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SENATE

ENVIRONMENT, COMMUNICATIONS AND THE ARTS
LEGISLATION COMMITTEE

ESTIMATES

(Supplementary Budget Estimates)

TUESDAY, 20 OCTOBER 2009

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SENATE ENVIRONMENT, COMMUNICATIONS AND THE ARTS**LEGISLATION COMMITTEE****Tuesday, 20 October 2009**

Members: Senator McEwen (*Chair*), Senator Birmingham (*Deputy Chair*), Senators Ludlam, Lundy, Troeth and Wortley

Participating members: Senators Abetz, Adams, Back, Barnett, Bernardi, Bilyk, Mark Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Jacinta Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Kroger, Ian Macdonald, McGauran, McLucas, Marshall, Mason, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Sterle, Troeth, Trood, Williams and Xenophon

Senators in attendance: Senators Abetz, Birmingham, Bob Brown, Boswell, Colbeck, Fielding, Heffernan, Ludlam, Lundy, McDonald, McEwen, Milne, Siewert, Wortley and Xenophon

Committee met at 9.02 am

ENVIRONMENT, HERITAGE, WATER AND THE ARTS PORTFOLIO

Consideration resumed from 19 October 2009

In Attendance

Senator Wong, Minister for Climate Change and Water

Department of the Environment, Heritage, Water and the Arts**Executive**

Ms Robyn Kruk, Secretary
Mr Peter Burnett, Acting Deputy Secretary
Mr Malcolm Thompson, Deputy Secretary
Dr James Horne, Deputy Secretary
Mr Mark Tucker, Deputy Secretary
Mr Sean Sullivan, Acting First Assistant Secretary

Approvals and Wildlife Division

Ms Rose Webb, Acting First Assistant Secretary
Ms Vicki Middleton, Assistant Secretary, Environment Assessment Branch 1
Ms Michelle Wicks, Acting Assistant Secretary, Environment Assessment Branch 2
Ms Carolyn Cameron, Acting Assistant Secretary, Strategic Approvals and Legislation Branch
Ms Jan Klaver, Acting Assistant Secretary, Compliance and Enforcement Branch
Ms Kathryn Collins, Assistant Secretary, Business Systems and Governance Branch
Mr Mark Flanigan, Executive Director, Environmental Planning Services

Australian Government Land and Coast

Ms Alex Rankin, First Assistant Secretary

Ms Michelle Lauder, Acting Assistant Secretary, Reef Rescue and Aquatic Partnerships Branch

Dr Charlie Zammit, Assistant Secretary, Biodiversity Conservation Branch

Mr Peter Creaser, Acting Assistant Secretary, Indigenous Policy Branch

Ms Mary Colreavy, Assistant Secretary, Business Planning and Performance Branch

Bureau of Meteorology

Dr Greg Ayers, Director

Dr Sue Barrell, Acting Deputy Director, Research and Systems

Dr Rob Vertessy, Deputy Director, Water

Mr Gary Foley, Deputy Director, Services

Dr Neville Smith, Acting Deputy Director, Corporate

Mr Trevor Plowman, Chief Financial Officer

Corporate Strategies Division

Mr Malcolm Forbes, First Assistant Secretary

Ms Lily Viertmann, Chief Financial Officer

Environment Quality Division

Dr Diana Wright, First Assistant Secretary

Great Barrier Reef Marine Park Authority

Dr Russell Reichelt, Chairman

Ms Margaret Johnson, General Manager, Communications and Policy Coordination Branch

Mr Bruce Elliot, General Manager Corporate Services Branch

Heritage Division

Mr Cathy Skippington, First Assistant Secretary

Mr Theo Hooy, Assistant Secretary, Historic Heritage Branch

Mr Terry Bailey, Assistant Secretary, Natural and Indigenous Heritage Branch

Dr Greg Terrill, Assistant Secretary, International Heritage & Policy Branch

Marine Division

Ms Donna Petrachenko, First Assistant Secretary

Mr Stephen Oxley, Acting First Assistant Secretary

Ms Tania Rishniw, Assistant Secretary, Tropical Marine Conservation Branch

Mr Nigel Routh, Assistant Secretary, Marine Biodiversity Policy Branch

Mr Charlton Clark, Acting Assistant Secretary, Temperate Marine Conservation Branch

Murray Darling Basin Authority

Mr Frank Nicholas, Acting Chief Executive

Dr Fraser MacLeod, Executive Director, Natural Resources Management

Mr Les Roberts, Executive Director, Basin Plan

Mr David Dreverman, Executive Director, River Murray

Mr Geoff Haberfeld, Executive Director, Engagement, Secretariat and Communications

National Water Commission

Mr Ken Matthews AO, Chief Executive Officer

Mr Matt Kendal, General Manager, Sustainable Water Management Group

Ms Kerry Olsson, General Manager, Assessment and Policy Coordination Group

Mr Will Fargher, Acting General Manager, Water Markets and Efficiency Group

Parks Australia Division

Mr Peter Cochrane, Director of National Parks

Policy Coordination Division

Mr Sean Sullivan, Acting First Assistant Secretary

Ms Claire Howlett, Acting Assistant Secretary, Strategic Advice Branch

Renewables and Energy Efficiency Division

Mr Ross Carter, First Assistant Secretary

Mr Kevin Keeffe, Assistant Secretary, Home Energy Branch

Mr Peter Young, Assistant Secretary, Building and Government Energy Efficiency Branch

Ms Mary Wiley-Smith, Assistant Secretary, Community and Industry Partnerships Branch

Ms Hilton Taylor, Assistant Secretary, Appliance Energy Efficiency Branch

Mr Peter Young, Acting Assistant Secretary, Renewable Energy Branch

Supervising Scientist Division

Mr Alan Hughes, Supervising Scientist

Water Reform Division

Mr Tony Slatyer, First Assistant Secretary

Ms Chris Schweizer, Assistant Secretary, Aquatic Systems Health Branch

Ms Kerry Smith, Assistant Secretary, Water Policy Branch

Mr Russell James, Assistant Secretary, Water Resources Branch

Water Efficiency Division

Ms Mary Harwood, First Assistant Secretary

Mr Richard McLoughlin, Assistant Secretary, Irrigation Efficiency Northern Branch

Mr Colin Mues, Assistant Secretary, Water Recovery Branch

Ms Suzy Nethercott-Watson, Assistant Secretary, Irrigation Efficiency Southern Branch

Water Governance Division

Mr Ian Robinson, First Assistant Secretary

Mr Steve Costello, Assistant Secretary, Urban Water Security Branch

Ms Gayle Milnes, Assistant Secretary, Environmental Water Branch

Mr Mark Kwiatkowski, Assistant Secretary, Project Management and Governance Branch

CHAIR (Senator McEwen)—Good morning, everybody. I declare open this public hearing of the Senate Environment, Communications and the Arts Legislation Committee. Today the committee will continue its examination of the environment, water, heritage and the arts portfolio, completing program 5.2, which commenced last night, and then continuing with the published agenda. These are supplementary budget estimates. The agencies heard during these estimates are only those which have been nominated by various senators. The Senate has referred to the committee the particulars of proposed expenditure for 2009-10 for the portfolios of broadband, communications and the digital economy, and environment, water, heritage and the arts and other related documents. The committee may also examine the annual reports of the departments and agencies appearing before it.

The committee has set Friday, 11 December 2009 as the date by which answers on questions to notice are to be returned. Senators are reminded that written questions on notice to those agencies or divisions nominated to appear at this round of supplementary estimates should be provided by close of business this Friday. Under standing order 26, the committee must take all evidence in public session. This includes answers to questions on notice.

Officers and senators are familiar with the rules of the Senate governing estimates hearings. If anybody needs assistance with those rules, the secretariat has copies. I particularly draw the attention of witnesses to an order of the Senate of 13 May 2009 specifying the process by which a claim of public interest immunity should be raised and which I now incorporate in *Hansard*.

The document 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).

(Extract, Senate Standing Orders, pp 124-125)

I welcome Senator the Hon. Penny Wong, Minister for Climate Change and Water, the departmental secretary, Ms Kruk, and portfolio officers. We now turn to program 5.2. For his forbearance and patience last night, I would like to reward Senator Ludlam with the first opportunity to ask questions.

Senator LUDLAM—I thought I was being quite impatient. Thank you very much. We will kick off. Welcome back. It is like we never left. I want to put a couple of questions to you about the heritage projects that were funded through the Jobs Fund. It is very welcome seeing the spending finally hitting the ground. As the government's principal advisory body on heritage, did the Australian Heritage Council assess the relevant applications and advise the minister?

Ms Skippington—Yes, the answer to your question is that the Australian Heritage Council did provide advice to the minister on the merit of projects to be funded.

Senator LUDLAM—Was it just one of the inputs that the minister chose, or was it the principal body that was advising on the projects that were funded?

Ms Skippington—It was one of the bodies. I will just go through the process. The minister also sought advice from the Federation of Australian Historical Societies as well as the heritage minister's working group.

Senator LUDLAM—I would like to come back to that. Are you able to tell us who is on that working group?

Ms Skippington—Yes. The heritage working group for the minister comprises Ms Kristal Buckley, Dr Graeme Blackman, Professor David Throsby, Mr Tom Harley, Dr Gaye Sculthorpe, Associate Professor Don Garden, Associate Professor Peter Valentine and Mr Chris Brown.

Senator LUDLAM—What is the relationship between that working group and the Australian Heritage Council? Which body has primacy?

Ms Skippington—The Australian Heritage Council has a statutory role as the primary advisory body on heritage matters to the minister. The heritage working group is a group of heritage professionals who have no statutory role but have been brought together as a working group to work up options and ideas.

Senator LUDLAM—Has the Heritage Council been shown to not be fulfilling its role? I am not sure why we need the existence of an additional non-statutory working group if we have the Heritage Council, which has existed for some time.

Ms Skippington—Senator, I think you said at the start that the question was whether the Heritage Council is not meeting its role. Was that your question?

Senator LUDLAM—Well, essentially what is the working group for if we have a Heritage Council?

Ms Skippington—The working group is to come up with ideas. It is bringing in different expertise than the Heritage Council. It includes an economist as well as representatives from the tourism industry.

Senator LUDLAM—So they are not necessarily all heritage professionals? They have broader expertise?

Ms Skippington—No. It is broader. Sorry. My apologies.

Senator LUDLAM—In assessing the applications, was there any consideration given to the potential for applicants to make their own financial contribution to the project, such as matching funding? For example, there are quite a few state government agencies that have been given funds. Has that been assigned on the basis of matching funding?

Ms Skippington—Some of the projects nominated that there was matching funding, so that was a consideration but it was not a requirement of the projects.

Senator LUDLAM—I notice that quite a lot of the funds have been given to current or potential World Heritage sites. I am wondering why those sites did not already have access to recurrent Commonwealth funding for World Heritage and not actually need the jobs funding money.

Mr Hooy—A number of the World Heritage properties get funding annually under a competitive process, but this was an opportunity to provide additional funding to World Heritage sites, including those that normally are not eligible for Caring for our Country funds. For example, the Sydney Opera House and the Royal Exhibition Buildings would not normally be eligible under the Caring for our Country funding.

Senator LUDLAM—There are things like the director of national parks and the Mawson's Huts Foundation, which are obviously very worthy bodies, but they are receiving significant funding from the Jobs Fund which, from an outsider's point of view, looks like it is really core departmental funding responsibilities that are not being picked up.

Mr Hooy—It was a competitive process, Senator. Essentially those projects were funded on their merits.

Senator LUDLAM—At the last hearings we asked a couple of questions about core departmental funding for Heritage. Some information was provided. It looked as though there was a big apparent difference in the funding between the last financial year and the current financial year. I think I put these questions to you.

Ms Kruk—I think there was a question on notice on that, was there not?

Senator LUDLAM—You assured us that it was not a real funding cut in the heritage division. Can you provide any further information as to that apparent discrepancy?

Ms Kruk—Can I take that on notice? I certainly remember giving that assurance. If I could have a look at the response and come back to you during the course of the day, that is fine.

Senator LUDLAM—Yes.

Ms Kruk—I will echo and reinforce the comment of the officers. As we discussed last time and I think you alluded to in your questioning, a number of heritage assets have not been in receipt of any funding for an awfully long period of time. So in making decisions in relation to the list, heritage was looked at right across the board. It was a merit based process. It was a very competitive process. You mention Mawson's Huts. I think that is a good example. The whole issue was that given additional heritage moneys were tied to the stimulus building package, it was to look at the ability to provide stimulus by way of employment opportunities as well. That was an additional criterion in that regard.

Senator LUDLAM—I certainly have no argument with those criteria.

Ms Kruk—So you are not critical in terms of any particular areas?

Senator LUDLAM—Of the projects? No, not at all. Although in the absence of the documents that were provided to you by the Heritage Council and perhaps the working group—the short list—it is very difficult to evaluate what heritage professionals have said is worth funding and then what has actually been funded. I think we had an extensive discussion about this last time.

Ms Kruk—We did.

Senator LUDLAM—Without knowing what the professionals are telling us, it is difficult to evaluate. The key thing that I am trying to establish is whether the Commonwealth has put \$60 million on the table on the one hand and then is withdrawing core heritage funding on the other. So what is the net increase?

Ms Kruk—Mark, do you want to add to that?

Mr Tucker—No. As the secretary has said, we will come back to you with the details in terms of those figures. I suppose as a brief explanation, when we get money to implement programs and activities, there is always a component that we use in every program to fund the accommodation the people sit in—the computers, the leave processing and the processing of pay. What you have then is a component that the division can actually spend on the ground in terms of its activities. We can give you assurances that that component has not dropped significantly, so it has not been giving with the one hand and taking with the other. But we will obviously have to come back to you with that in a bit more detail.

Senator LUDLAM—And anything that gives us some trends for core heritage funding over the last couple of years. You can take that on notice.

Mr Tucker—There certainly have been some program terminations and there have been peaks and troughs. But, in terms of the two years, no, there has not been a give and take.

Senator LUDLAM—Well, we will wait to see the figures on those. In a similar vein, can you give us the staffing levels for the heritage division in the last financial year in FTEs and comparative figures for the current financial year, again in FTEs? Is that the sort of information you can provide later today?

Ms Kruk—Yes, it certainly is. Malcolm Thompson may be able to address the issue of the budget. Is that all right, Malcolm, or am I putting you on the spot?

Mr Thompson—I think Mr Tucker has addressed it about as far as we can go. His answer is accurate.

Senator LUDLAM—I might revisit this later, once we have seen some figures. That is fine.

Ms Kruk—Okay.

Senator LUDLAM—Have there been staff cuts that you are aware of?

Ms Skippington—No, Senator.

Senator LUDLAM—That is great. Does the Australian government have a strategic vision and a plan for Australia's heritage? Is that document to be found somewhere?

Mr Hooy—No, Senator. There is nothing that you would call a strategic plan for heritage. Obviously we have an overall objective with respect to the National Heritage List and the population of the National Heritage List. The government has some clear objectives with respect to World Heritage. But there is no single document called a heritage strategy per se.

Ms Kruk—I might ask Mark Tucker to refer to the department's own strategic planning document, which I am sure you are familiar with. It actually details some of the priorities in relation to this outcome.

Mr Tucker—The department's strategic plan outcome 5 has the objectives and aims that we have for Heritage as a department. That was developed in consultation with the minister. It sets out where we want to be by 2014 and what we are trying to do in 2009 and 2010. It sets out some detail of how we will measure our success and the challenges that we have to overcome to achieve the outcomes that we are seeking.

Senator LUDLAM—I shall go back and review that. I found it curious. We have a national biodiversity strategy, an energy efficiency strategy and an arts and disability strategy which all relate to this minister's portfolios, but the national heritage strategy is a subsection of the department's strategic plan. As I say, I will review it. Is there an intention to develop a national heritage strategy to give the whole process some traction?

Mr Tucker—Ms Skippington can probably add to this. Part of the reason for that heritage working group that was described earlier is to look at ways in which, I suppose, the benefits and the story of heritage can be more widely integrated into other activities within Australia. We know, for example, that many of our heritage assets are very important attractions for our tourism industry. We know that many of our heritage assets produce significant economic benefit. So one of the pieces of work for that heritage group is how we tell a bigger story about heritage and how we bring that to people's awareness and put that into a better structure for people to understand. That is part of what that working group is working through.

Senator LUDLAM—What is the working group going to produce at the end of that process?

Mr Tucker—I will refer to my colleagues on that one, Senator. I have not been for a number of meetings.

Ms Skippington—The working group has met a number of times through this year, but their focus has been on the grants program. We have a meeting scheduled at the end of this

month. There are a number of strategic topics which they will be considering and working up some recommendations for the minister about. In relation to tourism, there are strategic priorities. As Mr Tucker said, it is messaging heritage and the monitoring and evaluation of the places.

Senator LUDLAM—Was that messaging?

Ms Skippington—Messaging. That is what Mr Tucker was talking about.

Senator LUDLAM—Will that plan be a public document, or is that just advice to the minister for consideration?

Ms Skippington—At this stage, it is the evolution of ideas, so it is a bit early to say what would be published and what the minister would accept.

Ms Kruk—Senator Ludlam, if I may, I encourage you to look at the strategic plan. The strategic plan also very clearly articulates where the priorities are for action. Having met with the Heritage Council very early in my term of office, I think they felt incredibly reinvigorated. There had been probably a feeling of, ‘Where to now?’ So there is a huge amount of activity in the heritage space. I think the provision of not only additional funds through the stimulus package but also some additional funds into the base has been very well received. To be honest, a lot of the focus has also been put in place to ensure that the actual planning and operational documents for some of the major heritage sites are given a priority. I think you and I have both been in environments where there have been lofty strategy documents produced at the expense of actually getting the work done on the ground. Ultimately whether Minister Garrett elects to release a heritage policy is a matter for him, I think, at the end of the day. That is not a space I want to pre-empt. But I do want to point you to the work in relation to our strategic plan, which identifies both priorities and, arguably, picks up the sort of issues you would be interested in.

Senator LUDLAM—I was not suggesting that you stop what you are doing and develop a plan.

Ms Kruk—No. Not taken as such.

Senator LUDLAM—I have one or two more questions, which are about the Commonwealth Heritage List. Can you tell us how many nominations are scheduled for assessment for the current financial year on that list?

Mr Hooy—I will have to take that on notice.

Senator LUDLAM—Can you give a rough idea? More than 10? More than 20?

Mr Hooy—Only a relatively small number.

Ms Skippington—We can get back to you today. It is just a matter of counting them.

Senator LUDLAM—Do you have any idea of the total number of nominations or potential nominations for the Heritage List such as might arise from surveys undertaken by Commonwealth agencies, for example? I am trying to get an idea of the number of different projects and potential nominations that we are trying to pour into the funnel and how big the funnel is.

Ms Skippington—This is about the Commonwealth Heritage List?

Senator LUDLAM—That is right.

Ms Skippington—The Commonwealth Heritage List relates to properties that are owned or managed by the Commonwealth, so it is not a matter of nominations. It is a matter of identifying what we have there. So if the Commonwealth agencies change their property—the estate—that will change what is on the list and what needs to come on the list.

Senator LUDLAM—But is it up to the Commonwealth to propose properties for the Commonwealth Heritage List? How do they find their way on to that list?

Mr Hooy—As a result of departments preparing heritage strategies, they are required to undertake an evaluation and audit of all of their properties and their heritage values. That does throw up properties that are for evaluation and are considered to have Commonwealth heritage values. Then a formal process needs to be undertaken to put those values before the Australian Heritage Council to determine whether or not they meet the criteria. I should say with respect to Commonwealth properties on council's work plan that that list is available on the council's website.

Senator LUDLAM—I can remember the last time we had this discussion it was ascertained that agencies are actually a long way behind in providing those assessments. The minister himself made some quite critical comments in that regard. Can you provide us with an update as to how that process is going?

Mr Hooy—Yes, Senator. This is with regard to the heritage strategies?

Senator LUDLAM—Yes. That is correct.

Mr Hooy—At the moment, 15 agencies have completed heritage strategies. A further 16 are almost completed. Either they have been considered by council or the department has reviewed a draft strategy. Ten departments have yet to indicate whether or not they propose to undertake heritage strategies.

Senator LUDLAM—Can you provide for us on notice a list of the departments that have been a bit reluctant thus far?

Mr Hooy—I can do that.

Senator LUDLAM—Just on that one.

Mr Hooy—We have contacted those agencies and we have received no advice from them as to what their intentions are. So we will provide that list.

Senator LUDLAM—And a breakdown of who; that is right.

Mr Hooy—And a further 10 agencies have undertaken audits of their properties and determined that none of them has heritage values. So, in total, of the 51 agencies that we have been in communication with, we still have no idea as to the likelihood of 10 of those agencies in terms of the preparation of strategies.

Senator LUDLAM—Playing hard to get. I will be interested to see who they are. Thanks very much for your time this morning.

Senator BIRMINGHAM—Senator Ludlam has covered most of the ground I wanted to, which is a good start to the day. I have a couple of quick questions about the Kokoda Track Code of Conduct. Has the code of conduct been completed?

Dr Terrill—Yes, it has been completed. It was issued in a joint press release from both governments earlier this year.

Senator BIRMINGHAM—Thank you, Dr Terrill. Has it commenced operation?

Dr Terrill—Yes.

Senator BIRMINGHAM—Can you confirm that it is a voluntary code?

Dr Terrill—It is a voluntary code.

Senator BIRMINGHAM—Regarding the promotion of excellence and duty of care within the code, does this include the provision of medical certificates or fitness to undertake the trek?

Dr Terrill—Would you like me to read out the relevant provisions?

Senator BIRMINGHAM—Certainly. That is fine, Dr Terrill. Whatever is easiest.

Dr Terrill—The code requires that tour operators agree to, under a section duty of care to clients, ensure that group leaders have appropriate levels of expertise, that trekking parties include a wilderness leader, first aider or similar and that all trekking groups are equipped with appropriate first aid supplies and appropriate communication equipment. It also requires all trekkers to provide to the tour operator details of next of kin, appropriate medical clearances and evidence of travel insurance. There is also a footnote that encourages trekkers to also provide their personal details for DFAT Smartraveller, which is a database record of international travellers.

Senator BIRMINGHAM—Indeed. I have asked whether the need for all trekkers to provide their tour group with appropriate medical clearances is contained in an appropriate subclause or dot point within the code. Is the notion of appropriate medical clearance defined or outlined in any way?

Dr Terrill—It is not in the code, no.

Senator BIRMINGHAM—Given the tragic events that have occurred during this year in particular, has the department given any consideration to whether that clause should be more specific?

Dr Terrill—I guess the point is that it is a code of conduct issued by an agency—the Papua New Guinea government. It is not an Australian government product. It is not part of Australia. So it is clearly up to the PNG government ultimately to decide what the code of conduct might contain and its status—whether it is voluntary or mandatory.

Ms Kruk—Senator Birmingham, I have done the trek and went through what was at that stage very much a voluntary examination. It was just a standard one in terms of any indications of poor health. I think we were also very aware that even though our whole party underwent medical examination, that did not provide us with full comfort that there would not be medical instances. While I am not familiar with all of the recent results of the post-mortems of the individuals who lost their life on that track, it would be unclear whether a medical check in all of those instances would necessarily have given you the confidence that

there was not going to be some injury. But certainly there was a standard heart rate test et cetera. I do very much echo Dr Terrill's comments that the responsible operators have been applying that for some time.

Senator BIRMINGHAM—Obviously some of the tragic instances that have occurred have involved people who apparently appeared otherwise fit and healthy. It just shows that particular strain on the body can have unknown effects in any sort of circumstances. Nothing is foolproof. I guess I am looking at whether the code and its development and status and the agreements we have with PNG on those things are satisfactory to ensure that they are operating at the highest possible level and are providing as much comfort and knowledge as possible.

Ms Kruk—I am fit and healthy and I found it arduous. We will not have that put on the record.

Senator BIRMINGHAM—I am sure you completed it with flying colours, Ms Kruk.

Ms Kruk—I would not be raising it otherwise, Senator Birmingham.

Senator BIRMINGHAM—Indeed. How many Australian operators have voluntarily committed to the code?

Dr Terrill—I think all Australian operators have voluntarily committed to the code, as far as I am aware.

Senator BIRMINGHAM—Excellent. Is there any auditing of compliance with the code, or are compliance issues purely addressed on a complaints basis?

Dr Terrill—The Kokoda Track Authority, which is the managing authority for the track area, has, I guess, two points at which compliance is relevant. The first is in relation to the payment of trekking fees and the issue of trekking permits, which is an office function. The second is they have rangers, recently employed, who are now starting to walk up and down the track and check compliance with both the issuing of permits and the payment of fees and adherence with the code.

Senator BIRMINGHAM—Have any funds been provided for the upgrade of the Kokoda airstrip?

Dr Terrill—The Australian and PNG governments recently announced a safety package for \$1.8 million that flagged a number of areas of particular concern. One of them is the Kokoda airstrip. The current actions underway in relation to that are being led by the PNG civil aviation authority with the assistance of Australia's CASA, the Civil Aviation Safety Authority, to look at exactly what might be needed for the Kokoda airstrip and other airstrips along the track.

Senator BIRMINGHAM—What are the time lines for that work?

Dr Terrill—As soon as we can get it done. It is a matter of some urgency.

Senator BIRMINGHAM—Obviously there is a number of parties involved in that and it is cross-jurisdictional between PNG and Australia. Is there a particular lead agency of responsibility?

Dr Terrill—The lead agency is the Papua New Guinea civil aviation authority. The main cooperative partner is the Australian Civil Aviation Safety Authority. I understand that the cooperation has been excellent.

Senator BIRMINGHAM—But the funding for the upgrade is being provided through the department of the environment?

Dr Terrill—At the moment it is not certain what, if any, upgrade might be needed. It looks like there will be some minor things in relation to windsocks and cones and so forth. There is a much larger question that has been raised in the media about whether, for example, the airstrip might need to be significantly lengthened or hardened. But that sort of decision would have to await the outcome of this sort of formal inquiry.

Senator BIRMINGHAM—In terms of the quantum of money that has been committed to the implementation of the joint understanding with the government of PNG, am I right in that that is a \$14.9 million commitment?

Dr Terrill—That is right.

Senator BIRMINGHAM—How is that money broken down?

Dr Terrill—I can reply at several levels. Perhaps I will indicate three areas of activity. One is in relation to track management. The second is in relation to livelihoods of communities along the track. The third is in relation to protection and other related issues. In relation to track management, the major activities that are being funded include building the capacity of the Kokoda Track Authority to run and manage the track. I do not have precise figures, but if you want an order of magnitude, I would be happy to provide that and take precise figures on notice. But my guess is that that would be about 25 per cent of total costs. In relation to the livelihoods of the local communities along the track who own the land and have complete right of say over how that land is used, there is probably a similar order of magnitude of costs. In relation to protection and other related functions, that would be the remainder. At this stage, I am happy to provide precise figures. But given there is still some money that is unspent in the out years, they would obviously have to be forward estimates rather than actual commitments.

Senator BIRMINGHAM—If you could take that on notice, that would be helpful. Are any of these funds being spent on health facilities within the region?

Dr Terrill—Yes, they are, particularly in the second tranche I mentioned related to the livelihoods of local communities.

Senator BIRMINGHAM—And any in relation to medivac type facilities, or are they deemed as the best that can be achieved, given the terrain and environment?

Dr Terrill—I suppose there are various components that go into a medivac. For example, there are radio communications to enable contact to the outside world to let something happen. There is also the provision of landing places to enable helicopters or small plane landings. For both of those particular elements, some of the funding would relate to them. But the medivac processes in the broad are an insurance relationship between trekkers, tour operators and insurance companies and their lines. So the safety package does not move into

that private sector relationship, but it does look at some of the infrastructure issues that underpin it.

Senator BIRMINGHAM—Thank you, Dr Terrill. That will suffice from me on heritage.

CHAIR—Are there any further questions for this area?

Senator SIEWERT—I want to ask about Ningaloo and the progress on the potential World Heritage listing of Ningaloo. The last time we discussed this, if I recall rightly, you were still discussing it with the Western Australian government. There were some negotiations over the various proposed boundaries. I am looking for an update about where we are with those negotiations and whether there has been any progress.

Mr Bailey—Yes, there certainly has, Senator. The minister has been conducting those discussions with the Western Australian Premier and the environment minister in Western Australia. They met earlier this month to continue that discussion. We believe that those discussions will be concluded and the nomination will still be submitted before the 1 February deadline in 2010.

Senator SIEWERT—In terms of the boundary, is there agreement now over the boundary that will be nominated?

Mr Bailey—The discussions that were conducted earlier in the month were largely around that. They are very closely being finalised.

Senator SIEWERT—If I recall correctly, I understand that part of the boundary negotiations were around the Muiron. That is correct, is it not?

Mr Bailey—That is correct.

Senator SIEWERT—Are they likely to be included or excluded?

Mr Bailey—I would not give a view on that because it is a discussion between the minister and the Premier at this stage.

Senator SIEWERT—Is there likely to be an announcement before the nomination? On 1 February, is there likely to be an announcement of what the boundary will be?

Mr Bailey—I expect that the minister will launch the nomination that will include the first boundary before 1 February, yes.

Senator SIEWERT—Is there a timeline for that?

Mr Bailey—Not at this stage, but we would anticipate that it would be late December or January.

Senator SIEWERT—Thank you very much. That sounds like very promising progress.

Senator LUNDY—Is this the right area to ask questions about prospective World Heritage listings?

Ms Kruk—Yes.

Senator LUNDY—Excellent. I want to get an update on the consideration of prospective World Heritage listings, particularly in relation to the central national capital area of Canberra.

I understand that a submission was prepared for World Heritage listing of the national capital area, but it may have been a national listing.

Dr Terrill—There has been a process through the environment protection and heritage council minister in relation to the preparation of a tentative list for Australia's future 10-year plan on World Heritage listing. That particular site was not put forward by one of the jurisdictions—by the ACT, in this case.

Senator LUNDY—So what sites have been put forward?

Dr Terrill—There are about a dozen, from memory. The one that the ACT was involved in was related to the Australian alps. There were no others from the ACT. Do you want me to go further into details for other jurisdictions?

Senator LUNDY—No. That is fine. Thank you.

[9.35 am]

CHAIR—There being no further questions for program 5.2, I thank very much the officers for appearing this morning and answering our questions. We will now move to outcome 1 and commence with the supervising scientist. Welcome, Mr Hughes, again.

Senator LUDLAM—Firstly, can you provide us with an update on recent work around the Ranger uranium mine in Kakadu, specifically the input that your office is having into the proposals to introduce a heap leaching plant at Ranger?

Mr Hughes—The heap leach proposal has been referred on to the EPBC Act. We have had input into the production of the guidelines that will apply to that EIS. The situation now is that Ranger or ERA is preparing the EIS for that. There is no fixed timeline for that, but we understand that they are going to submit the EIS some time in the middle of next year.

Senator LUDLAM—So you are advising the department on what that EIS should contain or what the company should be asked to do? Can you give us a little detail as to the nature of the advice or the input that you provided to the development of the EIS?

Mr Hughes—The original guidelines came from the Northern Territory government. We commented on those guidelines. They were fairly fulsome, in any case, but we just provided some minor advice on some technical issues.

Senator LUDLAM—But this is for Commonwealth assessment or NT assessment?

Mr Hughes—It is being assessed under the bilateral arrangements.

Senator LUDLAM—Which means most of the work is actually done from the territory. What formal role is the Commonwealth playing?

Mr Hughes—We will participate in the assessment under the provisions of the Northern Territory legislation and under the provisions of the EPBC Act.

Senator LUDLAM—Can you tell us who the department's lead person is in that area from the territory side and from the Commonwealth side?

Mr Hughes—The lead agency for the territory is the Department of Natural Resources, Environment, the Arts and Sport.

Senator LUDLAM—The department for everything?

Mr Hughes—Yes. One of those. In our case, the EPBC provisions are being handled by the approvals and wildlife division of our department, DEHWA. From the supervising scientist point of view, our work is coordinated by the Office of the Supervising Scientist.

Senator LUDLAM—From the NT side, though, is there one particular officer who has carriage of this proposal?

Mr Hughes—We have had main dealings with one particular officer, but I do not know if that person is assigned carriage of the project.

Senator LUDLAM—Are you able to tell us who that is?

Mr Hughes—His name is Michael Brown.

Senator LUDLAM—And within the approvals and wildlife division—that is, of the Commonwealth department—who is the lead officer there?

Mr Burnett—My normal position is first assistant secretary of approvals and wildlife division, so it is our division that is leading this work in terms of the EPBC assessment. Senator, it is our mining section in one of our environmental assessment branches that looks after this. We normally do not name or nominate individual officers. There may be more than one officer working on the matter at any given time. But it is the mining section.

Senator LUDLAM—That is great. Has your office undertaken any research overseas on the use of heap leaching in the uranium industry? Are there any other sites that you have investigated?

Mr Hughes—Yes. There is one heap leach operation currently occurring overseas. It is situated in Brazil. I sent two officers over to look at the activities there earlier this year.

Senator LUDLAM—Can you recall the name of that site for us?

Mr Hughes—I am not sure that I can pronounce it correctly, but it is spelt C-a-e-t-i-t-e.

Senator LUDLAM—I would not be brave enough to try that either. Thank you. So you sent two officers over. How long has that operation been running for?

Mr Hughes—I could not answer that question.

Senator LUDLAM—We can come back and find that out, I guess. What is your understanding of the ERA's timetable for proceeding that? Are you privy to that sort of thinking about what the timeline for the process might be?

Mr Hughes—As I say, until such times as we actually see the detailed EIS, we would not be in a position to have any knowledge of that.

Senator LUDLAM—The guidelines having been set, there is no statutory timeline, really? It is up to the company to proceed or not?

Mr Hughes—It is up to the company to submit the EIS.

Senator LUDLAM—They will submit that simultaneously to the territory and to the Commonwealth?

Mr Hughes—I would imagine so.

Senator LUDLAM—I understand the company had lower production rates over a recent period because of some instability in the wall of pit 3. Are you aware of that occurrence?

Mr Hughes—Sorry, can you repeat the question?

Senator LUDLAM—The company has reported lower production rates over recent times because of some instability in the wall of pit 3, that the wall itself of the pit had become unstable. That is reflected in a slight drop in production in the September quarter. I am wondering whether you are aware of what that instability entails.

Mr Hughes—I am not aware of the change in production rates or the reason for it. That is not really something that generally concerns us. But I am aware that there is an area where there was some movement detected on the south wall of the pit. ERA submitted an application to the regulator to be able to remove some of that unstable material. I understand that yesterday or the day before the regulator, the Northern Territory government, approved the removal of the first stage of that piece of material.

Senator LUDLAM—If that is mine planning rather environmental impacts, you would not normally play too much of a role. Is that what you are saying?

Mr Hughes—That is right. We look at it in case we believe there may be some potential for environmental issues associated with it.

Senator LUDLAM—Did you in this instance?

Mr Hughes—We looked at it to determine whether or not there was any potential environmental impact.

Senator LUDLAM—Are there any longer implications of that pit instability on the Ranger 3 Deeps project and, specifically, on company plans to isolate tailings in pit 3 eventually? Are there any consequences that you have considered as a result of the instability in the pit wall?

Mr Hughes—Not that I am aware. I do not believe it will have any material bearing on that. It is a reasonably small cutback to remove the unstable piece.

Senator LUDLAM—I am wondering whether you can provide us with an update of your investigations of the seepage from the main tailings dam that we have discussed a couple of times here.

Mr Hughes—The situation is pretty much as I have said in the past. There will be no investigations possible into the amount of water that is sitting in the groundwater mound beneath the tailings dam while the tailings dam is there. So that will need to be undertaken after the tailings dam is removed and during the rehabilitation phase. As to lateral seepage from the tailings dam, the situation is pretty much as I have described it before; that is, the best way of determining the extent of that is by the use of geophysics. In the past, the geophysics has revealed that to be fairly limited in not extending any significant distance away from the dam. It has shown that it has been pretty well restricted to geological structures in the area. I thought that it would probably be a timely thing to do to repeat that geophysical survey because it had not been done for a few years. ERA have now completed another version of that geophysics. At the moment, they only have preliminary results from that, but the preliminary indications are that the seepage is pretty much as it has been in the past.

Senator LUDLAM—Will they provide that material to you and will it thereby make its way into the public domain, or will that stay confidential, that early work?

Mr Hughes—I do not know whether it will remain confidential or not. Certainly ERA will provide it to us. They will provide it to the mine site technical committee, which also includes members of the Northern Land Council. I understand that they are having significant discussions with the traditional owners and the Northern Land Council about tailings and seepage issues on an ongoing basis, so I imagine that all the immediate stakeholders will be very well informed on the issue.

Senator LUDLAM—I am wondering whether we can put a request through you, then, to the company to make the results of that most recent survey public, if indeed the situation is under control as they claim?

Mr Hughes—That is going to be a company document. It is not for us to really have any say in that, I do not think. Having said that, though, the Alligator Rivers Region Advisory Committee meets twice a year. I would imagine that that is likely to be the sort of thing that ERA will discuss in that public forum.

Senator LUDLAM—I will bring you back to the mine that you noted before that your team visited in Brazil. Were they made aware of the very high levels of uranium in drinking water found in areas surrounding that mine?

Mr Hughes—I could not answer that.

Senator LUDLAM—Did they provide a report to you on their return from Brazil?

Mr Hughes—They provided me with a verbal report, but they are still producing a final report, which is to be a written internal report on the issue.

Senator LUDLAM—When you say internal, can I take it, then, that that is not intended for public release either?

Mr Hughes—No. It was not intended for public release.

Senator LUDLAM—Why would that be, if the officers are travelling at public expense and you are a public agency?

Mr Hughes—We produce quite a lot of reports. Some of them are made public and some of them are not. If there is no particular reason not to make it a public document, we could probably make it a public document.

Senator Wong—May I suggest, Senator, rather than having an argument about a document that has not yet been finalised, as I understand the evidence from Mr Hughes, it is open to you obviously at the next hearing to ask for the document. Mr Hughes can consider it then. It seems to be a slightly theoretical discussion at the moment, given that the document is not yet in existence, from the evidence given.

Senator LUDLAM—I certainly was not trying to provoke an argument, but I will put you on notice, as the minister suggests. That would be very interesting to see because independent analysis—

Senator Wong—Sorry I interrupted you. I am not suggesting that we are saying that, yes, we will provide it. I am saying it should be dealt with perhaps after the document has been finalised.

Senator LUDLAM—I will put my request for that document on notice now and wish you well in its speedy completion because there have been very high levels of uranium in drinking water surrounding that mine. I think it would be very interesting to find out whether your officers were made aware of that and whether you would be able to provide us with any information about that. Just to finish up—

Senator Wong—When you say ‘that mine’, this is Caetite?

Senator LUDLAM—You did try to pronounce it. The Brazilian mine.

Senator Wong—C-a-e-t-i-t-e. Is that what you said?

Senator LUDLAM—Yes. That is correct.

Senator Wong—Are you able to indicate to Mr Hughes the source of your assertion?

Senator LUDLAM—I certainly can do that. It is a study that was undertaken by Greenpeace. I can give you the reference. The minister, for the *Hansard* record, just rolled her eyes at the mention of Greenpeace.

Senator Wong—No. I did not roll my eyes. I am making the point that it is a particular stakeholder’s position.

Senator LUDLAM—It is a very credible organisation, Minister.

Senator Wong—It is a stakeholder’s position. It is not a report by an independent scientific body or the Brazilian government.

Senator LUDLAM—They put the work to an independent laboratory.

Senator Wong—That may well be the case. I am sure that we appreciate you advising me. I do not appreciate you verballing me, Senator.

Senator LUDLAM—We will move on from Ranger, if that is all right. I am interested if you can tell us. There are a number of other projects underway at the moment in the region. There is the rehabilitation of Nabarlek, the taxpayer funded clean-up of the South Alligator Valley projects and the Rum Jungle rehabilitation. I understand your office plays a role in each of those three areas?

Mr Hughes—That is correct.

Senator LUDLAM—Can you provide us briefly with an update for each of those three cases as to how you see that rehab is progressing?

Mr Hughes—At Nabarlek, the ownership of the Nabarlek lease changed probably some time last year, I think. It was previously owned by Queensland Mines Limited, which is a company that was held by Pioneer. Pioneer sold Queensland Mines Limited to another company, Uranium Equity Limited, or UEL. UEL, unlike Pioneer, are interested in doing exploration in the area, so they have submitted a mining management plan to undertake exploration on the Nabarlek site again. As a part of that work program, though, they have been undertaking some revegetation works.

Senator LUDLAM—Has rehabilitation work ceased for the time being while they are exploring in the area?

Mr Hughes—They have been doing weed management and revegetation, so there is some exploration going on, but there is also some rehabilitation going on as a part of their work program.

Senator LUDLAM—Thanks. We will follow that up. How about the South Alligator Valley sites?

Mr Hughes—The South Alligator Valley program is a program which is actually managed by Parks Australia. Our role in that is simply to provide technical advice to Parks Australia on the issue. I can tell you that the rehabilitation works that were in the plan and in the funding that was made available have been almost completed.

Senator LUDLAM—So, given the fact we have expended nearly all of the funds, are those sites fully rehabilitated or approaching that condition, or is there likely to be a requirement for further funding?

Mr Hughes—I would probably need to talk to Parks about that to understand the actual situation. I am not privy to the financial status of that.

Senator LUDLAM—No, I meant the environmental status of those sites. Are they rehabilitated or are they still contaminated?

Mr Hughes—No. Pretty much the contamination has been cleaned up. The rehabilitation will be ongoing, though, particularly with revegetation, erosion control and that sort of thing.

Senator LUDLAM—But the funds for that particular tranche are almost expended. Lastly, there is the Rum Jungle site.

Mr Hughes—As you are aware, in the recent budget, there were funds made available to undertake some work at Rum Jungle. That initial four-year program of work is to look at site maintenance activities and to do scoping studies to understand or to get an idea of what the actual environmental status is these days. In that regard, we have commenced some additional monitoring in the area. The Rum Jungle working group comprises representatives of the NT government, Resources, Energy and Tourism in the Australian government and ourselves as technical advisers on that group. We undertook a number of studies, and they are ongoing. The working group is currently bringing together an implementation plan for further studies that are required to be able to determine what the status of the site is.

Senator LUDLAM—I will leave it there. We are basically evaluating that site. The rehabilitation, as such, has not really commenced yet?

Mr Hughes—That is correct.

Senator LUDLAM—That is how you are characterising it?

Mr Hughes—Yes.

Senator LUDLAM—Thanks very much for your time this morning.

Senator ABETZ—Good morning, Mr Hughes. Just so I get a bit of an understanding of this tailings dam at Ranger, are tailing dams in fact designed to leak?

Mr Hughes—I would not say they are designed to leak, but they do leak. It is assumed that they will leak.

Senator ABETZ—Otherwise there would be a huge surplus of water in them?

Mr Hughes—No. That is not the reason they leak. Most of the water that exits the tailings dam exits through evaporation.

Senator ABETZ—That is why they are usually quite expansive?

Mr Hughes—It is a lot easier to build a low, flat dam than it is to build a tall, small one.

Senator ABETZ—Of the leakage that has been talked about, all the research or evidence that you have suggests that that poses no risk to the Kakadu National Park?

Mr Hughes—That is correct.

Senator ABETZ—Of that which does leak underneath the actual site of the tailings dam, what happens with the additives to the water, if there are traces of uranium and radioactive product in that water? What would that do?

Mr Hughes—Some of the material will remain in solution in the water. Some of the chemicals will react with the substrate.

Senator ABETZ—The substrate is the rock?

Mr Hughes—Yes. There is weathered rock beneath the tailings dam.

Senator ABETZ—When it reacts with that, what happens?

Mr Hughes—It will be fixed in the rock.

Senator ABETZ—It will be fixed in the rock. There is a statement that around 100,000 litres of contaminated radioactive water a day is leaking into Kakadu. Is that a statement with which you agree?

Mr Hughes—No.

Senator ABETZ—Do you know the basis on which somebody could make such a statement? Is there any research evidence that you are aware of that would give support to such an assertion?

Mr Hughes—Modelling supports the quantum, the 100,000 litres a day, but there is no evidence to say that it is leaking into Kakadu. Most of it is sitting below the tailings dam, in theory.

Senator ABETZ—Yes. So the statement that this mine has been leaking around 100,000 litres of contaminated radioactive water a day into Kakadu is, from your understanding of the facts, incorrect?

Mr Hughes—That is right. That is incorrect.

Senator ABETZ—Are you satisfied that adequate monitoring is being done to ensure that contaminated radioactive water is not leaking from Ranger into the Kakadu National Park?

Mr Hughes—Yes. I am very confident that the monitoring is adequate.

Senator ABETZ—I think you have previously indicated that the water seeping beneath the Ranger tailings dam will be managed in the rehabilitation of the mine site after closure. Is that correct?

Mr Hughes—That is also correct.

Senator ABETZ—On that premise that you agree to, are you satisfied with the progress that is being made in planning for that eventuality?

Mr Hughes—Yes.

Senator ABETZ—Thank you.

CHAIR—As there are no further questions of the Supervising Scientist, I thank you very much, Mr Hughes, for travelling to meet with us today.

[10.00 am]

Bureau of Meteorology

CHAIR—I will now invite officers of the Bureau of Meteorology to come to the table.

Senator Wong—Madam Chair, before questions, this is Dr Ayers's first estimates in this position, so it might be useful if he introduces himself to the committee.

CHAIR—Welcome, Dr Ayers. Welcome to Senate estimates. I am sure you will enjoy it.

Dr Ayers—Thank you. May I say that it is a real privilege to be the director of the Bureau of Meteorology. I have spent the 4³/₄ months that I have been in the role travelling widely talking to people outside the bureau who use the bureau's products and services so that I understand what people think of the bureau from that perspective. Internally, I have talked to as many staff as I can inside the bureau. I want to understand the bureau from both the point of view of people outside and staff inside. I have found a wonderfully committed staff who get up every morning because they believe what they do is useful and is used. That has connected very well with what I have observed outside. So I am in a privileged position of leading an agency that produces things that the staff want to produce and that people across government, industry and community outside want to use. So I am quite pleased to be here to represent such an agency.

My own background, by the way, is more than 30 years in atmospheric science with CSIRO. The last little bit was as chief leading the Division of Atmospheric Research and the Division of Marine and Atmospheric Research, although my own background is actually in physical chemistry and a bit of quantum mechanics rather than meteorology.

CHAIR—Very good. Thank you. Welcome again.

Senator BIRMINGHAM—Dr Ayers, congratulations on your appointment and welcome. It is good to have you with us. We look forward to seeing you at Senate estimates for some time to come. The bureau has a key role in the nation's water plans, particularly those plans put in place for the Murray-Darling Basin and some of the research elements of that. I wonder if you could advise me, in terms of that measuring and research support, what contracts have been put in place and where that works out, please?

Dr Ayers—The bureau, as you say, is involved in delivering to the objectives of the Water Act 2007. The things that we have been involved in in the last little while have been directed towards establishing water data standards, standards for accounting and processes for accounting, and putting together water information systems. So there has been progress on AWRIS, the Australian Water Resources Information System. There has been research activity underpinned by a collaboration with CSIRO known as WIRADA, the Water Information Research and Development Alliance, that will provide the R&D into operational products down the track to support the establishment of the accounts and the outlooks and water information delivery that is required of the act. A number of activities have also been underway to generate an understanding of what the water standards would look like, what the accounts would look like and how they would work to make them rigorous. I am not across every aspect of the detail, but we do have the head of the water division, Dr Vertessy, here if you wish to dig into the detail.

Senator BIRMINGHAM—In relation to the development of those water data standards and water information systems, is the bureau working in cooperation with the MDBA? Have any particular relationships been established there or protocols that assist in the development of those standards and systems?

Dr Ayers—Yes. We are working in collaboration with the authority.

Senator BIRMINGHAM—Is there a formal working structure or working group process in place?

Dr Ayers—Yes. There is a range of working group processes that cover the various aspects that I have referred to before. So there are jurisdictional reference groups. There are water standards and water accounting standards working groups as well. Again, if you wish for the detail, I probably should pass this to Dr Vertessy.

Senator BIRMINGHAM—Is this work being undertaken internally within the bureau, or are there external contracts being let in this regard?

Dr Ayers—For some aspects of the work we have utilised external contractors who have expertise that the bureau does not have. Perhaps I should pass for this detail to Dr Vertessy.

Dr Vertessy—The nature of the question, I understand, is how we are going about building the Australian Water Resources Information System.

Senator BIRMINGHAM—Indeed. And this question particularly is about whether that process is being undertaken internally or using external experts on contract.

Dr Vertessy—The answer is that it is a combination of both. There are really two facets to it. There is the science and there is the IT involved. The bureau has chosen an industry partner, SMS Management and Technology. We have insourced 22 IT consultants from that organisation. They are residing within the Bureau of Meteorology. The bureau is actually managing the project using their services. We also have a team of about 15 bureau staff who are involved in the building of the product.

Senator BIRMINGHAM—That is a significant team, and it is significant to have brought in 22 external staff to work within the bureau for the duration of this project. What is that duration?

Dr Vertessy—I expect there will be intensive development for the next three years on AWRIS. We have a staged release program. There will be a release beginning probably in late February next year. We have not finetuned the release date yet, but it is around that time. And then every six months thereafter there will be a successful release. So it is a kind of an incremental build, if you will, over time.

Senator BIRMINGHAM—Can you explain to me in the best layman's terms possible what the end product will be like and will be capable of?

Dr Vertessy—Sure. The breadth of water information that we are collecting around the nation is quite wide. It deals with river flows and river heights. It deals with groundwater levels and pressures. We are also collecting information on water storage held in reservoirs across the country. We are collecting information on water quality trends in rivers and aquifers. We are monitoring information on water trades as well and water restriction notices and flood levels around the country. Basically, they will ultimately be different windows in AWRIS. You will be able to look at all that range of information through customised views. Our first release in late February will be focused on dam levels. So you will be able to go to the bureau's website and for the first time see a national coverage of all the dam level storages around the country in a consistent format. In later releases we will add the other types of data.

Senator BIRMINGHAM—So the data type will be there as a reporting data type, in a sense, to provide the best possible accurate assessment of what is there. Is there any predictive element to it?

Dr Vertessy—Yes, there will be. Already the bureau issues flood warnings and forecasts, and to specialised clients we also provide a forecast for certain types of stations. That is not on the public website. In the future, we intend to augment that capability with water availability forecasts. At this stage, we are testing methods to predict flows seven to 10 days out and probabilistic seasonal outlooks. You would be familiar with the seasonal climate outlooks. We expect to provide something similar for river flows into major reservoir systems. It will not be a blanket coverage around the country, but at this stage we are aiming to provide it for priority reservoir systems around the country.

Senator BIRMINGHAM—Has the MDBA asked for any particular work or data sources to be completed first to assist with the development of the basin plan?

Dr Vertessy—No, I am not aware of them specifying any particular type of data stream. However, they are very eager to work with us to ensure that they get the most comprehensive current data available. So we are in pretty frequent collaboration with the authority, but there is no particular data stream that they have specified to date.

Senator IAN MACDONALD—How is the bureau operating staff wise? Were there any staff cuts in 2008-09? What is the program for 2009-10? Do you expect to have to cut staff? Where do we stand?

Dr Ayers—The bureau, as it looks to the planning period for the year ahead, is not aiming to cut staff. It is reconfiguring its networks. It may be via natural attrition as things pan out that some staff depart. But there is not a program of staff cuts.

Senator IAN MACDONALD—What was the total figure for 2008-09? Did you end up with more than you started with or vice versa?

Dr Ayers—I think the total staffing is listed at 1,546. That is made up of ongoing staff. My memory is around 1,269, 169 full-time non-ongoing staff and then 76 part-timers ongoing and 32 part-timers non-ongoing.

Senator IAN MACDONALD—How does that compare with the beginning of the last financial year?

Dr Ayers—I do not have that detail.

Senator IAN MACDONALD—Can anyone tell me? Were there more at the end of the year or less at the end of the year?

Dr Ayers—My impression is slightly more.

Senator IAN MACDONALD—On notice you might be able to give me the comparisons for the beginning and end of the 2008-09 financial year. Is it intended that any volunteer or paid workers will be cut this year apart from the natural attrition that you spoke of?

Dr Ayers—No.

