

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Thursday 29 August 2024

Examination of proposed expenditure for the portfolio areas

CLIMATE CHANGE, ENERGY, THE ENVIRONMENT, HERITAGE

UNCORRECTED

The Committee met at 9:15.

MEMBERS

Ms Sue Higginson (Chair)
Ms Abigail Boyd
The Hon. Mark Buttigieg
Dr Amanda Cohn
The Hon. Anthony D'Adam
Ms Cate Faehrmann
The Hon. Wes Fang
The Hon. Tania Mihailuk
The Hon. Peter Primrose
The Hon. John Ruddick (Deputy Chair)
The Hon. Natalie Ward

PRESENT

The Hon. Penny Sharpe, *Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

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

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

The CHAIR: Welcome to the first hearing of Portfolio Committee No. 7 – Planning and Environment's inquiry into budget estimates 2024-2025. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respect to any Aboriginal and Torres Strait Islander people joining us today. My name is Sue Higginson, and I am the Chair of the Committee. I welcome Minister Sharpe and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolios of Climate Change, Energy, the Environment and Heritage.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures. Welcome and thank you for making time to give evidence today. All witnesses will be sworn in prior to giving evidence today. Minister, I remind you that you do not need to be sworn because you have already sworn an oath to your office as a member of Parliament.

Mr ANTHONY LEAN, Secretary, Department of Climate Change, Energy, the Environment and Water, affirmed and examined

Mr TONY CHAPPEL, Chief Executive Officer, NSW Environment Protection Authority, sworn and examined

The CHAIR: Today's hearing will be conducted from 9.15 a.m. to 5.30 p.m. We are joined by the Minister for the morning session from 9.15 a.m. to 1.00 p.m., with a 15-minute break at 11.00 a.m. In the afternoon, we will hear from departmental witnesses from 2.00 p.m. to 5.30 p.m., with a 15-minute break at 3.30 p.m. During these sessions, there will be questions from the Opposition and the crossbench members only and then 15 minutes allocated for the Government questions at 10.45 a.m., 12.45 p.m. and 5.15 p.m. We begin with questions from the crossbench, and I believe I get to start. Minister, I would like to commence by asking you about the new forestry panel that has been set up to look at the sustainability of Forestry Corporation and forestry. What role did your office or department have in the selection of the panel members?

The Hon. PENNY SHARPE: As you know, the expert panel is Peter Duncan, former chief scientist Mary O'Kane and former member of the Legislative Council Mick Veitch. The decision about who was discussed internally in Government and it was decided by Cabinet. That is the process. Obviously I was asked about those people. I think that they're all very good and I am very pleased that they are there.

The CHAIR: Does it concern you that there is nobody on that panel with forest expertise in terms of ecology and the function and ecosystems?

The Hon. PENNY SHARPE: No, it doesn't. Peter Duncan has a long history, and I know that he has worked with forestry but he has also worked in water. He is, and has been, a very good public servant and understands a lot of these issues broadly across government. Mary O'Kane, who I fortunately have worked with when she was the chief scientist—I have not had a lot to do with her but over the years I have obviously watched the work that she has done. She is extremely intelligent. She is a scientist and really understands the issues that need to be weighed up here.

I think Mick Veitch is an excellent choice, particularly for his deep knowledge of being from Tumut and being from around that part of the world where softwoods are very important. He also grappled with some of these issues from opposition. I'm comfortable with that. The important thing is that the Forestry Industry Action Plan consultation being run by the expert group is going to seek input from a whole lot of people, and I would encourage everyone who has an interest in it—and I know there are many—to really step up and be part of that.

The CHAIR: Were you aware at the time of Peter Duncan's appointment that he was actually the CEO of the Forestry Corporation for the years that he was?

The Hon. PENNY SHARPE: I've become aware of that. Whether it was actually before that, I actually couldn't tell you. I am aware of that, but I have zero concerns in relation to this. Peter has gone on to do a lot of work. He assisted the Government when we were doing the machinery of government when we came into government. I respect him as a very diligent public servant who I think understands the issues.

The CHAIR: Is there any opportunity for, or would the Government consider, revising the constitution of the panel to include a person who actually has understanding of forest ecology and the ecosystem functions of forests in New South Wales?

The Hon. PENNY SHARPE: No, we're not planning on doing that. As you're aware, there's a very comprehensive process going on through the creation of the Great Koala National Park, for example, and there is industry, environment and scientists involved with input into that. I know many of these very good people who I would anticipate will put submissions in and engage with the expert panel, and they'll be taken seriously.

The CHAIR: Do I read that, Minister, as you expect that it will be the community and the citizen science that will do the heavy lifting of that panel to be able to have that level of input?

The Hon. PENNY SHARPE: Let's remember also that the panel is supported through the process through government as well. We have some very good scientists in my department. We have some very good work that's being done that obviously also informs all of that. There's a whole-of-government approach to this. There has been a lot of input in relation to both the Great Koala National Park and the next steps in relation to the Forestry Industry Action Plan. So, no, I'm comfortable with the mix of people that we've got. If there is a concern there about forestry ecology, the thing that I would say is that people should not be concerned that that is not going to be dealt with. There is a lot of information.

I can provide a bit of extra advice as well. We've got some very good people there. I take forestry ecology really seriously. I am very pro-science. That is going to be picked up. I want to allay any fears that you have of

that in terms of the expert panel. I think they are people of integrity, I think they are diligent, and I think that they will listen to everything that comes through and really balance that work. The other part of it, which I can update the Committee on, is that there is an expert panel that is chaired by the NRC which is working also on the business case. We have to provide business cases when we make these kinds of plans, so they will also have input there.

The CHAIR: I don't think there is a concern about the people on the panel. I think the deepest concern the community has expressed is the absence of particular expertise on the panel.

The Hon. PENNY SHARPE: Sure. I understand that. The plan itself is looking at all of the different options around how we would look at forests into the future. I think that that is a very serious thing that the government is undertaking and will, again, seriously evaluate all of the material that is put before it.

The CHAIR: Finishing up on that, do you expect that the results of consultation reports and recommendations of the panel will be through a transparent process? Will there be genuine openness and transparency around how that panel works, the material it receives and who that material comes from?

The Hon. PENNY SHARPE: I might have to take—as you know, my general setting is any information that's provided should be able to be made public. But this is the expert panel; they've just been announced. They're independent of me. I don't get to direct them. I think that they'll work up their plan, which we would share with people, but my expectation is that it will be a pretty open process. I can't give you more details because I'm not on the expert panel and I'm not running it.

The CHAIR: How do we know then what the public reporting process will be?

The Hon. PENNY SHARPE: They've literally just been appointed. I would anticipate that information about that will be made available very soon.

The CHAIR: Is there an opportunity for people to participate in what the process should look like, or is this a: That panel will determine and tell New South Wales—

The Hon. PENNY SHARPE: Yes, I think the panel will work through that. Again, I know how much interest there is in the future of forests and what we do with them. It's really important, whether it's industry, whether it's local communities, whether it's scientists or whether it's the people who are protesting in the forests now, that they actually have an opportunity to have input. Again, I have really great faith that the three people on that panel will be open to suggestions. I can't speak for them and I wouldn't want to.

The CHAIR: Would you be willing to pass onto the panel that you expect a level of transparency? Because none of that has been expressed in the public material that's been put out so far.

The Hon. PENNY SHARPE: Sure. They're just getting their legs under the desk, so I'd give them a bit of time. I think it's well known that my general approach to all of these things is a desire for the Government to be as open as possible.

The CHAIR: Minister, how do you think the 150 threatened species that are currently being impacted by logging will be protected while we continue logging public native forests?

The Hon. PENNY SHARPE: They will be dealt with in the way that they are currently dealt with. It depends on what the threatened species is. As you know, under the rules there's a requirement for Forestry Corp to undertake certain actions, and they are required to follow those rules. That's the way in which these matters are managed. It will continue to be so in the same way, unless it's things like the koala hubs, for example, in the area. As you know, harvesting is not being undertaken there.

The CHAIR: It's fair to say, though, Minister, that it's not really working. The conditions and the prescriptions are not really working, and that's why we have got this backwards and forwards with the EPA and the Forestry Corporation and prosecutions in court. At the moment we are literally directly managing the extinction risk by continuing to log. Does that concern you?

The Hon. PENNY SHARPE: Any extinction risk concerns me. As you know, the trajectory in relation to many animals—over a thousand animals and plants in this State are on the threatened species list. That concerns me a great deal. We manage them in a range of different ways and we'll continue to do that. My view about the way in which this is managed and the interplay is that this is the system that's there. I really want Forestry Corp to follow the rules. We have an independent regulator sitting here whose job is to make sure that happens, and who has been willing to take action when necessary.

The CHAIR: Do you accept, though, that the rules as they currently are are contributing and driving—or the risk of driving—further extinction?

The Hon. PENNY SHARPE: The rules can always be improved. The system does allow for that. When species are uplisted, there's then site-specific conditions. The whole work around greater gliders has been as a result of that. That is exactly what it's built to do. I think that we are able to do that. Could it be improved? Probably. What does that look like? You're probably aware that the CIFOA is due to have a look at it. The EPA and Forestry Corp are talking about that, but there's a lot going on in the forestry space. The one thing that I've learnt since being the Minister is that you sort of pull at one thing, then there's all of these other cascading effects here. We're trying to get it right through the Forestry Industry Action Plan, as well as in parallel pursuing the Great Koala National Park and other national park establishments, as well as working through when there's an uplift in threatened species. All of those things come together and we're working through all of those.

The Hon. JOHN RUDDICK: Good morning, Minister. In March 2024 at the budget estimates hearing regarding EnergyCo's treatment of transmission-affected landowners, you said:

I am, of course, concerned and take all complaints and issues that come to me in relation to the way in which people may be behaving with landholders very seriously. We actually, as I said, are investigating those and making sure that is not the case.

I'm keen to know how those complaints and issues were investigated. What were the outcomes?

The Hon. PENNY SHARPE: I need to take on notice the details of actual complaints and then what has occurred. I'm not able to take you through that. The point I'd make is we've made a lot of changes in relation to how EnergyCo is working, particularly in local communities. There are now more staff who are actually working in the regions with a variety of community actors. As you know, I've been out and talked to farmers, in Central-West Orana, for example, and continue to have ongoing consultation, particularly with the mayors in the various renewable energy zones. I try to meet with them very regularly. In relation to specific complaints, we can do that. What I can flag, though, is that we are looking at ways to improve the complaint system. I'll have some more news in relation to that very soon.

The Hon. JOHN RUDDICK: I look forward to that.

The Hon. PENNY SHARPE: I'll make sure that your office is briefed.

The Hon. JOHN RUDDICK: I understand there's now, across New South Wales, over a hundred community organisations that are very concerned about the REZs that have just sprung up organically. From transmission lines across the Dungowan valley, battery energy storage systems and solar projects outside of Tamworth, solar and wind transmission around Dunedoo—it just goes on and on about people who've got lots of concerns. These are just plain citizens. How is the Government taking into serious consideration the concerns and the angst of so many New South Wales communities?

The Hon. PENNY SHARPE: I can't speak to how many groups there are, but I can say that groups who raise issues, we take very seriously. We have made changes to routes as a result of feedback from people. Central-West Orana was moved, in terms of the Cassilis impact. The proposals in terms of the New England Renewable Energy Zone have been moved to reduce the number of landholders that are affected. We're working very closely within the one-kilometre zone to work with people in terms of their individual properties and how they're impacted. There's a huge amount of work that goes into trying to get the best route.

It is challenging because sometimes when you move it there are groups that weren't affected that then become affected. It's not an easy thing to do. Again, you move one thing and then it impacts elsewhere. But we're working through that very closely. We're working through the agreements with landholders in the Central-West Orana. My advice is that around 87 of the 90 landholders have made agreements with EnergyCo, and we're working through that. The scoping for the preferred route in relation to New England has been submitted to Planning and there's ongoing work with that. It's a challenging task, but we take all issues that people raise with us very seriously.

The Hon. JOHN RUDDICK: During question time this year in June I asked you about the Strategic Benefit Payments Scheme and the tax implications. The New South Wales Government is giving large sums of money to landowners and then the Federal Government is—what we're fearful of, and I've spoken to many farmers out there as well. They're very fearful that these compensation payments are going to be treated as income tax. In your response to that question, you said that the tax implications vary depending upon individual circumstances and that similar schemes operate in other States. Further, you said that you would raise this with your fellow energy Ministers in a meeting with them on 19 July this year.

The Hon. PENNY SHARPE: And I did that. We got it in the communiqué. The energy Ministers are writing to the Treasurers, particularly to the Federal Treasurer, to look at what could be done to support people through this. I don't have an answer for you today, but I did raise it. Obviously it's a matter for the Commonwealth Government. Can I just say that energy Ministers across the country were keen to basically give the Feds a nudge in relation to this and see what they're able to do.

The Hon. JOHN RUDDICK: When you say a nudge, is it possible that these compensation payments could be treated truly as compensation and not be subject to income tax, which in many cases could be 48 per cent of the compensation payment?

The Hon. PENNY SHARPE: Exactly. The issue you raise I think is important. That's what we're raising. I am yet to get anything back from the Federal Treasurer. I assume he will report back to energy Ministers very soon—in due course. I'd hope that we would get a serious hearing on it. I agree with you that it's an issue. It's not something I have control over, but it is something that I have raised and will continue to raise with our Federal counterparts.

The Hon. JOHN RUDDICK: I appreciate that. Thank you. I know it's a lot of concern, because sometimes these farmers think they're getting a lot of money but then they could lose about half of it. Another thing related to the REZ is the question of public liability insurance. Some of these farmers will find that right next door to them there will be, basically, an industrial site with up to a billion dollars or more of capital investment. If there's a farmer there and a fire starts on their farm, and it then damages these big projects, they are very, very worried about being liable for them. The typical farmer in New South Wales has a public liability insurance policy for about \$20 million, but a lot of them are saying, "We need a lot more public liability insurance than just \$20 million" because they might inadvertently damage a billion dollars.

Some insurance brokers that I've spoken to have stated that this challenge will likely not be resolved until the first case is determined through the courts as to who is actually liable. It would seem the most commonsense way to avoid this scenario is for the New South Wales Government to require any developer-operator of a renewable energy infrastructure project and/or associated infrastructure to indemnify any and all external risks if an incident, including a fire event, occurs that results in any public liability insurance claim. Do you have any views on this issue of how farmers could end up becoming bankrupt through a minor, inadvertent error which damages public property?

The Hon. PENNY SHARPE: There's quite a lot in that, Mr Ruddick. I am aware of the issue. Farmers have raised it with me, and NSW Farmers has raised it with me. The detail of how the interplay between the Government's insurance arrangements, private companies—in relation to those that are building wind and solar farms, for example—and how that works with neighbouring landholders is not something that I know in detail. I'm very happy, though, to take it on notice and provide you with information in relation to that.

The Hon. JOHN RUDDICK: Thank you. I think it is very important. Things are going to happen from time to time, so we definitely do need to look at lifting that insurance somehow, and I think the Government should be liable. The farmers didn't ask for this to be built next to them. Minister, I refer to your answers given to a supplementary question in the last round of budget estimates, and I thank you for emailing those through just yesterday afternoon. In one, you say in your reply that the exhibition period was "from 17 September to 15 October 2021". That is 28 days. Do you feel that this was sufficient time for affected communities to provide evidence?

The Hon. PENNY SHARPE: As you'd be aware, this was obviously done under the previous Government so I can't speak for that. It's not unusual that there is an extension in relation to them, but that clearly wasn't given at that point. There was a consultation period. I believe that it met the minimum requirements. Whether it was adequate or not, I can't speak to it because I was not in government then.

The CHAIR: Minister, when will your Government stop logging the Great Koala National Park?

The Hon. PENNY SHARPE: That's not the way in which I would put that. It's an interesting question. As you are aware—

The CHAIR: Sorry, when will your Government stop logging the Great Koala National Park assessment area?

The Hon. PENNY SHARPE: Well, we already have, in terms of the koala hubs. That is what has stopped there. There is plantation harvesting that is occurring there, of course, and then there is a range of other activities that are happening. But this has been asked since before the election, in terms of what our commitment was around this. We are going to create the Great Koala National Park. It is going to be fantastic. It is going to help us save koalas in the wild.

The CHAIR: It's also going to be very logged.

The Hon. PENNY SHARPE: There's also a process that's being worked through, which we've been very open about, in relation to the Aboriginal First Nations panel, the environment and science panel, and the industry panel that are working through the assessment. There's an economic assessment that's being done, which I think is going along; I'm yet to be finally briefed on that. We're working through that process, and at the same time there's coordination. There's also the fact that there is closer attention and rules being placed—and

Mr Chappel can confirm this for me if I'm wrong; I don't think I am—in relation to the way that the harvesting is being undertaken in the Great Koala National Park.

The CHAIR: Can I ask for an answer to the question—when? We have been told this year. There's just nothing for the community to understand when we will stop logging within the Great Koala National Park. That was the question, Minister.

The Hon. PENNY SHARPE: It depends, in the end, about how big—we haven't decided how big the park will be, so I can't answer that question.

The CHAIR: So perhaps this year? Next year? This term of government? Just something, again—

The Hon. PENNY SHARPE: Well, just to work back from that, the commitment was that the Great Koala National Park will be created in this term of government. We are working through, in relation to the assessment area, what is in or out. I would hope it is as soon as possible, but if you want to give me—I don't want to put too much of a time frame on it, other than we're working towards the end of the year in terms of the assessment of the maps. Then there's work in terms of finally gazetting it, which I would hope would be as soon as possible. But there's still a lot of work to be done. I've had both environmentalists and the timber industry come and talk to me about this. I want to make sure that we get it right. There is a real impact in communities. There are huge opportunities as well that come with the park. But we need to work through the way in which everyone gets an opportunity to put forward their proposals. That's what's being undertaken. I'm not going to speed that up unnecessarily.

The Hon. WES FANG: Welcome, Minister. It's great to see you here. I do love the flair that the red glasses bring. They're fantastic.

The Hon. PENNY SHARPE: Thank you. They're new, and I can see much better. It's good to be able to see you better, Wes.

The Hon. TANIA MIHAILUK: They're not from Mookhey, are they?

The Hon. WES FANG: I was about to say that.

The Hon. PENNY SHARPE: No, I didn't pinch them from Mookhey.

The Hon. WES FANG: It's bringing a little bit of the Treasurer's flair to estimates. It's wonderful. Minister, I want to start off with the issue of asbestos. Is the EPA investigation into asbestos within mulch and gardening products still ongoing?

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: Minister, on 15 November you stated that Greenlife was the "common thread throughout this entire issue" in a *Guardian* article. Is that correct?

The Hon. PENNY SHARPE: Yes. Well, I think so. I assume—

TONY CHAPPEL: But 15 November wouldn't be—

The Hon. PENNY SHARPE: I assume they quoted—15 November isn't right.

The Hon. WES FANG: Sorry, 15 February. My apologies.

The Hon. PENNY SHARPE: Yes, I was confused. I assume that's what I said and I'll take it at face value that I did.

The Hon. WES FANG: Mr Chappel, on the same date you were quoted in the same article, saying a conclusion "as quickly as possible" was desirable in relation to the investigation. Is that correct?

TONY CHAPPEL: I'd have to read the article, but it sounds about accurate.

The Hon. PENNY SHARPE: It sounds right. It sounds like something you'd say.

The Hon. WES FANG: Excellent. The public perception of one organisation being the "common thread" to the asbestos in the mulch issue is still prevalent on the EPA website.

The Hon. PENNY SHARPE: Well, it still remains the case.

The Hon. WES FANG: Okay, that's interesting, Minister. Thank you for providing that answer. Mr Chappel, it states on the EPA website's frequently asked questions page:

To date, the common link between the majority of positive sites is the same supplier ...

However, I do note that it hasn't been updated since March. Do you believe that's an accurate statement as well, Mr Chappel?

TONY CHAPPEL: Yes.

The Hon. WES FANG: Mr Chappel, you also conducted an interview with *The Guardian* earlier this month. Is that correct?

TONY CHAPPEL: I can't recall an interview with *The Guardian* this month, but I may have provided some quotes in a release.

The Hon. WES FANG: There was an article published on 8 August, so I assume that the interview was in about the same time.

The Hon. PENNY SHARPE: It's not always an interview. Sometimes you just provide quotes.

The Hon. WES FANG: I appreciate that. It identifies that there were 600 tonnes of material that was disposed, three facilities fined and seven of 13 sites tested had asbestos. Do you recall that?

The Hon. PENNY SHARPE: It's 6,000.

The Hon. WES FANG: Six hundred tonnes of—

The Hon. PENNY SHARPE: No, it's 6,000. That's what I'm saying to you.

The Hon. WES FANG: Okay.

TONY CHAPPEL: I think, Mr Fang, you're maybe conflating two different issues. I think that interview and those comments relate to a recycled building product—

The CHAIR: Recovered fines.

TONY CHAPPEL: —and analysis of facilities that produce that.

The Hon. WES FANG: Sorry, I'm not asking you, Chair; I'm asking the witnesses. The comments are unhelpful.

TONY CHAPPEL: Sorry, I was just—

The Hon. PENNY SHARPE: I think she's trying to give you assistance.

The CHAIR: I was.

The Hon. WES FANG: I appreciate that. I'm just seeking to tease some stuff out. However, I'm not asking the Chair; I'm asking the CEO of the EPA.

TONY CHAPPEL: I think it's important to note that the mulch and production of mulch is an entirely different product, a different issue to recycled building products from construction demolition, which is the subject of that—

The Hon. WES FANG: I appreciate that. Can I determine from that, then, there are two separate inquiries occurring in parallel?

The Hon. PENNY SHARPE: Yes, there are two different issues that are being dealt with.

The Hon. WES FANG: Okay. Mr Chappel, I've got here the clean-up notice that was provided to Transport for NSW. I will table that. I've got a copy here for the secretariat, and we're short—you might be aware of this, though, Mr Chappel. Do you have a copy of the clean-up notice in front of you?

TONY CHAPPEL: I don't have it in front of me but I am probably familiar with it.

The Hon. WES FANG: The secretariat will pass that to you. Mr Chappel, you'll note on the bottom of the first page it states, "The EPA believed that there was more than 10 tonnes of asbestos on the site", in relation to the Rozelle interchange mulch issue. Can you confirm that that's the case?

