and we're not monitoring water sources for PFAS.

**Ms Lynch:** I'm sorry—I just missed the point of your question there. We don't have what, sorry?

**Senator DAVID POCOCK:** I note that other jurisdictions are looking at safe levels of PFAS in drinking water or recreational water—bodies of water where people swim and recreate. From what I'm hearing, we're not doing that sort of testing here in Australia. Why are we so out of step when it comes to this?

**Ms Lynch:** We do actually have a number of different sorts of guidelines and standards that go to measuring and monitoring.

**Senator DAVID POCOCK:** What about testing?

**Ms Lynch:** I may need to take on notice the detail of what is captured in the ongoing monitoring obligations, for example, under the Australian Drinking Water Guidelines. They aren't managed by our portfolio, but they are standards that are managed out of the health portfolio. The drinking water standards, for example, do provide health based guideline values for PFAS in Australian drinking water, and so, under that guidance, state and territory water authorities undertake a regular range of testing. I would be very surprised if not all, for example, waste management facilities that are managed by state and territory governments also undertake regular testing for PFAS—

**Senator DAVID POCOCK:** Can I ask you about those standards that you just mentioned. Looking at the US, the EPA has set an enforceable maximum contaminant level of four parts per trillion. In doing so, they noted:

This reflects the latest science showing that there is no level of exposure to these contaminants without risk of health impacts, including certain cancers.

Canada goes a step further. They tally all 40,000 PFAS chemicals and set an overall limit of 30 parts per trillion in their drinking water. I looked up Australia and our maximum level, for just PFOA, which you mentioned, is 560 parts per trillion. That is extraordinary, compared to Canada and the US!

**Ms Lynch:** It is significantly higher at the moment.

**Senator DAVID POCOCK:** Why is that?

**Ms Lynch:** That's just the current level in those guidelines. But I can tell you that the Department of Health and Aged Care is working at the moment with the National Health and Medical Research Council to review the Australian health based guideline value for the Australian Drinking Water Guidelines. So that is under review.

**Senator DAVID POCOCK:** That includes PFAS?

**Ms Lynch:** Yes. So I would suggest further queries on that topic would be best directed to the health portfolio.

**Mr Knudson:** One thing I would add is that the USA EPA and Canadian government have been evolving their understanding and their guidelines accordingly. That's why we also are doing so. There is a lot of coordination between the countries to understand where they're landing and why we may come to different conclusions based upon different circumstances. That being said, we are absolutely joined up. The other thing that we have spent a lot of time trying to do is to get coordination on what's known as the national environmental management plan—it goes a bit to your monitoring question earlier on—which is trying to set the standards for: when you're looking at environmental pathways for PFAS et cetera to travel throughout the environment, how do you effectively monitor and manage those? So we've now done a third update to that guidance. That was finalised or will be finalised this year.

**Senator DAVID POCOCK:** Thank you. That's good to know. It just seems to me that, when you look at all these things, from PFAS to glyphosate, Australia is just light years behind. And we're exposing Australians to these chemicals when there's mounting evidence about the impacts. They're terrible for us and terrible for the environment, but our health system pays the price. To go to surface water—

**CHAIR:** We are going to rotate the call. We can come back. But we're going to share the call.

**Senator DAVID POCOCK:** Sure. I just have one more on PFAS.

**CHAIR:** That's what you said last time. Go ahead.

**Senator DAVID POCOCK:** That wasn't a question, sorry, that was a—

**CHAIR:** Lengthy statement?

**Senator DAVID POCOCK:** debating point.

**CHAIR:** Either way.

**Senator DAVID POCOCK:** On surface water—which I'm guessing won't be included in the Department of Health and Aged Care review—in Europe it's one nanogram per litre. Here it's 10,000 for PFOA and 2,000 for PFOS. You're practically allowed to swim in the stuff here in Australia. What's this threshold based on? Why is it so wildly out of line with other countries?

**Ms Lynch:** I don't have information about that off the top of my head. I could take it on notice for you.

**Senator DAVID POCOCK:** Thank you. I'll chuck a bunch of QONs on, if that's alright, Chair.

**CHAIR:** Thank you. Senator Whish-Wilson.

**Senator WHISH-WILSON:** Following on from Senator Pocock's questions about hazardous waste, I'd like to ask some questions about asbestos. There was an article only yesterday—and I know it has been in the media a fair bit lately, as I'm sure you're aware—in the *Guardian* on asbestos in New South Wales. This exclusive reporting by Lisa Cox and Catie McLeod revealed that the New South Wales EPA knew for more than a decade about companies making contaminated soil fill, which has now been found in childcare centres, schools and parks. Was the federal department aware of this information that was in the media yesterday?

**Ms Lynch:** Are you asking if we had knowledge at the time it was released in the media, or prior?

**Senator WHISH-WILSON:** Prior to the release, were you aware of the situation?

**Ms Lynch:** We've certainly been aware, over several months now, of reporting of asbestos being found in different sorts of mulch products et cetera.

**Senator WHISH-WILSON:** Was it just through the media, though?

**Ms Lynch:** To my knowledge, yes. I'll just refer to Mr McNee.

**Mr McNee:** We look after one of the PFAS assessment functions in the department. The heads of environment protection agencies have had this issue on their agenda now for several months. At their two previous meetings they've shared information about the nature of the risks and the types of approaches to deal with asbestos. So it has been on the radar—

**Senator WHISH-WILSON:** That was going to be my next question: when was the federal government first made aware of the New South Wales contamination? So you were made aware of that in—

**Mr McNee:** I'd have to come back on notice, because it has actually been an issue in a number of jurisdictions. I can't at this point recall exactly the New South Wales dates.

**Senator WHISH-WILSON:** I'll get to a question shortly about whether there should be a more coordinated national approach to this, because I understand concerns have been raised in the past about a lack of coordination between the states.

**Mr Knudson:** Senator, one thing I did call out a number of years ago: the heads of EPA came together to create a forum across the jurisdictions, which they called the Heads of EPA, where these types of issues have been discussed, and the NEMP, the national environmental management plan, that I was talking about for PFAS came from there as well. That's a grouping of CEOs of the EPAs across the country.

**Senator WHISH-WILSON:** I have a report here that looked at these issues as to hazardous waste, which is by Blue Environment, Ascend Waste and Environment and Randell Environmental Consulting for the Department of the Environment and the department of agriculture. Is that what you are referring to, or is it separate?

**Mr Knudson:** I'm just pointing out that there is a group, Heads of EPA, that meets probably every four months or so, and they go through a range of issues, including contamination from chemicals.

**Ms Lynch:** I'm not sure I'm talking about exactly the same report from Blue Environment, but certainly we have undertaken work with that firm to do reporting on a regular basis using data from around the country for the purpose of reporting under our international obligations under the Basel Convention. So we do release a regular report on hazardous waste in Australia.

**Senator WHISH-WILSON:** So that would include jurisdictions like New South Wales?

**Ms Lynch:** It draws, in fact, a lot of data from the jurisdictions, yes.

**Senator WHISH-WILSON:** This report by Lisa Cox yesterday in the *Guardian* talks about a number of companies breaching state regulations and effectively gaming the regulations. It goes into the details of the widespread breaches. What can the federal government do to assist the New South Wales government or their EPA in matters such as this? I understand we have federal architecture around imports of asbestos and occupational health and safety rules. But what else is there that the federal government can do?

**Mr McNee:** I'll separate out the role of the department, where we are primarily interested at the border and, in particular, as to the export of hazardous waste that might be contaminated with asbestos. There are other agencies within the Commonwealth where work health and safety, in particular, and the exposure of the community are their focus. We could probably put that picture together for you. It's not exactly straightforward, because—

**Senator WHISH-WILSON:** Yes. These are just some preliminary questions because I'm interested in where we go from here. I know that we've talked about different product stewardship schemes. That's not something you can necessarily do for hazardous waste, though, is it, or it's difficult to do.

**Mr McNee:** I think one of the issues that certainly has been discussed in the Heads of Environment Protection Agencies is that you obviously don't, for example, expect to find asbestos waste that might have come from construction waste actually in litter that you might be using. So the question is: how are jurisdictions policing that and—

**Senator WHISH-WILSON:** And what about the specifications for what would be classified as hazardous or potentially dangerous in terms of setting the regulations? Are they different across states?

**Mr McNee:** They are different across states, actually. Some states have a zero tolerance for asbestos, and that's one of the things that has prompted this discussion nationally.

**Senator WHISH-WILSON:** And what would account for that? Would that be kind of industry influence, or would it be just lack of research and information on that? Is there a role for the federal government to show some leadership on what a national standard should be?

**Mr McNee:** Certainly I think as Mr Knudson said, there is a NEPM around site contamination which does set certain standards for things that can potentially get into other waste streams. So the Commonwealth is involved in those kinds of spaces, but, in essence, each jurisdiction is regulating this activity—at the moment, generally in slightly different ways. So the kinds of conversations that have been happening to date are really starting to look at what the opportunities might be in that area.

**Ms Bocola:** Senator, I'll just go back to your point about asbestos and the federal government working with the states. There is a national asbestos and silica eradication agency. It's in Minister Burke's portfolio. They have an asbestos national strategic plan, and the Commonwealth, state and territory governments, combined, are responsible for implementing that plan. We are currently awaiting agreement on the 2024-2030 plan. So I imagine that will contain actions that the Commonwealth, states and territories will jointly implement to eradicate asbestos in those situations you're describing.

**CHAIR:** Senator, we need to rotate the call.

**Senator WHISH-WILSON:** And that was Minister Burke's portfolio, you said—okay. If you could come back to me, Chair—

**CHAIR:** Absolutely.

**Senator WHISH-WILSON:** Thank you.

**CHAIR:** Senator Duniham.

**Senator DUNIAM:** Senator Davey also has some questions from the coalition. I'll start with the National Waste Policy Action Plan. I understand that's supposed to be reviewed once every two years. Have we had a review instigated by the minister?

**Ms Lynch:** Yes. You're correct that the National Waste Policy Action Plan is subject to biennial reviews. The latest biennial review was discussed by senior officials from all of the government environment departments across the whole of Australia—so state and territory and Commonwealth officials. I want to say it was in the last two weeks, but it was very recently.

**Senator DUNIAM:** Okay, it was recent.

**Ms Lynch:** I can't remember the date of that meeting, but it was very recently this year. What is also relevant to that specific review is that there is also a much broader review underway for this policy document, because last year Australia's environment ministers, at one of their meetings, explicitly commissioned an update to the plan. They had looked at the trajectory towards the 2030 targets. Officials had collectively advised that we were not on track to meet those 2030 targets. So environment ministers have commissioned a fuller update to that document, which we expect will be considered again by environment ministers at the end of this year.

**Senator DUNIAM:** The results of that work?

**Ms Lynch:** The updated proposal—the updated plan, yes.

**Senator DUNIAM:** Right, okay. There were two things, then. Discussed at the last officials meeting was this biennial review. Has that commenced?

**Ms Lynch:** Yes, it had commenced the year previously. It had been undertaken. It was an assessment of the progress towards the 2030 targets, but, given that this broader request and direction from ministers was to relook at the entire plan and provide an updated version of it, that biennial review was provided only to senior officials to note at this point in time. We will be going back to Australia's environment ministers, wrapping up on that process and proposing a new plan at the end of the year.

**Senator DUNIAM:** Sure, including the other work that was commissioned?

**Ms Lynch:** Yes.

**Senator DUNIAM:** . Gotcha. Okay. And when did you say? At the beginning—

**Mr Knudson:** At the end of the year.

**Senator DUNIAM:** Towards the end of the year.

**Ms Lynch:** Yes.

**Senator DUNIAM:** Thank you. That deals with that. At the committee inquiry into waste reduction and recycling, Ms Lynch, I think you referred to progress on the national waste targets—in particular targets 2, 3 and 6. Does that ring a bell with you?

**Ms Lynch:** It does, yes.

**Senator DUNIAM:** In relation to target 2, you made reference to the fact that waste generation in Australia has actually increased by about three per cent per person since the year 2016-17, from the baseline figures for that year. The quote I have before me is that the target there is actually to have 10 per cent reductions, so we're not tracking particularly well. On target 3, you referred to the fact that there will be a shortfall of nine or 10 per cent. Then, on target 6, you expect there to be a shortfall to meet this target. Has the minister been briefed on that trajectory—how we're tracking?

**Ms Lynch:** Yes. That is effectively the trajectory using the most recent *National waste report* data, which came out at the end of 2022. The next *National waste report* is due to come out at the end of this calendar year. That *National waste report 2022* data is where we draw these figures from, and that was part of the update to environment ministers last year, which led to them saying, 'Okay, we're not on track to meet the 2030 targets; we need to seriously think about the National Waste Policy Action Plan and revise it so that we're better targeting those targets'—for want of a better word.

**Senator DUNIAM:** I think that suits just fine. Was there any specific action requested by the minister, or is the action that's been undertaken what the minister asked for?

**Ms Lynch:** As I'm sure you appreciate, in the *National waste report*, the data that is reported at that aggregate level effectively represents the best information that we have across the country for progress on resource recovery, so it is indirectly the way that we are capturing a whole range of other work. It is important at this point for me to flag that, in addition to us revising the National Waste Policy Action Plan—which is a specific request from that Environment Ministers Meeting—we are also undertaking a range of other work that either has been directly commissioned by Australia's environment ministers or is something that our minister, at the Commonwealth level, has indicated is a priority for this government to do. For example, we continue to do a lot of work in terms of trying to harmonise the way that Australia collects, across all the different states and territories. That is in relation to three main areas. It's the phase-outs of single-use and problematic plastics, it's the container deposit schemes that exist in every jurisdiction and it's the way that we collect waste at the kerbside. Those three areas of work are active projects that we're working on with all of the states and territories, trying to bring more consistency to the way that things are done.

Really importantly, this government has announced its intention to develop and release a national circular economy framework. This will be a whole-of-economy policy framework that looks at going beyond just actions in the waste and resource recovery sector. What are things that we can do as a country to move towards a more circular economy? We expect that that circular economy framework will be released towards the end of this year. That's the current plan from our minister.

We're continuing to invest in the recycling infrastructure work that you're very well aware of, which commenced following the introduction of the waste export ban. While we've prevented the waste that was being sent overseas and dumped in environments and in communities in other countries from now leaving our shores, we're also actively supporting the new recycling capacity here in Australia. Also, the federal government has recently released a new environmentally sustainable procurement policy. I think I mentioned that also during the inquiry hearing.

**Senator DUNIAM:** You did.

**Ms Lynch:** That will drive the creation of markets to use recycled material here, and there are several other things, which I'm happy to provide more detail on.

**Senator DUNIAM:** Perhaps you could, on notice, if there are further actions. There's a difference: there's what's agreed to by the collective of ministers at the ministers meeting, and then there are actions driven by the Commonwealth as requested by the minister. If you could just specify where the catalyst is for each of those that you've referenced and anything else that's to come, that would be helpful. What sort of work is being done by the Resource Recovery Reference Group?

**Ms Lynch:** The remit of the Resource Recovery Reference Group is essentially to oversee the implementation of the National Waste Policy Action Plan.

**Senator DUNIAM:** So they're meeting regularly?

**Ms Lynch:** They do meet regularly. The frequency, at the moment, is roughly around three times per year, but there are often other ad hoc meetings called, if necessary, on different issues. We have definitely had some ad hoc meetings called of that group when necessary, but their main job is to look at the way that that National Waste Policy Action Plan is being implemented. So that Resource Recovery Reference Group has been involved and invited to—I think there was a series of six—strategic workshops over the last 12 months, separate to their regular meetings, and those strategic workshops were effectively saying, 'This is an opportunity for us to work through with all of those representatives: what would we do to substantially shift progress towards the 2030 target? So we've been asked by environment ministers to revise the plan. What you want to see revised? What does it make sense for us to do? What does the evidence tell us et cetera?' We've also taken a lot of input from that process and we're currently working through that to prepare some draft material. We'll go back out to that group for feedback on it.

**Mr Knudson:** If I can, I will add one very quick thing, because it'll happen between now and the next estimates. The final of the waste export bans will come into effect for paper and cardboard. That completes it for tyres, glass and plastics and, now, for paper and cardboard, which means, as Ms Lynch was saying, Australia will then be dealing with all of its waste within its borders for the first time. I just wanted to call that out. That was started under the last government and has been finished under this government. It's a significant event for our management of waste in the country.

**Senator DUNIAM:** I'm getting the wind-up. I have two more questions, which would see me out for this, Chair.

**CHAIR:** Go on, then.

**Senator DUNIAM:** Thank you for your forbearance. On page 53 of Budget Paper No. 2, there are a couple of references to new cost recovery in relation to recycling and waste, especially in the wake of the export ban. I just wonder if we might be able to get a specific breakdown of how the cost recovery will be managed and applied.

**Ms Lynch:** Yes, we're happy to provide that detail to you. I'll just defer to Ms Raynor.

**Ms Raynor:** Would you mind repeating that question?

**Senator DUNIAM:** On page 53 of Budget Paper No. 2 there's a reference to the cost recovery relating to recycling and waste post the waste export ban. Could we have a breakdown of how that will be applied and how that will be managed.

**Ms Raynor:** Yes. As part of the 2024-25 budget, fee-for-service charges have been implemented or will be introduced on 1 July 2024. Those fees are broken down in a number of component ways. For new licences the fee rate will be \$19,090. For licence variations and also for licence renewals the fee will be \$13,540, and for exemption requests the amount will be \$13,960.

**Senator DUNIAM:** Is that an annual fee?

**Ms Raynor:** The fee will be for an application as it's made, and for the applications it will generally last about three years.

**Senator DUNIAM:** Three years—right. You mentioned renewal. It made me think that there was an expiry on it.

**Ms Raynor:** There may be examples when there are multiple applications made within the three years. It does come down to the case-by-case circumstances for the particular applicant.

**Senator DUNIAM:** Thank you very much. This is my last question, Chair. It relates to REDcycle. In 2023, there was some clear messaging from government about the need to step in if supermarkets failed to act. The minister made it very clear: 'If industry is unable to act then I have no problem imposing obligations.' After the announcement made on 10 May by the NSW EPA that supermarkets are not being required to fully comply with their obligations, at least until March 2025, where are we at, given the minister made it very clear that we were going to see some action to resolve this and bring about a proper outcome? We've had this determination from the New South Wales government. Where are we at, and what's the minister doing to honour that commitment made in 2023?

**Mr Hutchison:** Since the collapse of REDcycle—you're right—Coles and Woolworths specifically acquired the stockpile of material that was REDcycle's material when it ceased operating. NSW EPA, the Victorian EPA and EPAs around the country have been working closely with the supermarkets to manage the stockpiles that are now held in what are considered to be safe facilities. The supermarkets continue to work directly with the state and territory EPAs, particularly in New South Wales and Victoria, where the bulk of their material is being stored, to make sure that they are working through that stockpile at a satisfactory rate. That's a matter that the supermarkets are taking up directly with the EPAs. We understand that through and in conjunction with the trial of the in-store collections that commenced in metropolitan Melbourne earlier this year the supermarkets are working through the stockpile that's being held in Victoria. They are also working with the NSW EPA and other partners in New South Wales to commence that shortly.

**Senator DUNIAM:** Is that to the federal government's satisfaction, given there was very strong language from the government—the minister, in particular—that this would be resolved? Are we on track to do that as promised?

**Mr Hutchison:** As part of the response to the collapse of REDcycle, the minister did make strong comments around asking industry to get on and fix this situation. The supermarkets were squarely tasked with taking that up. They have been doing so under the auspices of an authorisation through the ACCC which we chair. There is a soft plastics taskforce that the department chairs with Woolworths, Coles and Aldi—the three major supermarkets—to work through this issue of the remaining stockpile as well as get the restart of the in-store collections moving again.

What the supermarkets are also doing through that process is working with other industry partners including the Australian Food and Grocery Council, Planet Ark and the Australian Packaging Covenant Organisation to look at longer-term solutions. I think what is recognised is—and I think this is a broader issue facing soft plastics in Australia—that there will probably need to be several approaches to collection, whether it be through instore or kerbside arrangements.

These are all things that need to be worked through either in the work we're doing that Ms Lynch mentioned earlier regarding kerbside collection, where we're working with states and territories on the harmonisation of that

work and then we've got industry also looking at other mechanisms. We are working really closely with the supermarkets through that process, keeping the government apprised of where that is up to.

I think it was in March last year that the supermarkets released a road map of how they saw themselves getting to an expanded set of instore collections. They foreshadowed in it that it would be a start and strengthen approach, and we've seen the pilot start in metropolitan Melbourne. In that road map they indicated they thought it would be tied to the coming online of recycling infrastructure across the country to support them in their collections through stores, and that they thought that would occur over 24-25. We are still waiting to see that all play out but that's something we watch carefully through that taskforce.

**Senator McAllister:** That point the minister made about not being afraid to regulate was in relation to packaging more broadly. That's my recollection of those comments. Environment ministers had indeed agreed that packaging will be subject to strict new rules that aim at cutting waste and boosting recycling. The minister was also actively engaged in the discussion about how to manage and respond to the collapse of REDcycle and all the consequences that flowed from that. But it is my recollection—and I may be wrong and I'm happy to be corrected—that the 'not afraid to regulate' comment was more broadly about packaging.

**Senator WHISH-WILSON:** I want to ask a follow-up question. The Australasian Recycling Label continues to advise consumers to return soft plastics to supermarkets or to check locally where they can take it to, but there's no collection services existing. Is the government going to do anything about getting them to stop misleading consumers in this regard, given there really is no scheme right now?

**Mr Hutchison:** We know that the supermarkets and APCO are working closely with the Australian Competition and Consumer Commission, so the ACCC, on that to avoid issues around greenwashing, because we understand that there are labels out there that still say return to store. That is something that I know they are seeking a degree of flexibility around, given what we understand to be considerable lead times in the production and the considerable stocks of this packaging. What we want to avoid regarding that packaging, which was developed in good faith when that system was operating in a reasonable fashion, is large swathes of material just going to either landfill or elsewhere because it does have that label on it. I know the supermarkets and APCO are working with the ACCC on that to make sure that consumers aren't being misled about what the best path for that material is.

Meanwhile, picking up on my response to Senator Duniam's question, we are working closely with the supermarkets to make sure that the systems are coming online so we can have that going on in the background.

**Senator WHISH-WILSON:** I'll put something to ACCC on that.

**CHAIR:** Senator Bilyk?

**Senator BILYK:** Obviously plastic pollution is a global problem and no one nation can solve it on their own. I understand Australia is signed on to the High Ambition Coalition to End Plastic Pollution. Can I find out how that treaty-making process is going, please?