Senator IAN MACDONALD—There is not a plan to close any weather stations?

Dr Ayers—No.

Ms Kruk—Perhaps I can assist here. I know that you are very conscious of it. Dr Ayers is as well. The Prime Minister made a statement in the House regarding the ongoing provision of services by the BOM. You may have already covered that when I left the room. I am sorry for that moment.

Senator IAN MACDONALD—No. When did he do this?

Senator Wong—I think we canvassed this before. I think it was in response to a question. Was it last year?

Senator IAN MACDONALD—On 20 February 2008?

Senator Wong—Yes.

Senator IAN MACDONALD—That was particularly related to the Rockhampton weather bureau, which I was just going to double-check on.

Ms Kruk—I thought you may have been going there, Senator Macdonald.

Senator IAN MACDONALD—I am not quite up to there yet. You are anticipating me on that.

Ms Kruk—I am sorry. I thought you may have already covered that issue while I just had to exit the room.

Senator IAN MACDONALD—No. So it is anticipated that no weather stations will be closed this year?

Dr Ayers—No.

Senator IAN MACDONALD—How much funding has been given to the bureau for research into climate change in the current financial year?

Dr Ayers—That is not a point of detail I have. But my impression is that it is relatively small—less than a million dollars. Perhaps I could seek some clarification from my colleagues. Last year it was about \$800,000. We do not have a number for this year looking forward.

Senator IAN MACDONALD—Last time it was reported that the water temperature off Cairns had actually fallen in the last few years. Did I raise that with you? Are you familiar with this allegation?

Dr Ayers—Yes. I believe this was asked in a previous estimates, at which I was not present.

Senator IAN MACDONALD—You do not recall the answer?

Dr Ayers—The answer would have been along the lines that there are periods where successive years are not necessarily the same. It may be that it falls one year. It is rather like the stock market, I think.

Senator IAN MACDONALD—Or rather like a climate change game; it depends which period you pick. Everyone picks the period that most suits their argument. We know that ambient temperatures in Australia, if you pick the right period, have actually cooled in recent times. If you take other periods, others can say they have increased.

Senator Wong—On that, I will just make the point that the rate of temperature rise over the last century has doubled since the 1950s. The only way in which you get the outcome to which you are referring is if you refer back to 1997 or 1998, which in fact was the hottest year in recorded history. We can have a discussion about climate science, if you would like, but I would respectfully suggest that the consensus science is quite clear. The models do not explain current temperature patterns unless you account for human induced climate change.

Senator IAN MACDONALD—Thanks, Minister. You have a one-track mind. Last night was the climate change estimates.

Senator Wong—I do not think I was the one raising doubts about climate science.

Senator IAN MACDONALD—No. I was talking to the weather bureau about their assessments. You raise it. You still not have answered any of Senator Fielding's questions.

Senator Wong—I have answered them. He may not accept the answers, but I have answered them.

Senator IAN MACDONALD—They are matters that we will go into in the debate of the Committee of the Whole in the Senate, when you will be required to provide answers. But that is not for today. I am interested in the bureau today. As always, as I say, what a great job the bureau does. I am hearing reports from local newspapers in Cairns about difficulties with the bureau there. I know you were advertising in April several opportunities for meteorologists in Cairns. I understand in August you supposedly had six observers in Cairns—five rostered and one on relief. They were down to four, I understand. I understand that someone had reported in sick and there was no cover available without working 36 hours

straight five nights in succession. Is that report, which I picked up locally from the press, accurate?

Dr Ayers—I have not seen that report, so I cannot tell you whether it is accurate or not.

Senator IAN MACDONALD—Can you tell me anything about staffing in Cairns? You might have reasonably expected that I might have been pursuing some of these passions I have for BOM in Northern Australia.

Dr Ayers—The forecasting capability in Cairns is being increased. This reflects its importance for the aviation industry in particular and requests from that particular external stakeholder and the bureau's wish to deliver to that area.

Senator IAN MACDONALD—Can you be more specific? What is going to increase?

Dr Ayers—I would prefer, if you are interested in the detail—

Senator IAN MACDONALD—Yes.

Dr Ayers—to have Mr Foley provide that detail.

Senator IAN MACDONALD—Mr Foley may also be able to tell me whether my information about working 36 hours straight five nights in succession is correct and whether it is true that there were no marine radio weather broadcasts on 19 August, when there was a strong wind warning in force.

Mr Foley—I do not have any details about that particular incident. But I can tell you that, as far as the numbers are concerned in the Cairns office, we have increased the number of meteorologists from four to five. The observer numbers are stable on four.

Senator IAN MACDONALD—On four.

Mr Foley—I think there are five.

Senator IAN MACDONALD—Well, in theory you had six—five rostered and one relief. But they are down to four, I am told. It meant that observers had to work 36 hours straight. Where is the union and the workers party when you have people working 36 hours straight five nights in succession?

Mr Foley—I do not have those numbers that you have. I have five for the number of observers at Cairns, not six.

Senator IAN MACDONALD—Perhaps my information is not correct. My staff have got it from various news articles. But if that information is not correct, perhaps you can tell me what the situation is. I understand there has been no fully trained observer to issue the half-hourly aviation reports, METARs, and significant weather events, SPECIs. I understand they are covered by a forecaster who had to do his normal job of forecasting for an area larger than Victoria. Is it true that this is planned to become normal practice under the observer reconfiguration plan?

Mr Foley—Yes. It will be the normal practice for meteorologists in Cairns to make weather observations.

Senator IAN MACDONALD—But I am told that there was no fully trained observer available to issue those things and they were done by someone else?

Mr Foley—By a meteorologist.

Senator IAN MACDONALD—Is that intending to become the norm from hereon? Is the observer reconfiguration plan publicly available or can you get me a copy? Is there anything secret about it?

Ms Kruk—We will take it on notice.

Dr Ayers—There are points of detail here. I am not sure that we have the detail here. It would be preferable to take it on notice.

Senator IAN MACDONALD—I am very, very happy about that.

Dr Ayers—We can then give you a very specific answer.

Senator IAN MACDONALD—That is what I am seeking. Thanks for that. I will not be much longer, you will be pleased to hear. In view of the Prime Minister's promise, which the secretary has alerted us to, is Rockhampton still being staffed as promised?

Mr Foley—Yes. There is a meteorologist in Rockhampton, yes.

Senator IAN MACDONALD—Just one meteorologist?

Mr Foley—Yes.

Senator IAN MACDONALD—And what other staff?

Mr Foley—Four observers and one engineering person.

Senator IAN MACDONALD—As I recall, that has been maintained?

Mr Foley—Yes.

Senator IAN MACDONALD—What about Mackay? There was some suggestion of cutbacks in Mackay and Mount Isa, I think, from memory.

Mr Foley—Mackay, again, has been quite stable on three observers.

Senator IAN MACDONALD—And Mount Isa?

Mr Foley—Mount Isa, two, as per the program.

Senator IAN MACDONALD—Thank you for that. I will look forward to the information you are providing on notice. Finally from me, I asked some questions about Autosondes at the last estimates. You provided some responses. You did not confirm whether or not the Finnish Autosondes cost \$750,000. This is question No. 21. In the *Hansard*, it is page 84 from 27 May 2009. I was given an answer about the Autosondes and why you use the Finnish one rather than the local one, but I just did not see whether we had any confirmation of the cost.

Dr Ayers—Dr Barrell will answer this question, Senator.

Dr Barrell—The Vaisala Autosonde market price quoted at the last hearing was in the order of \$750,000. That is of the order of the price. Clearly, when you go to the market you never quite know exactly what price you are going to get. There is no Australian equivalent. There is available through the Australian market a manual loading system for loading balloons manually and one-off releases. What the Autosonde provides us with is a robotic system that can be remotely released as well. So, when there are no staff at the station, if there are events that come through perhaps overnight or at odd times, balloons can be released from

another station. So this provides us with greater flexibility. As I said, there is currently no alternative in the Australian market.

Senator IAN MACDONALD—The Meekatharra problem has been fixed?

Dr Barrell—That was a one-off, yes. That certainly has been fixed.

Senator IAN MACDONALD—Finally, where are the headquarters of the bureau these days? Still in the centre of Melbourne?

Dr Ayers—Yes.

Senator IAN MACDONALD—You never thought about moving out to less expensive headquarters with better parking and making a fortune out of the current premises you are in?

Dr Ayers—I certainly have not, no. Having been in the job four months, that is not an issue that has come to my attention.

Ms Kruk—You are not offering us a cheaper location, are you, Senator, Macdonald?

Senator IAN MACDONALD—Well, anything would be cheaper than where the bureau headquarters is in Melbourne, I would think, Secretary. Not that I was ever able to achieve it, but I would urge you to look at requiring the bureau to move to a less expensive area—somewhere like Toowoomba in Queensland or Longreach, perhaps, even.

Ms Kruk—I have every confidence in Dr Ayers looking at the gamut of the bureau's operations. I know you are a supporter of the bureau. What is quite critical is that it has access to staff of a wide range of skill sets in carrying out its work. Dr Vertessy is a good example, as is Dr Ayers, in his recent appointment. But I am sure it is one of the things that Dr Ayers will look at.

Senator IAN MACDONALD—I am sure they would all love to live in Bendigo, Geelong or Ballarat rather than in the cafe society in upper Collins Street.

Ms Kruk—Canberra?

Senator IAN MACDONALD—Well, not Canberra, no. Please, no. That is all I have on the bureau.

CHAIR—There being no further questions for the bureau, thank you very much for appearing before us today. I hope it was not too painful for you, Dr Ayers. Thank you.

Senator IAN MACDONALD—Congratulations on your appointment, Dr Ayers. I have not caught up with that.

Dr Ayers—Thank you.

CHAIR—I now invite the director of National Parks to the table. Welcome, Mr Cochrane, again.

Mr Cochrane—Thank you.

Senator BIRMINGHAM—Mr Cochrane, good morning. Good to see you again. You are undertaking the work on the draft management program for Uluru?

Mr Cochrane—Correct.

Senator BIRMINGHAM—What is the time line for completion of that work?

Mr Cochrane—The public comment period closed last month. The board of management, of which I am a part, has met twice to consider the comments that we have received. The board will have one more meeting to finalise the plan, probably in November. We expect to submit the plan to the minister before the end of the year for his consideration.

Senator BIRMINGHAM—Thank you. So the plan is obviously relatively well developed, if you have met twice since the end of public consultations. Has the minister given any instructions with regard to the content of the plan?

Mr Cochrane—No.

Senator BIRMINGHAM—But the final determination lies with the minister as to his approval of the plan. Is he able to amend it or, if he does not like the content, can he simply send it back to you and say, ‘Try again?’

Mr Cochrane—The act requires him to receive it and consider it. If he thinks there should be some changes made, he can send it back to the board and me to consider his thoughts. There are also dispute provisions if we have a disagreement. But essentially it does eventually come back to the minister for his approval. He has the option of making suggestions for it. But they do have to go back to the board.

Senator BIRMINGHAM—How many submissions were received?

Mr Cochrane—It was 165, I think. Let me just confirm that. It was 172.

Senator BIRMINGHAM—Were you there when they last wrote the plan?

Mr Cochrane—I was. I joined just as the last plan was being finalised in 1999.

Senator BIRMINGHAM—Do you recall whether this is an increase in interest?

Mr Cochrane—It is quite a significant increase in interest, yes.

Senator BIRMINGHAM—Of those 172 submissions, is there a breakdown you can provide as to how many came from the tourism industry versus Indigenous operators versus environmental groups?

Mr Cochrane—The breakdown I have here is that 146 came from individuals and 26 came from groups, businesses, associations and, in a couple of cases, government agencies and ministers. We received one from the Northern Territory tourism minister.

Senator BIRMINGHAM—I imagine that the rock climb was touched on in most, if not all, of the 172 submissions?

Mr Cochrane—One hundred and thirty-six commented on the climb.

Senator BIRMINGHAM—Given that you have that data, I assume you are probably about to give me the answer of how many of those believe the climb should be closed versus should be open.

Mr Cochrane—Quite remarkably, it was an exactly even split—68 to 68.

Senator BIRMINGHAM—Aren’t you a lucky man, Mr Cochrane, getting to resolve a matter like that. Sixty-eight all. When we conduct Senate inquiries, we often find that we get letter writing campaigns where the letters look miraculously similar to one another. Of your submissions, was there a template letter on either side of the campaign?

Mr Cochrane—No, there was not. But most of those submissions against, or at least by individuals, were pretty short and brief, along the lines of, ‘I don’t support it’ or ‘I do’, sometimes with a few reasons, but pretty minimalist, but not in a standard template.

Senator BIRMINGHAM—Similarly, those in support were—

Mr Cochrane—Yes, the same.

Senator BIRMINGHAM—equally not in a standard template?

Mr Cochrane—Yes.

Senator BIRMINGHAM—There is no harm in ever asking on those occasions. Has the board come to any conclusions on this matter?

Mr Cochrane—The board has certainly revised the wording in the section dealing with the climb. But there are two more critical meetings to have. The last board meeting a couple of weeks ago decided that there needed to be a meeting of the Aboriginal land trust which owns the park. They want to take the whole issue and the totality of the plan back to their land trust members to ensure that they are comfortable with it. Once that has happened, which should be later this month, the board will meet again to see whether there are any issues that arise out of that meeting. So it would be inappropriate for me to comment on the changes that have been suggested at the moment, because they are going back to, if you like, the members, the owners of the park, and then coming back to the board. It is possible there will be some further changes as a result of that.

Senator BIRMINGHAM—Could you remind me what the current wording is in relation to the climb?

Mr Cochrane—Whilst I cannot quote it exactly, it is essentially that during the life of the plan we would work towards the eventual closure of the climb but in close consultation with the tourism industry and working with them to ensure the impacts on the tourism industry are minimised.

Senator BIRMINGHAM—That was the wording in—

Mr Cochrane—That was in the draft.

Senator BIRMINGHAM—That was the wording in the draft?

Mr Cochrane—Yes.

Senator BIRMINGHAM—And that wording has been revised?

Mr Cochrane—It has been revised. That is correct. We had some very good submissions put to us, particularly by the tourism industry and tourism operators, that made a lot of sense in terms of the impacts on them. The board considered them very carefully. We have listened very carefully to them, and there are some changes as a result of those submissions.

Senator BIRMINGHAM—Is it the words that say ‘within the life of the plan the climb will be closed’ that have been changed?

Mr Cochrane—I need to respect the board process in this. If you lead me to that, I think I would be doing my fellow board members a disservice. The board, I am sure, would be comfortable, once it has come to a final landing on this position, to make that public.

Senator BIRMINGHAM—I understand that, Mr Cochrane. It is my job to ask. It is your job to respect the board's position. I am not going to waste a lot of the time of the committee trying to ask you in 20 different ways for the same answer.

Mr Cochrane—Thank you.

Senator BIRMINGHAM—You said you do need to take it to the land trust. What is the structure of the land trust that you consult with in this regard?

Mr Cochrane—We do not actually do the consultation. The Central Lands Council does that under the Land Rights Act. They are the representative body for the land trust. The land trust comprises something in the order of 700 Indigenous members, traditional owners of the park, who were determined in the lead-up to the hand-back in 1985. It is not that all those 700 people will turn up to a meeting, but it needs to be duly constituted. Proper notice needs to be given to the members. That meeting needs to be held in accordance with the Land Rights Act to get a clear decision that is legal for us.

Senator BIRMINGHAM—So the consultation process is open to all 700 members?

Mr Cochrane—That is correct. They have the opportunity to consider what is in the draft plan as amended and for their views to then come back to the board. Bear in mind that the traditional owner members of the board, who constitute the majority of the board, are nominees from that land trust. So those land trust members nominate those board members as their representatives. Those board members do want to feel, particularly with this issue, which has obviously attracted a lot of attention, that they have the confidence of their membership behind them.

Senator BIRMINGHAM—It could be that I am a member of this august place that leads me to such thinking, but I could not imagine any collection of 700 people that I could consult where the outcomes or the proposals would not end up being public somehow. In that sense, it is in all likelihood that the draft plan or the proposed plan will be public in some way, shape or form before it gets to the minister's desk, is it not?

Mr Cochrane—It would be a matter for the board and the minister as to whether they want that public. I have not talked to the minister about that particular process. It is certainly usual that we would provide to the minister a plan when it is finished, given that this is the process in the act. But I am happy to take that matter up with the minister given the intense public interest in this issue.

Senator BIRMINGHAM—The Prime Minister commented that it would be very sad if we got to a stage where Australians and, I guess, people from abroad were not able to enjoy that experience to climb it. Have those comments been discussed at all at the board?

Mr Cochrane—The board noted that those comments were made, but they certainly did not form part of any formal submission to the board process.

Senator BIRMINGHAM—I assumed when you gave us the lowdown of who had made submissions that, if the Prime Minister had made a submission, he may have stood out on that list, Mr Cochrane. But the fact that his comments have been noted by the board and that the board has changed its initial draft wording is all noteworthy. The board has also funded a new

viewing platform. Obviously the decision to fund and construct that was taken some time ago. When was that decision made?

Mr Cochrane—The initial decision was taken under the former government. This particular project has a reasonably long history. The original work on it going out to tender and design started in 2007. As you pointed out, it was finally completed and opened on 8 October this year.

Senator BIRMINGHAM—Congratulations on that. I am sure it is a good new facility. I imagine it plays an integral part in the plan that you will present for the future.

Mr Cochrane—It does. It has been extremely well received by the tourism industry.

Senator BIRMINGHAM—Very good. That is encouraging to hear. Did the board express disappointment at all at the Prime Minister's comments?

Mr Cochrane—No.

Senator BIRMINGHAM—Has the board been surprised at the level of public reaction or public comment? You said it was a vast increase in the number of public submissions. Of course, there has been a lot of media comment and focus on the proposed eventual closure of the climb as well.

Mr Cochrane—No. Most of the board members have been around for a long time. They are well aware of the degree of media attention that virtually anything at Uluru attracts. So I do not think I can say any of us were the slightest bit surprised.

Senator BIRMINGHAM—Can you remind me of the composition of the board, please, Mr Cochrane?

Mr Cochrane—There are eight traditional owner nominees. There is a nominee of the minister for tourism, there is myself and there is a nominee of the Northern Territory government.

Ms Kruk—Senator Birmingham, I am aware that you are conscious of this. Could I ask that you not push Mr Cochrane in relation to the discussions at and surrounding the board. I know that you are very respectful of those processes anyway. I am just conscious that these are very important and very difficult decisions for that board. I am not wishing to do anything in effect to stop what is a very appropriate process going through to fruition.

Senator BIRMINGHAM—Indeed, Ms Kruk. I am sure Mr Cochrane has drawn the lines appropriately as we have gone along. I am attempting to respect them.

Ms Kruk—Thank you for that.

Senator BIRMINGHAM—We are just about at the conclusion of this questioning, in any event. Mr Cochrane, traditional owners have the significant majority on the board?

Mr Cochrane—Yes.

Senator BIRMINGHAM—Nonetheless, obviously, the board has acknowledged and responded in some way to that very even feedback that you have received and have come up with a compromise position. I accept that you are not going to reveal what that is today. We

will await to see what it is. Is there a timeline in the act within which the minister has to respond?

Mr Cochrane—I believe that is correct. I think it is something like 30 days. Once he has received the plan, he needs to either approve it or return it. But I might need to confirm that. That is my understanding.

Senator BIRMINGHAM—If your 30-day understanding is correct and the timelines go as you expect, you will have a final version to him by the end of the year following your one more board meeting in November and consultation with the traditional owners?

Mr Cochrane—Correct.

Senator BIRMINGHAM—And we will expect to hear a response one way or another from the minister by the time we next meet in the February estimates.

Mr Cochrane—I am sure you will.

Senator BIRMINGHAM—I have a question for the minister. I have commented on the plan. A plan that goes out to consultation with a group of potentially 700 people is a fairly public document by that stage. Has the government given any consideration to simply releasing it before it goes to the minister so that the contents are known rather than dripped out in some other process?

Mr Cochrane—As I indicated, I would need to talk to the minister about that. That may make his position very difficult, if he has his own views on it. The general process, though, that we follow is the one that is set out in the act, which is the board finalises the plan and then gives it to the minister. The minister has the opportunity to propose changes or otherwise approve it. Once he has approved it, it is tabled in parliament.

Senator BIRMINGHAM—So there has not been any consideration given to a public release of the plan as drafted by—

Mr Cochrane—We have not done that before. On reflection, it would seem to be a bit inappropriate for it to come out publicly before it goes to the minister.

Senator BIRMINGHAM—Yes. Normally I realise that would be the case, but I am just mindful of the level of interest in this. The consultation process does seem to leave the door somewhat open at least, if it does not throw it wide open.

Mr Cochrane—That is true, although I am certainly not aware of any of the land trust's meeting deliberations or outcomes that have been made public other than if they have authorised that. In this case, the consultation is to enable the board to come to a well-informed decision on the views of traditional owners.

Senator BIRMINGHAM—Thanks, Mr Cochrane, for your time.

CHAIR—Thank you, Senator Birmingham. We are scheduled to go to a morning tea break in one minute. We have questions from Senator Siewert as well.

Senator IAN MACDONALD—I have one question that can be dealt with in one or two minutes.

CHAIR—You can ask it if you can do it in one minute.

Senator Wong—That is not going to happen, is it? Let us be honest. Mr Cochrane is not leaving.

Senator IAN MACDONALD—Mr Cochrane, with fuel reduction in national parks, I am very conscious of what is happening around Rockhampton at the moment. People are very, very concerned and worried and feel very threatened. The complaints coming to me are that there has been no fuel reduction in the Mt Archer park. That is not a Commonwealth park, is it?

Mr Cochrane—No.

Senator IAN MACDONALD—Do you have a brief comment on fuel reduction in the parks that you manage?

Mr Cochrane—I answered a somewhat similar question last time. We have three parks in which fire plays a very significant role in their ecology and our management operations. They are Booderee on the New South Wales South Coast, which is largely a coastal heath and forest and woodland community; Uluru, which is a Central Desert community; and Kakadu, which is a tropical one. In each case, the fire regimes are quite different and the fire issues in the forests are quite different. At both Uluru and Kakadu we burn very actively. I believe we have come close to reestablishing what were traditional Aboriginal burning practices in the parks. Therefore, there is an annual program of quite extensive burning in both parks. However, at Booderee, which is a much smaller community with a very large visitor population from time to time and campgrounds which are surrounded by bush, the issues are quite different. We have a prescribed burning program there to reduce the hazards. But that park is set in a regional context. Often the factors that influence fires there are outside our own control. They are really related to what happens outside. The other problem we have there is that, regrettably, quite a large number of our fires are started by arsonists intentionally, so that creates quite a challenge for us. It also can be from now on quite flammable. There are very high fuel loads and it is quite risky for us. So we do have a prescribed burning regime, which we do our best to adhere to.

Senator IAN MACDONALD—In burning these parks, do you have a mind to carbon emissions?

Mr Cochrane—We are progressively improving our accounting for carbon in the parks. At the moment, our major focus is on our transport vehicle use and energy use et cetera, and getting the details of that down. It is a more significant research effort understanding the release of carbons from forests. Quite a bit of work has been done on that in Kakadu, but it is quite a long story and I am not that well prepared for it.

CHAIR—Senator Macdonald, we need to go to a tea break. Other people have engagements. The director of National Parks will be back after morning tea.

Senator IAN MACDONALD—Well, I will not be, unfortunately, Madam Chair. But thank you, Mr Cochrane. I was going to congratulate you on your initiative with National Parks, but time does not permit us to go into it. Well done.

Mr Cochrane—Thank you.

Proceedings suspended from 10.48 am to 11.07 pm

Senator SIEWERT—I suppose you will find it hard to guess what I want to ask about: Christmas Island. First, I want to go to the issue of mining. I know I have to go to the other part of the portfolio, but I thought I would try you first. Where are you up to with the mining application?

Mr Cochrane—You will have to ask AWD, because we only provide inputs into that process and are not the decision maker.

Senator SIEWERT—Should we do that now or later? If we can do it now, that would be good.

Mr Burnett—You will recall that there was a process whereby the mining company submitted supplementary information. That information was put out for public comment. That has now finished. The department then prepared a draft recommendation report. Consistent with the process that the minister had determined—I think we might have taken you through this last time—we provided the draft recommendation report to the company for comment, and they have provided those comments. We are now in the process of finalising our recommendation report to go to the minister.

Senator SIEWERT—When do you expect to give that to the minister? What is the time frame following that?

Mr Burnett—There is no set time frame because this is following a court case. It is not the standard process under the act. I am afraid I just do not have the information in front of me. I think we are fairly close to finalising it, but I cannot give you a specific time.

Senator SIEWERT—Within the next month?

Mr Burnett—Yes. I might ask Ms Middleton to come to the table.

Ms Middleton—Would you mind repeating the question, please?

Senator SIEWERT—I am looking for the time frame for when the final recommendations will be given to the minister.

Ms Middleton—We should be in a position to put a proposed decision to the minister in November, and then it will be the time he takes to consider that. Once he makes his proposed decision, he will then provide that to the proponent. The proponent again has an opportunity to comment and then a final decision can be made.

Senator SIEWERT—This is not the normal process?

Ms Middleton—No. The process was finalised and designed to take account of the findings of the Federal Court case to make sure we adequately covered off the issues identified in that.

Senator SIEWERT—Can you take me through, therefore, why the company gets to comment on your proposed recommendations and then the final recommendations and the minister's decision? This is bizarre to say the least.

Ms Middleton—It is not really bizarre. The only additional thing that is different from a normal process is that normally a proponent on any assessment that has been conducted since the act was amended in 2006 is given the opportunity to comment on the proposed decision.

That serves as exhaustive natural justice under the EPBC Act. So that step of the proponent commenting on the proposed decision is routine in every event.

Senator SIEWERT—But you have done that already.

Ms Middleton—We have actually provided the department's assessment report. That assessment report has gone to the company to make sure that it is factually accurate and that we have not, I guess, misinterpreted any information. We have had to base that assessment report on the original material submitted by the proponent for their first proposal pre the Federal Court case, their supplementary submission following the court case and taking account of the public comments. So we have a range of documentation from the proponent that is quite extensive. In formulating that into our assessment report, we are ensuring that we have accurately represented all of the information provided by the proponent.

Senator SIEWERT—But is it general practice for the minister's decision then to be sent to the proponent for comment?

Ms Middleton—Yes, it is. The proposed decision, whether it is made by the minister or a delegate, is always provided to the proponent.

Senator SIEWERT—Before it is released to the public?

Ms Middleton—Yes.

Senator SIEWERT—Before a decision is made?

Ms Middleton—Yes. They are allowed to comment for a period of 10 business days. At that same time, if there are any Commonwealth ministers with administrative responsibilities, they are also provided with that same 10-day window in which to provide any comments.

Senator SIEWERT—How does the public find out if the company makes some objection and the minister changes their mind and it is contrary to the departmental advice on this particular issue?

Mr Burnett—The information on which the decision is based is all available after the minister has taken his decision.

Senator SIEWERT—But what about the minister's decision? That is the information that you provide the minister. What about if the minister changes their position following lobbying from the company?

Mr Burnett—I do not quite understand the question.

Senator SIEWERT—At the moment you are providing advice to the minister. You are providing final recommendations. The minister makes a decision. So that information eventually will become available.

Mr Burnett—He reaches a proposed decision, which he then provides to the proponent to comment on. If the proposed decision is to allow it, it might be subject to conditions, so the proponent gets to comment on the conditions as well.

Senator SIEWERT—What about if the minister says no, like he did last time, and the company lobbies to change that decision?

Mr Burnett—Ministers are entitled to change their minds. Under the process, a minister could have proposed a decision of yes or no and then, in the light of the comments, could change that position. That is really what the process is for. A proponent may raise an argument or information that persuades a minister to adjust their position.

Senator SIEWERT—The information that you provide to the minister will be available on your website following the release of the minister's decision?

Mr Burnett—We do not post it routinely, but it is available on request, as I understand it.

Senator SIEWERT—I can guarantee that it will be requested.

Mr Burnett—We would expect that.

Senator SIEWERT—So you will be providing that information to the minister in November and there is no time line for him to make his decision?

Mr Burnett—No.

Senator SIEWERT—I want to move on to the bats and the announcement on 7 September about the failure of the program. As I understand it, no bats could be captured. Is that a correct understanding of the situation?

Mr Cochrane—Yes. There was an intensive monitoring effort undertaken with the researchers on the island and a group of volunteers. Bats were detected for the first two weeks of the capture attempt. I think one attempt to capture them was unsuccessful. Shortly thereafter, there were no more sounds of bats for the remainder.

Senator SIEWERT—No more sounds?

Mr Cochrane—No more, no. A bat was observed in close proximity of the researchers and avoiding the nets. But for whatever reason—no-one has a theory, that I am aware of—despite us having something like 31 bat detectors around the island, for the last two weeks of that attempt, there were no more sounds recorded.

Senator SIEWERT—I am pretty certain last time we had a discussion about the bats you thought there was an estimate of around 20 bats.

Mr Cochrane—The researcher estimated that, but she actually distinctly recorded four, or visually said there were four. The 20 was an estimate or her best guess of what it might be.

Senator SIEWERT—So the presumption is now that the bats are extinct and these are the last?

Mr Cochrane—Formally, animals are not declared extinct for some lengthy period. There certainly have been cases of things appearing. It is a complex island. We have done our best to cover it with bat detectors because that is the best way to detect them—from their sounds. But there would certainly be areas of the island that we have not covered in the park and we are continuing to monitor.

Senator SIEWERT—The minister made an announcement following the release of the interim report from the expert panel. There was an announcement of \$1.5 million initially for investment on Christmas Island.

Mr Cochrane—Yes.

Senator SIEWERT—Part of that was for the bats, as I understand it.

Mr Cochrane—Yes.

Senator SIEWERT—How much was that? What is happening with that money that has been allocated?

Mr Cochrane—We constructed that on the basis that our medium-term to long-run costs were unknown. We were certainly going to be up for some very substantial costs if bats were captured, because they are expensive to maintain. So really that announcement covered just the initial phase of capture and initial phases of captivity. We also had to design and build enclosures if we caught bats, for example. In parallel with the bat capture effort, we were also targeting two species of skink which were also identified as being in serious decline. I am pleased to say, and I think the minister announced, that we were more successful on that account. We have captured individuals of both species of concern. At the moment, it is 39 of one species and only one still of the other. I think it is 39 blue-tailed skinks and one forest skink. We are currently redoubling our effort for the forest skink, but they seem to be surviving well in captivity. We are in the process of finalising a long-term captive breeding program with Perth zoo to maintain them off island because—

Senator SIEWERT—For those two?

Mr Cochrane—Yes. It would make no sense to try to maintain them on the island whilst we still have no idea what is causing their decline.

Senator SIEWERT—I also understand you were going to be undertaking some aerial baiting of the yellow crazy ants.

Mr Cochrane—That has been completed.

Senator SIEWERT—How much was that?

Mr Cochrane—We estimated from our recent survey of the island that there were something like 800 hectares of super colonies on the island. We aerial baited 784 hectares. But there are still some super colonies that we did not target in the aerial baiting campaign. On a precautionary basis, we avoided areas close to water supplies. We were asked by the community not to aerial bait near the Kampong. They were concerned about that, although it is incredibly inaccessible country there and not amenable to hand baiting. Nonetheless, they were concerned about the whole idea of aerial baiting near them. We did not aerial bait in the proximity of the areas that the mining company is currently trialling its own bait approach. Quite rightly, we did not want to influence the results of their experiment.

Senator SIEWERT—In terms of the two super colonies that you did not aerial bait, are you doing—

Mr Cochrane—Well, it is not two. We estimate there is still something like 150 hectares of super colonies remaining unbaited. We will be doing our best to tackle those by hand over the next few years. It is very early monitoring because it was only completed last month. From the early monitoring, it appears to have achieved the same sort of knockdown effect that we had last time.

Senator SIEWERT—In terms of the \$1.5 million that was identified for investment, is the money that was put aside for the pipistrelle bat now going to be reinvested in ongoing work?

Mr Cochrane—It is now pretty much committed to the skink recovery.

Senator SIEWERT—So you have just transferred that money to boost the skink program?

Mr Cochrane—Yes.

Senator SIEWERT—In terms of the finalisation of the report from the expert panel, when do you anticipate that being finalised?

Mr Cochrane—We hope by the end of the year. It is really up to the panel itself to decide when it has enough information. But I can say that the minister has asked them to broaden the scope of their work to help us address the issues that they themselves have identified as needing addressing. So we will have the benefit of that group with us for a few more months looking a bit more broadly at the suite of issues on the island.

Senator SIEWERT—As I understand it, there was also another biodiversity survey being undertaken.

Mr Cochrane—Every two years we do what we call the island-wide survey.

Senator SIEWERT—Which is what you gave us a copy of last time.

Mr Cochrane—I probably did. Someone asked me about what we actually do. We cover something like 900 points on the island over the entire island in a systematic way. This time we broadened the survey to not just focus on ants and red crabs, which is what we have done in the past, but to include a wide range of threatened species, major weed species and major pest animals so that we have a much better handle on the abundance and distribution of them. That will help us into the future as well.

Senator SIEWERT—When will that be publicly available?

Mr Cochrane—There was a huge amount of information collected. I am told the final analysis will not be ready until early next year because the staff that were engaged in that pretty much then ended up going straight on to helping with the aerial baiting.

Senator SIEWERT—Was that your own park staff that carried out that survey?

Mr Cochrane—And I think a few casuals we employed.

Senator SIEWERT—You did not use external consultants?

Mr Cochrane—No.

Senator SIEWERT—That will be available just in time for next estimates?

Mr Cochrane—It should be, yes.

Senator SIEWERT—I will flick back to the expert panel again. Once the final report is finalised, presumably the minister will consider that and release it publicly?

Mr Cochrane—I would be very surprised if he did not, given the interest in it.

Senator SIEWERT—We have had numerous discussions before about the need for a whole-of-landscape approach. I will not go through that again. Based on the final report from the expert group, additional resources will be committed once you have that plan finalised?

Mr Cochrane—Any additional resources would really be a budget question rather than just on the release of the report, I would imagine. It would be a budget cycle question.

Senator SIEWERT—Yes; point taken. However, when the minister released the interim report he did announce the additional funding at that time of \$1.5 million.

Mr Cochrane—That is true.

Senator SIEWERT—The \$1.5 million now has all been committed? Were additional resources committed to the skink recovery program?

Mr Cochrane—It has been committed. One million dollars of that is going to focus on red crab protection.

Senator SIEWERT—Red crab protection?

Mr Cochrane—Red crab protection in particular. One of the issues that was identified by the expert working group is that we need to broaden what we do away from just knocking down ants to actually helping to re-establish viable red crab colonies in the areas where they are no longer present. So that is a significant additional focus for us to do that.

Senator SIEWERT—And then the \$0.5 million is going to the recovery program?

Mr Cochrane—That helped fund the capture attempt, yes, and the set-up, basically, for the captive breeding.

Senator SIEWERT—Thank you.

Senator HEFFERNAN—I have questions on due diligence. They are, I think, for Mr Burnett. Recently in New South Wales we have had this situation where New South Wales bought several properties, such as Toorale and, just recently, a homestead portion of Booligal station for national parks. There was federal money put into the first thing. I feel a bit sorry for the feds on this—the first thing you know about it is they send you the account, sort of thing. Do we do due diligence on national parks when we are putting money into them?

Mr Burnett—Senator, I need to clarify the question. Perhaps Mr Cochrane can handle it in terms of the national reserve system.

Senator HEFFERNAN—Let us be specific. For Booligal station, they paid \$109 an acre. I would have thought \$70 was plenty. That is to give you the colour of movement. The minister, advised by his department, put out a press release in the middle of June or July saying, 'Isn't this wonderful. We've made this purchase in the Booligal wetlands.' There is no such thing, in fact. There is a big wetland at the terminal end of the Lachlan River—Juanbung, Booyong. I declare an interest, by the way. I know all the country backwards. Booyong, Juanbung, Toopuntal and those places are the wetlands of the Lachlan. They are the terminal end of it. At Booligal we have some artificial banks, much the same as the artificial banks that McCaughey put into Toorale all those years ago, on what was originally part of Booligal station, which is now under the ownership of a bloke called Jim Crossley, who is someone I know really well. I took his sister out once. There is an artificial ibis rookery. Are you familiar with that?

Mr Cochrane—I am aware of it, yes.

Senator HEFFERNAN—The wetland was created by the banks that were put up to create the rookery, which is on the Torriganny Creek system, which is in the Merrimajeel arm of the

Torriganny Creek. The other arm is the Muggabah Creek system, which finishes up at Peppermint Swamp. The Torriganny finishes up at the Angorra Clump. Adjacent to Booligal station is the bit which has been purchased, as put out by the minister, to save the environment and all these wonderful things. They actually bought the wrong place. The wetland is actually on the place next door. It is about 300-odd acres.

CHAIR—Have you got a question, Senator?

Senator HEFFERNAN—In a serious flood, it does back up on to what you have purchased by way of these banks, because there are a lot of artificial banks in there. My question is: how can that happen? What was the due diligence? It is our money. They paid a decent lot of money for it—\$109 an acre. That is big money for that country. My first question is: they intend to put a regulator in both the Torriganny and the Muggabah creek systems to further manipulate the natural flow of the creeks in the river—

Ms Kruk—Senator, can I, without wanting to stop—

Senator HEFFERNAN—If I am in the wrong section, I will own up.

Ms Kruk—No. With all respect, and I do not want to cut across Mr Cochrane as well, but I am aware that you raised questions before about which of the properties were purchased and whether, in effect, it was the property with the highest conservation value. Can I put on the record that the property that was purchased was, in effect, the property that had been the subject of negotiations between New South Wales and the Commonwealth government.

Senator HEFFERNAN—I am well aware of that.

Ms Kruk—I know you had concerns. We followed them through expeditiously. There were other properties in the area, as I recall. I am doing this off the top of my head, so do bear with my memory. There was an interest by the state's conservation agency.

Senator HEFFERNAN—Which Jim Crossley bought.

Ms Kruk—I do not know the names. You know all the individuals. One of those properties was actually not available, and I think on another one there were some difficulties in terms of the purchase price. You would know the ins and outs, Senator.

Ms Kruk—I know you had concerns, and we followed those through expeditiously. There were other properties in the area, from recall. I am doing this off the top of my head so do bear with my memory that there was an interest in the property that the state conservation agency—

Senator HEFFERNAN—Which Jim Crossley bought.

Ms Kruk—I do not know the names; you know the individuals. One of those properties was actually not available and I think there were some difficulties in terms of the purchase price with another one. You would know the ins and outs of it, Senator.

Senator HEFFERNAN—I do know; I do know. What I am concerned about—

Senator Wong—Some of this may need to be answered by members of the water team. I am not sure which issue you are going to, but I want to make it clear that we do not agree with the assertion that the wrong property was purchased. Okay?

Senator HEFFERNAN—To procure the wetland, and the press release said—

Senator Wong—That is an argument—

Senator HEFFERNAN—No. Hang on.

Senator Wong—Senator Heffernan, that is an argument about the relative merit, as I understand it, of different properties.

Senator HEFFERNAN—There is no wetland. With great respect, Minister, the only wetland that is there is a creek system into which they have put a lot of banks to artificially flood Booligal station. That means all the way down through Box Yards et cetera they do not get the water they used to get because they have allowed these illegal banks to be in there. One of the banking systems created the rookery, the Ibis Rookery. Sure, save the Ibis Rookery. It is a good thing. But it is not the place you bought. The place you bought is simply the entrance of the Torriganny system for the Muggabah and the Merrimajeel creeks, and there are no natural wetlands on that property.

Ms Kruk—I am quite happy, Chair, if Senator Heffernan wants to give us a range of questions that actually go through property by property. We will answer them in detail. A report commissioned by the New South Wales department of water resources describes it as a Booligal wetland complex. As to whether it has a wetland or not—

Senator HEFFERNAN—Could I just—

Senator Wong—Please, Senator.

Ms Kruk—You asked the question about what due diligence processes have been undertaken. Presumably you mean assessment processes that deal with the conservation values of the area.

Senator HEFFERNAN—And also it goes to the value.

Ms Kruk—Okay, both. As I said, the report was prepared for the New South Wales department of water resources. The New South Wales national park plan in 2008 actually identified the Riverina bioregion as a high priority area for land acquisition. The New South Wales government has agreed to reserve Booligal under the New South Wales National Parks and Wildlife Act. To answer your question: yes, there was a due diligence process undertaken. I do not have the material in front of me in relation to the negotiation of the various prices. It went through both the New South Wales system and the Commonwealth system as to whether it was value for money.

Senator HEFFERNAN—Could we have access to that?

Ms Kruk—Yes. Do you want to give me some other questions on notice on this as well? I am happy if you want to put it in the record.

Senator HEFFERNAN—Could I just say that what they have bought is the homestead portion of Booligal station, which has a five-acre garden. It is a magnificent set-up. They were trying to purchase the adjoining place, which is upstream. I rang Jim Crossley and said, 'Mate, they have put out this press release saying they have bought the wetlands'. He said, 'Yeah, it's bit of a joke; it is a laughing matter around Booligal,' and, 'I would have sold them the wetlands if they had asked me.' He whipped around and bought the place on the other

side. So you have this small homestead portion of Booligal station completely surrounded by other operating country. If you are going to buy a national park, for God's sake aggregate it in a way that you can put it together. Sure, Mrs Naughton, number whatever-she-was, has headed off and bought a place somewhere else.

Senator Wong—Senator, we do not agree with you.

Senator HEFFERNAN—That is all right. You are allowed to disagree.

Senator Wong—We do not. My recollection is that there were four properties of interest, of which the one that was purchased was one. Can I suggest the Commonwealth assistance was not through Mr Cochrane's division. From memory it was through water governance. Is that right?

Senator HEFFERNAN—There was a 200-acre water licence on that place.

Senator Wong—No, no. Senator, all I am suggesting is that, if you want to ask detailed questions about the process of that purchase—and Mr Cochrane can answer some questions about the conservation values—those officers will be here later.

Senator HEFFERNAN—All right. Okay. I am grateful.

Senator Wong—Rather than having a long—

Senator HEFFERNAN—Righto.

Senator Wong—Do you want Mr Cochrane to respond at all?

Senator HEFFERNAN—Yes, because I would be interested in what you would describe as the Booligal wetlands. Can I declare an interest. I bought a place out there in 1967—I know it all backwards.

Senator Wong—In 1967? That is impressive, Senator.

Senator HEFFERNAN—It cost \$3.50 an acre, if you want to know what it cost.

Senator BOSWELL—Would you take \$109 for it now?

Senator HEFFERNAN—Most definitely.

Mr Cochrane—Is he selling?

Senator Wong—I am not sure that a negotiation through Senate estimates is very appropriate for either of us, Senator.

Senator HEFFERNAN—This would not be helping the negotiations.

Mr Cochrane—Senator, There were no funds from the National Reserve System program for the purchase of this property. However, one of my staff was involved in a site visit with water group staff to help provide an assessment of the conservation values—not the water values—of the property. The assessment was that there were high conservation values on the property, primarily around the lignum communities there. As the minister said, there are something like four properties in the region which have been identified by New South Wales for many years as having high conservation values.

Senator HEFFERNAN—There is several hundred thousand dollars of lignum on the floodplain there. You have bought the top place. You have bought the entrance to the system

rather than working from the bottom up, which I would have done if I was in charge—but away you go. I am sure there is plenty of lignum there.

Mr Cochrane—The Riverina bioregion is not well represented in parks and this property, along with neighbouring properties, had been identified by New South Wales as—

Senator HEFFERNAN—Have they named the properties?

Mr Cochrane—They are all adjacent properties.

Senator HEFFERNAN—Yeah, just give us the names.

Mr Cochrane—Booligal, Merrimajeel, Uruga—

Senator HEFFERNAN—They tried to buy Uruga, and the bloke that owns the wetlands jumped in over the weekend and bought Uruga because they dillydallied on the contract. They are buying at the top of the system instead of going down to the terminal area and working backwards. It is an artificial wetland of about 300 acres for the rookery. At the bottom of the river there are several places, like Booyong and Juanbung, which are huge natural wetlands, where the river terminates. What you have bought is the entrance to the Muggabah-Merrimajeel system, where the creeks actually come out of the river. Sure, it has a lovely homestead, and I am sure if you go there you will have a nice cup of tea on the verandah and walk around the garden, but that is all you will do. I have 20-odd thousand acres of lignum on my place, and it is as good as the lignum on Booligal Station. If you want lignum, there is plenty of lignum there. They actually thought they were buying what is supposedly the Booligal wetland. The Booligal wetland is a creek system—

Ms Kruk—Senator Heffernan, can I go back to this. You raised this concern with us previously, and we followed it through. I am quite happy to give you detailed responses, but—

Senator HEFFERNAN—Yes, I know. I will end it there.

Ms Kruk—Can I put on the record that I asked the very question that you asked in relation to whether this was the most significant purchase. The parks service has an interest in a number of properties in those areas—

Senator HEFFERNAN—I spoke to them also.

Ms Kruk—Secondly, the wetlands is one component of that. Thirdly, they are looking at the integrity of the reserve as a whole and the size of the holding, as you also know. I am not fortunate enough to know the ins and outs of the property, as you do, but—

Senator HEFFERNAN—It is a few thousand acres. It is bugger all.

Ms Kruk—Yes. but I also understand that their interest in this area is not complete. So—

Senator HEFFERNAN—You could actually put a really good national park together if you wanted to, but they should be further down the system. Can I then go to Toorale and the due diligence that you would have been involved with, which was more to do with the water group.

Ms Kruk—Yes. Again, Senator, if we could beg your forbearance to come back to it tonight.

Senator HEFFERNAN—Okay.

Senator Wong—Senator, Mr Cochrane's area did provide funding as well for the purchase, so, if you want to ask questions of him about that aspect of it, this would be a good place to do it.

Senator HEFFERNAN—Could I go to the questions of due diligence on Toorale. It is also a place that I know well. I had stock out there years ago. It is a fantastic place, because McCackie's put a series of banks in there which spread the water. The water heads west before it goes into the river and by the time it gets to the river it has done a lot of flood work. They have put pipes in some of those banks in the meantime. I wondered what due diligence occurred when they put the proposition to you. My understanding is that the only input the feds had was when a couple of girls went out there to have a look at the goods and chattels that were chucked in with the sale. That is my understanding from the likes of the manager at the time.

They were to get about a 9,000-meg water licence out of the Warrego and a similar amount out of the Darling. They also purchased two area licences. One was about an 1,800-hectare area licence. Bear in mind that for area licences, for those who do not know, originally 200 acres equated to 486 megs, so a 400-acre licence, which was standard, was near enough to 1,000 megs. Those licences were cancelled. This river system has not come under a plan, but those licences were made redundant and we went to volumetric licences, which this property had two of. For some strange reason in its generosity the New South Wales government actually purchased the area licences which I think should have been cancelled. It is amazing. I sympathise with the Commonwealth. Then the New South Wales government said, 'We've bought this magnificent producing country.' Bourke and other places went bananas about it, and they were entitled to go bananas about it. They bought it based on the productive capacity of the property, which included some irrigation, I might say. Then in the same month three or four—we are all pretty inventive in the bush—bushies went up the system and took up a whole 30,000 megs, I think, of sleeper licences further up the system. If the Commonwealth had been given full time and full due diligence opportunity, you would simply have gone up the river, if you wanted to fix the water in the Warrego, and bought sleeper licences and left the productive property where it was.

I appreciate, Minister, that the property is a fantastic complexity of biodiversity. Everyone knows I am a secret green even though I only wear the parrot. I think we need to have a more consultative, open process before these places are purchased. It is as silly as buying that supplementary licence at Tandou, which will come up tonight. What opportunity did the Commonwealth have to say: 'Hang on a minute. We'd better have a look at this?'

Mr Cochrane—I am not qualified to talk on the water licence issues, but with respect to the conservation values of Toorale, as you say, I understand it is a magnificent property. The conservation values of the property have been well established. It has actually been long identified by New South Wales parks as a potential park in the region. I guess the last point is that in recognition of all that for something like 25 years half the property had been a wildlife refuge under New South Wales parks legislation.

Senator HEFFERNAN—But a productive property.

Mr Cochrane—Those were the factors. Plus, one of my staff had been out to Toorale and knew the property before any of this came up, and so was able to help us with the conservation values of it. All of that meant that when we put together our due diligence for the use of National Reserve System funding we believed that was a very sound investment to protect those conservation values—and that is an entirely different question from the water.

Senator HEFFERNAN—There is a disconnect here. For dinky-di Aussie people in the bush, that was a silly decision. We are not the government.

Senator Wong—I understand there are some who oppose it. We have gone through this at a number of estimates, and I want to make the comment again. The conservation values, in terms of the land of this park, have been well identified.

Senator HEFFERNAN—I understand that.

Senator Wong—As Mr Cochrane said, I think half of it was a wildlife reserve. We have gone through the representative nature of the property. We can go through that again if you wish.

Senator HEFFERNAN—No.

Senator Wong—In terms of water, I know your point on sleeper licences. You will also know that we actually arranged, in consultation with the New South Wales government, shepherding arrangements for the Toorale water, which have already yielded environmental benefits down the stream. In relation to sleeper licences, you know, Senator, because you are well across these issues, that they are a property right just like any other licence in the basin, whether we like it or not.

Senator HEFFERNAN—Of course. Good.

Senator Wong—And we have to deal with those licences just as we deal with any other entitlement in the basin, which is to respect the property rights—regardless of what people might think about the history which has given rise to them—and deal with them accordingly, which is to purchase them if we think it is appropriate.

Senator HEFFERNAN—I do not disagree with that, but you were driven by the water in Toorale and you put the money in for the water. I do not know whether you put money in for the land; if you did, you should not have. There is a disconnect between what is the best water outcome in a system like that and what is the best national park, and we do not seem to have any connectivity in the due diligence of that. You get a fait accompli put in front of you, ‘By the way, we’ve decided this and we want you to do this bit on the water.’ The conservation value of Toorale was, like the ibis rookery on the Merrimajeel Creek at Booligal, an artificial creation. So if you would put the system back to its natural state, you would destroy the ambience—certainly, if you put a hole in the bank at Booligal, you would destroy the ibis rookery. Once you start to play with nature, it becomes this continuing nightmare. If you are going to continue to have the natural values of Toorale, you are going to have to have continual unnatural flood banks.

Ms Kruk—Senator Heffernan, can I pick up your point in—

Senator HEFFERNAN—I will finish there anyway. In fairness, I had better shut up.

Ms Kruk—I do ask that you come back to it tonight when my water officers are here.

Senator HEFFERNAN—I will. I'll be good.

Ms Kruk—Ongoing management of that property is the subject of a joint committee between the New South Wales government and the Commonwealth government. The issue of the water licences and the value of that is closely linked in with the interest Mr Cochrane has in relation to the terrestrial based values. I do want to put that on the record. I welcome your questions tonight when I have the right officials here with me.

Senator HEFFERNAN—No worries.

CHAIR—Are there any further questions for the Director of National Parks?

Senator LUNDY—I want to follow up on some of the questions asked by Senator Siewert about Christmas Island. I understand there is to be some investment in improving accessibility of the national park, particularly in the Dales area of Christmas Island. Could you take that on notice and provide details to the committee about that investment?

Mr Cochrane—I will. I understand it needs upgrading and I will give you a good response to that.

Senator LUNDY—Thank you. In fact, if you could give an overall summary about the management of the Christmas Island National Park, that would be great.

Mr Cochrane—Okay.

Senator LUNDY—Mr Cochrane, can you also provide the committee with a brief update on the changes associated with the Australian National Botanic Gardens? Obviously you are aware of recent media reports and the appointment of Dr Judy West.

Mr Cochrane—Yes. I will take those on notice, or do you want a brief update?

Senator LUNDY—Yes, if you could provide a brief update now then you can avoid taking them on notice.

Mr Cochrane—Sure. We are in the process of finalising the restructure of Parks Australia. We move from a two-branch to a three-branch structure. We have negotiated the secondment of Dr Judy West from CSIRO to be manager of one of those branches, the branch that will include the botanic gardens. She will not start until next month, but we are already in discussions and working with the senior management on how that new branch will work. Probably the highest priority for her in that branch is reworking and repositioning the botanic gardens, finalising the management plan for it and shaping a new future for it. I have had a number of discussions with her, but she does not formally start for a few more weeks. I might leave it at that, unless you have more specific questions.