TONY CHAPPEL: No. The comment is 10 tonnes of material containing asbestos. It's quite different to 10 tonnes of asbestos. It's referring to contaminated material that would include asbestos as a contaminant.

The Hon. WES FANG: Let's delve down into this a little bit. How much mulch did you believe was on the site?

TONY CHAPPEL: Mr Fang, I would have to take that on notice as to what the EPA's view at that time was in terms of volume on the site.

The Hon. PENNY SHARPE: The point here is that there was a lot of mulch, unfortunately, with asbestos in it, but it was actually a very small amount. I believe it was less than 10 per cent. I don't know whether that's right.

The Hon. WES FANG: Minister, I'm going to get to that. We will be coming to that.

The Hon. PENNY SHARPE: I hope your maths is good.

The Hon. WES FANG: Mr Chappel, if you turn to page 3 of that clean-up notice, you will see dot point Q states:

Q. Clause 133 of the Protection of the Environment Operations (General) Regulation 2022 provides that the following matters are prescribed for the purposes of paragraph (b) of the land pollution definition:

...

c. More than 10 tonnes of asbestos waste

If you look at dot points S and T, it talks about how asbestos waste is defined in clause 50 and then it states:

T. The EPA reasonably suspects that a pollution incident is occurring or is likely to occur at the Premises, namely:

a. More than 10 tonnes of asbestos waste has been applied to land at the Premises in the form of mulch containing asbestos ...

Mr Chappel, what would have occurred if it was under the 10 tonnes that you expected was there?

TONY CHAPPEL: The 10-tonne threshold is for material in total, not for the volume of asbestos. Let me take that on notice because there would be a variety of other tools that can be used for any pollutant.

The Hon. PENNY SHARPE: Just to be clear, Mr Fang, the point here is that there should have been no asbestos in any of these—

The Hon. WES FANG: No, Minister. I am coming to that. I ask if we could just focus on the questions I'm asking at this stage. Mr Chappel, is it fair to say that, by indicating that you believed there was more than 10 tonnes of material with asbestos, you in fact triggered a separate part of the Act that allowed you to have a greater scope of action than would have happened under 10 tonnes?

TONY CHAPPEL: Not necessarily. The clean-up notice essentially puts regulatory obligations on the timely remediation of that site.

The Hon. WES FANG: Minister, are you able to provide to me an idea of exactly how much asbestos was removed from the Rozelle interchange?

The Hon. PENNY SHARPE: I'd have to take that on notice.

The Hon. WES FANG: I think you indicated that you thought about one-tenth of it was asbestos. Was that right?

The Hon. PENNY SHARPE: No. Just to be very clear, because I don't want to mislead the Committee, overall, in terms of what was examined in volume—and Mr Chappel can confirm if I'm wrong on this, but I'm doing this from memory—I think, from what was tested, it was about 10 square metres of asbestos that was found.

TONY CHAPPEL: Mr Fang, the total tonnage was about 6,500 tonnes that we traced through the exercise.

The Hon. PENNY SHARPE: But that was at all of the sites; that wasn't just at Rozelle.

The Hon. WES FANG: By leave, I table another document that has been provided to me.

Document tabled.

The Hon. PENNY SHARPE: Mr Fang, can I just say something? Before you go on, I think it's actually quite important—

The Hon. WES FANG: Minister, I appreciate you can clarify—

The Hon. PENNY SHARPE: Just to be very clear here, this investigation is still being considered and the work that the—

The Hon. WES FANG: Minister, I appreciate that. I'm trying to be methodical here. I don't want to jump ahead. I want to continue with the questions. I'm asking the questions.

The Hon. PENNY SHARPE: I would like you to be careful about the way in which you are providing information, which has so far been incorrect on at least three occasions.

The Hon. WES FANG: Minister, all I'm asking you to do is to answer the question.

The Hon. MARK BUTTIGIEG: Point of order—

The Hon. PENNY SHARPE: I think this is actually quite important. There is an active investigation being undertaken. The EPA has to work through that.

The Hon. WES FANG: Minister, I'm coming to that.

The Hon. PENNY SHARPE: I'm not suggesting that there is a problem to date. I'm just saying that you've been incorrect on three occasions.

The Hon. WES FANG: No, I'm teasing out some issues.

The Hon. PENNY SHARPE: The investigation is ongoing. I would not want you to undermine what is a very important investigation. I'm just saying to you to please be careful.

The Hon. WES FANG: Minister, we will see where we land when we get to the end of these questions.

The Hon. PENNY SHARPE: Sure.

The Hon. WES FANG: Minister, what I have just tabled is the Transport for NSW finds sheet of asbestos, which indicates that there was less than 200 grams actually found onsite.

The Hon. PETER PRIMROSE: Point of order: I haven't seen the documents that have been tabled.

The Hon. WES FANG: You don't need to see them, Mr Primrose. I'm providing them to the Minister and I'm asking questions of the Minister.

The CHAIR: Mr Fang, I'm hearing the point of order.

The Hon. PETER PRIMROSE: As a member of the Committee, the Minister has alerted us that you may be taking us into matters that may still be under investigation.

The Hon. NATALIE WARD: To the point of order—

The Hon. PETER PRIMROSE: I haven't finished yet. I would like to be able to see those documents so I can then raise a point of order.

The CHAIR: I understand the point of order. I think it's a really valid point of order. It's really something that we can manage as a committee; it's just about timing. Mr Fang, are you content to wait a moment while the secretariat prepares your document for the other members of the Committee? Is there another line that you can pursue while we organise that?

The Hon. WES FANG: Sure. Mr Chappel, assuming that there was less than 200 grams of asbestos found on the Rozelle interchange site, as that Transport for NSW document indicates, did the EPA dramatically overestimate the amount of asbestos on Rozelle Parklands in order to be able to trigger provisions in the Act?

TONY CHAPPEL: No.

The Hon. WES FANG: Mr Chappel, how much asbestos was found on the Greenlife site when you tested it?

TONY CHAPPEL: I think there have been a number of tests on that site, so I'll take that on notice. Also, just to be clear, there is a comprehensive investigation underway. We are pursuing a number of persons of interest. It's a well-established principle that I do need to be very cautious in commenting on the investigation.

The Hon. WES FANG: Mr Chappel, I'm coming to these matters. I'm about to table some test results from Greenlife that I believe was conducted by the New South Wales Government—I would expect through the EPA. By leave, I table the document.

Document tabled.

The Hon. PENNY SHARPE: Where did you get those from?

The CHAIR: Mr Fang, could we ask where these documents are from?

The Hon. WES FANG: I have the ability to liaise with people, and these documents have been provided to me.

The Hon. PENNY SHARPE: Where have you got them from? I don't believe these are in the public domain.

The Hon. WES FANG: I have been provided with them, Minister. Did the EPA advise you that they found no asbestos in their testing at the Greenlife site?

The Hon. PENNY SHARPE: Mr Fang, we're going to take all of these on notice.

The CHAIR: I am getting very concerned if you are not able to assert whether they are documents in the public realm or if they are documents that are subject to legal proceedings and criminal prosecution proceedings. As Chair of this Committee, I am concerned.

The Hon. WES FANG: Chair, I have the ability to put questions to the Minister and I'm doing so in relation to this.

The CHAIR: You do, Mr Fang, but I'm just concerned about the provenance of these documents.

The Hon. MARK BUTTIGIEG: Point of order: If the member persists in insisting that he's not going to reveal the source of the documents, I think we are subject to sub judice here. I ask you to call him to order.

The Hon. WES FANG: There are no charges; there is no sub judice.

The Hon. MARK BUTTIGIEG: We cannot consider documents which may jeopardise an investigation that's ongoing. I ask you to call him to order. He either stumps up with the source or drops it.

The Hon. NATALIE WARD: To the point of order: We know where this is going. Requesting the Chair to call him to order is intended for the very purpose of removing him. We know what that is; let's call that out for what it is. Secondly, there is no requirement. This is not a court of law; this is not an evidence base. The member is methodically putting questions to the Minister. It's not for the Minister to then quibble.

We all know—you did it in opposition as well, Minister—you get sources who give you information. He's asking questions and if she wants to take it on notice, she can take it on notice. Thirdly, the indication that she would take every question on notice, I think, is inappropriate. She doesn't know what questions are going to be put to her. I ask that you let the member continue. His time is very limited. He can put the questions and if she wants to take them on notice, she is able to do that. She well knows that.

The Hon. PETER PRIMROSE: Further to the point of order: I don't know about the provenance of this information at all.

The Hon. NATALIE WARD: You're wasting time, Peter.

The Hon. PETER PRIMROSE: I don't know whether it's accurate. I don't know whether it's a draft.

The Hon. NATALIE WARD: You are wasting time.

The Hon. PETER PRIMROSE: I don't know whether it has in fact been changed, or it might be totally accurate. Without knowing the provenance of it, now we're asking the Minister to comment on it.

The Hon. NATALIE WARD: He doesn't need to prove documents, and you're wasting time. We know what that is.

The CHAIR: Thank you, everyone. That's incredibly helpful. There is a point of order. It is a very valid point of order that there is a genuine concern about these documents and whether they could, in fact—if they became public or if we are discussing the content of these documents here and now—undermine a criminal prosecution that the State is bringing on behalf of the people of New South Wales. That is a very serious matter for this Committee.

The Hon. WES FANG: Chair, I'd ask the clock to be stopped, for one.

The CHAIR: Mr Fang, could we please refrain from this. I'm happy to discuss this further, in confidence. At this point, perhaps you could redirect; you could take a different tack, or we could discuss this in camera.

The Hon. WES FANG: Chair, I'm about to tender a press release from the EPA. This is in the public domain.

The CHAIR: I am very content with you tabling press releases.

The Hon. WES FANG: Let's move on.

The CHAIR: Mr Fang, could you please hear that document is a document of concern at this point—

The Hon. WES FANG: I don't understand why it is.

The CHAIR: —and if we could progress on that basis.

The Hon. WES FANG: I might make the point, Chair, that Mr Buttigieg is suggesting that it's sub judice. There are no charges that have been laid at this time. So there is no sub judice.

The CHAIR: Mr Fang, it's about a criminal investigation.

The Hon. NATALIE WARD: Point of order—

The CHAIR: Are you content to carry on now with these public documents and just leave the other documents aside at the moment?

The Hon. WES FANG: I want to continue my questioning.

The Hon. NATALIE WARD: Point of order: It is not for Mr Primrose to determine or be the arbiter of what documents are able to be used in this Parliament. We are a house of review. We're able to—

The CHAIR: It was actually Mr Buttigieg's point of order that I was upholding.

The Hon. NATALIE WARD: Certainly. But it is very clear that we should not be wasting further time and allow the member to continue his questioning. I think he's been provided with documents, and there's a referral to a public document. So if we can move on—

The CHAIR: Yes. Thank you.

The Hon. PETER PRIMROSE: It's perfectly in order for the Committee to make that decision about whether documents presented to it are then published.

The Hon. NATALIE WARD: We've all had source documents from people, so we're able to act on them. It's our job. Let's move on.

The CHAIR: But we do get the opportunity to consider them. Carry on, Mr Fang.

The Hon. WES FANG: By leave, I table the EPA press release that was released on 26 April 2024.

Document tabled.

The Hon. WES FANG: Mr Chappel, are you aware of that one?

TONY CHAPPEL: I'm sure, if you can share it with me to refresh my memory, I will be.

The Hon. WES FANG: Mr Chappel, you're the CEO, and it related to Greenlife.

TONY CHAPPEL: We issue, probably, a dozen press releases a week. So I'm just not familiar with the specifics of this one.

The Hon. WES FANG: I expect that this one would have had a little bit more focus than some of your other ones, Mr Chappel.

The Hon. PENNY SHARPE: Just give us a copy so that we can see it.

The Hon. WES FANG: There is a copy on the way. I've passed it.

The Hon. PENNY SHARPE: Don't accuse public servants of not knowing what they're doing when they haven't got the document in front of them. It's very rude.

The Hon. WES FANG: Mr Chappel, you will note that this press release makes no admission that the EPA's testing found no asbestos on site.

TONY CHAPPEL: Mr Fang, I'm not going to talk about particular elements of evidence that were gathered either at that point in time or are part of an ongoing investigation. I'm not clear on the concern you're pointing to.

The Hon. WES FANG: Mr Chappel, you've put a press release out that effectively says that the EPA's been strong and strengthened the licence conditions for VE Resource Recovery, which is Greenlife Resource Recovery, that you've enforced on them conditions related to the disposal of stockpiles of mulch and that they can continue operation. You've not identified anywhere here that they were investigated, that there was no asbestos found and they were cleared to go back to operation and they—

The Hon. PENNY SHARPE: Can I just make this point: What is in that press release is accurate. I'm not quite sure what you're trying to allege here. But this is subject to an ongoing investigation. It would not be

proper at all for the EPA to be exposing through this public hearing the details of that investigation, which is still being undertaken.

The Hon. WES FANG: Minister, do you agree—

The Hon. PENNY SHARPE: The press release stands. If you disagree with the EPA, you're allowed to do that.

The Hon. WES FANG: Minister, this wasn't a question to you. It was a question to Mr Chappel.

The Hon. PENNY SHARPE: But I would again remind you there is an active investigation that's taking place. I would again remind you that the way in which investigations are undertaken by the EPA is actually different to the way in which police do that.

The Hon. WES FANG: Minister, you are now wasting my time. I'd ask you—

The Hon. PENNY SHARPE: No, I'm trying to actually explain to you how it works.

The Hon. WES FANG: No, I'm asking questions, Minister. I've got limited time.

The Hon. ANTHONY D'ADAM: Point of order—

The Hon. PETER PRIMROSE: The Minister's trying to answer them.

The Hon. WES FANG: No, that wasn't a question to the Minister. Minister, I will put a question to you now.

The Hon. ANTHONY D'ADAM: Point of order—

The Hon. PENNY SHARPE: Just to be clear, I'm allowed to answer any question I like.

The CHAIR: Order! I will hear the point of order. Thank you, Mr D'Adam.

The Hon. NATALIE WARD: This is time wasting in the extreme, and you know it. Get on with it.

The Hon. ANTHONY D'ADAM: I want to raise an issue around this previous document. I believe that, in light of the provenance being unclear, it's at the discretion of the Committee whether the document be tabled. So I—

The Hon. WES FANG: We vote on that at the end. Don't waste my time now.

The Hon. NATALIE WARD: We're wasting time. Chair, that would mean any document the Government objects to cannot be produced by the Opposition. That is absolute rubbish and there's no precedent.

The Hon. ANTHONY D'ADAM: We vote at the end whether we make it public.

The Hon. NATALIE WARD: Can you let him get on with his questions, please.

The Hon. ANTHONY D'ADAM: The question of whether a document can be tabled is subject to leave.

The Hon. WES FANG: Chair, can we add another five minutes to my time. The time wasting has been—

The CHAIR: Not at this point.

The Hon. ANTHONY D'ADAM: Sorry, I'm in the middle of my point of order.

The Hon. WES FANG: Well your point of order is irrelevant. Minister, I'm going to put the question to you.

The Hon. ANTHONY D'ADAM: That's for the Chair to be—

The Hon. PETER PRIMROSE: You're not the Chair.

The Hon. WES FANG: Minister, in May, 7NEWS reported—

The Hon. ANTHONY D'ADAM: Point of order—

The Hon. WES FANG: —the cost of this issue was around \$100 million.

The CHAIR: Order!

The Hon. ANTHONY D'ADAM: I was in the middle of my—

The Hon. WES FANG: Minister, can you guarantee that this \$100 million scandal with replacement mulch that has been sourced from a site that has already been discovered to have asbestos is actually not—

The CHAIR: Mr Fang. Nobody can hear you, Mr Fang, and nobody is listening, because there was a point of order taken, and you're not adhering to the rules of this Committee. The point of order—

The Hon. NATALIE WARD: This is a cover-up. You're running for cover.

The Hon. WES FANG: This is an absolute disgrace from the Government to cover this up. You're covering up.

The Hon. PENNY SHARPE: There's no cover-up.

The Hon. NATALIE WARD: Absolutely there is.

The Hon. ANTHONY D'ADAM: I'm seeking a ruling from the Chair as to whether the tabling of a document is subject to the leave of the Committee.

The Hon. NATALIE WARD: Oh, please. You're getting desperate.

The Hon. WES FANG: That's how desperate you were to cover this up.

The CHAIR: At this point—

The Hon. ANTHONY D'ADAM: If you can't provide the provenance of the document, then it's up to us whether we allow you to table it.

The CHAIR: On the point of order—

The Hon. WES FANG: How desperate are you to stop these questions being put to the Minister?

The Hon. PETER PRIMROSE: How desperate are you to stop her from answering them?

The CHAIR: Come on, Committee. Let's get this together. On the point of order: There are two documents that I am concerned about, that are in doubt at the moment. Let's just reserve what happens with those two documents at this point. We will deal with that in the deliberative. I'm afraid that the time is now over, and we are back to the crossbench.

The Hon. WES FANG: Chair, to that point, after the time—

The CHAIR: You will have plenty of time in your next session to continue. This is the nature of the hearing.

The Hon. WES FANG: Chair, after the bell rang, you sought to include questions that ran after. The points of order taken by the Opposition were extensive. I'd ask to be given an additional few minutes so that I can put the rest of these questions.

The CHAIR: Mr Fang, you are completely in control of your own time, and you manage it how you do. The Committee is now moving on. We are up to questions from the crossbench.

The Hon. WES FANG: Chair, you granted yourself extra time.

The CHAIR: Ms Mihailuk, it's over to you.

The Hon. WES FANG: Point of order—

The Hon. JOHN RUDDICK: I think Wes has got a fair point. He's got some questions. They were deliberately wearing down the clock.

The Hon. NATALIE WARD: Yes, clearly.

The Hon. PETER PRIMROSE: Rubbish.

The Hon. MARK BUTTIGIEG: Point of order—

The Hon. WES FANG: We can move dissent in the Chair, if you like.

The Hon. MARK BUTTIGIEG: —this is now bordering on disrespectful and unruly behaviour.

The Hon. NATALIE WARD: To the point of order—

The Hon. MARK BUTTIGIEG: He is deliberately cavilling with your decision. I ask that you call him to order and consider kicking him out because it is verging on disrespect and rudeness. The House has dealt with this matter. I ask you to enforce the House's rules.

The Hon. NATALIE WARD: —I think that there's been fault by all Committee members here, excluding the crossbench, where time has been deliberately taken up with multiple points of order.

The Hon. MARK BUTTIGIEG: That's your view.

The Hon. NATALIE WARD: Hang on, I haven't finished. It is very clear there is an intent to try to have this member removed. I think he is asking diligently thorough questions, backed up by evidence—

The Hon. MARK BUTTIGIEG: If he behaves himself, there'll be no intent.

The Hon. NATALIE WARD: Can I finish my point of order without you yelling at me, please, Mr Buttigieg. You speak about respectful behaviour and yet you're demonstrating the complete opposite. Why don't we allow the member to ask his questions and have a couple of minutes to finish them off, in fairness. That is what the member is here to do. That is his job, and the Minister knows that. She has been in this seat.

The Hon. TANIA MIHAILUK: Madam Chair, can I just propose that we—

The CHAIR: I am going to rule here and now. It is over. That session is done and it's over to the crossbench. Ms Mihailuk.

The Hon. WES FANG: So you can give yourself additional time—

The Hon. TANIA MIHAILUK: Thank you, Madam Chair. We have a very small time here with the Minister. I'd love to ask her some questions.

The CHAIR: Ms Mihailuk, go ahead.

The Hon. PENNY SHARPE: Hi, Tania.

The Hon. TANIA MIHAILUK: Hello, Minister. How are you?

The Hon. PENNY SHARPE: Good, thanks.

The Hon. TANIA MIHAILUK: You know, probably, where I'm going to start.

The Hon. PENNY SHARPE: I don't know. I've got a few things for you.

The Hon. TANIA MIHAILUK: Of course, it's going to be about the goldmine. I would like to know—

The Hon. PENNY SHARPE: Which ones? McPhillamys? Is that what—

The Hon. TANIA MIHAILUK: Yes, the big issue of the last two weeks. Do you agree with the Premier's position that Minister Plibersek is in error?

The Hon. PENNY SHARPE: I think that New South Wales is disappointed in relation to the outcome, given it had gone through our independent process, and we are hopeful that the mine will continue. I'm not aware of the information that Ms Plibersek had in relation to this.

The Hon. TANIA MIHAILUK: Did Minister Plibersek meet with you or speak with you or your office directly in relation to her decision to essentially kibosh the mine by enacting section 10 of the Act?

The Hon. PENNY SHARPE: The short answer is no but, just so you're aware, I'm happy to take you through the process. No, she did not speak to me. I have never spoken to the Minister in relation to this. I haven't spoken to her office. As part of the process, she did seek input from me in relation to making that decision. I wrote back to her and said, basically, that it had been through our independent process and that Heritage had been—this was very specifically on the Heritage matter—satisfied that the Aboriginal people who had been involved in the application—don't forget it's a long-term thing from 2019.

The Hon. TANIA MIHAILUK: This is Heritage NSW? They were satisfied?

The Hon. PENNY SHARPE: They were satisfied that that was right and provided advice in relation to that.

The Hon. TANIA MIHAILUK: Would you make that correspondence public, Minister?

The Hon. PENNY SHARPE: I can take that on notice.

The Hon. TANIA MIHAILUK: You'll take that on notice and make that public. I think people would be delighted to read that. Can I ask you further on Plibersek's decision? Have you, since she's made that decision, sought to meet with the Minister in relation to that or to speak with her staff—

The Hon. PENNY SHARPE: No, I haven't.

The Hon. TANIA MIHAILUK: —particularly to relay the concerns and again reiterate New South Wales's position and the position that you just advised the Committee of—that is, Heritage NSW did not have any concerns in relation to any Aboriginal Indigenous cultural artefacts?

The Hon. PENNY SHARPE: I don't want you to go too far. A lot of this happened prior to the change of government, but it went through the independent planning panel. It was approved.

The Hon. TANIA MIHAILUK: But you were asked specifically, and you said—

The Hon. PENNY SHARPE: We said that that was fine.

The Hon. TANIA MIHAILUK: —that Heritage NSW did not have any concerns or any in relation to any need to protect any part of the site there—any part of the 2,500 hectares. Is that right?

The Hon. PENNY SHARPE: Yes, I provided advice, but I need to be very clear about what's in and out in terms of the scope of that. I'm happy to come back to you about it. There's no big deal here. You're putting a long list of things that I'm not sure—

The Hon. TANIA MIHAILUK: Did the Federal Minister write to your department or to you directly asking for a view?