**Ms Lynch:** Yes, Australia is participating in the development of a new global plastic pollution treaty, which is a whole-of-United Nations process. Early on in that process, the government took the decision to join the high ambition coalition, specifically, which is a group of now I think over 60 different countries—I may be underestimating that number, it's certainly over 60—who are actively promoting for an ambitious treaty. To end plastic pollution by 2040 is their overarching goal. There have been four different meetings held to date and the development of that treaty, most recently in Canada in April this year. And we have our final negotiating session scheduled for South Korea at the end of this calendar year.

It's something that's incredibly important and it actually goes to some of the questions that Senator Duniam was asking about earlier and my response about the overall approach to managing resource recovery, reducing waste and addressing some of the problems with plastic. There is this global push to develop binding obligations, and Australia is certainly in that camp; we would like to see some binding obligations placed on all countries under this treaty. There are some member states of the United Nations who aren't looking for binding obligations; they would like it to be, effectively, a voluntary and country-led action and activity. Effectively, that's the tension that exists in the negotiation process at the moment. But Australia's policy position on this is that we want an ambitious treaty with robust control measures that will restrain and reduce the production and consumption of primary plastic polymers to sustainable levels; to eliminate or restrict unnecessary, unavoidable and problematic plastic products and packaging; to accelerate international efforts to remove harmful chemicals from plastics; to ensure that products are designed, produced and manufactured in a way that facilitates a circular economy; and to manage plastic waste that's in the environment in an environmentally sound and safe manner. We believe that

that's consistent with the majority of our domestic activities and aspirations, and with some of the regulatory reform work that's underway.

Senator McAllister spoke briefly before about the minister's commitment to revise the national packaging regulation. That is an important component which we believe will be consistent with these global efforts under the global plastics treaty. So there are things we're doing domestically now to try, effectively, at least to keep pace with, if not move faster and ahead of, international obligations that might come into effect through that treaty.

**Senator BILYK:** It's a big ask to try to conclude a whole new international treaty in just two years, and I'm sure there have been some challenges experienced. Can you just have a chat to us about those?

**Ms Lynch:** That's probably one of the strongest understatements I've heard!

**Senator WHISH-WILSON:** From plastics to [inaudible]—there's your challenge!

**Ms Lynch:** Yes, there are lots of challenges. Some come to mind immediately and, yes, it's a very ambitious timeframe. It's the tightest timeframe that we have ever seen for a global multilateral agreement on the environment. The most recent agreement that was reached on the environment specifically, in a comparable sense, was the Minamata Convention on Mercury. That dealt with the removal of mercury from the environment around the globe. That was quite a specific substance, it was well understood and some of the control measures were well understood, and I think it still took four years to reach agreement on that. In this instance, it's not a straightforward issue that we're grappling with. So we're building a plane and flying it at the same time, and it is very challenging.

There are differences of opinion, even within the sectors where we would typically expect to see people aligned. One of the important components, I think, is the scope of this treaty. In fact, the scope provisions in the draft text are one of the most hotly contested parts because we have a number of members of the United Nations at the moment who are very keen to see the scope of this treaty reduced and limited just to dealing with the end of the life cycle of a product—effectively, once it's waste, how do we do responsible waste management for plastics? Australia doesn't subscribe to that view; we're with the high-ambition coalition, who all agree that to tackle plastics properly we need to look at the entire life cycle of plastics. So we need to think about the controls, different policy initiatives, incentives and disincentives that go right throughout the supply chain. That's particularly challenging.

We have a growing and increasingly strong alternative coalition in the negotiations, largely comprised of plastics-producing countries—a number of the Gulf states et cetera, who I think are a lot more cautious. They are absolutely engaging in the process at the moment but have been very forthright about the fact that they don't see a whole-of-lifecycle, whole-of-supply-chain approach being necessary and are keen to see this limited in its scope.

We're also seeing a lot of the same problems and challenges that you see in any international negotiation, around the difference in perspective between developed countries and developing countries and then the financing and the resources that would ultimately be required to give effect to this. A lot of the developing world is really struggling with plastic pollution, and they don't have a lot of resourcing to put to it. That will be something we'll have to grapple with as well. It is an incredibly ambitious timeframe, Senator—thank you for acknowledging that—and it is something we remain committed to trying to get done by the end of this year, and that's certainly where our effort is focused.

**Senator BILYK:** So how would you characterise Australia's role and leadership in trying to get this landed?

**Ms Lynch:** Right from the outset the Australian government has indicated its intention to have a leading role here and to be actively campaigning for a strong and ambitious agreement. Minister Plibersek has attended an Intergovernmental Negotiating Committee meeting of the plastics treaty and certainly does signal and regularly provide instruction to the department about us being as ambitious as we possibly can and I guess leaning in to approaches that might be a little bit more novel or ambitious. Australia has played a leading role in the negotiations through the co-chairing arrangement of some of the work. The negotiating committee at the moment is largely going through two different groups, and I co-chair one of those groups. We do have a very visible presence in the negotiations and the ability to be quite influential in progressing this work.

**Senator BILYK:** Thank you. Thanks for those very fulsome responses, too.

**Mr Knudson:** Perhaps I could just add one very quick thing, and it ties into a couple of the comments earlier on with respect to PFAS and chemicals et cetera, and also it ties into what we can do domestically and what we can control at the border. This is just a call-out that we're working on some packaging reform, which has mentioned by the minister. That is almost, in effect, the nexus of all this. If we are able to put in requirements for an amount of recycling content to go into packaging, that drives demand for recycled product, so that's really important. The second thing is that we can also specify what shouldn't be in there with respect to chemicals that



are of concern et cetera, which also helps with the health and safety thing. If we can demonstrate that we can do this in a cost-effective way for markets to be able to deliver this type of product, it is a significant step forward for the global negotiations, because then they see it being done in practice—that you can derive a circular economy in a very specific way with respect to packaging, which is quite vexing. I just wanted to mention that.

**Senator BILYK:** Thank you.

**Senator WHISH-WILSON:** Perhaps I could just get some clarification on that. I've agreed with everything you said there, Mr Knudson. You're saying that we're going to go into these negotiations as leaders in this field ourselves, even though we have a voluntary scheme on packaging and have had for 20 years and it's been a complete failure?

**Mr Knudson:** What I was saying, and I think Ms Lynch has laid out, is, first, that we have been taking a leadership role on the packaging treaty since day one. Second, we're also looking at what we can do domestically, and we think packaging reform is going to be pretty critical to making this work in a domestic context. That's why I was flagging that that's a key area—

**Senator WHISH-WILSON:** I'll get into that with you in a minute. Thank you.

**Senator COX:** I've got some questions for the office of the Supervising Scientist. As things stand, the mining authority at Ranger is going to expire in January 2026. Can you please outline your understanding of how your office will continue to ensure the protection of Kakadu from the impacts of uranium mining if no further authority is issued? And does your office have assurances of adequate resources and staff until such time as the Ranger project area is rehabilitated to the required standard?

**Mr Tayler:** The enabling legislation for the Supervising Scientist is not tied to the authority on which Ranger operates, so the Supervising Scientist will continue until our legislation is repealed. At this stage, that certainly isn't something that has been considered, as far as I'm aware, so it's my expectation that we will continue in our mission until the job is done.

**Senator COX:** Can you give us an update on the status of the 2023 Ranger Mine Closure Plan? Has that been formally approved by you?

**Mr Tayler:** I don't get to approve the plan. I provide advice to Minister King, as the minister with the authority to approve the plan. My office has finished its review of the plan. We provided our assessment report to Minister King and other stakeholders on Friday last week, and that includes the Northern Land Council and the Gundjeihmi Aboriginal Corporation. I think the 2023 plan is a very much improved document, compared to the 2022 plan, which, as you may be aware, we declined to endorse. I'm pleased to be able to report that the 2023 version is very much improved.

**Senator COX:** Could you talk us through the anticipated applications for significant works on the Ranger Project Area for the next financial year?

**Mr Tayler:** For the next financial year we're probably not expecting any very large applications. They're probably a little bit further out than that. The pit 3 application is yet to be approved. We provided comments, or recommendations, to Minister King on that application in January. The next applications are for the deconstruction of the processing facility and the disposal of that into pit 3, but I don't expect to see that in the coming financial year. Then, in 2026, we're expecting an application for what we call a final landform and revegetation, which is to finish all the waste rock movement, build the final landform and revegetate it. That will be a very significant application, but that's probably still two years away.

**Senator COX:** At the end of the Ranger rehabilitation process, and in your role as the Supervising Scientist, are you required to provide any advice to the federal government about the suitability of Ranger mine's inclusion in the World Heritage area? Can you outline for me whether you've started any consultation with relevant international organisations, such as the World Heritage Bureau, the International Union for Conservation of Nature or any other experts in the field?

**Mr Tayler:** I guess there are two questions there. To the first question, I don't specifically advise on the incorporation into Kakadu. The environmental requirements require me to advise the minister as to whether I believe the closure criteria for Ranger have been met. That's a separate thing to incorporation. That would be to say that we believe the rehabilitation has been successful, effectively. As to engagement with those international organisations, it's a little early, I think. The Ranger Mine Closure Plan is talking 2060 for the relinquishment of the lease, by the time you complete the monitoring, and for the ecosystem to establish and stabilise and for people to have confidence that it would be a sustainable ecosystem. Given we're a great many decades out, we haven't yet had those conversations.

**Senator COX:** In the recent budget, there was an allocation of around \$2 million to advance the rehabilitation of the Koongarra site. Can you talk us through the works that are required for this rehabilitation, the timeline and what the current status might be?

**Mr Tayler:** That project came about at the request of Jeffrey Lee, who is the traditional owner for the site. We've been out there quite a few times with Jeffrey to talk through his aspirations for the site and what he wants done out there. Koongarra is an old exploration camp. There are sheds and concrete slabs. There's a diesel tank, and there are five shipping containers of drill core from when the Koongarra deposit was drilled. We've spoken to Mirarr, as the traditional owners for Ranger, who are Jeffrey's neighbours, and to ERA, and they've agreed that we can dispose of that drill core into pit 3 at Ranger, which is probably the best place for it. It's not particularly hazardous, but that's a nice, neat solution.

What we're looking at at the moment is getting our approvals in place. We need consults to be done and we need AAPA certificates issued. There's also a parks environmental impact assessment process that we're intending to refer under the EPBC Act. So we're in the middle of doing all that work. We'd like to get into the first stage of removing some of the infrastructure next dry season if we can. And then the following dry season, if things go to schedule at Ranger, the pit should be ready to have material put in it, so at that point we'd like to shift the drill core over to Ranger and dispose of that, with all the other waste from Ranger, in the pit.

It's about a three-year project for us. I was very pleased to see the money allocated in the budget. That was nice. We were moving forward on the assumption it would be, but it's good to have that locked in. It's a good project, and I'm looking forward to getting stuck into it.

**Senator COX:** Great. Do you think that the \$2 million that's currently allocated is sufficient to undertake the entire rehabilitation that's required for Koongarra?

**Mr Tayler:** I think so. That's what we asked for so, and you rarely get what you ask for in a budget process, but this time we did. We have had quantity surveyors out there to give us some sort of indicative pricing on things, and I think that the \$2.2 million that was allocated should be about the right number.

**Senator COX:** I'll ask some questions of departmental officials. The department is aware that traditional owners have been asking about permanent protection of Jabiluka through inclusion in the Kakadu National Park. Given this, what work has been undertaken to investigate how this could be achieved? I'll note that I'm talking not about Jabiluka's mineral lease or any future scenarios but about how their inclusion for permanent protection might be achieved.

**Mr Sullivan:** There are two things, and then I might throw to Keith to talk about where we're up to with rehabilitation at Jabiluka. The first stage we have to deal with, with respect to inclusion of Jabiluka into the park, is to work through the current mineral lease. But we have been working on rehab. Keith, I'm not sure if you want to give a quick summary of where we're up to with rehab at Jabiluka.

**Mr Tayler:** Sure, I can do that. Jabiluka is a relatively small site. It's about 16 hectares and it doesn't pose any risk to the surrounding environment, which is good. There are no hazardous chemicals or anything else on site to manage—no tailings. Revegetation is reasonably well progressed, but in my view it needs a little bit more work. There's some minor infrastructure to be removed, such as fencing, some concrete slabs and other bits and pieces like that. I did go out there with Mirarr—I think it was last year—and we had a bit of a walk around, and they were reasonably happy with the condition of the site, although I said I think there's a little more reveg required. But it's a relatively minor task from here, and there's certainly nothing even close to what we're looking at with Ranger.

**Mr Sullivan:** In that context, there's not too much to be done on rehab with Jabiluka. Once the mineral lease issue is resolved, then pending that—it's very much a two-stage process—we can think about whether the mineral lease is not renewed or if the NT government decides to use the Mineral Titles Act put on a cessation on the lease. If that happens, then we're in good shape to think about reincorporation into the park. I know that the Director of National Parks has spoken to Mirarr about that. Obviously there are some critically important cultural sites within the Jabiluka lease.

**Senator COX:** There's Australia's oldest human-occupation site within that site. So, as of today, what exists to protect that cultural heritage within Jabiluka? Is there legislation that actually protects that?

**Mr Sullivan:** There's nothing specific—Keith, correct me if I'm wrong. There's nothing specifically protecting that, being inside an existing mineral lease. But, as I said, once that mineral lease decision is taken and if that mineral lease is not renewed, then we're in good shape to put it inside the park.

**Senator COX:** Just to clarify, the traditional owners would have to come back through and re-identify the whole significance and sacredness of that site, given that it's already covered under the mineral lease. Is that correct?

**Mr Sullivan:** At the outset, when the mineral lease was first issued, I think a number of the cultural values were not known. A lot of those have been documented, and so we've been building our own knowledge base about Jabiluka both in terms of those sites and in terms of the rehabilitation work. When that decision is made at some point in the future, and that decision is a matter for the NT government, based on advice from the Australian government—the minister for resources—we stand ready and we're in good shape to actually incorporate that into the park.

**Senator COX:** Does the current High Court decision, then, on Gunlom Falls have any significance, given it also falls within that area? Does that have any particular impact?

**Mr Sullivan:** Gunlom is a separate issue, and I know that there's been a media release from the Director of National Parks. He was due to make a statement today, and it's unfortunate in some ways that he hasn't been able to make it. Gunlom was really a constitutional law issue, and we—the Director of National Parks at that time—got it wrong.

The work that's being done now, both through Keith Tayler and through Ricky Archer, the Director of National Parks, and Parks Australia staff, is with traditional owners to ensure that we do look after sacred sites. We should be the best at that. That's the unfortunate thing about Gunlom, being four years ago and being still front and centre of people's minds because of the constitutional law issue that has dragged this out. But Ricky Archer has made a formal apology today, which has been released publicly. Our commitment is to work with traditional owners to make sure that we do the best and are seen as the best in terms of protecting sacred sites, moving forward.

**Senator COX:** Are you confident we can do that?

**CHAIR:** Mr Sullivan, we're happy to take whatever statement may have been prepared and have that tabled for the committee, if you could arrange for that to occur.

**Mr Sullivan:** Great. I will table that. The other thing is that we will be pleading guilty now in the local court, which is where we would have been if there wasn't a constitutional issue, to be frank. In terms of the implications for Gunlom—it's a long answer, and I apologise, Senator Cox—it's about how we deal with sacred sites more generally, both the Director of National Parks and the department more generally, looking at how we operate. As I said, we aim to be the best at dealing with traditional owners and dealing with sacred sites.

**Senator COX:** Which I think feeds into another question, but I'm just conscious of the time—the Timber Creek determination around spiritual harm, and what that means around reparation and compensation for those sites is a really important conversation. I'm happy to put that on notice for a response.

**CHAIR:** Senator Davey, four minutes.

**Senator DAVEY:** I will do my best. If I don't get to the end—

**CHAIR:** We can come back.

**Senator DAVEY:** hopefully we can come back. But I will do my best. I have questions about waste and recycling. According to reports on the ABC and the National Waste and Recycling Industry Council, there are anywhere up to about 35 fires a day, across Australian recycling facilities, being caused by lithium ion batteries, from a range of purposes. But one of the identified issues is the lithium ion batteries in illegally imported vapes. Can you confirm that these reports are correct?

**Ms Lynch:** I can't confirm the number specifically for you, off the top of my head, but we certainly are aware that there are reports of very significant numbers of fires for which the cause pointed to is lithium ion batteries. That is an established fact. It is also our understanding within the department that vapes contain a number of these sorts of batteries and present a fire and safety risk for that reason and other reasons.

**Senator DAVEY:** With these issues when they're at recycling facilities—I've also heard of them occurring in the back of waste trucks—is there a process where there is a reporting requirement so the department is made aware?

**Ms Lynch:** My understanding is that that is governed at the state and territory level. It would be part of the investigation into each instance—typically the sort of thing that the local fire brigade and health and safety departments et cetera would participate in. On the concerns you raise about vapes specifically, that is also one of the reasons why the government has recently announced reforms around vapes as a product—because we know that, once they come into the country, they very easily get distributed throughout the community and it's very hard to track them. We suspect—and anecdotal evidence suggests—that consumers don't go out of their way to dispose

of a lot of these products effectively. In fact, to be frank, there are very few disposal options for a lot of electronic waste products. But the legislation, as I'm sure you're aware, has now been introduced for the second phase of vape reforms, by the health minister. That work on basically banning vapes, to prevent the supply or commercial possession of non-therapeutic vapes across the whole of the country, is being led out of the Health portfolio.

**Senator DAVEY:** I'm aware, and I was just talking to another committee about the vape ban. That's understood. However, vapes are in the black market. It has been raised with me that a concern relating to the vape ban is that people will be more inclined to irresponsibly dispose of them. As you mentioned, there are very few ways and means to dispose of lithium ion batteries responsibly. I believe Bunnings do a lithium ion battery collection point, so that's responsible, but, because vapes are illicit, people don't want to be seen to be disposing of them. Has the department thought of any avenues? We did it with sharps so that you can dispose of sharps responsibly. Is there anything going on in the department about how we can establish a lithium ion battery disposal system that may work and protect our recycling and waste facilities?

**Senator McAllister:** I think you are pointing to a broader problem and then a specific manifestation of that problem, and the broader problem is: what will the disposal pathways be—and the management pathways, which is a broader question again—for lithium ion batteries, particularly those that are embedded in products where they're not easily removed? The environment ministers are working on this. I'm trying to be quick, noting the time. In November 2023 the environment ministers agreed that Queensland would lead a body of work to inform future actions to address battery concerns. I understand that, while the work will consider immediate opportunities to reduce fire related risks, the primary focus is to identify product stewardship options to improve the design, use and disposal of batteries.

**Senator DAVEY:** So there is work underway—

**CHAIR:** Hold that thought.

**Senator DAVEY:** Can we come back?

**CHAIR:** And we will come back.

**Senator DAVEY:** But I really appreciate that answer. Thank you, Minister.

**Proceedings suspended from 18:15 to 18:47**

**CHAIR:** We will now resume in outcome 2.3.

**Senator DAVEY:** Minister, just coming back to what you closed with in saying that the states and territories are now working towards looking at regulations, I had a call during the break from someone watching along at home. I can't believe how popular estimates are. Some stakeholders, but they truly are. The minister was at a B-cycle industry gathering last night and said that the onus would have to be on industry to work out how to deal with disposing of lithium ion battery products in a responsible way. So when you say that you're working with states to introduce regulations, are you thinking along the lines of regulations that would be imposed on manufacturers of products with lithium batteries, rather than regulations that are applied to consumers disposing of lithium batteries?

**Senator McAllister:** For clarity, I don't think I said that they were working on regulations. I said that they were working on policy initiatives to inform future action. However, I might ask Ms Lynch to talk you through some of that work.

**Ms Lynch:** I think what Senator McAllister had mentioned prior to the break was the work that the Queensland government has been doing through the environment minister's forum. We have had discussions about a range of different problematic product types. Certainly electronic waste, and particularly these problems with batteries, has been high in terms of the priority of these discussions and issues. It comes up on a regular basis.

During the environment ministers meeting on 10 November last year ministers agreed to a more coordinated approach on product stewardship generally that would allow some of the states and territories to step forward and take the initiative on developing some policy options for nationally consistent approaches. It wasn't just for batteries. But on batteries it was agreed that the Queensland government would lead work under this product stewardship framework. The intention of that approach was to really to say that at the end of the day the Commonwealth can only progress so many regulatory schemes at one point in time. We don't want to be holding back action on some of these important pieces of work. So this was about mobilising the support and the initiative that some of the states and territories were working to take. In this instance the Queensland government will inform future government action on batteries. They're doing that policy work at the moment. That's the common concern relating to the end of life of batteries. The New South Wales government has also stepped up on that

issue as well and is supporting Queensland. It's going to involve all the other jurisdictions as well. The New South Wales government has recently also offered to develop some model legislation that all states and territories could put into place.

This is really encouraging. It's certainly something that the Commonwealth has supported. It will complement the work that we may do in the future on other things, for example any border controls and the like. But at the moment one of the fundamental problems is the safe collection and storage and handling of batteries. Because electrical safety regulation is the responsibility of state and territory governments, as is the waste collection system and landfills et cetera, those are all regulated by state and territory governments. It's probably a better point for that policy work to be developed, with the expertise from officials of the state and territory governments.

**Senator DAVEY:** We talk about batteries, but the beauty of lithium batteries is they can either be the size of a five cent piece or they can be the size of a pool table in the case of a vehicle battery. Then you have the battery banks that go with solar farms. There is increasing commentary and concern in the community about what happens when they reached the end of life and safe disposal.

At the moment the biggest risk is the small ones get thrown irresponsibly into a bin and get picked up by the truck and then they have truck fires. They can even be batteries for things like e-scooters, because they're quite small and they get thrown away. So if you're watching at home, don't put your scooter batteries in the bin. We are going to get to a point where we are going to have to have a solution for how we dispose of the large-scale lithium batteries too.

**Ms Lynch:** Yes, that's right. One of the regulatory schemes that the Commonwealth is now progressing—it was with industry for a number of years, asking industry to develop a voluntary product stewardship scheme for solar PV panels—that has also been through the environment ministers forum, and in this instance the Commonwealth is going to create a regulatory scheme for PV panels. That's because this has been an identified priority issue for a number of years and it has proven to be beyond the scope of industry to develop a scheme.