Senator LUNDY—No, that is fine, but perhaps you could take on notice to provide the committee with an update with regard to the investment in finding a permanent and sustainable water resource for the National Botanic Gardens?

Mr Cochrane—I can give you one short answer: next Tuesday on AusTender the tenders will go out for the construction of the alternative water supply.

Senator LUNDY—That is very good news.

Mr Cochrane—It is in the order of around \$3 million worth of works.

Senator LUNDY—I understand it has been a long time coming, but an important election commitment of federal Labor is being followed through, so thank you very much.

CHAIR—As there are no further questions for the Director of National Parks, I thank you, Mr Cochrane, for appearing before us today and answering our questions.

[11.50 am]

Great Barrier Reef Marine Park Authority

CHAIR—We now move to the Great Barrier Reef Marine Park Authority.

Senator BOSWELL—I direct my question to Mr Reichelt.

Senator Wong—Senator Boswell, we had some trouble last night hearing you.

Senator BOSWELL—The Great Barrier Reef Marine Park, when will this legislation on the convictions be proclaimed? Is the proclamation date still 28 November?

Dr Reichelt—That is being handled by the department's marine division.

Mr Oxley—My recollection, and I am just looking for confirmation, is that the proclamation date is 25 November.

Senator BOSWELL—I have the 28th, but the 25th is neither here nor there.

Mr Oxley—I am advised 25 November is the date.

Senator BOSWELL—Thank you very much.

Senator MILNE—Can you give us an update on the impact that acidification is already having on the reef and what you believe the projected impacts are with various global warming scenarios?

Dr Reichelt—The scientific facts around acidification are still unfolding. There was a report in the last 12 months from the Australian Institute of Marine Science that drew a strong correlation between the falling pH increasing acidity of the ocean and a sudden slowdown in the growth of coral that began in the early nineties. From memory, the slowdown was a bit over 10 per cent, or something of that order, which is more than has been seen in any other period for the last 400 years. That was a reef-wide phenomenon, so it was not due to water run-off or due to temperature; it was consistent across the whole Barrier Reef for a large number of corals. The prognosis is for the acidity to keep falling. Scientists dispute as to when the natural buffering of the ocean would run out, but the prognosis is poor for all animals that make a calcium carbonate skeleton in the ocean. I do not have the precise details around that, but we published in our outlook report an assessment that shows that the effects will be felt by the figure of about 420 parts per million and be serious at 450 parts per million and more serious after that. We did not put a date on it; we put a CO2 equivalent in parts per million. That is probably as much as I can give on what we have in the science of the outlook report. It is a serious issue in the long run.

Senator MILNE—I have been told that corals have reduced by about 15 per cent since the 1980s as a result of acidification. Is that verified in your outlook report?

Dr Reichelt—I do not think that is in our outlook report. The figure of 16 per cent was published in about 1998 and again in 2000 as the decline caused in the global mass coral bleaching event, which is due to warming effects as opposed to acidity. But there was a dramatic loss globally of corals in 1998, which was that very hot year that was discussed earlier today.

Senator MILNE—Okay. Coming back to the question of acidification, you said, if I recall, that a serious impact could be expected at 420 parts per million CO₂e and a very serious impact at 450 parts per million. Is that what you said? Correct me if I have misrepresented you.

Dr Reichelt—The outlook report is a synthesis of the warming and the acidity, and it is difficult to tease those two apart—and the science is not precise. What I said was that we start to see serious effects of the combined impacts of climate at the 420 level and then, at the 450 level, very strong effects, where we would expect to see significant changes to coral communities worldwide.

Senator MILNE—Okay. Can you explain to me what the impact of acidification is on some of the algae that essentially hold the reef together.

Dr Reichelt—Again, that is not covered specifically in the outlook report. The types of algae that rely on calcium skeletons tend to be the *Halimeda* and the mound-forming algae that create significant inter-reef habitats. The calcareous algae that bind the corals together essentially cause the reef to grow as the various pieces of dead coral are cemented together. I have not seen any reports specifically, but I would expect the growth of those calcareous algae to be affected by rising acidity. I do not know—in fact, I do not know whether there are published figures—which pH is the critical figure for those algae. But, yes, they are a key part of the growing coral reef system.

Senator MILNE—Have you noticed any weakening of the Great Barrier Reef because of acidification, particularly in relation to those algae?

Dr Reichelt—Interestingly, initially there was talk of a reduction in the density of corals, but the Australian Institute of Marine Science paper I mentioned before draws more attention to a decline in the growth rate of the coral. They are still drawing a correlation with acidity. Either a decline in growth rates or increasing fragility—which has been talked about in the scientific media, the journals—would be a problem for coral reefs. How they would manifest in the ecosystem, I think, has not been well predicted. It is a hard thing to predict. But what you can say is that they would affect the fabric of the coral reef.

Senator MILNE—Okay. In relation to the weakening of the reefs as a result of acidification, is it true to say that they are then a lot more vulnerable to cyclone activity as time goes on?

Dr Reichelt—If that were the case, I would expect them to be more easily broken up by severe storms. As I said, the paper that drew most attention after we finished the outlook report, by the Australian Institute of Marine Science, actually put more focus on the slowing growth rate, not the fragility of the reefs. But we are dealing with an area that has only recently begun to get intensive study, within the last decade, and I think that we have still got a lot more to learn about how acidity will play out in marine ecosystems generally.

Senator MILNE—Are you aware of the work by the CRC for Antarctic Climate and Ecosystems based at the University of Tasmania—which is a partner, along with the Antarctic Division—which has concluded that 450 parts per million CO₂e is the tipping point for ocean acidification?

Dr Reichelt—I have not read their paper, no. Were they referring to the Southern Ocean?

Senator MILNE—Yes, but oceans generally, I think.

Dr Reichelt—I have not read their report, no; I am sorry. But it does not surprise me that there are serious issues with acidity. There are lots of parts of the ocean ecosystems that depend on the ability of animals to make calcium skeleton.

Senator MILNE—Okay. I wanted to ask about building resilience to give the reef the best chance in the face of climate change. I noticed that in the government's Reef Rescue package there is a lot of focus on the run-off from agricultural chemicals used in farming activities—cane growing et cetera. There does not seem to be a lot of emphasis on the impact that dryland grazing has on the reef, in particular the level of sediment that runs off from that dryland grazing after particular weather events. What assessment is being done on the impact of those massive pulses that come down when there is a major rain event after heavy dryland grazing in that area?

Dr Reichelt—The phenomenon of sheet erosion caused by overgrazing in drought times and so on, which was more prevalent 10 or 20 years ago—post World War II—is well studied, although not by my organisation. We take into account those risk assessments. The three big drivers are the nutrients, pesticides and sediments. They are reported in our *Outlook Report*. The risk of those is more prevalent in the southern parts of the Barrier Reef, with the large dry tropic rivers—the dry rivers as they are called—which pulse in a massive way every decade or so. In the north it tends to be more the other things in coastal agriculture in the wet tropics. There are monitoring programs for the marine end of the Great Barrier Reef. There are biodiversity effects being shown in the areas that are under intense agriculture as opposed to the areas that are not. In terms of the relative contributions of sediments and the other problems of run-off, distinguishing those is more difficult, but it is seen and it does show up as one of our risks in the *Outlook Report*.

Senator MILNE—In the government's current programs for trying to protect the reef from these other threats, what work is being done to educate graziers? In particular I am talking about the Burdekin and Fitzroy river catchments. Is there funding available? I have been told that essentially, when graziers change to cattle that are more able to withstand extreme drought conditions and practically graze on dirt, you have a resurgence of problems in sheet erosion and these events. I am interested to know how the reef and the government's response to those threats have adapted to that.

Ms Kruk—Senator Milne, if I may—and if Russell is happy to answer I am happy for him to do so—Mr Oxley may actually be able to give you some run-through on the resourcing and the assistance available under the Reef Rescue program. I think that is getting to the heart of your question.

Mr Oxley—I will let Ms Rishniw answer that question.

Ms Rishniw—There is a sediment reduction target actually captured by the reef water quality plan, which is a joint plan between the Queensland and Australian governments. That actually targets nutrient, pesticide and sediment run-off entering the reef. That sets a sediment reduction target of 20 per cent over the next five years; ten per cent of that I understand will be delivered by Reef Rescue.

Senator MILNE—So 10 per cent will be delivered by Reef Rescue. Would you remind me of the time frame on Reef Rescue?

Ms Rishniw—I have a correction: that reduction target was by 2020, rather than 2013. Ten per cent of that target is actually being targeted by the Reef Rescue program.

Senator MILNE—How is that money being spent in terms of raising awareness and changing land use practices in the catchments?

Mr Oxley—My understanding is that there are two essential areas of activity that are occurring. One is that there is direct and targeted investment with individual landholders. For example, last year in the 2008-09 Reef Rescue transition year, more than 700 farmers across the sugar grazing, horticulture, dairy, grains and cotton industries undertook on-farm activities to improve the quality of water entering the reef lagoon and there is a continuing profile of expenditure in that area. Secondly, as part of the overall program, there is a lot of outreach activity going on around best practice land management guidelines and there is a program to promulgate that advice to landholders and engage them in improving their farming practices.

Ms Kruk—Senator, you are fully understanding the fact that this is an initiative where the Queensland government also has a very active role and has introduced a range of supporting mechanisms, which I think Ms Rishniw started off in her statement. There is obviously resourcing coming into the reef from the Commonwealth and it is also coming the state level.

Dr Reichelt—Can I explain, Senator, that the marine park authority is not administering the specifics of those on-land activities. It is being done through the department.

Senator MILNE—Whoever administers it, I want to make sure—

Ms Kruk—My apologies, I should have explained that.

Senator MILNE—that it is actually being addressed as to who administers it. I want to finish by going back to this issue of the slowing down of the growth rate of the reef. What is the impact on the reef over time if that slowing trend continues?

Dr Reichelt—I have not seen very specific studies on that, but in principle what I can tell you is that it will erode, if that is the right term, the overall resilience of the system to rapidly regrow after disturbances of any type. That is an in principle comment rather than having read a specific study which does a geographic analysis of growth rates of corals. Essentially, if the corals are growing more slowly, then the bounce back rate would expect to be slower.

Senator MILNE—There are several coral reef scientists who have said to me privately at some of the global meetings I have been at—these are not GBRMPA scientists; I am not pointing fingers here—that they think it is all over for the world's coral reefs, that essentially we have reached a point where they are deteriorating, the biodiversity is going, acidification is increasing, the bleaching events are occurring quickly and that we are now seeing coral reefs in decline. Is that your view for the Great Barrier Reef?

Dr Reichelt—The Great Barrier Reef position is well summed up in our outlook report, which says that it is at a crossroads right now, the decisions cannot be deferred for many decades ahead, that it is on a negative track. Scientists are pointing to serious future problems for reefs. There are scientists and scientific articles that have been published since our outlook report was essentially wrapped up six or nine months ago that show, if anything, the science is getting more serious, not less serious. I do not agree that it is all over for the Great Barrier Reef, but I do think we will see changes caused by climate—and we are seeing them now in the Great Barrier Reef. My job is to take the pressure off the reef to the extent we can and not give up on the Great Barrier Reef.

Senator IAN MACDONALD—On that point: the reefs are very resilient, aren't they? They have coped with a lot of changes over the last couple of thousand years.

Dr Reichelt—Yes, the corals have been growing there for probably many more millions of years than that, but the resilience depends on a clean, healthy, naturally growing system, and they naturally vary a lot. Storms can move whole islands 100 metres to the right or break the coral up, which takes 10 years or longer to regrow. It is naturally disturbed, it is naturally resilient and grows back. Experience around the world shows us, particularly for example in Hawaii and the Caribbean, that if you take away the natural function of the system by perhaps overloading it with nutrients or mining it or putting sewage from cruise ships in it, as they do in that part of the world, you lose that resilience and so a natural disturbance like a big storm may wipe out the coral, but then you have lost the resilience and it does not come back. That is the problem. With natural pressures, natural resilience, yes, they change a lot; with human, man-made disturbances, they lose that bounce back ability.

Senator IAN MACDONALD—I think it is correct that the Barrier Reef is one of the best managed coral reefs in the world. That is right, is it?

Dr Reichelt—I would have to agree.

Senator IAN MACDONALD—Yes.

Senator Wong—We would be worried if Dr Reichelt said something different in his position.

Dr Reichelt—Modestly, Senator.

Senator IAN MACDONALD—In your assessment from attending conferences and looking around the world, where does the Barrier Reef rate in its sustainability compared with others?

Dr Reichelt—There are many coral reefs under great pressure around the world. Just to the north of us, there are probably 100 million people in the tropics in the developing world who in some way depend on them, for food and so on. Unfortunately, they do not have the capacity to manage them as closely as we do in Australia. Similarly, the reefs are not as well monitored. So it is very hard to answer your question.

Senator IAN MACDONALD—Are you able to point to a couple of coral reefs around the world—perhaps Ningaloo Reef, perhaps in the Black Sea—that are healthier than our reefs? Can you confidently name a couple around the world that are healthier than ours?

Dr Reichelt—I think health is subjective. I think the Ningaloo system is regarded as being well managed and in good condition, along with many of the reefs across tropical Australia. Parts of the Coral Triangle are still in good condition, the Coral Triangle being a triangle roughly between the Solomons, Indonesia and the Philippines, where the natural peak of biodiversity sits for coral reefs. It is patchy, and there are other reef systems that are what you would call in good condition. I do not believe there are any as extensive and as large as the continental shelf system off north-east Australia that are collectively in as good condition.

Senator IAN MACDONALD—Global warming—or should I say climate change—would be having the same impact on every coral reef around the world, wouldn't it?

Dr Reichelt—Yes. The impact of general warming trends has been felt, I think, in all tropical coral systems, which are the reef-building ones. But there is a big variation in the number of other pressures, such as destructive fishing techniques with dynamite, the mining of coral. The developing world particularly uses reefs for many more things than we do.

Senator IAN MACDONALD—That is my point. Every coral reef in the world would be subject to the same pressures from climate change, and then what determines their individual health would be the other impacts. Is that right?

Dr Reichelt—I would agree with that.

Senator MILNE—Chair, could I just clarify something about what Senator Macdonald just asked. I understood that reefs in high latitudes were more vulnerable to acidification than tropical reefs because cold water takes up the CO₂ more. So isn't it true to say that the reefs in the Arctic and the Antarctic are much more vulnerable to acidification, and more quickly, than tropical reefs?

Dr Reichelt—I am sorry; I do not know the science of that. They could well be. Why I qualified them as tropical and reef building is that those reefs typically do not build carbonate systems like a tropical coral reef or an atoll; they are more like solitary corals—and they would be vulnerable to acidification.

Senator MILNE—Thanks, Chair.

Senator IAN MACDONALD—You used the term 'carbonate'. Was that it?

Dr Reichelt—I used 'carbonate', because the Great Barrier Reef and all tropical coral reefs are essentially constructed from the skeletons of coral, which is calcium carbonate. There is an atoll in the mid-Pacific, in Tahiti, for instance, and the ring around it is made from calcium carbonate, which is very sensitive to the pH of the ocean in terms of its ability to be—

Senator IAN MACDONALD—But all coral reefs are like that, aren't they?

Dr Reichelt—All tropical ones.

Senator IAN MACDONALD—Okay. Congratulations on your outlook report; it is a fine document. Who are the eight people on the outlook reference group; can you tell me that, either now or on notice?

Dr Reichelt—I do not have them all in my head, I am sorry. They are acknowledged in the front of the report.

Senator IAN MACDONALD—Okay. I will find that. Who were the four reviewers appointed by the minister for the environment? Is that in the report as well?

Ms Kruk—Senator, we can give you that information ideally while we are still in session here.

Senator IAN MACDONALD—Okay. There were two independent experts in protected area management, monitoring and evaluation. Who appointed them?

Dr Reichelt—They were appointed by the marine park authority.

Senator IAN MACDONALD—Okay. With regard to the findings in the report, what policies and programs are you going to introduce to address the management effectiveness challenges found by the two independent experts?

Dr Reichelt—The content of the report was our responsibility to prepare, and then it was reviewed independently of us for quality and accuracy. The response by the whole of government has been managed by the department.

Ms Kruk—It is through the marine division, Senator.

Senator IAN MACDONALD—Dr Reichelt, the outlook report identifies climate change as one of the key challenges, yet the Reef Water Quality Protection Plan does not seem to address climate change at all; it places the full onus for guardianship of the reef's health on agriculture. Is that appropriate?

Dr Reichelt—The way it is presented in the report is that the global risks emanating from climate change are seen as the most serious. The reference to the reef rescue and water quality is all about the need to maintain the resilience of the system that you raised earlier. The position of the authority is that all people living in the catchment have some responsibilities for looking after the health of the water running off. The farming community has reacted very positively, especially to the government's reef rescue incentives program. The marine park authority's goal is to encourage, educate and do whatever we can to support efforts to clean up the water running off the land. I think we have moved away from the situation a decade ago, when individual sectors and industries were being pinpointed as being the sole cause of a problem.

Senator IAN MACDONALD—I know there are some differences of opinion on this, but cane farmers and graziers have been targeted as the cause of run-off. A lot of people tell me that perhaps a bigger problem is feral pigs in national parks. Do you have any research or scientific comment on that?

Dr Reichelt—No, Senator. I saw the media reports on it, and I have seen the damage done in coastal lowlands by pigs, so I do not deny, where they are feral, that they do a lot of damage. I do not have any scientific data on how they stack up against some of the other factors, such as run-off of fertilisers.

Senator IAN MACDONALD—As I say, different people have different views, and there is no doubt that they do have some impact; it is a question of extent. I was really asking whether anyone has ever done any research that might lay the blame more squarely on state governments who do not look after their national parks but make them a haven for feral pigs

rather than on graziers and cane farmers who are at least trying. Some might say they are not trying hard enough, but at least they are trying. You do not know of any science or data?

Dr Reichelt—I am sorry, I cannot help with that.

Senator IAN MACDONALD—Okay. I want to ask you about this shortly, but I understand you do have a decreased budget. Does your decreased budget impact on your ability to effectively address the management issues that are raised by your report?

Dr Reichelt—We do have a slight decrease in our budget this year. Our approach has been to conclude some one-off programs, to reduce our costs in travel, administration—

Senator IAN MACDONALD—I have got some specific questions, but I am just saying—

Dr Reichelt—We are not ceasing any functions or reducing our efforts in the marine park.

Senator IAN MACDONALD—So you think that, with what you have got, you will be able to effectively address the issues that were highlighted by your report?

Dr Reichelt—I think the report—

Senator IAN MACDONALD—For *Hansard*, I note the pregnant pause there! I do not want to embarrass you, Dr Reichelt.

Dr Reichelt—No, that is not embarrassing. My pause occurred because the issues raised in that report go much wider than the marine park authority.

Ms Kruk—Senator Macdonald, if I could assist. I am sure Dr Reichelt, like everyone else, would always say that more money would be a wonderful thing, but—

Dr Reichelt—I agree.

Ms Kruk—He does agree, and he wants that noted! The outlook report is very clearly a plan and an action document in terms of what needs to be done, what the risks are, what some of the no regrets are, and it does pull it together in one place. Senator Milne, in her questioning, tried to look at how the reef rescue package was already picking up some of the things that were in the outlook report. That is not money that is dedicated to the Great Barrier Reef Marine Park Authority administration at the moment.

Senator IAN MACDONALD—I want to come on to that at the appropriate time, which I understand is not now.

Ms Kruk—Okay.

Senator IAN MACDONALD—My comment was whether GBRMPA's ability to manage is decreased, but I think Dr Reichelt has answered as far as he possibly can and I will not pursue it. In May you were waiting for the end of the year accounts for the environment management charge figures. It was suggested that they could be almost \$700,000 short of the \$8.2 million foreshadowed back last year. Would you now have the more accurate figures?

Dr Reichelt—We do have them. I will ask Bruce Elliot to give you the specifics.

Mr Elliot—Compared to the \$8.2 million estimate that was at the beginning of the year, we had a \$0.72 million shortfall against that estimate. We actually collected \$7.48 million. That was also \$0.52 million compared to the actual collections of the year before.

Senator IAN MACDONALD—I am having trouble hearing you, that was—

Mr Elliot—We collected \$7.48 million, which was down \$0.72 million on the estimate of \$8.2 million. It was also down \$0.52 million on the actual collections of the year before. So we had forecast a slight increase and instead we had a decrease.

Senator IAN MACDONALD—Does that environment management charge end up with you? Is that your money in a roundabout way?

Mr Elliot—That is correct; it comes back to us as a special appropriation.

Senator IAN MACDONALD—At last estimates it was foreshadowed that there would be a decrease of 12 staff and a two per cent efficiency dividend each year. How are you coping with this annual cutback in addition to the reduced EMC income? How can you possibly manage in the way you have managed in the past with an increasing deficit each year?

Mr Elliot—The operating loss was \$406,000.

Dr Reichelt—It was \$406,000, which we absorbed through our reserves. You are correct to point this out. We need to continually find efficiencies and focus our work. We do have programs that conclude and we are able to release resources into other areas. For example, at the end of June this year a program on foreign fishing vessel incursions in the far north concluded. Our role concluded because it was taken up by the Customs and Border Protection Service, so we were able to hand off responsibility of that. In the period the program ran we had one incursion, a small number. That is the kind of change in effort and focus that we have been doing this year and will do next year.

Senator IAN MACDONALD—You are being asked to do more and more and you are getting less and less money to do it with. That is a matter for the minister and I will not ask you about that. What is your staff projection for this year? Could you tell me, on notice, what programs—you have mentioned one—that you have to wind up?

Dr Reichelt—Our outcome for this year was to move from 213 to 208 staff. We have a number of ongoing contract staff that will conclude in the coming two years, I believe.

Senator IAN MACDONALD—You are recycling permanent staff into different areas, not necessarily their area of expertise or interest. What impact is that having on staff morale and perhaps productivity?

Dr Reichelt—We do have mobility within the organisation. We find that that is not having a big impact on morale because the staff enjoy the new challenges. I think the programs that we will look at in the coming years will be focusing on some of our policy areas. The outlook report gives us a clear road map for the things we need to put more effort into. Water quality and coastal development in particular are where we will steer our resources. We do have natural attrition that is similar to the APS average. The last time I looked, about eight per cent of ongoing staff each year retire or move on. We will look to use all of those methods to stay within budget and focus.

Senator IAN MACDONALD—Dr Reichelt, you and I know that one of your greatest successes has been your ability to involve the community in management and cultural planning processes. I understand that you are reducing the number of meetings with your expertise based rural advisory committees and local marine advisory committees because of

budgetary constraints. Your community engagement officers, based in each regional centre along the GBR, are also going to be cut back. Is that right?

Dr Reichelt—Both of those statements are correct. The number of meetings with our advisory committees has been reduced. We are actually restructuring those groups as well. But, more importantly, we will ask them to focus on the more strategic issues that do not need their month-to-month involvement. I have recently renewed the leases on all three regional offices. With regard to the outgoing years for staff, we have funding from some non-ongoing programs, so some of the staff in those offices are not ongoing staff and those positions are scheduled to conclude, I think by the end of 2010-11.

Senator IAN MACDONALD—Dr Reichelt, I do not want to argue with you, but (a) one of your great successes has been your community involvement, your schools involvement, which has been fantastic and (b) you are getting less money and therefore you have fewer people working on this. So it must mean, logically, that that part of the success story is going to start to wane. I do want to put you in an embarrassing position.

Dr Reichelt—I can reassure you that we put the regional engagement program and liaison as a very high priority. It has become very clear to me in my two years in this role that that has been one of the success stories. We will be looking at channelling resources into it, notwithstanding some of the staff being non-ongoing.

Senator IAN MACDONALD—When funding gets tight for GBRMPA and people start looking at the losses, the museum, the Reef HQ, suffers. Then the money-counters start saying, 'We'll have to shut it down now that it is losing money.' Perhaps I should not embarrass you, Dr Reichelt; I should ask the secretary. Have there been any mumblings about that, Secretary?

Ms Kruk—Without knowing the ins and outs of the various savings scenarios, I know your interest in that and I know the significance of that centre. Can I also say that, having served successive governments, I cannot remember a time when any public sector agency has not had to yield a savings dividend. Can I put on the record—

Senator IAN MACDONALD—You are deliberately missing my question.

Ms Kruk—Please can you also respect my right to respond. I acknowledge Dr Reichelt's work in relation to ensuring that resources are focused on priority areas. I am afraid I cannot diminish the impact of the savings across government as a whole, as you would be aware.

Senator IAN MACDONALD—I am very much aware of that and it is a matter that I hope the minister is acutely listening to. I know she is so concerned about the Great Barrier Reef that she would not want anything to happen to lessen our ability to properly manage it. But, Secretary, my particular comment was on the public viewing Reef HQ section, the museum. When things get tight, there are always mumblings—I might say from Canberra—such as: 'It's losing money. We'll have to shut it down.' I am simply asking you, Secretary: are those sorts of mumblings around?

Ms Kruk—I would be putting myself into the CEO's position here, and I can feel the angst passing across Senator Wong. That is not a decision that I could or would make, so I might ask Dr Reichelt to answer that.

Dr Reichelt—There has been no pressure or suggestions for change in that area. I am a strong supporter of that as an education facility and have no plans to reduce that.

Senator IAN MACDONALD—I know you do not have plans, Dr Reichelt. You would be lynched in the Townsville community if you did. But the bean counters can come on. If it ever happens, if ever the rumour is around, let me know because I will remind people of how much the Commonwealth government subsidises similar facilities in Sydney—often without any comment about their losing money.

Dr Reichelt—Senator, I have the information that you requested earlier if you would like that—that is, the people on the groups. It is in the acknowledgements page of the *Outlook Report* at the very start. I can read it out for you, if you wish.

Senator IAN MACDONALD—Yes, please. The secretary has got it for me.

Dr Reichelt—Would you like it read into the record?

Senator IAN MACDONALD—Yes, please.

Dr Reichelt—It reads:

An Outlook Reference Group, comprising Richard Kenchington (Chairman), Mark Burgman (Australian Centre of Excellence for Risk Analysis), Col Creighton (independent consultant), Steve Hatfield-Dodds (Department of Climate Change), Bruce Mapstone (Antarctic Climate and Ecosystems Cooperative Research Centre), Sheriden Morris (Reef and Rainforest Research Centre), Peter Oliver (International Water Centre) and Imogen Zethoven (Pew Environment Group) ...

For the *Outlook Report*—

Senator IAN MACDONALD—I was just looking around to make sure Senator Boswell was not here, because with the mention of the last name he would have had a heart seizure I am quite sure. But, anyhow, carry on.

Dr Reichelt—All of those people bring different skills, as you can appreciate. The reviews, which were managed independently from the authority, were conducted by:

Richard Beamish (Department of Fisheries and Oceans, Canada), Neil Byron (Productivity Commission, Australia), William Dennison (University of Maryland, USA) and Terry Hughes (ARC Centre of Excellence for Coral Reef Studies, Australia).

Senator IAN MACDONALD—Dr Reichelt, who appointed the Outlook Reference Group and who appointed the peer review group?

Dr Reichelt—I appointed the Outlook Reference Group and the minister appointed the four reviewers.

Senator IAN MACDONALD—I think the questions about the interaction with the cane industry are not really yours. They are more the department's, are they? I am talking about the Reef Rescue.

Dr Reichelt—The machinery of the Reef Rescue program is properly the department's.

Senator IAN MACDONALD—The machinery?

Dr Reichelt—The administration, I meant, sorry—that is, the funding and the direction of funds.

Senator IAN MACDONALD—What is your role? I will just ask again.

Dr Reichelt—We are managing on behalf of the department and the minister a small segment to do with the Marine Monitoring Program and the Indigenous partnerships program.

Senator IAN MACDONALD—Are you funded separately for those?

Dr Reichelt—Yes. We receive administered funds.

Senator IAN MACDONALD—Dr Reichelt, that is all I have on your section.

ACTING CHAIR—Are there no further questions for GBRMPA? If not, thank you very much, Dr Reichelt and other officers, for appearing before us today. We appreciate that. In accordance with the program, we will move to general questions of the department. A couple of senators want clarification of where they should ask questions. Senator Ludlam wants to ask questions about CDL and waste.

Senator LUDLAM—Yes, waste management.

ACTING CHAIR—Where would we put those?

Ms Kruk—Outcome 2, Senator Ludlam. I put my program aside. I think that is this afternoon.

Senator SIEWERT—So we will do that in 2.2, in hazardous waste?

Ms Kruk—Yes.

Senator LUDLAM—They are not necessarily just on hazardous waste; there are general waste management issues in there too.

Ms Kruk—It is all under outcome 2.

Senator LUDLAM—Okay.

ACTING CHAIR—Senator Colbeck has questions about whips.

Ms Kruk—Whips?

ACTING CHAIR—Kangaroo whips.

Senator COLBECK—Just to follow up from last time.

Ms Kruk—This was the import, wasn't it?

Senator COLBECK—It was the export.

Ms Kruk—The export? Mr Burnett, I think, answered your question last time from recall. Is that right?

Senator COLBECK—You were going to get some information or come back to me on export permits for whips.

Ms Kruk—He is the man.

Senator COLBECK—Is he the man?

ACTING CHAIR—Is that under general questions then?

Ms Kruk—EPBC.

Mr Sullivan—Approvals and wildlife.

ACTING CHAIR—So it is 1.2. Is there any other clarification needed of where to ask questions?

Senator SIEWERT—I presume I will do marine and biodiversity in outcome 1.

Ms Kruk—That is right.

Senator SIEWERT—Yes. That is on there, so I know where that is. That is in outcome 1 as well.

Senator COLBECK—Would MPAs be part of that process or would they go under 1.2?

Ms Kruk—It would be 1.1.

Senator IAN MACDONALD—Madam Chair, could there ever be a way that we could devise a program that actually meant something to senators rather than to bureaucrats? We should not each day have to go through this. It used to be pretty easy to put them under headings—and whether they were under the right outcome, the right output or the right—

Senator SIEWERT—We used to get confused then too, but I agree with you.

Senator Wong—Can I say this. I do remember when I was on the other side of the table doing environment estimates and I actually had the same problem.

Senator IAN MACDONALD—Here is your chance to fix it, Minister. You are the boss now. You can fix it.

Senator Wong—You have been a minister. You know there are only some extents to which we are bosses. They do follow budget paper outcome models. What might be of assistance is if the department could look at a bit more detail in the program so that people could be clear on which programs were under particular outcomes. That might be helpful to senators.

ACTING CHAIR—I am sure that would be useful.

Senator IAN MACDONALD—I want to know how the GBRMPA is going. I do not really care which outcome it is in.

Senator Wong—Correct.

Senator IAN MACDONALD—I want to know what money it has got.

Senator Wong—GBRMPA I think was identified on the program.

Senator IAN MACDONALD—But anything.

Ms Kruk—Chair, we are at your direction. What we try and do is to have available officers with the relevant expertise. That is obviously why we have Mr Oxley here. While the Great Barrier Reef Marine Park Authority is a stand-alone entity, as Dr Reichelt pointed out, obviously the issues of Reef Rescue have a broader palette. I try and have the officers who can answers those questions there as well. We are currently following literally the budget format in relation to outcome areas. There are obviously areas where there are intersecting issues, such as arose this morning with Senator Heffernan in relation to water and terrestrial purchases. We will do whatever we can to assist.

ACTING CHAIR—I understand. We appreciate that very much. We will take on board comments from senators about perhaps next time having a program which elaborates a bit on

what goes where. We are now up to general questions of the department. Are there any general questions of the department?

Senator BIRMINGHAM—Ms Kruk, can we return to the question I asked last night—if you have some further information now—about Mr Garrett’s trip to ‘Paree’ and his receipt of the French Order of Arts and Letters.

Senator Wong—To where? To Paris.

Senator BIRMINGHAM—Yes. One would assume that is where you would go to receive the French Order of Arts and Letters.

Senator Wong—You said ‘Paree’ and I did not realise that that had been adopted as the lexicon. A bit of culture! I will try and learn it, Senator.

Senator BIRMINGHAM—Last night I conceded I was not going to attempt to give the French name for the order, Minister, but Senator Conroy was here for that.

Ms Kruk—Senator Birmingham, thank you for your patience last night. Could I ask Mr Sullivan to give you a bit more detail as to the minister’s commitments around that issue of the award.

Mr Sullivan—Firstly, can I confirm that our recollections late last night were correct and this was a trip that immediately followed the minister’s IWC engagements in Portugal. I too will avoid the French in the award, but it was the French Order of Arts and Letters. That is the translation. Senator, I am advised that on 26 June the minister had eight engagements and one of those was the award ceremony. In terms of the details of the engagements, the minister met with the executive director of the International Energy Agency regarding Australia’s energy efficiency activities.

Senator ABETZ—He learnt about atomic energy there, did he—or not?

Mr Sullivan—He also met with the director and curator of the Musee d’Orsay. You will be aware that there is an upcoming exhibition in Australia.

Senator ABETZ—So it was a tour.

Mr Sullivan—He met with French arts and cultural figures to discuss Australia-France cultural exchange initiatives. There were meetings with the directors of the OECD’s divisions for agriculture policies, environment and climate change, biodiversity and development; a separate engagement with the French ambassador who has responsibility for international negotiations on the Antarctic; a separate meeting with Australian artists and writers working in France at the Australian embassy; and a meeting with his French ministerial counterpart, Minister Frederic Mitterrand, who is the minister for culture. I am advised that that was in what would have been a very busy day, on 26 June.

Senator BIRMINGHAM—It sounds like it was a busy day, as you describe it. When was the minister invited to receive the award?

Mr Sullivan—My recollection is that the award was first raised early in the year. I can get back to you on that in terms of the actual details. I am not privy to those exact details. I will take it on notice.

Senator BIRMINGHAM—That is okay. ‘Early in the year’ is some indication, rough though that indication is. Obviously the IWC meeting was set some time in advance. Do you know if the minister was the only person inducted at the awards ceremony where the minister received this award?

Mr Sullivan—As I understand it, these awards ceremonies are a very high honour in French culture. I think they are sometimes organised to basically coincide with the availability of those receiving the award. My understanding is that it was the only award presented, but, again, if that is incorrect, I will correct the record.

Senator BIRMINGHAM—Who developed the minister’s program for his time in Paris?

Mr Sullivan—In terms of development, my area has responsibility for coordinating international engagements, and that is to make best use of times and to basically try and cover off what are a wide range of responsibilities, as indicated in that program of activities covering energy efficiency through to arts and culture and Antarctic. The opportunities are set in consultation with the minister in terms of his priorities and our advice on the priorities and the opportunities.

Senator BIRMINGHAM—It goes without saying, given the length of official engagements that you cited for that day, that all aspects of this trip, which was to Portugal and France, were taxpayer funded?

Mr Sullivan—Yes.

Senator Wong—Just as I assume that Senator Campbell when he was minister would have had taxpayers fund him to go to IWC meetings.

Senator ABETZ—I am sure he did not make side trips to Paris and then build an itinerary around it so he could get a private award.

Senator Wong—It is clearly—

Senator ABETZ—It is a bit difficult now, isn’t it?

Senator Wong—This is clearly a political point the opposition is trying to make. Given what I understand this honour to involve and Mr Sullivan’s evidence about that, I would have thought the opposition could have shown some measure of reasonableness about Mr Garrett receiving this. Evidence has also been given about other appointments that the minister made at the time.

Senator BIRMINGHAM—Minister, Senator Abetz has highlighted the nub of part of the issue here, and that is: if knowledge of this award was had early in the year, were there any other commitments or requests for the minister to undertake meetings in Paris in existence at the time that the department became aware of this award?

Senator Wong—Senator Birmingham, which of these do you say—

Senator ABETZ—I raise a point of order, Chair.

Senator BIRMINGHAM—Mr Sullivan has read the program for the day, and you know full well that that was not the question.

Senator Wong—May I finish, Senator?

Senator ABETZ—A point of order, Chair—

Senator Wong—I do not know what you are taking a point of order on. I have not had the courtesy of being able to finish what I was going to say.

Senator ABETZ—I raise a point of order, Chair.

CHAIR—Yes, Senator Abetz.

Senator ABETZ—The minister has indicated that she is wanting to ask the senator a question. If she wants to do a role reversal, I am sure Senator Birmingham would be happy to oblige.

Senator Wong—You might have to win government before that occurs.

Senator ABETZ—In that case, you will have to satisfy yourself with answering questions rather than asking them.

CHAIR—Senator Abetz, there is no point of order.

Senator Wong—The officer has just read through the itinerary. One of the persons met was the Executive Director of the International Energy Agency. My recollection is that they are located in Paris. I could be wrong on that. I have also met with Mr Tanaka. That is an extremely important organisation which has contributed an enormous amount across issues relevant to both my portfolio and Mr Garrett's portfolio. What I suggest to you, Senator, is that, in the effort to make a political point, you really are undermining a range of meetings which, quite self-evidently, were meritorious. It really does not behove you well.

Senator BIRMINGHAM—So, Minister, if we can return to the question that I posed.

Senator Wong—Which is what?

Senator BIRMINGHAM—The question I posed was: which of those engagements or requests for meetings from any of those parties existed prior to the department being made aware early in the year of Minister Garrett's desire to go to Paris to receive the French Order of Arts and Letters?

Ms Kruk—Senator Birmingham, as I indicated, I am not aware of the sequence of events, but the negotiations surrounding the IWC are a set agenda. Those dates are actually determined beforehand, as I understand it. I think, as Mr Sullivan indicated, our understanding is that he was the only recipient of the award and that there is every likelihood that that honour was actually established around his availability. That is probably as far as my knowledge can take me at the moment. If you have a specific question in terms of the sequence and the programming I am happy to take it on notice.

Senator BIRMINGHAM—I just asked a specific question in terms of the sequence of the program.

Ms Kruk—So that is a question that you have put on notice.

Senator BIRMINGHAM—I acknowledge that the IWC had its dates set some time in advance. That was in Madeira, Portugal. These events occurred in Paris, France. The minister obviously undertook a busy program while he was there. That is acknowledged. Mr Sullivan has gone to some length to detail all of those activities. It was a very busy program for the day

there, and that is welcome. But the question remains as to whether the program or aspects of the program came first or the award came first, and in what way the program was constructed.

Senator Wong—I can say as a minister that there are often either a range of invitations and/or a range of organisations internationally about which the view from the department would be that it would be a good thing for me to make contact with them. For example, when I was last in Europe, we tried to fit in a trip to Brussels to engage with the European Commission and other individuals and agencies where it had been considered that I should do that at some point. It is not an unusual sequence of events. We do not have all the information about precisely how the minister's diary was put together, but it does not really take you very far to ask which came first. There is often a range of organisations where you think, 'I should try to meet with them next time I am in the US or next time I am in Europe'. Obviously, you try to be efficient in your use of time and taxpayer funds. Therefore, we would often try to slot meetings with individuals or agencies where a meeting is merited into a program when I was already overseas.

Senator BIRMINGHAM—We all attempt to maximise the effective use of our diaries and the effective use of taxpayer funds.

Senator Wong—Correct, so what is the political point?

Senator BIRMINGHAM—I do not disagree with you in that regard; I am simply trying to ascertain in which priority the minister determines his timing and use of taxpayer funds and whether important meetings such as some of those that you and Mr Sullivan have outlined were his priority in Paris or whether they came secondary to the receipt of the French Order of Arts and Letters.

Senator Wong—I think that is going to extraordinary efforts to make a political point. You have not put anything at all forward that suggests that this was not a reasonable program for a minister to undertake. The only political point you can make is to ask who spoke to whom first.

Senator BIRMINGHAM—If you look over your record and that of Senator Faulkner and many others at Senate estimates over the years, you will find many similar issues explored. At the time we last met and placed some questions on notice, the department had not managed to reconcile Minister Garrett's travel for the past financial year. We know the reconciliation for his travel to Santiago, Chile, and California in June/July 2008; and to Kaikoura and Wellington in New Zealand in September 2008, but we did not have final reconciliation for Madang in Papua New Guinea in March 2009, for Washington DC in April 2009, for Manado, Indonesia, in May 2009 or for Madeira and Paris in June 2009. Have those reconciliations been completed?

Ms Kruk—Can I take that on notice? I am looking at the question you posed previously. We provided you with information to the previous questions. Can I take that in a similar vein?

Senator BIRMINGHAM—Of course you can. That is the normal process if you do not have the answer at these sorts of hearings, but these questions are frequently explored at Senate estimates. This was a question placed on notice after the last budget estimates. The department provided a response, and I am grateful that the response was provided. I recognise that the department indicated that it had not yet reconciled these four separate trips dating

from March through June. They did occur in the few months leading up to the end of the financial year, but I would have hoped that we may have had some reconciliation of them by now and that that might be available today.

Ms Kruk—Can I please check? I am sorry, but I am a bit confused here. I am aware of the fact that we had answered your question substantively last time. The issue is that there is still some outstanding information. Is that the point?

Senator BIRMINGHAM—That is the point.

Ms Kruk—If you can leave it with me, I will see if I can get back to you during the course of this sitting. I thought there were additional questions to the one we answered last time.

Senator BIRMINGHAM—No. If you can come back to us after the break, that would be excellent.

Senator Wong—At the risk of getting the ire of the department of finance, you might have some experience with your management reports as well. As you have identified, if there is an error, it takes some time to be reconciled. I can certainly say it has occasionally taken some time for various reports of my travel, for example, to be reconciled properly if there have been errors or issues and the attribution of costs between the home department and the finance department. We will attempt to see if that information can be obtained.

Senator BIRMINGHAM—I am not attempting to criticise the department in its response to the question on notice last time. It is just that some months have obviously passed since then.

Ms Kruk—I thought we had not answered it; that is why I was being a little defensive.

Senator BIRMINGHAM—If it helps you, it was question on notice No. 235.

Senator Wong—So it was those four trips that are still identified in the question on notice response as having not yet been reconciled.

Senator BIRMINGHAM—Yes, please. I will leave it there. If you are able to provide that after the break, that would be greatly appreciated.

Senator BOSWELL—I was half listening to the television and I heard the name Pew come up as a special nominee on some committee.

Senator Wong—What was the name?

Senator BOSWELL—Pew, as in the Pew Foundation. Could you tell me what advisory position Pew has?

Ms Kruk—Dr Reichelt identified Pew as being one of the members that he had on the advisory committee for the outlook report. Am I right?

Mr Thompson—Yes, I think that is right.

Senator BOSWELL—Is Dr Reichelt here at the moment?

Senator Wong—No, the committee indicated they had concluded.

Ms Kruk—I think he is flying back this afternoon.

Senator BOSWELL—What special qualities or qualifications would Imogen Zethoven have to place her on a committee or an advisory board?

Ms Kruk—Can I ask that we leave those questions on notice for Dr Reichelt? My apologies, as I was only half listening, but I think he ran through the membership of both the advisory committee that he had appointed and the expert group that the minister had subsequently appointed. They are acknowledged in the foreword of his report. I think that was the source of his reading.

Senator BOSWELL—Who nominated Imogen Zethoven?

Ms Kruk—I think Dr Reichelt indicated that it was a committee that he appointed.

Senator BOSWELL—I would be very surprised if he did.

Ms Kruk—It is certainly my understanding.

Senator BOSWELL—The minister might be aware of this, but Ms Zethoven has been distributing around the parliament photos of big fish being pulled up in a reference to the Coral Sea. These photos were given to me by Senator Macdonald. I do not think he would mind me using his name. I understand that they were given to him in a lobbying exercise by Ms Zethoven to point out what sort of catch would be taken in the Coral Sea. Last night at AFMA I asked if they had seen these photos. They had. I asked them where these fish were being taken from and it was not anywhere near the Coral Sea; it was 80 kilometres east of Brisbane. I am not sure that people who distribute that should be on any advisory committee. I will therefore be seeking an explanation from Dr Reichelt.

Ms Kruk—I would ask that you provide us with a copy of that. That is not a brochure I am familiar with.

Senator BOSWELL—It is not a brochure; this is a cutting out of a fishing magazine that is being distributed around in support of Ms Zethoven's views on the Coral Sea, but these fish were never near the Coral Sea. They came from 80 kilometres east of Brisbane. So you would have to question why someone should be on an advisory committee.

ACTING CHAIR—Are you going to put those questions on notice, Senator Boswell?

Senator BOSWELL—Yes, I will. Has Dr Reichelt gone home?

Ms Kruk—I think he was travelling back tonight. I am happy to convey your concern to him.

Senator BOSWELL—If he is available, I would like to talk to him.

Senator Wong—He was on earlier in the program.

Senator BOSWELL—I know he was.

Senator WONG—And he answered an extensive range of questions from your colleagues.

Senator BOSWELL—Yes, I know that, but this only just came up and, as you would be aware, I was waiting here an hour and a half to get a go and I was not called.

Senator Wong—With respect, Senator, I think that was because your colleagues had the call.

ACTING CHAIR—Senator Boswell, I did call you and you had one question.

Senator BOSWELL—Yes, you did.

ACTING CHAIR—So it is a little unfair to suggest you were somehow deprived of the opportunity to follow this matter up earlier.

Senator Wong—You might need to talk to Senators Macdonald and Birmingham.

Senator BOSWELL—I am not questioning your chairmanship, Acting Chair.

Proceedings suspended from 12.59 pm to 2.03 pm

Ms Kruk—I have two things regarding your colleagues' concerns about what sections they needed to be here for. I could propose that, after you have had the opportunity to ask the department general questions, we actually do it in the sequence of Caring for Country, which would then deal with the regulatory aspects; the EPBC related questions; the questions that Senator Colbeck had in relation to the whip issue; and then finally marine. That will probably segue as well as possible.

Senator BIRMINGHAM—And energy efficiency and climate change?

Ms Kruk—That all comes in afterwards. That is in the other outcome areas. We are in your hands, but that may make it a bit easier for senators to be here for the right section.

CHAIR—That is good.

Ms Kruk—I would like the Director of National Parks, Peter Cochrane, to issue a clarifying statement. I think that there has been some confusion with some of his comments. Is that possible, with the forbearance of the committee?

CHAIR—Yes.

Mr Cochrane—Subsequent to my evidence this morning, there is a story circulating in the media about the Uluru management plan. It would be a mistake to read anything into my comments, other than that the board had carefully considered the submissions it received on the draft plan and, as a result, had made a number of revisions to the plan. As I said, the plan is yet to be finalised and any inferences as to the content of those changes is pure conjecture. I should also correct my earlier evidence on the time the minister has to consider the plan once he receives it. He has 60 days. I was uncertain about the time.

CHAIR—Thank you for those points of clarification. Ms Kruk, did you have any answers for us?

Ms Kruk—I indicated that I would give my best endeavours over the lunch period to attempt to give Senator Birmingham reconciled numbers in relation to Minister Garrett's travel. I am afraid I am unable to do that, but you have my commitment that once all of that material is reconciled we will get it in to you in the normal manner. My apologies; we have tried.

Senator BIRMINGHAM—I have little choice but to accept that. The earliest opportunity would be appreciated.

Ms Kruk—Thank you.

CHAIR—Senator Abetz, do you have general questions?

Senator ABETZ—Yes. I would like to follow up on that and you can take it on notice if you need to. Can we be advised which appointment was locked into the diary, first for the Paris visit, and who initiated the contact to make the specific appointments in Paris for the minister, as to whether they came from the minister himself, suggesting that he make a visit upon these various agencies in Paris?

Ms Kruk—I am happy to take that on notice. I am prepared to affirm here that a number of those appointments I actually encouraged myself—certainly in relation to the energy efficiency area and COAG related matters—but I will take your question on notice.

Senator ABETZ—Where do I ask questions about the EPBC Act review?

Ms Kruk—In the second component.

Senator ABETZ—In the EPBC?

Ms Kruk—Yes.

Senator ABETZ—I am happy to do that. I was just seeking guidance. Minister, I will try again. I asked in climate change about that huge expenditure of \$10,000 for a group called One Million Women in relation to climate change. The funding was out of the environment department and it was a sponsorship for 2008-09. I am wondering whether it is ongoing. I have a written question on notice reference to assist you—No. CC99—but they did flick it through to the department to answer.

Ms Kruk—Again, we will try to get some details during the policy questions.

Senator ABETZ—Take it on notice. As I said, it is the heady sum of \$10,000.

Ms Kruk—What is the name of the group?

Senator ABETZ—One Million Women, in relation to climate change. There is a website and it received \$10,000 worth of sponsorship in 2008-09. I am just wondering whether it has received ongoing sponsorship, whether there was any acquittal requirement against that sponsorship or whether it was just a handover of money without any actual requirements, performance indicators or anything of that nature?

Ms Kruk—I will follow it through.

Senator ABETZ—That deals with that issue. A slightly more controversial area is QN51 from budget estimates in May, *Hansard* page 76.

Ms Kruk—I am sorry, I do not have those in front of me.

Senator ABETZ—But you will soon.

Ms Kruk—Hopefully, yes.

Senator ABETZ—This was in relation to Mr Garrett's ongoing refusal to tell us to whom he spoke on the day of an announcement in relation to Gunns pulp mill in Tasmania regarding certain decisions that he had made. We know from the public discourse that he spoke with a Mr McMahon. He then tried to tell the parliament he had rung stakeholders. When I asked for the names of the stakeholders, he refused to tell us. I assume that is still the minister's position, although I have asked specifically whether he rang the company, the National Association of Forest Industries, Timber Communities Australia, Forest Industry Association

of Tasmania—and the list goes on. It seems that we are not going to get an answer to that. I was then told that one of the reasons was that it would be an unreasonable use of resources. I indicated to the committee, on getting that answer, that I had asked my own office for telephone numbers that had emanated out of my office and they were provided to me at no cost very quickly. I invite the department to reconsider and to take on notice the possibility of obtaining the times and telephone numbers. Has that been done?

Ms Kruk—With respect, I think you and I covered this ground at my previous appearance before estimates and I undertook to go back to the minister with the additional information you had sought. The answer before you makes it quite clear that he has nothing to add to the various answers that he has given to this issue and, obviously, that is as far as I can take it.

Senator ABETZ—These are materially different questions. If a private member of this parliament, who does not have all the ministerial officers available at his disposal, can pick up the phone and, with one phone call, get all the calls for a particular day, and where they went, does the minister say that getting an official to pick up the phone to make one phone call to determine this is an unreasonable use of resource? We can take that on notice and see if the minister is prepared to say that making one phone call would be an unreasonable use of resource.

Senator Wong—That implies an acceptance of the propositions which preceded that question. All I can say is that the answer to this makes it very clear that the minister has provided a significant amount of response to this issue.

Senator ABETZ—He has not.

Senator Wong—That is your opinion. The minister has provided a personal explanation to the House of Representatives. He has answered questions on notice from yourself in March and June. We have answered with departmental officials and the relevant representing minister has also responded. I cannot remember whether that was Senator Carr or me on that occasion. The minister has indicated that he has nothing further to add to the extensive set of responses with which you have already been provided. I know you are particularly focused on this issue, but I do not think that the minister has not fronted up. He has responded and what he has indicated, after quite extensive responses, is that he has nothing further to add.

Senator ABETZ—He has not responded in detail. He has, in fact, deliberately not answered the question and then, on one occasion, he hid behind the assertion that it would be an unreasonable use of resources to try to track down the actual numbers that he had rung. As a result, last time I indicated to the department how quickly I personally was able to find this out, so I invited the department to reconsider, because I honestly believed that the department must have been under a misapprehension that it would have been hugely difficult to trace the telephone calls that may have emanated from the minister's office, mobile phone or wherever. When I undertook the exercise it was extremely easy, quick and at no cost, so therefore I invited the department to reconsider. Minister, are you saying that the minister still stands by the assertion that it would be an unreasonable use of resources to make one telephone call to get the material that we are seeking for this committee?

Senator Wong—Again, that assumes that the propositions in your question are accepted and are correct.

Senator ABETZ—Why does the department not undertake the exercise to prove me wrong, that you cannot get the telephone numbers courtesy of one telephone call and that the information will be made available free of charge? It would be very quick and easy for that to occur, come back here and say, ‘We’ve got completely different information to you.’ I would have to accept that there is, at least, a conflict. But the department and the minister have not even tried and that is why I think you would understand that there is some genuine annoyance within the Tasmanian community that the minister simply says, ‘It’s a waste of resource.’ It is only one telephone call, but it is still a waste of resource. Do you understand the difficulty for the minister?