The Hon. PENNY SHARPE: Yes. As part of the process, she consults in relation to what has happened, and we responded.

The Hon. TANIA MIHAILUK: Do you have the time frame of when that was, roughly, that she wrote to you? Do you recall?

The Hon. PENNY SHARPE: I think it was the end of last year, but I would need to check.

The Hon. TANIA MIHAILUK: And you responded end of last year or this year?

The Hon. PENNY SHARPE: I would need to check.

The Hon. TANIA MIHAILUK: And you've said that you're happy to make that correspondence public.

The Hon. PENNY SHARPE: I'll see whether I can, but yes.

The Hon. TANIA MIHAILUK: I appreciate that you've given that commitment. Has Ms Reynolds, who made an application in 2021 opposing—

The Hon. PENNY SHARPE: Sorry, I don't know her.

The Hon. TANIA MIHAILUK: Ms Reynolds is from the splinter Aboriginal group—

The Hon. PENNY SHARPE: I'm aware of the name but only through media reporting.

The Hon. TANIA MIHAILUK: She has not contacted your office?

The Hon. PENNY SHARPE: Not that I'm aware of, but let me take it on notice.

The Hon. TANIA MIHAILUK: If you could take on notice whether she has contacted your office by correspondence, by email or by phone, or any of the 18 people who signed her particular petition.

The Hon. PENNY SHARPE: I can check our records as much as possible. I'm very happy to find out. I'm not aware of that. I found out yesterday that we've had over 24,000 pieces of the correspondence in the last 18 months. I'll go back and check, but I am not aware of that.

The Hon. TANIA MIHAILUK: That's separate to this issue. Your correspondence—

The Hon. PENNY SHARPE: We have had 24,000 pieces of correspondence generally on all issues. This is what I mean in terms of going back, but I am not aware of that.

The Hon. TANIA MIHAILUK: So you're not aware of Ms Reynolds' group or her contacting your office or the department?

The Hon. PENNY SHARPE: No, I'm not, but I'll check. She may have.

The Hon. TANIA MIHAILUK: Moving forward, what would be the next step that New South Wales will take on this? I know you're here as the Minister for the Environment, but—

The Hon. PENNY SHARPE: Yes, it's not really in my bailiwick. As you know, the Premier is very keen to see the mine go ahead. I know that Minister Houssos has been talking to the proponents in relation to how this could operate.

The Hon. TANIA MIHAILUK: Do you think that Minister Plibersek should make her decision public?

The Hon. PENNY SHARPE: That's a matter for the Federal Government. I'm not seeking to interfere in that. That decision has been made.

The Hon. TANIA MIHAILUK: If you made a similar heritage order, you would make your position public, though, in your recommendations that you've made.

The Hon. PENNY SHARPE: It depends. I don't have that power. There are a lot of hypotheticals there.

The Hon. TANIA MIHAILUK: I can only imagine the Premier would want her to make her decisions public.

The Hon. PENNY SHARPE: I can't speak for the Premier. You could've asked him yesterday.

The Hon. TANIA MIHAILUK: You're the Leader of the Government. You represent him in the upper House.

The Hon. PENNY SHARPE: I can't read his mind.

The Hon. TANIA MIHAILUK: You're right there in that leadership group.

The Hon. PENNY SHARPE: I love him, but I can't read his mind. He and I agree on many things.

The Hon. TANIA MIHAILUK: He has taken a very good, strong position on this. He certainly has made it clear that Plibersek is in error in this position. They have made their view known. Will the New South Wales Government work with Regis Resources to try to find an alternative site for the tailings dam?

The Hon. PENNY SHARPE: I believe that work is being undertaken, but not by me.

The Hon. JOHN RUDDICK: I have a question for Mr Chappel. I have recently had meetings with some people about concern with the water supply, particularly in relation to PFAS. I've only heard about them recently. They sound like very dangerous chemicals. I was made aware of recent studies on how they're affecting many animals, including platypuses. Is it a high priority for the EPA to look at the PFAS in our water supply that is affecting animals and humans? Are we considering initiating an inquiry into it?

TONY CHAPPEL: It is a high priority. The EPA publishes each year what we call compliance and regulatory priorities. If you look at our website, you'll see that for this current year, 2024-25, PFAS, PFOS and that class of chemistry, and supporting our government partners in understanding and better managing those issues, is one of our top priorities. We've inspected around 1,100 sites in recent years. We work with Fire and Rescue, RFS and other agencies that have got a history of using these chemicals in their work. The reason PFAS and that class of chemicals is a challenge is not because it poses what you might think of as an acute risk for immediate health impact, but it's what we call a chronic risk. That's for two reasons. First, it is very persistent in the environment. They're called forever chemicals because they last for a very long time in the environment, but they also bioaccumulate.

The Hon. JOHN RUDDICK: I had people give me some documents recently about the synthetic turf industry, which the Government seems to be promoting to local council and sports clubs through State Government grants. I have had some alarming reports about these sports fields that have got synthetic turf. When there's heavy rain, it gets washed into our waterways and our oceans. Is that something that the EPA is looking into? We're told it's eco-friendly. I have got concerns that it may actually not be eco-friendly but quite dangerous to animals and humans. Is that a concern of yours?

The Hon. PENNY SHARPE: Can I start the answer on this one, and then Mr Chappel can finalise this. There was a study undertaken in relation to turf. If Dr Cohn comes later, she might ask us about it. It is actually being dealt with by the Minister for Planning and Public Spaces. Minister Scully is in charge of that. There was a report done that we have made public. I would share some of your concerns about the way in which this operates, but there is also a place for synthetic turf, particularly when we've got a shortage of soccer fields and those kinds of things. I know that some councils have chosen to use that. The EPA, as far as I'm aware, doesn't really have a huge role in relation to this. I might hand to Mr Chappel, and he can tell you what they do.

TONY CHAPPEL: We're working closely with our colleagues in Planning in that whole-of-government response to the chief scientist's work. Essentially, what we'll be looking to achieve is that, where these facilities are installed, they have the appropriate systems to ensure that the kind of contamination or run-off of microfibres and microplastics that you're alluding to do not escape into the broader environment where they can create those risks.

The Hon. JOHN RUDDICK: I'm pleased to hear that.

TONY CHAPPEL: For completeness, we're working with some partners in the microplastics space studying 120 catchments in New South Wales to try to identify any particular hotspots where the risk might already exist.

The Hon. PENNY SHARPE: And I'm very keen to do more work on microplastics generally across the board.

The CHAIR: Minister, could I turn us towards the ACCUs and the improved native forestry management method? The Commonwealth site describes the method as:

The proposed INFM method would incentivise projects involving the cessation or deferral of harvesting in multi-use public native forests, to increase removals in, and avoiding emissions from, relevant forest-related carbon pools.

Did the final method that was sent to the Commonwealth include any part that would allow for native forest logging to continue within the Great Koala National Park while also generating carbon credits?

The Hon. PENNY SHARPE: The short answer is that detail, I suspect, you should ask Mr Fleming this afternoon in relation to what is in and out of it. I am broadly aware of the process. Obviously the method was done across government with input from relevant agencies. It's an independent process that it goes through federally. Basically, the method has been put forward and there is then a process where they will decide whether they are going to examine it or not. If it then passes muster, it is then signed off by my colleague Minister Bowen. If all those things happen, then it is something that might be used. But it's an independent process that we have put in place. We have obviously submitted a method. The details of that, though, I would have to say to you, is probably best—Mr Fleming will be able to help you out.

The CHAIR: As Minister, though, in principle, do you want to generate carbon credits from existing carbon stock?

The Hon. PENNY SHARPE: I'm interested in the options for how we can generate ACCUs, and that's something that we are doing. That's why we've done this work.

The CHAIR: Do you think, as a basic premise, Minister, that it's important that it is about additionality and not existing stocks?

The Hon. PENNY SHARPE: It depends on the rules, obviously. It depends on what's in and out. My view about carbon credits or offsets, as they are sometimes known, is this: I think that they are a necessary part. As you know, the national safeguard mechanism allows for this to occur. It is important. There is a role for them on the way through, as we are heading towards net zero. Though my view about them is that we have got to be very careful, that they need to be rigorous and that they need to be transparent as we are working through these matters. There have been some examples—and I'm sure you could probably point to quite a few of them—where the amount of carbon that's being abated is less than people consider and how that's measured. This is not a straightforward issue, but it's an important one. That's why we are engaging with the Commonwealth process and will put forward a method.

The CHAIR: In terms of that, we are actually inventing the rules, clearly. We are making the methodology independent or whatever. At this point, a methodology is being formulated and rules are being created. If the Commonwealth was to allow existing carbon stocks to be used as offsets, particularly in relation to the hard to abate sectors, would the New South Wales Government position be that that's what we would do too?

The Hon. PENNY SHARPE: That's a big hypothetical. We are a long way from that yet.

The CHAIR: I don't think so, Minister.

The Hon. PENNY SHARPE: I'm not ruling anything in or out on this.

The CHAIR: This is the question that everyone right now is asking.

The Hon. PENNY SHARPE: Sure. I know there is a view.

The CHAIR: Are we going to allow—

The Hon. PENNY SHARPE: I can't say that. I don't know.

The CHAIR: —existing stocks to be part of the carbon budget going forward or will this principle of integrity, namely additionality, be something that the New South Wales Government commits to?

The Hon. PENNY SHARPE: As I said to you, there are a lot of hypotheticals in there because we are just at the beginning of this process. There are a lot of steps that need to be taken before this becomes something that we would decide. I'm not in a position to give you an answer today.

The CHAIR: It's urgent, Minister, as you know, and I know you know.

The Hon. PENNY SHARPE: I'm well aware.

The CHAIR: Still on the topic of climate and emissions and abatement, will the EPA greenhouse gas guidelines apply to the Hunter Valley operations that are currently under some form of consideration and other coal projects that had already produced an EIS when the draft guidelines were published?

The Hon. PENNY SHARPE: Mr Chappel can jump in here. My understanding is that HBO, yes, and there is discussion in relation to that. The guidelines are not finalised but they are obviously being operationalised, and there has also been community consultation in relation that. If you talk about Moolarben, no, they won't apply to that one.

TONY CHAPPEL: Just add to that, Chair, if I may, the Minister is spot on in terms of HBO. Whilst the guidelines themselves were not developed, the content and the hierarchy and the elements of that were shared as EPA advice into the planning department, and have been the subject of the work that HBO is seeking to undertake to meet the secretary's requirements. With Moolarben, the EPA has actually, in respect of Moolarben, written to the planning department to supplement earlier advice, which was, as the Minister said, much earlier on in the process. But that EPA advice discussed the need for a comprehensive climate change mitigation and adaptation plan. We have also communicated to the department the draft guidelines availability to be considered by the consent authority in their deliberations.

The CHAIR: I might come back to you this afternoon more about timing and the depth of that. Minister, there is a massive concern that the fugitive coal emissions are actually set to increase out to 2030. What is the plan to ratchet down fugitive emissions from coal to help get to our 2030 target?

The Hon. PENNY SHARPE: It's a very good question. There is a lot of technical work that's also being undertaken. I might hand that over to Mr Chappel. I know that it's a really important issue. Fugitive emissions are a big problem. They will impact on our ability to meet our targets. There is no doubt about that. Going back to Mr Chappel, he is all across the detail of what we are doing in relation to that, how licences are going to be regulated and how people are going to address it. We are on it, but the detail is best for Mr Chappel.

The CHAIR: I will come back after the break and talk to Mr Chappel about that. Can I just ask you, Minister, about the Net Zero Commission. Where are we up to and has it provided any advice to Government yet? I'd be grateful for a quick 101 as to where we are up to.

The Hon. PENNY SHARPE: I'm really happy to give you an update about this. They are in start-up but they have got a very quick timetable of what they need to do. They commenced operations in July. The chair and the commissioners I announced on 9 July. Members would know that Dr Paul Grimes is the Net Zero Commission chair. The other commissioners are Ms Maria Atkinson, Mr Oliver Costello, Professor Hugh Durrant-Whyte, Professor Frank Jotzo, Ms Katerina Kimmorley, Ms Meg McDonald and Professor Andy Pitman. There is a real mix of skills in relation to that. Their first job and their most important job is to do their first report by November, which will tell us how we are going.

I can't speak for them. They are actually independent of me, which was deliberate. But I would indicate that my expectation is, in terms of what the November report looks like, that it is a snapshot of where we are going. It pulls into, across government, all of the various information that we've got. We've obviously got the modelling that's done in my department. You may have seen the NARClIM work that is done. We've also established across government I think it's called an outcomes network to make sure that we deliver on our part of the bargain, and that activity will be undertaken. They have a very quick turnaround on this preliminary report. I would then expect that next year.

There is some other work they will need to do. They need to create a five-year plan and they will need to give some advice about interim targets. They've obviously got the adaptation objective. So they have a lot of work to do, but they are up and running and appointed, and their first report will be in November, which obviously will go to the joint committee as well; that will be able to be examined. I'm pretty excited, actually, about how this is going. But, yes, they have got a very important task in a very short time frame. I would hope that, as they get more embedded and they roll out, we are getting the information that we need.

The CHAIR: Just to be clear, at this point, the Government hasn't referred any specific projects to it? It's up and running and it has already got a massive plate in front of it.

The Hon. PENNY SHARPE: Correct. Can I also say, we had a bit of a discussion about this when we were doing the legislation. It is not the role of the commission to be another pseudo-planning panel in relation to these matters. We had to be really clear. The EPA has got a really strong role here. They are the regulator. We changed the legislation to include climate pollution when we changed the laws earlier this year. That is the role

of the EPA. The Net Zero Commission is about monitoring and advising and reporting to government and holding us accountable for how we are actually meeting our emissions reductions targets. They are not a quasi-planning panel. That is not their job. That is not to say that at some point there might be some sort of advice that's sought. All I really wanted them to do is get their legs under the desk and get writing that report.

The Hon. NATALIE WARD: Minister, welcome. The time for estimates comes so quickly. I want to ask you about energy policy this morning. I do note that many of your answers today seem to be quite different to some of the positions taken when you were in opposition. I'll just make that reflection and ask some questions in relation to energy policy on that basis. So what is the current amount of renewable energy being supplied into the grid? How much more is required between now and 2030 to ensure we hit the net zero targets?

The Hon. PENNY SHARPE: I've got a graph. We use it in different times. Obviously New South Wales is very coal dependent; we have only had one other coal-fired power station out of the mix. I think I talked about we're getting around 35 per cent from renewable energy, but that is from a whole range of different sources, rooftop solar being an incredibly important part of that. I can show you the graph. This is the duck graph, which is about some of the challenges in relation to this. AEMO yesterday said that across the national energy market 45 per cent of energy was coming from renewable sources over the weekend, which is the highest that it's been for quite a long time.

The Hon. NATALIE WARD: So your answer is 35 or 45?

The Hon. PENNY SHARPE: No, it depends on the time of day. It's not that it's just 35. During the day, there is a huge amount of solar. Let me show you the graph.

The Hon. NATALIE WARD: Just the number. I have got limited time. It is between 35 to 45.

The Hon. PENNY SHARPE: Around 35 per cent. I'm sitting with 35 per cent. But what I am saying is that it can be as high as 45 per cent. Also I would say it is not just New South Wales based; we're in the national energy market. This is the graph from the weekend. I can show you that.

The Hon. NATALIE WARD: Sure. Minister, I might move on. If you'd like to table those, you are most welcome. But what I'd like to ask is what is the number?

The Hon. PENNY SHARPE: But the question you are asking, I'm just not sure—

The Hon. NATALIE WARD: The question I am asking is what is the number? What is the current amount of renewable energy being supplied into the grid? What's the number?

The Hon. PENNY SHARPE: The answer is it depends. But around 35 per cent is what is provided on most days at different times.

The Hon. NATALIE WARD: Thank you. How much more is required between now and 2030 to ensure that we hit our net zero targets?

The Hon. PENNY SHARPE: Sorry, are you talking about net zero targets, or are you talking about building out of the renewable energy zones?

The Hon. NATALIE WARD: I'm asking how much more is required to hit those targets.

The Hon. PENNY SHARPE: Which targets?

The Hon. NATALIE WARD: The net zero targets by 2030.

The Hon. PENNY SHARPE: We need to decarbonise the grid. So we need to meet what is in the road map. It used to be bipartisan. I'm not sure about the Nats; you need to check on them. We're on track in relation to our targets, which is the 12 gigawatts of generation and the two gigawatts of firming. That is ongoing work. There is also work outside the REZ as well, so the total number I would have to come back to you. But in terms of if you are asking if we are going to meet our targets, that is exactly what we are intending to do, and that is what we're rolling out, both in terms of energy, decarbonisation, work in the transport sector and work in energy.

The Hon. NATALIE WARD: That is consistent with what you said last year. You said you thought we were on track to meet the 2030 targets. But will we meet them?

The Hon. PENNY SHARPE: Sorry, are you talking about emissions reductions targets, or are you talking about renewable energy?

The Hon. NATALIE WARD: You can answer either or both, if you like.

The Hon. PENNY SHARPE: They are two different things. I'm just not clear.

The Hon. NATALIE WARD: Let's deal with renewable energy.

The Hon. PENNY SHARPE: That is the 12 gigs and the two. Yes, we believe we are on track for that. If you are talking about emissions reduction, that is a different thing.

The Hon. NATALIE WARD: No, I'm asking about renewable energy.

The Hon. PENNY SHARPE: Right. Okay. Because emissions reduction is different, and there is concerns about whether we are going to meet our emissions reduction targets by 2030. There was modelling that was done by the previous Government that basically modelled were we on track. It said we were on track to be about 56 per cent reduction—

The Hon. NATALIE WARD: Minister, I might move on.

The Hon. PENNY SHARPE: Can you just let me finish? You've asked me two different questions. You've talked about emissions, and then you talked about renewable energy. I'm answering both those questions.

The Hon. NATALIE WARD: We can quibble with the questions. I'm very clear. But I would like to move on and not talk about what may or may not have been done. I'm talking about the future and if we're on track now, not modelling done 18 months ago.

The Hon. PENNY SHARPE: Sorry. It's the same modelling that you used to use. We've updated that modelling, and that is what I'm trying to explain.

The Hon. NATALIE WARD: You're the Minister now. Are we on track?

The Hon. PENNY SHARPE: No. We are at risk. The issue is this: The modelling that is done is the same modelling that was done by the previous Government. It used to model if every single program was in place and was working, would we get to it? It said that it would be about 56 per cent reduction by 2030. We've updated that. So we still have that part of it, if everything is going gangbusters and it's perfect. But we've now said actually how we are observing it. So how are the programs rolling out and how are the programs doing the abatement so that we are actually honest and up-front about how that is going.

The Hon. NATALIE WARD: I'm going to redirect because I'm not sure I need the duck. I don't know, are we playing duck, duck, goose with energy policy? I don't need the duck program.

The Hon. PENNY SHARPE: I'm happy to explain it to you, because I'm not sure that you are across it.

The Hon. NATALIE WARD: I will move on, Minister. How many renewable energy projects are currently awaiting approval in New South Wales?

The Hon. PENNY SHARPE: I would have to take that on notice, but I might be able to get it to you, because I know that I've got a list. There are a lot.

The Hon. NATALIE WARD: Take it on notice. I might assist you, while you are looking for that, or someone can look for it for you.

The Hon. PENNY SHARPE: No, I can tell you. Here we go. The number of projects under assessment, there is 35. There are 13 wind farms, 12 solar farms, eight batteries and two pumped hydro.

The Hon. NATALIE WARD: Okay, great. According to Minister Scully, he said there is 29, currently, new renewable energy projects under assessment, which would produce about 16.5 gigawatts. Most of them are expected to be determined this year. Do you agree with that figure?

The Hon. PENNY SHARPE: That sounds about right.

The Hon. NATALIE WARD: If there are so many new generation projects underway, why are forecasted New South Wales wholesale electricity prices out to 2027 showing that New South Wales prices are almost double those in Victoria and are consistently 20 per cent to 30 per cent higher than in Queensland?

The Hon. PENNY SHARPE: There are a couple of reasons for that. One is that we have old coal-fired power stations that break down a lot. Their prices soar when they come offline. That's why the Eraring decision was so important in terms of prices long term. It's also dependent on how much renewable energy is in the grid, which is still the cheapest form that is going in there. So it depends. The answers for these things is usually it depends. Yes, that's the answer.

The Hon. NATALIE WARD: That is why I asked about renewables. Let's move on to Eraring then.

The Hon. PENNY SHARPE: Are you going to talk about nuclear? Do you support nuclear?

The Hon. NATALIE WARD: Chair, generally the proposition is that I ask the questions, with the limited time we have.

The Hon. PENNY SHARPE: I really wish I could ask you the question, though.

The Hon. NATALIE WARD: If you have any questions for me about energy policy, I'm happy to chat outside. I'd just like to be able to ask the questions, if I may. Minister, when you announced a two-year extension to Eraring Power Station you said, "This is a proactive and sensible step to avoid electricity outages and rising power prices."

The Hon. PENNY SHARPE: Yes.

The Hon. NATALIE WARD: Are you aware that New South Wales electricity prices exceeded \$5,000 per megawatt hours 19 times in May and June?

The Hon. PENNY SHARPE: Yes. That is because the coal-fired power plants were offline.

The Hon. NATALIE WARD: The Australian Energy Regulator said that these high prices were driven by scheduled and unplanned outages of Eraring. So you are saying that they are incorrect?

The Hon. PENNY SHARPE: No. That is exactly what I just said. Unscheduled, so when they are offline—there is scheduled maintenance where they come offline.

The Hon. NATALIE WARD: They said scheduled.

The Hon. PENNY SHARPE: There is scheduled, and then there is unscheduled.

The Hon. NATALIE WARD: Like ducks and geese?

The Hon. PENNY SHARPE: We're also part of the national energy market. Callide, which is Queensland's coal-fired power station, it actually blew up one of its units. So this all fits in together. You can't separate these things individually. We actually work across the market, and there are different impacts if we have to import energy from other States as a result of things that are down in our area.

The Hon. NATALIE WARD: When you signed the contract to keep Eraring open, why didn't the Government seek a guarantee from the operators of Eraring to keep energy prices low?

The Hon. PENNY SHARPE: That is not the way in which the national energy market works. Can I say if the energy market that I inherited, particularly in New South Wales, wasn't privatised, this would have been much easier in terms of the directions we are able to make or not.