Our intention there is to look at renewable energy systems, including, for example, other components of renewable energy systems in the future, but we'll start initially with PV panels. That will put that in place. There's so much value in this electronic material. There's so much that's currently being stored on the side of a shed somewhere or out in the rain or being sent to landfill. There's a huge estimated value of a lot of those materials going to waste at the moment.

**Senator DAVEY:** If you can extract them out. I've also got some questions on the national resource recovery rate. Senator Sharma asked a question at a hearing on 8 May about the national resource recovery rate. We were advised that to achieve an 80 per cent diversion by 2030 you're going to have to have the equivalent of 235,000 tonnes of recyclables per week for every month of every year in addition to what we're already doing, which is 33 million tonnes. Are we going to be on track?

**Ms Lynch:** The way that the most recent *National waste report* characterised progress against that target—this is one of the targets under the National Waste Policy Action Plan—the data shows that the average resource recovery rate has increased by 2.2 percentage points since 2016-17, so we're now at 63.1 per cent overall. The target that we're working towards for 2030 is 80 per cent. So we're definitely trending in the right direction with that particular target, but at the moment, with the system as it stands, it's likely that we will not reach 80 per cent. At the moment the data suggests to us, if we're modelling back that trajectory, that we'll get to maybe around 70 per cent of average resource recovery across all material streams.

**Senator DAVEY:** So we need to increase by two per cent per year?

**Ms Lynch:** The data shows that we have been doing that through to 2020. That was in the 2022 *National waste report*. I should clarify that the *National waste report* data, by the time it's published, is already at least 12 to 18 months old. That's because we have to collate it from all the different jurisdictions and put it into a publication, and all the jurisdictions at the moment gather that data on a slightly different timeframe. We are trying to address that. We're working with the states and territories to get more contemporary data. A new *National waste report* is coming out at the end of this year, though, so that will give us a clearer picture of how that's tracking.

**Mr Knudson:** The other thing that Ms Lynch was talking about earlier was the intention to have a circular economy framework at the end of the year that's trying to move beyond just waste and recycling and looking at a number of sectors of the economy on what can be done to drive reuse—as we were talking about on batteries—because we have a lot of high-value raw material that is sitting there unused. That's what that circular economy framework will aim at. It will help get to the headline challenges that you're highlighting in terms of not only what we're recycling but also how we're driving secondary use and markets for this, so it becomes a very clear

economic decision that backs in people who want to do the right thing and make it economical. We want to have both of those drivers happening.

**Senator DAVEY:** I'm glad that you raised the circular economy. In the budget papers, it shows that \$23 million will be provided in 2024-25 for the delivery of the circular economy policy. What initiatives under that funding will specifically help to deliver that 80 per cent target?

**Ms Lynch:** I'll just clarify initially, on the purpose of that measure in the budget, that it is departmental. More than \$20 million, about \$20.6 million, of the \$23 million is departmental resourcing. That effectively continues to support the work that the department is doing across the spectrum—all of the things that we've spoken about during this session tonight and more—the work that we're doing to develop a national circular economy framework, the reforms that we're doing to the national regulation of packaging, the solar PV panel recycling scheme that I mentioned, the work that we're doing with states and territories on trying to harmonise the way we phase out problematic plastics or get better coordinated collection systems across the country. There's also the global plastics treaty work that we're involved in. The work we do on industrial chemicals policy and the various things that are under that banner broadly of the circular economy all effectively sit within my division.

**Senator DAVEY:** So \$20.6 million is for—

**Ms Lynch:** for the department.

**Senator DAVEY:** the thinking?

**Ms Lynch:** Yes, it's effectively paying for departmental staff.

**Senator DAVEY:** But then, once you've actually determined an initiative that will help to achieve the target, you're going to require funding to deliver the initiative. So this is for the policy development, the think tank, the brainstorming, and then you're going to have, 'We've worked out how to split the PVs into all their separate components, and it's going to cost us this much.'

**Ms Lynch:** Yes, that's one example. It's not always the case that we would need additional funding. We've been doing a lot of those activities for a number of years without requiring additional resourcing, but we would expect—for example, to implement a new regulatory scheme—that, once the scheme is designed, we would need to come back to government to say, 'We'll need bodies on the ground, people in a regulatory role, who will go and ensure that there is compliance with that new regulatory scheme.' So, yes, we would come back for additional resourcing on some of those things.

The remaining funding from that budget measure—it's about \$2½ million—is also coming to the department, but it is administered funding. It's for costs like contributions that Australia makes towards our international convention. We have obligations that we're assessed to pay to those treaties and things. So it includes that and also contributions towards data that we purchase. So there are some administered costs.

**Senator DAVEY:** Why is there only one year of funding in the budget papers? Are you going to finish thinking by the end of that financial year and be ready to move on?

**Mr Knudson:** That's why we flagged the circular economy framework and the scale of it. There's a really important decision there for government about what they want to do going forward on that. We've been able to imbed circular economy principles into 15 or so key government initiatives already. We have to take stock of how far that will take us and what's required. It's a really important inflection point for government to determine what else is required, given that we've got literally tens of billions of dollars of government investment now with circular economy principles built into them. That's the work we want to do over the course of this year as well, which will inform the next steps on the circular economy framework.

**Senator DAVEY:** And that funding is separate to the plastics technology stream funding?

**Mr Knudson:** Correct.

**Ms Lynch:** Yes.

**Senator DAVEY:** I'm trying to make sure that I'm not—

**Mr Knudson:** That's grant money that's going out to get things built.

**Senator DAVEY:** That's money that is actually going towards an initiative that's being rolled out?

**Mr Knudson:** That's right. We've talked about the recycling modernisation funding before. That's \$250 million that the government's invested in that. It's leveraged a billion dollars worth of investment across the country for recycling capability and capacity. That's a stream that's specifically focused on recycling soft plastics and complex plastics.

**Senator DAVEY:** You were talking before about the soft plastics.

**CHAIR:** Are you nearly—

**Senator DAVEY:** I think that that is me done.

**CHAIR:** Fantastic. Senator Whish-Wilson.

**Senator WHISH-WILSON:** I might start with questions around the Australian Product Stewardship Forum 2024. Did the department write Minister Plibersek's speech for the Product Stewardship Forum a few weeks back?

**Ms Lynch:** I'll ask my colleague to confirm. I know that certainly we were asked to provide briefing materials to the minister.

**Ms Bird:** Yes, Minister Plibersek attended that. I think you're referring to the Product Stewardship Centre of Excellence forum that was held a couple of weeks ago.

**Senator WHISH-WILSON:** Yes.

**Ms Bird:** My understanding is that the minister participated in a facilitated question-and-answer session.

**Senator WHISH-WILSON:** So it wasn't a written speech; it was her responding—

**Ms Bird:** to some questions from the host.

**Senator WHISH-WILSON:** Have you reviewed her comments at that forum?

**Ms Bird:** I'm aware of the comments that she made.

**Senator WHISH-WILSON:** You've probably had this feedback already, but let me give you some public feedback that was posted by Pete Shmigel, who some of you are probably very aware of. He said:

Today at a conference on product stewardship, I listened to a senior Govt person talk about how regulation is too hard and likely to be flawed in its design. This is in a policy area where the majority of affected players—

with the recycling industry being the affected players—

favour regulation and support its proven benefits... 'We don't have enough resource, we will get it wrong.'

He then goes on to say:

I actually think the public sector can be great. I've seen it achieve monumental things. I've been part of efforts in Government that are creative and optimistic.

It depresses the hell out of me when we resign ourselves to the tyranny of mediocrity in public administration... I probably pissed some folks off. Good.

That's Pete's message on Twitter, which you can read. I also got similar feedback that many people in the industry who were there were disappointed that the minister made comments essentially saying: 'It's too hard for the government to regulate. They make mistakes.' What does she mean by that?

**Ms Bird:** My understanding is that that's not exactly what the minister said.

**Senator WHISH-WILSON:** What is your understanding of what the minister said?

**Ms Bird:** My understanding is that the general message that was delivered was that there are responsibilities for government but there are also responsibilities for all in the supply chain to step in and to do things; that there are areas where the federal government is best suited to regulate, areas where states and territories may be better, and areas where industry or others may be better placed to take action; and also that there are limited resources that governments have for regulation, and so they have to focus on the areas of greatest priority in order to do so. That's the general intention of that statement, I believe.

**Senator McAllister:** Can I just clarify: have you seen the transcript—

**Senator WHISH-WILSON:** No.

**Senator McAllister:** or are you asking questions based on comments provided by a single stakeholder?

**Senator WHISH-WILSON:** Based on comments provided by numerous people that were there. I was actually going to attend myself. But this is a chance to clear the record if that's not what the minister said. This is coming from multiple people in the recycling industry who were at the event. As you know, we had a Senate inquiry the day before, and I was hoping to attend this forum, but I couldn't go.

**Senator McAllister:** I'm cautious about—

**CHAIR:** Can I have a copy of the transcript?

**Senator WHISH-WILSON:** You can be as cautious as you want.

**Senator McAllister:** I'm cautious about inviting officials to comment on your assertions about what might have happened in a facilitated conversation in another forum.

**Ms Bird:** It is challenging.

**Senator WHISH-WILSON:** I'm just asking Ms Bird to explain what the minister said.

**CHAIR:** Just hold on a second, Senator Whish-Wilson. Do you have a copy of the speech that was delivered or a copy of the transcript?

**Ms Bird:** There is no transcript that I'm aware of.

**Senator WHISH-WILSON:** Correct.

**Ms Bird:** That's correct, because it was a facilitated conversation. While the department, I think, was able to provide some general guidance on issues, the minister was obviously speaking directly to the audience in response to questions posed.

**Senator WHISH-WILSON:** Okay. Perhaps I could get some of the key stakeholders that are upset with the comments to write to you directly, Minister, or directly to the minister to express those concerns.

**Senator McAllister:** Senator Whish-Wilson, we're very happy to discuss the policy settings, but there are limits to how we can respond to a hearsay assessment about a set of remarks that you haven't heard and I haven't heard. There are limitations to what further information can be provided.

**Senator WHISH-WILSON:** Ms Bird did respond to it, saying that's not her understanding of what was said, and she's cleared the record, so it's been a good opportunity. In fact, maybe you should put out a statement to clear the record as well. That would be my suggestion, but it's up to you to do what you want, Minister.

**Ms Lynch:** Do you mind if I just add one reflection on that?

**Senator WHISH-WILSON:** Sure.

**Ms Lynch:** It is just to say that I think generally characterising the minister's view as being that there's no point to regulation would be very inconsistent with her commitments to regulate on, for example, the national packaging reform work that is underway.

**Senator WHISH-WILSON:** When did she regulate that?

**Ms Lynch:** The commitment that she has made—the work that is being done.

**Senator WHISH-WILSON:** Oh, a commitment—the one we've had for two years with no action?

**Ms Lynch:** That work is underway, and it has been agreed to by all of Australia's environment ministers to regulate and move away from that voluntary industry regime.

**Senator WHISH-WILSON:** What about batteries? Are we going to regulate batteries too?

**Ms Lynch:** We've spoken in this hearing just now about the work that we are doing on packaging.

**Senator WHISH-WILSON:** Words are cheap. I want to talk about when we're actually going to act on this.

**CHAIR:** Senator Whish-Wilson, I encourage you to pay some respect to the people at the table, who are trying to answer your question, as opposed to having a crack.

**Senator WHISH-WILSON:** I'm not being disrespectful. I'm making a very important comment.

**CHAIR:** It sounds a bit like it to me.

**Senator WHISH-WILSON:** Chair, if you've been following this issue for as long as I have and you've been hearing the promises to regulate this industry for 12 years—

**CHAIR:** It's not about the issue. It's about how you approach the officials at the table who are trying to answer your questions—

**Senator WHISH-WILSON:** I'm just saying words are cheap without action.

**CHAIR:** I know. We've heard you over and over again. I get it. I understand what you're saying.

**Senator WHISH-WILSON:** Well, don't debate this topic with me, then. It's not your role as chair.

**CHAIR:** No, I'm asking you to pay some respect to the officials at the table. I'm not dealing with the issue. It's just your behaviour and the tone in which you are talking to the people at the table. That is my issue.

**Senator WHISH-WILSON:** Chair, what I said wasn't offensive. I just said, 'Words are cheap without action,' and I'm perfectly entitled to say that.

**CHAIR:** I'm finding that your tone is disrespectful.

**Senator WHISH-WILSON:** In the 12 years I've been in this place, there has been no action on product stewardship schemes.

**CHAIR:** Those are two different issues.



**Senator WHISH-WILSON:** No, they're exactly the same.

**CHAIR:** I've got no problem with you asking questions—none.

**Senator McAllister:** Well, the good news—

**CHAIR:** I'm just asking you to moderate your tone to respectfully ask the questions.

**Senator WHISH-WILSON:** I can also be passionate about something—

**CHAIR:** You can be passionate about something.

**Senator WHISH-WILSON:** based on my experience in this place of seeing nothing done and hearing the same bloody thing every estimates for 12 years.

**CHAIR:** And I'll ask you to mind your language, Senator Whish-Wilson.

**Senator WHISH-WILSON:** Twelve years.

**CHAIR:** You're not listening to what I'm saying. It's not about the issue. It's about how you're approaching the people at the table.

**Senator WHISH-WILSON:** Okay. When will the consultation for the product stewardship for packaging scheme be released?

**Ms Lynch:** We're expecting to undertake consultation on the national design requirements for packaging over the next month or so; we anticipate that that will kick off. We have plans for industry consultation webinars that would not necessarily be limited, so they may be public as well. There will be a range of different consultations undertaken because, obviously, we expect there to be public interest generally in packaging reform as well as quite specific technical discussions that we'll need to hold with industry stakeholders.

**Senator WHISH-WILSON:** So you can't tell me when this is going to be released? Can you give me a rough time?

**Ms Lynch:** What I said was: within the next month.

**Senator WHISH-WILSON:** Six months?

**Ms Lynch:** Within the next month.

**Senator WHISH-WILSON:** Will the proposed packaging scheme include producer responsibility—as you've mentioned, or as Mr Knudson mentioned earlier—for the entire life cycle for products? Will it include producer responsibility?

**Ms Lynch:** That is the scheme that we are working up at the moment. It certainly is looking at the whole life cycle of packaging and an extended producer responsibility scheme.

**Senator WHISH-WILSON:** That's part of it?

**Ms Lynch:** Yes.

**Senator WHISH-WILSON:** Will the government be considering a plastic packaging reduction target and reusable packaging target under mandatory arrangements?

**Ms Lynch:** The details of whether there would be a plastic packaging reduction target or a reusable packaging target?

**Senator WHISH-WILSON:** Yes.

**Ms Lynch:** A decision on that has not been finalised yet. They are certainly issues that are being considered in the design of the scheme.

**Senator WHISH-WILSON:** When will the other targets be finalised, given you've had packaging scheme targets now—failed ones, may I say, under APCO—for the last five years. I remember having a debate in the Senate when we said they would fail if they weren't mandated and, sure enough, they failed. So when will this be?

**Senator McAllister:** The very good news is that you have a minister who is taking this seriously and who is driving actual reform.

**Senator WHISH-WILSON:** Well, I haven't seen any of that actual reform. There's been lots of talk.

**Senator McAllister:** You've just heard from officials that they expect to commence consultation on proposed mandatory design requirements for packaging within a month. I recognise that you're not in the business of giving governments big claps—you're on the crossbench and I understand that—but you've just indicated your frustration that there's been a lack of action in your time in the parliament.

**Senator WHISH-WILSON:** Correct.

**Senator McAllister:** We are taking the necessary steps and doing the policy work to allow something to happen and to change.

**Senator WHISH-WILSON:** If this is going to be released in a month, Minister, why can't the departmental officials tell me what some of the key components are going to be, like reduction targets and reusable packaging?

**Mr Fredericks:** In fairness, we deserve the right to work that up. We present it publicly at that time. You'll see the answers to your questions then and you'll have a very good opportunity, along with the rest of the community, to engage well. I know you'll take up that opportunity.

**Senator WHISH-WILSON:** Can we get on to batteries. When was the last time the e-stewardship group met to discuss solar panels and other e-waste?

**Ms Bird:** I don't have that on hand. I'd have to give that to you on notice. I'm reasonably certain it was within the last couple of months, though.

**Senator WHISH-WILSON:** Was it in November last year?

**Ms Bird:** Possibly. I'm not sure.

**Senator WHISH-WILSON:** Then you cancelled it three times, including this afternoon?

**Ms Bird:** It was due to be held next week. We did cancel it today, yes.

**Senator WHISH-WILSON:** Why did you cancel it?

**Ms Bird:** There are matters that we need to work through before—

**Senator WHISH-WILSON:** Such as? The industry is really angry. So am I—as you can tell—considering we've heard talk today about how there's action and things are happening. How do you think the industry feels? What kinds of signals are you sending when you cancel their meeting three times at very little notice. Are you going to reschedule it? Can you guarantee it's even going to proceed?

**Ms Lynch:** In discussions earlier in this hearing we were speaking about the work that we are doing with states and territories and the fact that at the Commonwealth level we are prioritising, in terms of reform, the packaging reform and the solar PV panel recycling scheme. We have been continually consulting on e-waste, and we've received a lot of feedback—117 submissions, actually—about the complexities of a nationally regulated product stewardship scheme for e-waste products. So while that does not come off the table, it is something that we have spoken to states and territories about and need to align with work that they are currently leading on the safe collection and storage of battery products. We'll be sequencing that reform, doing the packaging reform and the solar PV panel recycling scheme, and then continuing the work on e-waste.

**Senator WHISH-WILSON:** Given the evidence this committee heard in Sydney two weeks ago that the recycling industry and our capabilities are literally about to go up in flames because of battery problems, why aren't batteries on your priority list?

**Ms Lynch:** It absolutely is.

**Senator WHISH-WILSON:** Sorry, you didn't mention that then—I may have missed it.

**Mr Knudson:** It's because Ms Lynch was talking about items we're leading on directly as a Commonwealth. Queensland will be bringing to the next environment ministers meeting, in three weeks, a proposal on batteries with respect to product stewardship. That's being complemented by New South Wales bringing model legislation on managing the risks associated with batteries that different jurisdictions can then adopt and put in place. It's absolutely a priority; it's just being led by the states. I wanted to clarify that.

**Senator WHISH-WILSON:** It's being left to the states, so it's not a priority for the Commonwealth? What about a product stewardship scheme?

**Mr Knudson:** What we're working with Queensland to do is to develop what a product stewardship scheme could look like. That's what Queensland has taken on board—they're trying to do that in a way that could be applied nationally. It's a federation; different jurisdictions have capability that they want to bring to bear, and they have put up their hand and said, 'Yes, we can help on that.' New South Wales has done similarly.

**Senator WHISH-WILSON:** When can the industry expect something, given they are literally telling us—and you've probably read the evidence yourself—that they're about to go up in smoke with how many battery fires they're having and how little has been done in this area?

**Mr Knudson:** What I just was that within three weeks Queensland will be coming a proposal on product stewardship with batteries.

**Senator WHISH-WILSON:** And could that be voted on in three weeks and accepted as a national mandatory product stewardship scheme?

**Mr Knudson:** That will be considered by environment ministers at that meeting, absolutely.

**Senator WHISH-WILSON:** 'Considered' means what?

**Mr Knudson:** It's up to them to decide what they want to decide; I'm just saying a proposal will come from Queensland for ministers to consider.

**Senator WHISH-WILSON:** And will that then be standardised as a national scheme?

**Ms Bird:** My understanding is that Queensland are looking short-, medium- and long-term options. There is an understanding that, as you said, the industry is facing some very real and present issues right now, the very strong intention from all the jurisdictions involved—and it is a national working group even though it is being led by Queensland—there is a need to do things in the short term to address some of these risks that you're talking about and the sorts of issues around safe collection, handling and disposal, which are really important right now, while looking in the medium and longer term at other, complementary efforts that can be made. That may well go to what and whether national legislation might be needed or whether there might be state and territory efforts that could be taken to harmonise and do things as well. There are a range of ways that need to be looked at. It's obviously in the waste stream, but there are also a whole range of issues across the supply chain that need to be looked at, and Queensland is looking at the full breadth of that.

**Senator WHISH-WILSON:** No offence to the officials here tonight, but this is something we've been talking about for years, and we're still talking about it. You just mentioned a whole range of things that need to be looked at; why is it taking so long? Why is it taking so long to actually get something done? Going back to the minister's comments that governments aren't good at this kind of thing—is that the kind of culture within the department?

**Mr Knudson:** Not at all. That's why I pointed out earlier on where we've gotten to with the waste exports. That's a pretty big set of reforms: four bans have now been put in place, we've invested with the states and territories, and with local governments et cetera, a billion dollars in upgrading waste and recycling facilities. But as this conversation points out, there is tonnes of work still to be done.

**Senator WHISH-WILSON:** There sure is.

**Mr Knudson:** There's no argument on that. All we're saying is we're trying to figure out and focus on the areas where we can lead and make a difference. We're having other jurisdictions step up to the plate because there's a shared sense that this is a challenge that we collectively need to deal with, and that's what's happening. I appreciate your point—truly, I appreciate your point—about the fact that it is taking a long time to deal with this comprehensively. This is a wildly complex challenges across multiple sectors of the economy. Most of these businesses, as you would know, are quite marginal, and so doing this in a way that doesn't tip the entire set of industries over is also really important to think about.

**Senator WHISH-WILSON:** Which industries are you referring to there?

**Mr Knudson:** The recycling industry in general is not a terribly lucrative industry for a lot of the players in the business—

**Senator WHISH-WILSON:** I accept that, Mr Knudson, but the recycling industry supports regulation and mandated product stewardship schemes—

**Mr Knudson:** I understand that.

**Senator WHISH-WILSON:** They were lobbying in this building five years ago for us to amend the government's Waste Reduction and Recycling Act to get mandated schemes. They support it, and according to them, they employ 90,000 Australians—significantly more than the mining industry does. It's the regulation of packaging that's the problem, isn't it? It's the big packaging companies, the brands that freeride and the retailers that are the problem and always have been. They don't want to be regulated.

**Mr Knudson:** This is why you asking about whether there will be extended producer responsibility in the packing regime is right at the core of the challenge.

**Ms Lynch:** I might also add that, on packaging, we are certainly progressing that scheme, as we spoke about before. In terms of the progress that we're making on e-stewardship generally and those issues, it is incredibly complex. If we had a ready solution, or if anyone globally had a ready solution, I think that would be one thing. We know from a lot of the consultation that we have been undertaking and the various analyses, research reports, consultation processes and submissions we've received that it is genuinely very complicated.