Senator Wong—I understand that the minister has responded to extensive questions.

Senator ABETZ—You are right. They were extensive questions.

Senator Wong—He has given a personal explanation in the house and he has indicated that he has nothing further to add to it. I know that you have previously gone on the record in terms of your view about Gunns and the project. You are entitled to those views, but I would suggest that this matter really has been taken as far as is reasonable. The minister has made clear his response. I cannot assist you any further on this.

Senator ABETZ—I fully accept you cannot, but Minister Garrett can. If you think that by obfuscation the issue will go away, then you can pass on to the minister that he is wrong. The so-called Operation Sunlight that we were promised under this government is clearly not occurring in Mr Garrett’s portfolio when some pretty simple questions were asked. Interestingly enough, this information, I suspect, is at hand because when a complaint was made to ASIC about the divulging of information to private individuals prior to the market being told, ASIC undertook an inquiry and, reading between the lines of their result, it is quite clear that information was passed on to ASIC so that they could satisfy themselves that nothing untoward had occurred. I accept that, that nothing untoward had happened in relation to ASIC rules.

Senator Wong—Correct.

Senator ABETZ—The information is there. It is being deliberately withheld. If the minister is saying, ‘Abetz, you can go jump. I’m not telling you’, then that would be an answer that I would have to accept, but to try to hide behind the nonsense that one telephone call would be ‘an unreasonable use of resources’ just does not stack up with anybody in the community. It does not pass the pub test; it does not pass the credibility test in any way, shape or form.

Senator Wong—I do not think I will take your advice that telling you to go jump is the way to respond to a question. I do not think that would be appropriate.

Senator ABETZ—That would be more honest than what has been happening thus far.

Senator Wong—I am being honest. The minister has responded to questions and he has made a personal explanation in the house and he has nothing further to add to it. I note your reference to the ASIC inquiry and my recollection is that no untoward activity was found.

Senator ABETZ—That is right, and I fully accept that. For ASIC to find out that no untoward activity occurred they must have found out to whom Mr Garrett spoke prior to the

public announcement, which means the information is available. Otherwise, Mr Garrett would not have been able to clear himself with ASIC. Let me say quite plainly, I doubt that Mr Garrett would have done anything to try to impact the stock market. It was an exercise to show that the information was available and Mr Garrett was, I assume, quite rightly cleared, but on the basis that information was fully divulged to ASIC as to whom he rang and the circumstances in which he rang them. If it is available for ASIC then why is it not available for this committee? You can keep responding and saying, 'He gave an extensive response.' Just because you repeat it does not make it the truth.

Senator Wong—Just because you repeat allegations does not make them true either.

Senator ABETZ—Just answer the question.

Senator Wong—I have.

Senator ABETZ—Whom did he ring.

Senator Wong—I have answered the question which is that, as the minister's tabled answer says, he has nothing further to add to your sequence of extensive questions on this issue than the extensive answers that he has already placed on the public record. You may not like that response; you are entitled not to like it, just as I am entitled to give the answer. We can keep having this same discussion for the next few hours if you wish.

Senator ABETZ—The minister stands by the answer provided that it would be an unreasonable use of resources for the department to make one phone call to ascertain the possibility of obtaining the times and telephone numbers on the day in question? Can we just have that confirmed?

Senator Wong—I am referring to the minister's answers tabled in response to questions on notice 1486 and 1226, which are 45 and 51 respectively.

Senator ABETZ—You are not responding to answers. You are responding to my questions. I am asking: does the minister honestly believe the Australian people will believe that the making of one telephone call by his office to gain this information, free of charge with no cost to the taxpayer other than the department official making the one phone call, would be an unreasonable use of resources? Is that the minister's position?

Senator Wong—I cannot add anything further to the position that the minister has put in the answers tabled.

Senator ABETZ—Are you willing to encourage your ministerial colleague to see the nonsense of the assertion that to make one phone call would be an unreasonable use of resources? I would have thought that the average punter would say, 'That's a bit over the top, Minister Garrett. That's hardly a defensible position. If you wanted to divulge this information you could make this one phone call and if you don't want to make the phone call, what have you got to hide, because you can hardly assert in any logical construct or framework that this would be an unreasonable use of resources to make that one phone call.' Are you going to put that to your ministerial colleague?

Senator Wong—I do not think that is a question. I think that is a speech, with respect.

Senator ABETZ—I asked whether you would put this to your ministerial colleague, Mr Garrett, to seek to convince him of the nonsense of his response that making one phone call would be an unreasonable use of resource?

Senator Wong—I am sure that Mr Garrett can consider the merit of your arguments without the need for me to have a discussion with him.

Senator ABETZ—Ms Kruk, I would like to ask how many staff are in the department? Whilst you are at it what is the total budget of the department?

Ms Kruk—I will ask Mr Sullivan to run you through the figures.

Mr Sullivan—In terms of the budget question, the total portfolio budget as at 2009-10 portfolio budget statement is \$5.7299 billion. You asked specifically though what the department funding was. The total for 2009-10 funding in the portfolio budget statement is \$4.7916 billion. I understand the difference there is in terms of the portfolio agencies.

Senator ABETZ—What about the staff in the department?

Mr Sullivan—As at 30 September the total in the department is 3,461.

Senator ABETZ—We are being told courtesy of the minister that with a staff of 3,461 with a budget of between \$4 billion and \$5 billion it would be an unreasonable use of resources to make one telephone call. That is a great argument to put forward in the public arena as to why we cannot find out this information. Believe it or not I will be around again next time to see if the minister has changed his view on that. As to the Mole Creek Forest Karst program, would that be in one of the areas we are about to get into?

Senator ABETZ—Caring for Country is next.

[2.25 pm]

CHAIR—We will move to program 1.1, Caring for Country, Sustainable Management of Natural Resources.

Senator SIEWERT—I am following up on questions that I asked yesterday in rural and regional. I know it is clumsy being across two estimates areas. It provides an opportunity to see if we can get a different answer! Firstly I would like to follow up on the NRS program because yesterday at rural and regional the department was unable to provide much information on the NRS program. Hopefully I now have where this fits in properly. How much has been allocated for NRS projects in the last round of funding, which is 2009-10?

Mr Cochrane—We funded 22 acquisition projects. I should say that is actually since the beginning of Caring for Country on 1 July 2008.

Senator SIEWERT—I am desperately trying to work out how much funding has been spent and allocated out of the 2009-10 budget because a lot of the data that we were given yesterday is across projects that are one, two, three and even four years. I am trying to work out how much was funded this financial year.

Ms Rankin—The reason you are finding it difficult is that there is a complex answer. To date there has been \$2.995 million worth of NRS projects approved. But as well there has been a range of expression of interest projects that have been approved to go to the next stage with the negotiation for landholders. Until the actual details of purchases of those individual

properties are finally assessed and approved the budget figures for those particular projects are not available.

Senator SIEWERT—How much is earmarked, though?

Ms Rankin—In the budget this year it is \$45.6 million for 2009-10.

Senator SIEWERT—Yesterday we were told that there is \$152 million worth of projects that have been approved this year that not only incur expenditure this financial year but some of those projects are one, two or three-year projects. Out of the \$152 million that has been approved, \$45.6 million is for NRS projects?

Ms Rankin—The \$45.6 million is the budget for NRS for 2009-10. The only bits that have been approved to date have been 10 proposals and there has been a range of proposals approved to go through to the next stage, so the actual details as to the amount of funding for each of those projects—

Senator SIEWERT—So the \$3.995 million is part of the \$152 million?

Ms Rankin—I think we might need to clarify that figure. This is information that you received yesterday?

Senator SIEWERT—This is information we received yesterday. There is around \$407.9 million that has been allocated for the 2009-10 financial year across Caring for Country?

Ms Rankin—That is right, yes.

Senator SIEWERT—Of which there is \$60 million allocated for projects that were part of a competitive bid; is that right?

Ms Rankin—Can I give you my figures?

Senator SIEWERT—Let me just clarify what else I had. I had around \$130.4 million that was allocated to regional organisations as baseline funding.

Ms Rankin—That is right, \$138 million, yes.

Senator SIEWERT—Around \$24.6 million was reef projects; is that correct?

Ms Rankin—I will go through my table. As you say, the total budget this year is \$407 million. This year as a result of business plan investments we have approved \$446.6 million over four years.

Senator SIEWERT—That is \$446 million over four years.

Ms Rankin—Of that, \$190.999 million is in 2009-10. I will just go through our 2009-10 figures, if that is easier for you.

Senator SIEWERT—Yes, that is what I am trying to get to.

Ms Rankin—Six projects to date have been approved for World Heritage as part of the business plan. I will get onto outside the business plan projects after this. That adds up to \$1.63 million.

Senator SIEWERT—Is that purely for this financial year?

Ms Rankin—This is just this financial year. There are three cane toad projects for \$1.025 million. There are 18 projects so far approved for Indigenous protected areas, at \$2.62

million. As I mentioned, the NRS projects that have been approved to date add up to \$3.995 million.

Senator SIEWERT—But the indicative budget is \$45.6 million?

Ms Rankin—That is right, yes. Reef rescue projects, \$24.6 million. Then we have the 56 Landcare projects.

Senator SIEWERT—Fifty-six seems to be the magic number.

Ms Rankin—We are saying it is the new black—\$9.916 million.

Senator SIEWERT—They are the projects that are actually funded under a separate process; aren't they?

Ms Rankin—No, they are funded under the business plan but approved under—

Senator SIEWERT—I beg your pardon. That is what I mean.

Ms Rankin—The other 56 projects are the competitive component of the business plan. That adds up to \$17.1 million. You have the regional baseline funding, which you know about, of \$138 million. And the regional bodies also received competitive funding worth \$8.9 million.

Senator SIEWERT—Of the 56 projects that have been approved under the competitive process, did they not include the regional competitive project?

Ms Rankin—That includes that \$8.99 million I just mentioned.

Senator SIEWERT—That is a subcomponent?

Ms Rankin—Yes. Just to be clear, then in addition to that some additional funding has been allocated for other things outside the business plan process, as was mentioned in the business plan, for some foundation activities and funding direct to some critical projects. That includes an election commitment which includes \$137 million worth of funding for things like cane toads, environmental stewardship projects, Tuggerah Lakes, Gippsland Lakes and a whole range of other activities.

Senator SIEWERT—So \$139 million to cane toads. Is that separate to the other cane toad funding?

Ms Rankin—Yes.

Senator SIEWERT—This is all for this financial year?

Ms Rankin—That is right.

Senator SIEWERT—So cane toads and Gippsland Lakes—the election promises—there was some Tasmanian devil work in there too, wasn't there?

Ms Rankin—The Tasmanian devil, the Tasmanian-Queensland World Heritage area funding—the monitoring and evaluation budget is all captured in that \$137 million.

Senator SIEWERT—To save you going through it now, is it possible to get a breakdown of that \$137 million in a tabular form?

Ms Rankin—Yes, we can do that.

Senator SIEWERT—Where do camels fit in? I know they are very bad.

Ms Rankin—They fit into that \$56 million project—

Senator SIEWERT—You said that was \$17.1 million. The camels are \$19 million.

Ms Rankin—That is over the full four years of the program. In the first year the anticipated expenditure is very small with regard to camels while we work the project up.

Senator SIEWERT—Of the \$17.1 million, how much overall has been allocated? Is that for the first year of those projects?

Ms Rankin—Yes.

Senator SIEWERT—How much has been committed forward for those 56 projects?

Ms Rankin—That is \$57.4 million.

Senator SIEWERT—That is how I got to the figure of \$60 million I just scribbled. Regarding the projects we have just discussed—the World Heritage funding; the protected area funding—is there other funding that is earmarked for those areas that are not funded in this financial year in the same way that the NRS money is earmarked but not expended yet?

Ms Rankin—Yes, there is. There are certainly a number of other projects that are being assessed and considered for Indigenous protected areas and NRS. Once those have gone through the formal final assessment process there will be an announcement on the amount of money for those projects.

Senator SIEWERT—In the same way that you have \$45.6 million earmarked for NRS, can you tell us what is earmarked for this financial year for Indigenous protected areas?

Ms Rankin—I need to clarify that the \$45.6 million includes IPAs. It is all part of the national priority—

Senator SIEWERT—Is that \$45.6 million for NRS and IPAs?

Ms Rankin—Yes.

Senator SIEWERT—In terms of the World Heritage budget, is that the full expenditure for this financial year?

Ms Rankin—As I said, \$1.6 million was approved out of the business plan and on top of that there was funding of \$3.4 million for the Tasmanian Wilderness World Heritage Area, \$2.7 million for wet tropics—

Senator SIEWERT—Does that come out of the \$137 million?

Ms Rankin—That comes out of the \$137 million. And I know there is another Macquarie Island one in here for rabbits, and that is \$4.9 million.

Senator SIEWERT—That is for this financial year?

Ms Rankin—That is right.

Senator SIEWERT—The \$137 million is for this financial year, isn't it?

Ms Rankin—Yes.

Senator SIEWERT—So there is no more money to be expended against the World Heritage projects under the business plan as opposed to separate to the business plan. There are the six and that is it for this financial year?

Ms Rankin—That is right.

Senator SIEWERT—You do not have any more expressions of interest?

Ms Rankin—No.

Senator SIEWERT—In terms of the competitive grants program, as I understand the overall expenditure of \$19 million the camels project was done as an expression of interest, according to what the department said yesterday in the rural and regional affairs hearing. Are there any more projects funded under the competitive process that are done through expressions of interest?

Ms Rankin—The only expressions of interest we called for in the 2009-10 business plan were for large projects. That is the only large project that is being funded out of that process.

Senator SIEWERT—In the competitive grant process, of the overall money that is going to be expended there, which is \$57.4 million, what is the percentage of regional bodies projects that make up that amount?

Ms Rankin—That is 4.5 per cent. That is for the \$8.9 million that they received on top of their baseline funding.

Senator SIEWERT—The \$8.9 million is only for this financial year though, isn't it?

Ms Rankin—Yes, sorry. It is \$20.162 million over the four years.

Senator SIEWERT—The \$8.9 million obviously makes up half of this year's funding, so they are obviously short-term projects. They are the shorter term projects that have been funded if they then only make up—

Ms Rankin—Looking at my budget profile, yes, most of their funding goes out in 2009-10 and 2010-11. There is very little in the last two years.

Senator SIEWERT—They are two-year projects whereas the other project, the camels project, presumably is a four-year project?

Ms Rankin—That is right.

Senator SIEWERT—Have the 10 projects that have actually been approved under the NRS proposal now been announced?

Mr Cochrane—They are all projects on private lands. As Ms Rankin said, all the acquisition proposals are under assessment at the moment for the NRS.

Senator SIEWERT—I am sorry, I am having a bit of trouble hearing you. Are the 10 projects that have been approved—you are not sure if they have been announced—still being finalised?

Mr Cochrane—No. I think they have been approved. I do not believe they have been announced yet.

Senator SIEWERT—When is it likely they will be announced?

Mr Cochrane—I imagine it will be imminent because I think the successful applicants would have been notified by now.

Senator SIEWERT—I realise you are not going to tell me who they are before the minister has had the pleasure of announcing them. Are they to NGOs or state conservation organisations?

Mr Cochrane—It is a range of organisations, including catchment management authorities. Some are government departments and some are NGOs and industry bodies. That is the range that is there. My advice here is that we are aiming to finalise our contract negotiations by the end of this month for private lands—yes, for those 10.

Senator SIEWERT—Then there are 45—

Mr Cochrane—There are 45 that are under assessment.

Senator SIEWERT—Is the bulk of the money still to be expended?

Mr Cochrane—Correct.

Senator SIEWERT—Have you got applications for that \$45.6 million?

Mr Cochrane—As was said before, the \$45.6 million includes IPAs. The actual NRS component of the non-IPA bit is \$37.6 million. We had 88 expressions of interest. Of those, 45 have been selected for assessment.

Senator SIEWERT—I am recalling the money that was handed back for biodiversity hot spots some years ago. I never want to see that happen again.

Mr Cochrane—I do not believe we have ever handed any NRS money back.

Senator SIEWERT—I am glad to hear it. The applications you have got will expend the \$37.6 million?

Mr Cochrane—We also continue to receive applications from time to time when new valuable properties come on the market. There are proponents and willing sellers so if, we can take advantage of those, we do.

Senator SIEWERT—You have an expert panel that helps you with NRS assessments; am I recalling correctly?

Mr Cochrane—No, my staff generally work very closely with the states, who provide a lot of the on-the-ground information to us so, there is not a panel per se. My staff formulate the assessments of the properties and the recommendations to the minister.

Senator SIEWERT—So the assessment is done separately to the assessment panels that do the competitive process?

Ms Rankin—All of the applications, including the NRS ones that were received this year, were all run through the application assessment tool that I think we have provided you previously as part of a question on notice answer.

Senator SIEWERT—Yes.

Ms Rankin—So that was the original step, the first step that we went through, and then Mr Cochrane's staff went through the additional evaluating of the submissions.

Senator SIEWERT—All these projects have been through that assessment tool process?

Ms Rankin—Yes.

Mr Cochrane—Yes.

Senator SIEWERT—In terms of looking forward to the next round, what is the process for looking at the assessment tool and reviewing it in light of this year's process?

Ms Rankin—We have had a number of processes running over the last few months. There has been a public process asking for commentary back on what happened last year and the people's views on the overall process. We have had a number of workshops with key stakeholders around the country and also invited stakeholders to Canberra to provide their feedback. We have separately had discussions with people like David Pannell, who actually reviewed the assessment tool and provided us with some commentary, suggestions and feedback on that and we are taking all of that into account in terms of revising and updating the tool for next time.

Senator SIEWERT—When will the new tool be available? Will you be releasing that as well?

Ms Rankin—We have not had that discussion yet with the board about whether they are prepared to release the tool before or at the same time as the business plan is released.

Senator SIEWERT—When is the business plan going to be released?

Ms Rankin—We are hoping within the next month.

Senator SIEWERT—Okay. The camel project that was successful—from what we were told yesterday, as I understand it that decision was made on the expression of interest then our developing it up.

Ms Rankin—That is right.

Senator SIEWERT—In this instance this was the only major grant that was picked on an expression of interest from what you have just said; is the process from here that you just keep working with the proponents until you get a project that you are happy with?

Ms Rankin—On the camel project?

Senator SIEWERT—On the camel project.

Ms Rankin—That is right, yes. The \$19 million was indicatively earmarked for the project subject to us being able to negotiate a suitable scope for the project with the proponents. There has been a range of discussions with them and they have put forward a more detailed proposal that we have been assessing and providing commentary back. Ministers have yet to make a decision on the final project.

Senator SIEWERT—With regard to the projects that were approved under the competitive grant process, did you accept the advice you received from the assessment panel on all projects?

Ms Rankin—The advice we received back from both the scientific advisory panel and the community advisory panels basically identified that around \$790 million worth of projects were of high value.

Senator SIEWERT—\$790 million worth of projects were—

Ms Rankin—That exceeded our level of budget.

Senator SIEWERT—Presumably, that was not just for this year. The \$790 million was for the extent of their projects if they were three or four years.

Ms Rankin—No, that was just for this year.

Senator SIEWERT—Just for this year?

Ms Rankin—Yes.

Senator SIEWERT—And you have funded \$17.1 million.

Ms Rankin—No. We have funded four hundred and—

Senator SIEWERT—I beg your pardon; it was not just the completed grants.

Ms Rankin—No. That is right. Clearly we had to go through a process of looking at their shortlist of \$790 million worth of projects and recommending to ministers a package of projects to fit within the budget that was available.

Senator SIEWERT—Does that mean that the projects that were approved outside the business plan—which were the cane toad projects and the Gippsland Lakes ones—all went through the panel as well?

Ms Rankin—No, they did not.

Senator SIEWERT—I am just trying to find out which ones—

Ms Rankin—The election commitments such as Tasmanian foxes and Tassie devils did not go through the panels, but the three cane toad projects I mentioned before did.

Senator SIEWERT—The World Heritage projects did?

Ms Rankin—The six I mentioned?

Senator SIEWERT—Yes. I am not talking about any of the ex-business plan ones now.

Ms Rankin—Okay, yes.

Senator SIEWERT—The World Heritage ones did, the cane toad ones did, NRS ones did, IPAs and the reef rescue.

Ms Rankin—Yes.

Senator SIEWERT—Landcare went through a separate announcement process?

Ms Rankin—It went through the same assessment process but a separate announcement process.

Senator SIEWERT—Does the \$138 million for the regional baseline funding go through that process or is that assessed—

Ms Rankin—That is really assessed internally.

Senator SIEWERT—Yes.

Ms Rankin—We did run them all through the same assessment tool internally but did not send it out then to the assessment panels.

Senator SIEWERT—The baseline funding was announced some time ago before the competitive grant process?

Ms Rankin—That was, yes.

Senator SIEWERT—So that—\$407 million minus \$137 million—was what was assessed by the assessment panels?

Ms Rankin—Yes, I think.

Senator SIEWERT—Okay.

CHAIR—Thank you, Senator Siewert. Are there any further questions for Caring for our Country?

Senator IAN MACDONALD—Yes. Hopefully to shorten the process a bit, did someone from your department keep a very close eye on what was asked about Caring for our Country in DAFF yesterday?

Ms Rankin—We did, yes.

Senator SIEWERT—They got more anti this time. I knew all about the funding.

Senator IAN MACDONALD—That was my next question. Just remind me, is Caring for our Country an equal partnership between your department and DAFF or is it principally yours with DAFF sneaking in when it is relevant?

Ms Rankin—It is a joint program between the two departments although the appropriation is split with the components of the budget that are made up by the Natural Heritage Trust, the working on country budget and environmental stewardship component of the budget being appropriated to our department, whereas the Landcare budget is appropriated to Minister Burke's department. The ministerial board has joint decision making over most of the components of the program except where they have decided to reserve to themselves sole decision making rights over certain components. So Minister Burke has sole decision making roles over the Landcare funding because of the appropriation given to his department, whereas Minister Garrett has sole decision making over the World Heritage, national reserve system and IPAs component of the program. All the rest is jointly shared.

Senator IAN MACDONALD—Sole decision making or sole budgetary?

Ms Rankin—No, they have agreed between them that they will make the decisions on the expenditure of funds within those components within the overarching frame; it could be either program.

Senator IAN MACDONALD—We were very critical yesterday—and I assume before I got here that Senator Siewert was again today—about the complexity of the forms and the complexity of the process which we went through at some length with DAFF. They did look a bit uncomfortable and they would not rat on a fellow department but I assume those criticisms should have been made to you rather than DAFF.

Ms Rankin—They jointly share the whole program and jointly administer it so, if there are criticisms, they are jointly shared.

Senator IAN MACDONALD—Do you accept that there has been enormous unhappiness about the complexity of the forms, the application process, the general administrative processes and the extent to which lots of people—and I mentioned a few yesterday which you are no doubt familiar with and I will not repeat—have spent lots of money, lots of time and lots of effort on encouragement from officials to get absolutely nothing and they are absolutely shattered. Are you aware of all of that?

Ms Rankin—We are certainly aware of concerns and criticisms from a number of groups in some circumstances but we are also aware of a number of groups that actually believe that the program is moving in a positive direction and has opened up the funding to a range of groups that previously could not access it under the previous Natural Heritage Trust, and that the move to a more target outcome focused approach is a positive shift.

There is a range of diverse views across the country. We certainly are aware of some fairly strongly held views by some groups that the process does not meet their requirements and they are unhappy with the application form and assessment process, whereas other groups are quite complimentary of it. I guess in all of these processes it has been a change for a lot of groups from previous arrangements. We are certainly taking into account the comments, advice and suggestions that we have received over the last six to eight months about issues that people have had with this year's process and trying to take account of those to the extent that we can in refining and improving the process for next year.

Senator IAN MACDONALD—I did not want to do this but someone might have heard me yesterday talking about the wetlands and how important they are to the work that is being done and funded in relation to the Barrier Reef and yet, apart from Ramsar wetlands, high value wetlands were just not at all supported up along the Barrier Reef coast.

Ms Rankin—As you know, with reef rescue funding there was a rigorous multicriteria analysis process done to identify the priorities for investment of those funds and that came up with an assessment that the majority of the funding should really go to agricultural practice change, that that would achieve the greatest benefit and return on investment for the funding rather than in additional work that would be done for the wetlands.

Senator IAN MACDONALD—Would you not accept that looking after the wetlands is absolutely essential for Barrier Reef water quality and interacting with agricultural pursuits?

Ms Rankin—It is not my personal view that matters. The consensus of the scientists and the groups—including industry, regions and NGOs—that were involved as part of that multicriteria analysis was that it was more important to invest the funding into agricultural practice change than into wetland protection. That does not mean that the regional bodies in that area could not—and I do not have the information to know whether they are—actually invest in wetlands through their original baseline funding on top of the money that they receive through reef rescue. The multicriteria analysis certainly advised that the greater priority was to put your money where you were going to get the best chance of reduction of nutrients and sediments flowing into the reef.

Senator IAN MACDONALD—Yesterday I gave the example of WetlandCare Australia who spent \$80,000 of money they really did not have on encouragement from officials—and I do not blame officials for that—on applying for three bids and they got not a cent. None of the

wetlands, which are so very important to the Great Barrier Reef lagoon water quality, are going to receive funding and the funding that they previously got to help in that area is not going to be available. Not only does it mean the work is not being done but the enthusiasm and commitment of a lot of volunteers is just rapidly dissipating into the atmosphere. It just seems incredible to me that wetlands were not a national priority.

Ms Rankin—One of the national priorities for Caring for our Country is certainly critical aquatic habitat, so wetlands are funded as part of the broader program.

Senator IAN MACDONALD—Okay. Well, why were they not funded?

Ms Rankin—As we have been discussing, there was over \$3 billion worth of applications for funding over 1,300 applications. We had a limited amount of money to invest and the decisions were made across that extremely large level of interest in the program on the highest priority projects.

Senator IAN MACDONALD—Do you think it would be better for the department to simply say, ‘Look, there is not much chance of you getting it because the numbers just don’t stack up. There are hundreds of applicants and so little money. Don’t spend \$80,000 on a very well researched, very professional, very detailed submission. Just write us a one-page letter and you will have as much chance.’

Ms Kruk—If I may—and Ms Rankin alluded to it—these are issues that the ministers have actually asked us to look at specifically as a result of the feedback in the consultation in the next business plan. It is a very heavily subscribed program and certainly I think some of the frustrations that you have mentioned have come up in some of the meetings about literally the expenditure in terms of pulling together the claim and whether it was possible in effect—of course, acknowledging both probity of process and also not wanting to lose the science that sits underneath some of these decisions—to get a more focused effort in relation to areas where people should expend their effort.

Senator IAN MACDONALD—But Ms Kruk—

Ms Kruk—There is a sensitivity—

Senator IAN MACDONALD—This is not in any way a political comment but—

Ms Kruk—Neither is my answer.

Senator IAN MACDONALD—You were not there but your department and DAFF over the last eight years that I am familiar with have spent an enormous amount of time on the forms, the applications and the processes. Now you get a new government and, sure, they might have different priorities at the top but the way it is delivered cannot alter unless, with respect, it is bureaucrats wanting to make a job for themselves. I do not want to be critical of all the people sitting behind you but they have been through it all; they have worked out the right system and suddenly we get a whole new system that does not mean anything to anyone. It is so complex, it is so difficult and it does not work on the benefits of what you have learnt in the last five or six years.

Ms Kruk—With respect, I am also familiar with this program from its inception and there have actually been some quite significant changes in the policy settings. As Ms Rankin has indicated, obviously having a more outcome and target based approach is quite a significantly

different program than one in effect where basically all parties could actually bid in the process. I take away—and in no way diminish the need—to actually look at making the paperwork as friendly and as cost effective as possible; you will have no argument with either myself and I am sure with my—

Senator IAN MACDONALD—With the previous government the first forms were awful; they were designed by your staff but we all make mistakes, so we learnt from the mistakes. I accept the program at the top changes with changes of government or even changes of programs but you have got huge expertise sitting there behind you and I cannot believe the complaints—and again they are not political complaints—across the board about the complexity of the whole system and the change for change's sake and not for any appreciable benefit whatsoever.

Ms Kruk—I take your comments in the spirit that they are intended and, as I said, these are some of the concerns that have come up through the feedback on the program. I do acknowledge again that it is a very highly subscribed program and we will have a number of disappointed individuals who have applied for the program as well, but I will close it down. I have heard your comments on this and I think they are the very issues that both ministers have asked us to look at as well.

Senator IAN MACDONALD—There is then a particular governmental problem in that the program that people have been used to has been a bottom-up program whereas this program is very clearly a top-down program; this is what you will achieve; do not care what you say locally about it; do not care what you think; this is what you will do and if you fit into that category put your hand up and you might get some dough. That is a criticism not to the department who simply administer, but for the minister to pass on to her colleague whom she is representing here. It may not be a valid criticism but it is a criticism that many people are making and not for the reasons of any political implication. This is a rhetorical question: do you know the fastest growing area in Australia at the moment? It is rhetorical, because it is South-East Queensland.

Ms Kruk—I thought you were going to say the Public Service there after those articles in the newspaper today.

Senator IAN MACDONALD—I do not think it is here. I mean some of these problems are I think because there is a desire by new government to cut public service, which means cut many of the programs although in other areas, such as ministerial staffers and spin doctors, that increases exponentially.

Senator Wong—That is not correct. In fact, there has been a reduction in the amount of personal staff for the ministry since you were in government.

Senator IAN MACDONALD—Which has subsequently been increasing.

Senator Wong—It is still at levels below what was the case when you were in government.

Senator IAN MACDONALD—I hear what you say; I do not accept it. Let me say, it was a stupid act from a new government trying to be hairy-chested about everything, but they will learn. Let me come back to the SEQ catchments, which represent all of that area and applied for an enormous number of projects. I do not think they got any. Could that possibly be right?

Ms Rankin—They certainly received their baseline funding.

Senator IAN MACDONALD—That had 10 competitive applications, supporting partnering in at least 13. I have lost the second page, but apart from the oil spill rehabilitation I do not think they got anything. I do not think that was a competitive thing. That was another on high, ‘Here’s some money. You will do this.’

Ms Rankin—I can confirm that they did not receive any additional projects funded out of the business plan. You are right.

Senator IAN MACDONALD—Does that say something is wrong with the program? Here is the fastest growing area in Australia, with all of the ecological resource sustainable management problems that it naturally brings. There are very good groups there wanting to do it. They have spent a lot of money on putting in the application and they get nothing. I am emotional about it on their behalf. You could imagine what they are like. They would throw up their hands and say, ‘Bugger it. Let them sink or swim by themselves.’

Ms Rankin—I do not think that says anything about the program. I think it gets back to the issue that we were extremely oversubscribed. As I mentioned, there was \$760 million of very high-quality projects that were recommended by the advisory assessment panels. Out of that only a small number were able to receive funding.

Senator IAN MACDONALD—I do not know who is on the advisory assessment panel, but one wonders what their background is. In fact, I did see that you had answered some questions of mine.

Ms Rankin—We have provided those details to you.

Senator IAN MACDONALD—Yes, you did. I do not want to read names particularly, even though I might have to. Can someone tell me what sort of people they are? I see their area of expertise. There is Olwyn Crimp, Anderson Lauder, John Christophersen, Gabriel Crowley, James Forwood and Peter Alden. These are for Queensland and the Northern Territory. What sort of people are they? What do they do for a living?

Ms Rankin—There is a diversity of people there who have had a range of experiences as part of regional bodies in some cases in the past. They have been chairs or CEOs of regional bodies. There are people who are active within land care groups within local Landcare networks and committees. There are individuals there who have had a long history of involvement in biodiversity assessment or particular species or vegetation protection activities. There is a broad diversity that is a reflection of the range of activities funded by the whole program.

Senator IAN MACDONALD—Again, I will not hold you up now. You did give me the list from question No. 4 from the last estimates. In relation to Queensland, could you go through those obviously very good people and tell me what their daytime job is and where they come from? Would I be able to make a guess that most of them either come from Brisbane or Canberra?

Ms Rankin—Are you looking at attachment D of answer to question No. 4?

Senator IAN MACDONALD—It is the list for Queensland.

Ms Rankin—It indicates their current position.

Senator IAN MACDONALD—It says area of expertise, which is different to what they do for a living.

Ms Rankin—The chair of that panel, Olwyn Crimp, is semiretired. She was chair of one of the regional NRM groups in Queensland.

Senator IAN MACDONALD—Which one?

Ms Rankin—Southwest catchments potentially, but I will have to confirm that information. Mr Anderson Lauder is with the Department of National Resources in state government. James Forwood is a rural consultant. Peter Alden works with Mackay Whitsunday National Resources Management Group on the Sustainable Landscapes project. John Christophersen is Reef2U Pty Ltd. Dr Gabriel Crowley works with the Tropical Savannas CRC. None of those is located in Canberra.

Senator IAN MACDONALD—Were they responsible for making recommendations for all of the applications from Queensland and the Northern Territory?

Ms Rankin—They were responsible for assessing the small-scale projects that were put through the community assessment panels and providing their recommendations. They provided a ranking for projects that, as I mentioned, were combined with all of the other rankings from other states, and we put forward a final list to ministers.

Senator IAN MACDONALD—I do not particularly want to highlight them in this room, but I use the example of that wetland group. Would those sorts of programs have been assessed by this panel?

Ms Rankin—Yes, they would have.

Senator IAN MACDONALD—They are hardly small-scale community. They were applying for \$5 million grants.

Ms Rankin—Yes. We had a range of grant sizes. A lot of people interpreted small and medium scale projects differently from what we had originally intended. Our view of small and medium scale projects was up to \$3 million over four years of the program, whereas in the applications we received for those categories of projects people applied for \$3 million per annum, which is \$15 million to \$20 million over four years.

Senator IAN MACDONALD—Did this panel assess all of those?

Ms Rankin—Yes. The process was that there was an initial assessment that was done by departmental staff using the same assessment tool that was applied to all projects. Then the projects were broken up into the size of the project that the application was being sought for. For small-scale projects they went to these community panels. For the large and medium scale projects they went to a scientific advisory panel.

Senator IAN MACDONALD—Is it public knowledge which projects these people looked at, for example, those that were excluded by departmental staff?

Ms Rankin—All projects went to all of the panels. There was no project that was excluded.

Senator IAN MACDONALD—No. Were they prioritised by department staff?

Ms Rankin—No. They were assessed using the assessment tool that was provided to the panels. All of that information was provided to the panels, which then reviewed the departmental initial assessment and, in some cases, they recommended changes on whether to increase the merit and ranking of a particular project or reduce it.

Senator IAN MACDONALD—This is difficult, because I do not want departmental staff to stop being helpful and give advice, but in the instance I mentioned these people paid \$80,000 on encouragement from departmental staff. That does not mean to say they are going to get it. It is almost incongruous that someone of their own accord but with encouragement from those who might know and say, 'Yes, go ahead and put in this detailed application' and then not even get a smell from the panel. There is something wrong with that system. As I said, had they been told up front, 'Write a one-page letter', that is fine. They would have been unhappy, but less unhappy than with this. Are there any applications or grants that this group does not assess?

Ms Rankin—As I mentioned, the community advisory panel did not assess the large-scale projects.

Senator IAN MACDONALD—Who assessed those?

Ms Rankin—That was assessed by the scientific advisory panel.

Senator IAN MACDONALD—Who is that constituted by? Have you given me that?

Ms Rankin—We have provided you with those names as well.

Senator IAN MACDONALD—That is Dr McKenzie.

Ms Rankin—That is right.

Senator IAN MACDONALD—Where do all of these people come from? You can advise me on notice if you do not have that information.

Ms Rankin—I have got it here. I thought we had provided that as part of the answer.

Senator IAN MACDONALD—No, you have not.

Ms Rankin—Dr McKenzie is the chief of CSIRO Land and Water. Professor Bruce Auld is the Adjunct Professor of the School of Agriculture and Wine Sciences, Charles Sturt University. Professor David Pannell is a Professor of the School of Agricultural and the Resource Economics, University of WA. Dr John Merrick is a researcher and academic. Professor Lipman is the Adjunct Professor for the Division of Law, Macquarie University and the University of Sydney. Dr Guy Fitzharding is the Managing Director of Thring Pastoral Company. Professor Ted LeFroy is the Director of the Centre for Environment, University of Tasmania.

Senator IAN MACDONALD—Dr Fitzharding is a businessman? Is he the one you said was involved in a pastoral company?

Ms Rankin—I do not know whether he has scientific qualifications as well.

Senator IAN MACDONALD—There is no community input to that. It is obviously a scientific advisory panel.

Ms Rankin—I understand he is an acknowledged, recognised scientist. He is also a member of the Threatened Species Scientific Committee.

Senator IAN MACDONALD—Was he the one that you said was in some pastoral company?

Ms Rankin—That is right.

Senator IAN MACDONALD—He is a businessman and a scientist?

Ms Rankin—Yes.

Senator IAN MACDONALD—It is a scientific committee, but it is that committee of scientists that makes the decision on all the major grants? Is that what you are telling me?

Ms Rankin—No. As I said, they provided an additional assessment on top of the department's assessment. All of those assessments were brought back to the department, were put together and then we provided a package of recommendations to the board for final approval.

Senator IAN MACDONALD—Are you able to tell me whether the board accepted your recommendations in their entirety?

Ms Rankin—I answered that question earlier with Senator Siewert. The panels effectively identified \$760 million worth of projects as being of good quality or high quality, and potentially ones that could be funded. That exceeded the amount of budget that we had available to allocate so we had to go through a process of providing ministers with a package of projects within the available budget, based on the recommendations provided by those panels.

Senator IAN MACDONALD—Is that a yes or a no?

Ms Rankin—Out of \$760 million, if you say that they were all recommended by the panels, the board did not have the capacity to agree to \$760 million worth of projects.

Senator IAN MACDONALD—Just remind me. \$760 million was recommended. How much money was available?

Ms Rankin—This year we allocated \$447 million over four years.

Senator IAN MACDONALD—Were the board members given the list of the \$760 million of recommendations and it was then up to the ministers to pick out of them which \$447 million would succeed?

Ms Rankin—No. We provided them with some recommended packages of options, taking into account the available budget under each of the national priority areas. If they wanted to fund a large project, such as the camel project, that meant they could afford to fund only this component of them out of the small or medium-scale projects. Another alternative was that, if you do not want to fund any large-scale projects, you can fund this set of small to medium-scale projects. They chose out of those packages.

Senator IAN MACDONALD—We can rightly blame the ministers for the camel project, which received some attention yesterday. I suspect the answer will be no, but are you able to give to the committee the option packages that you presented to the board?

Ms Rankin—That is internal confidential advice to the board, so we are not able to release that.

Senator IAN MACDONALD—You are suggesting that some of the options presented were not \$90 million camel projects, but a lot more \$5 million wetland projects?

Ms Rankin—One of the options was that there was no large-scale project.

Senator IAN MACDONALD—Did the department moderate some sort of general fairness, keeping in mind various states, the parochial nature of states, areas and localities?

Ms Rankin—Our priority was to look at the amount of budget available and the recommended projects based on their capacity to deliver the best outcome against the targets for the program.

Senator IAN MACDONALD—There was no moderation that, for example, ‘Western Australia is getting 102 projects and Queensland is only getting one. That doesn’t seem fair. Perhaps we had better adjust it back the other way a bit’?

Senator SIEWERT—I can tell you that we did not get that many.

Ms Rankin—There was no explicit process of moderation.

Senator SIEWERT—It is fair enough if you could not fund all of the ones that they recommended. Did you go with their ranking/order?

Ms Rankin—We did, yes.

Senator IAN MACDONALD—This community advisory panel ended up prioritising the smaller grants. Is that what you said?

Ms Rankin—They assigned a ranking to it, based on the assessment tool.

Senator IAN MACDONALD—How is that not prioritising?

Ms Rankin—It received a score, yes.

Senator IAN MACDONALD—They gave it a score. As a matter of course, did the board accept their scoring and deliver the money as far as it went?

Ms Rankin—As I said, we presented the board with a series of packages that fitted within the available budget. We made decisions about where to draw the lines within the different scenarios of funding.

Senator IAN MACDONALD—To all applicants you have given—I believe in cases very perfunctory, but then with so many that is perhaps understandable—feedback on why they did not succeed?

Ms Rankin—That has certainly been offered to all applicants.

Senator IAN MACDONALD—And not everyone has taken it up?

Ms Rankin—No.

Senator IAN MACDONALD—So, people would have some fair idea. Is it possible for this committee to get each of the community advisory panel’s assessment of all individual projects? Is there any reason why you would not do that?

Ms Rankin—As I said, we had a range of different panels looking at things that had to be brought together. We had a panel looking at the New South Wales and Victorian projects and then a panel that looked at the Queensland and NT projects. We had to bring together those panels to provide an overall picture for ministers.

Senator IAN MACDONALD—I appreciate you have to moderate the panels. Is there any reason why you could not let us have the assessments of each panel for all of the projects?

Ms Rankin—I will have to take that on notice and receive advice on whether that is appropriate within our probity guidelines and the arrangements we set up for the panels.

Senator IAN MACDONALD—Can you suggest to me why it would not be?

Ms Rankin—As I said, I do not know whether there is any commitment that we gave as part of the assessment process documentation that that information would be kept as part of the process and fed in as one of the aspects that was considered by ministers but not released publicly.

Senator IAN MACDONALD—I am not asking for the minister's thinking. I am simply saying that here is a group—let me guess in Queensland's case—with 500 applications, which this panel was tasked with giving an assessment of and prioritising. That is what I am seeking.

Ms Rankin—They were just one part of the overall assessment process. If you just take their assessment into account without looking at the remaining—

Senator IAN MACDONALD—What other assessment do we take into account?

Ms Rankin—As I said, we did an initial department assessment, which was then provided to the panels. There were three steps to the process. There was the departmental assessment, the panels did an assessment and then we brought it all together to provide the overarching package to the ministers.

Senator IAN MACDONALD—Forget about the overarching. Your assessment went to the panel members. Surely they would have taken into account your departmental assessment when they made their assessment. I submit to you there is nothing wrong with us seeing their assessments. I am not asking for what you then had to do to moderate the various states, and what the ministers chose to do for whatever reason. I am not asking about that, but just for that assessment. While you are taking that on notice, I would like to ask the same question in relation to the big grants, which the scientific panel gave a ranking to. Are we able to get the list of projects that got to them and how they ranked them?

Ms Rankin—I will take that on notice as well.

Senator IAN MACDONALD—We asked some questions yesterday about weeds, which I will not repeat. I assume the answers will come back from both departments. I did ask about who was on the Australian weeds committee. You told me that Mr Cotter was no longer in charge of the National Weeds Advisory Group, which I asked about yesterday. You said that the WONS is looked at by the Australian Weeds Committee, a subgroup of the national biodiversity committee. Can you tell me what types of people are on the Australian Weeds Committee?

Ms Rankin—I do not think that we have that information with us.

Senator IAN MACDONALD—You can take that on notice.

Ms Rankin—No, I do not have that information.

Mr Oxley—In relation to the membership of the Australian Weeds Committee. The Weeds Committee is made up of a representative from each jurisdiction.

Senator IAN MACDONALD—What is a jurisdiction?

Mr Oxley—States, territory and the Commonwealth.

Senator IAN MACDONALD—Are they public servants from the states?

Mr Oxley—Yes, that is correct.

Senator IAN MACDONALD—Weeds funding comes from that group, does it? Do they deal with the WONS program?

Mr Oxley—Yes, they deal with the WONS program. As you know, Caring for our Country provides support for weeds of national significance, which includes the positions of the national coordinators and the national weeds management facilitator as well as projects that reduce the spread and impact of WONS.

Senator IAN MACDONALD—I asked some questions on notice yesterday in more detail. I will not repeat them. We will wait for those answers. Thank you. Is Reef Rescue in this section or in the regulatory section?

Ms Rankin—That is here.

Senator IAN MACDONALD—I did ask this yesterday, but I suspect you people might be more closely involved. With respect to the Commonwealth's Reef Rescue, which I call a carrot approach to the farming industry, how has that interacted with the Queensland government's stick approach, if I can call it that, under two separate programs they have introduced? Are you finding that the goodwill engendered by your program is fast dissipating because of the sticks approach of the Queensland government on what is effectively the same area of policy?

Ms Rankin—I do not think we have noticed any reduction in interest and support for Reef Rescue as a result of Queensland decisions.

Senator IAN MACDONALD—Are you part of the Queensland process?

Ms Rankin—I am sorry, that is a broader issue than Reef Rescue.

Mr Oxley—Basically, the Marine Division coordinates Australian government involvement in the ongoing operational implementation of reef plan. That is reef plan itself. In terms of the day-to-day delivery of Reef Rescue, that is managed by the Land and Coast Division, but as I understand it the day-to-day operation of it is managed by the Queensland government.

Ms Rankin—I think the senator was asking about reef regulation in Queensland and the impact of that.

Mr Oxley—The senator asked about overarching responsibilities. There is an intergovernmental operational committee, which has representatives of this department

through Marine Division, that sits over the top of reef plan. But the regulatory aspects that are being promulgated by Queensland are a matter for the Queensland government.

Senator IAN MACDONALD—But were you in any way involved? Were you consulted? Did you have input into the Queensland government's regulatory approach, which is quite different from what I think is the very sensible approach of the Commonwealth in encouraging voluntary involvement in what needs to be done?

Mr Oxley—I have two options here. I could take it on notice or, if you allow me a little time, I can find the officer who represents the department on the intergovernmental operational committee, who may be able to answer that question immediately.

Ms Kruk—I do not want to discourage Mr Oxley, but perhaps I might assist by giving you a bit more advice. I think we were made aware of the Queensland proposals quite late in the day, but there were subsequent discussions between the Commonwealth public service and the Queensland bureaucracy to ensure that there was maximum alignment between the two measures. Obviously the discussion we had this morning with Dr Reichelt in relation to the protection of the reef means there does need to be a harmonisation about what is done on land and the work that we were trying to do in relation to having the right incentives under the Reef Rescue program. But I understand—and you have made the point—that they are quite clearly different programs, but I may call on Mr Oxley to provide a bit more detail if that is appropriate.

Senator IAN MACDONALD—The point I am just making is that I think you have taken the industry with you in the Commonwealth program, which is great. But a lot of that goodwill and enthusiasm quickly dissipated when the Queensland government came in not with those carrots which you provided but with very big sticks, and you are getting a natural reaction. As to the purpose of my questions to you people, it is almost counterproductive to the work you have been doing by having the Queensland government come in. I am just wondering how much they spoke to you. You have said it was late in the piece. I guess from that that it means not much. All of your good work may be—

Ms Kruk—Do not misinterpret my comments as being other than my understanding of the discussions. I think the point was also made at the likes of the Reef Rescue ministerial council that the issue is that the two schemes need to work in harmonisation. We are not doing landholders any benefit in terms of not trying to make sure that the carrots, as you describe the program, that we have in play align as closely as possible with some of the regulatory instruments that the Queensland scheme has in play. I am aware of some of the tension surrounding the scheme, but obviously not in the detail that you are.

Senator IAN MACDONALD—If Mr Oxley could discuss that I would appreciate it, with the indulgence of the committee.

Mr Oxley—The essential answer is that we were involved in the intergovernmental process around the updating of reef plan. Essentially, the regulatory approach was promulgated by Queensland and the programmatic approach was promulgated by the department and seen as being complementary. We were aware of course of the evolution of the regulatory approach, but we were not consulted on the detail of the arrangements that were promulgated by the Queensland government.

Senator IAN MACDONALD—Time will tell, because, as I said, the Commonwealth's is a good program. I think industry thought it was a good program. The gloss has gone off it because of the Queensland government's action—as usual. Can I confirm that the Coral Sea is part of the regulatory section of the estimates?

Mr Oxley—That is correct—1.2.

Senator COLBECK—My first issue relates to Senate question No. 1497 by Senator Abetz, which was about the Mole Creek Karst program, part of the Tasmanian Supplementary Regional Forest Agreement. There was a sum of \$207,000 left over as part of that program, which according to the answer to the question on notice was returned to consolidated revenue. Was there any further demand under that program or was the program effectively timed out and that is why the money was returned?

Dr Zammit—That is exactly right. We ran out of time and there were no potential properties or property owners who were able to pick up the money in the last few months of the program. We ran a pretty coherent consultation program with most of the money, but a few people dropped out and as a consequence there was some money left over that could not be spent in time.

Senator COLBECK—How close did we get to actually achieving our targets with respect to the area to be conserved?

Dr Zammit—The target in the regional forest agreement was up to 2,400 hectares in the Mole Creek area, and that was decided in 2004-05. When we finalised a program we had achieved 537 hectares, and ran it through a market process. The reason for the shortfall was in two parts. One was that the price was higher than we thought it would be for the property.

Senator COLBECK—It was 6,372 or something?

Dr Zammit—Secondly, we exhausted the market and did not get a large number of people participating. Running the process we pretty much exhausted who was on the table at the time.

Senator COLBECK—There were multiple facets—no demand and you ran out of time?

Dr Zammit—Sufficient demand to pick up those who wanted to participate, but no more than that.

Senator COLBECK—I want to go back to the Caring for our Country stuff, particularly the application from NRM North for assistance to manage the Tasmanian lowland native grasslands that were declared by Minister Garrett earlier in the year. I just want to get some sense around the issues that were with that particular application and why it was not successful. The concern from the farmers was that the declaration was made one week with a recommendation from the minister to apply to Caring for our Country to support their requirements to manage those lands. Yet the following week the application that they had in for \$9 million was actually rejected.

Ms Rankin—Was this taken on notice yesterday; is that right?

Senator COLBECK—If my recollection is correct, the discussion we had yesterday—and I value the fact that you were taking note of what happened yesterday and not getting wires

crossed; that is a good sign—was that there is a reserve list. If you want to take it on notice and apply it as part of the response that comes back through DAFF I am content with that, but I just want to put that issue on notice.

Ms Rankin—We are happy to do that. I do not want to give you inaccurate advice.

Senator COLBECK—We do not want to have an argument next time about different answers, I suppose, is more to the point. Can you give me a sense of the status of the commitments that the government made I think to Senator Fielding or it might have been to Senator Xenophon when the disallowance was going through the chamber? There was a special hotline number for farmers, some visits by departmental officers, the information guide and the strategic assessment of the region. Can you tell me what progress has been made or where things are at with that?

Ms Rankin—That is another Caring for our Country issue. That is probably on the regulatory side.

Senator COLBECK—Is that the next stage?

Mr Burnett—It is the next stage, but since you have asked the question why don't I answer it.

Senator COLBECK—Nice segue.

Mr Burnett—There was a commitment to set up a hotline, which has been done.

Senator COLBECK—Do we know the number?

Mr Burnett—I do not have it with me, I am sorry.

Senator COLBECK—That is a bad trap.

Mr Burnett—That is twice in two estimates I have been caught out on that question.

Senator COLBECK—Could you come back to me later with that? I am happy to help you advertise the number. We will be talking for a while.

Mr Burnett—One of my staff will find it for you. We said departmental officers are available to carry out site visits. I do not yet know whether that has occurred. The arrangement we have put in place was that our liaison officer who is dealing with the hotline inquiries would sort of keep a running list. Once we had a reasonable number we would do a site visit. I am sorry I do not actually know whether any of those site visits have occurred. We undertook to put out information. We produced two information guides and conservation advices. They were published at the time of the listing. The brochures are available online and they have also been widely distributed via email and post to farmers, other land managers and key stakeholders.

Senator COLBECK—So, that really was not a new promise. That was something that had happened anyway?

Mr Burnett—Okay.

Senator COLBECK—I am just asking the question or making the point. If it were put up as part of a deal when it had already happened—well, we can make our own assessments on that. I will not ask you to make one.

Mr Burnett—The other matter you raised was the offer of a strategic assessment. We have since been in discussions with Tasmanian officials and we think we have made a lot of progress, but I cannot tell you as yet that there is an agreement to proceed. I have the hotline number here. It is 1800 704520 and it says here it is a free call including from mobiles.

Ms Kruk—We undertook to get back to Senator Abetz on a grant of \$10,000. Do you want us to read that into *Hansard*?