The Hon. NATALIE WARD: I'm going to redirect you, Minister. It was a very specific question.

The Hon. PENNY SHARPE: There is no such thing as a redirect. I can answer the question however I like.

The Hon. PETER PRIMROSE: Point of order: I apologise to the Minister and to the member, but this is the second time the honourable member has used the term "redirect", which is not an appropriate term.

The CHAIR: We have got rules around it.

The Hon. NATALIE WARD: The Minister has also spoken about topics other than what I am asking and I'd like the opportunity—

The Hon. PETER PRIMROSE: Can I ask the Chair to rule whether it's appropriate to use the term and seek to redirect?

The CHAIR: It is a difficult thing. We have been given clear advice that we don't really have the power to redirect, but I think that we can have a good conversation between the member and the Minister about sticking on track.

The Hon. NATALIE WARD: I think this Minister is very capable. She is able to answer, so let's let her answer, and why don't we get on with it, which is what I'd like to do.

The Hon. PENNY SHARPE: You've got to let me answer, even if you don't like the answer.

The Hon. NATALIE WARD: My question was very specific. I'll just repeat it, to be clear.

The Hon. PETER PRIMROSE: According to the rules. Let's stick to the rules.

The Hon. NATALIE WARD: You're not chairing, Mr Primrose. I'd just appreciate the opportunity to use my time to ask my questions, if I may, if that is all right with you.

The Hon. PETER PRIMROSE: Please. Provided you stick to the rules.

The Hon. NATALIE WARD: When you signed the contract to keep Eraring open, why didn't you seek a guarantee from the operators of Eraring to keep those prices low?

The Hon. PENNY SHARPE: That is not the way that it works. This is a private entity. I would say at this stage they buy and sell on the market. There was extensive negotiations around this. This idea that we could limit how much they were to do that, without there being compensation, is fanciful. I would remind you that the previous Minister suggested that any deal with Eraring could cost between \$1.6 billion and \$3 billion. That is not the case in New South Wales. I stand by that decision. But the question that you're asking is actually not the way this works.

The Hon. NATALIE WARD: I am entitled to ask the questions the way I want to.

The Hon. PENNY SHARPE: You are but—

The Hon. NATALIE WARD: I think the people of New South Wales are concerned about—

The Hon. PENNY SHARPE: I think Mr Griffin needs to give you a better briefing.

The Hon. NATALIE WARD: If I can finish. If we can speak one person at a time, Minister, it would be very helpful for Hansard, and we both know that. I think it's very clear that the people of New South Wales are concerned in a cost-of-living crisis about energy prices.

The Hon. PENNY SHARPE: Of course they are.

The Hon. NATALIE WARD: Saying that it's the wrong question I don't think is helpful for them or for this Committee.

The Hon. PENNY SHARPE: But not understanding how the energy system works is also unhelpful and misleading.

The Hon. NATALIE WARD: Will the Government buy back Eraring?

The Hon. PENNY SHARPE: No.

The Hon. NATALIE WARD: You will absolutely rule that out?

The Hon. PENNY SHARPE: Yes.

The Hon. NATALIE WARD: But you won't put in a guarantee about pricing?

The Hon. PENNY SHARPE: We're not able to do that because that's not how the market operates.

The Hon. NATALIE WARD: If extending Eraring was about reliability and price, what consideration was given then to the environment?

The Hon. PENNY SHARPE: All issues were considered in relation to this. I'd make the following points in relation to this. We've been extremely transparent around the impact, around the advice, and provided all of that publicly. Of course there is an impact on the environment. There's an impact in relation to emissions. There's an impact in relation to coal ash. We are dealing with those. But the point here is the extension of Eraring covers a reliability gap that stops blackouts and stops price spikes for households and small businesses. If you are concerned about prices, which I am—very concerned—then this is an important transitory step as we build out as much of the renewable energy as we must to make sure that we can transition our electricity grid.

The Hon. NATALIE WARD: Are you aware that at one point this year the energy prices remained so high that the market in New South Wales had to be suspended?

The Hon. PENNY SHARPE: Yes.

The Hon. NATALIE WARD: It's fair to say that keeping Eraring open hasn't exactly delivered the sort of certainty that you were looking for, isn't that right?

The Hon. PENNY SHARPE: Ms Ward—

The Hon. NATALIE WARD: It hasn't delivered certainty, it hasn't delivered reliability and it hasn't lowered the price.

The Hon. PENNY SHARPE: Are you going to let me answer the question or are you just going to make assertions that frankly show how little you understand the way in which the electricity market works?

The Hon. NATALIE WARD: Frankly, that's just insulting.

The Hon. PENNY SHARPE: Well, it is.

The Hon. NATALIE WARD: I've asked you a question about reliability and price.

The Hon. PENNY SHARPE: And prices spike because prices are dynamic, and they depend on supply and demand, and they depend on how it's going. Whether it is how much solar is coming into the grid in the middle of the day, whether the Callide coal-fired power station is down in Queensland, whether there's an issue with transmission, particularly with wild events and particularly wild weather events where we see transmission lines go down. This is not unusual. In fact, this is the way in which AEMO has to operate the National Energy Market and deliver energy to everyone who needs it. Prices go up and down; it's a dynamic market. If you're suggesting that we could go back to a planned market that's not privatised, I think that horse has well and truly bolted.

The Hon. NATALIE WARD: I'm just asking, Minister, what you're doing about it, which I'm entitled to do.

The Hon. PENNY SHARPE: We're doing everything we can to actually reduce prices and put downward pressure on energy prices for households, which we desperately care about and which we have invested significant moneys in assisting households with.

The Hon. NATALIE WARD: With respect to Eraring, you said the starting principle was "not a day longer, not a dollar more". With that in mind, when can we expect to see an exit plan for Eraring?

The Hon. PENNY SHARPE: Eraring's plan is already very well articulated. They have given notice to both the market and to AEMO that they will be closing in 2027. That's not a hard close. The support and the underwriting that the New South Wales Government may provide only goes till then. But they will have to formally and finally close in—I think it is April 2029. It's definitely 2029; I think it's April.

The Hon. NATALIE WARD: So there's a draft plan in place. There's a plan in place that's finalised and that's clear.

The Hon. PENNY SHARPE: Yes, but I would remind you, though, they are a private company and their operation is that it will close in April 2029. If they decide to go on past when the government's underwriting is, which is until the end of 2027, then that's a matter for them.

The Hon. NATALIE WARD: I'm asking about your role, your responsibility, your engagement with them and what your understanding and expectation is of that. I'm not asking about their private dealings.

The Hon. PENNY SHARPE: Well, sorry, they're a private company that actually has to report this. I'm just telling you what they're doing.

The Hon. NATALIE WARD: Yes, but I'm asking you about your role and your interaction with them, so it's patronising to say that to me.

The Hon. PENNY SHARPE: Which I'm telling you. We're underwriting until 2027, and then they have to finally close by 2029. That is not a surprise; it has all been on the public record.

The Hon. NATALIE WARD: What do you say to the environment and climate groups that feel let down by your decision to keep Eraring open?

The Hon. PENNY SHARPE: I say to them that we are doing everything that we can to build out renewable energy as quickly as we can, that there is advice around the reliability gap that was there which would lead to blackouts and to significant price spikes for households—not just one-off days but literally a much more expensive arrangement—if Eraring was to exit the market in 2025 when it was supposed to, and that this is a necessary, cautious and careful approach which gives us a little bit of a breather to make sure that we orderly manage the exit of coal as quickly as we can while building out renewable energy.

The Hon. NATALIE WARD: Given electricity pricing in New South Wales is the worst of the National Energy Market States, will you rule out extending Eraring again?

The Hon. PENNY SHARPE: Yes.

The Hon. NATALIE WARD: Will you make public any of the modelling of alternative proposals that were done to supply that needed capacity instead of keeping Eraring open?

The Hon. PENNY SHARPE: We've done that.

The Hon. NATALIE WARD: Was any alternative modelling done?

The Hon. PENNY SHARPE: Yes.

The Hon. NATALIE WARD: You've tabled that?

The Hon. PENNY SHARPE: We have tabled all of that in the Parliament.

The Hon. NATALIE WARD: You've made that public. Good.

The Hon. PENNY SHARPE: Yes. It'd be good if you knew that.

The Hon. NATALIE WARD: Again, there's no need to be patronising.

The Hon. PENNY SHARPE: I know James is new, and welcome to the portfolio, but it would help if he looked at what happened in the upper House.

The Hon. NATALIE WARD: There's no need to be patronising and insult people. We are doing our jobs, Minister.

The Hon. PENNY SHARPE: Not if you haven't read the material that's available.

The Hon. NATALIE WARD: I appreciate the courtesy that you expect; you talk over people and it's fine when you do it. I'm diligently trying to ask some questions. Let's talk about the new energy policy framework—actually, no, sorry, let's go to contaminated sites just for fun. How many contaminated sites that pose a risk to the environment are there right now across New South Wales?

The Hon. PENNY SHARPE: There's a significant number. I might hand to Mr Chappel in relation to the actual numbers.

TONY CHAPPEL: I might need just a moment to find that detail.

The Hon. NATALIE WARD: I can give you the answer if you like.

The Hon. PENNY SHARPE: It will be online.

The Hon. NATALIE WARD: There is more than 200. Those sites are potentially environmental ticking time bombs, wouldn't you agree?

The Hon. PENNY SHARPE: All contaminated sites are a problem.

The Hon. NATALIE WARD: Yes, 200.

The Hon. PENNY SHARPE: Yes, 200. Most of them were there for 12 years, and I don't know that you guys did much with them. We're working through how we deal with contaminated lands. I don't know whether Mr Chappel wants to add anything to it.

TONY CHAPPEL: Just to say that when sites are declared contaminated sites, it triggers a series of regulatory requirements that are all about managing the risk of that site and ultimately remediating it.

The Hon. NATALIE WARD: Dealing with those was meant to be an EPA priority, a regulatory priority, in 2023-24. What has happened with that priority?

The Hon. PENNY SHARPE: They're doing the work.

TONY CHAPPEL: Significant work has progressed. I'm happy to give you an extensive answer.

The Hon. NATALIE WARD: Why don't we take that up this afternoon, if you like? We have you this afternoon.

TONY CHAPPEL: I will just need to take that one for this afternoon, yes.

The Hon. NATALIE WARD: Minister, do you plan on remediating those contaminated sites in New South Wales?

The Hon. PENNY SHARPE: It depends which ones and it depends on how long—these are complex sites—and it depends on who owns them. Mr Chappel will be able to take you through chapter and verse in relation to what the plan is for each of the sites. I'm not across that detail, but the point I would—

The Hon. NATALIE WARD: But broadly, as Minister, you set the policy direction. Is it your view that you plan on remediating those contaminated sites?

The Hon. PENNY SHARPE: We continue to work to deal with contaminated lands as previous governments have as well.

The Hon. NATALIE WARD: "Deal with" is not the same as remediating, is it?

The Hon. PENNY SHARPE: Sorry?

The Hon. NATALIE WARD: "Deal with" I think were your words. "We plan on dealing with them" is not the same as remediating them. It's a yes or no, isn't it?

The Hon. PENNY SHARPE: No, it's not a yes or no question. The answer to it is that there is a framework for managing contaminated lands, and we continue to do so. We try to remediate as many as we can, but I just can't tell you exactly where each of the individual sites are. Some are more complex than others. In fact I think I might provide to the Committee the number that have been there for the 12 years that you were in government and that we're catching up with.

The Hon. NATALIE WARD: We can look backwards or we can look forwards to cleaning these up and getting them fixed under your time here.

The Hon. PENNY SHARPE: Sure. Yes, they've got to be cleaned up.

The Hon. NATALIE WARD: Minister, you've been here for 18 months. I would have thought you'd be focused on what you're going to do about it if you are truly committed to this.

The Hon. PENNY SHARPE: I'm focused on every part of my portfolio. I note the contaminated lands are a problem, and we're continuing to manage them and remediate them. But, again, it's not always the government that remediates it. It depends on what the plan is, it depends on who owns it and it depends on who made the contamination. This is not a straightforward issue, but it's one that, like all environmental issues, we take very seriously.

The Hon. NATALIE WARD: In taking it seriously, perhaps we might have some more detail on your commitment to what you're doing on each of those.

The Hon. PENNY SHARPE: Sure. I'll also provide that list of how long they've been a problem too.

The Hon. NATALIE WARD: Is the land around Rosehill contaminated?

The Hon. PENNY SHARPE: When you say "around Rosehill", do you mean Rosehill itself or do you mean—in what buffer zone? Parramatta has had a lot of heavy industry. How big are you talking about?

The Hon. NATALIE WARD: Is the Rosehill land site contaminated?

The Hon. PENNY SHARPE: I'm not aware of that. I think it's one of the better sites, but as you know there's a process underway to examine that as an opportunity. All of those studies and everything will be done. But my understanding—

The Hon. NATALIE WARD: The land around—

The Hon. PENNY SHARPE: Sorry, if you could let me finish.

The Hon. NATALIE WARD: Certainly. Around the metro is where I'm interested in. Was that land contaminated around the metro site?

The Hon. PENNY SHARPE: I'd have to take it on notice.

The CHAIR: Minister, what are the priority areas and species in responding to an outbreak of bird flu in New South Wales?

The Hon. PENNY SHARPE: I have an answer for this. I am very concerned about this. You'd be aware that H5N1 is bird flu that's basically decimated wild bird populations. You'd be aware that Minister Moriarty deals with chooks in sheds, and we've already had outbreaks here. The real challenge here that I'm really concerned about is that if it gets into the wild bird populations, essentially there's nothing very much we can do about it. There's a real problem with this. I do want to take the opportunity, though, to provide this particular information. We're working nationally in relation to dealing with this.

The real risk, of course, is migratory birds, either coming from the north—they've started to arrive—and obviously the ones from Antarctica as well. I'm doing a round table on Friday with wildlife carers and some of the other groups—Invasive Species Council, BirdLife Australia—to really share the information because there's not clear information on what the public should do. I can't overstate how serious this is. Things like the little penguin colony at Manly could be wiped out by this. In Peru, 40 per cent of their pelicans have died as a result of having this flu. We've got areas like Barunguba Montague Island, where we've got a huge number of birds, and all of those islands off the coast. If it gets into those populations, they genuinely could be decimated.

The advice that we're providing to people in this—first of all, we're bringing it all together. There's an action plan across government and we're trying to share that information. We're moving to the next bit. The important thing for people to know is that they need to avoid contact with sick or dead wildlife. This flu can be

transmitted to humans. The evidence to date is that it's very mild. It's not life threatening or anything, but of course we don't want people doing the wrong thing here. People need to avoid contact with sick or dead wildlife. They need to make sure that their pets don't eat sick or dead wildlife. The real challenge with this flu is that it's able to go in between animals as well.

We really want anyone who see animals that are dying—an event that we want people to report is if they see more than five birds that are dead in any one place. They need to report it. There's the Emergency Animal Disease hotline, and we want them to report that. We want them to record what they see—the location of where the animals were found, and we want them to take photos and videos. We need to stay on top of this. Wildlife Health Australia is leading a lot of this response. There's some really great work being undertaken. I'm really glad that you asked this question because I am really concerned about it. Our ability to actually contain it in the wild bird population is very low. There are some differing views about whether sick birds—are those migratory birds going to be able to make it to Australia if they're coming from Mongolia, if they're coming from Korea or they're coming from Antarctica? There's some sort of question mark about that. But my view is we should be prepared.

I know that wildlife carers across the State—birdlife and others—are very worried about it. Really, citizens are going to have to be our eyes and ears. We just don't have enough people to even manage that if it becomes a serious breakout. I don't want to overstate it, but we're trying to do all of that preparatory work because I do think the risk is really serious. The idea that we could lose some of those very precious birds and those very particular colonies is something that we really want people to be alert—not so alarmed yet, but very alert to any changes that they're noticing in their bird populations.

The CHAIR: I can follow up with the department as well in terms of actual actions. We have jumped into Government time but the Minister did have that opportunity. Does the Government have any questions to put to the Minister?

The Hon. PETER PRIMROSE: We're very satisfied with what the Minister has said.

(Short adjournment)

The CHAIR: Welcome back to the next session. Minister, is there something you wanted to address with the Committee?

The Hon. PENNY SHARPE: Yes. We have sought some advice in relation to the matters that were raised in the earlier session and I'd like to provide this to the Committee. There are issues in relation to the documents that have been produced. We want to make the point that there is an active criminal investigation around asbestos in mulch. The release of the documents could prejudice or prevent the investigation or the prosecution of an offence, which is a matter of state, and would give rise to a public interest immunity claim. If such a claim is made, the Crown Solicitor would need to be provided advice and representation in that. We are concerned about the source of the documents and that they have been provided in the course of other legal proceedings. Those proceedings were ultimately settled. There is an issue in relation to the use of any documents that were provided by that. I don't know where they've come from, but I'm just saying that the Government is extremely concerned about that.

The CHAIR: Thank you, Minister. We don't need to deliberate on that matter at the moment.

The Hon. PENNY SHARPE: No. I just wanted to provide that, though.

The CHAIR: Thank you. We are now moving into crossbench time. I will hand over to Ms Boyd.

Ms ABIGAIL BOYD: Good morning to you, Minister. I'll be super quick because I know time is short. I wanted to ask you questions around the Tomago Aluminium smelter. As you know, Tomago is the largest electricity user in New South Wales.

The Hon. PENNY SHARPE: Yes.

Ms ABIGAIL BOYD: Approximately 850 is its annual, constant demand.

The Hon. PENNY SHARPE: Yes.

Ms ABIGAIL BOYD: What is the plan for powering Tomago once Bayswater closes in 2030?

The Hon. PENNY SHARPE: I know Tomago is obviously very focused on what their future looks like in relation to how they survive. I'm not in a position to tell you what their plan is. I have visited Tomago and I have met with them. They're obviously a very important employer. They play an incredibly important role in managing demand, actually. We use them, and they're contracted, to turn off—not turn off, but turn down; you can't actually turn off—the smelters and all those things. But they're very important in terms of taking areas offline.

But to speak specifically on the question you've asked, I'm not sure that it's tied to that particular—they don't get their energy just from that coal-fired power station. They are, again, part of the network. They have relationships, obviously, with Transgrid in terms of how that's done. I know that they're very focused on it, but it's really a question for them. I'm not able to provide you with any more information.

Ms ABIGAIL BOYD: Given what I would call a debacle that we've seen with the Eraring Power Station being kept open—

The Hon. PENNY SHARPE: You'd say that. I disagree.

Ms ABIGAIL BOYD: I would say that. What is your Government doing to ensure that we don't have the same situation come up when it comes to Bayswater because we're not able to power Tomago?

The Hon. PENNY SHARPE: Well, I wouldn't link it to Tomago. We're building as much renewable energy, and the transmission lines that we need to build, as quickly as possible to replace what we need as coal-fired power comes out. That's what we're doing.

Ms ABIGAIL BOYD: Is there any particular plan in relation to setting up some form of alternative energy source that would be sufficient to power Tomago?

The Hon. PENNY SHARPE: As I said to you, I'm not across Tomago's plans about where they would source their electricity, but they're part of the wider network. If we have enough renewable energy to be able to power them, they would be able to get that. There are obviously some issues around firming and storage and all of those technical matters. I just can't provide you with any more information. It's a matter for Tomago.

Ms ABIGAIL BOYD: Other aluminium smelters around the world have been trying to produce green aluminium, but obviously there's a certain heat that's required.

The Hon. PENNY SHARPE: That's why the hydrogen work is so important.

Ms ABIGAIL BOYD: And that's why I'm asking about Tomago, in particular, because its energy needs are quite different to everyone else's.

The Hon. PENNY SHARPE: It's a really important plant. This is really what we're trying to do in relation to the hydrogen work—supporting hydrogen hubs, trying to support an industry growing and developing, particularly in hard-to-abate sectors like aluminium smelters. We're not there yet, but we envisage places like Tomago—I don't want to tie it specifically to Tomago—and hard-to-abate sectors, such as mining and others—that's where we hope that hydrogen can take us.

Ms ABIGAIL BOYD: Your diary disclosures are of a similar lack-of-information, I guess, quality as the rest of the Ministers, so I'm not going to pick on you in particular. You met with Tomago in relation to "energy" on 12 April.

The Hon. PENNY SHARPE: Yes.

Ms ABIGAIL BOYD: Did you discuss these issues?

The Hon. PENNY SHARPE: Not the post-2030. What we talked about was—I'd need to confirm this with my office, but this was a visit. I actually went onsite and they showed me around. I'd never been to an aluminium smelter before. They talked about the challenges they face in relation to how they're going to meet their targets. They are part of discussions around their decarbonisation plan. There are some limits to that. We did talk broadly, but any link to Bayswater or their post-2030 was not a specific part of the visit. They didn't talk to me about that.

Ms ABIGAIL BOYD: I might bring this up again in the afternoon when I've got more time.

The Hon. PENNY SHARPE: Sure.

Ms ABIGAIL BOYD: In my one minute remaining, the residential battery scheme, although welcomed, has caused a lot of consternation in the industry in relation to this five-month period of delay. Have you got any plans to bring forward the start date?

The Hon. PENNY SHARPE: We're having a look at that. The point that I need to make is that we were required to give notice to consumers and to accredited providers. This is overseen by IPART. It is a challenging matter, but we're working to see whether we could bring it forward. I'm not actually confident that we will. The most important thing for me in relation to this program is that it'll provide between \$2,000 to just under \$3,000 as a subsidy for people being able to get household solar.

People need to understand it's a market-based system. This isn't just like a discount on this; this is actually tied to our Peak Demand Reduction Scheme, the certificates that come off it. It is a complicated market-based scheme. We need to provide advice. We need to make sure that the safety is right. I'm concerned that there have been batteries, for example, that have been recalled in recent times. We've actually invested more money in compliance. We also needed the time to get accredited providers to make sure that they can do it right. That's what's really important to me.

Dr AMANDA COHN: I'm interested in *NSW Plastics: Next Steps*. I understand the public consultation on that closed earlier this year. Actions by the Government so far have focused on banning single-use plastics at the point of sale, but will the new plastic plan also include any product stewardship measures or action to reduce the production of plastic in the first place?