You raised an important point about the desire from a lot of players in industry for regulation and regulatory schemes, as opposed to voluntary industry schemes that have proven to be ineffective. That's exactly what Minister Plibersek is progressing. She has committed to progressing regulatory schemes, but, as I know you know, the process of actually designing and implementing a regulatory scheme at the Commonwealth level does take time. It's not something we can do overnight, but that work is underway, and we are committed to having it done.

**Senator WHISH-WILSON:** We'll revisit that shortly. Is the department aware that in recent years the percentage of used tyres being returned for recycling has declined? It suggests that the existing scheme is failing and no longer fit for purpose and needs to be reworked. To go with that, there is also a reportedly significant increase in the number of tyres being illegally dumped. Is the department aware of this? They're not being recovered through the scheme as it exists.

**Ms Bird:** The illegal dumping of tyres is something that is managed by state and territory governments, but I have heard from some jurisdictions that they have seen an increase in some areas. As for the product stewardship scheme that you're referring to, I haven't got the actual data in front of me, but the environment minister is again under this process of working with state jurisdictions and taking the lead on issues of national interest. Western Australia is doing some work at the moment, looking at tyre recovery recycling for both passenger tyres and off-road tyres, like mining tyres and so on. I might just defer to my colleague—

**Senator WHISH-WILSON:** Is the existing scheme for recovering tyres—

**Mr Fredericks:** Senator, if you would just mind—

**Senator WHISH-WILSON:** I'm sorry.

**Mr Fredericks:** Mr McNee can add to that answer and be helpful for you.

**Mr McNee:** I just wanted to flag that we are very aware, particularly in the areas where we have responsibility and around the illegal export of tyres, and we receive a number of allegations that come into the compliance and enforcement area. We have prioritised those, and there have been a number of quite significant raids to better interdict some of those tyres and work with the states and territories to ensure that that is not a pathway for more dumping, particularly on the international front. We are reporting on our website, as we proceed with those through compliance actions, the actual outcomes including fines and offences.

**Senator WHISH-WILSON:** Is the existing scheme for recovering tyres for recycling under review? Is the department looking at that or has a determination been made as to the future of the TSA scheme beyond the existing ACCC determinations out to 2025?

**Ms Bird:** My understanding is that Tyre Stewardship Australia has applied for reaccreditation through the ACCC. I'm not currently aware of where that process is up to. I'd need to check the dates, but I think they are also due to reapply for accreditation as a voluntary accredited scheme under the Recycling and Waste Reduction Act as a consequence of that at a later point in time. As I mentioned before, Western Australia is looking more broadly at tyre stewardship and the challenges and issues and what might need to be done to help increase the recovery rate.

**Senator WHISH-WILSON:** So that's not under review by the department, though; the ACCC is going through that process?

**Ms Bird:** We don't have an application in front of us from TSA for renewal of their accreditation.

**Senator WHISH-WILSON:** Has any thought been given to better practices around consumers receiving, for example, cash refunds for tyres rather than under the current scheme where a levy paid when you purchase a tyre?

**Ms Bird:** I think there are a lot of different models that could be looked at if you were to regulate a scheme instead of a voluntary accredited scheme. That's certainly one thing that could be considered, but, as I said, we're not—

**Senator WHISH-WILSON:** To be clear, though, the government is not considering amending or replacing the existing legislation or regulations?

**Ms Bird:** At this point in time, Western Australia is doing work looking at tyre stewardship, and we will wait and see what the outcomes of those are and what sort of recommendations they have. There may be state and territory led initiatives that could help increase recovery rates that aren't within the gift of the Commonwealth, but there may also be Commonwealth led initiatives that could be appropriate, so Western Australia is leading that work.

**Senator WHISH-WILSON:** So this would be a similar situation to Mr Knudson saying that the Queensland government is going to support something on batteries. Are you aware if that will happen on tyres?

**Ms Bird:** They're due to report; I'm not sure. I think they may be coming to the next environment ministers' meeting.

**Ms Lynch:** The Western Australian government is leading a project to determine potential policy or review of interventions to support improved outcomes for end-of-life tyres, and that work is expected to be completed by the end of this calendar year. We expect it to be coming back to Australia's environment ministers before the end of 2024.

**Senator McAllister:** Senator Whish-Wilson, one thing I'd observe is that this is the Commonwealth leaning in to coordinate stronger coordinated action across the federation. You will know—because I know you've had an interest in this for a long time—that what has bedevilled this policy area is the fact that elements of the supply chain are controlled by the states and territories, in particular, waste disposal. And you'll know that all of the waste disposable is generally regulated by state EPAs, but action upstream to manage this requires coordination. I do think that we are the first government to ever seriously take the opportunity to intervene upstream. We are driving policy reform. I think that it is a very good thing that, for example, in the packaging space, we're going out with some of those design requirements for consultation in the next month. That is progress. There are always things that can be done downstream with the states and territories, and they have historically been responsible for that, but we are trying to roll out national approaches that integrate with the work states and territories are doing. It requires coordination and effort, but we think it's an important priority. You can see the minister leaning into it in the two years she has been in the role.

**Senator WHISH-WILSON:** Does the department have a minimum recovery rate for used tyres applied to the TSA scheme that you consider acceptable or optimal?

**Ms Bird:** I will have to take on notice what the TSA's outcomes are accredited for.

**Senator WHISH-WILSON:** I have one last question on remade. I was looking at this but found it hard to get detailed information. There was a media release from Minister Plibersek essentially plugging this as a procurement requirement policy. Does this policy require Australian government suppliers to include recycled contents in the products they provide to the government, or is it simply about reporting the percentage of content?

**Ms Lynch:** Ms Bird can provide further detail, but I just want to clarify. I think your question is touching on the environmentally sustainable procurement policy.

**Senator WHISH-WILSON:** Correct, yes.

**Ms Bird:** Thank you for the question. Could you repeat it? I missed the first part.

**Senator WHISH-WILSON:** Is the policy requiring a minimum level of content or is it just reporting? So, on the products they purchase, is there a reported level, including zero?

**Ms Bird:** Yes, absolutely. It's not just a reporting framework. We do have reporting requirements in there because we need to develop a baseline to understand what level of various environmental outcomes are being achieved through the procurements that are captured by the environmentally sustainable procurement policy. That reporting will, over time, enable us to, if we wish, develop targets and so on and so forth. But, at the moment, there isn't any baseline information for us to work with. So there is definitely a really important reporting component of it, but it is not the main intention of the policy.

From 1 July this year, procurements for over \$7.5 million of construction services will be captured by the policy. Then, from 1 July next year, procurements that are above \$1 million of furniture, fittings and equipment, information and communication technology goods and also textiles—things like uniforms and those sorts of things—will be captured by the policy. Each tender that goes out will effectively be required to comply with the policy, and that will mean that suppliers will have to address how they're going to meet the policy requirements in their tender. There are three elements, I think. There's environmental outcomes, carbon reduction and—I'll have to double-check my notes for the other one. But what is required under the policy is that consideration be given to whether the goods will contain recycled content or use recycled materials; whether they're durable, repairable, reusable and/or recyclable; whether they've been refurbished or existing goods have been used; and whether they'll be recycled at the end of their useful life and returned for resource recovery through a take-back or end-of-life scheme. Those elements will be incorporated into the procurement. Suppliers will have to submit a supplier environmental sustainability plan, which will outline how they're going to meet these particular requirements of the policy. Then that will become, effectively, a schedule to the contract that they will then need to deliver on.

**Senator WHISH-WILSON:** Okay. I have been asking questions in other estimates—especially in rural and regional affairs and transport, in relation to infrastructure—about what's actually going on in terms of trials with recycled content for construction and road base and a whole range of things. It seems like it's very early days. Does the government have any idea of what you're looking for with these requirements or reporting?

**Ms Bird:** Yes. There are some really great programs out there—I'll just have to look through my notes—

**Senator WHISH-WILSON:** You can take it on notice.

**Ms Bird:** Yes, but we can give you—

**Senator WHISH-WILSON:** I just, from a personal point of view, would actually be interested—

**Ms Bird:** From the construction perspective, the Green Building Council of Australia, for instance, has some really good information and data. They do some ratings of buildings, and you can look at whole-of-life savings that you can gain through using circular approaches to construction over the life of a project. So there are a lot of opportunities, I think, to improve. Certainly it's not just about the use of recycled content; it's also about reusing materials and considering how they might be reused at the end of the building's life and so on. There are some good case studies that we've got around construction overall.

The other element, I suppose, that you'd be aware of is the national partnership agreement on road and transport infrastructure, which is, I think, meant to be coming into effect from July this year and is also looking at issues such as that.

**Senator WHISH-WILSON:** Great. That's very exciting to hear. Thank you. I'll put my other questions on notice.

**CHAIR:** Thank you. With that, we will release outcome 2.3. Thank you very much for your time.

### **Bureau of Meteorology**

[19:34]

**CHAIR:** Dr Johnson, would you care to make an opening statement?

**Dr Johnson:** No, thank you.

**CHAIR:** Let us go directly to Senator Duniam.

**Senator DUNIAM:** I'll start with the portfolio budget statement. For page 145, I want to get an understanding of some of the figures, which, for a non-numbers person, might be alarming, but, for others, there might be a perfectly rational explanation. First of all, in the line, 'Prior year appropriations available', for in 2023-24 it's \$133,013,000. In the following year, it's \$18,697,000. Can you explain that reduction?

**Dr Johnson:** In the prior year appropriations?

**Senator DUNIAM:** Yes. It's about \$114 million dollars less, which I assume is being spent on something.

**Dr Johnson:** Yes, I can say something about this. I know you had an interest in the total resourcing to the bureau. The differences between 2023-24 and 2024-25 primarily relate to three things—terminating measures, movements of funds between financial years and the application of various whole-of-government efficiency measures. That explains the gap. The baseline appropriation for the bureau remains pretty stable into next year and beyond.

**Senator DUNIAM:** Between the three explanations you've given, the change in value of that line item, 'Prior year appropriations available'—I gather that's just funding carried over from the last financial year.

**Dr Johnson:** It's movements of funds between various financial years.

**Senator DUNIAM:** Sure. What—and you may have to take this on notice—terminating measures occurred in 2023-24?

**Dr Johnson:** I'll take that on notice.

**Senator DUNIAM:** Sure. Similarly, what movement of funds was there? What proportion of the \$114 million, or thereabouts, reduction related to the efficiency measure?

**Dr Johnson:** I'll take all that on notice to give you accurate numbers.

**Senator DUNIAM:** That's fine. The next line item on the same page, 'Equity injection', rises from \$10,788,000 to \$29,593,000, an increase of roughly \$19 million. What's the explanation?

**Dr Johnson:** Again, my understanding is that relates to a movement of funds between financial years. I'm happy to take it on notice to confirm it, but that's my understanding.

**Senator DUNIAM:** Sure. I'm happy to have that taken on notice. The movement of funds sounds a little ethereal.

**Dr Johnson:** This might typically but not always involve funds that were not expended during that particular financial year and that we want to expend in the next financial year for activities that we want to continue to

undertake. There could be a range of explanations, but I'd rather take it on notice and give you an accurate answer—

**Senator DUNIAM:** Let's not guess. That's fine.

**Dr Johnson:** rather than speculate on the run here.

**Senator DUNIAM:** It is budget estimates, so I'd love an accurate answer. I'm happy for that to go on notice.

Moving off that, the bureau's training centre in Melbourne grew from roughly 10 to 50 annually over the last few years. Is that 10—

**Dr Johnson:** In terms of expenditure? I'm not sure where you're referring to.

**Senator DUNIAM:** The number of participants—10 to 50 annually.

**Dr Johnson:** That's not quite right. Maybe the way I'd characterise it is every year we take an intake of students to be trained as qualified meteorologists. That number varies every year; I think it has changed every year since I've been in the job. Some years we've had less; some years we've had more. Our intake last year I believe was the largest intake we've had for some time. Also, that intake involves people for whom we deliver training services who don't end up working in the bureau—for example, we will train staff for the Royal Australian Navy, or we will take on board training for staff from meteorological agencies in the Pacific. They're two examples. The cohort will consist of folk who will go on to a role within the bureau, folk who will go on to a role somewhere else within the Australian government and folk who will go on to a role somewhere else in the meteorological community. It varies every year.

**Senator DUNIAM:** Sure. Did you say it was a record number in the last—

**Dr Johnson:** Last year was the largest number we've had for some time, yes.

**Senator DUNIAM:** And was there additional funding required to facilitate that?

**Dr Johnson:** No, we deliver that within our own budget—in terms of the bureau's staff. My understanding is that the people who are trained and who are not bureau staff are funded by their host agencies.

**Senator DUNIAM:** Okay. At previous estimates, of course, we've talked about morale, culture and things. Have there been any specific arrangements, programs or training measures put in place to deal with any of the concerns from personnel?

**Dr Johnson:** As you'd recall, I made a strong statement about this at the previous estimates, and you also had a question on notice about this in which I reaffirmed the statements I made during estimates about the measures. The bureau's culture and morale are really strong, and so claims that have been made about a poor culture and a negative culture within the bureau aren't supported on any factual basis. I'll just reaffirm that again. Census results were strong. Of course, like everywhere, we've got room for improvement—

**Senator DUNIAM:** Sure.

**Dr Johnson:** But overall, our results are strong. I'm proud of that and I'm sure our staff are as well. Obviously, we have the APS Census open at the moment and we'll look forward to seeing the feedback we get from our people in this year's census. Like all APS agencies, we have a very significant investment in the ongoing development of our people and their training, culture, safety and all sorts of things. Through our organisational development program, we reinvest in our people and their growth.

**Senator DUNIAM:** Okay. I will come back to that issue, but before that: there was some reporting after the last estimates in February—in the *Guardian*, of all publications—about a disclosure of information within BOM around the cost of the ROBUST project. Firstly, I guess—given that we've been told as a committee that these numbers, or even anything remotely close to these numbers, can't be disclosed here for reasons of national security et cetera—

**Dr Johnson:** Yes.

**Senator DUNIAM:** Is the article accurate?

**Dr Johnson:** No, it's not. Just to reaffirm here: what I said to staff is entirely consistent with what I said in response to a question from Senator Barbara Pocock at a previous estimates. There's nothing that I've said to staff that's different to what I've said to this chamber. I'd also say that I think my comments at that award ceremony may have been taken out of context. The folk whose achievements were recognised had done a superb job in providing leadership and delivery on a range of budget measures that the bureau has been the beneficiary of over many years. All of those are on the record, with the exception of the ROBUST program. The sum of those is absolutely in the order of a billion-plus dollars. These are measures of the previous government and this current government, many of which we have discussed here. Whether my comments were misinterpreted or

misunderstood, I'm not sure, but I certainly didn't disclose the actual costs of the ROBUST program. But I did talk about a range of measures which are of very significant magnitude as part of my comments at that ceremony in January 2023.

**Senator DUNIAM:** Okay. I'll just go back to the staff census results—statistics bear out all sorts of things. In the last three years, the percentage of bureau staff who said that the bureau happens to be a good place to work dropped from 69 to 63 per cent. That's my understanding.

**Dr Johnson:** I'd have to check that—

**Senator DUNIAM:** The percentage of staff who think that internal communication is effective is 43 per cent, which is 13 per cent below the APS average, and the percentage of staff who think that change is managed well is sitting at 28 per cent, which is around 15 per cent below the APS average. Those sorts of figures are some of the things that have been quoted to us. You've mentioned room for improvement, but they perhaps struck a chord around—

**Dr Johnson:** Of course there's room for improvement. I could also, equally, return back to you a whole range of statistics that are strong. Our engagement score is 74, three points higher than the APS average and higher than the score for large operational agencies; 80 per cent of staff are saying the bureau supports an inclusive culture; 81 per cent of staff are saying they're proud to work at the bureau; 91 per cent of staff say they've suggested ideas and those were acted on; 88 per cent of staff are saying they're prepared to go the extra mile; and 89 per cent of staff say their supervisor cares about their wellbeing. Like all these surveys, there is a mixture of really positive results and then certain areas where, of course, we need to improve. We take that feedback on board and—

**Senator DUNIAM:** I guess my point, Dr Johnson, is that we can't take one without reflecting on the other.

**Dr Johnson:** I am in agreement with you.

**Senator DUNIAM:** Similarly, I wouldn't want you to dismiss these questions on behalf of those who raised them with us, because I don't think that would increase morale.

**Dr Johnson:** I absolutely accept that, but I do take exception to comments that morale in the bureau is poor or culture in the bureau is poor, because, overwhelmingly, the statistics that we have—and there are a whole range of other things around bullying and harassment—

**Senator DUNIAM:** I don't want to dismiss concerns.

**Dr Johnson:** We have an agency action plan. Those areas that you and others have pointed out require improvement. We're working actively on those as part of our agency action plan.

**Senator DUNIAM:** I'm happy to rotate.

**Senator BARBARA POCOCK:** Thank you for being here. I want to go to some questions around some contracts.

**Dr Johnson:** We will do our best.

**Senator BARBARA POCOCK:** In 2019 you entered a contract with the Australian National University. It was titled—these have very general titles on the AusTender site or online where we can see them—sponsorship of event or celebrity 2019, with a contract value of \$9.6 million. I don't believe it's a robust contract, so I assume I can ask how much was actually spent and on what. My understanding is that this relates to an online staff meeting. My first question: how much was spent?

**Dr Johnson:** I have no knowledge of that contract. We will take it on notice and come back to you. I'm looking at Ms Goodwin—no.

**Senator BARBARA POCOCK:** You have no knowledge or anyone in the room who can give us any details about what that was for?

**Ms Goodwin:** Given it was way back in 2019, we'd have to go away and take that on notice.

**Senator BARBARA POCOCK:** Thank you. My questions are: how much was spent, what did the activities of the project include, where were any events conducted, who benefited from any events, who approved the project, and were any products provided out of the spend? And I'm interested in any final reports or assessments of outcomes and value for money in relation to that. I understand it was a limited tender and the contract value of \$9 million was written down to a value of \$1.375 million. I understand you don't have it with you and no-one in the room can assist.

**Dr Johnson:** I have no knowledge of that. I will take it on notice.



**Senator BARBARA POCOCK:** Thank you. My next question is in relation to the Australis II and APS4 model, and the work and expenditure around those. In bureau research report 094, *The Australian fire danger rating system seasonal outlook service*, published in May of this year, the author—

**Dr Johnson:** Which report are you referring to?

**Senator BARBARA POCOCK:** Bureau research report 094. It doesn't ring a bell?

**Dr Johnson:** No, it doesn't.

**Senator BARBARA POCOCK:** *The Australian fire danger rating system seasonal outlook service*.

**Dr Johnson:** I'm aware of that, but I'm not aware of the research report that you're talking about. The bureau produces hundreds of publications a year. I am not familiar with all of them.

**Senator BARBARA POCOCK:** But the title is familiar to you?

**Dr Johnson:** No, it's not familiar to me.

**Senator BARBARA POCOCK:** Does someone want to have a look and see if it's real?

**Dr Johnson:** The title?

**Senator BARBARA POCOCK:** Yes. I want to ask you questions about it. It doesn't ring a bell for me. Maybe the best thing to do is to take it on notice. The bureau produces lots of research reports. That one isn't familiar to me. I can try and answer the questions, but there might not be much point.

**CHAIR:** If your questions go to direct quotations or whatever in the report, that might be difficult without the report in front of them.

**Senator BARBARA POCOCK:** I will ask questions about it and see how you go.

**Dr Johnson:** Sure.

**Senator BARBARA POCOCK:** The authors note 'currently the outlooks cannot be verified in real time' as systems capable of providing the real-time observations in relation to fire danger ratings are in trial awaiting the upgrading and deployment of the Australis II supercomputer. Is that correct?

**Dr Johnson:** I don't know. I'd really like to take it on notice, Chair. These are quite detailed questions that may or may not be true. The supercomputing capacity we have is deployed on literally hundreds of pieces of work.

**Senator BARBARA POCOCK:** You're not familiar with it?

**Dr Johnson:** I'd rather not speculate on that piece of work. I'd really like to see the information that you have and provide you with an accurate answer.

**Senator BARBARA POCOCK:** Can you tell me about the state of the project for the Australis II computer?

**Dr Johnson:** We're in the final stages of being able to deploy that computer. It is a program that was approved in 2019. I won't give you a final completion date, because that's generally a graveyard for CEOs—

**Senator BARBARA POCOCK:** That was my next question.

**Dr Johnson:** My expectation, based on the advice that I have at present, is this August. These are incredibly complex pieces of technology, and we will obviously do our best to deliver that in August. There are always challenges with sophisticated technology like that, as you can imagine.

**Senator BARBARA POCOCK:** I'm sympathetic to that. In the bureau's 2016-17 annual report, the bureau was scheduled to transition to the Australian Parallel Suite 4, APS4, numerical weather prediction model in 2019. Did you meet that timetable?

**Dr Johnson:** No. We shifted a lot of that activity to the right, so it is taking longer, and, in relation to the decision we took to delay the installation of Australis II, which we have discussed here in this committee many times in the past.

**Senator BARBARA POCOCK:** Have you transitioned to the APS4 model now?

**Dr Johnson:** Not to my knowledge, no. I can check. There may be someone in the room. No.

**Senator BARBARA POCOCK:** No one wants to come to the table?

**Dr Johnson:** No. I'm happy to take the questions. I'm just checking for a subject matter expert that we have in the room.

**Senator BARBARA POCOCK:** You don't know whether the bureau has transitioned?

**Dr Johnson:** My understanding is no.

**Senator BARBARA POCOCK:** Is the failure to transition to the APS4 model a result of the delays to the deployment of the Australis II?

**Dr Johnson:** Certainly the two are connected. Some of the reasons for the delay in moving to APS4 are in relation to Australis II.

**Senator BARBARA POCOCK:** Do you want to elaborate any further on the reasons for why—

**Dr Johnson:** No, I'd rather take it on notice and have our subject matter experts give you an accurate answer.

**Senator BARBARA POCOCK:** So you will come back with information?

**Dr Johnson:** Again, it's a very complex matter, so I'd rather provide you with an accurate answer.

**Senator BARBARA POCOCK:** We're here to deal with complex matters, of course. Everything many of us do is complicated. There's no reason not to give us good answers, so I look forward to those. I want to talk about some other contracts. In 2019 Accenture were brought in to work on the bureau's digital channels platform. The original value of the contract was around \$31 million. Do you remember that contract?