Mr Sullivan—The question was in relation to the ‘1 million women’ campaign. I can confirm that the department did provide \$10,000 in sponsorship in 2008-09 to Australian Climate Coolers Limited for its ‘1 million women’ campaign as part of Community Education Week to encourage energy efficiency and sustainable behavioural change by Australian households. The campaign provides, and continues to provide, a number of opportunities to reach target audience for energy efficiency and sustainability education, including linkages with the government’s Living Greener portal.

Senator Wong—Does the chair wish the department to reiterate the answer to Senator Abetz’s question on ‘1 million women’?

Senator ABETZ—Was it long?

CHAIR—No, it is not particularly long, but I did not want to generate a whole pile of questions before afternoon tea.

Senator ABETZ—We can speak to them privately after estimates.

Mr Burnett—You raised questions last time about a permit known as a K2 permit, under which exporters of kangaroo derived products, such as whips, are able to export samples without paying a fee. I think that is the question.

Senator COLBECK—What they were concerned about was the increased cost and the increased bureaucracy, effectively. They had a very simple system where they would get 40 permits at once. They are more than happy to reconcile everything. They are more than happy to do all the paperwork. But they have gone from a situation where they would get 40 K2 permits at a price of—I cannot recall—about \$60. They would get 40 permits and they would reconcile them on a regular basis. They have not gone to a situation where they have to apply for permits singly. They take three weeks to get the permit and it costs them \$60 for a permit, which in the case of a sample is the value of the product. It was a bureaucratic thing. The answer that you gave me last time was that you thought there may have been some legal issues that you had to deal with.

Mr Burnett—Yes, and that is what I am able to update you. We have confirmed we have legal advice. It is unfortunate that we had to discontinue the permit, because we had advice that it was not legally open under the authority that we had, and so we have now confirmed that the only way to reintroduce that permit is by a change of regulation.

Senator COLBECK—Regulation?

Mr Burnett—Regulation. The fees for permits are set by regulation. We have now finished our inquiries. We have identified some options and we are about to put those options up to the minister. That is what we have done since we last spoke to you.

Senator COLBECK—Depending on how quickly the minister can operate we can revert to—

Mr Burnett—I am afraid there is no immediate fix. We were unable to fix it administratively because of the advice that we had.

Senator COLBECK—At least we have some sense of where we are at, and I appreciate that. Thank you for that work. But now that we know what the problem is and we know what the fix is the issue now is to as quickly as possible fix it. Can you give me some sense of what the advice is?

Mr Burnett—I am afraid—

Senator COLBECK—Or is it the issue that because it is ministerial advice you cannot tell me about it?

Mr Burnett—That is right. I am afraid I cannot give you a timeline, because obviously we have to put it to the minister and it is then in the minister's hands. He might—

Senator COLBECK—When are you putting it to the minister?

Mr Burnett—It is imminent. We have been working on advice to the minister and it will go to him very soon.

Ms Kruk—We took it in the spirit of you raising an issue—

Senator COLBECK—I appreciate that.

Ms Kruk—raised by a constituent. We took a fair look at it and we have given the minister a series of options.

Senator COLBECK—I went to the Launceston Show last weekend and there happened to be a national convention of whip-crackers there.

Ms Kruk—And they asked you where it was up to?

Senator COLBECK—Yes, and they were all armed. I was keen to have some answers, because some of them were pretty accurate with a whip.

Mr Burnett—We accept there is a problem. It needs to be fixed and we are moving to do what we can.

Senator COLBECK—Can I put on record that they appreciate the fact there has been some communication with them, but they just want to get it sorted as quickly as possible and I just do not want to go to another event without an answer. I actually might get the minister to come with me next time and he can test them out.

Proceedings suspended from 3.44 pm to 4.06 pm

CHAIR—We will resume proceedings with program 1.2.

Senator BIRMINGHAM—To start off this part of 1.2, I would like to jump into whaling. Ms Petrachenko, I saw you hovering before and I did not want to disappoint you. Predictably enough, let us start with Mr Hollway: was his contract renewed once again at the end of September or thereabouts?

Ms Petrachenko—Yes, Mr Hollway's contract was renewed and it will continue until 31 December.

Senator BIRMINGHAM—Until 31 December.

Ms Petrachenko—That is correct.

Senator BIRMINGHAM—When was that extended?

Ms Petrachenko—That would have been in September.

Senator BIRMINGHAM—Is this the third extension of the original contract?

Ms Petrachenko—Yes.

Senator BIRMINGHAM—Is it on the same terms and conditions?

Ms Petrachenko—Yes.

Senator BIRMINGHAM—Is it daily rates et cetera?

Ms Petrachenko—Yes. There is no change to that.

Senator BIRMINGHAM—Can you confirm how much Mr Hollway has been paid to date since his initial appointment?

Ms Petrachenko—I can. His fees to date have been \$115,308 for the life of the contract. So that is over the previous financial year as well.

Senator BIRMINGHAM—How many days does that represent?

Ms Petrachenko—Approximately 60 days.

Senator BIRMINGHAM—Is there a reason why these contract extensions now are coming in such short bursts—the three- and four-month length extensions that we seem to be having? I think it was originally for an odd period of time, but the period of time for these extensions seems to be getting odder. It says that there is a particular task each time, but it seems as though it keeps getting extended, whatever the task may be.

Ms Petrachenko—That is due to the fact that the IWC process has been continuing and the process of diplomatic engagement has continued. So there have been decision points along the way, the last one being subsequent to IWC 61 in Madeira.

Senator BIRMINGHAM—Just to confirm that there was no change of heart at the last minute: Mr Hollway never went to Madeira, did he?

Ms Petrachenko—No, he did not.

Senator BIRMINGHAM—So the whaling envoy never made it to the Whaling Commission talks. However, we canvassed that at some length last time. I assume that, since we last met in the budget session, Mr Hollway has continued with international representations.

Ms Petrachenko—Yes, he has.

Senator BIRMINGHAM—Where has Mr Hollway been in the period of time since then?

Ms Petrachenko—Since we last met, he has been to a number of countries: New Zealand, Germany, Iceland, the United States, Mexico and Chile.

Senator BIRMINGHAM—Are Mr Hollway's travel expenses reconciled a little more quickly than the ministers are? Do we have those figures?

Ms Petrachenko—I do not have them completely acquitted for his last trip, which was just completed on Sunday.

Senator BIRMINGHAM—Which I assume was the US, Mexico and Chile.

Ms Petrachenko—It was Chile, yes.

Senator BIRMINGHAM—Just Chile?

Ms Petrachenko—Just Chile.

Senator BIRMINGHAM—I am sorry; I should not assume. Are they each for a different trip?

Ms Petrachenko—I can give you the total costs for his travel since the beginning of the contract. That is \$126,633.40.

Senator BIRMINGHAM—Is that up to and including Mexico?

Ms Petrachenko—Yes, and part of Chile but not the complete acquittal. So it will change a little bit.

Senator BIRMINGHAM—So not all of Chile. As I recall, he has had a departmental official or otherwise with him on nearly all of these trips.

Ms Petrachenko—That is correct.

Senator BIRMINGHAM—Do you have the expenses and costs for that as well?

Ms Petrachenko—I can do some quick arithmetic. I just have a total. The total cost, including travel and fees for the special envoy—so his travel costs and contract fees and the accompanying officer's—is a total, since the inception of the contract, of \$526,170.99. So, if one of my staff can do some subtraction, I can get the third figure for you.

Senator BIRMINGHAM—That is okay. In round figures, we are looking at \$240,000-plus for Mr Hollway's fees and travel expenses, with the remainder being—

Ms Petrachenko—For departmental staff, yes.

Senator BIRMINGHAM—You said that the contract extension relates to ongoing work with the IWC. Is it not the case that the extension to negotiations around IWC activities and plans, which was negotiated at Madeira, extends into mid-2010?

Ms Petrachenko—The decision taken by the commission at Madeira was to extend the discussions up to and leading to the 62nd meeting of the IWC, which will be held in June in Agadir, Morocco, and the steps between have just been detailed. For example, there will be another meeting of the small working group in March at a location yet to be determined and there will be another meeting in December this year.

Senator BIRMINGHAM—Is the December meeting also of the small working group?

Ms Petrachenko—No, it is not. The decision taken at Madeira was that the process on the future of the IWC would continue into 2010 and that progress has been made but more progress and more discussions need to happen. We elected a new chair of the commission:

Ambassador Cristian Maquieira from Chile. The new chair then decided, with the endorsement of the commission, that he would have an advisory group composed of 12 countries, Australia being one of them. It is that advisory group that will meet with the chair in December.

Senator BIRMINGHAM—Is Japan also one of those countries?

Ms Petrachenko—Yes, it is.

Senator BIRMINGHAM—Perhaps you could provide on notice the full 12 countries.

Ms Petrachenko—I can answer that question for you now, if you would like me to. Cameroon, Saint Kitts and Nevis, Antigua and Barbuda, Sweden, Germany, Brazil, Mexico, the United States, Japan, Australia, and Chile in the chair.

Senator BIRMINGHAM—That is very impressive. Obviously you are in regular communication with each of them, as you appear to have remembered them all by heart. I made this point at the last estimates and I will make it again now: obviously Mr Hollway has just been to Chile to meet with, I assume, the new chair of the IWC and is obviously key to negotiations on these activities. However, it strikes me as particularly inefficient that he was not at the Madeira meeting—no matter whether the minister was there or not. It seems very unusual now to have spent \$526,000-plus on the life of his contract and have him meet with so many different players, presumably trying to negotiate many different outcomes, yet not have him go to the one big show of the year when it comes to whaling. Minister, I know that it is not your portfolio, but have you had a discussion at all with Minister Garrett about the logic of why Mr Hollway, of all meetings, missed the IWC?

Senator Wong—There seems to be some sort of view from some senators that we kind of second-guess some detail in each other's portfolio all the time; that is not the case. Ms Petrachenko may have some further details as to why that decision was made. But I can tell you from my perspective that we also have a Special Envoy on Climate Change, Mr Howard Bamsey, who also had a similar role at times under your government. Given the number of international meetings or bilaterals, there are many occasions where Mr Bamsey, rather than I, will go to such meetings or bilaterals, because obviously, with the ministerial schedule, I would be overseas all the time and then—

Senator ABETZ—Will Mr Bamsey be going to Copenhagen?

Senator Wong—But there have also been occasions when I led a delegation where Mr Bamsey—

Senator ABETZ—I think the answer is yes.

Senator Wong—Hang on, Senator. Senator Abetz, the difficulty of dealing with you is that you always want to second-guess what answers mean.

Senator ABETZ—Well, is he or isn't he?

Senator Wong—Chair, can I finish, or do I have to deal with—

CHAIR—No. You are answering a question from Senator Birmingham.

Senator Wong—Thank you. For example, there will be occasions where other officials will attend with me when I lead an Australian delegation to international fora. That is not

unusual at all. For example, I have attended without Mr Bamsey and led Australia's delegation to the Greenland dialogue, which is hosted by the Danes as the chair of the COP—the Conference of the Parties on Climate Change at the end of this year. So it is not particularly unusual, if I may say so.

Senator BIRMINGHAM—Minister, Senator Abetz is just more impatient than I am and, clearly, that is why he jumped in with the logical question that I would have asked as well: is Mr Bamsey going to Copenhagen?

Senator Wong—I would assume that he will be going. But Mr Bamsey is not going and has not gone to every international meeting, including the Greenland dialogue bilateral meetings; nor, from memory, has he gone to every Major Economies Forum—but I could be wrong on that. So I would suggest that it is a significant overstatement to read a lot into that.

Ms Kruk—I think Ms Petrachenko wishes to add something.

Ms Petrachenko—Just to be clear: the return from Chile was not just to meet the new chair; Mr Hollway attended with me the initial meeting of the advisory group to the chair. We did that for the last 12 days in Chile.

Senator BIRMINGHAM—Thank you. It is useful to know that the advisory group was meeting there as well. Indeed, Minister, it is another example of where, at the advisory group, working group and small working group level, having the envoy represent the minister is probably an efficient use of time when it comes to the big stage. At the IWC in the case of whaling and at Copenhagen in the case of climate change, I would have thought any minister would find it valuable to have the envoy with them. I am sure that you would say you will find it valuable in Copenhagen, and I would have thought that Mr Garrett would have found it valuable in Madeira.

Senator Wong—Senator, knowledge does not reside only in the envoy. You are there as a minister supported by your delegation. Certainly, with climate change, that includes not just climate change representatives but officials across government—I do not know if it is the same with the IWC; Ms Petrachenko is nodding—and you have a very significant amount of support. I can tell you also that, from Mr Bamsey's perspective, he would ensure that I was briefed directly and that other officials are briefed about anything that is within his remit when he is not on a particular delegation. I understand that this is a political point you want to make, and that is fine; you are entitled to ask your questions. But I really suggest that you might be reading a bit into it.

Senator BIRMINGHAM—I am not going to spend as long on this issue as we did in the last estimates, because we spent a long time on it then and I am eager to get through other issues. Ms Petrachenko, how many other countries have signed up to the IWC in the course of the last year or so?

Ms Petrachenko—I will have to take on notice how many it has been in the last year. A total of 88 countries are now part of the IWC.

Senator BIRMINGHAM—Has that gone up by only one or two?

Ms Petrachenko—I would say that perhaps it is three, but again I will take that on notice. Ghana was the last one to join.

Senator BIRMINGHAM—Ghana I had on the list; I was not sure about it prior to that. Is it safe to say that Ghana appears to be supporting what some would describe as the ‘pro-whaling bloc’?

Ms Petrachenko—I would not be in a position yet to make that assessment. For example, a number of West African countries at the last IWC spoke quite supportively of the work that we are doing on whale watching, and I have yet to hear their inaugural statements.

Senator BIRMINGHAM—There is a vast step between being supportive of the work that we might be doing on whale watching and being equally supportive of the work that we might do to try to have whaling stopped. Is it true that Japan went to Madeira and, either in the lead-up to or at that meeting, offered to reduce the size of its scientific hunt, continue to exclude humpback whales and not oppose the creation of a South Atlantic sanctuary?

Ms Petrachenko—Japan has indicated, through the discussions on the future of the IWC, that they are willing to consider the South Atlantic sanctuary. They have indicated that, while those discussions are ongoing, they will not be taking humpback whales in the Southern Ocean. In addition, they have said that, as part of future discussions, they will determine the level of take in the Southern Ocean.

Senator BIRMINGHAM—‘They will determine the level of take.’ So they have not made a clear offer to reduce the size.

Ms Petrachenko—In some instances; it depends on what you would say is a reduction. Some Japanese statements have been made that indicate that, because they have given themselves permits to take 850 whales—for example, last year they did not take that amount—if they come in and say they are going to take only 650, that is a reduction. However, it is not a reduction in actuals. They have made numerous statements but nothing as a firm offer.

Senator BIRMINGHAM—They have made nothing as a firm offer; therefore, they have made nothing that Australia has rejected as a firm offer.

Ms Petrachenko—Exactly.

Senator BIRMINGHAM—Does Australia still stand with having taken the position of seeking a total end to whaling?

Ms Petrachenko—A total end to whaling, yes. We stand completely firm on the commercial moratorium. We do support aboriginal subsistence whaling. So, when I say ‘an end to all whaling’, I mean commercial and so-called scientific whaling.

Senator BIRMINGHAM—Is the totality of that position proving to be a major hurdle in negotiating any type of outcome through the IWC processes?

Ms Petrachenko—A number of countries share our view. For example, in Madeira we tabled a paper about scientific whaling and we had numerous countries—I think approximately 14—speak in support of that. We have a lot of support around the IWC for the continuation of the commercial moratorium; that is something that numerous countries stand firm on. So I think you need to look at the future of the IWC broadly in terms of the conservation agenda as well, where we have had incredible support for initiatives like

conservation management plans for Southern Ocean Research Partnership work on small cetaceans, all of which were endorsed by the IWC in Madeira.

Senator BIRMINGHAM—With a membership now of—what did you say?

Ms Petrachenko—Eighty-eight.

Senator BIRMINGHAM—I am just exploring options with you here. With a membership of 88 countries—the IWC has long been seen, in a sense, as having had numerous proxy members at the table from both sides of the debate—isn't there just this ongoing risk that the whole situation is entrenched and, the longer it stays entrenched on the current terms, the more it benefits Japan as they continue just as is, rather than there being the opportunity to somehow find an outcome that might see the cull reduced as at least a step on a pathway to elimination?

Ms Petrachenko—We are working very hard to eliminate scientific whaling and to continue the moratorium. That is why the discussions on the future of the IWC are so important.

Senator BIRMINGHAM—When we have a nuclear weapons debate, at least everyone agrees with the notion of eliminating the world of nuclear weapons, even if we then struggle to take steps towards it. This one, of course, is even harder, because not everyone agrees with the notion of eliminating whaling, which then makes even taking those steps so much harder. It seems that talks go on for ever and ever at the IWC, yet it is hard to see how the whale cull changes from year to year. Do you continue to have faith that the talks, which you say made some but not enough progress last year, might make some progress next year?

Ms Petrachenko—Perhaps I can just step back a bit from that. One of the difficulties for the discussions is there being framed by the convention. The convention that governs the regulation of whaling was developed in 1946; it has what a number of countries, Australia included, feel are exceedingly outdated provisions. So it was written in 1946. There are provisions in it that give certain allowances to member countries; and it is very difficult to try to change interpretations or actions under a convention, as it is a legal document.

Senator BIRMINGHAM—How many countries does it take to change the convention?

Ms Petrachenko—I will have to take that question on notice. My understanding is that you would have to renegotiate the entire convention, which then would require all signatories to agree and ratify it. But I will take that on notice.

Senator BIRMINGHAM—To get significant change, it requires all 88 countries. Ghana is the newest one in. I am sure that, even with its very significant commitment to whaling issues, it will have to agree just as much as everybody else. Would you expect Mr Hollway to meet particular KPIs or the like by December, signifying the conclusion of his contract, or shall we expect to get to December and have another announcement that he is going to be extended to March and then get to March and have another announcement that he will go through to July?

Ms Petrachenko—That will be a decision for ministers at the time.

Senator BIRMINGHAM—Ignoring the second half of my question, are there particular performance indicators that Mr Hollway is expected to meet prior to December that would

signify he had met the terms of that contract and then, unless ministers wish to add new terms, it would be a natural point of conclusion?

Ms Petrachenko—He is asked to engage in further diplomatic dialogue as determined appropriate by ministers.

Senator BIRMINGHAM—So whilst the contract comes in short bursts, given the composition and structure of the IWC, the role itself could be seemingly never-ending in nature.

Senator SIEWERT—I have a couple of whaling questions and then other marine questions. I apologise if you have covered this while I have been talking to AMSA. With the change of government in Japan, the perspective was put that there is potential for a new diplomatic effort. Has the government picked up that issue and is it attempting to re-engage with the Japanese government on the diplomatic front?

Ms Petrachenko—My understanding is that it is early days in Japan and we have yet to hear a proclamation from the new Japanese government on their position. There was, however, something in their pre-election information that indicated they were supportive of the whaling communities.

Senator SIEWERT—There was, but they were also very strong in their pre-election commitments around the need to get rid of corruption and not give excessive subsidies to business, and not only is the Japanese whaling industry subsidised but also there is identified corruption—for example, the whale meat embezzlement scandal. So there are two conflicting policies there and it seemed to us that there was an opportunity perhaps to renew diplomatic efforts.

Ms Petrachenko—Yes. Both we and the Department of Foreign Affairs and Trade are looking at that situation.

Senator SIEWERT—You may not be the appropriate people to ask this question of and you may tell me to go and talk to foreign affairs. Toru Suzuki, one member of the Tokyo Two, was held in custody for exposing the whale meat scandal and, as you would be aware, he will be going on trial shortly. He has been requesting that Australia send an observer to observe the trial. Are you aware of whether that has been given serious consideration by the Australian government?

Ms Petrachenko—No. I am only aware that that is something the department of foreign affairs is looking at.

Senator SIEWERT—Will they be focusing more on Australian waters this season?

Ms Petrachenko—Yes. If—and this is a big ‘if’—

Senator SIEWERT—I am saying ‘if’ too.

Ms Petrachenko—Yes. If they follow the normal plan, since they were in towards the Ross Sea last year, we anticipate they will be more in the Australian area of Antarctica.

Senator SIEWERT—As I recall, they usually present their plans at IWC. Have you been given those plans?

Ms Petrachenko—No, they did not. They have their long-term program. However, under article 8, every year they have to issue themselves a permit and then lodge that permit with the IWC secretariat. I checked yesterday and it still had not been done.

Senator SIEWERT—Is it usual to leave it this late?

Ms Petrachenko—Yes. Sometimes it happens in November.

Senator SIEWERT—Is it your understanding that that is for the same number as last year?

Ms Petrachenko—We would hope that they continue with what they have said about not taking humpbacks. Also, we would assume that it would be at approximately the same level; however, we would also hope that it would be much less.

Senator SIEWERT—Of course.

Senator BIRMINGHAM—Has the government sought any new or further advice in relation to court action or other options that could be pursued against Japan?

Ms Petrachenko—The government has always said that it retains, as an option, the legal option. Any further detail on that would have to go to the Attorney-General's Department.

Senator BIRMINGHAM—Has the environment department sought any advice or requested the Attorney-General's Department to seek any advice?

Ms Petrachenko—No, we have not.

Senator SIEWERT—I have one more question about whales—and again I am pushing my luck here because I suspect that I am asking the wrong agency. Some initial action was taken in terms of the claims made last year against the Sea Shepherd. Are you aware of whether those charges have now been dropped?

Ms Petrachenko—My understanding is that the AFP is looking into the situation, and I have not heard anything recently.

Senator BIRMINGHAM—I have a related question. Apparently, Captain Paul Watson is having an unusual degree of difficulty in obtaining a visa for his forthcoming visit to Australia. Are you aware of any additional hurdles that might have been put in the way of that application?

Ms Petrachenko—I was informed today that Mr Paul Watson was issued a visa on 19 October.

Senator BIRMINGHAM—Yesterday; he will be delighted.

CHAIR—If there are no more questions on whales, we will move to other areas of marine.

Senator SIEWERT—I want to go—and you will be greatly surprised—to the oil spill and follow up first on the monitoring plan that was released last Thursday. Who was consulted in the development of the monitoring plan?

Mr Oxley—I will list the names of the parties and Ms Rishniw will add any that I omit. In the development of that monitoring plan, the parties consulted were the Australian Institute of Marine Science, the CSIRO, the Australian Maritime Safety Authority—these are the

operational elements to the monitoring program—the fisheries departments of the Northern Territory and Western Australia, and the Australian Fisheries Management Authority.

Ms Rishniw—Perhaps I can add that the environment departments of both Western Australia and the Northern Territory were also consulted, as was the Department of Resources, Energy and Tourism.

Senator SIEWERT—I have a difficulty in that last night I asked AFMA if they had been consulted and they said that they did not think they had been and would take the question on notice.

Mr Oxley—Our response is that—being aware of the proceedings last night and the fact that AFMA took it on notice—if I had been sitting behind AFMA in that estimates committee, I would have given them the good news that they had been consulted. But obviously the officers who were at the table last night were not aware of that consultation.

Senator SIEWERT—You may want to go and check with AMSA, too. I have been next door just literally, and I asked them the same question. They said that they had not been; in fact, they said that they did not expect to be. I must admit that I would have expected that they had been. So you may want to go and check with them as well to see whether they—

Mr Oxley—I encourage you to seek that clarification, because we did.

Senator SIEWERT—As I have said, you may want to go and remind them or check with them that they were, because I asked them literally 10 minutes ago.

Senator Wong—Perhaps the people at the table were not the ones who were part of the consultation.

Senator SIEWERT—I am not going to engage in a tit for tat on that one.

Senator Wong—I was not having a go at them. Mr Oxley advised that they may not be aware—and I do not think he would be lying to you.

Senator SIEWERT—Given that this particular issue is a very difficult one, I would think they would make sure that they knew what was going on with it.

Mr Oxley—If I may, there is actually a complex organisational structure, which may mean that not every decision that is taken in the management of an oil spill response finds its way right to the top of the organisation to the AMSA representatives sitting at the table in senate estimates. It is an incredibly complex process in which we are involved, and responsibilities are allocated appropriately across and between organisations.

Senator SIEWERT—With this plan, I understand that initially funding has been committed by the company for two years. Is that correct?

Mr Oxley—That is correct. We would view this as a minimum of two years of ongoing activity. Within the monitoring plan and its various elements, there are trigger points. Essentially, as we reach each of those trigger points, we will go through a process of determining whether a continuation of a study was required or not. So, perhaps to anticipate your next question, our expectation is that some fisheries' monitoring aspects of the monitoring plan would extend well beyond two years.

Senator SIEWERT—In fact, you refer in your plan to the potential impact perhaps being longer than two years. What guarantee does the community have that the company will subsequently pay for that ongoing monitoring?

Mr Oxley—We have negotiated a memorandum of understanding with the company. The company has given us undertakings through that MOU that it will meet all of its obligations under that monitoring plan.

Senator SIEWERT—How will you agree on what those obligations are?

Ms Rishniw—You will notice that, in the monitoring plan, there are key trigger points that are agreed already in the framework; so those trigger points are established and agreed between the company and the department. There is also a stipulation at the front end regarding priorities being set by the environment department in terms of monitoring and priority areas for that plan. You will notice that, in that framework, there is also duration and the fact that the company and DEWHA must agree on the time that something is triggered and the time that something ceases.

Senator SIEWERT—What happens when there is a disagreement somewhere down the track between yourselves and the company about whether or not their obligations have been met or whether or not the triggering mechanism has been set?

Mr Oxley—I find it difficult to envisage a situation where, based on scientific advice, there would be a difference of opinion between us. I think there is enough robustness in the relationship with the company and in the monitoring plan itself to give us a level of assurance that, through the monitoring plan, the monitoring that is necessary to be undertaken to make sure that we are staying on top of the extent of any impacts is well addressed.

Senator SIEWERT—Could you tell me how much the department has spent on this matter to date?

Mr Oxley—There would be two elements of cost that the department has incurred. There will be costs that are directly recoverable from the company under the national plan; the last time I saw figures, it was approximately \$30,000 in activity. Then there would be the costs that have been incurred by our division in setting up a dedicated oil spill task force to manage our responsibilities for the oiled wildlife response and ongoing monitoring. I could not directly quantify those costs for you, except to say that it is in the order of five staff working very long hours over the past eight weeks.

Senator SIEWERT—But those costs will be recovered from the company eventually. I am not having a go at the time frame; I am just saying that they will be recovered eventually.

Mr Oxley—Understood. The cost of our engagement in terms of staff hours is not one that would be recovered or that we would seek to recover. We see that work being done just as part of our responsibilities as officers of the department. But all the costs associated with the work that is done out at Ashmore—setting up, having the oiled wildlife response people on site at Ashmore, training Customs officers and managing all the logistics of getting people to and from Ashmore—are recoverable and are within that \$30,000 I mentioned before.

Senator SIEWERT—So the \$30,000 covers the costs that you have had to date in getting people to and from—

Mr Oxley—That would be a part of it, but it would also include the costs of some of the toxicology work that we have had done to date, for example, on some fish and a sea snake.

Senator SIEWERT—Monitoring was undertaken with the boat that I think set off from Darwin—and, I am sorry, I cannot remember the date. Who was on that boat, what results were found and what was the cost of that operation?

Mr Oxley—It returned to port in Darwin on 4 October, if I remember correctly. There were three marine scientists on it; Ms Rishniw may have their names to hand. I am not sure that we have—

Senator SIEWERT—I am sorry; it is the expertise that I am asking about.

Mr Oxley—I will let Ms Rishniw deal with that. However, in relation to what the findings are, we received, I think at the beginning of last week, a draft report that had been prepared hurriedly. The reasons for that being prepared so hurriedly included the lead scientist there having international commitments and wanting to get something to us quickly. We have provided some comments back on that report and are expecting to receive a final report in a week or so.

Senator SIEWERT—Will that be released publicly?

Mr Oxley—If you look at the level of release of information, such as toxicology tests, so far, I would expect that to be the case, yes.

Senator SIEWERT—Was the cost of that monitoring part of the \$30,000?

Mr Oxley—I do not know whether we have been invoiced yet or not. I think what you need to hear from us is that the cost of doing that report will be recovered fully from the company.

Ms Rishniw—That is right. Perhaps I could add that the experts commissioned were from the University of Queensland; in particular, they are megafauna and seabird specialists. I can provide the names to you on notice.

Senator SIEWERT—That would be appreciated. Are they the specialists who dealt with the Queensland spill?

Ms Rishniw—No, they are not. There are a couple of stages to the monitoring. The initial monitoring, which was undertaken to develop the wildlife response plan as the first stage of operational response, was undertaken by an expert, who was commissioned by us, who had coordinated the wildlife response to the Moreton Bay spill. So that was the first stage and that was undertaken on 31 August. This was a follow-up survey of the area outside of Ashmore and Cartier, and that expedition started on 26 September. The company provided the vessel. So a number of the costs that can be borne by the company were commissioned by the company at that stage, but the experts on board the vessel were commissioned by us.

Senator SIEWERT—They will report to you rather than to the company.

Ms Rishniw—That is right.

Senator SIEWERT—Thank you; that is appreciated. In terms of coordination with the Western Australian departments and how the costs are borne, does the Western Australian department deal with the company directly or through you?

Ms Rishniw—The Western Australian department deals through us regarding anything that is covered by the monitoring plan and anything that is covered by the operational response. For example, on the set-up of a wildlife response centre at Broome, should one be required, we have been coordinating with the Western Australian department. They invoice us and we invoice the company.

Senator SIEWERT—The Commonwealth now has its monitoring out, and I am aware that the WA fisheries department has been looking at that monitoring also. Does your plan encompass what the WA department wishes to do?

Ms Rishniw—With our monitoring plan, as Mr Oxley has mentioned, we consulted with those departments when we were negotiating. The monitoring plan is an agreement between the department and the company. However, the WA fisheries, the Northern Territory fisheries and ACMA have been consulted fully on all the studies on fisheries, and they are working with us to ensure that the studies that have been commissioned on the fisheries are captured under this monitoring plan.

Senator SIEWERT—I am not sure whether you are the appropriate people to ask this question of. Some initial sampling work has been done. As I understand it, to get an accurate reading on hydrocarbon absorption by fish, samples need to be collected and, basically, dealt with through liquid nitrogen. Apparently, just freezing them can lead to the breakdown of samples and you do not get an accurate reading. Do you know whether, in fact, that monitoring technique is the one being used?

Mr Oxley—With the level of technical detail here, I suggest that it is beyond our capacity to answer that question; but we are happy to take that on notice.

Senator SIEWERT—I thought it might be. Until this happened, I never knew that technical detail either. If you could take that on notice, it would be appreciated. I am given to understand that there can be a very significant impact from the different methods of preserving the fish.

Ms Rishniw—Perhaps I can add some more information there for you. We will take it on notice to provide you with that detail. But, regarding the sampling protocols that are being applied, we consulted with an ecotoxicologist based at Curtin University and they provided advice on sampling techniques.

Senator SIEWERT—Thank you. I think that answers my question into the future, but it would be much appreciated if you could check regarding the samples that have been taken already. In terms of the flow rates to date from the well, have you received any technical explanation for the flow rates that the company is quoting?

Mr Oxley—Not to my knowledge. I think we have all seen an estimate of 400 barrels a day. That has not varied over the course of the incident, although I think there has been some speculation that the flow rate may have diminished. But I do not think there is any clarity around that question.

Senator SIEWERT—What has been the company's reason for not being able to provide an understanding of where they got the '400 barrels per day' quote from?

Mr Oxley—I do not have an answer to that question.

Senator SIEWERT—I understand that there was an initial high flow rate. The flow rate has dropped, as you have just indicated, but it now remains static at that level. Has the company provided you with any data on what they think the higher flow rate would have been?

Mr Oxley—No, but I do not believe that we have sought any advice on flow rates per se from the company. Our focus has been more on the challenges of the oiled wildlife response rather than understanding the specifics around flow rates.

Senator SIEWERT—Regarding the number of birds that have been impacted to date, the last I saw was that there had been 12 deaths. Is that still the up-to-date figure?

Mr Oxley—The current figures that we have are that 25 oil affected birds have been found, of which 16 have died.

Senator SIEWERT—Are the oil affected birds being treated on Ashmore?

Mr Oxley—Yes, Ashmore is the place of treatment. It is in the vicinity of Ashmore and generally on the islands of Ashmore that the oiled birds that have been found have been located.

Senator SIEWERT—So the 25 that have been affected are those that are turning up on Ashmore. Is that correct?

Mr Oxley—Largely; although, if I remember correctly, a couple have been found at sea. For example, one bird was found by the marine biologists when they were doing their survey. I also recall that a couple of oiled birds were—I wouldn't call it 'evacuated'—taken to Darwin early on in the piece because there was an opportunity to move them on a vessel that was going back to refuel and reprovision. However, generally, the treatments have remained at Ashmore.

Senator SIEWERT—In terms of wildlife that may have been affected, other than birds, did the expedition find any other marine species that had been affected?

Mr Oxley—My recollection from a full read of the draft report a couple of days ago is that they found one dead sea snake. But that was the only other oil affected wildlife that I believe they found on Ashmore, other than some of the birds.

Senator SIEWERT—Are you able to tell me now what area the expedition covered?

Mr Oxley—With the general area covered by the survey, they did a series of transects over a number of days between the Montara oil well and Ashmore. On their return voyage to Darwin at the end of the survey program, they also did some survey work spanning from—if I remember the map correctly—the north-west of Montara to the north-east of Montara.

Senator SIEWERT—So they went from Darwin to the West Atlas rig.

Mr Oxley—Yes. They used Ashmore as their base for operations over those few days. So, generally having gotten over to Ashmore, they then did transect based survey work between Ashmore and Montara. I think it was at the conclusion of their several days in that area that they then did some work north of the rig on the way home.

Senator SIEWERT—When you say 'Montara', do you mean the actual rig?

Mr Oxley—I mean where the well is.

Senator SIEWERT—Ashmore is very significantly west of the—

Mr Oxley—Yes, north-west-west.

Senator SIEWERT—Whereas the bulk of the spill, according to AMSA—I will come back to an issue on that in a minute—swings around north-east and moves slightly south. That is where a lot of the—

Mr Oxley—Generally it is moving in that direction. Regarding the survey work that they did, I think they encountered oil with something in the order of 44 or 45 per cent of their transects. So they were working in an oil affected area when they were doing their survey work.

Senator SIEWERT—When you talk about oil, do you mean sheen; do you mean stringers or large—

Mr Oxley—We are now getting to a level of detail about which I do not feel confident in trying to recite from my one read of the draft report. When we say ‘oil’, we are talking about a combination of fresh oil, sheen and weathered oil.

Senator SIEWERT—I have a couple of other key questions and then I will put the rest on notice. How close to Ashmore and Cartier did they find weathered oil, fresh oil or sheen?

Mr Oxley—Over the past few weeks, there have been a couple of reports of sheen in reasonably close proximity to Ashmore and Cartier. By the time we have had our team based at Ashmore—our Customs and border protection command—go out to have a look, there has been no evidence there. There has been no evidence whatsoever of any impacts on the shoreline or on the reefs around Ashmore and Cartier. We had—I think this was your own experience—one report of what looked like weathered oil washing up on the north-east perimeter of Ashmore. When the team on the water went and had a look, it was found to be an algal bloom.

Senator SIEWERT—But did the expedition team, when it was out there, see sheen relatively close to Ashmore?

Mr Oxley—No. Over time, on a couple of occasions, from the aerial survey work there have been reports of what appeared to be sheen in the vicinity of Ashmore and Cartier. On the couple of occasions where an on-water presence was sent out to verify that, there was no evidence of it. Whether that means there was sheen and it evaporated in the conditions is unclear.

Senator SIEWERT—I want to check the northern extent. There have been reports that it has gone over into Indonesian waters—it certainly looks that way from satellite photos—and there has been some speculation in the Indonesian media. I am wondering whether that is the case. Are you aware of whether it has gone over into Indonesian waters?

Mr Oxley—I am not sure how many nautical miles there are of Indonesia’s territorial waters, but the latest AMSA report is that the closest the oil is to the Indonesian coast is 190 kilometres away.

Senator SIEWERT—From West Timor?

Mr Oxley—My information is that that is from the Indonesian coast. I assume that they are measuring that on the basis of the nearest point. I do not have the map in front of me to provide that level of detail.

Senator SIEWERT—I am trying to visualise it as well.

Mr Oxley—Yes, I understand.

Senator SIEWERT—Okay, so it is 190 kilometres from the coast. Thank you. I do have some others questions, but I will put them on notice.

Senator COLBECK—To see where we are at with the various programs around the coastline, I would like an update on the bioregional planning process. Can you start with what is happening around the south-west?

Mr Oxley—Certainly. As you would know, the minister released areas for further assessment several months ago. Areas for further assessment are areas where, generally, we have narrowed down our area of interest in terms of where a future marine protected area network might be located in a region. If I understand correctly, it was at the request of the fishing industry that we extended the consultation for the south-west areas for further interest. That consultation concluded at the end of September. So we are now in the process of assimilating all the information that we have received and are beginning our internal option development work. Firstly, that is being done around what a prospective marine protected area network might look like in the south-west, which will become the basis of our advice to the minister. Secondly, we are also doing all the work around all of the other elements of the marine bioregional plan for the south-west region. So those things are starting to come together now.

Senator COLBECK—Did the extension for the areas for further interest discussion have an impact on the end date for the process, or did it just mean that the later stage concertinaed into the same 'end/completion date'?

Mr Oxley—I would not say there were any date implications in the south-west case. I think that extension of consultation enabled a better refinement of our understanding of the social and economic uses of the area, such as the level of fishing effort that was being applied to catch and so on. That has just been useful supplementary information for us as we have worked through the option development work internally, but I do not think it has necessitated any extension in consultation processes. We are working towards having a south-west draft plan, inclusive of a draft marine protected area network, for consideration by the government at the end of this year and prospectively, on our published timetables, release of the draft south-west plan in January.

Senator COLBECK—What key areas of contention remain between yourselves and the industry?

Mr Oxley—I would not characterise this as a process of contention between the department and industry.

Senator COLBECK—There still must be some things that are up for debate though; it would not be the fishing industry, if there were not.

Mr Oxley—If we are to achieve our goals for establishing the national representative system of marine protected areas, I suggest that it will always be virtually impossible to develop a marine protected area network that would not cause at least some displacement of fishing activity. We are working through a process, and the reason we added the ‘areas for further assessment’ step into the process was really to extract better information from the fishing industry and other interests about their particular areas of concern. So, as we then start putting the catch data into our modelling—our modelling is working on the basis of minimising socioeconomic impacts—one of the benefits of that process with the fishers is that it helps us to know how the prospective marine protected area system is looking. That is a long way of saying: yes, it is likely that there will be points of contention with industry because it is inevitable that there will be some displacement if we are to fully meet the objectives that have been shared and understood.

Senator COLBECK—That is understood. Do you have a sense of the socioeconomic cost yet? I think you are working with BRS and AFMA in particular on that sort of stuff.

Mr Oxley—That is correct.

Senator COLBECK—Do you have any sense of what the potential cost or potential liability for the department might be?

Mr Oxley—I am not in a situation where I am going to speculate on that. At the end of the day, the extent of that impact and the scale of the marine protected area estate is a policy decision for government to take, and we provide our advice to the minister on that basis.

Senator COLBECK—What the potential cost might be is one of the considerations forming part of the process, though, isn’t it?

Mr Oxley—Yes. That would be one of the key considerations.

Senator COLBECK—As part of the process, you have had consultation meetings. What has been the level of attendance at those meetings? We might expand that to get a sense around where you have been having those meetings; I know that you have had some up in the north-west as well.

Mr Oxley—Yes. We have been running consultations over the past few weeks in the north-west and north regions, following the minister’s release—I think it was on 21 September—of the areas for further assessment for the north and north-west regions. I do not know whether one of my colleagues would like to comment on the level of attendance at meetings. However, I should say that the meetings generally have not been open public meetings, as we have gone out and identified all those groups with whom we feel we need to be having a direct dialogue—say, the Western Australian Fishing Industry Council, the Northern Territory Seafood Council, conservation NGOs, recreational users and so on—in trying to make sure that we are touching base with them, re-explaining the marine bioregional planning process and explaining and discussing with them the basis on which the areas for further assessment have been identified. I do not know whether either of my colleagues would like to add anything.

Mr Clark—In addition to Mr Oxley’s comments regarding the departmental processes that are being run, we are working closely in the south-west region with the WAFIC with regard to

gathering the finer scaled data in those areas for further assessment. Those meetings have been well attended at regional ports around the south-west region to date. That information is now being collated and fed back into the process and our considerations.

Mr Oxley—One of the issues that you were raising in the DAFF Senate estimates yesterday was the question of the extent to which the fishing industry was supported to engage in this process. We have provided funding in the order of \$26,000 to facilitate WAFIC's engagement in the project.

Senator COLBECK—Have you had any discussion or issues in relation to overlap? There are a lot of these groups that fish in more than one area so there is a fair bit of time and resource being taken up in managing in some cases two, three or even four individual processes around the coastline at the moment. How have you found that and what reaction have you had to that process? I noticed that the minister, last week, extended the eastern time frame by six months, which has certainly been appreciated by the industry from what they have told me. How has the issue of operating in several regions been impacting? That is a concern that has been raised.

Mr Clark—At the broadest level, we are working with the states through the NSRMPA working group to coordinate both at a Commonwealth and state level the rollout and identification of marine protected areas. That also includes discussion around the processes of those. To give a practical example, with the recent release of the north areas for further assessment and in meetings with Queensland state government agencies as well we have looked at how best to coordinate the information flow and assessment processes to avoid that stakeholder fatigue. Ms Rishniw can comment on the north-west, in particular.

Ms Rishniw—You will notice in particular that, with the north and north-west, we have run simultaneous consultation processes and, where we can, we have looked to have consultation on areas of overlap together on both of those regions. We have also engaged national bodies to make sure that there is broad information and, where we can, utilise national forums like the Commonwealth Fisheries Association meetings and the APIA environmental monitoring meetings. We use those forums as well. We have liaison officers based in Perth, the Northern Territory and Brisbane to also help coordinate those consultations between regions.

Senator COLBECK—If I go to Geraldton, for example, they are in the south-west and the north-west, so they are caught between the two. The other thing that is going on at the moment, particularly in Western Australia, is that the industry is not doing it all that flash, particularly with things like rock lobster. They have a number of layers of stuff to deal with at the moment, to use a technical term. Do you feel that process is working okay and you are not overburdening the capacity of the industry to effectively respond to the process?

Ms Rishniw—That is one of the areas where our support through WAFIC and using WAFIC as a conduit has actually been a useful tool to try to not overburden those stakeholders.

Senator COLBECK—How do you get an understanding of which stakeholders should be invited to these processes and what sort of advance notice do you give of the meetings?

Mr Clark—With regard to how best to engage and where and when, we take advice from bodies such as WAFIC and others who input into the process. As Ms Rishniw said, at a national level we aim to establish a framework by which we have identified all the groups that are part of the process in each of the regions. At a regional level, in particular the areas for further assessment for the south-west, we sat down with a range of groups—not just the fishing industry, but other community and interested sectors—and talked to them beforehand about the process for engagement to see how we best go through that process. It is not a situation where we arbitrarily say, ‘Here is the calendar of the next steps in the process.’

Mr Oxley—It is a combination of our own networks, local intelligence by having our liaison officers on the ground in the various regions, our engagement with state and territory agencies who know their stakeholders well and talking to the peak industry groups who will identify particular stakeholders they think need to be engaged by us. Generally, if there are stakeholders you identify and who you would suggest need to be consulted or engaged in the process in some way, we would be happy to hear those suggestions and act accordingly.

Senator COLBECK—Do you have a strong connection or relationship with the recreational fishing sector—RecFish, for example?

Mr Oxley—I would suggest that we have had a continuous engagement with the recreational fishing sector over a number of years in our process. That has happened generally through RecFish, through its various state affiliates and charter operators, game-fishing associations and so on. They have all had some level of engagement in the process. I think that there is an emerging new peak body for the recreational sector which we would expect to be engaging with, but I would say that we would not substitute engagement with that new national body for continuing engagement with its constituent organisations; I think that will continue to be important for us, especially at the regional level.

Senator COLBECK—What about the new Commonwealth alliance that is being developed through the commercial fisheries? In dealing with WAFIC you would be dealing with them because it is effectively the same.

Mr Oxley—We have essentially maintained our engagement through the Commonwealth Fisheries Association and through state associations. Those two levels have essentially formed this new body. We would expect and have had some initial engagement with them which will continue.

Senator COLBECK—Have you had any further requests for extensions of time? The one on the east is in response to a request for an extension of time; I acknowledge that. There is also the extension in the south-west for that initial area of further assessment process. To date, have you had any other requests for extensions of time to the process in any of the other regions?

Mr Oxley—I am inclined to take that one on notice unless either Ms Rishniw or Mr Clark know specifically. I would like to give you an answer that encompassed all regions rather than a snapshot for one, if that is what it was.

Senator COLBECK—Financial assistance was discussed yesterday. You said \$26,000 to WAFIC. Are there any other groups that you provided financial assistance to as part of this process?

Mr Oxley—Historically we have provided support, and continue to do so, for the continuing operation of the south-east fisheries group, which was involved in the development of the south-east marine protected area network and then has gone on to effectively fulfil a stewardship and management advisory role for that marine park network in the south-east.

Senator COLBECK—Is the information on the membership of that group available through any of your public documentation?

Mr Oxley—I can provide that on notice. I do not have the membership, but when I was last engaged with it a couple of years ago it included all the suspects you would expect from all the various fisheries operating within the south-east marine regions. In terms of support in other regions, I do not know whether Mr Clark or Ms Rishniw have specific information that they could share with the committee now. If not, we could take that on notice.

Senator COLBECK—Could you give me a list of all of those that have received financial assistance, whether they are fishing industry or environmental or other groups that have accessed financial assistance? If you are giving me all of that can you give me a total as well as part of the process?

Mr Oxley—The answer is beyond what I have already identified. I do not believe there are any other costs, other than the cost of participation in workshops and so on, where we have met those costs. I will take it on notice, but I am foreshadowing not to expect too much back in the answer.

Senator COLBECK—The key support would have gone to WAFIC. There is continued support under the existing process for the south-east area.

Mr Oxley—That is correct.

Senator COLBECK—What sort of assistance is provided for attendance at meetings? Is that for individual fishers or groups to come to meetings? How does that work?

Mr Clark—I can give you an example for the east marine region where we have recently conducted three regional assessment workshops in Cairns, Brisbane and Sydney. The costs of attendance at those workshops of between 25 and 35 people were borne by the department. It is also usual for the department to reimburse the costs of attendance at either stakeholder advisory group meetings or other meetings that are similar to that. I do not have the exact cost of attendance at those with me at the moment.

Senator COLBECK—It is effectively to make the attendance of those things cost neutral for the participants. Does that go across all the meetings that are being conducted around the coastline?

Mr Clark—No, not for all meetings. It is where there are specific departmental meetings in regard to the consultation process.

Senator COLBECK—Can you give us an indication, on notice, of which meetings would draw assistance?

Mr Oxley—I am happy to give you an indication of the types of meetings where we would offset the costs—to the extent that we can, because we would only be talking about travel,

accommodation, meals and so forth, not the out of pocket cost of a day on which you do not go fishing and so on. We can come back with a general indication which would be helpful.

Senator BOSWELL—Have you covered the northern one?

Senator COLBECK—They have been general questions right round the coastline so far. If you want to do some stuff on the northern one, that is fine. Mr Oxley, what is your method of communicating individual meetings? Is it done on a department to business basis? What is the preferred notice period that you give for meetings?

Mr Oxley—I suspect the notice period will be variable. We try to give as much advance notice as we can for these meetings. I am going to assume, unless I am corrected, that our general means of communication would be by email to advise people of intended meetings, to establish their availability and so forth. I do not think that we are at the point where we would be publishing public notices or the like about meetings.

Senator COLBECK—What about disseminating results or outcomes of meetings? What is the process there? Do you have a registration process at the meetings where you build yourself a database with contact and communication details so that you can send information out to those who were there? There are going to be circumstances where it cannot be provided on-site or there might be new maps or whatever. How do you make sure that there is a good flow of information back into the system? Is it done through peak bodies? How are you managing that?

Mr Clark—I can provide an example in the east marine region. Following regional assessment workshops in Brisbane, Sydney and Cairns, those meetings were facilitated by an independent person. The proceedings of those meetings were subsequently published on the departmental website. I cannot name the exact period, but it was around two to three weeks after the meetings.

Senator COLBECK—Sorry, I missed that. The details were put on the website?

Mr Clark—Yes. A summary of the proceedings of those meetings is placed on the website. In addition, each of the regional planning teams provides an update that is emailed to stakeholder lists in each of the regions.

Senator COLBECK—Communication of that information is dependent on attendees or interested parties actually looking at the website to see what happened rather than a direct communication back after the meeting. Are you building a database of attendees at meetings and communication points and methods as part of this process?

Mr Oxley—That database is developing. The observation I would make is that we are rapidly moving towards the point in the marine bioregional planning process where we will be entering the public consultation phase. The public consultation phase is going to necessitate a different approach to consultation. At the moment our consultation has been largely focused on sectoral stakeholders and inputs from the scientific community, where we have had that.

Senator COLBECK—Who do you regard as your central stakeholders?

Mr Oxley—Our central stakeholders would firstly be the Australian public, but our sectoral stakeholders are commercial fishers, recreational fishers, the oil and gas industry,

conservation NGOs, the shipping industry, the charter fishing industry, the tourism industry and Indigenous interests. They would be the ones that I could identify off the top of my head.

Senator COLBECK—Going back to your previously used example of those three meetings up the east coast of Australia and that eastern process, would all of those interest groups have been represented at those particular strategic meetings?

Mr Clark—A question was raised on notice as to who attended each of those meetings, and the names of the associations represented at each of the meetings have already been provided. To answer your question, yes.

Senator COLBECK—I can go back and check on that. I will just quickly run through it. The south-west is due for completion by the end of the year. What is your draft completion date or proposed completion date at the moment for the north-west?

Mr Oxley—North-west and north are both based on a trajectory of draft plans in March and then the east marine region draft plan in June.

Senator COLBECK—The north and north-west would still be targeted for completion by July?

Mr Oxley—That would be the objective, yes.

Senator COLBECK—The east is July and then December?

Mr Oxley—That would be the approximate time frame, yes.

Senator COLBECK—What proportion of the MPAs are you looking to have as no-take zones.

Mr Oxley—We have not set a proportional target for no-take zones. Generally, the goals and principles which we are working to to design the marine protected area network, which are published in each of the regional profiles under principle 18, indicate that the regional marine protected area network will aim to include some highly protected areas in each provincial bioregion.

Senator COLBECK—What was that figure?

Mr Oxley—In each provincial bioregion we would be seeking to achieve a highly protected zone.

Senator COLBECK—Have you had any conversations with industry about having double the outcome that you have had in the south-east?

Mr Oxley—Conversations with industry about doubling the outcome?

Senator COLBECK—The indications that I have had back from industry are that as part of this process you are looking to have double the result on no-take zones that you got in the south-east.

Mr Oxley—That is the first I have heard of that proposition.

Senator COLBECK—They are quite toey about it, as you might understand.

Mr Oxley—I can understand that industry is going to be toey about decisions that potentially are going to impact on their interests.

Senator IAN MACDONALD—As long as they are involved in consultation they will be less toey.

Mr Oxley—And they are.

Senator COLBECK—Thank you.

CHAIR—Further marine questions. Senator Macdonald?

Senator IAN MACDONALD—I am conscious that a lot of people have questions. I have only two areas. One is the Coral Sea, which we will come to shortly. The other one is the Great Sandy Straits, the Ramsar wetlands. Is the department doing any work on the impact on the Great Sandy Straits of the proposed Traveston Crossing Dam?

Mr Oxley—This is not something that would be addressed by this division. Ramsar wetlands would be in the water group somewhere, so I presume that is an after-dinner question, unless it is in relation to its EPBC Act.

CHAIR—Perhaps we can come back to that when we have finished marine. Do you have marine questions, Senator Macdonald?

Senator IAN MACDONALD—Yes, I have. Where are you at with the Coral Sea conservation park?

Mr Oxley—We are not anywhere with the Coral Sea conservation park. We are currently going through the process of assessing the Coral Sea Conservation Zone declared by the minister earlier this year as part of the East Marine Region planning process.