The Hon. PENNY SHARPE: The short answer is yes. The longer answer is we've got more consultation to be done on this. The plastics plan looks at a range of different things. At a national level, we're also looking at actually reducing plastics up-front through packaging work. We're also looking at more recyclability in terms of the plastics that are used. We're trying to avoid, then we're trying to do mitigation; this is a familiar hierarchy for everyone. Whether there is other product stewardship, yes, we're looking at that, but there's further consultation to be done. But the short answer is yes.

Dr AMANDA COHN: When will the details of the community feedback you've already received be made public?

The Hon. PENNY SHARPE: I think it's soon. It will be the next couple of months. Have we set a date?

TONY CHAPPEL: I don't think we've set a date.

The Hon. PENNY SHARPE: Soon, sorry. I'm not trying to be tricky; I just don't want to mislead the Committee. I would hope it's in the next couple of months. Sooner rather than later, we want to get on to it.

Dr AMANDA COHN: I also want to ask you about wood heaters, which we've discussed before. I quote the NSW Health website to you, which states:

... 269 premature deaths each year are attributable to long-term exposure to residential wood-burning heater PM2.5 emissions. In rural and regional areas of NSW, where it is colder and more people use wood heaters, the contribution of wood-burning heater emissions to the mortality burden of PM2.5 is likely to be even higher.

You've previously indicated that you're not going to look at a phase-out of wood heaters, which is disappointing. But in the absence of a phase-out—

The Hon. PENNY SHARPE: But truthful.

Dr AMANDA COHN: —what are you doing to reduce the really terrible health burden of wood heating?

The Hon. PENNY SHARPE: You would be familiar with the work that's undertaken around standards and wood heaters, and those kinds of things. But I think, more broadly, the work that we would like to do is to see more people electrify their homes and be able to get solar and batteries, and be able to access community batteries and do that sort of work, which would mean that it's actually cheaper for them to run, rather than run woodfired heaters. But the point, as I said to you before, is that wood heaters are important. For some, it's their only form of heating. We need to have alternatives. I think they're starting to emerge, particularly with the solar battery part of it and electrification. We do that, plus we have the standards work that occurs and the information that we provide in relation to wood heaters.

Dr AMANDA COHN: I would absolutely agree that supporting people to upgrade their heating is a really critical part of this work, but I have heard feedback that the Energy Savings Scheme is really difficult for people to access in places like Armidale, where the burden of wood heaters is the worst.

The Hon. PENNY SHARPE: We've got a real challenge here. These schemes are incredibly important. We just talked about the PDRS and obviously the energy savings plan. We're reviewing that. There are challenges for people in regional areas. People have written to me about having accredited providers. We're looking at how we can fix that gap. We've got the Consumer Energy Strategy that will be coming out very soon. It's very exciting. I've got money in the budget for this. There is a real opportunity, I think, to coordinate a lot of that work. If people work together with these schemes, they can set up virtual power plants, and they can do a whole range of other things by orchestrating what they're doing with their rooftop solar and their batteries. I think there's an opportunity to get accredited providers who can come and do large amounts of work, rather than the one-offs, which has been the challenge in terms of getting people out into some regional areas.

Dr AMANDA COHN: There have been nine high air pollution alerts in Singleton shire just in the past couple of months, and in a wet year. People are quite distressed that, with this volume of notifications, they either ignore the notifications and go about their business, or they're really distressed about how to protect their health and the health of their kids with such significant air pollution. Since there are no maximum allowable exceedances, how should people be responding to those notifications?

The Hon. PENNY SHARPE: We have a really important notification system. I know people get fatigued by using those. I know in some areas it's very weather dependent. It's a real issue. The best thing I can encourage people to do is to pay attention and take action as needed.

The Hon. JOHN RUDDICK: Minister, you have a heavy workload. You're the Minister for Climate Change, where you're trying to change the weather.

The Hon. PENNY SHARPE: I'm not trying to change the weather; I'm trying to protect the planet.

The CHAIR: It's changing.

The Hon. JOHN RUDDICK: That's what it's about. We're trying to change the atmospheric temperature.

The Hon. PENNY SHARPE: Yes, because it's too high.

The Hon. JOHN RUDDICK: We'll move on from that. You're the Minister for Energy, you're the Minister for the Environment, you're the Minister for Heritage and you're also the Leader of the Government in the Legislative Council. You're carrying a lot of responsibilities there. This is not a personal criticism, but obviously you have many other things that are a higher priority to you than the issue of Mount Warning. But for the people who live in the small towns around Mount Warning, which was one of New South Wales's most popular tourist attractions, this is of acute interest to them because these towns are slowly but surely dying. You know that I have asked you about this previously, but I do have the feeling that both you as the Minister for the Environment and the previous Government's Minister for Energy and Environment—we're just kicking this can down the road.

We just didn't want to make a decision. We're just hoping that it goes away. But while we are procrastinating—I was at the local town recently and all the locals are very, very upset about it. I was impressed by what Premier Minns said recently about the goldmine at Blayney, where I believe common sense prevailed, and you reiterated that this morning, so thank you very much. Can we bring this Mount Warning issue to a close and reopen it? Is there something we can do? What do you think the timeline is from here to get this resolved, so that we can talk about other more important things like changing the weather?

The Hon. PENNY SHARPE: I am trying to work through this issue, as you're aware. I have done quite a lot of consultation with people in relation to this. We need to work through the issues of the requirements under Aboriginal Place in the plan of management that is established through that. I'm contemplating how that will work. I'd like to get it done sooner rather than later but, as you know, this is an issue that we inherited and it is complicated. It's a complicated discussion, particularly amongst different First Nations groups in relation to that. As you know, people feel very strongly about whether and when they are able to go up to the summit. All I can say to you—and I'm happy to accept the criticism that I'm not doing it quickly enough—it is something that I've spent a lot of time on, with all the other things that I'm doing. It is one that requires more work, and we're doing that.

I would hope to try to deal with that as soon as we can, but I'm not going to put a time frame on it. I have met with lots of different people, and I've met with anyone who's asked me to meet with them in relation to these matters, and we've had these conversations. It's not a straightforward matter. It goes to how we declare Aboriginal Places; it goes to how we manage national parks and the way in which there is access or not. There are safety issues. I know these things have been conflated. There are a number of different things that have impacted on this. I'm trying to work through those and deal with it.

The Hon. JOHN RUDDICK: Is the decline of the local economy a concern? Are you aware of how much it has cost the local economy?

The Hon. PENNY SHARPE: I have met with business owners who have raised these issues with me and indicated from where they used to have it. There are some other issues that are impacting there. The state of the roads, for example, was a pretty significant one when I was up there. There is just not access in terms of the safety of the roads. But, yes, I'm aware of that. Of course, I'm always concerned about community wellbeing and the way in which their economies work.

The Hon. JOHN RUDDICK: Chair, I would like to cede the rest of my time to Mr Fang.

The CHAIR: I'm not sure you can do that, sorry. No, you can't do that.

The Hon. JOHN RUDDICK: I've done it previously and it was no problem.

The Hon. NATALIE WARD: It's his time.

The Hon. JOHN RUDDICK: I believe there is an effort to silence Mr Fang.

The CHAIR: There is no effort to silence Mr Fang. He is going to get 20 minutes. At the moment we have other members—

The Hon. NATALIE WARD: It's his time, Chair.

Ms CATE FAEHRMANN: Point of order: The Committee met this morning and determined, as it has in the past, that it's 20 minutes of crossbench time, and how that's allocated is potentially up to you as Chair.

The CHAIR: Absolutely. It's my decision.

The Hon. NATALIE WARD: Chair, it certainly is, but can I make a submission, please? As the crossbench member has 10 minutes, it is his 10 minutes to allocate as he would like. There is precedent across the committees for this. If he cedes his time to another member, he's entitled to do so.

The CHAIR: Thank you. Mr Ruddick and I had an arrangement. We will stick to the arrangement we made in the deliberative.

The Hon. NATALIE WARD: Shutdown.

The CHAIR: That was 20 minutes for the crossbench and 20 minutes for the Opposition.

The Hon. WES FANG: Point of order—

The CHAIR: I have heard enough.

The Hon. WES FANG: I'm going to raise a point of order first, Chair, if that's okay. I do note that when your crossbench time was completed—the bells rang—you then asked two additional questions after the crossbench time of 20 minutes had completed. Obviously you are the Chair, and I respect that, but to do so broke those conventions. Therefore—

The CHAIR: Thank you, Mr Fang. I hear your point. Ms Faehrmann, it's over to you. It's your time.

The Hon. WES FANG: Mr Ruddick, did you have a point of order?

The Hon. JOHN RUDDICK: If I can't concede it to Wes, I would like to ask some more questions of the Minister.

The CHAIR: Certainly. Go ahead, Mr Ruddick.

The Hon. JOHN RUDDICK: Minister, on the question of climate change, are you aware of what percentage of the atmosphere is carbon dioxide?

The Hon. PENNY SHARPE: We tried to keep it to 350, but I think it's now at about 420. Let me confirm that.

The Hon. JOHN RUDDICK: That sounds about right.

The Hon. PENNY SHARPE: Does that sound right?

The Hon. JOHN RUDDICK: That's in the ballpark. It's hard to measure precisely. That's very much a trace element. Are you confident that that is the temperature control switch for the atmosphere?

The Hon. PENNY SHARPE: I don't pretend to be a climate scientist, but I've read quite a lot of the science. The point that I would make is that it's carbon and a whole range of different things that are impacting in relation to climate. But I would support the view, as the Government does and as I think almost everyone in the Parliament does, that climate change is real and that we have a small window of opportunity to deal with it before there are catastrophic impacts in relation to our climate.

I point you to the recent excellent work done by my department with the NARClIM reporting and modelling. It uses international data and it plugs it into—if we stay and manage to keep global warming down to 1.5 degrees, which I fear we are already tipping over, then the impact is still a warming climate with severe impacts across New South Wales. It also models it out to 2100, which shows the difference in terms of the amount of hot days, the amount of cold days, the changes in the weather patterns. You just need to look at places like Japan, who have had a two-month-long heatwave, where people are dying as a result of that, and you can point to a whole range of other issues. I know we disagree, but I suppose the point I'm making is that I believe the science, and we're taking action on it.

The Hon. JOHN RUDDICK: You just mentioned catastrophic impacts. We have been told for 30 to 40 years that we were going to be having—well and truly by now.

The Hon. PENNY SHARPE: Yes, and we mucked around for 30 to 40 years, when we should have been taking that action earlier, because that would actually make the action that we're taking now much easier.

The Hon. JOHN RUDDICK: We were told that the first indicator would be a rising ocean. It's just simply not happening. We were told that coastal cities would be inundated by now. It's just simply not happening. There's been no—

The Hon. PENNY SHARPE: Again, can I just point you to the NARClIM. You really should have a bit of a play with this, actually. It's online. It can go down to four square kilometres. It's fantastic work. This is world-leading modelling that is being done right here in New South Wales. You can look where you live. I don't know where you live. But, where you live, you can go down to four square kilometres and it can show you the predicted impact at 1.5 degrees and, basically, business as usual and we heat to over four degrees. It is significant. If you want to look at coastal and sea erosion—there is no doubt that there is an impact here. We are seeing it. We are seeing it at places like Jimmys Beach, in terms of those large events. Each individual event is not necessarily the cause—is directly linked to climate change, but the science tells us that extreme weather events are there.

I really would refer you to—last year the scientist Professor McDougall—he's an ocean physicist from UNSW, scientist of the year. He gave a great speech at the award ceremony. He's dedicated his entire life to understanding the physics of the ocean and the temperatures of the ocean and the impact of climate change on the ocean and, in his very modest but pleading way, said to those gathered there, "We are not taking climate change serious enough. We're not taking urgent enough"—and it is going to matter because we are getting to catastrophic collapses in ecosystems and changes in the very fundamental physics of the ocean, which will have a huge impact and are beginning to have an impact on our climate and the way in which we live.

The Hon. JOHN RUDDICK: Do you agree with the statement that the science is settled and therefore we should not have any debate about this?

The Hon. PENNY SHARPE: No. I think we should always debate it. I agree that the science is very strong, but I always agree—science is actually about that disagreement.

The Hon. JOHN RUDDICK: Debate. That's right.

The Hon. PENNY SHARPE: It's about all of that.

The Hon. JOHN RUDDICK: This debate has been politicised. The people who have an alternative view are not being listened to by your Government, and I would encourage you to listen to them.

The Hon. PENNY SHARPE: I will listen to them. Whether I take action on what they think is a different matter.

The Hon. NATALIE WARD: Minister, I think we touched on earlier about the Federal Minister, your friend Tanya Plibersek's decision on the goldmine. You've said that you had a letter. Have you spoken with the Minister about this issue directly?

The Hon. PENNY SHARPE: No.

The Hon. NATALIE WARD: Not at all?

The Hon. PENNY SHARPE: No.

The Hon. NATALIE WARD: So you haven't spoken with her. The Premier has indicated that he has concerns. Since the decision, you haven't contacted her either, to express those concerns?

The Hon. PENNY SHARPE: No.

The Hon. NATALIE WARD: Why not?

The Hon. PENNY SHARPE: I think the New South Wales position in relation to that decision's pretty clear and pretty public.

The Hon. NATALIE WARD: So you don't think you have any obligation to communicate directly with her as State and Federal Ministers.

The Hon. PENNY SHARPE: As I said earlier, I had provided advice to the Minister in relation to this decision, and that's that. New South Wales's position is very clear in relation to this. We would like to see the mine go ahead.

The Hon. NATALIE WARD: You didn't pick up the phone at any time, say, "What are you thinking?"

The Hon. PENNY SHARPE: No.

The Hon. NATALIE WARD: No concerns. You said earlier—

The Hon. PENNY SHARPE: No, that's not the issue. The Federal Minister makes a decision based on the information that she has. She seeks advice, which I provided a long time ago. Then she makes that decision. This idea that there's no concern—I think it's pretty clear what the New South Wales position is and what we think about it. The Premier's been very clear, as has the Minister for resources.

The Hon. NATALIE WARD: You said earlier today, under oath today, that you are—

The Hon. PENNY SHARPE: Under oath. Yes.

The Hon. NATALIE WARD: That's correct, isn't it?

The Hon. PENNY SHARPE: I believe so, yes.

The Hon. NATALIE WARD: So may I ask the question, please?

The Hon. PENNY SHARPE: Sure.

The Hon. NATALIE WARD: You said earlier today you are—and I quote—pro-science. As environmental approvals and your role relate, do you take a more pro-science approach, based on expert advice? Or is it more based on the philosophical environmental review of the approval process?

The Hon. PENNY SHARPE: I'm not quite sure what you mean with that, in terms of where my role is and what's considered when we're making decisions. Are you talking about planning?

The Hon. NATALIE WARD: Yes. I'm talking about the environmental approval process. Are you taking a philosophical approach—

The Hon. PENNY SHARPE: Through the EP&A Act? Through which—

The Hon. NATALIE WARD: I'm asking the questions, Minister, if you don't mind.

The Hon. PENNY SHARPE: I'm trying to understand what the question is.

The Hon. NATALIE WARD: Sure. You said you're pro-science in relation to the environmental approval process. Are you taking an ideological view as the Minister? Or are you taking a pro-science, based-on-the-experts view?

The Hon. PENNY SHARPE: I take an evidence-based view.

The Hon. NATALIE WARD: Did the EPA or your department play a role in the approval of the mine, from a New South Wales perspective, prior to last week?

The Hon. PENNY SHARPE: Which mine? You're talking about McPhillamys?

The Hon. NATALIE WARD: The Regis goldmine.

The Hon. PENNY SHARPE: Yes, it would have. I might hand to Mr Chappel in relation to this. This application went in in 2019. The actual time frame for when advice was provided, which again is part of the process for planning approvals—I'll get him to take you through that, because I suspect some of this happened, actually, under the previous Government.

The Hon. NATALIE WARD: We can do that this afternoon with Mr Chappel. Thank you. I just am interested in your time here, which we appreciate. Prior to the Federal Minister's determination, did you receive any briefings or approve any briefing notes regarding the proposal? It's not a trick question. I'm just trying to understand your role in the process leading up to Minister Plibersek's determination.

The Hon. PENNY SHARPE: As I said when Ms Mihailuk was here earlier, there is a process that the Federal Government undertakes, in terms of seeking advice from the New South Wales Government, to have input into these decisions. That advice was sought. Minister Plibersek sought that advice. I'd need to check the—

The Hon. NATALIE WARD: So it's a yes.

The Hon. PENNY SHARPE: Are you going let me finish?

The Hon. NATALIE WARD: I'm just trying to utilise my time. It's a yes, that you did. You had a role. We can talk for two hours what that was, but I'm just trying get to the point of the yes or no question. Thank you.

The Hon. PENNY SHARPE: Sure.

The Hon. NATALIE WARD: Is it a fair characterisation—I'm just entitled to put it to you, for you to have the opportunity to respond. In this context is it fair to say that you and Minister Plibersek are very much at odds over this proposal?

The Hon. PENNY SHARPE: No. The advice I can provide is that I didn't have any briefings. There was only the letter that provided consultation. I can update the Committee this was done in December 2023. But the different roles—

The Hon. NATALIE WARD: So you're not at odds?

The Hon. PENNY SHARPE: She has made a decision that the New South Wales Government doesn't agree with.

The Hon. NATALIE WARD: It's quite a left-wing decision, isn't it, by the Federal Government?

Ms CATE FAEHRMANN: That's for The Oz.

The Hon. NATALIE WARD: I don't need commentary from other Committee members.

The Hon. PENNY SHARPE: I think you might find that, when you were a Minister, your Federal Government made a whole range of decisions that perhaps you weren't happy with.

The Hon. NATALIE WARD: I'm putting it to you. Community concerns—

The Hon. ANTHONY D'ADAM: Define "left-wing".

The CHAIR: What's "left-wing"?

The Hon. NATALIE WARD: Point of order: I don't need commentary from you or other Committee members. They can do so in their own time. I would ask—

The Hon. PENNY SHARPE: The point I would make is that Minister Plibersek—

The Hon. NATALIE WARD: Community members are concerned that this is a very left-wing decision.

The CHAIR: I uphold the point of order.

The Hon. NATALIE WARD: Thank you. Some have characterised it as a left-wing decision by the Federal Government.

The Hon. PENNY SHARPE: They're your words.

The Hon. NATALIE WARD: Is it fair to say you're taking a conservative view of environmental protection and mining in New South Wales?

The Hon. PENNY SHARPE: No. Do you support the mine or not?

The Hon. NATALIE WARD: I'm not the Minister sitting there, answering questions, Penny, and you know it.

The Hon. PENNY SHARPE: They're your words, not mine, and I disagree.

The Hon. NATALIE WARD: Why are you dodging the questions?

The Hon. PENNY SHARPE: I disagree. I fulfil my statutory responsibilities. I take them very seriously, as does Minister Plibersek.

The Hon. NATALIE WARD: We support the mine very clearly, Minister.

The Hon. PENNY SHARPE: You'd be surprised that Federal and State governments quite often disagree. This is not unusual.

The Hon. NATALIE WARD: So you are at odds. It's a simple, straightforward—you are at odds.

The Hon. PENNY SHARPE: Those are your words.

The Hon. NATALIE WARD: It's one or the other. You said you have different positions.

The Hon. PENNY SHARPE: They're your words.

The Hon. NATALIE WARD: Can you articulate the Government's position, then, as it relates to mining and environmental protection in New South Wales? We'd like to know what your words are.

The Hon. PENNY SHARPE: Sure. In no surprise to anyone, New South Wales appreciates and understands the importance of mining in this State and the contribution it makes, both to the bottom line and to the communities that are there. We have very high environmental standards in terms of the way that that's regulated through the planning process. We've put in place extra ones around climate change. We're obviously very keen—and this is really a matter for Minister Houssos, but the role that critical minerals can play in the future and the way in which mining is undertaken. As the environment Minister, my concern and my words are that mining can happen, but it needs to follow the environmental rules and be held to account if it doesn't.

The Hon. NATALIE WARD: So you won't step in the way of the mining industry?

The Hon. PENNY SHARPE: I've just given you my answer.

The Hon. NATALIE WARD: Like Minister Plibersek has?

The Hon. PENNY SHARPE: She has a different role and different legislation. I don't have that decision-making power in the way that it operates in New South Wales.

The Hon. NATALIE WARD: It's not really a yes or no, though, is it?

The Hon. PENNY SHARPE: Because the question doesn't require a yes or no.

The Hon. NATALIE WARD: That's not at all clear.

The Hon. PENNY SHARPE: It requires an understanding of the law, which, clearly, is a bit of a problem.

The Hon. NATALIE WARD: Not for those in the mining industry, but let's move on. Would you like to have that power? Do you think that should be appropriate, if it's not yours?

The Hon. PENNY SHARPE: No, actually. If you've been following the Ken Henry review, Ken Henry made very important statements around where Environment sits and whether there should be primacy in terms of Environment through that.

The Hon. NATALIE WARD: Sure. But would you like that power?

The Hon. PENNY SHARPE: We have been very clear in terms of the plan that we put out and the responses that that's not the way in which we intend to deal with it. It doesn't mean that we're not strengthening the way in which Environment is considered across government. The way in which we're going to deal with that is that, as legislation comes up, there's going to be discussion and upgrades to embed more environmental protections across all of the legislation, which is the way we've chosen to do that.

The Hon. NATALIE WARD: Let's talk about that then. Considering you and Tanya seem to be as one about this, we'll move on. On energy planning, are you aware that the *Draft Energy Policy Framework* was on exhibition from 14 November 2023 until 29 January 2024?

The Hon. PENNY SHARPE: Yes.

The Hon. NATALIE WARD: Are you aware that the *Draft Energy Policy Framework* includes "guidance for large-scale transmission infrastructure for landscape and visual impacts and other assessment issues"?

The Hon. PENNY SHARPE: Are you talking about Minister Scully's work?

The Hon. NATALIE WARD: I haven't finished my question.

The Hon. PENNY SHARPE: Just to be clear, it's Minister Scully who is dealing with that. Yes, I'm aware of it, because we're trying to fix the guidelines so we can build more renewable energy more quickly.

The Hon. NATALIE WARD: I would like to finish my question, if I may, to give you context, Minister. Are you aware that the *Draft Energy Policy Framework* includes "guidance for large-scale transmission infrastructure for landscape and visual impacts and other assessment issues" and "revised guidance for onshore wind energy projects"?

The Hon. PENNY SHARPE: Yes.

The Hon. NATALIE WARD: It has been more than half a year since you finished consultation on those guidelines. Given the urgency for approvals, why are communities and industries still waiting for the guidelines to be released?