**Dr Johnson:** I'm broadly aware of it. Again, we can keep trying, but, if you want to quiz me on individual contracts, I'll need to take those on notice. As we discussed at the last hearing, there are many contracts in the organisation. I think it's not reasonable to expect me to be over all of those—perhaps even any of them—in the level of detail that you might seek here. I'm very happy to take them on notice and very happy to provide, if we can, answers to your questions.

**Senator BARBARA POCOCK:** This was a project of 2019 to Accenture which was work around the digital channels platform. The original value was, as I said, \$31 million. Since then, there have been eight amendments to that value, which have steadily increased the value of the contract to over \$58 million. That's quite a considerable shift in the cost of the contract over its six-year lifespan. It has close to doubled. Do you have a sense about the cause for the almost doubling—

**Dr Johnson:** Again, I'd really like to take that on notice and give you an accurate answer.

**Senator BARBARA POCOCK:** In 2019 Deloitte were contracted to conduct platform integration work related to that project, with an initial value of \$11.7 million. Do you remember that?

**Dr Johnson:** Similar to the previous question, I'm broadly aware of these contracts but I'm not across the detail.

**Senator BARBARA POCOCK:** On notice, I'd like to know what the original delivery date for that contract was. It's now scheduled, as I understand, to end on 30 June but has had nine amendments and has now more than trebled in cost, to \$35 million, over its five-year span. Can you fill me in on what has transpired over that contract?

**Dr Johnson:** I'll take it on notice.

**Senator BARBARA POCOCK:** You'll take it on notice to give me that information?

**Dr Johnson:** If I can. There may be reasons that I can't—

**Senator BARBARA POCOCK:** I'm sure there are reasons.

**Dr Johnson:** We will do our best to answer your question.

**Senator BARBARA POCOCK:** The reason I'm asking is that there is quite a lot of discussion and evidence out there about the way in which large consultants, like Accenture and Deloitte, do extend contracts. The later extensions and the value of contracts are often extremely profitable. Having initially won the contract, the subsequent growth—doubling in these two cases—is often extremely profitable. Profit rates are 50 to 60 per cent, insiders from these large firms tell us. I'm curious about what the evidence is that there was the need for these increases and what was the work?

**Dr Johnson:** I understand where you're coming from.

**Senator BARBARA POCOCK:** Good. There have been reports indicating that there have been compatibility issues between some of the bureau's existing ICT products and the platform being rolled out by Accenture and Deloitte and that this has been a source of significant delay and expense. Is that accurate?

**Dr Johnson:** I'm not sure what reports you're referring to. I'm not aware of it. Again, it's very hard to respond to reports that I've had no visibility of. If you can help me with the reports, I might be able to help you with the question, but I'm not aware of it.

**Senator BARBARA POCOCK:** They're public reports.

**Dr Johnson:** Sorry, are they internal reports?

**Senator BARBARA POCOCK:** They're reports that I have heard of in my work as a senator.

**Dr Johnson:** Okay. I'm not aware of them.

**Senator McAllister:** Is it witness testimony, Senator Pocock?

**Senator BARBARA POCOCK:** No, it's evidence that I've been given.

**Senator McAllister:** Could it be tabled?

**Senator BARBARA POCOCK:** No. It won't be tabled.

**Senator McAllister:** What is it? What is the nature of the report?

**Senator BARBARA POCOCK:** There is a suggestion that there are incompatibility issues between existing ICT products and the platform being rolled out by Accenture and Deloitte—

**Senator McAllister:** So it's an anonymous disclosure.

**Senator BARBARA POCOCK:** And that is a reason for the significant delay and expense. I'm looking for evidence about why you think those projects have been delayed and doubled in expense.

**Dr Johnson:** There's an allegation that they've been delayed. I'm not familiar with the—

**Senator BARBARA POCOCK:** I'm making that suggestion and asking you to give me your evidence about why public money—people have a right to know why a project cost might be doubled.

**Dr Johnson:** I understand.

**Senator BARBARA POCOCK:** I'm curious about, over the life of this particular project and the projects related to it through the many contract provisions—

**Dr Johnson:** Which projects specifically?

**Senator BARBARA POCOCK:** The ones that I've already mentioned: the \$58 million project with a six-year-life span and the \$11.7 million project, both started in 2019, involving Accenture and Deloitte. Over the life of the projects, through those many revisions, I'm wondering—and I understand you'd like to respond on notice—was a change of course in relation to the activities within these projects ever considered? If it wasn't, why not, given the expansion in the cost of the projects? My next question is: how often does the bureau's executive receive reports on robust projects?

**Dr Johnson:** Every month.

**Senator BARBARA POCOCK:** Every month? If a robust project is experiencing delays, or cost overruns, what options are available to the executive to get that project back on track?

**Dr Johnson:** It's probably worth unpacking this a bit in that there is extensive governance over the robust program: various steering committees; a control group that has a number of senior officials from other parts of government, external members and also the bureau's executive; and matters around milestones, particular investment and particular activities, which are almost always dealt with at the program control group level. There will be some matters from time to time where it may need to come to the executive team. Again, it just depends on the circumstance. Again, you're speaking in generalities, so it's very difficult to respond with specifics.

**Senator BARBARA POCOCK:** These kinds of overruns are not uncommon; is that a fair statement?

**Dr Johnson:** In a program of this scale, this size and this length it's inevitable that there will be overruns in some parts, there will be underruns in others and there'll be other areas that will go to schedule. It's an enormously complex program. There will be ins and outs and ups and downs as a matter of course. If there wasn't, I would be worried.

**Senator BARBARA POCOCK:** Could you give us on notice, then, evidence relating to the overruns and the underruns so that we can consider—

**Dr Johnson:** I may not be able to, depending on commercial and national security reasons, but, if you ask your question and—as with all your other questions—if we are able to, we will respond. If we can't, we won't.

**Senator DUNIAM:** Are you making a public interest immunity claim?

**Dr Johnson:** No. We will take it on notice and, if we can answer the specific question, we will.

**Senator DUNIAM:** And, if you can't, you'll tell us you can't?

**Dr Johnson:** Correct.

**Senator DUNIAM:** Will that come in the form of a public interest immunity claim?

**Dr Johnson:** I wouldn't want to speculate on what form it will take. I'll wait for the nature of the questions from the senator.

**CHAIR:** I will just say that you should attempt to answer the questions where possible.

**Dr Johnson:** I am trying.

**CHAIR:** Where you cannot and you are taking them on notice, that is one thing. But if you could do your best—

**Dr Johnson:** I am trying my hardest. There are literally hundreds of contracts in this program. I think it's unreasonable to expect that a single officer would be on top of all of them. I'm doing my best.

**CHAIR:** I don't want to argue with you, but there's a vibe—

**Dr Johnson:** I'm doing my best.

**CHAIR:** I'm just asking for you to have your best shot. I will also say to Senator Pocock that it might be worth sending a letter to Dr Johnson before the next estimates with at least a list of some of those things which may enable him to answer the questions a little bit better.

**Senator BARBARA POCOCK:** Advance notice with nowhere to hide—I'm looking forward to that. I promise to do that next time.

**CHAIR:** Thank you.

**Senator BARBARA POCOCK:** What are your standing provisions in relation to breaching the delivery timelines or costs in contracts?

**Dr Johnson:** I don't have that detail in front of me.

**Senator BARBARA POCOCK:** You don't have a pro forma approach?

**Dr Johnson:** I'm sure we do, but I don't have it in front of me.

**Senator DUNIAM:** Does the chief operating officer?

**Dr Johnson:** No.

**Senator DUNIAM:** Can we ask her or will you answer on her behalf?

**Dr Johnson:** It's not something we would have on our person.

**Senator DUNIAM:** So you have no familiarity? Don't you come prepared for Senate estimates? I am shocked at the lack of capacity to answer questions of that nature even in a general sense. This is astounding.

**Dr Johnson:** I can ask the chief operating officer—

**Senator DUNIAM:** I did, and you answered on her behalf.

**Dr Johnson:** I will ask her to answer, then.

**Ms Goodwin:** Sorry, do you mind repeating the question?

**Senator BARBARA POCOCK:** Does the department have a regular way of dealing with breaches of contract timelines, deliverables and budgets?

**Ms Goodwin:** Can I just be clear: when you say 'breaches of contracts', do you mean the actual delivery or the project that we are delivering internally? We have a whole—

**Senator BARBARA POCOCK:** Where milestones are not met or things run over budget and deliverables are not achieved, I think most of us would see these as failures to meet the obligations of a contract. Do you have penalty clauses or an approach to penalising such failures?

**Dr Johnson:** We've answered that question.

**Ms Goodwin:** We don't have penalty clauses because they are unenforceable in contracts. We have answered this question for you a few times on notice as well. We don't have penalty clauses, but we do have requirements built into our contracts around delivery. Because the reporting happens every month, we are reviewing the deliverables and milestones on a monthly basis.

**Senator BARBARA POCOCK:** What experience have you had which leads you to not having penalty clauses? What makes you say that they are unenforceable? Have you attempted to enforce a penalty contract which makes you say that?

**Ms Goodwin:** That is based on our legal advice.

**Senator BARBARA POCOCK:** From your own counsel?

**Ms Goodwin:** From our own counsel. I am positive that that advice comes more broadly.

**Senator BARBARA POCOCK:** Does the bureau have obligations under the Public Service conditions in relation to the use of breaches penalties? Is there a Public Service obligation that exists for you? We're looking at a very sizeable overruns.

**Ms Goodwin:** We operate under two acts—the Public Service Act and the PGPA Act. We undertake all of our work under those two acts.

**Senator BARBARA POCOCK:** Do either of those acts create an obligation for you to manage contracts in a way where—

**Ms Goodwin:** I'm not aware that either of those acts have those obligations. They talk about the use of public money.

**Senator BARBARA POCOCK:** Could you give to us the advice that you have received that it is not effective to use penalty causes?

**Ms Goodwin:** I wouldn't be able to provide legal advice because that would be covered by legal professional privilege. But we can take that on notice. We have responded on notice to this exact question.

**Senator BARBARA POCOCK:** Things aren't fixed in time. You may have a series of experiences where you have overruns that make you concerned and where you may change your practice in relation to dealing with failures of contract. When was the last ANAO review of the BOM?

**Dr Johnson:** We have the ANAO undertaking a number of internal audits. Again, I don't recall the exact date. Ms Goodwin might recall when the last one was.

**Ms Goodwin:** We currently have an ANAO audit underway on the management of our assets. That's in train right now. Before that, it was around our weather forecasts. That was, I think, in 2019. And then, of course, the ANAO audit our financial statements every year.

**Senator BARBARA POCOCK:** When do you expect the current audit of management of your assets to conclude?

**Ms Goodwin:** I think they're working to a timeline of around November.

**Senator BARBARA POCOCK:** Do you have any programs of work that respond to previous ANAO audits that you felt exposed issues that you needed to deal with as managers?

**Ms Goodwin:** As I said, the last one was back in 2018-19, and I can't recall exactly what that date is. We will have dealt with those. We would have closed those actions when that audit had completed.

**Senator BARBARA POCOCK:** In terms of all of those individual projects—of which there are many, you have said—do you audit them yourselves?

**Ms Goodwin:** We have a program of internal audit. We also have gateway reviews for part of our program. So there are a number of governance and assurance processes that sit around projects that we deliver.

**Senator BARBARA POCOCK:** Do you undertake written evaluations of those projects? Are they available publicly?

**Dr Johnson:** I'm not sure what you mean by 'written evaluations'. Are you talking about post-project implementation reviews and those sorts of things?

**Senator BARBARA POCOCK:** Say you just happen to have a 2019 Accenture project, the original value of which was \$31 million and which has blown out to \$58 million. Would you do a review of why that blew out, what you might do differently next time and the explanations for the overrun? There's a public interest issue here, of course, in terms of—

**Dr Johnson:** It's certainly possible. Again I'd like to take it on notice just to confirm, with that particular contract, what happened post the contract being finished.

**Senator BARBARA POCOCK:** Thank you. I would like to hear that on notice. I appreciate that. Do you, Dr Johnson, or any senior managers in the BOM have any part of their KPIs or their employment contracts related to the success of the management of the budgets of large projects, like ROBUST?

**Dr Johnson:** Our chief information officer also has the role as ROBUST program director. She has that as part of her annual performance agreement, and obviously the relevant direct reports who have stewardship of ROBUST, who report to her, do as well.

**Senator BARBARA POCOCK:** And yourself?

**Dr Johnson:** I don't have a performance agreement personally. My performance agreement in a sense is the corporate plan that I table to the minister and which is tabled to the parliament, but I personally don't have a performance agreement, and I've not had one since I commenced in 2016.

**CHAIR:** Senator Pocock, I will need to rotate the call, if you want to wind up. Could you provide any details of the way your performance is—

**Dr Johnson:** My personal performance?

**Senator BARBARA POCOCK:** Yes, that would be useful—on notice. Thanks for your answers, such as they were—rather lean, I'd have to say.

**CHAIR:** We will go to Senator Davey.

**Senator DAVEY:** Thank you very much. It's good to see you again, Dr Johnson. While we're on large projects, you've made it quite clear that the bureau is responsible for the delivery of many. In the May 2023 budget, you received \$32.7 million for the water markets project. How is that progressing?

**Dr Johnson:** I will ask my colleague Ms Johnson to join us, and she can answer that question directly.

**Ms Johnston:** I can confirm that project is progressing very well. I'm happy to take further detailed questions.

**Senator DAVEY:** My understanding is the new water-market information project will deliver a new water data hub, which will provide a digital platform for national water data management; the water markets website, which is going to allow live water-market updates; and a new water-markets data standard to enable transparency and enforceability. Can you give an update as to how far along these projects are and when we might expect any live projects.

**Ms Johnston:** We are working with those who do have obligations to provide information through the water data hub. That will come into effect on 1 July 2026.

**Senator DAVEY:** That's July 2026 for the water data hub. What about the live water-market updates?

**Ms Johnston:** It's the same timeframe.

**Senator DAVEY:** For the data standard, which would have to apply jurisdictionally as well, what progress has been made and what work is being undertaken to develop that standard and ensure that there's consultation with our water market users so the standards are fit for purpose?

**Ms Johnston:** The Bureau has met with intermediaries identified by DCCEEW as being required to provide free trade water-markets information to the Bureau when those water market data standards come into effect on 1 July 2026. There are currently about 45 of those, and the Bureau will be undertaking consultation through about 44 workshops between now and into July.

**Senator DAVEY:** Where are those workshops being held?

**Ms Johnston:** They're within the basin and those areas that are impacted, with face-to-face workshops that are completed with all basin state agencies, large irrigation infrastructure operators and water markets exchanges.

**Senator DAVEY:** Just to be clear, though, will these water market data standards only apply within the Murray-Darling Basin, or are they national standards?

**Ms Johnston:** The application is determined by those that DCCEEW have identified as being required to be within the remit of the water market data standards project. We're guided by DCCEEW on that.

**Senator DAVEY:** Do I have to wait until Friday to ask DCCEEW that question, Ms O'Connell?

**Ms O'Connell:** I'm afraid so. On Friday week, we'll be able to—

**Senator DAVEY:** Yes—not this Friday.

**Ms O'Connell:** Yes.

**Senator DAVEY:** I would look like a fool if I asked it this Friday. I'd have a whole heap of blank faces, but I've got that down.

**Ms O'Connell:** We will have that information for you then.

**Senator DAVEY:** You're on notice!

**Ms O'Connell:** Yes, I am. We'll be there and happy to talk about it.

**Senator DAVEY:** I note that, while the Murray-Darling Basin has the most mature water-trading platforms, they are not the only water-trading platforms, and I'm pretty confident that all water players are watching with great interest to see where these go. You've got 44 workshops underway. Have you contracted any of the digital

work for the digital platform of the live market updates? Have you got consultants or contractors working on those?

**Ms Johnston:** Currently we're in the first phase of the water data hub development. So far, as well as the onboarding for the team, we have established a functional model within the cloud based Amazon Web Services environment, so yes.

**Senator DAVEY:** So it is within an Amazon based environment?

**Ms Johnston:** It is cloud based—correct.

**Senator DAVEY:** Have you contracted consultants to build that?

**Ms Johnston:** Yes. I will take that on notice in terms of who we have engaged to support that work.

**Senator DAVEY:** I think we have seen quite clearly that contracts through the bureau will need to be taken on notice, but if you could take it on notice not only who you have contracted but the value of the contracts and for what specific work they are undertaking under those models, because as informative as the AusTender website is, sometimes it is difficult for us to wade through the multiples to see which one we are actually identifying.

I also want to ask about another big project that you have underway, which was the \$27 million allocation funding to acquire all of the Australian flood warning systems across the nation, starting off with Queensland. I asked you last time as well, but how is that progressing and how many individual sites have you now acquired, if any?

**Dr Johnson:** Thank you for your ongoing interest in this important piece of work. The program is progressing well. We are slightly ahead of schedule. We have spent most of the time since we last met with you further engaging in Queensland, which is the first state where the priority activity will be occurring. There has been extensive engagement with local and state government colleagues right around the state to firm up the locations around where works will commence. We have also concluded cost-sharing arrangements with the Queensland government. I expect the first on-ground works to commence in the next few weeks, probably in late June or early July, weather permitting. That will be the commencement of many years of activity in on-ground works commencing in Queensland.

New South Wales is the next cab off the rank, so to speak. Discussions are well advanced with officials in New South Wales. A similar modality of interaction with stakeholders in New South Wales is about to commence. There have been some preliminary discussions, in my understanding, particularly with communities in the Northern Rivers for obvious reasons. It is an area, as we all know, that has been severely affected by flooding in recent years.

A key determinant of progress will be our ability to negotiate a cost-sharing arrangement with the New South Wales government. Work is going on with relevant officials in that regard. I am not sure whether the letters have been sent but correspondence has not been entered into as we speak. It is in the pipeline in terms of correspondence at ministerial level in relation to the other jurisdictions around arrangements going forward. As you know, it is a 10-year program. The size of the job is so large that we have to work our way through it over many years, but we are currently ahead of schedule.

**Senator DAVEY:** It is good to hear it is ahead of schedule. It is good to hear that the cost-sharing arrangements that you have reached with Queensland have been agreed to. Are you in a position to be able to give us a balance? Is it a 20/80 split or—?

**Dr Johnson:** My recollection is that Queensland will pay for the ongoing maintenance of the assets that the Australian government acquires.

**Senator DAVEY:** So federally we will fund any upgrades needed, the capital works?

**Dr Johnson:** We will do the capital works. There is an arrangement being entered into for ongoing maintenance. I would need to double-check. If it is of interest, I can take it on notice as to whether that cost-sharing arrangement includes mid-life upgrades and all of those sorts of things, because you have all this kit in the field for a long time with a certain lifespan and so on. But the cost-sharing largely relates to the ongoing maintenance.

**Senator DAVEY:** I will share the call for now.

**CHAIR:** We will go to Senator Roberts.

**Senator ROBERTS:** Thank you to the bureau for appearing today. I've handed out some documents for circulation. They're copies of BOM forecasts versus actual. I think you'll be familiar with them, for sure. That's a contradiction in terms, 'think' and 'for sure'. Anyway, I'm sure you'll be familiar with them.

On 19 September 2023 the Bureau of Meteorology's weather forecast read, 'Warmer and dryer conditions would be more likely over spring and summer,' linking the Indian Ocean Dipole with El Nino using the words, 'The last time this occurred was 2015,' which was a very dry year, especially in Queensland. The bush listened to that, and a lot of other people did too—investors as well.

On 30 November the Bureau of Meteorology predicted 'a high chance of warmer than usual days and nights across Australia, below average rainfall likely for much of the tropics'. The actual weather: northern Queensland was flooded in December—big floods—by Tropical Cyclone Jasper; inland Queensland was flooded in January by Tropical Cyclone Kirrily; South-East Queensland was flooded in December and January.

I've circulated your entire forecast for 2023 split into five periods. Each period forecast, except one, was for drier weather than occurred. One was about right. None predicted more rain than occurred, much less than I would have hoped. My question is simple: is your weather model fundamentally flawed?

**Dr Johnson:** No, Senator, it's not.

**Senator ROBERTS:** It's costing nearly \$1 billion to upgrade your computer system, the ROBUST Program as it's called. Is that still the cost, and can you provide an itemisation? It appears a ridiculous amount of money.

**Dr Johnson:** Firstly, as I've answered to senators in this chamber over many years, the costs associated with the ROBUST Program are cabinet in confidence; they're not for publication. As I also answered—I think it was at the previous hearing or perhaps the one before—in response to a question from Senator Pocock, the upgrade of the Australis computer system is not part of the ROBUST Program; it is a separate program of work.

**Senator ROBERTS:** Could you explain the Australis versus the ROBUST, and which one is—

**Dr Johnson:** ROBUST is a complex program to upgrade the bureau's ICT and observing systems, fundamental ICT—

**Senator ROBERTS:** What's ICT?

**Dr Johnson:** Information and communications technology.

**Senator ROBERTS:** Thank you.

**Dr Johnson:** It upgrades our underlying information and communications technology infrastructure, our observing networks—all sorts of things.

**Senator ROBERTS:** And recording devices?

**Dr Johnson:** I'll get to that in a second. That includes radars, automatic weather stations, automatic balloon launchers—all sorts of things that observe the environment—as well as our underpinning technology infrastructure.

The ROBUST Program, again, has three dimensions. It has a security dimension—in other words, investment to improve the security of the bureau's systems from threats from our country's adversaries. There's stability. Prior to the investment in ROBUST, many of the bureau's systems were very old, many decades old, and we were experiencing challenges in keeping them stable and operational. And then there's resilience so that, in the event of an outage, the capacity of the bureau to respond and have our systems back online is improved. So there are three dimensions to ROBUST: security, stability and resilience.

There is a supercomputer dimension to ROBUST, which is a second supercomputer, a disaster recovery machine. Prior to ROBUST, our disaster recovery functions were executed within a single machine in a single place. The arrangements going forward will be different. I'd rather not disclose those in detail, for security reasons, but the ROBUST program funded a second supercomputer for disaster recovery purposes. That is a different machine to the Australis machine, which has often been asked about in Senator Pocock's questions. That was a separate program to Robust, Senator. You're conflating two bits of technology uplift in two separate programs.