CHAIR—Could you just talk outside, maybe, Senators—it is just that it is being picked up as well; that is all.

Senator BOSWELL—I am sorry about that.

CHAIR—Thank you.

Senator IAN MACDONALD—Besides which, Senator Boswell is vitally interested in this subject and will assist me in some questioning of the conservation process. So, when you say you are proceeding with the assessment, what exactly does that mean?

Mr Oxley—What that means is that we are currently looking at all the conservation values of the Coral Sea protection zone as part of the east marine bioregional planning process. At the moment we are going through the process of identifying areas for further assessment throughout the East Marine Region, including the Coral Sea, part of the East Marine Region. We would expect to be releasing areas for further assessment. I am not sure of the exact timetable for that. Mr Clark?

Mr Clark—Late November.

Mr Oxley—We are expecting to release areas for further assessment for consultation with stakeholders some time in November.

Senator IAN MACDONALD—Regarding the marine protected area assessment process you are going through around Australia, why is this in a different category? Why is it being regulated as a conservation park?

Mr Oxley—The Coral Sea protection zone was established essentially because the government wished to recognise that the Coral Sea is a near-pristine marine environment and that it warranted the protection of the declaration of a conservation zone while the area was being assessed for introduction of more permanent protection measures. For the information of the Senate, the environmental significance of the Coral Sea derives from its unique assemblage of scattered coral reefs, atolls and islands and the role they play—and the oceans and currents of the region—in maintaining the ecological communities and marine industries right along the east coast of Australia. The decision was made that the significance of the region and its near-pristine condition merited its establishment as a conservation zone.

Senator IAN MACDONALD—So, it is in this near-pristine condition after 200 years of European habitation of Australia. Why was it thought necessary to regulate this at this particular time, bearing in mind that it forms part of the Marine Protected Areas assessment that you have been talking about?

Mr Oxley—Essentially I have given you the indication that it was because it was in that near-pristine condition that the decision was taken to give it that level of interim protection as a conservation zone.

Senator IAN MACDONALD—I am embarrassed to be asking you these questions, because I understand you are a public servant doing what the minister tells you to do, or what the secretary tells you to do and the minister tells her what to do. I am trying to find out, perhaps even from the minister here: what is the rational reason for doing this when for 200 years there has been European activity—well, any sort of activity; I do not think there was too much Indigenous activity out in the Coral Sea, unless they had pretty good canoes—and why now do this, bearing in mind that the assessment of the area is already being done as part of the Marine Protected Areas program?

Mr Oxley—One of the reasons is that, while we have good understanding of the commercial exploitation of the resources there by the commercial fishing industry, we have a less clear picture about the use of the area by other sectors. By establishing the conservation zone as an interim measure it has enabled us to establish a permitting regime. That permitting regime—and it is an issuing of free permits so there is no cost associated with that—is helping us build a better understanding of those other activities that are being undertaken in the region.

Senator IAN MACDONALD—Let me put it to you this way. If perchance the Senate decides to disallow the regulation, will that in any way impact upon your assessment process as part of the Marine Protected Areas program?

Mr Oxley—No.

Senator IAN MACDONALD—Do you anticipate that the area is in danger of immediate exploitation or increasing fishing activity or increasing charter activity? I am not quite sure what that does to the Coral Sea.

Senator Wong—Obviously it is not my area—

Senator IAN MACDONALD—I was after an answer.

Senator Wong—I wanted to respond to an earlier question and then I will go to Mr Oxley, if he has an answer on the question you have just asked. You asked why do it if 200 years of white persons' activity has not damaged it.

Senator IAN MACDONALD—European, I said.

Senator Wong—European. Sorry, I could not recall the statement. There are plenty of examples in this country and elsewhere of simply thinking that everything can continue as it is and that areas do not need to be considered in terms of what their ongoing future values might be—what ongoing or future threats and risks to the environment there might be. We have plenty of examples where in hindsight if we had looked at these issues earlier we would probably have far fewer environmental problems to deal with. If I may say so, Mr Oxley has outlined the approach that the government is taking and, as I understand it, at this stage there is no additional regulatory impact for most current activities in the Coral Sea.

Senator IAN MACDONALD—Then why bother doing it?

Senator Wong—I am sure Mr Oxley or others can go into it in more detail, but at the higher level I think the principle that you are asking about was: why do it if to date there has been no problem? I would suggest to you that, as I said, there are plenty of examples where, if we had stepped in where there was not a problem, if we had looked at issues when there was not a significant environmental problem, we would probably have far fewer pressures across a whole range of sites and bioregions than we currently do.

Senator IAN MACDONALD—Thank you, Minister, but that has nothing to do with what I am asking about. Mr Oxley has said that it will make no difference to the marine planning process that was started by our government and is being continued by your government. I was asking him whether you are anticipating a huge increase in commercial activity, mining activity, charter boat activity—although I do not know what impact that would have—or any other activity that puts the Coral Sea in any form of immediate danger before the assessment process is completed.

Mr Oxley—The answer is that the declaration of the conservation zone, acknowledging the observations that you have made, provides a level of interim protection to—

Senator IAN MACDONALD—But why do you need it?

Mr Oxley—if I may finish—to the biodiversity values of the Coral Sea, which are recognised globally as representing one of the last almost untouched marine environments on our planet.

Senator IAN MACDONALD—Is there some concern by the department—or by the Pew Foundation, which seems to be running the department in this aspect—that the Coral Sea is in immediate danger of some change of use?

Senator Wong—Can I put the counterfactual: would your position be that we should wait for there to be more environmental damage before we did anything?

Senator IAN MACDONALD—If you are going to play silly political games why don't you just butt out and let us ask serious people—

Senator Wong—You are just so rude to people.

Senator IAN MACDONALD—I am sorry, Minister. You are such a shrinking violet!

Senator Wong—That is probably true. I am not. That is true. I concede that.

Senator IAN MACDONALD—I am sorry I have offended you.

Senator Wong—I will cop that. I am not a shrinking violet. I accept that. It is not a political point. The point is that you are saying that we do not know whether anything bad will happen to it. Therefore, we should not do anything. I am responding by indicating that, if you test that proposition by applying the counterfactual, then essentially what you are saying is, ‘Let’s wait till it’s damaged before we do something.’

Senator IAN MACDONALD—That is a complete fabrication and a misstatement of what my question was. You have embarked upon an assessment process.

Senator Wong—That is correct.

Senator IAN MACDONALD—The previous government started the assessment process. It is continuing. It is being done in consultation with lots of people. Then suddenly out of the blue, without any consultation with anyone except the Pew foundation, we have this conservation order slapped on the Coral Sea. Is it that you expect, before the marine protected areas assessment is dealt with, that someone is going to rapidly increase activity that is going to endanger whatever is there? The answer is clearly—and I think Mr Oxley was going to confirm this before he was interrupted—that there is no expectation of additional damage before the marine protected areas assessment is completed. Is that right, Mr Oxley?

Mr Oxley—I have answered the question and I do not have anything further to add to my answer.

Senator IAN MACDONALD—Yes, and you do not disagree with my summation of what you said because what I am saying is very fair. There is no immediate threat apart from a political threat. Mr Oxley, you mentioned that permits would be granted, but you concede, of course, that GBRMPA already license or permit charter boats into the area?

Mr Oxley—GBRMPA issue permits for fishing in the Great Barrier Reef Marine Park. They do not issue permits as far as I am aware for fishing in the Coral Sea.

Senator IAN MACDONALD—For charter boat operators operating out of Cairns into the Coral Sea.

Mr Oxley—I do not think that GBRMPA has any jurisdiction over the Coral Sea. They may license charter boat operators that operate both within the Great Barrier Reef Marine Park and in the Coral Sea, but my understanding—and if I am wrong I will come back and correct the record for the Senate—would be that GBRMPA’s licensing of a charter boat operation applies only to its operations within the bounds of the Great Barrier Reef Marine Park.

Senator IAN MACDONALD—I think you will find that any charter boat that goes to the Coral Sea comes out of Cairns and, therefore, goes through the Great Barrier Reef Marine Park and therefore has to be recorded by GBRMPA.

Senator Wong—That is quite consistent with what Mr Oxley just said. That is not any regulation of activities in the Coral Sea—his advice.

Senator IAN MACDONALD—But he said before that the licence does not impose any obligations and does not cost anything.

Senator Wong—We are jumping around here.

Senator IAN MACDONALD—You are.

Senator Wong—As I understood your proposition to Mr Oxley, you said GBRMPA licenses fishing charters that operate in the Coral Sea. His response is that they would not have jurisdiction, and he will check that and correct the record if he is incorrect. The fact that they may well be licensed by GBRMPA in respect of their activities within the Great Barrier Reef Marine Park Zone is not a licence or regulation in respect of their Coral Sea activities.

Senator IAN MACDONALD—Mr Oxley has said it is not a licence or a regulation to get this permit to go into the Coral Sea, so it is exactly the same thing. What I am saying to you is that it is already being done, so why impose this additional bit of paper unless it is a step towards something such that we could only be afraid of what it might be.

Senator Wong—Mr Oxley's evidence is that he will check if his advice—

Senator IAN MACDONALD—Yes, I heard that.

Senator Wong—If I could finish. He will check if his response is correct. But if his response is correct then your proposition is not accepted by the government.

Senator IAN MACDONALD—None of my propositions would be accepted by your government and I would not want them to be.

Senator Wong—Occasionally they may be. You never know.

Senator IAN MACDONALD—Mr Oxley, you have no doubt seen a copy of a newsletter called *International Fishermen* being distributed around this parliament showing huge fish caught, it is suggested, in the Coral Sea. Have you seen that?

Mr Oxley—All I have seen is that article displayed at the table here earlier on by one of the senators. I cannot remember who it was.

Senator Wong—Senator Boswell.

Mr Oxley—Senator Boswell. I have not set eyes on the document that you are referring to.

Senator Wong—Chair, if questions are going to be asked about a document, I think it would be courteous for the officer to be provided with a copy.

Senator BOSWELL—I will get it.

Senator Wong—It is not our document, correct?

Senator BOSWELL—It is a fishing magazine document, but it was given to Senator Macdonald.

Mr Oxley—When I said, 'No, I have not seen it', I meant that I have not read it.

Senator Wong—I think Senator Boswell held it up earlier today. Didn't you, Senator Boswell?

CHAIR—Yes, and he asked questions about it.

Senator IAN MACDONALD—So, the answer to my question is no.

Mr Oxley—That is correct.

Senator IAN MACDONALD—If you had said that before the minister helpfully intervened we could have passed on to something else.

Senator Wong—Do not get grouchy.

Senator IAN MACDONALD—Sorry?

Senator Wong—Do not get grouchy. You do not need to.

Senator IAN MACDONALD—Thank you, Minister. I really appreciate your advice on my personal behaviour. Coming from someone like you with such expertise and experience as a model person when it comes to manners, I appreciate your advice.

Senator Wong—It is not all about you and it is not all about me. It might surprise you.

Senator IAN MACDONALD—Why do you keep intervening? We do not need your advice, thank you.

Senator Wong—If you look at *Hansard*, I have actually intervened very little in this discussion, only when I considered that it was appropriate.

Senator IAN MACDONALD—We do not need your advice, thank you.

Senator LUNDY—It is hard for the minister to even respond, because there are no actual questions coming forward.

CHAIR—We have 15 minutes until the dinner break and I am conscious that we still have a lot of territory to cover and we have not even started on the EPBC Act, so can we get a move on so that other senators have an opportunity to ask questions.

Senator IAN MACDONALD—I appreciate your advice, but I have been going 10 minutes.

CHAIR—No, you have not. You have been going 20 minutes. You started at 5.25 pm. Continue.

Senator IAN MACDONALD—Mr Oxley, I am interested in pursuing the possible impact of the Senate disallowing the regulation. You have indicated that it will not affect your assessment under the marine planning procedures; is that correct?

Mr Oxley—That is correct.

Senator IAN MACDONALD—Does the government have any other powers that it could use if there were suddenly an unexpected threat to the ecology or the general environment of the Coral Sea?

Mr Oxley—I cannot answer that question immediately. I would need to take that on notice.

Senator IAN MACDONALD—Can you tell me what you know about the Pew foundation. Let me make it relevant. What part has the Pew foundation played in assisting the department with this conservation park regulation?

Mr Oxley—So far as I am aware—and it has been said previously in answers to questions from this committee and senators—the Pew foundation has played no role in the assessment of the Coral Sea conservation zone.

Senator IAN MACDONALD—As the senior officer in charge, have you spoken to Ms Imogen Zethoven regarding this?

Mr Oxley—Yes, I have. Can I please draw a distinction here between ‘consultation’ and ‘assessment’? Yes, I have had, since I arrived in the Marine Division on 11 September, one meeting with the Pew Charitable Trusts. It was initiated by that organisation.

Senator IAN MACDONALD—Do you know anything about the Pew Charitable Trusts?

Mr Oxley—I know very little about the Pew Charitable Trusts.

Senator IAN MACDONALD—Perhaps I should ask the minister. Do you know—and it is really something you may have to pass on to Mr Garrett—how many meetings Mr Garrett had with Ms Imogen Zethoven regarding this conservation zone?

Senator Wong—I will take that on notice. I obviously do not have any knowledge of that. That was the only question, was it not? You asked initially did I know about the Pew Environment Group. I do not actually have direct knowledge. I have—

Senator IAN MACDONALD—No, I asked Mr Oxley whether he knew anything about it. I asked you whether the minister could tell us how many times he has met with Ms Zethoven regarding this particular proposal. The committee will be pleased to know I have to urgently go to another committee in my more immediate portfolio area, so I will leave it to Senator Boswell, who has questions on the same subject.

Senator BOSWELL—You talked about consultation on bioregions. With whom did you have consultation on the Coral Sea?

Mr Oxley—The consultation on the Coral Sea is being undertaken as part of the East Marine Region planning process.

Senator BOSWELL—Before you declared it a national park or whatever who did you consult with?

Senator Wong—It was not declared a national park.

Senator BOSWELL—It was declared a whatever it was—

Senator Wong—It was a conservation zone.

Senator BOSWELL—It was declared a conservation zone on 15 May, I think. Who did you consult with?

Mr Oxley—The answer is: the minister made a decision to establish the Coral Sea conservation zone.

Senator BOSWELL—Without any consultation?

Mr Oxley—There was no public consultation process around that.

Senator BOSWELL—I am saying: who did he consult with? Did he just get up one morning and think, ‘That is a good idea’?

Mr Oxley—I cannot answer for the minister as to who he consulted with. All I can do is take that question on notice.

Senator BOSWELL—I think you know who he consulted with. It was Pew and the WWF. They were the two consultations. And they then declared: no fishermen—

Ms Kruk—I do not think Mr Oxley can take this any further. He has indicated to the extent of his knowledge. I cannot further that knowledge. I think we covered this issue in—

Senator BOSWELL—So allegedly the minister got up one morning and said, ‘Wouldn’t it be a great idea if we did this to the Coral Sea?’, and he just did it with no consultation. You are really extending what we have to believe. We know that did not happen. We know who he consulted and I think you had better be—

Ms Kruk—Your question on notice then is: who did the minister consult? I am sorry, I am mishearing you.

Senator BOSWELL—I have the question answered. I was just giving you an opportunity to either deny it or confirm it. I have the answer from a previous question. He consulted with two people—Imogen Zethoven and the World Wildlife Fund. It might not have been exactly that. It might have been another green organisation. There was no consultation with fishermen, no consultation with amateur fishermen—

Senator Wong—Are you referring to the question on notice answer?

Senator BOSWELL—Yes.

Senator Wong—You asked which environmental groups had been consulted.

Senator BOSWELL—No, I did not. I asked which groups.

Senator Wong—I have here—and it may be that there is another one—‘What environmental groups have you consulted with?’ The answer was, ‘I will take it on notice.’ ‘Did you consult with Pew Charitable Trusts?’ I am quoting you. ‘You have had meetings with Pew?’ and ‘Who did you have meetings with? Would it be Ms Zethoven?’—

Senator BOSWELL—What question number is that?

Senator Wong—Question No. 70. I do not know what the answer is. I am making the point that if you are referring to this answer—

Senator BOSWELL—No, I am not.

Senator Wong—this answer was directly in response to a question about environmental groups.

Senator BOSWELL—Let us leave it as it is, because it is on the record. Senator Macdonald was asking whether you have seen—

Senator SIEWERT—Is this the fish?

Senator BOSWELL—Yes. Have you seen that?

Mr Oxley—No, I have not seen it. It is now at a distance of about 30 centimetres.

Senator SIEWERT—Could you tell us what it is so that we all know? Is it the picture of the fish?

Mr Oxley—It is what appears to be the front page of a publication called the *Fishing News International* and it has a picture of two very large fish hanging up, having been caught, with a headline of ‘Look what I found’.

Senator BOSWELL—Those fish were caught, according to AFMA, 80 kilometres east of Brisbane at a seamount there. I do not want to put words into Senator Macdonald’s mouth, but I understand that was being passed around the Senate as a reason not to fish in the Coral Sea. It is no good asking you if you have not seen it, but it does raise some questions about Pew. This was not presented to me so I cannot say categorically that was what happened, but I understand from Senator Macdonald that is what did happen. Are there any plans to make this a no-take zone?

Mr Oxley—We are currently going through the process of assessing the conservation zone of the Coral Sea as part of the east marine bioregional planning process. What will happen as part of that process is that the next step is the department will release, once approved by the minister, what are called areas for further assessment. The purpose of those areas for further assessment, which will cover the entire East Marine Region, all the way down to basically Eden—

Senator BOSWELL—I am not interested in Eden.

Mr Oxley—I know you are not, but I am explaining the process to you.

Senator BOSWELL—I understand. I am talking about the Coral Sea.

Mr Oxley—In terms of the Coral Sea—

Senator BOSWELL—Are you planning—

Mr Oxley—If I may finish answering the question. The next step of what we are doing will be the release of areas for further assessment. There will be some areas for further assessment in the Coral Sea, so I would anticipate that will represent, at that point, a narrowing down of the areas within the Coral Sea in which the government is interested in establishing marine protected areas as part of the marine bioregional planning process. Those areas for further assessment will then be the subject of consultation with stakeholders who have an interest in the Coral Sea, which will include recreational fishers, game and charter fishers, commercial fishermen, the oil and gas industry, conservation NGOs and tourism operators more broadly.

Senator BOSWELL—Why did you not consult those people before you declared this a conservation zone?

Mr Oxley—We have already answered the question about the consultation prior to the declaration of the conservation zone. I have no further—

Senator BOSWELL—You did not answer it, but anyway.

Mr Oxley—I have no further comment to make on that. However, I am now outlining for you the consultation process that will be taken in the lead-up to the creation of new marine protected areas, some of which we would expect to be in the Coral Sea, given its high biodiversity values.

Senator BOSWELL—What percentage of the Coral Sea is protected at the moment?

Mr Oxley—I would have to take that question on notice. We have two Commonwealth marine reserves in the Coral Sea, at Coringa-Herald Islands and Lihou Reef. I am going to assume that parts of the Great Barrier Reef Marine Park would also be considered to be within the Coral Sea. In terms of percentages, I will take that on notice.

Senator BOSWELL—In your discussions with Ms Zethoven she would have told you, as she has told everyone else, including the fishing industry and charter boats, that she wants a no-take zone in the Coral Sea. No doubt she would have told you the same thing?

Mr Oxley—I think your summation of her position is a reasonably accurate one, from my recollection. They are looking for a large—

Senator BOSWELL—Who died and left her in charge?

Mr Oxley—I beg your pardon?

Senator BOSWELL—Who died and left her in charge?

Mr Oxley—I do not know what the hierarchy in their organisation has been over time.

Ms Kruk—I think Mr Oxley has indicated that they are Pew's views, so to speak, on that issue and he is portraying her view. He has also clarified that it is not the view of the department and he has run through the assessment process that will be followed.

Senator BOSWELL—No—

Ms Kruk—With respect, we did cover this at some length.

Senator BOSWELL—Let us cover it again, because I was not here.

Senator SIEWERT—You were here.

Senator BOSWELL—This is quite irregular.

Senator Wong—I am sorry?

Senator BOSWELL—Ms Zethoven has been consulted. The World Wildlife Fund has been consulted. Steve Oxley has been consulted.

Senator Wong—Steve Oxley is the public servant.

Senator BOSWELL—Yes, I know.

Mr Oxley—I am sorry, I have not been consulted, because I have been in this role in Marine Division for some 4½ weeks.

Senator BOSWELL—It seems that Ms Pew is the person that everyone takes their orders from.

Senator Wong—I have to say that that makes for quite good copy, but I fail to understand why it is that simply because a particular stakeholder representative is arguing something so strongly as is their right in a democratic society you are suggesting that people are taking their orders from this person.

Senator BOSWELL—Ms Zethoven rang up the chairman of GBRMPA and said, 'We want you to patrol the Coral Sea.' He told her where to get off.

Senator Wong—Then she demonstrably is not in charge.

Senator BOSWELL—That is right and that is what he told her. But she is talking to the charter boat operators. She is calling meetings. She is trying to trade things off. She is in charge of this. Well, she seems to be in charge of it.

Ms Kruk—With respect, she is not in charge. She is talking to a range of parties.

Senator BOSWELL—She was consulted. No-one in the fishing industry was consulted. No-one in any other industry was consulted—only Ms Pew and the World Wildlife Fund. Do you think that is a fair thing? I think you are right; everyone has the right to push their own barrow on whatever they want, but I do not think it should just be restricted to two green groups. If you are going to have consultation, you have it. But you have not. That is the subject of an answer to questions I have.

Proceedings suspended from 6.00 pm to 7.05 pm

CHAIR—We will now move to program 1.2, Environmental regulation, information and research, EPBC Act.

Senator BIRMINGHAM—I would like, firstly, to go to the north-south Sugarloaf Pipeline. I would like someone to find the approval decision of the minister, resplendent with conditions. I would like to turn to condition 14, requiring the provision by August each year of an annual report on compliance. The report includes independent auditing reports of water savings achieved and the amount of water allocated for extraction and so on. Has such a report been provided?

Mr Burnett—Yes. That was received on 21 August.

Senator BIRMINGHAM—Did it have an independent audit of water saved or of water to be extracted?

Mr Burnett—I understand that it did not, because no water had been allocated during the reporting period.

Senator BIRMINGHAM—Do you read the amount of water for extraction to be a statement in retrospect rather than in advance?

Mr Burnett—The auditor needs to audit the water that is saved and put down the pipe, but I do not think that has occurred yet.

Senator BIRMINGHAM—I would suggest that independent audited reports of water savings achieved is very definitely a retrospective action and statement. It then goes on to say ‘and the amount of water allocated for extraction’. That does not suggest the amount of water that has been extracted. That suggests the amount of water allocated for extraction. Would you agree?

Mr Burnett—Yes. As I understand it, nothing has yet been allocated for extraction during the reporting period.

Senator BIRMINGHAM—Mr Holding has already said:

In 2010 Melbourne will receive 75 billion litres of water down the pipeline.

That is a direct quote. I am not sure whether he is meaning before August 2010 or after August 2010. Would it be a breach of the conditions if it were before August 2010?

Mr Burnett—If an allocation were made before August 2010?

Senator BIRMINGHAM—If an extraction were made.

Mr Burnett—I am not sure I can answer this on the fly.

Senator BIRMINGHAM—The Victorian government has been debating how and where it is sourcing the water for the pipeline quite publicly over time.

Mr Burnett—Yes. As we understand it, it intends to allocate water to go down the pipe.

Senator BIRMINGHAM—Yes, it does. You are saying that it has not quite allocated that water.

Mr Burnett—That is how we understand it.

Ms Kruk—We are prepared to get more information just to follow your question. My advice says, and it is worth my reading it:

We have now received the first annual report on compliances required by the conditions of Minister Garrett's approval of the project. The report is available on the Sugarloaf Pipeline project website.

That is probably what you are sourcing. It continues:

At the time the report was prepared no water had been formally allocated to supply the pipeline and as such, no audits had been conducted.

Our advice is that the Victorian minister has now appointed an independent audit panel to review the water savings from irrigation modernisation projects in northern Victoria. Mr Burnett is also indicating that we expect to be formally advised of the outcomes of the audit, including the availability of water savings to supply the Sugarloaf Pipeline. Mr Burnett can take that on notice to see if there is any further information to the briefing I have before me.

Senator BIRMINGHAM—Does the department believe that it is a condition, whether it is done in August or at a different time, that the department is advised of the amount allocated for extraction of planned extractions before those extractions occur?

Mr Burnett—The condition requires the independent audit of reports of water savings achieved and the amount of water allocated for extraction. That is what it says.

Senator BIRMINGHAM—We are clear that is a pre-emptive audit. You have savings and you have allocated those savings for extraction. The two match up.

Mr Burnett—Yes.

Senator BIRMINGHAM—Not that, 'You have taken the water already and, unfortunately, we do not think your independent audit report is up to scratch'?

Mr Burnett—Yes.

Ms Kruk—I am sorry about the confusion. I heard your question wrong.

Senator BIRMINGHAM—That is fine. As I understand it, the annual report has highlighted a number of concerns about some of the other conditions—the protection of the gold sun moth, the matted flax lily, the striped legless lizard and the growling grass frog. Are there particular impacts on these species that have been highlighted in the report?

Mr Burnett—Yes. The report alerts us to a number of matters. We are currently working our way through that report analysing what those matters mean and what, if any, action we should take in response.

Senator BIRMINGHAM—Did you say the report was received in mid-August?

Mr Burnett—Yes, that is right.

Senator BIRMINGHAM—Has the department requested any further information from the Victorian government?

Mr Burnett—Yes. We requested some further information and it has been provided. We are still working our way through the detail of that.

Senator BIRMINGHAM—Is there a timeline for the department that it expects to reply to the Victorian government about the report that has been provided?

Mr Burnett—No. There is no fixed timeline.

Senator BIRMINGHAM—Who has been appointed as auditor by the Victorian government?

Mr Burnett—I do have that information somewhere. It is Cardno.

Senator BIRMINGHAM—Was the department consulted about that or has it simply been advised?

Mr Burnett—We have been advised.

Senator BIRMINGHAM—Is the department satisfied with the auditors and the conditions that have been laid out?

Mr Burnett—We are currently examining that. We will advise Victoria if we have any difficulty with the auditor that they have appointed.

Senator BIRMINGHAM—I have finished with Sugarloaf. I would like to jump to the decision on the Wellington Weir.

Mr Burnett—I will ask Ms Middleton to come to the table.

Senator BIRMINGHAM—I understand the minister has deferred a decision on the application to build the weir at this point?

Mr Burnett—He has extended the time rather than deferred a decision. He has extended the time for a decision.

Senator BIRMINGHAM—What has it been extended to?

Mr Burnett—To 27 January 2010.

Senator BIRMINGHAM—Has he extended that to seek further information?

Mr Burnett—Yes, and in particular expert advice.

Senator BIRMINGHAM—Could you detail what expert advice or further information he is seeking?

Mr Burnett—The department has engaged four independent experts to assist in providing advice to the minister. Would you like me to tell you who they are?

Senator BIRMINGHAM—Yes, please.

Mr Burnett—They are Dr William Glamore, who is a hydrologist and acid sulphate soil expert from the Water Research Laboratory of the University of New South Wales; Professor John Langford, who is an engineer and hydrologist and the Director of Uniwater, which is an arm of the University of Melbourne; Professor Peter Gell, who is the Professor of Environmental Science and Director of the Centre for Environmental Management in the School of Science and Engineering at the University of Ballarat; and Professor Max Finlayson, Professor for Ecology and Biodiversity and Director of the Institute for Land, Water and Society at Charles Sturt University.

Senator BIRMINGHAM—What brief has this panel of four experts been given? Is it to assess the full scope of the application by the South Australian government of the EIS prepared by the South Australian government or even broader factors?

Ms Middleton—They have provided an initial review of elements of the environmental impact statement and are responding to some specific questions that the minister has tasked them with.

Senator BIRMINGHAM—They are responding to specific questions from the minister in relation to the EIS completed by the SA government?

Ms Middleton—In relation to the EIS and some of the impacts that have been indicated in that EIS.

Senator BIRMINGHAM—Is it possible to receive those questions or terms of reference? Are they public?

Ms Middleton—At this stage they are not, because they are still forming part of the minister's consideration. He may still have further questions once he receives their advice, so I would need to take that on notice.

Senator BIRMINGHAM—All of that documentation will be made public at the end? One of the merits of the EPBC process is that it is a relatively transparent process in terms of the publication of material from stakeholders. What is the expectation of this material?

Ms Middleton—I think it will be like all other EPBC Act assessments where information will be made public, as required, under the legislation.

Senator BIRMINGHAM—Is there a deadline for the expert advice to be provided, noting the revised deadline for the minister's decision?

Ms Middleton—We are expecting some further advice from each of them within the next month or so. That will give the minister time to consider that to see whether he has any further questions.

Senator BIRMINGHAM—A spokesman for the minister at the time of the decision to extend the time line said that the decision was made in light of the need to ensure decisions made about the basin are made in a coordinated way. Certainly those comments were interpreted as being a statement that with a number of decisions surrounding the Lower Lakes environment, as well as decisions about the basin management overall, that the MDBA and others are making, that somehow the need for extra information was going to be giving

broader consideration to those broader management issues and the long-term management of the Lower Lakes, Coorong and so on. Did that form part of the questions that the minister has posed?

Ms Middleton—Not specifically. Most of the questions relate to clarification around some of the conclusions that have been reached in the EIS as to whether or not the extent of the impacts, as described in the documentation, are valid and whether a number of the assumptions are scientifically valid in terms of how those have been determined. They are quite technical in nature, which is why we have gone to technical experts.

Senator BIRMINGHAM—Thank you.

Senator HEFFERNAN—This government is mad. This government has just announced that it is going to allow cattle to come in from countries that have BSE. I know it is way out of content, but this is crazy. There is no live test for BSE. We allow cattle into this country from America, which has BSE, which will undermine our markets in Japan. There is no live test for BSE. There is no such thing as a BSE-free herd.

Senator BIRMINGHAM—Rural and Regional Affairs and Transport is still meeting.

Senator HEFFERNAN—They announced it after it shut. You have to understand what this means for farmers.

CHAIR—Senator Birmingham.

Senator BIRMINGHAM—My question relates to the regulators in the Goolwa Channel and tributaries. This was not a controlled action, but there were some conditions set, nonetheless. Is the department aware of how much water was or was not pumped from Lake Alexandrina into the new temporary pool?

Ms Middleton—As of 1 October the temporary pool had reached 0.3 AHD, which is the equivalent of 0.3 above sea level. They are still aiming to go to 0.7. In terms of the numbers of pumping, the South Australian government issued a report on its website on the water level management program. I am not sure whether it lists how much they have pumped. The total water pumped to date, as at 7 am on 30 September, according to their website, was 9,482.9 megalitres.

Senator BIRMINGHAM—That is significantly less than the 27.5 gegalitres that they had requested. Does the department have any expectations if, as you said, they are still hoping to get to 0.6?

Ms Middleton—It was 0.7.

Senator BIRMINGHAM—Do you expect that will still come from pumping from Lake Alexandrina?

Ms Middleton—It will end up being a combination of pumping from Lake Alexandrina and any flows that come down Currency and Finnis creeks as a result of recent rainfall. South Australia will continue to report what their pumping rate is and I would imagine they will continue to publish that on their website.

Senator BIRMINGHAM—As to the condition that was placed about South Australia needing to provide for replacement water into Lake Alexandrina, which was that the

proponent must ensure that an additional 50 gegalitres be provided within 12 months of the date of this decision, does that condition apply regardless of how much South Australia pumps across into the new pond?

Ms Middleton—At this stage, yes. If they did not pump the full amount that they thought they would, then they may come back and seek a variation, but at this stage there has been no indication of that, so 50 gigs is 50 gigs.

Senator BIRMINGHAM—Thank you very much. I do not have any other EPBC questions.

Senator IAN MACDONALD—I started to ask about the Great Sandy Straits. I am really interested in the progress of Mr Garrett's assessment of the Queensland government's proposals for Traveston Crossing Dam. Whilst officers come forward, I see the latest Queensland government missive on the Traveston Crossing Dam involves such gems as to save the lungfish and the cod and the turtle you will actually go to one side of the dam to catch them and physically carry them around the dam wall and pop them in the other side, and when it is time to spawn I guess you will ask the fish if they are pregnant and then pick them up and take them and pop them down the other side of the dam. Is there any way possible the minister could approve this proposal?

Mr Burnett—I cannot comment on that. We are preparing advice for the minister and he will make his decision in due course according to a statutory process. I cannot comment on that.

Senator IAN MACDONALD—Are you aware of this gem? It is called fishway and turtle passage. Mind you, they never worked for the Paradise Dam and the Queensland government is in court. It is a disgrace that it is a private group taking them to court when the Commonwealth should have been doing it. Are you aware of this—

Mr Burnett—We are aware of the content of the assessment that has been submitted by Queensland and the various expert reports that we have available to us. We do follow other material such as this, but our focus is on the assessment and the statutory process.

Senator IAN MACDONALD—Is there anyone in the department who could tell me how heavy a lungfish can be and how many people would be needed to catch them—swim down in the water, tap them on the shoulder and say, 'Please swim into my arms'? Do you know how strong you would need to be?

Mr Burnett—I do not know how heavy a lungfish is, I am sorry.

Senator BIRMINGHAM—Perhaps we could employ some people to circulate some photos of them.

Senator IAN MACDONALD—If it were not so serious, this would be laughable. I understand that the final proposal has come in. Mr Garrett has until when to either make a decision or call for further submissions?

Mr Burnett—He has until 18 November.

Senator IAN MACDONALD—Does he have two choices: make a decision or ask for further information?

Mr Burnett—He has three choices, really. He can go straight to a decision. If he feels that he needs further information he can simply request that. He also has the other process that you asked about last time where he has the option of publishing his proposed decision and inviting public comment for a period of 10 days.

You asked about this last time and I explained that that is a process that exists under the act but has not been invoked very often.

Senator IAN MACDONALD—If it were to be invoked you allow public submissions for 10 days and then what is the process?

Mr Burnett—I am simply describing what the act says. I am in no way signalling that the minister is considering this. The minister would publish his proposed decision and any proposed conditions if he were proposing to approve it and invite public comment for a period of 10 days. This is what Minister Turnbull did in relation to the Gunns matter.

Senator IAN MACDONALD—Does the Coordinator-General of Queensland have standing? Who is the application actually by?

Mr Burnett—I think the proponent is QWI, Queensland Water Infrastructure.

Senator IAN MACDONALD—A wholly owned company of the Queensland government.

Mr Burnett—I understand so, yes.

Senator IAN MACDONALD—Is there any problem with the Queensland authorities, that is the Coordinator-General, issuing the valuation reports for effectively himself in that he is a senior officer of the Queensland government and he is assessing a Queensland government agency, that is the Queensland government? Does that in any way offend against the EPBC Act?

Mr Burnett—Just before I answer that question can I correct what I said before? The proponent is LinkWater Pty Ltd. I am sorry, I have been given the wrong information. I am back to QWI.

The question about the Coordinator-General you asked last time and no, it does not offend the EPBC Act. That is the way the Queensland system works. The Queensland assessment process has been accredited under a bilateral agreement under the EPBC Act. That is why the minister is able to take the Queensland assessment and then make a decision on that assessment without having to do his own separate assessment.

Senator IAN MACDONALD—Does the fact that many, many, many thousands of Queenslanders—and in cases evidenced by the recent Queensland election—think that this whole process is a sham, that the Coordinator-General is not being honest in the assessment and is making an assessment against the facts have any standing in the minister's decision-making process?

Mr Burnett—The minister takes account in making his decision of all the matters that are before him, including submissions that he has received, information that he has received and public opinion. Yes, he does take public opinion into account. Some of that public opinion is summarised in the assessment report itself. The department also, in providing its advice to the minister, seeks to inform the minister of economic and social as well as environmental

matters, and under that heading of social matters we would include matters raised by the public. In broad terms, yes, the minister takes account of public opinion.

Senator IAN MACDONALD—You say it is in the assessment itself, so this is the Queensland Coordinator-General giving you advice on what Queensland public opinion is on this issue?

Mr Burnett—That is part of the assessment report, but what I am saying is that we will also provide our own report to the minister and we will cover social matters, including public opinion as well as environmental and economic matters.

Senator IAN MACDONALD—I am sure you and the minister would be aware of this but the only Labor member of parliament who lost his seat in the last election outside the Brisbane metropolitan area was the member for the Sandy Straits wetlands, that is the then environment minister; I have forgotten his name. That is a pretty good demonstration of public opinion, but you already know that.

Has the Commonwealth department had any change of heart on the Paradise Dam case, which is being pursued by a private group to try to enforce a Commonwealth government condition on the Paradise Dam in relation to an issue which is paramount to the Traveston Crossing Dam? I heard that there had been an adjournment in the Paradise Dam case to try to get the Commonwealth to retrospectively change the conditions so that they would not be found to have breached conditions in this court case that is half heard.

Mr Burnett—That is not how I would characterise it. The court case was adjourned by the judge—I am just trying to find the material I have—because, as I understand it, the parties to the court case made him aware that the minister would be considering a proposal from the proponents to vary the conditions in the light of the events that occurred with the fishway. I think the court is adjourned until about 9 November. I just do not have the date in front of me but I think—

Senator IAN MACDONALD—Your colleague might have the details.

Mr Burnett—Yes, it is 9 November.

Senator IAN MACDONALD—Has there been an application to the Commonwealth for a variation in the conditions five years after the dam was built?

Mr Burnett—That matter has been put to the minister and the minister has decided not to change the conditions.

Senator IAN MACDONALD—Has that has been made public?

Mr Burnett—The minister has just taken that decision. The parties have been notified. I do not think there has been a public announcement of it.

Senator Wong—I think there might just have been.

Mr Burnett—But the parties have been notified. That is the important thing.

Senator IAN MACDONALD—Finally, as to the Ramsar wetlands at the end of the Mary River—just before you go, could you just give me some written notice of what you were about to tell us?

Mr Burnett—I can tell you now.

Senator IAN MACDONALD—We have 20 minutes left so, no, please take it on notice. But as to the Ramsar wetlands—

Mr Burnett—How are they taken into account?

Senator IAN MACDONALD—I am not expecting you to accept this, but if they are badly affected by the Traveston Crossing Dam how does that fit in? What powers and responsibilities do the Commonwealth have?

Mr Burnett—It is all taken into account. It is all part of the assessment—

Senator IAN MACDONALD—Of the dam and how it impacts on—

Mr Burnett—of the dam because it is a potential impact of the dam and that is why it is taken into account.

Senator ABETZ—If we can keep the answers very brief, please, I will be as brief as I can. The Royal Botanic Garden in Sydney has a heritage planting and the grey headed fruit bat is attacking plants, killing more than 60 heritage listed trees, I am informed. They are supposedly awaiting a federal government public environmental report so they can remove these grey bats, as has been successfully done in Melbourne. Do we have a brief on that?

Mr Burnett—Yes, I can tell you that we are awaiting a public environment report, which is one of the levels of assessment—

Senator ABETZ—That is what I just read out. So when can we anticipate that and how many more trees will die?

Mr Burnett—That is a matter for New South Wales as to when it finishes that report, but my recollection is that they announced that they would be deferring that proposed relocation until the middle of next year.

Senator ABETZ—So the federal department cannot act on this until you have the report from the state?

Mr Burnett—That is correct.

Senator ABETZ—So any tardiness at least up until this stage is all to be visited on the state government.

Mr Burnett—That is not the way I would put it. This is a difficult issue and there have been ongoing discussions between the agencies, but in terms of the formal process New South Wales is preparing their assessment report and until—

Senator ABETZ—You cannot act until you have the assessment report?

Mr Burnett—Yes.

Senator ABETZ—I do not know why you are seeking to defend the New South Wales government; nobody else is these days. Where is the EPBC review of bushfire treatments? Just take that on notice if I can be provided with an update. I understand Mr Garrett has withdrawn money from the Tasmanian fox taskforce—is that correct?

Mr Burnett—That is not an EPBC matter.

Senator ABETZ—Where should I be asking about that?

Mr Burnett—That is the land and coast division, which has finished.

Senator ABETZ—I will put it on notice; that is fine. The real issue that I want to talk about is the EPBC review. Who is administering the review, is the department providing the administrative and secretarial service?

Mr Burnett—That is correct.

Senator ABETZ—Dr Allan Hawke is doing it. I assume Dr Hawke does not read through every submission to determine which ones may or may not be defamatory, for example?

Mr Burnett—I will ask Mr Flanigan, who is the head of the secretariat, to answer that question.

Mr Flanigan—That is part of the service that the secretariat provides Dr Hawke and the panel.

Senator ABETZ—Why is the consent of a person needed before that person's name is published in the submissions that are put up on the website in relation to this review?

Mr Flanigan—It is a situation that emerges where somebody in a submission may be making what could be regarded as defamatory statements about somebody. If the review publishes those on the website then that case for defamation can flow to us.

Senator ABETZ—So if somebody accused, for example, Dr Possingham as being a member of the Wilderness Society's Wild Country council, that was deleted from the submission that went public because that was deemed to be potentially defamatory; is that right?

Mr Flanigan—That is right, in effect, but that was done after consultation with the group that made that statement in their submission—

Senator ABETZ—Because they were told that the submission would not go on the site unless it was so amended.

Mr Flanigan—We were unable to post a submission that could be regarded as defamatory on our site, so we approached the people who made the statement and they willingly removed that reference from their submission.

Senator ABETZ—Because without the removal you would not be putting one word of their submission up.

Mr Flanigan—It was not for us to delete things from their submission. We had to seek their approval to do that.

Senator ABETZ—That was then deleted, and it was put up on the website; is that correct?

Mr Flanigan—Dr Possingham gave a short rebuttal to that. I think in that case the original statement might have stayed but there were other—

Senator ABETZ—The original statement did not stay, and I would invite you to have a look at the website to see that what the secretariat did was delete these sections and then allowed Dr Possingham and others to post their rebuttals and of course the rebuttals made no sense because there were these deletions from the submissions.

Mr Flanigan—With respect, as to the discussions we had with the groups that made those submissions, we did not amend them without their approval and we had quite amicable discussions with them. They felt they wanted to make a point. That point was brought to Dr Hawke's attention. Their submissions in the unedited form were actually provided to Dr Hawke and Dr Hawke had separate consultations with those groups, so they had ample opportunity to make their points—

Senator ABETZ—Time is very short and I accept all that but it is what is on the public website for people to determine whatever review outcome comes about. They are not aware of those discussions, so all they see is what is on the website. But can I ask you—

Senator Wong—I know time is short but you are making lengthy assertions and then Mr Flanigan is being cut off in his responses. If you want it to be done more quickly my suggestion would be you might consider the assertions you are making so that we are not put in a position where they have to be countered by the officer.

Senator ABETZ—A lot of what was just said was not countering; it was superfluous information that was not exactly responsive.

Senator Wong—That is a comment, and I have to respond to that.

Senator ABETZ—No, you do not.

Senator Wong—Yes, I do, because he is an officer at the table. He is entitled to provide the advice or the answer he sees fit.

Senator ABETZ—I think he has a higher duty than just what he sees fit, but can I ask you about this photograph which shows something like a shanty in the middle of the Tasmanian forest. That was required to be removed from the website, was it not?

Mr Flanigan—We asked the people who made that submission to remove that photograph, yes.

Senator ABETZ—That photograph was published on the front page of the Hobart *Mercury* without any defamation action appearing from it. What made you think that the publishing of this was defamatory?

Mr Flanigan—We were making our own judgments as to what materials may or may not be regarded as defamatory. We did not think that photograph particularly added much to the point that the group was trying to make. As I say, that photograph with all its content was provided to Dr Hawke and his panel.

Senator ABETZ—Yes, but not for the public who are determining these issues. Photographs that are in the public domain courtesy of a mainstream major newspaper—front page publication—you are saying what, that your legal expertise and knowledge is somehow superior to that of the Hobart *Mercury* in relation to whether this photograph is defamatory?

Senator Wong—That was not his evidence.

Senator ABETZ—It was removed because he thought it might be defamatory, I am sorry. Is that right?

Senator Wong—You are entitled to make political points but the officer at the table has given the answers he thinks are appropriate and are correct. His evidence is that they made

their own judgements. He never made any indication that somehow they think they are better than the Hobart *Mercury* or not; that is a political point you might want to make in a speech but it is not appropriate for you to be suggesting that that is what the officer is saying.

Senator ABETZ—What legal advice was sought?

Mr Flanigan—I will have to take that on notice, but as I understand it we sought advice from our in-house AGS solicitors.

CHAIR—Senator Abetz, we do need to move on.

Senator ABETZ—All right. Can you tell us why the names of people such as Dr Possingham that were in the Timber Communities Australia submissions needed to be removed yet, when the same suggestions were made in individual submissions that did not carry Timber Communities Australia letterhead, they slipped through and were published on the website? I would invite you to have a look at Mr Alan Ashbury's submission on your website, come back to us on notice and tell us why it was only the TCA ones that were subjected to this sort of censorship—or adjustments; let us not use a term such as 'censorship'. In relation to the people that were appointed to the review—

CHAIR—Did you ask the officer to take that on notice?

Ms Kruk—I will make one comment just to pick up an earlier statement. Mr Flanigan indicated that Mr Hawke and the rest of the panel were provided with the full submissions to assist Mr Hawke in terms of providing a report to the minister. I think the fact that the submissions are placed on the website adds to the transparency process. I heard your concerns and Mr Flanigan has undertaken to take a few matters on note, but I wish to stress that point.

Senator ABETZ—Who selected Professor Burgman and Professor Bonyhady to be part of the panel?

Mr Flanigan—The panel was selected by the minister.

Senator ABETZ—Both of them signed the Wilderness Society letter in 2004, which of course was supportive of a certain policy in relation to Tasmanian forests being at that time supported by Mr Garrett, the then candidate for Kingsford Smith under the great leadership of Mr Mark Latham, and of course—

CHAIR—Senator Abetz, we do need to move on with a question.

Senator ABETZ—All right. I just wanted to put that on the record: these are the people that are now giving this independent advice to Dr Allan Hawke and Professor Lindenmayer as well. Time is short; I cannot continue. It is not as robust a process as I think the people of Australia are entitled to have.

Senator Wong—Given those comments, I would just remind you—and I would like to place on the record—that Dr Hawke was Secretary of Defence, Secretary of the Department of Transport and Regional Services and Secretary of the Department of Veterans' Affairs. I think he has previously conducted reviews in the Public Service, from memory, and served your government as well as—

Senator ABETZ—Yes, but he did not appoint the panel.

Senator Wong—No, but I am making the point that you are impugning, if I may say so, the conduct of the review.

Senator ABETZ—I did not impugn Dr Allan Hawke in any way, shape or form.

Senator Wong—I am making the point that Dr Hawke has a very respected history in public service.

Senator ABETZ—Yes, but you have saddled him with these other guys that are operatives for the Wilderness Society.

CHAIR—We need to move along.

Senator Wong—I want to raise a concern there. These are people who cannot defend themselves. I do not think I know any of these people; I may. To make those sorts of comments in this context—these are not people who can come forward and make a public statement—

Senator ABETZ—They publicly signed a Wilderness Society advertisement during the 2004 election campaign.

Senator Wong—Saying ‘operatives of the Wilderness Society’ is a different thing to saying, ‘Yes, they signed a letter.’

Senator ABETZ—All right—‘supporters’ instead of ‘operatives’. I withdraw the term ‘operatives’.

Ms Kruk—If I may, the report was commissioned by Dr Hawke to undertake and to provide to the government. He can take the advice of the expert panel but it is his report—you know Dr Hawke as I do—and I am confident and sure he will stand by the advice that he gives to the government at the end of the day.

Senator ABETZ—I am sure he will, but you are saddling him with people who will not give him the independent advice.

CHAIR—We will move on.

Senator SIEWERT—I have a question about Tiwi that arises from information that we were provided earlier. I think this is the right place to ask it. It is following on from the transfer of the leases, as we understand it, on Tiwi and what happens with the conditions that were imposed on the forestry plantations project on Tiwi. Mr Burnett, I think that, in answering a question that was asked previously around the ownership of the leases and what happens if the business is transferred to somebody else, you said that they would need to seek the approval of the minister.

Mr Burnett—Yes. I am not sure if I fully understand you. Are you asking if an approval under the EPBC Act is proposed to be transferred to a new operator?

Senator SIEWERT—Yes.

Mr Burnett—Then, yes, that can only occur with the agreement of the minister or the minister’s delegate.

Senator SIEWERT—Has that occurred yet?

Mr Burnett—Ms Webb will answer this.

Ms Webb—No, that has not occurred yet.

Senator SIEWERT—Has there been an application?

Ms Webb—No.

Senator SIEWERT—The minister cannot have approved it. I am just clarifying that there has been an application but it has not been to the minister yet. So there has not been an application?

Ms Webb—There has not been an application.

Senator SIEWERT—That process, you understand, would need to be undertaken now that, as we understand, the receivers/administrators are in the process of transferring those leases to the Tiwi Land Council?

Ms Webb—We understand that that process is happening at the moment and then we would have to review who now holds the approval to conduct the activity.

Senator SIEWERT—So the conditions as subsequently imposed on the proponents would transfer to TLC, so they would need to replace the \$1 million bond. What happens with the money that has already been lodged? Does that just stay there?

Ms Webb—My understanding is that the bond, as lodged, stays with the bank and is still available to be used.

Senator SIEWERT—There is the issue around the \$450,000 and the payment of the rangers and whether TLC pays itself.

Ms Webb—Yes. We are having some discussions about how, moving forward, all those conditions will be able to be complied with. At the moment everyone is in compliance with the conditions. Obviously when the next payment falls due there will be this issue to be resolved.

Senator SIEWERT—So that is around the rehabilitation and the rangers.

Ms Webb—And the rangers.

Senator SIEWERT—As I understand it from what you just said, you are now in discussion with TLC around that.

Ms Webb—The administrator, the TLC and the bank—we are talking with them all.

Senator SIEWERT—When do you expect that to be resolved?

Ms Webb—It depends a little bit on what happens in the next few weeks, as I understand, with the administration, but we would hope that we would resolve it in time for when the next payment is due—

Senator SIEWERT—Which is next year.

Ms Webb—and to get some of the rehabilitation work underway before the wet season as well.

Senator SIEWERT—That is going to have to be pretty quick, then, to get fixed.

Ms Webb—We understand that.

Senator SIEWERT—Thank you very much for that. I have other EPBC questions. I am also being a bit cheeky; does CITES fit in here or have I missed it?

Mr Burnett—No, CITES is here—well, in part; not marine species.

Senator SIEWERT—This is a generic question. Did you nominate any species for the next round? I am particularly keen on sharks.

Mr Burnett—I do not think so. We will take it on notice; I am not entirely sure.

Senator SIEWERT—You do not know if you have nominated any species?

Mr Burnett—I am not sufficiently sure to answer the question.

Senator SIEWERT—If you could take it on notice, that would be appreciated. I have one more set, on the Jandakot Airport development in Western Australia. That is, as I understand, the subject of assessment.

Mr Burnett—Yes. Ms Middleton will come to the table. Yes, I think it is currently the subject of assessment; I will just find my brief.

Ms Middleton—Would you mind repeating the question?

Senator SIEWERT—I am trying to find out about the Jandakot Airport development, and I understand that it is subject to assessment. I would like to know what stage that assessment process is up to.

Ms Middleton—The Jandakot Airport expansion has just closed its public comment period. It closed on 2 October so we are now waiting for advice from Jandakot in terms of their response to any public comments they have received.

Senator SIEWERT—That is the process where they are looking at the clearing of 167 hectares.

Ms Middleton—I will just give you some specific details on where they are up to. Yes, it is for clearing of remnant habitat but we are interested in it because not only is it looking at clearing 167 hectares but it is also involving some translocation of some protected orchids, so this is also part of it.

Senator SIEWERT—the grand spider orchids and the glossy-leafed hammer orchids?

Ms Middleton—Yes.

Senator SIEWERT—So that is translocation. As a part of that would you be looking at the success of the donkey orchids that were translocated a number of years ago in Western Australia?

Ms Middleton—Absolutely; we will be looking at whether or not even translocation will be a viable option. It is not just whether the orchids actually survive the translocation process, it is whether they have actually got a proven record of continuing to breed after that time.