The Hon. PENNY SHARPE: The guidelines are actually released by Minister Scully, but Minister Scully and I obviously talk to each other very closely. We've done a lot of work with industry—I'm talking about

the renewable energy industry—as well as other stakeholders, including farmers and others, in relation to these matters. They're coming to a conclusion, and we'll be releasing them in due course.

The Hon. NATALIE WARD: When?

The Hon. PENNY SHARPE: Obviously, I would hope as soon as possible, because they're extremely important. The wind guidelines that we inherited were done by the previous Government, with the National Party basically making it as hard as possible to get a wind farm up.

The Hon. NATALIE WARD: I'm going to ask about what you are doing.

The Hon. PENNY SHARPE: I've told you what I'm doing.

The Hon. NATALIE WARD: We are here in estimates for your time, so I'm going to ask about that. It has been more than half a year. Is it still in draft?

The Hon. PENNY SHARPE: Yes. It's being finalised now.

The Hon. NATALIE WARD: It's still in draft and you're still consulting. When will it be finalised?

The Hon. PENNY SHARPE: It's not a matter for me; it's a matter for Minister Scully. You should ask him. I would hope as soon as possible—

The Hon. NATALIE WARD: It's a draft energy policy framework.

The Hon. PENNY SHARPE: —as we're both working towards it.

The Hon. NATALIE WARD: If the master document for planning approvals of renewable energy projects—something that I think you are passionate about, given what you've said today—

The Hon. PENNY SHARPE: Sure, but I'm not the planning Minister.

The Hon. NATALIE WARD: Can I finish the question?

The Hon. PENNY SHARPE: I look after 61 pieces of legislation, not that bit.

The Hon. NATALIE WARD: If the master document for planning approvals of renewable energy projects is stuck in draft, as it seems to be, how can you possibly speed up the approvals process and give certainty to those communities?

The Hon. PENNY SHARPE: Because we have already taken a whole lot of steps forward. I would indicate that, since coming to government, we have finally got wind farms, which hadn't been approved and hadn't been dealt with in the entire time that you guys were in.

The Hon. NATALIE WARD: I'm interested in what you are doing.

The Hon. PENNY SHARPE: I'm telling you. We've got it moving.

The Hon. NATALIE WARD: You are the Minister that is sitting here today with a department—

The Hon. PENNY SHARPE: We've got all of these projects approved.

The Hon. NATALIE WARD: —and you're dodging this question.

The Hon. PENNY SHARPE: Are you going to let me finish?

The Hon. PETER PRIMROSE: Point of order—

The Hon. NATALIE WARD: You're talking over me. Don't you dare. She has been talking over me the entire time and I'm redirecting her.

The CHAIR: I'll hear the point of order.

The Hon. NATALIE WARD: That is rich, Peter.

The Hon. PETER PRIMROSE: The Hon. Natalie Ward has asked for the Minister to allow her to complete a question. The Minister is now saying that she would like to be able to complete an answer. I believe, under point 19, "Treatment of witnesses", of the procedural fairness—

The Hon. NATALIE WARD: She knows what she's doing. She was in opposition for 12 years, and you've been in opposition for longer.

The Hon. PETER PRIMROSE: —that allowing both the member the courtesy to complete the question and the Minister the courtesy to complete the answer is the appropriate thing to do.

The CHAIR: I ask the member to carry on. Let's do it in a reasonable fashion.

The Hon. NATALIE WARD: Why the delay, Minister?

The Hon. PENNY SHARPE: I'm just going to talk about what has been approved in the last 18 months: three wind farms, 10 solar farms and 13 battery projects. On the number of projects that are approved and operational, there are 15 wind farms, 24 solar farms and one battery.

The Hon. NATALIE WARD: You can table that if you like.

The Hon. PENNY SHARPE: I thought that you were interested in how quickly we were doing this. We're doing this as quickly as possible. We've got it moving where you guys had it stuck.

The Hon. NATALIE WARD: Do you support offshore wind across the New South Wales coastline?

The Hon. PENNY SHARPE: I think that offshore wind has the potential to be very important for New South Wales as an energy mix. I think there is a fair way to go in terms of its feasibility in relation to New South Wales in particular. As you would be aware, the Commonwealth has declared the zones in the Illawarra and the Hunter. I have met with communities both in the Illawarra and the Hunter who are extremely keen to see offshore wind go ahead. There are some issues, though. We're different to Victoria, which is shallower, in terms of their ability to do that. For us, there's this floating technology that needs to be dealt with. But we're looking at what New South Wales would have to deal with if we move ahead to where there's actually a firm project in place. That's not there yet.

The Hon. NATALIE WARD: Have you met with the people who don't support it?

The Hon. PENNY SHARPE: Yes.

The Hon. NATALIE WARD: When was that?

The Hon. PENNY SHARPE: I've met with a few of them. I have met with commercial fishers. I met with people when I was in Port Stephens in relation to that. I can probably tell you.

The Hon. NATALIE WARD: You can take that on notice if you like.

The Hon. PENNY SHARPE: I have met with professional fishers and a range of different groups in Port Stephens. I have also met with HunterNet and union representatives in relation to this.

The Hon. NATALIE WARD: Have you met with anyone on the South Coast of New South Wales?

The Hon. PENNY SHARPE: Where do you mean on the South Coast? I meet with people—

The Hon. NATALIE WARD: The South Coast of New South Wales. It's known as the South Coast. Have you met with anyone from that area?

The Hon. PENNY SHARPE: About offshore wind?

The Hon. NATALIE WARD: Yes.

The Hon. PENNY SHARPE: I have had conversations with people when I've visited the Illawarra, which is where it's going to be, which isn't usually known as the South Coast.

The Hon. NATALIE WARD: That's a yes.

The Hon. PENNY SHARPE: Yes.

The Hon. NATALIE WARD: Are you aware of how many renewable energy projects are being delayed by the ETU's industrial action?

The Hon. PENNY SHARPE: I'm aware of the ETU's industrial action. The number of projects and the way they've been managed in relation to that, I couldn't tell you.

The Hon. NATALIE WARD: Can you take it on notice about the impact to renewable energy projects by that industrial action? It's obviously of concern.

The Hon. PENNY SHARPE: It's pretty important. There's work underway in terms of there is Transgrid and the various energy providers. I can provide some more information if you'd like, but I can't tell you off the top of my head.

The Hon. NATALIE WARD: You'll take it on notice. Are you concerned about those electricity network maintenance delays and backlogs because of that ETU industrial action?

The Hon. PENNY SHARPE: I don't like to see any delays. You'll be surprised to learn that unions negotiate with employers in relation to their wages and conditions, and sometimes that involves disputation and different actions. That's basically managed via Fair Work for most of the electricity sector. The Hon. Mark Buttigieg can probably tell you more of the details about that than I could. That process is being undertaken. Unions have talked to me about this, as have employers. I say to both of them that they should go through the negotiation process in good faith and try to resolve the issues as quickly as possible.

ANTHONY LEAN: Just on the safety issue, as a result of negotiations in the Fair Work Commission, the union has given a safety commitment concerning protected industrial action. That provides commitments around minimum staffing levels in control rooms, ability to perform emergency work—

The Hon. NATALIE WARD: Thank you, Mr Lean. I appreciate that. We might come back to that this afternoon. Minister, do you think Ausgrid's EBA offer is fair?

The Hon. PENNY SHARPE: It's not a matter for me to decide whether it's fair or not. Ausgrid is a privatised network—

The Hon. NATALIE WARD: I don't need commentary from the Chair.

The CHAIR: There was no comment. I didn't make a comment.

The Hon. PENNY SHARPE: —and they are negotiating with their employees. They will continue to do so.

The Hon. NATALIE WARD: Minister, are you aware that planned outages for accredited service providers have been cancelled, impacting development projects, connections to new houses and EV charger installations in New South Wales, and that, in some cases, cancelling these outages at short notice can cost customers close to \$50,000?

The Hon. PENNY SHARPE: I am aware that there have been some impacts. I, of course, am not thrilled by that. As I've said to you before, there is a process underway. There have been interventions from various employers in relation to this, and the process is being undertaken.

The Hon. WES FANG: The mulch at Rozelle Parklands was replaced. Do you know who replaced the mulch and where it was sourced?

The Hon. PENNY SHARPE: No, I don't.

The Hon. WES FANG: I understand that the replacement mulch was sourced from the Kimbriki Resource Recovery Centre. Do you believe that's correct?

The Hon. PENNY SHARPE: I don't know, but if you say so. I don't know where you get your information from. I don't know.

The Hon. WES FANG: Minister, did the EPA make you aware that, unlike the Greenlife site, where I believe there was no asbestos found, the EPA found asbestos when conducting testing at the Kimbriki site?

The Hon. PENNY SHARPE: I can't speak directly to individual sites. I'm not across that level of detail. Obviously, while the asbestos issue was occurring, there was a great deal of interest and I was being regularly briefed by Mr Chappel. I am aware that there were other places where asbestos was detected. I couldn't tell you whether it was that particular one, no.

The Hon. WES FANG: I'm going to table a press release from the Kimbriki site, which indicates that they were tested by the EPA and asbestos was found on that site. In May 7NEWS reported that the total cost of this replacement of mulch was around \$100 million. Can you guarantee that this \$100 million scandal that has occurred in relation to the Government hasn't actually exposed the New South Wales public to asbestos, having replaced mulch from the Greenlife site with the Kimbriki site, which was found to have some contamination with asbestos?

The Hon. PENNY SHARPE: I reject some of the premise of that question. This is a really serious matter. There should be no asbestos in any mulch, in this product. This is what this unfortunate incident has exposed. It has been, as you are aware, one of the most complex investigations that the EPA has ever undertaken. At the time I think we had almost 100 staff who were working through that as we tried to work through the supply chain. That work is being undertaken, as I have also said.

The Hon. WES FANG: Minister, while I appreciate that—

The Hon. PENNY SHARPE: I'm trying to get to it.

The Hon. WES FANG: I wish you would.

The Hon. PETER PRIMROSE: Talk about discourteous.

The Hon. NATALIE WARD: Shut it down, Peter.

The Hon. PENNY SHARPE: It's okay. You can ask the question and I'm entitled to answer it how I see fit.

The Hon. PETER PRIMROSE: There's a bit of bullying going on here.

The Hon. PENNY SHARPE: I believe I am actually being helpful. There have been some pretty dangerous allegations made today in relation to this that are unhelpful and I am trying to actually be helpful. The EPA was working through that. I can take on notice the issue. But the point that I would make is that those where mulch was found and had it replaced actually have to ensure that it wasn't contaminated. That's the rules.

The Hon. WES FANG: Minister, are you prepared to guarantee that the Rozelle interchange mulch that was replacing the initial mulch is asbestos free and that nobody has been exposed to asbestos? Because the replacement mulch has come from a site where asbestos was found by the EPA.

The Hon. PENNY SHARPE: The point I would say is that there should be no asbestos in the mulch. We found that there was and this is why the investigation is there and this is why it's a very important investigation in terms of whether people need to be prosecuted. I am happy to hand over to Mr Chappel, if he wants to add something to it.

The Hon. WES FANG: I'll have Mr Chappel this afternoon, so I might just move on to another question. Minister, you would be aware that the Liverpool West site was one of those identified as having asbestos mulch. Is that correct?

The Hon. PENNY SHARPE: Is that the public school?

The Hon. WES FANG: Yes.

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: Minister, you would be aware that there was demolition works underway around the same time that there was testing of the mulch and that there was asbestos removal occurring. Are you aware of that?

The Hon. PENNY SHARPE: Sorry, demolition at Liverpool?

The Hon. WES FANG: Yes. The previous buildings that were there were being demolished after—

The Hon. PENNY SHARPE: No, I wasn't aware of that, actually.

The Hon. WES FANG: Chair, can I continue in the same vein that you did previously?

The CHAIR: You will get some time again shortly. It's over to crossbench time.

The Hon. WES FANG: So the additional time is only for the Chair, is it?

Ms CATE FAEHRMANN: Good morning, Minister.

The Hon. PETER PRIMROSE: Told you—a bit of bullying.

The Hon. WES FANG: That's not bullying, Peter.

The Hon. PETER PRIMROSE: Yes, it is.

Ms CATE FAEHRMANN: Order! Sorry, I'm not the Chair. Someone had to do it.

The Hon. PENNY SHARPE: At least someone is taking charge, Cate.

The CHAIR: It's your time, Ms Faehrmann.

Ms CATE FAEHRMANN: Minister, in relation to McPhillamys, did the advice you provided to the Federal environment Minister consist of Heritage NSW's assessment of the mine in terms of cultural heritage?

The Hon. PENNY SHARPE: No, it didn't. I would need to take on notice the details of that. It basically provided advice in relation to the independent planning process that New South Wales was satisfied that it had been approved and it outlined how the law works in New South Wales. But it didn't re-prosecute the issues that have been dealt with via the IPC, and that's not really the role of the advice that was provided.

Ms CATE FAEHRMANN: Are you aware of the Premier's evidence yesterday to this Committee that relied heavily on the Orange Local Aboriginal Land Council and their view?

The Hon. PENNY SHARPE: Yes.

Ms CATE FAEHRMANN: Are you aware that the Orange Local Aboriginal Land Council originally opposed the project? After they surveyed the site, they opposed the project. Are you aware of that?

The Hon. PENNY SHARPE: No, I wasn't aware of that.

Ms CATE FAEHRMANN: Are you aware that Regis Resources rejected the Orange Local Aboriginal Land Council's request to come back and resurvey the site because they were only able to survey 14 per cent of the site in the first place? Regis Resources rejected their attempts three times. Are you aware of that?

The Hon. PENNY SHARPE: No, I'm not. The one thing I would just flag is do you have the time frame for when that occurred. This project has been in line for a while and it may just be the case, actually, that it was under the previous Government that some of this was happening. I just don't know the timeline.

Ms CATE FAEHRMANN: This was under the previous Government.

The Hon. PENNY SHARPE: So, no, I'm not aware.

Ms CATE FAEHRMANN: The reason I'm asking is because I asked you at the beginning in terms of the advice you provided to the Federal environment Minister. Again, all of that occurred under the previous Government and I'm wondering about the advice that Heritage NSW gave you. Heritage NSW appeared to rely upon the advice of the consultant employed by the mining company to suggest that there wasn't too much of anything, really, in terms of Aboriginal significance. Does that concern you?

The Hon. PENNY SHARPE: I can't speak to it because I just don't know the detail of what is in there. Obviously, I was not the Minister then.

Ms CATE FAEHRMANN: But you are the Minister for Heritage now. The Premier appeared before budget estimates yesterday waving the Orange Local Aboriginal Land Council's advice that they support the project, and that is wrong. They ended up issuing something that is neutral.

The Hon. PENNY SHARPE: I'm not able to verify that. As I said, Heritage has provided advice during the IPC process. It was approved through the New South Wales IPC and I have no reason to doubt why that would have needed to change.

Ms CATE FAEHRMANN: Do you usually encourage Heritage NSW to consider all of the views of registered Aboriginal parties when it comes to assessing heritage?

The Hon. PENNY SHARPE: The role of Heritage NSW in relation to these developments depends on the type of development, which you would be aware. There are statutory requirements and then there are changes, depending on whether it's State significant development or critical development. It changes. I follow the advice of Heritage NSW and I have faith in what they tell me.

Ms CATE FAEHRMANN: There are quite a few Aboriginal stakeholders within that area who have requested access to the site and who have requested an independent cultural heritage impact assessment. Do you support their requests to be able to access the site?

The Hon. PENNY SHARPE: I understand that this is very important to people. I don't have a role in relation to the matters that you are raising, and they also occurred prior to me being the Minister. I don't want to speculate on what I would or wouldn't do. I wasn't in the position to do that. Similarly, the role of Heritage NSW is different depending on the way in which programs are being assessed. I really recognise that you are raising this in good faith and that there are concerns and differing views, but I just can't speak to them.

Ms CATE FAEHRMANN: The reason I am raising it is because the Minister for Natural Resources and the Premier have come out and said that they support this mine going ahead I don't think with all the facts in front of them. In fact, the Premier said that the Federal environment Minister has made an error. Again, this is on Aboriginal cultural heritage impact. I'm just wondering how much you, as the State Minister, have got your head around what those impacts are. Again, your department seems to have just relied upon the assessment by the mining company's consultant.

The Hon. PENNY SHARPE: Again, I can't speak to the detail of that. What I would say is that there was an independent planning approval for this mine that went through the processes of the examination of Aboriginal culture and heritage and the environmental impact, and it was approved. That is the system. It was approved, and we supported that.

Ms CATE FAEHRMANN: I have to move on, unfortunately. We will come back to that later. Minister, how long has the EPA known that PFAS chemicals have been in Sydney's drinking water?

The Hon. PENNY SHARPE: I might hand that over to Mr Chappel. I just make a couple of preliminary points, though. Obviously, the agencies that are responsible for this—and it is a little bit complicated. WaterNSW looks after the infrastructure, and the drinking water standards sit with NSW Health. The EPA has a role in relation to PFAS generally. I might hand over to Mr Chappel because, in terms of when the EPA knew, he will be able to explain that.

Ms CATE FAEHRMANN: When did the EPA find out? How long have you known? Probably the same question.

TONY CHAPPEL: Ms Faehrmann, the EPA is not the regulator for drinking water and of the water utilities. In terms of the chemistry, there is NSW Health. We've become aware, as the information has been shared, and then very quickly made public. We are working to support NSW Health and support Sydney Water. We've got our technical expertise now working closely with them, but we didn't have any particular additional information to what is in the public domain on that timeline.

Ms CATE FAEHRMANN: When Sydney Water placed the data on its website in June without making any public statement, did the EPA know about it before that?

TONY CHAPPEL: I don't think so, but I'll take that on notice.

Ms CATE FAEHRMANN: Is the EPA working with Sydney Water to find the source of that PFAS contamination?

TONY CHAPPEL: Yes, very much. What you do in a case like this is work up the catchment and identify sources. We've done work previously with the fire brigades, with RFS as well as Fire and Rescue. Other locations where PFAS has been used, we don't have any indication from previous work that those particular fire stations were considered to be high risk in their use of the chemicals. We are now supporting that work with our colleagues in water and health.

Ms CATE FAEHRMANN: So when you're saying from the previous work, that is your PFAS investigation program, that I think began in something like 2016?

TONY CHAPPEL: That's right.

Ms CATE FAEHRMANN: How did the EPA determine that the fire stations near or within the catchment area didn't use PFAS?

TONY CHAPPEL: We work closely with Fire and Rescue and RFS on the historic use of PFAS containing materials or chemistry for training or storage. On the basis of their presence and on the advice from those agencies, we then assess the potential risk of legacy PFAS in the environment around those locations. We try to triage these sites based on known information, where PFAS has been used in extinguishers and so on.

Ms CATE FAEHRMANN: So the known information is coming from Fire and Rescue? I understand from a story last year that of the 334 fire stations, Fire and Rescue had tested less than a dozen. Do you get your information from Fire and Rescue, not your own information?

TONY CHAPPEL: I can take that on notice, perhaps, or come back to it this afternoon. My colleague, Mr Beaman, who is here this afternoon, leads this area for us. But we work closely with Fire and Rescue to understand and interrogate the records of training practices, the training sites, the sites where large amounts of PFAS containing chemicals have been used historically, or for community events and other things. I can also confirm EPA was aware of the data you've mentioned when it was first made public. We didn't have any advanced insight into that data.

Ms CATE FAEHRMANN: In the report that appeared overnight in *The Sydney Morning Herald* I found it very interesting that it was stated that the private industry has to clean up water discharged into the environment to a level up to 304 times stricter than what is permitted in Australia's drinking water. So that would be the EPA, in terms of the water that is discharged into the environment. Why do you think there is such a discrepancy, firstly?

TONY CHAPPEL: I understand those are ecological values that are set based on the particular sensitivities in an ecosystem. Aquatic life, for example, 24/7 is in that water, and certain organisms that have a shorter lifecycle can be much more susceptible to negative impacts from chemicals like PFAS.

Ms CATE FAEHRMANN: Mr Chappel, you are aware of the outcry—the huge expose that occurred in the United States in terms of the cancer clusters; the 3M chemical giant—the changes, then, to the World Health

Organization in terms of drinking water guidelines, the changes that the EPA in the US—in fact, the Biden-Harris administration ordered a huge change, based on that cancer cluster. You are aware of all that?

TONY CHAPPEL: Yes.

Ms CATE FAEHRMANN: Minister, you're aware of it?

The Hon. PENNY SHARPE: Ms Faehrmann, yes, I am. There is work being undertaken. Obviously different EPAs in different jurisdictions make decisions about this. But this sits under the NHMRC. It is currently doing a review in relation to this. I would agree that consistency is good but consistency, unfortunately, rarely happens. Those issues are being dealt with. It's not a matter for our agencies in relation to that, but we're working through there. The other thing I would say is that we passed the IChEMS Legislation earlier this year. We are looking at the phase-out program in relation to this. The US phase-out isn't until 2029. I am aware of it, and I am concerned, of course. But we are taking steps in relation to that, and it's just going to take a little bit of time, because it's not up to the New South Wales EPA or the New South Wales Government to decide how that works, but that work is being done by the NHMRC.

Ms CATE FAEHRMANN: When you say Federal, across government work that is being undertaken. When is the outcome going to be put in force?

The Hon. PENNY SHARPE: Mr Chappel might know that. We might have to take it on notice.

Ms CATE FAEHRMANN: It's the end of next year at the earliest, I think?

TONY CHAPPEL: I think so. NSW Health lead that, and we rely on NSW Health for their health advice about these issues. They are probably best placed to answer that. We can take it notice and seek an answer.

Ms CATE FAEHRMANN: Minister, the Auditor-General's report into threatened species protection.

The Hon. PENNY SHARPE: Yes, it was terrible.

Ms CATE FAEHRMANN: No doubt you have familiarised yourself with that quite a bit.

The Hon. PENNY SHARPE: Yes, I am.

Ms CATE FAEHRMANN: Obviously my colleague Sue Higginson, has the Environment portfolio, and no doubt has asked you many questions on it already. But I want to focus on marine-threatened species, because the Auditor-General's report did find—they were concerned, basically. The Auditor-General was concerned about the division. The marine-threatened species present challenges for management, due to a legislative division of responsibility across Government. Also, there is limited evidence of strategic engagement within the department of primary industries to support the planning or coordination of threatened species priorities. When it comes to marine-threatened species, there actually hasn't been a PAS—Priorities Action Statement—produced since about 2011. Does that concern you? You know I've asked you these questions before.