**Senator ROBERTS:** The total cost is a billion dollars for both?

**Dr Johnson:** No. As I said, I'm not going to speak about the cost of ROBUST. The cost of the Australis upgrade is roughly, I think, \$44 million—something of that order.

**Senator ROBERTS:** Dr Johnson, you're required to produce any information or documents that are requested to this committee. There's no privacy, security, freedom of information or other legislation that overrides this Senate committee's constitutional powers to gather evidence. You're protected from any potential prosecution as a result of your evidence or producing documents to this committee. If anyone seeks to pressure you against producing documents, that's also a contempt. If you wish to raise an immunity claim, there are proper processes



around that, and it is up to the Senate whether to accept that, not you or the minister. Can you please take on notice to produce that document to the committee and the cost—

**Dr Johnson:** Which document are you referring to, Senator?

**Senator ROBERTS:** The cost.

**Dr Johnson:** Of ROBUST?

**Senator ROBERTS:** Yes.

**Dr Johnson:** The decision around the cost of ROBUST—

**Senator McAllister:** Just take it on notice.

**Dr Johnson:** We'll take it on notice.

**Senator ROBERTS:** Thank you, Minister. David Burton of Inigo Jones, long-term weather forecaster, uses sunspots and planetary cycles to correctly forecast weather decades in advance. He's got a track record because he's got investors who invest as a result of his successful forecast. He posted 12 months ago that the good rains would start after 20 November 2023. There was no El Nino, and cyclones were likely. David Burton has no computer models and uses a \$20 calculator because he understands the cycles. He got the weather right; you got it wrong. Hayden Walker, another long-term weather forecaster, correctly forecasted severe storms in the areas where they did occur. Will you talk to these private forecasters to work out why their systems are right and yours was wrong? Theirs are actually history. Yours are models—aren't they?

**Dr Johnson:** I reject the whole premise of your questions. Our forecasts, as I've indicated at the previous hearing on this subject, were remarkably accurate. I'm happy to go through them again. What we said is on the *Hansard* in terms of the seasonal outlook. We were very clear, as the year progressed, that we were moving out of a dry warming trend into a moistening trend. We were also very clear in our messaging that, irrespective of the ENSO status and the seasonal forecast, we know that in northern Australia, in particular, there is always the risk of severe weather—cyclones and floods—under any climatic situation. I don't agree with the premise of your question.

**Senator ROBERTS:** This is not just northern Queensland, where we know that it's prone to storms, but western Queensland and southern Queensland. We know that your bureau declares El Nino and positive Indian Ocean Dipole events. David Burton said there was no El Nino and cyclones were likely. David Burton quite often gets it right. He's paid a considerable amount of money because David Burton's, Hayden Walker's and, prior to them, Inigo Jones' and various other people's methods have been in use for decades. Farmers, investors and businesses pay for their forecast. They have to go out into the market and sell.

**Dr Johnson:** I understand that, and millions of Australians rely on our forecasts every day, including farmers and folks in the business community. I just reaffirm to you, as I did at the previous estimates, just how remarkably accurate our forecasts were over the period. I've certainly said in previous hearings and in other forums that we acknowledge that some of the messaging that we gave during the previous spring and summer didn't get through in a manner that we would like. That's not to blame the recipients of that messaging. It's just a fact. People heard a message around an ENSO status and thought, 'That's it; it's going to be hot and dry.' We update our forecasts every week, and we regularly updated our outlooks, and those outlooks proved to be very accurate.

We also affirmed, in all those messages that, particularly during the summer and irrespective of the ENSO status, the risk in this country of thunderstorms, floods and tropical cyclones remains. In fact, at the national severe weather forum here in Canberra, I made that very clear in my own presentation: one thing that this country has taught us is that severe weather can occur at any time. We're very clear in our messaging around that. I'm only going to comment on our forecasts and warnings. Others are welcome to comment on those made other parties, but I stand by the quality of our forecast. I did so at the previous hearing, and I'll continue to do so.

**Senator ROBERTS:** Well I do agree with you—

**CHAIR:** Senator Roberts, we're going to have to rotate the call.

**Senator ROBERTS:** I note that your own forecast—

**Dr Johnson:** I'd like to have a look at this—

**Senator ROBERTS:** That's produced by you.

**Dr Johnson:** I know, but a very quick and cursory—and maybe it's not helpful, Chair—is that you're comparing two different measures of data there. One's talking about chance of exceedance and another one talks about actuals. The two are fundamentally different concepts. Just because you have a map of Australia with

colours doesn't mean to say that the two datasets are comparable. Let me have a look at it. If you have a specific question, I'd be happy to take it on notice.

**Senator ROBERTS:** Your faulty forecast caused farmers to offload cattle. The benchmark Eastern States Young Cattle Indicator sat as high as 1,192 cents per kilogram of carcass weight in 2022, but by late 2023—after your forecast hit the streets—it had tumbled all the way to 349 cents per kilogram. That's less than a third. Do you accept responsibility for that loss to the Australian capital market as graziers sold stock because they feared overstocking in the looming dry?

**Dr Johnson:** Let's just get the data right here. The Eastern States Young Cattle Indicator was about 1,200 cents per kilogram in January 22, and less than 400 cents by October 23. We released our El Nino declaration on 18 September, so by 18 September that particular measure of cattle prices had dropped somewhere by around 80 per cent. To somehow draw a conclusion that because we issued that declaration on 18 September that resulted in a run on the cattle markets, is just not supported by the data.

As I said at my previous hearings on this matter—in response to, I think, a question from Senator Davey—there are a whole range of factors influencing the decisions of primary producers. I've talked to a lot of primary producers and absolutely our advice and our outlooks contribute to their decision-making. But to a person to a farm business that I've spoken to there are a whole range of other things that they take into account in making a decision to sell their cattle. So this notion that the bureau declaring an El Nino at 18 September can explain an 80 per cent drop of the cattle prices from January 22 to October 23 is just a nonsense, frankly.

**Senator ROBERTS:** Thank you, Chair, can we come back?

**CHAIR:** Yes. Senator Rennick?

**Senator RENNICK:** Are there any plans for an updated dataset of homogenised figures? You've got ACORN 1 and ACORN 2. Is there going to be an ACORN 3 out anytime soon.

**Dr Johnson:** As you know, we update our reference dataset regularly. I don't have a specific date on when the next update will be, but we updated it recently as you know.

**Senator RENNICK:** I only know of two updates. I'm happy to be corrected. ACORN 1 and ACORN 2.

**Dr Johnson:** If you bear with me I might be able to get you an update. I'll ask Dr Braganza to join us. He's manager at our climate services and may be able to give you that number more quickly than I can.

**Dr Braganza:** The ACORN-SAT dataset is effectively added to every year. While there's version 1 and 2, you will have version 1.3 and 1.4, version 2.4, for example, as we do small incremental updates. We would generally wait till we get sufficient data to look back at the homogenisation. We need sufficient data to understand whether network changes, for example, have affected any biases in the record. We would be expecting to have an update within the next several years to be released.

**Senator RENNICK:** In the next several years? Is there going to be an actual end date to updating past records by this homogenisation. Is this homogenisation ever going to end? I suppose I'm looking for a fixed reference point here and if you keep changing it or updating it, people are going to lose track of the original dataset because there's multiple homogenised datasets.

**Dr Braganza:** The reason for having an homogenised dataset is to analyse change over time. The network is never stationary. I think that's something that is the experience of meteorological agencies around the world. It's very hard to keep a fixed network. If you imagine sites at an airport. We don't control the built environment, so sites will move.

**Senator RENNICK:** That's a good question, and I've raised this in the past: why don't you put the weather stations out in national parks, right away from urbanisation and the heat island effect, so the conditions around the weather station don't change or aren't subject to as much change? I accept they'd probably change eventually.

**Dr Braganza:** I think our experience and those of our international partners is it's virtually impossible to keep a fixed network in time where technology and sites are never changed. It's our due diligence to look at whether network changes have biased change over time. We don't have datasets that recast what happened in the past. If you want to know what the temperature was at a particular location at a point in history, that is fixed in time; it is a baseline. In order to understand how things have changed over time, we would be criticised if we didn't look with due diligence at what changes in the network might have done to influence change.

**Senator RENNICK:** In regard to the classic Sydney Observatory, have you homogenised that dataset down, given it's quite apparent it's gotten hotter there? It is right in the heart of Sydney, with all the concrete surrounding it. Was that homogenised, step one, and was that temperature homogenised downward to take the urban island effect into account?

**Dr Braganza:** The first thing to note about the Sydney record is it doesn't contribute to our national average calculation because we consider it to be affected by urbanisation to the point that we can't disentangle urbanisation from climate change. The Sydney record has been homogenised for changes that have occurred at that site in the past; most recently that was a slight change due to the built environment changing.

**Senator RENNICK:** What was the result of that? Did you adjust downwards, given it was probably recording higher temperatures?

**Dr Braganza:** I would have to take that detail on notice.

**Senator RENNICK:** If you could, please. How many staff do you have working on the homogenisation process at any one time? Do you have a full department that does that? What is the process for that?

**Dr Braganza:** As with anything at the bureau, there is a very large set of dependencies on data collection modelling and then what we do with our reports at the final end. I would have to take on notice how many people would be working on homogenisation.

**Senator RENNICK:** Thank you. Mr Johnson, I will come back to you; I think you're the better person to ask this of: when was the original decision made, and by whom, to commence homogenisation?

**Mr Johnson:** I might actually defer back to Dr Braganza because it preceded my time; the process has been going on for a long time.

**Dr Braganza:** Regardless of where you are at the Australian Bureau of Statistics or others, we apply statistical adjustments to data that's collected over time to make sure it is the most accurate representation of what really happened. The history of applying those adjustments to a climate record is very long. Back into the last century you would have had agencies such as those in the US and others who compiled global data.

**Senator RENNICK:** I'm referring to Australia in particular, noting ACORN came out around 2011 or 2012—something like that.

**Dr Braganza:** We have been applying adjustments to data preceding that—I would have to take it on notice, but I believe since the early 2000s.

**Senator RENNICK:** Did the Australian Bureau of Statistics do it before then?

**Dr Braganza:** No; I was just drawing a general parallel to data analysis.

**Senator RENNICK:** Excellent. Thank you.

**Senator DAVEY:** In December 2023, following the destruction of Tropical Cyclone Jasper and other issues with unexpected weather events we saw across South-East Queensland, Minister Watt ordered a review of the weather warning systems. Can you advise us as to the status of that review?

**Mr Johnson:** That's really a question for NEMA. They're the agency that's handling that review.

**Senator DAVEY:** Even though it's a weather warning systems review?

**Mr Johnson:** If I recall Minister Watt's statement, it was around the Australian warning system. The Australian warning system has a number of components. Some relate to weather warnings, which we're responsible for, and there are a whole bunch of other warnings—what you might characterise as action warnings, or warnings for the community to take action—that are issued by state and local government agencies. The review was looking at the whole continuum of warnings of which the bureau does one part, albeit an important part. But it's by no means the only part. NEMA have carriage of that process, so I'd ask you to direct your questions to them.

**Senator DAVEY:** Can you advise us whether you're feeding into that?

**Dr Johnson:** Absolutely. We actively participated in a series of workshops that were held, including a workshop in North Queensland, in Cairns, with stakeholders. We provided written submission and feedback into that process, and we're awaiting the conclusion of that process, which NEMA have carriage of.

**Senator DAVEY:** Given the vital role the bureau plays with weather warnings and predictions, do you have a formal service contract with NEMA?

**Dr Johnson:** We certainly have a financial and service-level agreement with NEMA for the provision of services to the National Situation Room. There are approximately 18 FTEs assigned 24/7, 365, to the National Situation Room. It's a service that's highly valued by NEMA, I believe. We're on continuous service provision, too.

**Senator DAVEY:** When in the budget figures is that contract found?

**Dr Johnson:** It'll probably be sitting within the Australian Climate Service budget.

**Senator DAVEY:** Correct me if I'm wrong, but you not only feed into the national situation we're in; you have staff who feed into state situation rooms.

**Dr Johnson:** Yes. It varies. Not all states have situation rooms. Generally, the smaller states—Tasmania, the Northern Territory, the ACT, for example—do not. The larger states—Queensland, New South Wales, Victoria—do. Then some of the other states, like WA and South Australia, have a particular agency within the state. Take South Australia, for example. The South Australian Country Fire Service would have a situation room. Where those facilities exist, almost always, the bureau has staff embedded there. Each jurisdiction handles these things differently. In New South Wales, for example, we would have people at the RFS at Parramatta, but we've also got people at Wollongong with the SES. It just depends, whereas in Queensland it's all in one place, at Kedron, where all the services come together. Yes; we have embedded arrangements with the states.

**Senator DAVEY:** I'm pretty sure you provided it before, but you've got staff right around Australia. Are they also outside of capital cities?

**Dr Johnson:** We have staff in every capital city. It depends on what sort of stuff. We have 73 staff sites in the bureau, but I presume you're talking about meteorologists and climatologists. We'll have people at other places manning observational equipment.

**Senator DAVEY:** You've got a volunteer network, as well.

**Dr Johnson:** We have a huge volunteer network that help with volunteer rainfall observations. But we have a presence in our core forecasting and warning functions and decision support functions in all capital cities with the exception of Canberra. Support for the ACT is delivered out of our Sydney office. In North Queensland, we have a small team that provide services to North Queensland in terms of preparedness for severe weather. During times of severe weather, they provide an advisory and decision support service to local and state government offices up there.

**Senator DAVEY:** I'm happy to leave it at that for now. I've put some more technical questions about contracts on my list.

**Senator ROBERTS:** Dr Johnson, could you please repeat your dates and cattle prices? Eastern Young Cattle Indicator—

**Dr Johnson:** I'll try if I can. Let me just find the brief that I have and the advice I have received. I've been advised of Rural Bank data that shows the Eastern Young Cattle Indicator declined from approximately 1,200c a kilogram in January 2022 to less than 400c a kilogram by October 2023. As I said, we declared an El Nino on 18 September. So, just to reaffirm by that calculation, I'm advised that the cattle price had completed more than 80 per cent of its downward run by the time we declared that El Nino in September.

**Senator ROBERTS:** Great. Thank you very much.

**Dr Johnson:** That's the advice I have.

**Senator ROBERTS:** The *Financial Review* blames the Bureau of Meteorology: 'How the BOM's big dry weather forecast cost millions' and 'Bureau of Meteorology's botched weather call crushes Elders' earnings'. There's 'BOM mistakes hit farmers but slash inflation', and then we've got others there. Your botched prediction cost more than just farmers; it cost mum-and-dad investors in Elders millions, with the share price dropping 25 per cent. Do you accept that this was the fault of your forecast?

**Dr Johnson:** Again, I've already answered this question. We absolutely stand by our forecast. Our forecasts are remarkably accurate. As I've said at previous estimates hearings, commentary in the media, frankly, has been largely ill-informed and inaccurate, and we've sought to correct the record where we can. Take, for example, the *Australian Financial Review* article which asserted that our El Nino declaration had been linked to Elders' earning advice. I've had a look at the Elders' advice, and it was not stated or even implied in their earnings outlook. I don't care what the *Australian Financial Review* reported. My reading of what Elders actually said was that it didn't state or even imply that the bureau's El Nino declaration affected earnings for the period 1 October to 30 September. There are lots of things written in the media. Again, we talked about this last time. If you actually have a look at the facts of what we said and when we said it, our forecasts were remarkably accurate given how complex it is and the sheer area that we're seeking to provide forecasts for. The forecasts are not perfect; they will always contain uncertainty.

Also, the long-range forecasts can't explicitly predict the emergence of cyclones—individual, specific events. There will be times when you'll have an anomalous specific event, and hence why, in our public commentary, we seek to affirm to the public and to industry that there's always the risk of severe weather in this country and there is always the risk of cyclones in the tropics and subtropics in this country. It is a forecast. It is an estimate of a

point in time in the future based on the data at a particular point in time. We update it every week. I strongly encourage those who follow our services—and many millions of people do—to continue to check those updates. The situation changes all the time. We continued to update a point-in-time statement back in September as more information came to hand.

**CHAIR:** Senator Roberts, we are going to wrap up, so can you please make this your last question.

**Senator ROBERTS:** There are lots of people who are saying that the Bureau of Meteorology colours its diagrams to make it look hot and dry but we actually see—and this is rainfall over 124 years—no pattern or trend, no declining trend or increasing trend, just natural variation. And that's from the BOM. Why the doom and gloom? Why depress expectations for rural output, which also depresses investment, training and employment in the bush, reduces the standard of living and increases the cost of living?

**Dr Johnson:** I'm not sure I understand your question, Senator.

**Senator ROBERTS:** Why are you so negative and preaching fear and doom when there's nothing to suggest that, and why do you use colours to exaggerate it?

**Dr Johnson:** I don't agree with your statement that we are preaching doom and gloom. We're simply reporting the observations we're making of the environment around us, and we're reporting, to the best of our ability, what our guidance is for the time ahead. We do that objectively, using world-class, internationally peer reviewed, highly regarded scientific methods, and we'll continue to do so. I think we're entirely objective in our pronouncements and our public statements.

**CHAIR:** Thank you, Dr Johnson. We appreciate your time. We will release the Bureau of Meteorology. We will take a short break and return with the Great Barrier Reef Marine Park Authority.

#### **Proceedings suspended from 20:50 to 20:59**

#### **Great Barrier Reef Marine Park Authority**

**CHAIR:** I now welcome officers from the Great Barrier Reef Marine Park Authority and Mr Josh Thomas, the chief executive officer. Would you care to make an opening statement?

**Mr Thomas:** I would, if I may, Chair.

**CHAIR:** Yes, please go ahead.

**Mr Thomas:** Good evening, Chair and senators. The world is currently experiencing a global coral-bleaching event, the fourth on record and the second in the last 10 years, impacting reefs in more than 53 countries. Consistent with this, on the Great Barrier Reef we've seen significant climate driven impacts this past summer in the form of widespread coral bleaching, two cyclones and severe flood events. This is the reef's fifth mass-coral-bleaching event in the past decade and the seventh on record. I'd like to acknowledge the profound impact of this on the many people who care for the reef: park managers, scientists, traditional owners, tourism operators and the wider community. In the face of these challenges and as the world takes action to reduce greenhouse gas emissions, we sharpen our focus on those things our organisation can do to make a difference to the long-term health of the reef.

We are committed to keeping Australia at the international forefront of marine protected area management, advancing world-class adaptive management techniques to improve reef resilience into the future. We do this using the best available science, with the support of government and non-government institutions and in partnership with the community, traditional owners and reef dependent industries.

In responding to the current bleaching event, and in keeping with our resilience based management strategy, we operationalised a new bleaching categorisation framework to better explain to the Australian and global community how bleaching was unfolding and our multifaceted approach to monitoring and assessing its impact.

We've increased our compliance and enforcement, we've focused our field management program on bleaching and coral resilience activities and we continue to hone the Crown-of-thorns Starfish Control Program to protect as much coral as possible.

We're also working with research partners to identify and test new reef intervention approaches to support reef resilience. This is the science into action the world needs to safeguard coral reefs against the pervasive impacts of a changing climate.

There is increasing attention on the health of the world's oceans. We are privileged to have some of the world's best marine managers and scientists working on the Great Barrier Reef, dedicating their working lives to solving the complex challenges facing coral reefs. Australia's reef management is world leading, our programs vital and our people indispensable. Thank you, Chair.

**CHAIR:** Thank you very much. We'll start with Senator Sharma.

**Senator SHARMA:** Thank you, Mr Thomas, for the opening statement. I had a question about a particular site in Townsville: Reef HQ, or the Great Barrier Reef Aquarium. Can I get an update of where that project is up to, please.

**Mr Thomas:** The aquarium is a much-loved local facility. It's been in place for approaching 40 years—I think about 38 years now. For the last several years it's been under renovation. We've been investing funding in repairing critical work health and safety issues, structural issues with the aquarium, and are continuing to talk to government about the needs of that facility into the future.

**Senator SHARMA:** I'm familiar with the history, so I understand that the authority approached the government with an initial request for funding for urgent repairs in 2019. Is that correct—about \$40 million?

**Mr Thomas:** The previous government provided \$80 million to attend to some urgent remediation work at the facility, on advice from us. We assessed, with the support of technical advisers, structural engineers and others, that there were some critical issues with that facility that needed attention. We spoke to government about that at the time. Funding was provided, and we got on with delivering some of those critical upgrades and improvements to make the facility safe.

It was originally intended that it would be a refurbishment of that facility. However, once we engaged expert providers—builders, architects and aquarium designers—it became apparent that the complexity of that facility was such and the challenges facing it were such that it was likely additional investment would be needed in the future.

**Senator SHARMA:** When was that discovery made—that you would need more than the \$80 million provided by the government to do the full refurbishment?

**Mr Thomas:** I might ask Mr Walker to answer.

**Mr Walker:** In terms of understanding the funding that had been provided to the reef authority for the aquarium, the funding was delivered in a suite of streams over five tranches between 2019 and 2021. That totalled, as Mr Thomas said, some \$80 million. Each of those tranches was for a particular purpose, the first being for some critical safety, electrical and building structural issues. The last tranche, the \$40 million, was provided for us as part of the City Deals program. With that funding and the work that was undertaken, we then started to do some more detailed investigations and some detailed design and scopes of work at that point in time. That was in July 2022.

**Senator SHARMA:** In July 2022 you started doing that more detailed investigation?

**Mr Walker:** Correct, and that was at the point in time when we understood—in fact, that work was completed at about that point in time—that there were some greater complexities, some building noncompliance issues. Those building noncompliance issues ranged from structural integrity—leaking of the roof of the aquarium and leaking of the aquarium tanks proper. We have a suite of noncompliance issues that meant that we needed to modernise the facility and bring it completely up to contemporary standards. When you're dealing with a small number of issues, you can stay within the sort of refurbishment model. When we started to investigate and had more issues and more challenges identified, we needed to upscale and move to a redevelopment.

**Senator SHARMA:** So what's the estimated additional funding need to complete the project?

**Mr Thomas:** We are still in discussion with government about that, and that would go through the normal processes of government—budget processes and so on—in the future. We need to give the government space to have these considerations.

**Senator SHARMA:** Okay, but I'm not asking about how much you have sought from the government; I'm just asking what the project will cost to complete. Have you got a figure for that?

**Mr Thomas:** That will depend on a series of options that we'll put forward. We're working with government around options for that facility into the future. It will depend on the scale.

**Senator SHARMA:** But as it is, with the \$80 million that's been committed and partially or entirely spent, the facility's not in a fit place to reopen. Is that correct?