Senator SIEWERT—Yes, that is what I am interested in looking at with you with the donkey orchids. I will also be looking at it in relation to Carnaby's cockatoo.

Ms Middleton—Yes.

Senator SIEWERT—Thank you very much for that. You have given it to the proponents; it is now up to them in terms of time line when they get back to you?

Ms Middleton—Yes.

Senator SIEWERT—Thank you very much.

CHAIR—Senator Milne, one minute.

Senator MILNE—Thank you. I wanted to ask about the status of the Tarkine road in Tasmania. I am particularly keen to know where it is up to in the assessment stage and when it is likely to go for public comment.

Mr Burnett—That proposal has not yet been referred to us.

Senator MILNE—Is the expectation that that referral would come from Forestry Tasmania or the department of infrastructure?

Mr Burnett—We are expecting that it will be referred to us. I am not sure if I can tell you which Tasmanian agency would make the referral; perhaps we would not know until it comes in.

Senator MILNE—You do not know when it is going to be referred and it has not been referred to date; is that correct?

Mr Burnett—The latest advice we have is that it may be referred by the end of the month, but that is just informal advice from officers.

Senator MILNE—Thank you.

CHAIR—Thank you, Senator Milne. Senator Colbeck.

Senator COLBECK—Mr Burnett, could you give us a status report on the relationship and situation in the red gum forests at Deniliquin?

Mr Burnett—The situation is that New South Wales, as you may know, asked the New South Wales National Resources Commission to undertake an assessment. That body has submitted an interim report it is, I understand, currently conducting public consultation on that report. It is then due to submit a final report to the New South Wales government by the end of November.

Senator COLBECK—So, what is the status of activities within the forest at the moment?

Mr Burnett—There is no change. They are continuing as normal as I understand it.

Ms Kruk—Mr Burnett, please correct me if I am wrong; there was a works program agreed to, I think, under the auspices of the Land and Environment Court. Am I correct in terms of the order in which compartments would be accessed?

Mr Burnett—I am not sure if that arrangement is still in place because that was part of a court settlement between the National Parks Association of New South Wales and Forests New South Wales and there were aspects of it that have expired. I am afraid I just do not have the detail, but that is not an arrangement that involves the Commonwealth.

Senator COLBECK—Are we to the situation where we might get access to the Bacon report or is that action still underway?

Mr Burnett—The matter is still under consideration in terms of our investigation of it as a compliance matter; that is still a current matter.

Senator COLBECK—Is there any allegation of illegal activity as part of this process?

Mr Burnett—It depends what you mean by ‘illegal activity’. The allegation is that Forests New South Wales failed to refer activities under the EPBC Act as required by the act. That is the extent of the allegation.

Senator COLBECK—An activity which goes back to the early 2000s?

Mr Burnett—That is the use of the Australian group selection process, yes.

CHAIR—Senator Colbeck, we need to wind up.

Senator COLBECK—Yes, I know. I am stretching it as far as I can. Does the department have any time sequence of aerial mapping over the site?

Mr Burnett—I think so, but Ms Webb might be able to answer.

Ms Webb—We have obtained some information from New South Wales Forests during the course of our enquiries and that does include some aerial mapping, yes.

Senator COLBECK—What about the growth in the footprint of the forest over the last 30 years? Does it indicate that?

Ms Webb—It would not be that extensive.

Senator COLBECK—Are you aware of the growth of the footprint of the forest?

Ms Webb—We have had some information provided to us by New South Wales Forests that would contain some information about all of that.

Senator ABETZ—But does it indicate growth?

Ms Webb—I would have to take that on notice about the exact detail of what time frames and what growth in what areas.

Senator COLBECK—My understanding is that officers of the department have visited the site—I think we discussed that last time—so they would not have been made aware of that as part of their visit?

Ms Webb—They may have; I would have to take that on notice.

Senator BIRMINGHAM—Chair, can I ask Mr Burnett a yes or no question—just one? Under the act does Minister Garrett have the capacity, with regard to the Wellington Weir decision, to further extend his consideration period?

Mr Burnett—The minister can decide, once the assessment report is submitted, whether he needs further time. Once the report comes in there is a statutory period for the minister to make his decision and within that period he can decide whether he needs more time and he is going to extend it. Is that what you are asking?

Senator BIRMINGHAM—Yes. How long can he extend it beyond 27 January?

Mr Burnett—I cannot answer that off the top of my head.

Senator BIRMINGHAM—Take that on notice. Thank you.

CHAIR—If there are no further questions—even if there are—

Ms Kruk—If I may, with your agreement, there were two issues I would like to address. Firstly, a question that was proposed by Senator Ludlam in the heritage area and, secondly, Ms Rankin has asked that we clarify a matter that was raised with her, I think by Senator Macdonald; I am not sure. Could I read those into *Hansard* for the sake of completeness?

Mr Sullivan—Thank you for your indulgence. This is some clarifications and corrections in relation to evidence given this afternoon during questions on outcome 1.1, Caring for our Country. Firstly, Senators Macdonald and Siewert asked whether, in preparing the final package of recommendations for ministers on the 2009-10 business plan projects, the departments followed the ranking recommended by the community and scientific advisory panels.

In her response to these questions, Ms Rankin, First Assistant Secretary of the land and coast division, advised that the recommended order had been followed. On reviewing this answer Ms Rankin considers that further contextual information is required. In preparing the final package of recommendations for ministers on the Caring for our Country 2009-10 business plan projects, the departments based their recommendations on the separate rankings recommended by the community and scientific advisory panels, but also took into account the indicative budget allocation available for each Caring for our Country national priority area and the need to balance recommendations from the different panels covering small, medium and large scale projects. Strictly following the separate scientific and community advisory panel rankings—for example, the projects rank from number one and then down on each list—would have resulted in significant overallocation of budgeting in some national priority areas compared to the indicative budget available for those priority areas. Some strategic judgment by senior executive staff in the two departments—DAFF and DEWHA—was required to prepare a package of recommendations for the ministers that reflected the highest priorities of the two panels, but also comprised a balance of small, medium and large projects. As such, the panel rankings were used to inform the final package of recommendations to ministers but the available budget also played a significant role in shaping the packages of recommended projects.

For the record, Senator Macdonald also asked for background on members of the community advisory panel for Queensland and the Northern Territory. Ms Rankin undertook to confirm which Queensland regional NRM group Ms Olwyn Crimp had chaired. I can inform the committee that Ms Crimp was previously chair of the Queensland Murray-Darling committee.

CHAIR—Thank you very much.

Mr Sullivan—The second follow-up issue, Chair, with your indulgence; it is a quick one. Senator Ludlam asked late last night, I think, a question about departmental funding with respect to heritage, in particular the presentational issues associated with the heritage departmental funding in the 2009-10 portfolio budget statement, on the understanding that the primary use of departmental funding is staffing and for the heritage division. A follow-up question was in relation to staffing on which we understood to get back to you.

As at June 2009 the full-time equivalents in the heritage division were 103.6. At the end of the first quarter in 2009-10, the comparative year, the full-time equivalents were 108.6. If we look at the average full-time equivalents for the heritage division in 2008-09 it was 100.6. The average for the first quarter in 2009-10 is 107.3.

[8.06 pm]

CHAIR—We will now move to program 2.1, Energy efficiency and climate change, under outcome 2.

Senator BIRMINGHAM—Could we start with the home insulation plan, the \$2.7 billion pink batts plan. On 6 October, in relation to the \$2.7 billion plan, the environment minister said:

We have proposed for about a hundred companies in installation of insulation to be taken off the register ...

How many have been taken off the register?

Mr Carter—There were 100 companies that were deregistered.

Senator BIRMINGHAM—One hundred exactly?

Mr Carter—Yes.

Senator BIRMINGHAM—That is a very precise number. Have there been any further—

Mr Carter—I am sorry; 97 was the exact number.

Senator BIRMINGHAM—Okay, not such a round number. That was done in one hit. No further deregistrations have taken place since then?

Mr Carter—No, no further deregistrations have occurred.

Ms Kruk—Of course, the whole issue of registration has been an ongoing exercise as we roll out the audit program.

Senator BIRMINGHAM—Are other installers currently under investigation or consideration of being struck off?

Mr Carter—The compliance program for the home insulation program will constantly be looking at matters that arise and referring them through to our compliance committee. Deregistration is one of the actions that can arise from that.

It might be worthwhile, if the senator will indulge me, to paint a picture of that compliance program. I would first emphasise that in the establishment of the program it was very important to recognise the existing regulatory structures and roles of states and territories in the construction industry and insulation sphere. However, in setting up the compliance program, firstly, the department used its internal auditing company, Protiviti, to assist in establishing what we have called a compliance and audit assessment tool. This tool is something that we use to drill into the dataset that we get from Medicare in terms of the information that comes forward from installers. That dataset is a very rich source of information. It has information around the installers, the particular addresses and the nature of the installations that they make and it allows us to set parameters around that so that we can, if you like, take slices through that data and prioritise in terms of our audit program.

The audit program itself has, I think, to Friday the 12th contacted or involved in one way or another 56 per cent of households that are involved in the program. There is a range of contact that the department has been making to households. At 12 October we had written to some 235,000 households seeking feedback from them on the installation of insulation. I think that number is now 330,000 households that have been written to. We have in place an automatic process now where once a claim has been made and the address has been verified that letter goes out to households. Additionally we have rung, I think, in excess of 3,000 households to inquire of them about issues that have arisen out of the installation of insulation. This is in addition to putting in place an inspection program. We have recently put in place a major contract with PricewaterhouseCoopers to deliver by the end of November some 6,000 inspections and by Christmas some 11,000 inspections. PricewaterhouseCoopers have advised us that they have completed some 1,152 inspections.

I hope that gives a snapshot of the sorts of activities that we are putting in place. Clearly, one of the other aspects that it is really important to the compliance regime is the information and feedback that comes in through our complaints lines and call centres. We have had some 1,800 complaints come through but we have also had, I think, in excess of 200,000 inquiries that have come through, and that is a very rich source of information for us in making sure we target our compliance activities.

Senator BIRMINGHAM—That was a useful summary providing a good mix of data in there. We will come back to bits and pieces of that. What were the breaches of those who were struck off?

Mr Carter—One of my colleagues has the detail around that. There were a range of issues involved in registration. These range from claiming payment for installations not carried out, which is clearly at the very serious end, where installers use the work order form as a quote sheet and claim payment before undertaking the installation; lying or providing misleading information of any kind; not complying with the terms and conditions of registrations; and failing to respond for requests from the department for information. One of the other aspects of the audit program is desktop audit material. At the moment we are requesting information at the rate of about 150 desktop audits a week from installers. Failure to respond or provide information or pieces of information as part of that can result in deregistration. There is also dishonest conduct and failure to comply with state or territory legislation and failure to comply with Australian standards in relation to work quality or material. That is the range of issues.

Senator BIRMINGHAM—Could you take on notice to provide us with, if possible, names or, if not, the locations and particular issues that were identified as far as the department can provide. I will probably put some extra questions on notice and you will say yes or no to what is appropriate. Of the 97 who were deregistered, how many grants had they claimed?

Mr Carter—I do not have that information on me. I would have to take that on notice.

Senator BIRMINGHAM—You cannot tell us whether it was 97 or 9,700? Have they been asked to repay any of the grants?

Mr Carter—Once again, in individual circumstances one of the options that is open to the department is to look to recover costs, particularly in the case of claims that have been made where installations have not been carried out. I do not have the specifics of any of those instances. Clearly, there is a process that we need to go through in terms of investigation evidence and then whether or not further action is taken.

Senator BIRMINGHAM—Has the government sought to recover costs from any of the 97?

Mr Carter—Not at this point, but as I said these are ongoing matters of investigation by the department.

Ms Kruk—We will take up your questioning. I think clearly Mr Carter is indicating there are a range of different remedies we can follow and that, depending on whether the breach is an oversight in terms of providing us with ABN material or whether it is a breach of another order, the major issue is that those remedies are available.

Senator BIRMINGHAM—Presumably if it were just an oversight you would not have reached the point of deregistration, I would have thought.

Ms Kruk—As to the terms and conditions, I rely on Mr Carter's knowledge. On this one, though, to actually comply to be an insulator they had to provide a whole basic set of information and satisfy a range of criteria. Was that not the case?

Mr Carter—That is the case. I would also add to that that there are a couple of instances, particularly when we use the example of claiming payment for installations not carried out, where we have to go through the departmental fraud officer and indeed liaise with enforcement agencies. So there are ongoing investigations around whether or not there are potential offences arising from that.

Senator BIRMINGHAM—Who sits on the compliance committee? Is that an internal departmental committee?

Mr Carter—Yes, it is.

Senator BIRMINGHAM—Chaired by yourself?

Mr Keefe—It is chaired by the director of our compliance section within the department, and he reports to me.

Senator BIRMINGHAM—Who is that?

Mr Keefe—That is Ms Taylor.

Senator BIRMINGHAM—How was PWC selected for the inspection program?

Mr Keefe—It was a select tender process that was openly advertised. A number of different audit or accountancy firms put forward bids and they were selected on a competitive process.

Senator BIRMINGHAM—What do they audit?

Mr Keefe—They provide a range of services to the department starting off with computer assisted audit technology where they go through all claim information that is processed by

Medicare. They provide an analysis of potential fraud and audit risk. They then provide a subcompany to do roof inspections and they provide handling advice on fraud and audit risk.

Senator BIRMINGHAM—When you talk about the number of audits that are undertaken—you said 6,000 working towards 11,000—is that 11,000 audits that include 11,000 roof inspections?

Mr Carter—Just to clarify that, that is inspections which involve someone going into the roof of a house and undertaking an inspection of the quality of the installation that has occurred and looking at all of the parameters around that installation as to whether it complies with Australian standards, the age of the house and whether or not there is existing insulation material in the house. So it is a comprehensive roof inspection. When I use the term ‘audit’, there are a range of audits that we put in place. They include, as I indicated, a desktop audit which is really looking at all of the documentary evidence that sits around a particular installation. One of the real advantages of IT technology with this kind of program and the datasets in it, for example, is being able to match addresses. We can also—

Senator BIRMINGHAM—I appreciate that. I am sorry to push along but time is tight. In order to be clear, by Christmas there will be 11,000 inspections with people climbing up a ladder and poking their head in the roof?

Mr Carter—Yes, that is the target we are working towards. I would just add a slight caveat to that. One of the issues involved in gaining access to people’s homes is obviously writing to them, calling them and trying to establish the ability to enter the house. That does take a significant amount of time. We have to call many, many households to get the sorts of inspection numbers that we want and to make sure that there is a suitable time for that inspection to take place. For example, it can take an average of four telephone calls to find an appropriate time for the householder to be available.

Senator ABETZ—Another condition of the—

Ms Kruk—No, it is totally voluntary.

Senator BIRMINGHAM—How many installations have been conducted thus far?

Mr Carter—I think the latest numbers are 430,000 or slightly over. Mr Keeffe might have the exact number.

Mr Keeffe—It is 432,910 houses insulated. We are using 12 October dates.

Senator BIRMINGHAM—What was the average grant per installation?

Mr Keeffe—From phase 2 of the program from 1 July the average claim is \$1,499.

Senator BIRMINGHAM—When the department modelled this program, what did it understand the average cost of an installation to be?

Mr Carter—You may recall we appeared before an inquiry into the stimulus package and answered questions around this as well. Relying on ABS data and on information from industry the average cost at that time was estimated at \$1,200.

Senator BIRMINGHAM—Effectively it is coming in at \$300 greater than the average cost?

Mr Carter—I would not put it in those terms. Yes it is, but in terms of the data that we were relying on at the time—and I think as senators remarked—there was not a huge amount of information. We had ABS survey information and we had insulation industry information in relation to average homes. What we have seen as the program has rolled out is that one of the characteristics of homes in the areas that have been getting a lot of installations is that they have potentially had more difficult roof spaces. For example, we have seen quite a concentration of installations in South-East Queensland and I understand that the nature of housing in that area is quite often different to what some of the average housing stock is elsewhere. We think there are some peculiarities to the way that it has rolled out.

Senator BIRMINGHAM—If the estimate you had to start with was correct and you have given out 430,000-odd grants it is \$129 million more that has been paid out than those average installations would have been. I do not want to argue that point with you. That stands as a fact based on the average you took it to be to start with and the average that you are paying out now. That is factual. Whether or not that initial average was right is open to debate.

Mr Carter—That is true. However, I would just reiterate that the design had the \$1,600 cap in place on the value of installation, recognising the fact that the average as we understood it was \$1,200 but that variations to the nature of housing and the installations would involve additional expenditure.

Ms Kruk—I think these numbers have been on the public record for some time. It does also take into account that we have quite aggressively pushed the program in country areas to ensure that people in regional Australia are not disadvantaged. Some of those structures in regional areas are clearly higher. A lot of it depends on the rate at which installation is being carried out. Is that not right? I think I have read that in your earlier evidence as well.

Mr Carter—Certainly. Travel distance is one element involved in the costs.

Senator ABETZ—Would that not have covered part of your regional areas to service?

Ms Kruk—What I am saying is that a lot depends on the order in which you undertake the installation; it is an averaging. I think Senator Birmingham understands my comment. I am saying that modelling does depend on a range of different factors. It depends on whether you do the cheaper, easier houses in your early part of the program; this is a program obviously with quite an ambitious insulation target.

Senator BIRMINGHAM—Did the government receive any advice from the Electrical Training Standards Advisory Body known as EE-Oz as to the appropriate training under the pink batts program to prevent fires and electrocutions?

Mr Keefe—I do not recall that specific organisation but we had consultation through the Construction and Property Services Industry Skills Council and with a range of the major industry insulation bodies and manufacturers about a training regime over the course of developing the program. We certainly had consultations with bodies that looked after electrical issues as we developed training materials.

Senator BIRMINGHAM—Can you provide on notice with whom you had consultations in that regard?

Mr Keefe—Yes, I will be pleased to do that.

Senator BIRMINGHAM—And what advice they provided?

Mr Keeffe—Yes.

Senator BIRMINGHAM—Were you specifically aware of the risk of fires from improper installation in designing the program?

Mr Keeffe—Yes, we were and we remain aware of it. Part of the Australian and New Zealand standards that we apply go to specific instructions for the safe installation of ceiling insulation through issues like relative clearance of downlights, protective covers being put in and, in relation to electrical issues, safe handling of electrical components.

Senator BIRMINGHAM—Have any of these suspended or deregistered installers been involved in any of the premises that may have had house fires as a result of bad installations?

Mr Keeffe—There is no correlation, to my knowledge, but I would like to double-check that if I could take that on notice.

Senator ABETZ—I have a few quick questions on pink batts. How do people find out about the pink batts program? Is there a call centre that they could ring?

Mr Carter—There is the website and the call centre.

Senator ABETZ—Where is that call centre situated?

Mr Carter—In northern Sydney—Ryde, I believe.

CHAIR—Is that the end of your questions, Senator Abetz?

Senator ABETZ—Yes. I was informed that it was in Hobart.

Mr Keeffe—As Medicare run the data processing system they have a call centre that operates in Hobart.

Senator ABETZ—In relation to the pink batts?

Mr Keeffe—In relation to the register of installers.

Senator ABETZ—When did that start?

Mr Keeffe—That would have started in early June.

Senator ABETZ—This year?

Mr Keeffe—Yes.

Senator ABETZ—Can you provide, on notice, the date on which that call centre started and was contracted to start? Were you advertising the number before the contract date, because the information I have received is that this Medicare call centre was receiving calls and there were then irate customers or punters who could not be helped; they had been given the phone number, but the staff had not been fully trained up by that date and could not help.

Mr Keeffe—A lot of your questions go directly to the responsibility of Medicare and the Department of Health and Ageing. They managed that contract for the call centre.

Senator ABETZ—I know they managed it, but did you advertise the phone number inviting people to ring that call centre?

Mr Keeffe—I will double check that and come back to you.

Senator ABETZ—You can take that on notice.

Ms Kruk—It goes back to June?

Senator ABETZ—Can you tell us whether those advertisements did not have a start-up date on them and people started ringing the Medicare call centre before the date on which your contract with Medicare actually started?

Mr Keeffe—We will take that on notice.

Senator MILNE—I would like to finish off on the insulation program. Did you do any scoping before you announced the program as to the availability of volumes of insulation materials around the country and were you satisfied that there would be a sufficient volume and capacity for scale up in the time frame so that the program could be delivered using the materials available in Australia?

Mr Carter—I can answer part of that and then ask Mr Keeffe to go into some more detail.

Senator MILNE—You know where I am coming from about the Chinese imports, whether they meet the standards and so on.

Mr Carter—Yes.

Senator MILNE—Can you give me a quick run-down?

Mr Carter—We certainly had detailed consultations with industry about their capacity to deliver. The industry was confident at that time that they could meet the demand of the program. It is mostly put that the industry was caught a bit by surprise as to how fast the program took off and the amount of insulation that occurred. We saw industry try to increase and ramp up its manufacture quickly, but some of the anecdotal information that we have had from the industry is that they did not expect it to go so quickly, so they were not ramping up quite as fast as that. We certainly have had anecdotal information that some companies are supplementing with imported insulation material.

Senator MILNE—I am aware that Mr Keeffe may want to add details about this, but can you assure me that the materials that are being imported meet some kind of standard? Do we have an Australian minimum standard for insulation materials and are you satisfied? I am aware, for example in Tasmania, that importers have brought in containers of insulating material from China. I want to be assured that there is some quality control, in terms of your rebates for the program, that they meet minimum standards.

Mr Carter—I would firstly say that insulation is imported in a range of forms, so it is difficult for us to monitor the quality of what is being imported because it can be used for a range of applications; it is not disaggregated by Customs in the importation. However, in terms of the program, the program is very clear on both the Australian standard of the material that is to be used and the standard to which it is to be installed. That is one of the key aspects of the audit program in terms of examining that.

In discussions with industry, one of the issues that has been of concern to them, which is one of some comfort, is that the companies which undertake testing for compliance with Australian standards have been extremely busy in examining those imported products that companies are bringing in.

Once again, we have been very careful to make sure that the standards are picked up through the guidelines and also to reinforce with companies that they need to be using that material. The other aspect is that any instances where material is not meeting Australian standards or is inappropriately labelled, we have been talking to the ACCC about those issues and there has been previous legal action in relation to that prior to the program.

Mr Keffe—The only detail that I would add to Mr Carter's statement is that it is an explicit requirement of the guidelines that the product meets the insulation product standard ASNZ48591-2002, which refers to materials for thermal insulation of buildings. They have to comply with that standard to be a legitimate product.

Senator MILNE—I am reassured that the auditors will be checking that as part of the process as well.

Mr Keffe—That is correct.

Senator MILNE—We will come back to that at a later time. I would like to move on to green loans. Can you tell me how many home sustainability assessments there have been, how many reports have been approved by the department and how many loans have been issued?

Mr Carter—As at 16 October we have had just over 44,000 householders registering for an assessment. We have had 27,044 assessments completed and, of that, the last number I had was that 10,000 assessment reports have been sent out to householders.

Senator MILNE—There were problems with the calculator and the software that supported that system. I had reports from a number of assessors that the calculator was producing incorrect information as far as the reports were concerned. The minister in the house indicated that those software problems were being dealt with at the time. Can you assure me that those software problems are now rectified and can you tell me what you have done to go back on those earlier reports that we issued to make sure they are re-done so that they are accurate?

Mr Carter—I can reassure you that the glitches that were identified at that time with the assessment reporting system have now been corrected. We are continuing to work with the centre for design at RMIT, who was the body that we contracted to do that work, on the basis of continuing feedback from assessors. While the system has been fixed and is providing those reports, we are also aware that we need to be looking at opportunities to continuously improve that and we are planning for a further update of that assessment tool some time next year as we take in other comments and nuances. They will be more about refinements and additions. The basic assessment tool glitches have been fixed. I do not have the specifics on the earlier reports that may have had issues with them. Can I take that on notice and get back to you on what we have done to correct those earlier assessment reports?

Senator MILNE—Yes, certainly. You said that 10,000 reports have been sent out. How many loans have been issued?

Mr Carter—I am aware that we may be up to 12,000 assessment reports sent out and that is obviously increasing all the time. In relation to loans, prior to September we did not have any loans that financial institutions had approved. The way our data works on this is that we

get invoices following the end of each month, but our advice from financial institutions is that some 58 loans have been approved through September.

Senator MILNE—That is 58 loans in total up until the end of September?

Mr Carter—We have been advised that there are 58 loans approved by financial institutions, but we have also been advised that there are some 317 under consideration by financial institutions. As I mentioned, this is information that we have from calling the financial institutions involved. We get the hard data from them following each month period when they invoice us for the loans that have been approved by them.

Senator MILNE—Given the life cycle of the program, how far behind are you in terms of your aspirations? There are 317 loans and we are into mid-October.

Mr Carter—The program is a four-year program. Clearly we have made an estimate of the range of uptake of loans, which I think is around 20,000 for this year.

Senator MILNE—Twenty thousand by what date?

Mr Carter—There are 75,000 loans in total. Due to the newness of this program, we have allowed for 20,000 loans over the next three years and 15,000 in the final year of the program.

Ms Kruk—There are a range of success measures for this program. One of the major issues is people undertaking the assessment and following through with the actions that are recommended in the assessment. The loans are but one path that households can follow. Certainly given the number and range of rebates and subsidies that are on the market at the moment, at both Commonwealth and state level, in many instances households will not opt for a loan, they will seek to get one of the other subsidised products. My comment is that there is a range of KPIs.

Mr Carter—I would also make the point that there is a period of six months following the assessment report when householders can look to make the application for the loan. We would anticipate that we may see a continuing increase in the loans as householders consider that.

Senator MILNE—I am aware of the time and that Senator Birmingham may have questions in relation to this as well. One of the other complaints about the program was that the assessors were not being paid in a timely manner. They had been given an undertaking that they would be paid within a specific time frame, which did not occur and there was quite a lot of discontent. Can you tell me how you have addressed that, whether the assessors are now being paid and whether those people that are owed money have been appropriately reimbursed?

Mr Carter—That was an issue, particularly in the first month or so of the program. The majority of instances where payment was not made was due to misunderstandings on the nature of the material that needed to be provided as part of the invoicing. We have been working with assessors to make sure that those issues do not occur; for example, having correct ABN numbers in place and the correct accounting of GST within the invoices. We saw part of that as being an issue where we needed to work more closely with assessors to make it clear that, to have a successful invoice, it needed to have those characteristics and to work with them on that. From recent information, we have been paying invoices within the 30-day

period that has been allowed for and certainly improving that process. I think that issue has largely been addressed.

Senator MILNE—Can you assure me that people who were owed money from that early stage have now been reimbursed and you are satisfied that we are up to the 30-day period for most people?

Mr Carter—I am, but I will come back to you.

Senator MILNE—It is important that people do get paid.

Ms Kruk—We will check on it. We are acknowledging that there were issues and that we probably did not handle that group as well as we could have. We have certainly taken those issues on board. They are a very important part of that service.

Senator MILNE—Thank you.

Senator BIRMINGHAM—When the Labor Party in opposition first announced this program it was spruiking low-interest green loans. I think when we first discussed the matter, Mr Carter, they were still low-interest green loans. At some stage, which I must say I first noticed in a letter to the editor from Minister Garrett, they became interest-free loans. When was that policy decision taken?

Mr Carter—I am not sure that I have the exact date that was taken. I do recall in questions that senators were asking previously on the Green Loans Program that I indicated that there was a range of interest scenarios that we were exploring at the time, including as one of the options having an interest-free period at the commencement of the loan rather than a subsidised or low-interest loan. In working through those options we ended up with the one that was easiest to administer and most attractive, and that was having the no-interest period.

Senator BIRMINGHAM—Presumably, as a result of that, it means that the government is able to give fewer loans?

Mr Carter—No. The calculation around whether it was a subsidised loan over the full period of the loan or an interest-free period for up to the first four years of the loan was one of the differences in how that was worked through.

Senator BIRMINGHAM—Is the final product an interest-free loan for four years?

Mr Carter—Yes.

Senator BIRMINGHAM—And then what?

Mr Carter—If the loan is of a longer period than that, then it is a normal financial arrangement with the institution.

Senator BIRMINGHAM—Does it then become a commercial loan?

Mr Carter—Yes.

Senator BIRMINGHAM—The original proposal was low-interest loans over how long?

Mr Thompson—Mr Carter said that there was not an original proposal. There were a number of different proposals that were being explored, one being around low interest and another was around where the government ended up, which was no interest for a certain period.

Senator BIRMINGHAM—Are there particular criteria that the financial institutions involved are working to in terms of the types of product offering they make to people? Is it a requirement that they make a four-year offering, there is an interest-free loan and that people must then sign on to something else?

Mr Carter—Yes. There is certainly a deed which the financial institutions need to agree to in providing that service. I do not have a copy of that with me, but we can make that available.

Senator BIRMINGHAM—If you could. It is important that people do not sign on to what the minister is spruiking as an interest-free loan and find that in year five they are paying commercial rates.

Mr Carter—The product has full disclosure, but the requirements of the deed require those sorts of full disclosure of the product. We will provide that on notice.

Senator BIRMINGHAM—The loan product may have full disclosure, but the minister's letter to the editor that I saw did not have an asterisk after the words 'interest free' and I am not even sure whether your website does. I would have to double check that. When the scope of the program was cut quite significantly in the budget the number of loans to be funded was reduced by some 200,000 to 75,000, which was a 62 per cent reduction. You have highlighted the benefit of the program being the assessments, the investment that people will make and the benefit that there will be more investment as a result of all of those inspections than necessarily loans offered. Are they fair bases of part of the government's interpretation?

Mr Carter—Yes.

Senator BIRMINGHAM—In response to some questions on notice you said that the complementary household investment, which had been estimated to be \$2 billion, will now be \$500 million. That is a quarter of the original figure, a reduction of 75 per cent in complementary household investment compared to a reduction of 62 per cent in the number of loans being funded. How does that say that you are getting more bang for the buck?

Mr Carter—One of the key issues here is one that senators raised at the time. That is that, in putting in place the stimulus package in providing home insulation and hot water subsidies, they were, in fact, two of the highest value energy efficiency measures that households could immediately take. At the last estimates hearing I went through what we looked at as being an estimated take-up of actions or basket of actions that could occur under a loan. I ran through that in *Hansard*, but clearly the value of each of those items was significantly less than those big major hits of ceiling insulation and solar hot water. Examples were topping up ceiling insulation to R4, putting in wall insulation, draft proofing, shadow window film and rainwater tanks, which they are also eligible for.

Senator BIRMINGHAM—I see all of those occurring. The point of the question really is that you have said that you will get more bang for the buck out of the assessments and people following through on that. You have budgeting for an even bigger drop in complementary household investment, according to your estimates, and then you have actually reduced the number of loans. The two do not stack up and correlate unless your argument is that it is more than made up for by excess complementary government investment in some other way.

CHAIR—We have to move on, Senator Birmingham.

Mr Thompson—Due to the constraints of time we might provide a more comprehensive answer to that on notice, if that is alright.

Senator BIRMINGHAM—I will probably place a few on notice as well.

CHAIR—Thank you very much. That concludes the questioning on that program.

Senator IAN MACDONALD—Excuse me?

CHAIR—No, we finished that program at 8.45 pm, I am sorry, Senator Macdonald. That was the agreement of the committee and now we are moving to 2.2. Perhaps you could put your questions on notice.

Senator LUDLAM—I want to ask about a couple of different categories of waste that will be up for discussion at the EPHC meeting later this year and also about progress towards a national waste policy. In particular, I want to put some questions to you about tyres, e-waste and container deposit legislation or wherever your thinking is at around containers. Maybe we can start with e-waste. Can you tell us, please, what we can expect to come out of the meeting on 5 November and where your process is up to at the moment with an e-waste strategy?

Dr Wright—As was announced by ministers at the last EPHC meeting in May, the ministers said that they would take a decision on dealing with e-waste at the coming meeting, and that is what all the processes are heading towards. The meeting is scheduled for 5 November.

Senator LUDLAM—What sort of preparatory work are you undertaking in the lead-up to that as far as e-waste is concerned?

Dr Wright—As far as e-waste is concerned, since the EPHC meeting in May a regulation impact statement has been released and following consultation on that, as is required under the COAG guidelines, a decision RIS is being prepared for ministers to consider.

Senator LUDLAM—A decision?

Dr Wright—RIS, regulation impact statement.

Senator LUDLAM—How do you think it is going? Are you reasonably optimistic as to progress to date?

Dr Wright—I am unable to comment on that. The processes are being worked through according to the COAG guidelines, so ministers will assess the decision RIS when they get to the meeting.

Senator LUDLAM—Okay, and that is all proceeding on the time line that you have been given. What could the public expect to come out of that meeting? Is it actually a full-blown strategy or just a tabling of a copy of the RIS? What are the decisions that you expect may be made in November?

Dr Wright—I would expect that ministers would stick to their announcement in the communique of May, which was that a decision would be taken on e-waste.

Senator LUDLAM—That is great news. I will await that announcement eagerly. Moving to the next stream, I gather that container deposit legislation may be much further behind.

Again, I know that there were—I think since last time we spoke—hearings into the bills that the Greens had put up on a national container deposit scheme. How is the choice/willingness-to-pay modelling going? Has that been completed yet?

Dr Wright—The choice modelling survey on packaging and container deposit schemes is in progress as we speak. It is not yet completed, but the expectation is that there will be a report for ministers at their meeting, but the timing is quite tight. The survey is yet to be completed. There will be over 3,000 surveys that need to be finalised and the modelling takes quite a lot of analysis, so we are close but it is not done yet.

Senator LUDLAM—Are you confident that that material will be ready for the ministers to consider in November, or is it going to be a very close thing?

Dr Wright—As I just said, it will be close but the aim is to have the report for ministers, but it is close as the survey is not yet completed and the meeting is on 5 November.

Senator LUDLAM—Yes, in my home town. When would be the earliest that we could expect an announcement about a national container deposit scheme? How many more processes are there to go through before we will actually see a scheme announced in practice?

Dr Wright—I think the communique from the EPHC meeting in May was to the effect that ministers would look at the outcome of the choice modelling before deciding on whether there would be a next step and what that step would be.

Senator LUDLAM—So, for all we know, in November they may come out and say: ‘We’re not going to proceed. People are not willing to pay.’ I guess that will be out of your hands. On national waste policy, can you just tell us what your involvement is in the development of the overarching policy framework?

Dr Wright—My personal involvement?

Senator LUDLAM—You and your department.

Dr Wright—At the EPHC meeting in November 2008 the EPHC ministers agreed to support the Commonwealth in developing a national waste policy. A task force was set up within my division of the department. In March a consultation paper was issued and following that in July a discussion paper was issued following consideration by EPHC ministers at the May meeting. That is now heading towards a further consideration at the 5 November meeting.

Senator LUDLAM—Is that in the hands of the various state and territory ministers or is that something that your department is actively working on and preparing for?

Dr Wright—It is something that is being actively worked on by all jurisdictions at present.

Senator LUDLAM—Similar to the other two streams, what can the public expect to see come out of the meeting in November? What is actually going to be on the table? I see shaking of heads all around.

Mr Thompson—I am suggesting to my colleague that we should not speculate on that.

Senator LUDLAM—Not speculation. What do you know is going to occur in November? I am not asking you to guess.

Dr Wright—Ministers articulated last November that they would seek to have a national waste policy to be discussed at the November meeting in 2009. As to the outcome of that discussion we are unable to comment, but the timetable with all the consultation processes has been directed towards meeting that time line.

Senator LUDLAM—We will just have to wait and see, I suppose. Can you tell us about the fourth thing I wanted to ask you about, which is tyres? This has been in the press quite recently and there has been some work done that has revealed that we are still exporting about 11 million tyres a year—used tyres that are worn out and of no further use. About 60 per cent of Australia's tyre inventory is exported, much of it to developing countries. Can you just explain for us briefly what is happening in the context of the November meeting for tyres?

Dr Wright—Tyres will be the subject of consideration at the November meeting. I am not sure of the nature that that discussion will take. There has been a regulation impact statement that has been progressed on tyres. There was a consultation RIS 12 months ago, so we have sought to update the information that goes into the next step of a decision RIS. That is what is happening at present. You are correct in that the market has changed somewhat. The previous data, which was 2004-05, was that 62 per cent of tyres were going to landfill. The recent update is that that is now 47 per cent, so the market certainly has changed and that is something that will need to be looked at.

Senator LUDLAM—It has nearly inverted the figures that the Boomerang Alliance are promoting, suggesting that about 60 per cent of the tyres in Australia are actually exported, which I guess leaves 40-odd per cent to be disposed to landfill. Are there any alternative processing options or is it just a choice of dumping it here or dumping it there? Are there any reprocessing technologies or anything at all like that on the horizon?

Dr Wright—Certainly there are a number of tyre recyclers in Australia and there is a broad range of processing or reuse technologies around the world. What happens to used tyres really depends on the market at the time and the state of development of industries. For example, in Canada they have developed a domestic recycling industry for tyres, so there is a wider range of reuse opportunities than there are in other countries.

Senator LUDLAM—Do you know off the top of your head what proportion of tyres are recycled or reprocessed in Canada?

Dr Wright—No, I do not. I would have to seek that information.

Senator LUDLAM—If you are able to provide that for us I would greatly appreciate that. At the moment reprocessing or recycling does not even show up in the statistics; it appears to me, unless you can correct me, that it is—

Dr Wright—The 2007-08 data is that 11 per cent of tyres are recycled.

Senator LUDLAM—How many times can you recycle a tyre? I bet you did not think you were going to get asked that tonight.

Dr Wright—Certainly not. You could get into the semantics about the definition of recycling but retreading a tyre could be considered to be one form of recycling.

Senator LUDLAM—Sure.

CHAIR—Senator Ludlam, we have got to move on.

Senator LUDLAM—I can move on?

CHAIR—No, we have to move on and Senator Birmingham has got a question and we are finishing at 9 pm.

Senator LUDLAM—We are finishing at 9 pm?

CHAIR—On this topic.

Senator LUDLAM—Can you just tell us then where we are going to get to in November? It appears to me that we have got a very significant problem that has kind of crept up on us; the export figures are much larger than we previously thought. Are we going to see some urgent action on this in November because at the moment we are technically in breach of our obligations under the Basel Convention on the Control of Transboundary Movements of Hazardous Waste?

Dr Wright—I could not answer the hypothetical question as to what will happen at the EPHC meeting in November, however tyres are not classified as hazardous waste under the Basel Convention so Australia is not in breach of that convention.

Senator LUDLAM—Do you have a sense of urgency? Has the minister imparted a sense of urgency that this is something that needs to be dealt with quickly? State it simply.

Ms Kruk—The minister has instructed the department to work actively on the issue.

Senator LUDLAM—I wish we had a lot more time but I guess we will have to leave it there.

CHAIR—Senator Birmingham.

Senator BIRMINGHAM—Dr Wright, is the department liaising with the department of communications digital switchover task force in relation to e-waste?

Dr Wright—As part of the e-waste process we have engaged with a broad range of interested agencies around the Commonwealth, of which that department is one.

Senator BIRMINGHAM—Can I just suggest that for the department, and for the recycling industry in particular, there is a very special opportunity and need that exists around the digital switchover?

Dr Wright—Thank you.

CHAIR—Thank you.

Proceedings suspended from 9.00 pm to 9.16 pm

National Water Commission

CHAIR—I welcome officers from the National Water Commission.

Senator BIRMINGHAM—Mr Matthews, it is good to see you again. Welcome and thank you for coming. You have had a busy few weeks.

Mr Matthews—Thank you, Senator.

Senator BIRMINGHAM—Mr Matthews, prior to the release of the biennial report you were quoted as making some comments about the need for transparency in the transition of irrigation industries and communities and the need to make sure that there is as much clarity as possible about the directions of reform and the patterns of reform so that those communities can see that there is a long-term plan and long-term objectives. Are you concerned that rural and regional communities are not getting that clear and transparent knowledge about the process of reform and what it entails for them?

Mr Matthews—The commission is concerned that rural communities get that clarity, certainty and information because there are some significant decisions that irrigation businesses, farm families and farm communities need to make. They need as much visibility of the factors that affect their future as possible.

Senator BIRMINGHAM—Are you concerned that they are not getting that certainty and transparency of information?

Mr Matthews—The more information they get the better. That can be in all sorts of areas—economic, environmental and social. They need to have as much visibility as possible of the factors that affect their future.

Senator BIRMINGHAM—Are there better systems that the commission believes could be put in place to ensure that the type of information that Australian rural and regional communities and irrigation communities need is delivered?

Mr Matthews—What the commission has said in its report is that there needs to be as much transparency and as much distance into the future as possible. The National Water Initiative in the planning processes that have been put in place in the Murray-Darling Basin, for example, is an entirely suitable framework to do that. It can put out the information necessary for people to make decisions. Our fundamental point was that these are important decisions and, unless the decision is informed, either it cannot be made or it will be the wrong decision. For those reasons, we are suggesting that the frameworks that are in place should be used as well as possible so that the data, the information, the perspectives and in particular the time frame are made clearer.

Senator BIRMINGHAM—In your report you found:

... the status of most of these water systems has remained almost unchanged for 10 years, despite governments' commitments to address overallocation and overuse.

You said:

... this central requirement of water reform will not be met.

Senator Wong—Senator Birmingham, if you are going to quote from the biennial assessment, which I think is an extremely useful document, perhaps you could take us to where you are quoting from, because there is a lot of context associated with some of the things you are asserting.

Senator BIRMINGHAM—I am afraid I will not be able to do that, Minister—

Senator Wong—Hopefully you are not just reading what question someone else has prepared for you.

Senator BIRMINGHAM—I am not, actually, Minister, but various newspapers and other places have quoted from Mr Matthews—

Senator Wong—There is this thing that the opposition do where everything seems to be from somewhere else. If you are interested in water reform, it is quite a useful document.

Senator BIRMINGHAM—It is, and I do have the document. I regret that I have not had a chance to read it cover to cover yet, but I will, you can rest assured.

Senator Wong—Most senators I would not believe that of, but you may well read it.

Senator BIRMINGHAM—Thank you, Minister. I am sorry that I cannot quote from the page numbers. I apologise if it causes some difficulty. But we are also in some hurry.

Senator Wong—It is a question of fairness. This is a report—and I do not want to speak for Mr Matthews, because it is obviously his and the commission's report—that traverses quite a lot of the challenges; some of the good things that have been done and some of the areas where things could be done better. It looks at not just Commonwealth, as you know, but state government action against a whole range of parameters. I am simply making the point that there is a context to some of the points you are making.

Senator BIRMINGHAM—I acknowledge there is, Minister. I think it is a very good report. From what I have read this far, I think it is probably a report of the committee could well do with a lengthy and special briefing with Mr Matthews on. And before you say it, Minister, I will acknowledge that aspects of it a criticism of governments of all persuasions over a long period of time.

Senator Wong—You got in there ahead of me, Senator.

Senator BIRMINGHAM—There we go, Minister—let me get in first tonight.

Senator Wong—There is the 10 years thing you said before. I thought maybe you were channelling me.

Senator BIRMINGHAM—Hopefully now we do not have to go backwards and forwards on that. Mr Matthews, in regard to, for example, the Living Murray initiative, do you believe that it lived up to its aims and intents?

Mr Matthews—You were talking about overallocation. One of our concerns is that this report, which has over 100-something findings, 68 recommendations and almost 300 pages, cannot be simplified down to a single issue—overallocation. Overallocation is important, and we have certainly identified that as one of the things that certainly has not happened and should have happened. But overallocation is not the only thing that the report is about.

Senator BIRMINGHAM—You found that the implementation of local water plans was failing in large parts of the system and therefore the failure to implement those plans saw a failure to address overallocation. Were there standout areas where those plans were failed to be delivered—particular states that perform worse than others?

Mr Matthews—It was not a state-by-state report card. If I could just set out a little bit of context. What we tried to do was to look at results: what are the outcome so far in terms of the environment, in terms of trading outcomes and so on, rather than the tick a box saying that Victoria has done this and New South Wales has done that and so on. Having said that, there

are plenty of tables and specific references to individual states about where the shortcomings are. But, again, I do not want it to be oversimplified to being just a criticism state by state.

On water planning, which was your specific question, we found a whole lot of disappointments. For example, that not nearly enough that had been committed to be done by the time frames committed to in the implementation plans had been achieved; that the quality of those plans was often deficient; that some of the outcomes, including environmental outcomes, were not terribly clear; and that the results against those already unclear environmental outcomes were often not terribly clear. So there are a whole series of other criticisms that we made of water planning. But it is not just the number of water plans. To be fair to the states, the great majority of water is covered by a plan, but an absolute number of water plans have not been finished on time. But we are also concerned about quality and not just a number of plans, and we have made some suggestions about how water planning could be done more effectively. Planning is such an important part of water management, and that certainly is one of the themes we have tried to develop. If Australia as a nation can do water planning better, our water management will be much more satisfactory.

Senator BIRMINGHAM—Planning downstream in a sense, if you will pardon the pun there, obviously the minister and the MDBA, which we will hear from after, are working on a national basin plan. The capacity of the states in individual catchments to develop and deliver plans that ultimately comply with that will be critical. Do you believe there are capacity limitations that exist there, that have caused this problem to date and could pose problems to their capacity to meet the national basin plan requirements and what they will have to do after that?

Mr Matthews—One of the findings that we think transcends a lot of areas, not just water planning, is that the state governments do lack capacity—that means often people, but also financial resources—to complete the policy work, the reform work and certainly the implementation work. It is not a popular line to say that the states need resources to do this, but the commission is saying that—that is, the state and territory governments do need sufficient resources to be able to deliver on their commitments. It is their responsibility to find them because they have made those commitments, but you have put your finger on one of the concerns we identified, not just in planning but elsewhere—that is, state capacity.

Senator BIRMINGHAM—Are there particular steps do you think that need to be taken to address those capacity problems? Outside of simply recommending that states better train people or employ more people, are there—

Mr Matthews—We have recommended that. Some of the practical suggestions that we have identified are the need to prioritise, the need for cross-jurisdictional cooperation to take place, and where there are national or interstate issues that need to be sorted out, it is really important that a set of priorities and sufficient priority be given to it. So, yes, there is a need for absolute resources increase and there is a need for better collaboration and priority setting.

Senator BIRMINGHAM—Mr Matthews, you have also criticised to some extent the use of water restrictions, or water restrictions being a fallback position rather than an emergency or reserve response. Are you concerned that, particularly in some of the southern cities, as rainfall has improved this year and catchments have returned to more normal levels,

notwithstanding that the Murray-Darling Basin remains under extreme stress, that water restrictions will continue? In your opinion, do you believe that is necessary?

Mr Matthews—The call that we have made is a national call for water restrictions to be returned to their rightful role. We think their rightful role is as a reserve capacity, a surge capacity, so that urban water supply systems do not need to be gold plated. If we had to provide for any climate change outcome, you would need to invest for a one in 1,000 years event, which is very expensive. But we can avoid that and invest for something like a one in 100 years event if we keep those water restrictions as a reserve capacity, a surge capacity to deal with an exceptionally bad year. But if we use those water restrictions indefinitely, then there is no buffer to be called on when the going really gets tough. So ours is a national call and, no, we have not focused on particular cities or states at this time. But we think it is really important for Australia to use water restrictions in the way that they were originally intended.

Senator BIRMINGHAM—It is a very logical argument that you present there, Mr Matthews. Minister, Mr Matthews has made a number of recommendations, some of which are for the federal government and some of which are for state governments. How will they be handled? What is the process?

Senator Wong—This is a report to COAG, but obviously there are a number of things in it which are relevant. When the department comes to the table, we could talk to you about some of the community information sessions that we are engaging in, for example, which are consistent with the commission's views about the importance of more information being provided about water reform and the challenge of that. One of the things in this report is a very strong statement as to the merit of the purchase program, so obviously the government will be continuing with that. But we will certainly consider it closely in the context of the department's work and in this portfolio to see in what areas it can add value to what we are doing. But overall, as you know, it goes to COAG. There are a range of matters here which really are about how all governments respond to the challenge of water reform.

Senator BIRMINGHAM—In so far as the report's recommendations do touch on your department, Minister, is there a commitment you will give to a time line in which you will respond to those recommendations?

Senator Wong—If you want to turn to that, I wonder if we should bring the department to the table. I do not have the officers here. This is the National Water Commission.

Senator BIRMINGHAM—I am not proposing to go through individual recommendations with you to get a response to each one.

Senator Wong—If you want to know have I already read it, I certainly have discussed it with Mr Matthews and there are a range of things in there which are quite meritorious for us to consider.

Senator BIRMINGHAM—Will you be responding in some formal way in so far as the recommendations relate to—

Senator Wong—It is a report to COAG; it is not for me to respond formally.

Senator BIRMINGHAM—I understand that. Even in an informal way, will you respond to the recommendations that are relevant to your department?

Senator Wong—Probably the best way to look at it is that we will consider the various recommendations and consider what changes or improvements we could make as a result of some of the issues raised in those.

Senator BIRMINGHAM—Thanks, Minister.

CHAIR—Are there further questions for the NWC before we bring in the department?

Senator SIEWERT—It is obviously around the report as well. I have other questions, but I have a specific question around Western Australia. In the area around legislative reforms, you say they have largely been dealt with except in WA. What are the things that WA still has to do?

Mr Matthews—The key issue for Western Australia is the legislation, which has not yet been through its parliament. In fact, it is in the sad situation that, under what we understand to be the presently planned timetable, getting the new revised Western Australian water legislation through the WA parliament will not happen until the end of the 10-year life of the original end of NWI. So the NWI we signed five years ago has another five years to run, and by the time the legislation is finally implemented in Western Australia, the 10-year program will be over. So that is serious. To be fair to Western Australia, they are not doing nothing; they are trying to adapt a lot of their activities within the context of their present legislation. But you asked what the central issue is for Western Australia, and that is it.

Senator SIEWERT—Has anybody held discussions with Western Australia around the reasoning behind the delay in introducing the legislation?

Mr Matthews—Yes, we have, but that is quintessentially a political judgement that the Western Australian government has to make and we respect their prerogative.

Senator SIEWERT—In terms of the comments that you have made about the basin plan, in findings 1.13 you make comment about being a ‘disappointingly slow start’ and the concerns about effective community consultation. My question relates from that back to the comments that we have been talking about—water plans and the fact that even those plans that are in place, and I think you say it is ‘40 percent of those that are in place, progress implementing them has been inadequate’. I am concerned about this. If, under existing planning processes, we are having trouble getting them in place in the first place and then, once we have them in place, actually getting them implemented is another issue, how can we learn from that in terms of the basin plan and make sure the basin plan when it is in place is effective and implemented and does not suffer from the same fate?

Mr Matthews—Can I take the opportunity to correct from our point of view an impression about what the commission have said about our disappointment with the MDBA. We have not said that we were disappointed with slow progress with the plan. We have said that we were disappointed with the slow start—

Senator SIEWERT—The slow start. Sorry—I do have that in front of me and I apologise if I paraphrased it.

Mr Matthews—which was to do with the appointment of authority members. I know that some governments and Minister Wong shared that frustration at the time. We were not criticising the slow start to the planning process. Your question, though, goes to: what about

the plan? We think there is a good framework and in fact a historic opportunity in the Murray-Darling Basin with this plan to do things that have been long overdue and which the commission has been calling for for a long time. We are not critical of the planning process. We do think that there are very high expectations on the plan. There are possibly unrealistic expectations on the plan. All sorts of things that have been difficult to solve for many years are now being collected up and assumed to be solved in the plan, but there is no evidence yet that that has not happened. What will stop the plan from suffering the same fate of some of the water-sharing plans? Now there are resources and there are legislative powers that just were not there before. The reforms have been a better set of reforms to make progress in things that have been stuck for a long time. We certainly are not saying that the Murray-Darling Basin Plan is a problem. We are saying there is a big challenge ahead of the Murray-Darling Basin Authority, and I think they would say that too.

Senator SIEWERT—I did not mean to imply that you were criticising the basin plan, but I noted that there was a slow start. I have two follow-up questions from there. One is about the plans that have not been implemented. On the record, one of my criticisms of the basin planning process is the fact that we have to delay commencement in some states while their water-sharing plans, instead of being updated now, have to be terminated. The previous termination date was 2014 for New South Wales and 2019 for Victoria. Some of those plans will not have been implemented effectively, so we are delaying the start of the basin plan in some of those areas until plans that in fact are not being implemented expire. In those instances where those plans are not being implemented, is there an argument for starting it when the implementation of the basin plan commences?