The Hon. PENNY SHARPE: I know, and I know you are passionate about marine conversation. I'm glad that you are, so—

Ms CATE FAEHRMANN: Are you passionate about marine conservation as the Environment Minister?

The Hon. PENNY SHARPE: Yes, I am. But as you know, it is shared between myself and Minister Moriarty, and the Fisheries part of it sits with them. I just think that report shows that there are problems, and it's not a surprise to me. We have accepted all of the recommendations from the audit report and we just need to work through that. Ms Moriarty and I are keen to pursue a whole range of issues. I know that you asked questions about marine parks, and the network plan, and those things. I think it's been too slow. I'd like it to be faster. We are working through it.

Ms CATE FAEHRMANN: When I asked about increased marine protection in fact, and the marine state management strategy and the authority, she did reference you a lot. What is your vision in terms of increasing protections for marine parks? Because every time I asked the fisheries Minister, she handed it to you.

The Hon. PENNY SHARPE: I've very happy to answer the question, then. Our love affair with the ocean, I think, is unbounded. People in New South Wales totally get how important our marine environment is, and they love it. We have to make sure that we don't love it to death. We also have to make sure we are looking after fish stocks and a whole range of things. We need to get the network plan sorted, and we need to work through the review of the rules around that, and that is what we will do. To be very frank with you, I think it's taken us a bit long. I'm keen to move forward with it as quickly as we can.

The CHAIR: There is a document that I wish to table. It's a document that was received under the Government Information Public Access process. It's a public document now; it's been released. I want to ask you, Minister, if you are aware—this is a note that basically—

The Hon. PENNY SHARPE: Is this the one that Matt Kean signed?

The CHAIR: Yes. This was under the former Government and the former CEO of the EPA, I just want to make that clear. In the key issues in this document, there was a finding by the EPA, which noted, "The EPA found that recovered fines produced by facilities were not fit for purpose and pose a risk to the community and the environment." This was, in my view, a significant finding by the EPA. Minister, what happened between 2021 and 2022—obviously I'm asking you now if you can tell me what you think happened at that time—for the EPA to shift so dramatically from recovered fines—and I'm not talking about mulch; I'm talking about recovered fines—

The Hon. PENNY SHARPE: No, I know the difference. It's all right.

The CHAIR: —being unfit for purpose to the industry continuing without further regulation? In mid-2022 the EPA issued a release saying, "We're just going to leave our proposed change regs unchanged and carry on as we are"? What happened, Minister?

The Hon. PENNY SHARPE: I don't want to speculate on what the previous Government did except that they made their own decisions, and under the previous leadership of both the EPA and others, they did that. I can speak to what we're doing about it. Let's remember that any contamination is a problem. Again, these things shouldn't be in these products. There is a really important thing that we're trying to do here when it comes to recycling and a circular economy and trying to make sure that we don't waste a thing. But also whatever is in that waste needs to be safe, and there are obviously issues here. You'd be aware that the office of the chief scientist is doing work at the moment. I think the time frame for that is around the end of this year, and that will inform further action that we undertake.

The CHAIR: Minister, any idea what actually happened?

The Hon. PENNY SHARPE: No, I'm sorry.

The CHAIR: Is there any way for you to find out? Can you find out?

The Hon. PENNY SHARPE: There's some information that I don't get access to. Just because I'm the Minister doesn't mean that I can necessarily reach back into all of it. Some of it I can and some of it I can't, so that's the way it works.

The CHAIR: So can I just ask then, do you find that really alarming, that the EPA would provide the Government with a note saying it's not fit for purpose, it's a problem, and then the agency seeks to change the regulation and then that's pulled and no changes are made and now you are dealing with our toxic legacy?

The Hon. PENNY SHARPE: I'm dealing with a range of legacies from the previous Government. The point that I'd make is they made the decisions that they made. We're taking action in relation to this. I'm concerned about any contamination. I also want to make sure that we're really seriously moving to a circular economy. We're getting the expert advice. Mr Chappel can probably add to this in terms of other action.

The CHAIR: I might come back to it after the break.

The Hon. PENNY SHARPE: Yes, I think so. Do I think it's acceptable that there is contamination? No, but we're trying to actually deal with it. I can't speak to what the previous Government did or didn't do.

The CHAIR: I will come back to Mr Chappel and try and find out what we are really doing and what the regs changes look like.

The Hon. PENNY SHARPE: Can I just say to you though quickly that we are waiting for the advice. We have a big challenge with asbestos just generally. It is so ubiquitous in the environment—a bit like PFAS. It is really problematic, so this is what we need to get to.

The CHAIR: The Premier said earlier this year though that the Government was not considering any changes. Has that moved?

The Hon. PENNY SHARPE: We're getting advice from—what we will do with the advice I can't tell you because I haven't got the advice yet.

The CHAIR: I just want to go back to the timber industry panel, if I can. Minister, were the appointments made from a pool of people?

The Hon. PENNY SHARPE: I'd need to take that on notice. I don't think so but let me check.

The CHAIR: If you could. Are they paid roles?

The Hon. PENNY SHARPE: They will be paid, yes.

The CHAIR: If you could also, please, which feeds into that first part, say which department prepared the panel proposal.

The Hon. PENNY SHARPE: Just to be clear, it was a whole-of-government input. In terms of dealing with forestry and the Forestry Industry Action Plan, that's something that is being jointly managed between myself and Minister Moriarty, so there is obviously input from our agencies. But there's also work occurring in the Cabinet Office. I'll take it on notice. I'm not sure I'm meant to say much more about that because it's Cabinet, but, anyway, I've given you as much as I think I can.

The CHAIR: Over to the Opposition. Use your time wisely.

The Hon. NATALIE WARD: I always do, Chair, when I'm not interrupted. Minister, in relation to the Energy Security Corporation, your Labor election commitment at the last election, you said a billion dollars was going "into renewables to accelerate delivery from the Energy Security Corporation". Can you name any of the investments you were referring to?

The Hon. PENNY SHARPE: No, because they're not ready yet, because the Energy Security Corporation legislation I think has just gone through. I can't remember what date it was. You would remember it went through the upper House with support, welcomed, across the Parliament.

The Hon. NATALIE WARD: That's right.

The Hon. PENNY SHARPE: No, it hasn't done that yet. We're obviously putting the Energy Security Corporation in place. There'll be an investment mandate, and they will start to do work on those projects.

The Hon. NATALIE WARD: Given it was only legislated this year, how was it the case that you could say a billion dollars was being invested last year?

The Hon. PENNY SHARPE: Because we have \$1 billion allocated in the budget for it.

The Hon. NATALIE WARD: It wasn't being investigated though. How was it accelerating delivery of renewables last year, as you said, if it doesn't have an office, it wasn't legislated and has no mandate or website?

The Hon. PENNY SHARPE: I think if you actually understand what the work of it was going to do, which is to support the gaps in the market where projects that we know that we need, things like long-duration storage, will be able to co-invested and worked through—it will accelerate those things because, as you would also be aware, I would hope, there are some real challenges around things like pumped hydro. It's really important. Snowy 2.0 is one of them, but the costs have escalated in a much higher way.

The Hon. NATALIE WARD: How long will the billion dollars be spent over? That billion dollars that you talk about, what's the period of time over which that will be spent?

The Hon. PENNY SHARPE: The corporation, as I said, is in start-up so they'll decide how that occurs. There's a billion dollars there.

The Hon. NATALIE WARD: Is that four years, 10 years? What's the period of time?

The Hon. PENNY SHARPE: I would hope it would be much earlier than that.

The Hon. NATALIE WARD: Twenty years?

The Hon. PENNY SHARPE: No way. It'll be much earlier than that.

The Hon. NATALIE WARD: One year?

The Hon. PENNY SHARPE: I can't tell you. I'm not running the security corporation.

The Hon. NATALIE WARD: So you don't know when the capex is expected to be spent.

The Hon. PENNY SHARPE: Yes, next year.

The Hon. NATALIE WARD: Next year?

The Hon. PENNY SHARPE: It'll become available next year, and it will be spent according to the way in which they set it up, and I can't speak to how they're going to do that because they're just getting set up now.

The Hon. NATALIE WARD: So the billion dollars will be spent next year?

The Hon. PENNY SHARPE: No, that's not what I said. I said the billion dollars will become available, the Energy Security Corporation will have an investment mandate and they will decide, not the Government—we're not pork-barrelling this away in the way it was done previously. It'll be set—

The Hon. NATALIE WARD: You're the Minister.

The Hon. PENNY SHARPE: Yes, I'm telling you. It'll be set—

The Hon. NATALIE WARD: So you're just offloading complete responsibility. You will have no input into that or you're not aware?

The Hon. PENNY SHARPE: Sorry, did you not read the legislation? There will be an investment mandate that—

The Hon. NATALIE WARD: I'm asking you when—

The Hon. PENNY SHARPE: Yes, and I'm telling you how it's going to work, which is that the Treasurer and I will be involved in giving them an investment mandate and they'll work that.

The Hon. NATALIE WARD: That's the point, though; there wasn't an investment mandate. So it has an investment mandate now? Does it have it yet?

The Hon. PENNY SHARPE: It hasn't been established yet. The legislation has just gone through, as you might recall.

The Hon. NATALIE WARD: Yes, because it wasn't available when it was legislated. It doesn't have one yet, that's coming, it might be spent by somebody but we don't know when, we don't know who will decide, we don't have the investment mandate.

The Hon. PENNY SHARPE: What I can tell you is there's a billion dollars more than there was under you on top of the \$800 million that we've also put in place through the Transmission Acceleration Facility. There is \$1.8 billion that this Government has put into accelerating the rollout, which is more than you did.

The Hon. NATALIE WARD: Surely you would have expectations on how long it would take to spend. Surely you have that expectation as the Minister.

The Hon. PENNY SHARPE: It depends on the way in which they structure it.

The Hon. NATALIE WARD: What's your expectation?

The Hon. PENNY SHARPE: Sorry, again, it depends on the way in which it is structured, whether it's through rounds, whether it's through direct grants, whether it's through co-investment, whether it's through—

The Hon. NATALIE WARD: But you are the Minister.

The Hon. PENNY SHARPE: Yes, I am.

The Hon. NATALIE WARD: Surely you are having input into this.

The Hon. PENNY SHARPE: I am the Minister.

The Hon. NATALIE WARD: You're saying it's just some up-in-the-air thing and you don't know.

The Hon. PENNY SHARPE: I've learnt a lot.

The Hon. NATALIE WARD: You don't know?

The Hon. PENNY SHARPE: I've learnt a lot in the past 18 months about energy—

The Hon. NATALIE WARD: That's pleasing but please answer the question.

The Hon. PENNY SHARPE: —but I wouldn't say that I'm a market guru in relation to the way that we would do this. This is why we've got a specialist—

The Hon. NATALIE WARD: No, but you are the Minister. You have responsibility.

The Hon. PENNY SHARPE: Are you going to let me finish or not?

The Hon. NATALIE WARD: You talked about a billion-dollar fund.

The Hon. MARK BUTTIGIEG: Point of order—

The Hon. PENNY SHARPE: You clearly don't understand what the corporation does, which you should but you don't, so I'm trying to explain it to you.

The CHAIR: A point of order has been taken.

The Hon. NATALIE WARD: The Minister is also being rude and patronising and speaking over me.

The CHAIR: I'm obliged to hear the point of order.

The Hon. MARK BUTTIGIEG: A question gets asked, the Minister attempts to articulate an answer as thoroughly as she can and she gets constantly spoken over.

The Hon. NATALIE WARD: It depends.

The Hon. MARK BUTTIGIEG: I ask that you call her to order and we can actually hear the answer.

The Hon. NATALIE WARD: Give her some time to read the answer.

The Hon. MARK BUTTIGIEG: Then if the member feels as though there's another question, she should move on.

The CHAIR: I don't feel I need to call the member to order. But I do remind everyone: Let's be courteous and let's let each other have the benefit of this hearing.

The Hon. NATALIE WARD: Thank you, and the Minister might do so also so that I can get the questions to you. As Minister, you are responsible. On your election commitment at the last election, by the next election, how much of the billion dollars do you expect to be spent?

The Hon. PENNY SHARPE: I would hope all of it, but I can't tell you that. What I can tell you is that the investment mandate should be finalised in Q4 this year, and the board will be appointed in February.

The Hon. NATALIE WARD: By 2031, if none of that money is spent, is that acceptable to you?

The Hon. PENNY SHARPE: That's a hypothetical, and, trust me, it'll be spent by then.

The Hon. NATALIE WARD: So it would not be acceptable to you if it were not spent by 2031. That's the answer, isn't it?

The Hon. PENNY SHARPE: I hope I'm still in government in 2031. You would be aware that there's an election in 2027, and I would hope that the New South Wales Government continues to have the support of the people of New South Wales. But the point I'd be making is the \$1 billion will be well and truly spent by then.

The Hon. NATALIE WARD: I don't know what that means but it's a whole lot of non-answer. What's the maximum amount of the \$1 billion that a single project would be able to receive?

The Hon. PENNY SHARPE: I can't tell you that. As I said, we've set up the Energy Security Corporation, who will have the specialty expertise in terms of maximising the amount of taxpayer dollars that's used to co-invest and to work through the issues of renewable energy barriers that we've got in things like long-duration storage, in community batteries and a whole range of things. That mandate will be finalised in Q4 this year. There will be a board that oversees that work, at arm's length from the Government, as is appropriate, so that we make sure that whatever money we put in that's public money is spent in the best way that it can. If you've got a different proposal for how you want it to work, you should have maybe mentioned that during the "lege".

The Hon. NATALIE WARD: It's not about me. You're keep being very defensive and asking me.

The Hon. PENNY SHARPE: I'm not defensive. I wish you understood the legislation. You supported it.

The Hon. NATALIE WARD: It's about you as the Minister answering this Committee.

The Hon. PENNY SHARPE: You supported the legislation. If you had problems, you didn't raise it during the debate.

The Hon. NATALIE WARD: It's not about me. You don't need to be so defensive.

The Hon. PENNY SHARPE: I'm not defensive.

The Hon. NATALIE WARD: I'm asking you, as the Minister. It was your election commitment. It was your policy.

The Hon. PENNY SHARPE: Yes, and we're going to do it—\$1 billion more than you ever did.

The Hon. NATALIE WARD: Can I finish, please? It was your election commitment. It was your policy idea. It was your commitment to do this and your legislation.

The Hon. PENNY SHARPE: We'll do all of those things.

The Hon. NATALIE WARD: You can't tell us how you're going to do it.

The Hon. PENNY SHARPE: I've just told you.

The Hon. NATALIE WARD: You can't tell us what time period it will be spent. You can't tell us what it will be spent on. It was just a media release, wasn't it? It was just a flick pass to somebody else. It's a media release and here's the idea, the thought bubble—"Off you go; you do it." There's no certainty in this. There's no direction from you. I've put it to you squarely and you can't seem to tell us when, where, how much or who.

The Hon. PENNY SHARPE: Have you finished the question now?

The Hon. NATALIE WARD: Yes.

The Hon. PENNY SHARPE: It's been legislated. There is \$1 billion in the budget for it.

The Hon. NATALIE WARD: We know all of that.

The Hon. PENNY SHARPE: The investment mandate will be done in Q4, the board will be appointed in February and the money will start rolling out the door in 2025.

The Hon. NATALIE WARD: For that expenditure, will there be a full strategic business case and final business case to justify that investment?

The Hon. PENNY SHARPE: We would need to see the way in which the corporation is structured. That information will be made public as we make public all of it.

The Hon. NATALIE WARD: What does that mean? Will there be a full procurement process for the expenditure of these taxpayer dollars?

The Hon. PENNY SHARPE: It depends on the way in which it's structured.

The Hon. NATALIE WARD: What does that mean?

The Hon. PENNY SHARPE: As I said to you, the board oversees—this is an independent body. I know that you guys weren't really into that. You had a Premier who used to shred all the grants projects and you used to get all of that in there.

The Hon. NATALIE WARD: No, Minister. You can be as defensive as you like—

The Hon. PENNY SHARPE: That's not the way we do things here. That's actually not the way that we do this.

The Hon. NATALIE WARD: So tell us what you will be doing.

The Hon. PENNY SHARPE: We have an independent board that has been legislated. Again, I really wish that you had, perhaps, said a bit more about this during the debate because it's literally just gone through the Parliament. Anyway, I would have thought you would have understood what you were voting for.

The Hon. NATALIE WARD: Minister, will there be a full procurement process for the expenditure of these taxpayer dollars? Will there be a procurement process?

The Hon. PENNY SHARPE: There will be a process. I can't tell you exactly what that is, but I'll be happy to inform you when it's done.

The Hon. NATALIE WARD: So \$1 billion has come from the budget for this. Can you explain how your view of the procurement should work for this project and what's your expectation from the budget?

The Hon. PENNY SHARPE: My view about the procurement is that it will do what the Energy Security Corporation was set up to do, which is to provide co-investment and work to help us accelerate the build-out of renewable energy. It will work with the private sector. It will also work with communities. There will be an investment mandate and there will be a board that oversees the way in which that is allocated and that it will be reported in the normal way, as you would expect.

The Hon. NATALIE WARD: Are we talking \$50,000 grants or \$100,000 grants?

The Hon. PENNY SHARPE: I've just told you. The board is not in place until February. They will make that decision.

The Hon. NATALIE WARD: Will they BCR?

The Hon. PENNY SHARPE: Unlike the previous Government, I haven't got bits on a map where I'm saying, "You get a prize, and you get a prize. You get a pumped hydro over here and, by the way, you can have a community battery." There'll actually be an assessment process, as is appropriate.

The Hon. NATALIE WARD: You did that with the community fund where candidates announced funding before you were even in government, so we've seen your approach to that. What BCR will a project need to receive funding?

The Hon. PENNY SHARPE: That will be a matter for the board.

The Hon. NATALIE WARD: You've previously said there's a role for gas and "I don't feel the need to be defensive about it". How are you going with your approvals of gas projects?

The Hon. PENNY SHARPE: You would be aware that there's one gas project in New South Wales, which is the Narrabri Gas Project. It's a matter for Santos, in terms of them pursuing that. They're currently looking at the Hunter Gas Pipeline and that work's going through. There's also been a native title claim in relation to that, which is the subject of appeal. Santos have indicated that they're going to make a financial decision. I think that they have delayed that by 12 months. That is what they're doing.

In terms of the other work that we're doing for gas, which is very important, is the support of the six peaking plants that are in place. Most of them are built out. We're waiting for Kurri Kurri to finalise and come on board. If you've read the electricity security outlook that came out today from AEMO, you'll know that that plant is very important. It's due to be completed by the end of this year, and we would hope that it is. So there's that. There's also the work that came out of the Cameron O'Reilly review in relation to storage.

The Hon. NATALIE WARD: Yes, we got the reviews. We're just interested in the projects.

The Hon. PENNY SHARPE: Storage is really important.

The Hon. NATALIE WARD: The Glenlee property—you promised before the election that Labor will protect Glenlee. What's happened to the Glenlee property and the heritage push to save that?

The Hon. PENNY SHARPE: The Glenlee property was sold.

The Hon. NATALIE WARD: To whom?

The Hon. PENNY SHARPE: I don't know who the buyer was, but it was sold. Just to be clear, it was a private property.

The Hon. NATALIE WARD: So you protected it by selling it?

The Hon. PENNY SHARPE: It was not owned by the Government. It was a private property. Private property people are allowed to sell their own property. Unless you're planning on me intervening in doing that—it's an interesting position from the Libs.

The Hon. NATALIE WARD: It was your election promise.

The Hon. PENNY SHARPE: I can't stop a private person selling their house.

The Hon. WES FANG: Minister, I've tabled some photographs. Initially I'll pass the school photographs and the copy of *Hansard* to the Minister. These are photos of the Liverpool West site where there was asbestos mulch found. Minister, do you agree that these photos demonstrate some demolition work is underway? You will note that there are lined skip bins in those photos for, I believe, asbestos. Do you agree that those photos indicate there was demolition work in the vicinity of where mulch was laid?

The Hon. PENNY SHARPE: You tell me this is what these photos are. I'm prepared to—

The Hon. WES FANG: That's my assertion.

The Hon. PENNY SHARPE: I'm prepared to take them at face value, but I'm not going to comment any further, given the issues I raised previously in relation to an active investigation.

The Hon. WES FANG: I appreciate that. Minister, do you know how much mulch was purchased by the landscaper that was contracted for the work at that site?

The Hon. PENNY SHARPE: No.

The Hon. WES FANG: It's my understanding it was in the region of 160 tonnes of mulch, and it was used at three separate sites. For ease, I'll assume that the amount of mulch was—

The Hon. PENNY SHARPE: So you're going to undermine the investigation that's currently—

The Hon. WES FANG: No, Minister, I'm just asking some questions.

The Hon. PENNY SHARPE: You're not. You're putting a whole lot of—

The Hon. WES FANG: Minister—

The Hon. PENNY SHARPE: No. You are putting a whole lot of information that's potentially prejudicial in relation to a very important investigation about asbestos in schoolyards in this State and you are undermining it. I'm not going to answer this question.

The Hon. WES FANG: Minister, the *Hansard* that I've tabled is from Tuesday where my colleague asked Minister Car how much material was removed from the Liverpool West school site. You will note that we were provided an answer of 2,500 tonnes. Assuming that all 160 tonne of mulch, which I believe was used over three sites—because it was purchased by the landscaper in bulk, let's assume that all 160 tonne of mulch went to that school site. Why was 2,500 tonne of material removed?

The Hon. PENNY SHARPE: I don't know the details of that. I can't speak to that. I will take that on notice. But I will indicate again that I am not providing advice—I am not providing information to this Committee if it's prejudicial in relation to the current investigation.

The Hon. WES FANG: Minister, you would agree that it's possible that the asbestos handling at site was inappropriate.

The Hon. PENNY SHARPE: No, I don't agree because I don't know.

The Hon. WES FANG: Perhaps you should know because you're the environment Minister with the EPA under you. Obviously, the asbestos issues were blamed on the mulch, but to remove that amount of fill means it was likely there was more asbestos there.

The Hon. PENNY SHARPE: That's your assertion. I don't accept it. And—

The Hon. WES FANG: You don't know? You haven't asked any questions, Minister?