**Mr Thomas:** We moved to spend approximately \$20 million to \$21 million of that original \$80 million previously provided, just to make sure that the place was safe, frankly. Then, once we got on board expert designers, architects, builders et cetera, we learned more about the facility and that the building had more needs than had previously been anticipated.

**Senator SHARMA:** Okay. Was there new money in the most recent budget, the 2023-24 budget?

**Mr Thomas:** There was no additional funding for the aquarium in the most recent budget, but, as I said, the conversations with government are continuing.

**Senator SHARMA:** Which budget had the last appropriation for the aquarium in it, then? The 2021-22 budget?

**Mr Walker:** Yes, the 2021 budget.

**Senator SHARMA:** Okay. Just so I understand—because, as I said, it's a bit of an issue locally—at the moment the future of this aquarium is uncertain and unknown until, I guess the scope of works is decided and until government decides upon the options. You're not going to be able to do it without additional government funding—correct?

**Mr Thomas:** It would be difficult for us to do justice to the aquarium within the funding envelope we have currently. We are very aware of the community's interest in this project, and we are being as transparent as we can, within government constraints, about where the project's up to, what we're doing, how we're caring for the live animal exhibits et cetera. But again we really need to have those continuing conversations with government about the scale, the options and the scope of the project so that they can make a balanced value-for-money determination in the future.

**Senator SHARMA:** Okay. So at this stage we couldn't say that the aquarium will reopen by 2026 or 2027?

**Mr Thomas:** No, I think that'd be a risky thing for me to do.

**Senator SHARMA:** No, I'm not asking you to do that. I just want to know what level of certainty we have—or not—about the aquarium. That was all I had.

**CHAIR:** I might just follow up a little on that. In 2019, you knew there needed to be work done?

**Mr Thomas:** Yes, correct.

**CHAIR:** The facility is operated by you—is that correct?

**Mr Thomas:** It is, yes.

**CHAIR:** So you applied to government for some money to fix up the facility?

**Mr Thomas:** Yes. We were speaking to government through 2019. I think the first money was provisioned in 2020.

**Mr Walker:** In 2019, in December, we received the first tranche.

**Mr Thomas:** We had technical reports and engineering reports. There's an ongoing maintenance of the facility and we have a close understanding of it, but it wasn't really until we examined those reports that we realised elements of the facility simply weren't particularly safe. The global pandemic landed in early 2020. We closed the facility at that time, seeing that as a good opportunity to get some critical works underway while the facility was closed. But throughout that period, and with yet more experts getting involved in what was to be a significant refurbishment, we uncovered a lot more problems. Aquariums are highly complex facilities. They're not simple show-and-tell sorts of museums. They've got life support systems for animals, complex curatorial staff and operating requirements, complex plumbing and electrics, and the complexities simply grew from there.

**CHAIR:** So you had no idea it was going to be as expensive an operation?

**Mr Thomas:** No, not when we first set out. We thought a refurbishment was possible, but it's increasingly looking like—it's almost certain—that would be unfeasible and would not represent value for money for money expended.

**CHAIR:** At what point did you decide that it needed a complete rebuild?

**Mr Walker:** The understanding of the detailed engineering, the building surveyors, the technical information—in July 2022 was the triggering point where that information coalesced. Considering value for money, the complexity and the risks of the facility, and the age of the facility, in a value-for-money proposition and with the integrity of what is good value for the Australian taxpayer, we made that assessment that a new facility would be beneficial, rather than trying to bring up to code the current facility. On 'bring up to code', I think that's an important point. Building compliance in the facility was compliant, but, as we moved and started to uncover a range of issues within the facility, it triggered a point where we needed to bring compliance up to the whole facility. As you'd appreciate, a 38-year-old facility, when it was built had different standards, different codes, different building requirements than a building would today. In a harsh tropical environment, full of sea water, full of electrics and full of a living coral exhibition—in fact, the world's largest—it was really critical that we maintained a facility that was fit and fit for purpose into the future.

**CHAIR:** So your rebuild decision, did you say, was in July 2022?

**Mr Walker:** In that period of time, yes.

**CHAIR:** The member for Herbert, Phillip Thompson, referred to a rebuild earlier that year. I think it might have been early April. Would he have been privy to that information prior? I'm very aware, as Senator Sharma has referred to, that there is some concern in the community about what has actually gone on, and some level of concern about the information that's out there.

**Mr Walker:** The timing is important. As I said, the timing and the decisions around that were in about that period of July 2022. That's when we were provided with information relating to the building compliance issues, the noncompliance issues and the need to really enhance and bring the facility up to standard. It was at that point that we were engaged in those discussions about what a future aquarium precinct might look like.

**Mr Thomas:** As I said, we are still really discussing with our expert providers scope and scale options. There is a lot more work to do and more advice to be provided to government about what those options are and what costs are associated with it.

**CHAIR:** So you don't actually know what you need at this point in time? You're still working on the detail? Is that correct?

**Mr Thomas:** We have a sense of that, but it would be subject to budget consideration by government. I'm not sure how appropriate it is to reveal some of that discussion or advice to government in here, but, suffice to say, we have a sense about the range of options that are available for that facility that we think would deliver on its mission to be a national education centre for the Great Barrier Reef.

**CHAIR:** Do you have a ballpark of how much money it would take to rebuild?

**Mr Thomas:** We do. We have some costings, but, again, that's advice we're providing to the minister through budget processes.

**CHAIR:** But the original \$80 million wouldn't be enough?

**Mr Thomas:** No. If we were to use that funding for a refurbishment, our view is that we would be back very quickly asking for yet more funding to keep the facility afloat. We'd be bandaidding issues, and the total cost to the taxpayer would start to spiral.

**Senator WHISH-WILSON:** I have a few questions on your opening statement, Mr Thomas. I also acknowledge and want to throw my weight behind the profound impact that this last bleaching event has had on a lot of people on the reef. I was up there myself recently and I can vouch for how hard that has hit people. In the next paragraph you say, 'In the face of these challenges, as the world takes action to reduce greenhouse gas emissions'—you're more confident than I am—'we sharpen our focus on those things our organisation can do to make a difference to the long-term health of the reef.' The people I met want climate action and they want advocacy on climate action. Are you limited, as the manager, the CEO, or is the authority limited in advocating for climate action from both our government and global governments?

**Mr Thomas:** We see the impacts of climate change as being incredibly significant on the Great Barrier Reef.

**Senator WHISH-WILSON:** And that's reflected in your statement. Thank you.

**Mr Thomas:** We go to great pains to highlight that at every opportunity through all of our documentation, formal publications, social media channels, education programs. We are not ourselves climate policy-makers, as you know. We do work closely with our colleagues in those parts of government that are working on those very important issues, energy transition and so on. But we ourselves are not well placed and ought not to provide specific advice.

**Senator WHISH-WILSON:** Is it legislated, though? Is there something specific you can point me to that prevents the custodian of the Barrier Reef, the joint authority, from advocating for better climate action?

**Mr Thomas:** We try to work within the administrative arrangement orders within government and across the Australian Public Service to make sure that we are providing advice in accordance with the act that establishes the organisation and advising on those things for which we have the greatest expertise.

**Senator WHISH-WILSON:** I'm sure it's no secret to you that a lot of people who do care for and love the reef—you would probably know them better than I would—across the broad spectrum would like to see you and this organisation advocating for climate action. Could you take on notice whether there are any administrative arrangements or anything specific that does preclude you from advocating for climate action? It doesn't have to be specific policies. You do recognise the impacts of climate. You say you do everything you can to make a difference in the long-term health of the reef. That's something most people think you could make a big difference on, I think.



**Mr Thomas:** I'm happy to do that.

**Senator WHISH-WILSON:** I'm sure that's not the first time we've asked you that question. A couple of paragraphs down you say: 'In responding to the current bleaching event in keeping with a resilience based management strategy, we operationalised a new bleaching categorisation framework.' You go on to explain that's to better explain to the Australian and global community how bleaching is unfolding. What do you mean by 'a new bleaching categorisation framework'? Is that where you put mass coral bleaching into some new categories?

**Mr Thomas:** I'll ask Mr Quincey to explain a bit further about the categorisation framework itself. As you would be well aware, Senator, we stand up each summer now a framework for ourselves for understanding and communicating about reef health with a consortium of other scientific organisations, institutions, tourism industry operatives and others to understand what's happening throughout the summer. This year we did that particularly early because we had because we had early indications that it was going to be hot.

**Senator WHISH-WILSON:** I follow what you say very closely, as I am sure you expect I would, but in terms of specific new categories, I wasn't aware of anything to do with it.

**Mr Thomas:** I'll ask Mr Quincey to elaborate.

**Mr Quincey:** We were really aware, in our communication and understanding and talking to even fairly well informed stakeholders, but also the general public, that a number of the elements that go together to understand the impact of a bleaching event are easily misunderstood. We have pulled together some framework material, a new video and some diagrams, to explain that, to understand what we think are the four elements for people to know how they fit together to understand coral bleaching. Exposure: we get much information on the sea surface temperatures, and that's one element of exposure in coral bleaching. When we talk about that, people assume that we know all the rest of the detail. The next element that we want people to know in the framework is how coral colonies respond to that heat stress, or in different ways, the severity, the location of that. We also need to understand that that's usually through in-water observations. That's the only way to understand how it is at one depth versus another, one aspect of the reef.

Also, the prevalence of what is going on in the reef—we need to look at in-water and aerial surveys to understand that: what percentage is impacted, which habitats, which species, which types, and also the spatial extent. It's not across the whole of the reef. This is a fairly new and novel way that we have developed in the lead-up to summer. We started back in May with scientists from James Cook University, the Australian Institute of Marine Science and our own internal expertise to start to pull that together, to be able to help explain those different elements as we go through summer.

**Senator WHISH-WILSON:** I get that.

**Mr Quincey:** It's been developing. It has been really well received from the really broad consultation we did with stakeholders, about the way not only of them understanding it but helping explain it.

**Senator WHISH-WILSON:** Is the ultimate goal to have a rating, I suppose, on coral bleaching?

**Mr Quincey:** It does. At the moment it suggests a five-category system. That starts to let you go through and look at where particular elements fall within that. It's not an instant, perfect ability, like a cyclone measure, a central pressure or wind speed, and get it like that. We will have to put together data, which will take time to do over all those elements. But that is the aim, to be able to look at how those fit together to give an understanding of what the severity of a particular event might be.

**Senator WHISH-WILSON:** Obviously no-one currently has a classification or category system for bleaching, but this sounds different, because you are going to look at coral mortality and a whole range of things. I know a little bit about the NOAA system. Have you considered the unintended consequences—I'm sure it would be potentially unintended—that you might end up normalising coral bleaching, if people think, 'That's only a mild mass coral bleaching—these things didn't happen just over 20 years ago and they're happening all the time now.' Can you see that there's a risk there?

**Mr Quincey:** I think it might actually do the opposite. Some describe that even though reports of bleaching are recurring and the extent of them, there's a clearer indication of whether it is truly in the lower categories or the higher categories.

**Senator WHISH-WILSON:** But a mass coral bleaching is a mass coral bleaching.

**Mr Quincey:** The categorisation system applies to helping us understand any levels of bleaching that we see on the reef over the summer and understanding when we get to the levels where we would consider it mass coral bleaching.

**Senator WHISH-WILSON:** But does this imply that potentially some levels of bleaching won't be bad, when it's not something we have seen historically?

**Mr Quincey:** No, it's not something we have seen over historic times but, as Mr Thomas pointed out, they are unfortunately becoming more regular disturbances. We do need a frame to let people understand how that is. It is not our aim to normalise coral bleaching. It's definitely not where we are at. As I said, it has helped people start to understand where things are.

**Senator WHISH-WILSON:** How well will it account for things like—I presume you have captured this in your consultation—the cumulative impacts of multiple coral bleachings beside the stresses that we're all very familiar with on the reef?

**Mr Quincey:** Neither does it attempt to replace the long-term monitoring programs and what those findings are, and also the outlook reports that we produce every five years. Again, it's a tool to help people understand during and after summer, but it's not meant to be the replacement of those summary materials.

**Mr Thomas:** The bleaching framework has been incredibly useful as an anchoring tool or a reference point for consulting scientists and other experts working on bleaching through summer. There is still discussion between our experts and scientists in each of the relevant institutions about how best to apply it and communicate it subsequently. Once we know more from the long-term monitoring program results—likely in August-ish, we believe—which will be published by AIMS, as we'll know more about the results of the current bleaching event, I think we'll also have a better sense of how we'll apply this framework.

**Senator WHISH-WILSON:** I've got a few questions on that in a second.

**Mr Quincey:** Can I just maybe touch on one point? You mentioned the NOAA alert levels. I would just highlight that they are just an alert level based on the heat exposure.

**Senator WHISH-WILSON:** That's right, yes.

**Mr Quincey:** This therefore tries to take that a step further to understanding the impact.

**Senator WHISH-WILSON:** Okay. You also said a couple of paragraphs down from that:

We're also working with research partners to identify and test new reef intervention approaches to support reef resilience. This is the science into action the world needs to safeguard coral reefs against the pervasive impacts of a changing climate.

I have a couple of questions on that. Are we talking about the adaptation approaches we've seen with trying to regrow corals, for example? What are you specifically referring to there?

**Mr Thomas:** We're talking about a whole range of interventions. In our view, probably one of the best interventions is the crown-of-thorns starfish control program, and we continue to innovate and evolve that program according to better and better science through time.

**Senator WHISH-WILSON:** But you'd know, Mr Thomas, that—to use the words you've used in your opening statement—crown-of-thorns management is not going to safeguard the Barrier Reef from pervasive climate impacts, is it?

**Mr Thomas:** Not on its own, but it will contribute to the safeguarding of coral.

**Senator WHISH-WILSON:** Yes, it may contribute something, but it's not going to safeguard the reef, which is what you've said here.

**Mr Thomas:** No, certainly not. But we do support that program as probably one of the best in-situ, real things that we can do now to protect as much coral cover as possible so that future spawning events are more profitable and beneficial to the reef and so we get yet more resilient outcomes. With the other interventions we look at, we do try to work helpfully and constructively around small-scale reef restoration work that some people do on the reef. Again, we wouldn't pretend that they're going to be a silver-bullet solution either, but they do keep operators and community involved in caring for sites. We're also trying to include traditional owners more and better than we ever have in the past.

**Senator WHISH-WILSON:** Just so I don't lose this—because if you cover lots of things I'll forget—in relation to the resilience programs, which I've been monitoring very closely for nearly a decade, could you take it on notice—as I presume that you probably don't have this information with you now—to provide to the committee a list of those coral resilience programs, how much funding has gone into them in the last 10 years and how many survived this recent coral bleaching? I'd be quite fascinated to know where they are and how they're going. I don't say that with any malice, because I've always supported these initiatives, but I've noticed that in the Caribbean and in Florida they've had to remove their coral restorations and put them in aquariums in summer because they're so worried about the marine heatwaves they're experiencing. I just want to know whether you're monitoring the success of those initiatives and whether they've survived this current—

**Mr Thomas:** Senator, we would also be interested to know, for a whole range of reasons, the answer to that question. I'll just add the caveat that we may need support from other agencies and other areas to understand where the funding comes from for this purpose.

**Senator WHISH-WILSON:** Sure.

**Mr Thomas:** We don't necessarily administer the funding ourselves.

**Senator WHISH-WILSON:** Okay. If you could do your best on the funding, or even just give me a list of the programs and where they are and how they've gone—not just this summer but, I suppose, in recent years, with all the continuous coral bleaching—

**CHAIR:** Senator Whish-Wilson, if you're going to change topics, we might rotate.

**Senator WHISH-WILSON:** If you could come back to me.

**CHAIR:** Senator Roberts.

**Senator ROBERTS:** Thank you for appearing tonight. Let me start with a simple question: can floodwaters entering the reef from the 28 river systems that discharge onto the reef in a rain event, such as a tropical cyclone, cause coral bleaching, either through fresh water itself, through very low floodwater temperature, or through high nutrient levels or turbidity or sediment?

**Mr Thomas:** There can certainly be initial freshwater bleaching from flood events.

**Mr Quincey:** And we did see some of that this year with the cyclones in the north.

**Senator ROBERTS:** It's true that corals also bleach from water that is too cold, isn't it? I can remember that in June 2008 that there were record cold temperatures in various parts of Queensland and the Northern Territory, including southern Queensland, and the southern Great Barrier Reef bleached because of the cold weather.

**Mr Thomas:** I'm not sure of that particular example. But, yes, bleaching is certainly a stress response that can be triggered by a range of different things. Most recently, though, our biggest concerns have been about warmer waters, not colder waters.

**Senator ROBERTS:** Was any of the coral bleaching that was evident on the reef in the first quarter of 2024 caused by freshwater and salt intrusion?

**Mr Thomas:** Yes, as Mr Quincey said. Probably because of flood events prior to and post Christmas in the north, there would have been some initial freshwater bleaching. I don't have specific details of that in front of me, though.

**Senator ROBERTS:** Thank you. Was any of the coral bleaching in the first quarter caused by pesticides or other chemical run-off from farming areas?

**Mr Thomas:** Direct attribution of those impacts would be difficult for me to provide here today, but we could take some of that question on notice.

**Senator ROBERTS:** Please. According to a paper from the University of Queensland, simplified: The most devastating mass coral bleaching has occurred during El Niño events ... However, El Niño itself does not cause SSTs—

sea surface temperatures—

to rise in all regions that experience bleaching. Nor is the upper ocean warming trend of 0.11°C per decade since 1971 ... sufficient alone to exceed the thermal tolerance of corals.

This paper shows that a major contributing factor is El Niño reducing cloud cover, causing 'higher than average air temperatures and higher than average atmospheric pressures' and playing 'a crucial role in determining the extent and location of coral bleaching' on the reef. Is that a fair statement?

**Mr Thomas:** I'm not aware of that particular paper. Did you say it was the University of Queensland?

**Senator ROBERTS:** Yes.

**Mr Thomas:** I'm not aware of it. I'm sorry. But we would be very interested to read more about it.

**Senator ROBERTS:** We can get it to you.

**Mr Thomas:** Yes, please.

**Senator ROBERTS:** Do you accept natural, cyclical ENSO events play a crucial role in coral bleaching?

**Mr Thomas:** We would have to defer to climate scientists around the particular localised impacts and how they've played out on the Great Barrier Reef.

**Senator ROBERTS:** Localised impacts, not global?

**Mr Thomas:** For how those significant meteorological phenomena impact the Great Barrier Reef in particular, I would need to consult with other relevant experts.

**Senator ROBERTS:** According to the Bureau of Meteorology document '124 years of Australian rainfall', there's no trend. There's no pattern. It's just cyclical. There's no trend whatsoever, down or up. It's just natural variation, influenced by cycles. In the last five years, we've had three La Ninas. Your website, under the heading 'What causes coral bleaching?', makes the comment:

The biggest cause of coral bleaching in the past 20 years has been rising water temperatures.

On notice if you wish, please provide how much water temperature has increased in the last 20 years, including average and range, showing any spikes that may have occurred.

**Mr Thomas:** Thank you. We will take that on notice.

**Senator ROBERTS:** Something like that, maybe?

**Mr Thomas:** I'm not sure I can reproduce that exactly, but we'll certainly take that—

**Senator ROBERTS:** No, I wouldn't expect you to reproduce it.

**Mr Thomas:** We will certainly try to take an—

**Senator ROBERTS:** Thank you. Have you tested those spike temperatures that may have led to bleaching against the ENSO cycle? Have you correlated them?

**Mr Quincey:** I couldn't answer now, but we would most likely consult with our colleagues not only in the Bureau of Meteorology but in the CSIRO and the Australian Institute of Marine Science, who do some of that work.

**Mr Thomas:** We're not the authors of some of these reports. We work with those relevant institutions. We pull that information together. We try to synthesise it and make the best assessments we can on how we can hone our programs and better manage the Great Barrier Reef into the future. With some of the specificity and science you're referring to, we really would need to speak to some of our experts.

**Senator ROBERTS:** Okay. This is the last question. The bleaching impact statement on your website, which you describe as 'a framework to describe and categorise coral bleaching on the Great Barrier Reef', only includes one factor: heat stress, which you attribute to climate change, ignoring these other crucially important factors. Is this about blaming bleaching on climate change, which is well-funded, and ignoring the role of natural cycles, which carries no funding? We've heard the United Nations say that the planet is now boiling.

**Mr Thomas:** Is your question about whether our framework for understanding coral bleaching is limited to heat stress?

**Senator ROBERTS:** Yes, it seems that it's only limited to heat stress.

**Mr Quincey:** It has it there as heat stress, but the exposure blocks the subtleties of exactly what you're talking about—about light intensity and exposure and cloud cover. Also, on our website, we really try to convey that local and regional weather in particular places has a large bearing on the outcomes that we see each summer, and those factors play into that.

**Senator ROBERTS:** Thank you. Thank you, Chair.

**Senator PAYMAN:** Speaking of summer, can you explain how GBRMPA would typically prepare for a summer?

**Mr Thomas:** I mentioned this previously with Senator Whish-Wilson, but we have a framework that we stand up each summer now, going back to about 2015 or 2016. The significance of the back-to-back bleaching events then caused us to really galvanise with a wider consortium of other institutions and experts that we needed to really shape up more regularly to understand the effects that summer can bring for the Great Barrier Reef. As early as May last year we understood that global temperatures were elevated, so we stood up our approach. Mr Quincey leads that for the marine park authority. It really kicks off in earnest in November with our Pre-Summer Workshop. Richard, would you like to elaborate?

**Mr Quincey:** As early as May, as was said, we were also in contact with colleagues in NOAA in the US, given what they were experiencing, to understand their unprecedented heat stress. Our summer reef health workshop aimed to pull together about 24 organisations and about 60 people to understand the current forecasts and the risks that might exist, to coordinate monitoring activities and identify any gaps in those, and to discuss potential implications for stakeholders. That group included stakeholders such as the tourism industry; it also included a range of traditional owners and others. It also aimed to introduce and discuss the framework that we've just talked about.

From that point on, we implement a series of weekly reef health updates with the aim of providing factual information in as near real time as possible to the public. Since we initiated those, on 8 December, we've had 19 reef health updates. Included in that was the release of a snapshot which tried to pull together, consolidate and contextualise what we'd seen over summer this year. That was released on 17 April.