Mr Matthews—I think that might be a question better put to the authority itself. It was certainly a key issue in the intergovernmental negotiations that led to the intergovernmental agreement.

Senator SIEWERT—Yes.

Mr Matthews—I would have an opinion but it would only be an opinion, and the relevant opinion is the MDBA's.

Senator SIEWERT—I will take it up with the authority. I accept that it was in the agreement. I disagree with the agreement, but it was in the agreement. The point is that that was made presumably on the understanding that those plans were being implemented. It appears from your report—well, not just appears—that many of those plans were not being implemented.

Mr Matthews—Yes. The issue in particular that we focused on in the report was the completion of plans—that is, the number of plans that have been completed—as much as the implementation. Just to give you some background: the National Water Initiative led to a metaphorical handshake among all the governments. Each government then went about preparing an implementation plan for how they would implement their commitments. One of the commitments was to do a certain number of plans in a certain time frame. What we have highlighted is that many of that absolute number of plans have not actually been delivered on. Indeed, the minister reminds me that not all the plans we are talking about are in the MDB, which is very true.

Senator SIEWERT—I must admit that I do not actually have the report in front of me. I have left that in the office. Are you able to tell me—I should probably go and look in the report myself—how many of those plans that have not been commenced are actually in the MDBA?

Mr Matthews—I do not have that number to hand.

Senator SIEWERT—Okay. I will go and look at up. If I cannot find it, I will put a question to you on notice.

Mr Matthews—Fine.

Senator SIEWERT—In your comments to Senator Birmingham you said that most of the planning has not in fact dealt with the environment. I am paraphrasing here because I cannot put my finger on the actual comment. You were saying it has not dealt with the environment side of things. Sorry, I am doing this on the run.

Senator Wong—Are these the comments on environmental water?

Senator SIEWERT—Yes. I am just wondering how we deal with that, because there has been that commitment to start dealing with those issues. How do we better address that?

Senator Wong—Are you talking about comments in the report?

Senator SIEWERT—Here they are. The comments you make here are that they still tend to hang on to the hydrology rather than to the ecological issues. You touched on that in your previous answer. Has that been an ongoing concern? We have had the sustainable yields projects done by CSIRO. We had a very focused effort on that. I believe that that is a very good project. We have not had the same level of focused attention on ecological issues. Should we be doing that? I know there is some effort being made, but it is not the same effort that was put into the sustainable yields project.

Mr Matthews—The commission takes a pretty strong position on this, and that is that plans do need to deal with all of hydrology, ecology and social or societal implications. We argue, and we have evidence for it, that many plans—and I am afraid you have to be a bit by a large about this; this is a slight generalisation—do not deal sufficiently with the ecological side of things. They are much more comfortable in the traditional hydrology: where the water is and what the sharing arrangements. But to have an effective plan there really needs to be clarity about what the environmental objectives are and what outcomes you are seeking. For example, having identified an asset or an ecological system you are after, what level do you want it to be tended to; how green should the forest be. Then we argue that there needs to be much more effective monitoring and reporting on that and an adaptively managing to respond to failure or inadequate environmental outcomes. So, if I have understood your question correctly—is there sufficient emphasis on environmental issues in water plans—our argument is, no, there is not, and that does need to be fixed.

Senator SIEWERT—Thank you. I have other questions but I will put them on notice because I know we are tight for time.

Senator XENOPHON—Further to the questions of Senator Siewert, in a South Australian context with respect to projects in South Australia—in particular, the Lower Lakes and Coorong—can you tell us what was the commission's assessment of those plans and in

particular the level of progress on the part of the South Australian government? Also, what was your assessment of the cooperation between the South Australian government and the Commonwealth?

Mr Matthews—I would have to take the first two notice. On the third question on the South Australian government, the South Australian government collaborated very well with the work that we had to put into this. This has been a 12-month project. We have consulted with every government, including the South Australian government, three times on the way through. They put in a good submission. We have no complaints about their contribution to the review. It gives them some good marks and some not so good marks, but that that is the same in every state. My answer to your third question is that they have contributed well.

Senator XENOPHON—Is it your view that, in terms of the ecology of the Lower Lakes and Coorong, it is as critical as other stressed parts of the system and perhaps even more critical, given the size of the problem in terms of the Lower Lakes?

Mr Matthews—The commission has identified the Coorong as an example that elicits the usual public response—that it is a terribly important environmental icon.

Senator XENOPHON—And the Lower Lakes?

Mr Matthews—And the Lower Lakes, indeed. It is a classic example of where water planning and the provision of water needs to be as effective as possible to make that happen. It is certainly a high national priority.

Senator XENOPHON—Thank you. Do you consider that the Commonwealth has sufficient legislative powers to deal with cases where the states have been dragging their feet in terms of water reform?

Mr Matthews—That is really a legal and indeed a constitutional question that I am not equipped to answer. I can say this, though. The National Water Initiative is still the best set of intergovernmental arrangements that we can see. We certainly would be slow to suggest that the National Water Initiative be put aside for some other approach.

Senator XENOPHON—I am not suggesting that, but the pace of reform has not been as fast as you would like it and as others would like it. Would that be a fair assessment?

Mr Matthews—That is certainly our assessment.

Senator XENOPHON—Can I ask just one final question in relation to the regulation of water brokers. As I understand it, there was a report in July 2007 prepared by Allen Consulting Group on behalf of the commission on the issue of water broking.

Mr Matthews—That is correct.

Senator XENOPHON—Where the assessment was that:

Minimal or no regulatory intervention was necessary for the water brokerage industry.

Is that still the position that the commission holds?

Mr Matthews—We have a slightly more subtle position. It is this: it is really important to keep confidence in the water market. A lot has been done recently, in particular by the ACCC, to try to build that and sustain that confidence in the market. We think that we need to keep monitoring whether there are problems with intermediaries—with water brokers. So far we

have not seen insufficient evidence to recommend a change. The important public administration principle is that it is bad practice to introduce a sectoral-specific regulatory regime where there are generally available regulatory measures. It is not that water is completely unregulated. All of the Trade Practices Act provisions and all of the state fair trading legislation applies to water and so far, we think, has been adequate. So generally available provisions should be the default position, and we recommend that there should be a water-specific regulatory regime only if there is sufficient evidence to warrant that.

Senator XENOPHON—Supplementary to that and finally, the national water broking company, Waterfind, has its own code of conduct, and that specifies the use of trust accounts to conduct all trading activities; brokers must retain professional indemnity insurance; and brokers are precluded from buying and selling water for profit on their own behalf. That does not seem to be required under the current regulatory environment in terms of the various states. Do you think those sorts of minimum standards would be desirable in the context of water trading?

Mr Matthews—I think my answer is the same. Yes, it is true that brokers can at this stage, in all states I think, trade on their own behalf. That is different from the situation in some other sectors. But so far there has not been a significant lapse click okay click okay press okay in the integrity of the market. Until that happens I think the first best thing to do is just to keep an eye on it. We think we will be doing that. In fact, we have some work in hand keeping an eye on things. And the ACCC will be doing it.

Senator XENOPHON—The potential is there, though, isn't it?

Mr Matthews—We do need to watch it.

Senator XENOPHON—Thank you.

Senator LUDLAM—How long are we going to run this session for?

CHAIR—We do need to have the department in and then the authority, so I would suggest five minutes.

Senator LUDLAM—I will be quick. Thanks very much for the report. It has been interesting and really helpful. I will carry on where the other senators have left off and ask you a couple of questions about the integration of the minerals and related industries into the NWI. You have made some reasonably strong comments there. There was not a recommendation affixed to the finding regarding bringing the minerals and related industries into the initiative, so can you tell us—

Senator WONG—Sorry, there was not a recommendation regarding—

Senator LUDLAM—I do not think there was a specific recommendation attached to the comments you have made about bringing the mining industry and related industries into this framework.

Senator WONG—Into which framework? The NWI?

Senator LUDLAM—Yes. I am just wondering if you could give us some guidance on how you see that happening because obviously that is not going to be an easy process.

Mr Matthews—What the commission has said is that when the NWI was signed, it was recognised that there might be special circumstances that required mining water requirements to be handled differently from irrigation or urban or environmental water entitlements. I think that was exemption clause 34. What we have said in this biannual report is that it is now time to bring the mining industry into the mainstream, bring them into the fold and have them treated like other potential water users so that they are involved in planning and can participate in planning and can participate in trading, as indeed they can in most states now, like anyone else. If our recommendation were accepted they would get the opportunity to participate as others do, but they would also inherit the same obligations that others do. And I am reminded that, yes, we did make a recommendation to that effect and it is 6.6.

Senator LUDLAM—Thank you very much. I have two case studies that I want to put to you of projects or proposed projects that are afoot right now that would be very helpfully guided by some of the principles you are outlining there. The first is the Roxby Downs uranium mine in South Australia, which operates under its own indenture act under state law in SA. I think their full extraction entitlement is up to 42 megalitres a day for free. How would you propose the sort of framework you are proposing here when entitlements have been granted for that particular operation which have been granted under South Australia law. What would be the proposal for bringing them into the fold, because that extraction obviously was granted well before any of these planning processes got under way for the Great Artesian Basin?

Mr Matthews—The general approach that would apply there or anywhere else would be when a plan ends, and it is reviewed and renewed, that is the opportunity to bring the mining sector in. I could not speculate on what might happen to Roxby Downs, but the general principle is that it is important that the security and certainty of current entitlement holders be preserved and that should not be eroded by unilaterally providing a special concession for any operations. It would need to be at the end of the planning process, at the point of renewal of a plan.

Senator LUDLAM—In terms of an operation like Roxby though, they do not have a water allocation plan in the same way as a farmer might have purchased certain kinds of water entitlements in a given basin. They have just been given that water to extract and they are proposing quite a substantial expansion of that. I am still wondering how and when these two processes are going to meet up in the middle. What would your proposition be?

Mr Matthews—I was answering in the generality. In the specifics, it is well-known that what Roxby Downs are exploring at the moment is the idea of supplementing their water, as they need, for the next phase of the project from a desalination plant. They would need to get an entitlement to that water from the desalination plant, which would not be a problem because it is creating new water.

Senator LUDLAM—It is outside the basin, yes.

Mr Matthews—That is probably responsible because it would be a bit hard to make a case for the additional water from the Great Artesian Basin. I do not think that could be done.

Senator LUDLAM—It would be easier to make the case for a substantial reduction in the draw that they are already placing on the basin. The second case study I wanted to raise

briefly with you is an issue that obviously has a lot of currency, which is coalmining in the northern Gunnedah Basin in northern New South Wales and the southern Surat Basin in Queensland, where a number of coalmining interests are proposing either quite substantial extractions of groundwater or surface water for coalmining or, alternately, are proposing to dump some of that contaminated water back into groundwater flows. Where we have state environmental impact processes already afoot in some cases, I am wondering whether there is anything here that, again, would not necessarily cut across those processes, but at least harmonise them before these licences are granted that we are going to look back on perhaps with a degree of regret.

Mr Matthews—There is a project to look at mining operations in that area that you might wish to raise with the department. What I can talk about is a separate project that the National Water Commission is dealing with, not related to the area but which we hope will produce some general national instruments and tools and methodologies for how we should go about mining and, in particular, how we should go about the cumulative impacts of mining. If there is one mine in a region that might have a certain pattern of effects, but every time an additional mine comes up we need to have a better way of taking those cumulative impacts into account. To be fair to the states, most state legislation does acknowledge the possibility of cumulative impacts, but it is not clear how they can be well addressed and we hope through our project to be able to produce something, some tools and methodologies, that might give it a bit of structure and rigour.

Senator Wong—It is a \$2 million project that we announced at the beginning of this year.

Senator LUDLAM—For that specific region, or right across the board?

Senator Wong—No, there is a separate set of funding for the region, which is a departmental program. This is a program the government has funded through the commission. It is part of the Raising National Water Standards program, which was funded at the beginning of this year. But as Mr Matthews said, it is not regionally specific, although my recollection is that the commission, or whoever is running the program, was looking at some particular areas. There are four case study regions: Hunter, the Pilbara, Charters Towers and SA.

Senator LUDLAM—What was the second one, sorry?

Mr Matthews—The Hunter Valley in New South Wales, the Pilbara in Western Australia, Charters Towers in Queensland and the Eromanga Basin in South Australia.

Senator LUDLAM—Thanks. I will chase those because I realise we are short of time and so I do not want to dwell, but the tools that you are proposing or that you are in the process of developing, are they likely to be deployed in time to be of any help in sorting out the kind of collision of water interests that is occurring in northern New South Wales and southern Queensland right now?

Senator Wong—I suppose that depends on what happens with them. This is a cross-jurisdictional issue. You are aware that we do not licence the operation of mines. What the Commonwealth is seeking to do through this project is, as Mr Matthews said, to improve the planning and management tools.

Senator LUDLAM—Well those tools are urgently required. I am just trying to get a sense of when they are ready to roll out.

Senator Wong—Not much work was done on this area before we came into government. We have funded this project. We have additional funding available specifically for the Namoi, which we can talk to you about when the department is in place. But we do not licence mining.

Senator LUDLAM—No, I am aware of that. There has been a great deal of standing back and people saying, ‘We’re not responsible’, and so it has fallen through the cracks.

Senator Wong—No, it is not. That is your interpretation. It is which governments are which responsible for which bits. What we are seeking to do is to improve the understanding and therefore planning and management of this area. It may well be this should have been done previously, but we are putting funding into this area to improve the tools to enable it to be managed.

Senator LUDLAM—Just to conclude then, without reference to any specific project or case study, when are we likely to see those tools or instruments that you are talking about actually in the field?

Mr Matthews—I will just get some advice.

Senator LUDLAM—Can you also give us a brief description or table something about what you specifically mean?

Mr Matthews—The project is a two-year project. We are about halfway through it. So the earliest we could expect to see those results would be mid to late next year, I would think.

Senator LUDLAM—Are you in a position to provide us a broad description of what those tools are?

Mr Matthews—It would only be a very broad description. Conceptually what it is is a more structured way of identifying what those direct impacts of water and mining might be. There are, I guess, four of them: impacts on water quantity; impacts on water quality; impacts on surface water and ground water connectivity; and impacts on geomorphology—that is, the structure of surface or ground land form, geological land form. But what really counts is not those immediate, direct impacts; it is the indirect impacts of that: the impacts of those four things on society, on the economy and on the environment. So this sets out an orderly way of going through those indirect impacts, trying to quantify them, trying to rank them, trying to give a report on which are the more important of them. It is possible, though it has not yet been decided, that the project might also yield a checklist of things for proponents to look for so that, for example, in one of the areas I was talking about a direct impact might be surface water, ground water connectivity, and there might be a whole series of parameters or characteristics or issues to look for which could be checked off as being relevant or not relevant in a particular case. So a tool in that sense is a helpful thing to a proponent about what to look for as you plan a project and in particular what to look for as you plan a cumulative series of projects for their interactions with each other.

Senator LUDLAM—Thank you. That has been really helpful. How do we refer to that package of tools? What is the program called, for future reference?

Mr Matthews—It has a forbidding, bureaucratic-sounding name, which I cannot find immediately.

Senator Wong—Whilst Mr Matthews is looking for that or the gentleman behind me, who knows more about this than either of us, tells us, can I indicate that I think I said the decision to fund was January 2009. Actually it was January 2008.

Senator LUDLAM—Thank you. I know I am pushing my luck now. I am just waiting for the name.

Senator IAN MACDONALD—While we are waiting, CSIRO did a report into Northern Australian sustainable yields in water. The Parliamentary Secretary for Water seemed to release it. Otherwise I would have thought it would have been a question to put to CSIRO, which would be the Science portfolio. Does anyone here know about that? Why I ask while there is a pause is that, if there is no-one here that I can ask about it, I will go home, but if there is somebody here, I will wait my turn.

Senator Wong—There may be someone in the department who could assist on the fact of the report. We funded it from recollection but, as you said, it was done by the CSIRO.

Dr Wright—The funding source is the department, Senator.

Senator IAN MACDONALD—Okay. I will wait. Thank you.

Dr Wright—You were hoping you could go home.

Senator IAN MACDONALD—I was hoping you would say no.

Senator Wong—Would you like me to say no and then you can go home? If I were you, I would go home. You can put it on notice.

Mr Matthews—The funding source was the National Water Commission, just to be strict about it. It was certainly the portfolio, but we do not have the people who know the content of the report. We certainly have people who jockeyed it through, but we do not have people who can talk about the content of it.

Senator Wong—Apparently the funding is from NWC and the department managed the project. If you want to ask Mr Matthews about the funding, you can.

CHAIR—Did you hear that, Senator Macdonald? It was actually funded by the NWC.

Senator Wong—It was funded by the NWC but managed by my department.

CHAIR—Can we just finish with Senator Ludlam's query.

Senator LUDLAM—I am waiting for the acronym.

Mr Matthews—I have found it. I am slow to deliver, but I do deliver. It is available on our website and the title is: Potential Local and Cumulative Effects of Mining on Groundwater Resources.

Senator Wong—Which is referred to in the advice in front of you as 'the project'.

Senator LUDLAM—I will go back to the *Hansard*. That is how it will be henceforth known. That is not intended to be binding, is it? That is a set of guidelines for people to benchmark against?

Mr Matthews—Yes. That is right. It is methodology to help all jurisdictions, we hope.

Senator LUDLAM—Thanks very much. I appreciate it.

Senator IAN MACDONALD—Could I ask in this area, if it is appropriate, Madam Chair—

CHAIR—We are mindful of the time.

Senator IAN MACDONALD—I could also ask it in the next section. What was the cost of the Northern Australia Sustainable Yields study, Mr Matthews? I really was not aware of your involvement, but it is good that you were involved.

Ms Olsson—It was a \$6 million study.

Senator IAN MACDONALD—It has taken—what?—four years to complete?

Ms Olsson—No. It has taken a year to complete.

Senator Wong—You may be conflating it with the previous sustainable yields study, which was in the Murray-Darling Basin.

Senator IAN MACDONALD—Perhaps I am.

Senator Wong—It was then extended by the government to a range of areas, from memory. Ms Olsson may be able to correct me. I thought it was extended to WA, Tasmania and Northern Australia.

Ms Olsson—That is correct.

Senator Wong—You are nodding, so I think I got that right.

Senator IAN MACDONALD—I am definitely talking about the CSIRO Northern Australia Sustainable Yields study. We are all talking about that? Good. Was there new research done or was it just a desktop study to collect existing research?

Ms Olsson—There was no new on-ground research done for it.

Senator IAN MACDONALD—Where did it draw its data from? Do you know?

Ms Olsson—It would have drawn its data from all available sources, including state agencies and the other resources available to the CSIRO.

Senator IAN MACDONALD—Dr Mike Kelly—who I understand is your parliamentary secretary, Minister—issued a press release in which in seven dot points he highlighted what a normal reader would think were negatives from the report. The first one read:

- Despite popular perceptions that northern Australia has a surplus of water, the climate is extremely seasonal and the landscape may be described as annually water-limited;

He went on to report:

- Northern Australia has little or no rain for three to six months every year, and potential evapotranspiration rates are very high;

You do not need CSIRO to tell anyone that. It was so on for every one of his dot points. On some of them even a layman could argue with the comments he made. What do you do with that report from here, as you have commissioned it?

Ms Olsson—As a commission, we really funded that report to provide a factual information base, bringing together the research that has been done to date to help inform through the work in the north. We will not necessarily be taking it forward ourselves, except as input to our future assessments and considerations. But it is available to state agencies. It is available to the Northern Australia Land and Water Taskforce. Generally it inputs into the information base for decision making in the north.

Senator IAN MACDONALD—I and many other people, including the Office of Northern Australia—as I understand—do not really think that the research adds anything that we did not already know. The summaries of it issued by Dr Kelly seem to emphasise a negative, glass-half-empty approach and one might even say a green agenda bias. Do you know if there are any plans to commission another study on water opportunities for Northern Australia?

Ms Olsson—I believe that may be part of the Northern Australia Land and Water Taskforce work, which is yet to report.

Senator IAN MACDONALD—You think they might be going to commission another study?

Ms Olsson—They are not commissioning another study, as such, but I believe that their report takes a broader look at land and water across the north. This report was done on the same model as the sustainable yields work being done in the Murray-Darling Basin, the south-west of Western Australia and Tasmania, which gives us consistent scientific methodology and assessment of water availability.

Senator IAN MACDONALD—Except that even the report itself, from CSIRO, acknowledges that there was a paucity of data—

Senator HEFFERNAN—It is crap. A lot of the measurement stations have been washed away; they no longer exist. It is old data. No-one left the office; Dr Cresswell said that no-one went into the field. It is old data. Except for a bit on the Douglas-Daly. It is absolute crap.

Senator IAN MACDONALD—That is what I wanted to say, but I was being more polite and circumspect in my language. Perhaps it would have saved time if I—

Senator HEFFERNAN—You know, Minister, that this is old data. We do not have the measurement stations. I applaud the northern task force, and I applaud the government for continuing it. Senator Macdonald and I are fans of that. There are mosaic opportunities up there. There are umpteen opportunities. You have got people out there who are no-can-do people. This is just assembling old data on one database.

Senator Wong—People may have different views about what economic opportunities exist in the northern part of Australia, and I am quite familiar with yours, Senator Heffernan. The government's view was that it was important, in considering that—just as it is across the basin and in Western Australia and in Tasmania—to try to improve the data set of water information to which governments are working.

Senator HEFFERNAN—I agree with you.

Senator Wong—It is true that there may be areas where you could imagine that you would want better data than we have got. But this is certainly a significant improvement in terms of getting some nationally consistent information across a large part of Australia.

Senator IAN MACDONALD—Minister, your parliamentary secretary, in releasing the report—

Senator Wong—You are reading off the report?

Senator IAN MACDONALD—No, I am reading off the media release, which I think has just been handed to you. He is your parliamentary secretary, and the media releases—to most observers, including some of those involved—are fairly negative; they highlight the negatives and forget any positives. Is the parliamentary secretary following your agenda, or the government's agenda, in this very negative view of what could have been a useful study? In fact, when you read it, the report contains a lot of very useful information not highlighted in this media release.

Senator Wong—The agenda I have is to do what we can to ensure that any decisions, whether in the Murray-Darling or in Northern Australia, are made with a knowledge of what the current and likely future water availability is. That is the agenda; it is not some sort of secret plan.

Senator IAN MACDONALD—No, that is not the question.

Senator Wong—You suggested that Dr Kelly is implementing my agenda or something.

Senator IAN MACDONALD—No, I am asking you.

Senator Wong—I have answered that question. I think if you read his press release then you will see that Dr Kelly makes the point that this report can be used by state and territory governments to ensure that any development proceeds in an ecologically, culturally and economically sustainable manner. CSIRO is a reasonably well-respected organisation—

Senator HEFFERNAN—Which did a desktop study.

Senator Wong—Let me finish. I am happy to take questions from you, Senator Heffernan, but can I deal with this first? I do not think anyone would suggest that CSIRO has a particular agenda. It is their report, and—

Senator IAN MACDONALD—Minister, with respect, time is running short. Can we go back to the question I asked you? I am not talking about the CSIRO; I am saying that your parliamentary secretary has taken seven dot points, all of which are negative, to publish this report.

I might say, with respect, that many of those who worked on the report were a bit unhappy about your parliamentary secretary's statement, which then got some media attention. He could have easily put seven dot points in that were pretty positive. I understand from my skimming of the report that there was plenty in the report to be positive about. I go back to my question, which you have answered. Obviously, you have not seen this before tonight, and I do not blame you. I was asking whether your parliamentary secretary is running the line that there are no prospects there. Or is this just some frolic of his own?

Senator Wong—On the imputation about the line, the government line on this study—I am only going to comment on this; we can have a discussion about Northern Australia but the taskforce is not in this portfolio—was to seek to ensure that we improved the scientific information about water resources, water availability and projected water availability so that

decisions by governments could be made having regard to that scientific information. Whether you are from the green or brown side, don't you think that is a good thing to do?

Senator IAN MACDONALD—I accept all that and I agree with you, but that was not my question. Your parliamentary secretary has issued this report which in the broad is negative. I am asking you were those your thoughts or the government's thoughts? You have indicated to me they are not.

Senator Wong—I am disputing your construction. He has released a report prepared by CSIRO, which is a respected scientific institution. It is CSIRO's report. You are imputing a whole range of agendas associated with the release of a report and I am explaining that the government has extended the sustainable yields study for the reasons I have outlined.

Senator IAN MACDONALD—I accept all that and I am appreciative of it. But the media release highlighting what you could only say were negatives is what I am talking about.

Senator Wong—That is your construction.

CHAIR—We need to move on.

Senator IAN MACDONALD—I will finish there.

Senator HEFFERNAN—The work needed to be done. Cape York Peninsula is 17½ million hectares and we have seen in recent days a political decision to lock up all the rivers. Noel Pearson and Indigenous people have been told to go to hell with future development. All of that needs to be sorted and it is not. There was a driving and dying need to get all the data that was available onto one database. That is what this report did. But what it did not do is sell it in a way that was honest, because the only new work that went into the data was some work on the Douglas-Daly. The rest of it was old data which they did not leave the office to get, but there was some use in gathering it up because we now know there are plenty of holes in the system.

Senator Wong—Correct.

Senator HEFFERNAN—But what Senator Macdonald refers to is that, whoever wrote that press release in the department, it gave blokes like Tim Flannery the chance to go out there and say: 'The north is dead. The 7,000 kids who have not got a high school to go to in the Northern Territory can get their photo taken with a spear. That is about the only opportunity we want for the Indigenous people in the north.' There are umpteen mosaic opportunities, like the conjunction of the Margaret River and the Fitzroy River. There is a fantastic opportunity there. There is much more potential in a whole range of areas. I had a yarn with Dr Cresswell and he said it was like the Condamine-Balonne thing with Tom Hatton. He was given this very brief, narrow scale—go and look at the material that is available and make some guesses about the future flow and try and justify what is happening on the Condamine. It is a disgrace.

Senator Wong—Perhaps the disgrace is that we have got to this point and we have had limited, insufficient and incomplete data on water. People might argue that we should be doing it differently, but there is no doubt that what we are trying to do is improve the national water dataset, for want of a better term.

Senator HEFFERNAN—I apologise if I got a bit passionate, and particularly with Adam; they are given a task with limited resources and do not leave the office. Anyhow, there is a lot of work to be done. There is a lot of potential there. The global food task is going to have to be met. Please do not lock up Cape York Peninsula.

CHAIR—Thank you, Senator Heffernan. I understand that is the conclusion of questions on the National Water Commission. Thank you very much, Mr Matthews and officers, for appearing tonight.

[10.19 pm]

Murray-Darling Basin Authority

CHAIR—In the remaining 41 minutes we will deal with the department and the Murray-Darling Basin Authority. I understand there are seven senators with questions.

Senator FIELDING—I would like to ask some questions about the Commonwealth water buyback scheme. It was reported in the *Sunraysia Daily* on 13 October 2009 that there are many irrigators who have had their offer to sell back their water to the government accepted but are still waiting on the Commonwealth to issue contracts so they can receive their payments or progress it further. Some of these payments go back as far as February. Are you able to explain why the department is dragging its feet on these things? It is a very big concern and a big issue for these people.

Senator Wong—I will ask Dr Horne, after I make some brief comments, to give you a little more information. There have been a number of factors which have delayed the processing of purchases by the Commonwealth. One set of those factors includes the various actions or issues in state jurisdictions. I cannot remember whether you asked me a question about this in the Senate or if it was someone else, but the New South Wales government placed an embargo on Commonwealth purchases for four months. Obviously, that meant in that state, notwithstanding whatever arrangements the Commonwealth may or may not have entered into with individual farmers, there were lengthy delays and a considerable backlog of trades which the Commonwealth had. You may recall, Senator, that we, by negotiation, did get the New South Wales government to agree to remove that embargo but, unfortunately, we had a situation for four months where that was in place.

You are probably also aware from your home state, Senator Fielding, that the four per cent cap—which we could traverse for some time—is in place and was hit. I think we have heard evidence in this place about the four per cent limit being reached in Victoria in relation to purchases. There was subsequently an arrangement entered into by the Commonwealth, which involved a ballot system, and I should probably get someone who is more technically qualified than I to explain that. In South Australia, for example, there was a couple of months suspension of trade approvals while there were arrangements put in place to implement water entitlements unbundling. These are some of the factors which, regrettably, have influenced the time frame around some contracts or some agreements being finalised. Dr Horne may be able to provide you with a bit more detail.

Senator FIELDING—Before going into any more detail, can I just confirm that these numbers are roughly right: the buyback has secured around 500,000 megalitres from over 1,066 individual trades. Is that roughly right?

Senator Wong—Is this across the basin?

Senator FIELDING—It is for that region.

Senator Wong—I do not have them for that region.

Dr Horne—Which particular region are we talking about, Senator?

Senator FIELDING—It is what was reported in the *Sunraysia Daily*. You would probably have that.

Senator Wong—While someone is looking for it, according to the public announcements we made, and we generally make them each month, from memory, as at the end of last month we had secured a purchase of 612 gicalitres, not megalitres—so it is billions of litres—at a cost of \$947 million.

Senator FIELDING—How many irrigators have been have paid for their water out of this water buyback scheme and how many are still waiting? Are they all waiting? I just want to get a feeling for that because there is very big concern here. I will come to some of the concerns you have raised about why there have been delays in a second but I want to get a handle on the size of the problem.

Senator Wong—What was the question?

Senator FIELDING—The question was: how many irrigators have been paid for their water and how many are still waiting?

Ms Kruk—Did you also want us to pursue what the purchase was in the Sunraysia region?

Senator FIELDING—Correct, for the whole lot and the Sunraysia region.

Senator Wong—We might have to take that on notice. I do not recall getting information about numbers. The information that we put out publicly and that we focus on is the gicalitre.

Senator FIELDING—I suppose I am not just after what is public. You must have information on how many irrigators have applied and how many have been—

Senator Wong—Could we take that on notice?

Senator FIELDING—Because quite a few have been accepted.

Senator Wong—Yes. And could you just be clear with me: is that across—

Senator FIELDING—I actually want both.

Senator Wong—I will take that on notice and consider whether we want to go through the process of identifying how many irrigators across the entire Murray-Darling—

Senator FIELDING—Not their names, but their numbers.

Senator Wong—If I can finish, Senator—how many irrigators across the Murray-Darling Basin we have had contracts with. Do you have a particular region which is of interest to you?

Senator FIELDING—I was trying to get a perspective across the Sunraysia region but I also wanted the total so I could get an understanding of the proportion.

Senator Wong—Sunraysia?

Senator FIELDING—Yes. Actually both of those: the total but also just for Sunraysia—those that have been paid and how many have been accepted but are still waiting for contracts. This is an important step, because people have been told they have been accepted but they are still waiting for contracts. I will go through the reasons for the delays that you put forward in a second. The reason I want the numbers is this, Minister: did one of your staff seek a list of irrigators affected by the water buyback delays? What was reported in the paper was that one of your staff sought a list of irrigators affected by the water buyback delays.

Senator Wong—I am not sure which list you are referring to.

Senator FIELDING—I am trying to work it out myself.

Senator Wong—You say ‘the list’. I do not know which list you are talking about.

CHAIR—Do you want to provide that to the minister to read?

Senator FIELDING—Yes, I can.

Senator Wong—Is this out of the *Sunraysia Daily*?

Senator FIELDING—Yes, it is. I think you have probably seen it.

Senator Wong—I do not know if you have noticed, but there is quite a lot of print copy that I have to read these days. I do not carry it all in my head. I was not aware of this, but I have just been advised that a member of my staff spoke to the *Sunraysia Daily* in relation to an earlier article in which some concerns were raised about irrigators being affected. The offer, as I am advised, was made that if we were provided with a list of people who had concerns we would then ask the department to see what could be done and find out the reasons for delay and so forth.

Senator FIELDING—How many were on the list? I do not want to know their names, but do you know how many it was?

Senator Wong—I would have to take that on notice.

CHAIR—Senator Fielding, we need to move on.

Senator Wong—I am advised that no list was in fact provided.

Senator FIELDING—That article mentions factors beyond your control—for example, in New South Wales and the Victorian issues. In fact, is it the case that a number of those contracts would not have been delayed because they would have fallen under the four per cent cap in Victoria anyway? In other words, I do not understand why you would delay stuff when some of them would have fallen underneath that four per cent.

Dr Horne—The Victorian case, as you well know, has been quite a complex one and the government has had to discuss with Victoria how much water could be purchased out of Victoria. So there are two sorts of areas where the government is able to purchase water out of Victoria. Some of them are in districts where you can take four per cent out. Those districts filled up very quickly, in the early months of the last financial year.

Senator FIELDING—And have they been paid?

Dr Horne—No. We were not buying water then. Other people put offers into the ring. We said we were interested in pursuing this offer but we would need to pursue it outside of the

four per cent. Because the four per cent pile was already full we would have to go outside the four per cent. That then fell into a ballot which took place in July and August this year. Some of it is still taking place. I can give further detail in a minute, but it took place in July, August and September. In some cases those areas which we were looking at being able to purchase through exclusions were not available because the Victorians came back and said that they would not exclude those. So those ones go back into the pile for purchasing potentially under the four per cent rule next year. Some of them were able to be purchased this year, but some of them were actually next year—a year later. Because of the restrictions of the four per cent rule, which was, as you know, a restriction on everybody—we just go into the ballot like everybody else; we do not get any preference—we can purchase either within that four per cent area or outside where the Victorian government lets us. Inevitably, through this process, there are going to be people who get caught up and are going to have to wait a long time. Even though we might want to buy their water, they might have to wait for two years. It is completely beyond our control.

Senator FIELDING—Let us face it: this is turning into a debacle, seriously. I understand you can blame other parties here, but I do not think expectations have been set upfront. You folks are the experts. You knew the rules—they have changed since then but at the time—

Senator Wong—They have changed, come on. We are working—

Senator FIELDING—They were not told they were going to take this long. You would have known back then. If you are saying that, at that stage you had known.

Dr Horne—No. In fact, the agreement which the government struck with Victoria meant that each year we would be able to purchase 60 gigalitres over and above the four per cent rule, which is a massive increase in the amount of water which could be purchased.

Senator FIELDING—That is an upside. No-one is getting service here.

CHAIR—Senator Fielding, you have had a fair go. I am sorry, we are going to have to move on.

Senator Wong—I will try to be brief. I know other people have questions. The federal government has purchased 612 billion litres of water across the basin and we will continue to do that for a whole range of reasons. We are quite aware of some difficulties that, yes, I would like to resolve. Some of those are as a result of particular state government policies that we are also working to resolve. We have an agreement with Victoria to progressively remove the four per cent cap which enables those people who want to sell to us to do so. We have achieved agreement with the New South Wales government to remove their embargo. I would have preferred that neither of those two things was necessary but, in terms of implementing this policy, they were.

CHAIR—Senator Wortley has indicated she has got one quick question about Victoria, so we will go there, and then we will go to Senator Heffernan for four or five minutes.

Senator WORTLEY—Minister, can you please explain why the Victorian government is unable to transfer any irrigation efficiency savings to the Australian government for use in the Goulburn and Murray rivers, given that these savings are made with Commonwealth funds?

Senator Wong—You may have seen in the media that there has been a disallowance in the Victorian parliament, and that has a range of consequences both for the Victorian government and for the Commonwealth government funded project. Ms Nethercott-Watson might be the best person to explain very briefly the effect of the disallowance.

Ms Nethercott-Watson—The Victorian order in council was designed to secure the savings from the Goulburn Murray water bulk entitlement under the Water Act 1989 of Victoria. The order in schedule 3 of that bulk entitlement amendment provides for some modernisation water savings, including a reference to a project that the Commonwealth would invest in—stage 2. The disallowance of that order at this point means that we will not be able to receive any savings and transfer those to the Commonwealth environmental water holder. At the current point in time, however, we have not received the business case for the stage 2 Northern Victoria Irrigation Renewal Project. So it is hypothetical in the sense that we have not yet received the business case and received any investment for stage 2. The issue for early works is slightly separate, but stage 2 is hypothetical at this stage.

Senator Wong—It is a somewhat difficult situation. We have had an odd situation where members of the Liberal Party, the National Party and Greens have combined to block a mechanism to ensure that irrigation efficient savings can be managed in this context. They have combined to block a mechanism which ensures they can be transferred to the Commonwealth. I encourage those senators in the room—

Senator BIRMINGHAM—Savings that do not yet exist, Minister, because the Victorian government has not even yet provided you with a business plan for them.

Senator Wong—Be very careful, Senator, because this is exactly your policy. You are the ones who say we should invest in infrastructure and get the savings. This is the mechanism which will enable those savings to come to the Commonwealth under food bowl stage 2, which is the \$1 billion commitment from the federal government to this Victorian project. My suggestion is that, if the opposition and other parties are serious about their policy position, they would encourage their state counterparts to be a little more reasonable about a mechanism which is important to secure the savings for this project. You can try to dismiss it, Senator Birmingham, but you should be aware that, in relation to the early works funding proposal presented by the Victorian government, I have written to Minister Holding indicating that it is not possible for the Commonwealth to approve all of the funding requested by the government as a result of what has occurred in the Victorian upper house.

Senator XENOPHON—I will put a number of questions on notice but, in relation to the letter you wrote to the ACCC chairman on 30 September requesting a review of the water market and charging rules due to come into force on 31 December 2009, firstly, what prompted this request? These water market and charging rules give greater control and protection to the irrigators of their water asset. What amendments are you seeking? Finally, given these rules are due to come into force on 31 December 2009 but that you have requested that the ACCC report by March 2010, will implementation of these rules be suspended pending that review by the ACCC?

Senator Wong—I might ask Mr Slatyer and Ms Smith to provide some assistance. In relation to the last, my recollection is that we have indicated that the date on which they come into force will be January 2010. Mr Slatyer might be able to assist with the ACCC.

Mr Slatyer—Your question was about the review of the rules?

Senator XENOPHON—Yes, and the minister requested that the ACCC report back by March 2010 but the rules are due to come into force before then.

Senator Wong—Yes, my answer must, therefore, have been incorrect. I will have to correct that.

Senator XENOPHON—Yes.

Mr Slatyer—The minister asked the ACCC to provide advice, including draft amendments to the rules, by March 2010. The reason for that was to give the ACCC time for due consultation on those rules. The consequent starting date of the rules would then be a final decision for the minister after that consultation process has been gone through.

Senator XENOPHON—So that means that rules that were due to come into force on 31 December this year will be suspended, or will there be a hiatus until March 2010?

Mr Slatyer—There is a transition period currently that extends till 31 December, but there has been no decision as yet to a new termination date for that transition period.

Senator XENOPHON—But, given the minister's request that the ACCC report by March 2010, is it likely that there will be a further transition period until that time when the rules come into force?

Mr Slatyer—There will need to be a further transition period. We would be advising, through the ACCC, the minister on that issue.

Senator Wong—I will take it on notice because I do not think I have advice on the termination date as yet.

Senator XENOPHON—It is just that March 2010 is the date. I will put other questions on notice.

Senator Wong—We should answer that in a bit more detail. We will come back to you on that.

Senator XENOPHON—Thank you.

Senator BIRMINGHAM—Minister, is my recollection correct that you have told us time and time again that stage 1 of NVIRP, as it is now known, is what funds or provides the water for the north-south pipeline?

Senator Wong—I will be quite frank with you: I cannot recall what my answer has been on that. What I have said I think on a number of occasions is that stage 1 is not funded by the Commonwealth and that the involvement of the Commonwealth is the EPBC involvement, which I think you traversed earlier today.

Senator BIRMINGHAM—Indeed. Stage 2 is funded by the Commonwealth and none of the water savings from stage 2 are intended for the north-south pipeline; is that correct?

Dr Horne—That is correct. They are for irrigators and for the Commonwealth environmental water holder to the environment.

Senator BIRMINGHAM—Minister, in your response to the Victorian government that you indicated just before did you suggest that in the regulations they attempt to pass it would be wise for them not to couple together water savings from their own funded stage 1 and water savings from stage 2 that the federal government is proposing to fund?

Senator Wong—That is a decision for the Victorian government and for the Victorian parliament. I am simply making the observation that it would seem inconsistent that a party should argue that it is supportive of savings from infrastructure projects and then block in the state parliament—and I accept, Senator, that—

Senator BIRMINGHAM—No, Minister. It would seem inconsistent to me that you would sit in the pious position—

Senator Wong—Can I finish?

Senator BIRMINGHAM—No, you had a fair go before.

Senator Wong—I have not finished my answer.

Senator BIRMINGHAM—It would seem inconsistent to me that you would sit in the pious position—

Senator Wong—You asked me a question, Senator Birmingham.

Senator BIRMINGHAM—over a long period of time saying Commonwealth funding has nothing to do with the north-south pipeline—

Senator Wong—Senator Birmingham, you asked me a question. I have not finished my answer. It is not—

Senator BIRMINGHAM—Come on, Minister, why are you trying to tell the Victorian parliament how it should link together two different projects?

CHAIR—Let the minister answer.

Senator Wong—I was trying to say—and I accept that it is not your decision, Senator—that it would seem inconsistent that parties that espouse support for infrastructure projects and savings from those projects being returned to the environment would then vote in state parliaments to prevent mechanisms that enable those environmental savings to be dealt with.

I know you have a particular view about the north-south pipeline. It has been well traversed here. It certainly is a controversial issue in Victoria. I understand that. But it is not for the Commonwealth to be dictating precisely how state governments or parliaments deal with projects such as these. We have a particular role, which is the EPBC role, on the north-south pipeline and we have a particular interest on behalf of taxpayers in relation to stage 2.

Senator BIRMINGHAM—Minister, it is just a little bit too cute to come in here and suggest this. You understand full well that opposition parties, minor parties and parliaments cannot amend regulations. Regulations are decisions of government. The Victorian Labor government took the decision to link these projects, one which they have funded and one

which you have funded. You have said you cannot proceed with the funding on the Commonwealth one unless this regulation is passed.

Senator Wong—That is not what I said. I said ‘some’.

Senator BIRMINGHAM—How about if the regulation is split, Minister? Surely that would provide the same outcome. I am quite sure that a split regulation that dealt solely with the savings from stage 2 of the NVIRP would pass the Victorian parliament. Perhaps you should reconsider what you have put back to us tonight when you said, ‘It is all on the Greens, the Liberal Party and the National Party.’ Perhaps it is on the Victorian Labor government that they should be drafting their regulations in a different manner.

Senator Wong—You are clearly quite sensitive about this, Senator Birmingham, and I am not surprised.

Senator BIRMINGHAM—That is because you have had a clever little Dorothy Dix by Senator Wortley dumped on us at this time of night

Senator Wong—Labor senators have had very little airplay on this day. If you want to talk about being cute, Senator, and you want to open it up, you know what is cute? You telling people in South Australia one thing while your colleagues from the Liberal Party—

Senator BIRMINGHAM—Minister, let us not revisit this turf again.

Senator Wong—You brought this on. Your colleagues in the Liberal Party, such as Dr Stone, saying ‘flood the lakes’, such as Mr Cobb saying that they support—

Senator BIRMINGHAM—It is like *deja vu*, Minister.

Senator Wong—You know what is cute? What is cute is you coming in here and telling us about water reform and not having the spine to get a reasonable position up in your party room. When you can get a reasonable position in your party room, then you can come and talk to everybody and talk to the Australian people. But, right now, you say one thing downstream and another thing upstream. That is what is cute.

Senator BIRMINGHAM—The reason you are getting so tetchy tonight is because you would have been caught being too clever by half on this. You have tried to play politics with it yourself. You have tried to join the Victorian government, who have hardly assisted any of this water reform process. They stood in the way on water buybacks. They have been the most belligerent state when it comes to that. They have hardly assisted when it comes to water infrastructure. Why won’t you tell them to fix their regulations so that their regulations pass the parliament so this project can actually be progressed?

Senator Wong—I tell you what, Senator Birmingham, I will do you a deal. I can guarantee that I will continue to press for national water reform and reform in the Murray-Darling Basin Commission with the Victorian government just as I do with the New South Wales government and other basin states. Are you going to give us the same guarantee that you, as a Liberal senator concerned about water reform, will have a chat to the Victorian opposition about water reform? Have you done so? Because I can tell you, I do. I do talk to the basin states. This government does. That is how we achieved what we have achieved in the time to date. When was the last time you picked up the phone and told the Victorian opposition that maybe they should be a little more sensible when it comes to water reform?

Senator BIRMINGHAM—Minister, will you write further to the Victorian water minister and ask him to decouple these regulations to make it possible for the regulations relating to stage 2 INVIRP to actually pass the parliament?

Senator Wong—I have answered this question.

Senator BIRMINGHAM—Will you table the letter you have written to the Victorian minister?

Senator Wong—I will consider that.

CHAIR—We need to move on.

Senator HEFFERNAN—We are down to 500 gigalitres in the Goulburn River. What is the reviewed estimate of flow for the year? Have we got that, because it would be looking a bit more cheerful, wouldn't it?

Senator Wong—For the Goulburn River?

Senator HEFFERNAN—Yes. It has got a mean of 2,700 gigalitres.

Senator Wong—Is there anybody from the authority who is able to help us? Mr Dreverman is shaking his head. I thought you knew everything, Mr Dreverman. Usually Mr Dreverman tells us how much water we do not have.

Senator HEFFERNAN—What is interesting is the amount of water that has gone down through the Gippsland by way of flooding. It would be interesting to know how much that was. It is in a different rain shadow to the Goulburn River. The Goulburn River thing was a stupid decision. We cannot own that up to that politically, but it was dumb.

Senator Wong—Senator, I do not know what you want me to take on notice.

Senator HEFFERNAN—Take nothing on notice.

Senator Wong—Okay.

Senator HEFFERNAN—I want to deal with the Lachlan River, but, before that, in terms of the Toorale sale, was there due diligence taken into consideration on the area based licences, and how did you arrive at a valuation for the water in area based licences which notionally should have been cancelled 15 years ago?

Ms Harwood—My name is Mary Harwood, and I am the First Assistant Secretary—

Senator HEFFERNAN—Is the department running out of money? You no longer have your titles on your name plates.

Senator Wong—When we did, it was all too small, Senator, and everybody complained about it. For example, you would have 'Ms Kruk' with 'Secretary' underneath it, and you could not read it.

Senator HEFFERNAN—Righto. Away you go. Good on you, Mary.

Ms Harwood—We have already provided—in response to a question that I think arose one or two hearings ago—a full description of the valuation process we went through for the water licences at Toorale, with the different valuations we got and the way we approached assessing the value of those water licences.

Senator HEFFERNAN—I can see it from here; it was about \$350 a meg and six megs a hectare for pasture. But, in terms of the validity of the licence against the volumetric consideration of licences, how come these area licences are still tradeable instruments?

Ms Harwood—The licence is inseparable from the land in the Bowen-Darling because—

Senator HEFFERNAN—But when they issue the volumetric licences shouldn't they be cancelling the area licences?

Ms Harwood—It is really a matter for the New South Wales government in its future floodplain harvesting policy.

Senator HEFFERNAN—All right. It is just another New South Wales balls-up. Okay. Could I go to the Lachlan—and, Minister, you may have to guide me here. I have a statement which I would like to table, if I could, from some community leaders in the Lower Lachlan. Is that all right?

CHAIR—If you provide it, we will have a look, Senator Heffernan.

Senator Wong—It is from community 'leaders'?

Senator HEFFERNAN—It is from the likes of—

Senator Wong—No, no. I just didn't hear the word, Senator.

Senator HEFFERNAN—It is from some of the people affected. The original charter for the dam construction on the Wyangala Dam was that they would secure the supply of water for the Jemalong scheme and for the long-term sustainability of what is the terminal river, the Lachlan River. Like most of the systems through the course of history, they have mucked it up and now the Lower Lachlan is completely destroyed. The Lower Lachlan floodplain is a disgrace. I will not read it, but the fact is that they bought the wrong property when they thought they were buying the ibis rookery and they bought the place next door. Don't ask me how you make that sort of mistake, but anyhow.

Ms Kruk—I thought we had addressed that issue, Senator.

Senator HEFFERNAN—Mrs Norton was very pleased to go to \$109 an acre, which has taken off, and the ibis rookery is still there and it is not protected, so don't ask me how you come to that. But, in terms of the decision, this is a really serious issue.

Senator Wong—Which decision in particular?

Senator HEFFERNAN—To put a block in the Lachlan River. Could someone explain to me, given the sensitivity of the places I mentioned earlier, which are Booyong, Juanbung, Toopuntal—those places that are the terminal wetland of the river system—how you can take a decision, with no environmental impact study, to put a block halfway down the river which is going to leave about 500 to 600 kilometres of river to drain out? How is that possible?

Senator Wong—Senator, I might ask someone else to assist you. The advice I have is that this was a decision—as I think you and I have discussed—by the New South Wales government. I am advised that it was a decision essentially based on operational constraints, given that there were record low dam levels for this time of year, and obviously the priority is critical human need. I am not aware of what environmental considerations were—

Senator HEFFERNAN—I am imploring you—I am imploring the Commonwealth—to take an interest in this. As you know, I tend to follow it, and I have to declare an interest. I have had a place there for bloody years. We have faced up to this once or twice before. This happened two years ago. There was a contingency plan. I was not aware of it, because you cannot be across everything, but they did not actually have an environmental study done. They are now rushing around saying, ‘What are we going to do about the fish?’ Yeah, I know; it is a bugger. We are running out of time.

Senator Wong—Do you have a view about what should occur instead?

Senator HEFFERNAN—They should have been sensible enough to have had an environmental impact study. There is 500 kilometres of river. We have restocked the river. The fish are just up to the legal size. The carp have gone out of the system. The Lower Lachlan below Booligal for all intents and purposes now has no ponds. It is just going to be like a gutter outside the building here. It is going to drain and, if you do not do something, they are all going to be dead in the middle of the stream. The carp have filled all the holes in because they have dug the banks. There are some weirs above Booligal and there is one at Booligal. So you have a couple of hundred river kilometres where the fish, which are beautifully restocked—we have got rid of the carp—are going to die.

I am amazed, disappointed and distressed that a responsible, democratically elected government would decide to put a block in a river. At the stroke of a pen they said to the bottom half of the river: ‘You’re not going to have critical human needs water. We don’t know what we’re going to do about the fish.’ They do not even know how many homesteads are affected. A lot of homesteads do not have bore supply because there is no groundwater, and if there is it is a thousand feet down and saline. They have done no studies on that. They have had no consultation. I think they are breaking the law. Above the block that is going to happen at Condobolin in a couple of weeks time they are still going to allow extractions for irrigation.

CHAIR—We are running out of time. If we are going to get a response from the department, we need it now.

Senator Wong—I will get some advice about what matters the Commonwealth could look at.

Senator HEFFERNAN—Above the block they are still going to allow some irrigation extraction. They have to supply Cowra and Forbes and they are going to try and slug water down to Lake Cargelligo, but you would have thought that they would have a contingency plan to get the government and the Commonwealth perhaps to assist with the cartage of water. This could go on for God knows how long. In Booligal they are going to put a bore down in some local little aquifer and everyone will have to pull up with their billy and fill up because it is not going to be reticulated. They do not even know how many homesteads or how many livestock are affected. Blokes are having to take really deadly decisions. At the same time we see the stupidity of planning on those lower creek systems. The Willandra Creek goes off to Ivanhoe and the Merrowie Creek goes off to—

CHAIR—Can we get a response please.

Senator Wong—We will look at it. As I said, it is a New South Wales government decision. We have purchased in the Lachlan, as you know.

Senator HEFFERNAN—Yes, 50,000 megs. It distresses me that a government could take a decision to block a river without an environmental impact study, given there is a very sensitive, terminal environmental—

Senator Wong—I get the picture.

Senator HEFFERNAN—I do not surrender, but we will continue in another place.

CHAIR—Thank you to the department and to the authority for appearing before us. That concludes the examination of the Environment, Water, Heritage and the Arts portfolio. I thank the ministers and officers for their attendance and also thank Hansard, broadcasting and the secretariat for their assistance. I thank all senators for their cooperation. The committee has agreed to Senator Birmingham's motion to publish the fish! I remind senators that written questions on notice should be provided to the secretariat by the close of business this Friday, 23 October 2009.

Committee adjourned at 11.00 pm