It is a large volume of work to try and make sure stakeholders are informed and to make sure other government agencies, science partners, traditional owners and people who rely on the reef are involved in the process. I think it included something like 47 briefings across all of the reef landscape, including the key advisory groups. Off the back of the reef updates, there were something like 43 media interviews from our experts within the reef authority. There really is a large volume of work involved in trying to understand and communicate what's happening on the reef. But I would say that it doesn't replace the long-term monitoring programs that exist, particularly the AIMS coral Long-Term Monitoring Program and the reef authority's marine park monitoring program for inshore areas.

**Senator PAYMAN:** Noting that there's a large volume of work and clearly the sheer pressure that your team or staff would be under to work around the clock on this response, what has the impact of summer been on them, and how are they being supported in their work?

**Mr Thomas:** Thank you for the question. It's a compassionate one. We're very lucky at the reef authority. We humbly say that we have some of the world's best experts in what they do. They come to work for us because they care deeply about the natural environment, the Great Barrier Reef in particular, obviously. So these events do have an impact on them. They have an impact on morale. We see staff working longer than they should sometimes, and we're very keen, through our management structures, to quickly get around that and make sure they have appropriate supports in place. We're getting guest speakers to talk about psychological resilience in the workplace. We frequently acknowledge it ourselves as a leadership group. We have an independent employee assistance program in place, as most government agencies do, which is freely available and confidential to staff if they feel the need to speak about that. Richard, would you like to—

**Mr Quincey:** I think it is also the knowledge that the work that we do every day in the programs that we deliver does make a difference. And despite the challenges that we face, that provides some of the reason people are there and why they do endure some of those really difficult times.

**Senator PAYMAN:** Absolutely. Thank you for your work.

**Senator WHISH-WILSON:** Mr Thomas, in relation to a question you just answered from Senator Roberts, I think you talked about synthesising or pulling information together across different agencies, and that's a role presumably for GBRMPA. Are there any media protocols in place between government agencies like CSIRO, AIMS and GBRMPA where they have to come to you guys before they release anything to the media?

**Mr Thomas:** No. Are you referring to—

**Senator WHISH-WILSON:** About the Great Barrier Reef and about bleaching—the kinds of things we've been discussing tonight.

**Mr Thomas:** The *Reef snapshot* that we've mentioned a couple of times tonight is certainly a jointly produced document between us, AIMS and CSIRO. So, we do work closely with them and make sure that all relevant parties in those organisations are happy with the final product and are aware of the project timeline for producing it and publishing it so that advice can be provided and coordinated in a consistent way across government.

**Senator WHISH-WILSON:** Is there anything else—if they want to put out anything else on the reef—on bleaching, for example—they'd have to clear it with you first?

**Mr Thomas:** No. There's certainly no rule around that. Usually government agencies in particular—Commonwealth, state or other—would as a courtesy refer to us or consult on major work they're doing on the Great Barrier Reef. We are the lead management agency for the site, so we hope that we normally have visibility of those things.

**Mr Quincey:** And perhaps I could add that the purpose of things like the reef Pre-Summer Workshop—and we run a number of network groups, a communications network, a scientific advisory group and others—are aimed at being able to have different agencies collaborate and understand a similar amount of information. I would say we take the lead on that. But it's not a hard-and-fast rule about—

**Senator WHISH-WILSON:** Are you 100 per cent sure about that?

**Mr Quincey:** Yes. There's no written material or implied material. We have a good collaboration to achieve it.

**Senator WHISH-WILSON:** In relation to coral mortality—take this latest mass coral bleaching—what's the timing for finalising work on this across the agencies, not just your own but AIMS and CSIRO? Will that be put out in another *Reef snapshot*?

**Mr Quincey:** No. I think the next seminal document will really be the AIMS Long-Term Monitoring Program report that is released I believe in about August each year.

**Mr Thomas:** But that is not our report. That's our best estimate, based on the past years.

**Senator WHISH-WILSON:** So, August.

**Mr Quincey:** Yes. Well, that's about when it's been previously. And I think that depends on the number of sites that AIMS go to and, when they get those surveys done, how things come together. It also ends up being a rolling understanding of which sites they went to at which times. Some might say they went too early or—

**Senator WHISH-WILSON:** So, that's been a regular thing, releasing it in August?

**Mr Quincey:** They release it annually, and we can take on notice whether that time is likely to be—

**Senator WHISH-WILSON:** Yes, if you could, or check it, because my next question—which I think you've probably already answered—was going to be whether it was going to be after the decision by UNESCO and the World Heritage in-danger listing. Do we have any data to go to UNESCO with to talk about the mortality on the Great Barrier Reef in this latest bleaching?

**Mr Thomas:** We certainly do provide information to UNESCO through the department, as the government's lead on that matter. But as to the precise release of the LTMP data, we'd need to refer to AIMS about when they specifically intend to release that.

**Senator WHISH-WILSON:** Okay. Ms Parry, will you be sending any information to UNESCO prior to the vote on what we know about the latest mortality on the Great Barrier Reef?

**Ms Parry:** We have very recently updated UNESCO and, along with Mr Thomas and his team, we updated the World Heritage Centre and their advisers—

**Senator WHISH-WILSON:** Updated them on what?

**Ms Parry:** On the bleaching event.

After we submitted our progress report in January, we canvassed earlier that the special envoy, Mr Thomas, and Ms Dumazel made a trip to Paris to hold a number of different meetings as well as briefings, but we did a follow-up meeting subsequent to that with the World Heritage Centre and its advisers to give them further updates on the bleaching event on the reef.

**Senator WHISH-WILSON:** Could you answer my question about mortality, please? Were you providing them information about mortality prior to the vote in July?

**Ms Parry:** Again, we provide UNESCO, as we do publicly, with the information as the Reef Authority provides it. As soon as information becomes public, it becomes public for everybody.

**Senator WHISH-WILSON:** So that will be in August, based on what I've heard tonight. So UNESCO won't be getting any of that information before July—

**Mr Thomas:** For long-term monitoring program results and to provide a comprehensive overview, I believe that's correct.

**Senator WHISH-WILSON:** I'm just having a look at the CSIRO's reef snapshot that they put out. On page 3 of six, they say:

While these results are still to come, the extent of the heat stress, and the result of the aerial surveys indicate this is one of the most extensive bleaching events the Reef has experienced in ... nearly 40 years of monitoring.

It goes on to say:

The Great Barrier Reef has seen increases in coral cover to high levels in recent years, indicating it is still a resilient system. But this resilience has its limits.

Is this the worst mass coral bleaching we've seen? Do we have enough information to at least be able to state that to UNESCO prior to the vote at the end of July?

**Mr Quincey:** Senator, as conveyed in some of our reef health updates—similar statements to what you just read out—our understanding is that heat stress across the reef was the most that the reef had seen for nearly half of the reef. Aerial surveys showed that a large number of reefs in all areas had bleaching of the shallow water corals in the more severe categories above what we've seen before, but we will have to wait for the longer term monitoring programs to understand mortality. I couldn't responsibly give you the figures because they vary—

**Senator WHISH-WILSON:** Fair enough, but I'm interested to know when this information was going to be collected.

**Mr Quincey:** And that long-term trend series will be ongoing about the balance between survival and mortality. It's not only about mortality; it's about understanding more deeply how those events compromise the health of the reef.

**Senator WHISH-WILSON:** One example that was quoted in the last UNESCO process that we had seen rapid coral recovery in 'first to grow, first to go' types of corals, such as the plate corals and the branch corals. From my experience at least in the southern Great Barrier Reef, they have been very, very heavily impacted—80 or 90 per cent. It looked more like mortality already to me and to the scientists I was with. Is that kind of information about the impact this has had on coral diversity going to be provided in a report to the government?

**Mr Thomas:** We will certainly want to know that information ourselves, and we will be deploying all of the best scientists and experts that we work with on a regular basis from our own organisation. We have many expert coral reef scientists of our own alongside those of the Australian Institute of Marine Science—we ourselves would like to know the answer to that question to help us understand how the reef is changing and how we might change our management practices.

**Senator WHISH-WILSON:** This is the bit that I genuinely just don't get, given what we've seen unfold in recent times. It's a global problem. The Great Barrier Reef is kind of like—I hate to use the term—the 'canary in the coalmine'. How is it that we would be lobbying or making representations, as Ms Parry said, against the reef being declared 'In danger' when it's so clearly in danger from climate change?

**Ms Parry:** I can answer that question. There are a number of reasons why the government does not support an 'In danger' listing for the Great Barrier Reef. Primarily it's because it's unclear what would be achieved by such a listing. 'In danger' listings in the World Heritage system are designed to incentivise state parties to address threats impacting their properties, to facilitate the release of financial support from UNESCO—all of those activities that we are doing. Australia would not be eligible for financial support from UNESCO. Governments have already put in over \$5 billion since 2014 across state and federal governments. The reef is one of the best-managed and well-funded World Heritage sites globally. We are one of the most transparent reporting sites globally. Again, I'm happy to read out all the reports that we provide to UNESCO and others. We are on track—

**Senator WHISH-WILSON:** Ms Parry—

**Ms Parry:** Senator, I'm just going to finish this; I think it's really important to say why we are not supporting an 'in danger' listing—

**Senator WHISH-WILSON:** Sure.

**Ms Parry:** We have completed all the commitments to the World Heritage Centre that the government indicated they would do. We provided that update in the progress report. We have supplemented that information by two follow-up in-person and online meetings. Primarily, the reason that the government is so concerned about an 'in danger' listing is the impact that would have on regional communities—on jobs and tourism—with no discernible impact on the health outcomes for the reef beyond the significant effort the government has already made.

**Senator WHISH-WILSON:** It's very debatable what impact it would have. However, a few years ago UNESCO's own scientific committee—the UNESCO World Heritage Committee, as it was constituted at the time—did declare the reef in danger. Contrary to what you've said about it not being part of the UNESCO system to have something like climate change impacts assessed, their own scientific committee recommended that, and we lobbied against that happening.

For the average person out there, Ms Parry, if they care about the reef and securing its future then climate action is the only thing that's going to secure its future. But if people don't think it's in danger because we're lobbying against that and saying that it isn't, how is that actually going to get people to act and to vote for change to get what's required?

**Ms Parry:** Senator, I think that you've heard today and over the course of the last couple of days, and you've heard from Mr Thomas today, that no-one is denying that climate change impacts on the Great Barrier Reef.

**Senator WHISH-WILSON:** Is it in danger from climate change?

**Ms Parry:** That point is not in doubt. What we're saying is that the government is undertaking a variety of activities, from water quality through financial investments to protection of marine life, reducing marine debris and reducing fishing activities. Those are trying to support the underlying health of the reef in order for it to retain its outstanding universal value—

**Senator WHISH-WILSON:** But it won't, Ms Parry—

**Ms Parry:** And, again, I think this is singling out a single property, when so many World Heritage sites are facing climate impacts—

**Senator WHISH-WILSON:** I totally accept that—

**Ms Parry:** What we're trying to do is work with the World Heritage system to ask, 'How do we better treat properties that have significant climate impacts?' The reef is not the only one that's having significant climate impacts—

**Senator WHISH-WILSON:** I totally accept that, and that's why I would like to see it declared in danger. I'd like to see all the world's coral reefs declared in danger—and our World Heritage forests in Tasmania, because they're in danger from climate change. If people don't know that, they won't act to save them. It's a really simple, fundamental proposition that I have put to you, and to other people, continually over many, many years. I'm a politician; I actually understand politics. It looks like we're trying to cover up what's happening on the Great Barrier Reef.

**Senator McAllister:** Well, Senator—

**Senator WHISH-WILSON:** I know that's not the intention, Minister, but that's what it looks like.

**Senator McAllister:** Senator Whish-Wilson, if you continue to assert that then it may be that some people listen to you. But I can tell you very clearly that the biggest threat to coral reefs, worldwide, is climate change—

**Senator WHISH-WILSON:** That's right.

**Senator McAllister:** and the government accepts that. The government considers that the Great Barrier Reef is no exception. Our efforts, as I explained earlier in the day, are focused on two things: doing what we can locally to bolster the resilience of the reef and acting as a good global citizen by participating in the global effort to reduce emissions, because those things are what's necessary to save this reef and the other reefs around the world.

**Senator WHISH-WILSON:** That's where I think we have a fundamental difference, Minister, because if you actually believed that then you'd be making sure that people understood what's at stake here. I support everything that GBRMPA and everyone else is doing to take pressure off the reef, as I deal with the Great Southern Reef. However—

**Senator McAllister:** Except that you—

**Senator WHISH-WILSON:** Do you understand that there comes a point where that also becomes a distraction—a deliberate distraction?

**Senator McAllister:** Senator Whish-Wilson, I just don't accept that it's a distraction, and nor do I accept your assertion about our intention. Our intention is to continue to work with communities on everything that we can do locally to bolster the health of the reef, and also to work within the global community and to be good global citizens. We're quite up-front with UNESCO and others about the challenges that we're facing as a consequence of global climate change—

**Senator WHISH-WILSON:** Minister, let me read Mr Thomas's paragraph to you again, considering this is exactly what we're talking about: 'We're also working with research partners to identify and test new reef intervention approaches to support reef resilience. This is science and action the world needs to safeguard coral reefs against the pervasive impacts of changing climate.' It won't safeguard coral reefs; none of this great stuff we're doing will safeguard coral reefs. Radical climate action is the only chance we've got.

**Senator McAllister:** I have indicated to you that our government considers that both actions are necessary and they are not mutually exclusive. I'm not sure I can add any more to these answers. I have answered them earlier in the program and you're asking me the same question again and again. I think we do disagree about the approach, but I've indicated to you that the government considers that this is a very significant threat—it's why we act. It's one of the many reasons that we act, as we do in the international community, but we also think we will do what we can locally to do everything we can to enhance the resilience—

**Senator WHISH-WILSON:** This is a direct matter for the UNESCO process that's under way now. Mr Thomas will be familiar with this. They want to know what our government is doing in terms of climate action. The legislated target, which I must say I voted for—under some duress, I will add—equates to a two-per-cent warming. That's what the target that we passed in the Senate equates to without other action. Where are we now? On 1.2, 1.3, maybe 1.5, depending on who you speak to—look what is already happening in the ocean at 1.3 or 1.4. Do you really think two degrees is doing the best we can to save the reef? It's not.



**Senator McAllister:** As you know—

**Senator WHISH-WILSON:** The science tells us it's not.

**Senator McAllister:** I think you know the agreements that we've been party to as part of the global climate negotiations. We are well outside the part of the program when you could have asked questions about that.

**Senator WHISH-WILSON:** This relates to the UNESCO process and the Great Barrier Reef, and GBRMPA are leading the process with the department in relation to that.

**Senator McAllister:** You could have asked us questions about target-setting and all of those things earlier yesterday, and you chose not to.

**Senator WHISH-WILSON:** Could you answer my question?

**CHAIR:** Senator, can we direct questions to GBRMPA as the ones in front of you—

**Senator WHISH-WILSON:** I can direct them to the minister too.

**CHAIR:** You can, and I could also draw attention to the state of the room, but I'm not going to do that right now. Let's not go around in circles. You absolutely can ask the minister questions, but she's dead right; if you have target questions, they should have been asked earlier in the day. You have GBRMPA at the table.

**Senator WHISH-WILSON:** I won't labour the point because it is late at night, but the target questions relate directly to whether we're doing enough to save the reef—which is the government's messaging: we're doing everything we can to save the reef. I've heard you say it, Minister, I've heard Senator Green say it, I've heard Minister Plibersek say it, but the truth is, we're not. I look forward to learning how we are going to do more.

**Mr Thomas:** If I may, on a technical point, to try to be helpful, two years ago in 2022 we did have the reactive monitoring mission from IUCN sent out by UNESCO, and they provided a series of recommendations to which both the federal and the state governments have comprehensively responded. That's part of our rationale; we are doing what is being asked of us by UNESCO. We think we're doing that in ways that put us in a role-modelling position for the rest of the world, such as we can level-up other, similar sites.

**Senator WHISH-WILSON:** Can I go to a couple of other specific things before we finish up? On the crown-of-thorns starfish, you recently put out a media statement saying:

... years of targeted crown-of-thorns starfish control on the Great Barrier Reef has protected coral and supported reef health and resilience.

At the moment it says the study is being published on Public Library of Science ONE—a website. Is it being peer reviewed?

**Mr Quincey:** Yes, it has been. It went through a peer review process for that journal.

**Senator WHISH-WILSON:** Where can I get access to that?

**Mr Quincey:** I would have to take it on notice and get you access to the paper.

**Senator WHISH-WILSON:** Could you take that on notice?

**Mr Quincey:** Yes.

**Senator WHISH-WILSON:** Like I support removing long-spine sea urchins, I'm sure removing crown-of-thorns would reduce pressure on the reef, but I'm also thinking there are probably other reefs that have similar recovery levels without crown-of-thorns management. I'm not quite sure how you separate that kind of thing in the study.

**Mr Quincey:** A read of the paper will, hopefully, make that clear.

**Senator WHISH-WILSON:** Okay, I'll have a look at that.

**Mr Quincey:** It's a paper that has a broad array of authors from the Australian Institute of Marine Science, the reef authority and a number of other partners, including the Reef and Rainforest Research Centre. It's a fairly broad collaboration of material altogether to analyse that information.

**Senator WHISH-WILSON:** I have a couple of specific questions for Mr Thomas. When were you originally appointed CEO of GBRMPA?

**Mr Thomas:** In March 2019.

**Senator WHISH-WILSON:** In 2019. Can I ask a question about the corporate plan for 2023-24? I understand there was a target that wasn't met. It's basically the first of the series under the corporate plan objective or criterion 1.1. I think the target was 70 per cent, but the result was 61 per cent. Can you talk us through what that related to?

**Mr Thomas:** Could you help me with the actual line item? There are a lot of actions in the corporate plan.

**Senator WHISH-WILSON:** Yes, sure. Page 33 of the GBRMPA corporate plan 2023-24 indicates a 61 per cent result for 2022-23 was achieved against the target of 70 per cent for criterion 1.1, which is:

Reef Authority policies, strategies, and position statements that effectively address the High or Very High risks identified in the latest Outlook Report.

The target for 2023-24 is 80 per cent and then to maintain through to 2026-27.

**Mr Thomas:** I believe that's referring to the efficacy with which and the rate at which we are keeping our policies up to date. We may have fallen short on that one, but I'm afraid I don't have the list of all of those policies to work out precisely what that target refers to.

**Mr Quincey:** Also, to hold ourselves to account, we take note of the outlook risks that are shown. It's a genuine attempt to make sure that our policies head toward doing the best things that we can in the reef to address those highest risks.

**Mr Thomas:** I might add, too, that the corporate plan is shaped up together with our board, and the targets in it are deliberately ambitious and deliberately designed to present some stretch for our programs and our people in the interests of the reef.

**Senator WHISH-WILSON:** I accept that. My next question, to the minister, was actually about that. Minister, has there been any discussion about requiring the corporate plan to be updated to include targets regarding the effective regulation of major threats to the Great Barrier Reef—in particular, climate change, poor water quality, coastal development and fisheries?

**Senator McAllister:** I'll have to take that on notice. As you understand, I act for the minister here and I don't have all the knowledge of all of the things that she is presently considering.

**Mr Thomas:** I believe our corporate plan does, though, highlight the concern we have for climate change and the resilience-based management approaches we take, as the site manager, to address that.

**Senator WHISH-WILSON:** What about addressing mitigation of the climate rather than adaptation—like advocating on climate policies?

**Senator McAllister:** I understand the nature of the question you're asking and I've taken it on notice. I just don't have that information with me.

**Senator WHISH-WILSON:** This question relates to my first question to Mr Thomas, if you could take it on notice too. Will the minister for environment be updating or has there been discussion about updating the ministerial statement of expectations for the GBRMPA CEO on this particular issue, particularly given the immense interest in the World Heritage status of the Great Barrier Reef?

**Senator McAllister:** I'll have to take that on notice. That isn't something I have knowledge of.

**Senator WHISH-WILSON:** I can put some more detailed questions to then. Honestly, after visiting Heron Island recently, I was literally tearing my hair out about what more I could do to get people to wake up and understand what's going on on the reef. I appreciate the sensitivities of talking about it, but I also understand that if we don't let people know then they won't do anything about it. So I looked at declaring a national emergency under specific legislation in 2021. It talks about the conditions for making a declaration of a national emergency. There have been four since this legislation was implemented, and they relate to extreme weather events. Of course, I don't know why a marine heatwave wouldn't be any different to a terrestrial heatwave or other extreme weather events. It talks about the criteria:

(1) The Governor-General may make a declaration ... if the Prime Minister is satisfied that:

(a) an emergency has recently occurred, is occurring or is likely to occur ... and

(b) the emergency has caused, is causing or is likely to cause nationally significant harm in Australia or in an Australian offshore area ...

'Nationally significant harm' is defined in the legislation as harm that:

(a) has a significant national impact because of its scale or consequences ...

In particular—

(ii) harm to the life or health of animals or plants;

... ..

(iv) harm to the environment ...

I was just wondering why we don't declare marine heatwaves to be national emergencies, like we do for cyclones, floods, droughts and other things in our nation's history? I did get a response from the Prime Minister, by the way.

**Senator McAllister:** I'm really not going to speculate on the framework for declaring national emergencies, which I confess I don't have a briefing on, and I'm not in a position to speculate about the proposition you're putting.

**Senator WHISH-WILSON:** Okay.

**Ms Parry:** I can indicate that any questions regarding the National Emergency Declaration Act should be referred to the Department of Home Affairs.

**Senator WHISH-WILSON:** The Department of Home Affairs. Just as a matter of interest, do they come to your department, Ms Parry? You've probably been familiar with other declarations. Do they come to you for an environmental assessment?

**Ms Parry:** I would have to take that question on notice.

**Senator WHISH-WILSON:** I'd be very interested to know.

**Ms Parry:** I genuinely don't know the answer to that question.

**CHAIR:** Senator Whish-Wilson, honouring your 45 minutes, I'm going to give you a five-minute wind-up.

**Senator WHISH-WILSON:** I'll leave it there, Chair, seeing that you've been so patient with me. I'll put some other questions on notice.

**CHAIR:** Thank you very much, Senator Whish-Wilson. That concludes our hearing today. Thank you very much for coming along and sharing your information with us. Thank you to all of the other witnesses. Thank you to Hansard and broadcasting for the amazing job they do. I will remind senators that the committee has agreed that any written questions on notice should be lodged with the secretariat by 14 June 2024. The committee now stands adjourned.

**Committee adjourned at 22:06**