The Hon. PENNY SHARPE: —I am not able to because I don't have that information.

The Hon. WES FANG: Has the education Minister put lives at risk by not identifying exactly where all the asbestos came from?

The Hon. PENNY SHARPE: How preposterous! No.

The Hon. WES FANG: Do you think you owe an apology to people about these asbestos issues?

The Hon. PENNY SHARPE: No.

The Hon. WES FANG: I appreciate that.

The Hon. PENNY SHARPE: What I—

The Hon. WES FANG: Minister, I'm going to turn to another issue.

The Hon. PENNY SHARPE: No, I want to answer this. What I owe to the people of New South Wales is that the materials that are used and that are regulated under the State Government are safe: that they're safe for communities, they're safe for families and they're safe for schools. What came to our attention in relation to asbestos is extremely problematic. There should not be a skerrick of asbestos in these materials. That is why there has been one of the biggest investigations of the EPA. That is why they have diligently worked—

The Hon. WES FANG: Minister, we agree. We're on a unity ticket.

The Hon. PENNY SHARPE: This is why there is still an active investigation—

The Hon. WES FANG: I agree, Minister.

The Hon. PENNY SHARPE: —that you have tried to undermine today in a way that is one of the most outrageous things I've seen from a member.

The Hon. WES FANG: It has been nine months now, Minister, and you've got no answers for people.

The Hon. PENNY SHARPE: No, because you don't actually understand how environmental investigations work.

The Hon. WES FANG: I'm moving on to another matter.

The Hon. PENNY SHARPE: We want to make sure it's right, and if people have done the wrong thing, then they will be prosecuted, as they should be. But you've got to let people do their work.

The Hon. WES FANG: Minister, what was the decision-making process—

The Hon. PENNY SHARPE: You've tried to actively undermine that investigation today, and that is shameful of you.

The Hon. WES FANG: I'll ask you not to talk over me. Minister, what was the decision-making process for adopting the improved native forestry method as New South Wales Government policy? Did you make the decision or did it go to Cabinet?

The Hon. PENNY SHARPE: You're talking about the ACCU's method that's been submitted to the Federal Government?

The Hon. WES FANG: Yes, for carbon capture.

The Hon. PENNY SHARPE: It was a whole-of-government process. As you may be aware, for the Great Koala National Park there is an interdepartmental committee overseeing that as well as the three different panels. The work that was undertaken was done by one of the pre-eminent experts in the—

The Hon. WES FANG: Minister, that's not really—

The Hon. PENNY SHARPE: I'm just getting—

The Hon. WES FANG: —providing an answer to the question. I asked—

The Hon. PENNY SHARPE: Well, sorry.

The Hon. WES FANG: —did it go to Cabinet or did you just make the decision?

The Hon. PENNY SHARPE: I'm sorry, I'm not allowed to talk about Cabinet. Thank you.

The Hon. WES FANG: But was it a decision of Cabinet?

The Hon. PENNY SHARPE: Hello? I'm not actually able to confirm nor deny that.

The Hon. ANTHONY D'ADAM: It's Cabinet in confidence.

The Hon. PENNY SHARPE: What I'm saying to you is—

The Hon. NATALIE WARD: You can confirm a Cabinet decision.

The Hon. WES FANG: You can confirm if Cabinet discussed the issue.

The Hon. NATALIE WARD: If it decided something.

The Hon. PENNY SHARPE: No, I can't actually! Sorry, you might want to ask Ms Ward, who has actually been a Minister—

The Hon. NATALIE WARD: You can confirm if there was a Cabinet decision to do something. Of course you can.

The Hon. WES FANG: It's a policy that you've provided to the Federal Government from the New South Wales Government.

The Hon. PENNY SHARPE: Correct.

The Hon. WES FANG: Was it a decision of Cabinet, or did you make the decision?

The Hon. PENNY SHARPE: I did not make the decision. There's a collective decision in terms of whole of government.

The Hon. WES FANG: Was it a Cabinet decision?

The Hon. PENNY SHARPE: I'm not going to answer that.

The Hon. WES FANG: Minister, how would the proposed improved native forest method generate Australian carbon credits under the Government expression of interest submission to the Commonwealth?

The Hon. PENNY SHARPE: That's exactly what's being examined. We have developed a whole-of-government method. It has been submitted to the—

The Hon. WES FANG: But what does the plan do?

The Hon. PENNY SHARPE: Sorry, can you let me finish? It's been submitted to the—it's an independent process. The Commonwealth, as I understand it, has got a range of different options that it's looking at in terms of carbon credits. It needs to work through that independent process. If it stacks up, there will be recommendations made to Minister Bowen and then—

The Hon. WES FANG: It's effectively to stop native forestry, isn't it? Is that the proposal?

The Hon. PENNY SHARPE: No.

The Hon. WES FANG: No? You don't believe that if the Federal Government accepts the New South Wales Government proposal that it would stop native forestry in New South Wales?

The Hon. PENNY SHARPE: No, because that's not how—

The Hon. WES FANG: Okay, that's fine. Thank you, Minister.

The Hon. PENNY SHARPE: Can you let me finish?

The Hon. WES FANG: I've got a lot of questions and little time, Minister.

The Hon. PENNY SHARPE: Yes, but you don't actually understand the questions that you're asking.

The Hon. WES FANG: I do understand them.

The Hon. PENNY SHARPE: I'm trying to give you the context of what you're trying to operate.

The Hon. NATALIE WARD: That's quite rude.

The Hon. WES FANG: Yes.

The Hon. PENNY SHARPE: The fact that you're able to use carbon credits is a separate suggestion to whether Government would choose to do so, as Ms Higginson knows well. She has asked me many questions about it. You're not able to say yes or no because that's actually not the way in which this developed.

The Hon. WES FANG: Minister, it was developed by the National Parks and Wildlife Service. Did they provide a brief—

The Hon. PENNY SHARPE: Yes. It was developed on a whole-of-government—

The Hon. WES FANG: Minister, I haven't asked the question yet. Did they provide a brief to the Minister for forestry on the improved native forestry method before it was signed off as Government policy?

The Hon. PENNY SHARPE: I can't speak to whether there was a potential brief. What I can speak to is that there is an interdepartmental committee where this information was provided. There is also a variety—there's the Aboriginal, the environment and conservation, and the timber industry—

The Hon. WES FANG: Thank you, Minister, but that's not what I asked. I asked about the briefing given from National Parks to the Minister for forestry. On Tuesday the Minister—

The Hon. PENNY SHARPE: My understanding is—

The Hon. WES FANG: Minister, I haven't asked the question yet. The Minister for forestry said on Tuesday in estimates:

... I'm not sufficiently across the detail to be able to get into it with you this afternoon.

Were the full details of the policy disclosed to your ministerial colleagues before it was submitted to the Federal Government? What was done through the formal briefing/Cabinet notes/staff briefing/agency briefings about how this policy was socialised to your ministerial colleagues?

The Hon. PENNY SHARPE: I'm happy to take that on notice and provide extra information. The first thing is, I'm not providing you with Cabinet information—I'm actually not allowed to. The second point I make is that there has been a lot of discussion across government. This isn't just a National Parks and Wildlife Service matter. This is actually something that has been done in a whole-of-government way—and we will continue to do so.

The Hon. WES FANG: Minister, you're hoping to use the forestry industry and the public State forests to effectively slush-fund your way to the Great Koala National Park. Is that what we're doing here?

The Hon. PENNY SHARPE: What do you mean by that?

The Hon. WES FANG: The carbon credits and the cessation of forestry is effectively the way that you're going to deliver your Great Koala National Park, isn't it?

The Hon. PENNY SHARPE: There are a lot of assertions in that. I don't agree with any of that.

The Hon. WES FANG: Do you say that you've not sold out the timber workers for green activists by putting this plan forward to the Federal Government?

The Hon. PENNY SHARPE: That is one of the more preposterous questions that you've asked.

The Hon. WES FANG: That's fine, Minister. That's your assertion.

The Hon. PENNY SHARPE: No, it's actually—

The Hon. WES FANG: Now, before we finish—

The Hon. PENNY SHARPE: No, sorry, you've just asked me about workers.

The CHAIR: Do you want 2½ more minutes?

The Hon. WES FANG: Yes, please.

The Hon. PENNY SHARPE: I want to talk about workers in the forestry industry, who I meet with on a regular basis—

The Hon. WES FANG: Yes, you met with them.

The Hon. PENNY SHARPE: —who actually understand what is needed in relation to this, who are working through the process for the Great Koala National Park, who are represented in terms of that and who have a lot of input. I met with those workers last week.

The Hon. WES FANG: The AWU?

The Hon. PENNY SHARPE: Yes. The suggestion that—you don't even understand who we've met with. The idea that we don't care about that is just fundamentally false and I utterly reject it.

The Hon. WES FANG: The last question I've got, Minister—you'll see some photos of forestry that have been tabled.

The Hon. PENNY SHARPE: Where from?

The Hon. WES FANG: Sorry?

The Hon. PENNY SHARPE: Where are they from?

The Hon. WES FANG: I'm going to ask you. Minister, do you believe that this is an appropriate depiction of forestry?

The Hon. PENNY SHARPE: Where is it?

The Hon. WES FANG: I'm getting there. Minister, do you believe that this is an appropriate depiction of forestry for green activists to put forward?

The Hon. PENNY SHARPE: I don't know where it's from and I don't actually understand what you're asking me.

The Hon. WES FANG: It is in New South Wales.

The Hon. PENNY SHARPE: Right. Where?

The Hon. WES FANG: Do you believe that this is an appropriate depiction of forestry?

The Hon. PENNY SHARPE: Where?

The Hon. WES FANG: Minister, I'm just asking you the question.

The Hon. NATALIE WARD: Is it accurate? It's very simple.

The Hon. PENNY SHARPE: But I can't answer this—I don't have enough information to be able to answer the question accurately. I would like to answer—

The Hon. WES FANG: Do you accept that this isn't an accurate representation of forestry?

The Hon. PENNY SHARPE: I don't know what it is.

The CHAIR: Is it plantation?

The Hon. WES FANG: Okay, you don't—

The Hon. PENNY SHARPE: Is it plantation? Where is it located? Under what circumstances—

The Hon. WES FANG: Minister, do you agree that forestry does not leave a scar like this?

The Hon. PENNY SHARPE: I'm sorry, I don't know where this is.

The Hon. WES FANG: Do you agree that forestry does not leave a scar like this?

The Hon. PENNY SHARPE: I don't know, because I don't—

The Hon. WES FANG: Do you know what leaves a scar like this?

The Hon. PETER PRIMROSE: It's a trick question.

The Hon. WES FANG: You, clearing for transmission lines! These are clearings for your transmission lines, Minister.

The Hon. JOHN RUDDICK: Sounds right.

The Hon. PENNY SHARPE: Well, thank you. Got me. Gee. We actually need transmission lines. Do you not support the need for transmission lines?

The Hon. NATALIE WARD: Minister, it's about us asking you questions, and you know that. In the one minute that we have left, will—

The Hon. PENNY SHARPE: Okay. It would be good if the Libs actually supported some of this work rather than letting the Nats be so silly about it.

The Hon. NATALIE WARD: Chair?

The Hon. PENNY SHARPE: Go on.

The CHAIR: Sorry. Over to you, Ms Ward.

The Hon. NATALIE WARD: Minister, will ETU action delay Kurri Kurri?

The Hon. PENNY SHARPE: I don't know. I'll take it on notice.

The Hon. NATALIE WARD: You don't know?

The Hon. PENNY SHARPE: No, I don't know. As I've said, they're in negotiations. This could be resolved. I don't believe so, but I'll take it on notice to be absolutely sure. It's not my project.

The Hon. NATALIE WARD: Is there any risk that the ETU industrial action will delay the commissioning of the Waratah Super Battery?

The Hon. PENNY SHARPE: I believe it's on track. Let me take it on notice but, no, I don't believe so.

The Hon. WES FANG: Minister, how confident are you that you can deliver the Central West-Orana transmission line on time and on budget?

The Hon. PENNY SHARPE: If you were clear about whether you supported it or not, and if Mr Saunders—

The Hon. NATALIE WARD: It's not about us. Answer the question.

The Hon. WES FANG: It's not a question about me, Minister. Stop deflecting, Minister!

The Hon. PENNY SHARPE: If the Leader of the National Party stopped trying to undermine it—

The Hon. WES FANG: Every time we ask you a question, all you do is deflect it back onto us. You're the Minister. The question is to you.

The Hon. PETER PRIMROSE: And you talk over the Minister all the time!

The Hon. NATALIE WARD: She doesn't answer.

The Hon. WES FANG: She doesn't answer. I ask a question and there's no answer. It's just deflected back to us.

The Hon. NATALIE WARD: Let's hear the answer.

The Hon. JOHN RUDDICK: Let's hear the answer.

The Hon. WES FANG: Minister?

The Hon. PENNY SHARPE: The question is?

The Hon. WES FANG: You're kidding! Were you not listening?

The Hon. PENNY SHARPE: It's a bit hard when you keep yelling.

The Hon. NATALIE WARD: Go ahead.

The Hon. JOHN RUDDICK: The REZ: on time and on budget?

The Hon. WES FANG: The transmission line.

The Hon. NATALIE WARD: Read the note.

The Hon. PENNY SHARPE: No, this note is actually about Nyree Reynolds; it's not about that. Sorry, what is your question?

The Hon. WES FANG: Minister, are you confident the Central West-Orana line will be on time and on budget?

The Hon. PENNY SHARPE: I would hope so, yes.

The Hon. WES FANG: You hope so?

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: That's your best answer?

The Hon. PENNY SHARPE: Yes. Mr Hay will be here this afternoon. He can take you through whether it's—

The Hon. WES FANG: I've got plenty of questions for Mr Hay, don't worry.

The Hon. PENNY SHARPE: I hope you show him some respect.

The CHAIR: Thank you. With the last remaining couple of minutes—

The Hon. WES FANG: He wouldn't have learnt it from you, Minister.

The CHAIR: —could I just bring you, as my colleague Ms Faehrmann did, to the NSW Audit Office threatened species report? It was a terrible report. I imagine you would have found it as galling as I did.

The Hon. PENNY SHARPE: Yes.

The CHAIR: We know that the number of listed species continues to grow and so on. Will the Government return funding to more adequate levels?

The Hon. PENNY SHARPE: Within the budget we're always looking for how we can better invest and work through that. We're obviously doing the plan for nature. I did bring a picture of a new threatened species. I'm hoping you might know what this is, Ms Higginson?

The CHAIR: It's some kind of wonderful, spectacular skink.

The Hon. PENNY SHARPE: It's the Guthega skink.

The CHAIR: Yes. My eyes are not great.

The Hon. PENNY SHARPE: The work that we're doing in Kosciuszko is actually helping save this. It's really, really important.

The Hon. WES FANG: Oh, wow. Who can we name this one after?

The Hon. PENNY SHARPE: Wes—Wes, the Guthega skink. Let's do that.

The CHAIR: The Wes skink.

The Hon. PENNY SHARPE: Welcome to Wes, the Guthega skink. Look, we obviously need to look at how we're investing. We're looking at a whole range of ways that we do that. There are a number of different programs. The budget issue is always tight. There's never enough money. I know that this is controversial to you, Ms Higginson, but with some of the money that will be invested via offsets there are some real opportunities that are extremely important in terms of restoration and doing that work. I'm very influenced by the work of Professor Richard Kingsford, who I think is an incredible scientist. We're lucky to have him in New South Wales. He has talked to me a lot over the years about ecosystem health rather than a species-by-species approach. In the broader where I see this going, what I'd like us to be able to do is restore, repair and protect ecosystems. If the ecosystem

is healthy, the threatened species that live within it will no doubt be thriving. That's where we're trying to get to. We're a long way from that.

The CHAIR: I appreciate this, and I did hear you in Parliament refer to this approach. But, Minister, it's not either or, is it? It's ecosystems and species all at the same time. One is not the other, and it does concern me.

The Hon. PENNY SHARPE: No, and I wouldn't want you to think that that's what I mean. That's not what I mean. What I'm saying is that I think if we come out a little bit further around habitat protection and around cross-tenure ecosystem health, there's some good work being done in relation to that. But what I would like to think is that—I can't prove this will happen; it will take decades—we'd see threatened species have more than just havens and that they're thriving in there. We still need to do the individual species work. That's not changing anytime soon. Our whole offsets system is based around that. The Saving our Species work—I'm not going to get a chance to talk about it today, but there's incredible work being done to put back extinct species into being there again through rewilding programs.

There's just some incredible work. We've put koalas into Western Sydney that have been dealt with. We're doing the corroboree frog work at the zoo. They are now outside the pens as well in Kosciuszko National Park where it's safe for them to do so. But that is very expensive and that's at the really pointy end. What we're really trying to do with the idea of the nature plan, off the back of Ken Henry's work and all of the other reports, such as the *NSW State of the Environment* report and the *NSW biodiversity outlook report*—none of them are good—is to really turn that dial, try to come up a bit and protect what's there, restore what's been harmed and really work across land tenures with all of the different stakeholders, whether it's farmers, Aboriginal communities or others, to really look after and protect and, importantly and increasingly, restore the work that has been harmed.

The CHAIR: I will take it up with the department about the Saving our Species program as well.

The Hon. MARK BUTTIGIEG: I have one or two follow-up questions if I have time. Minister, thank you for your excellent evidence today, despite some challenging interferences. What is the status of the native vegetation regulatory map and when do you intend to finalise the map?

The Hon. PENNY SHARPE: Before I do that, this is a mop-up: I was asked earlier about Nyree Reynolds, who I think is one of the Aboriginal proponents. I can confirm that my office cannot find any correspondence from Ms Reynolds through the search of the department's management system and our email box and all of those things. I just wanted to let you know that. In terms of the regulatory map, that was established under the previous Government through their Biodiversity Conservation Act. That was in 2016. There has been a long discussion and a lot of work done, particularly since we were elected, to roll out the draft map. The regulatory map—there is a full draft that has been across the State now—was released in tranches.

We've worked really closely with farmers, and I particularly thank New South Wales farmers for their input in relation to this. Let's be clear here: New South Wales farmers support the publication of the native vegetation regulatory map. We've done a lot of work very closely with landholders. We've put out the draft, people have been able to see what it means for their property and, if they disagree with what's there, there's a review process. The reality is that very few reviews have been asked for. Where they have been, there have been very little changes. I have good confidence that the map is working well. Can it always be improved? Yes, it can, because I think some landholders wouldn't really be paying attention to what's going on until it actually becomes more real for them. They're not intending on clearing or doing any work, so the map doesn't mean anything to them.

I've had conversations with New South Wales farmers and we've been briefing local members. We expect that the map will be published. Just to be clear, I don't publish the map; the map is published by Mr Lean here. He's required to do that under the legislation. The legislation was in place in 2016 and it is now 2024. The good news is that we expect to publish the map. I understand Mr Lean has let other departments know about this. We would hope it's happening I think towards the end of September. I don't think we've got a final date. The important thing, though, for everyone to know, is that even with the final map going up, there is still the ability for landholders to have a free review and for that to be tested, as it should and as it must. People who have their own land know what's on it and know what's there. We've got a rigorous process to manage that. I think it will be welcomed by most that we've finally got this in place after eight years.

The Hon. MARK BUTTIGIEG: Minister, is there anything else you'd like to add?

The Hon. PENNY SHARPE: The last thing I would say is, again, I ask the Committee to think seriously about some of the documents that have been tabled today and whether they should be in the public domain. I am extremely concerned that there is an active investigation, as there must be, given that we found asbestos in mulch where people were playing in parks and at their schools. This is a contaminant that should not be there. The

investigation has been very extensive. It has been incredibly complicated. It has exposed the difficulties of trying to trace materials like this. We are learning from all of that.

We've already taken some actions through the strengthening of the penalties and the work that showed how hard it was for us to do orders on various different premises throughout that investigation. We've already taken some steps. There's a second round of that that will happen. But at the moment the focus of the EPA, which I totally support, is that they do the right investigation to make sure that those that have done the wrong thing are held to account. I think we just need to be very careful. I ask the Committee to be very mindful of what that means in terms of some of the material that has been floated today.

The CHAIR: Minister, that concludes your part of this hearing. We are very grateful for your attendance. We've finished with your questioning.

(The Minister withdrew.)

(Luncheon adjournment)

Mr STEPHEN BEAMAN, Executive Director, Regulatory Practice and Services, NSW Environment Protection Authority, sworn and examined

Mr BRENDAN BRUCE, Deputy Secretary, Biodiversity, Conservation and Science, Department of Climate Change, Energy, the Environment and Water, affirmed and examined

Mr SAM KIDMAN, Executive Director, Heritage NSW, Department of Climate Change, Energy, the Environment and Water, affirmed and examined

Dr ERIN GIULIANI, Chief Executive Officer, Biodiversity Conservation Trust, Department of Climate Change, Energy, the Environment and Water, affirmed and examined

Ms KIM CURTAIN, Deputy Secretary of Energy, Climate Change and Sustainability, Department of Climate Change, Energy, the Environment and Water, affirmed and examined

Mr JAMES HAY, Chief Executive, Energy Corporation of NSW, affirmed and examined

Mr ATTICUS FLEMING, Deputy Secretary, National Parks and Wildlife Service, Department of Climate Change, Energy, the Environment and Water, affirmed and examined

Ms NAOMI STEPHENS, Executive Director, Park Operations (Coastal) National Parks and Wildlife Service, Department of Climate Change, Energy, the Environment and Water, affirmed and examined

Mr LIAM RYAN, Advising Executive Director of Energy, Climate Change and Sustainability, Department of Climate Change, Energy, the Environment and Water, affirmed and examined

Ms SHARON MOLLOY, Executive Director, Conservation Policy and Programs, Department of Climate Change, Energy, the Environment and Water, affirmed and examined

Mr MARK WESTBROOK, Chief Project Officer, Energy Corporation of NSW, affirmed and examined

The CHAIR: Thank you all. Welcome back.

ANTHONY LEAN: I just wanted to add some additional information in regards to the avian flu issue that was discussed earlier this morning. As well as the roundtable, which the Minister announced as happening tomorrow, the Environment Services Functional Area, which is chaired by the EPA, has been tasked with preparedness work for wildlife and waste management of a future H5N1 outbreak. On that group is the Biodiversity, Conservation And Science group—BCS—National Parks and Wildlife, EPA and Taronga. Planning is underway to assess risks and consequences. We're developing a coordinated New South Wales preparedness and response plan in collaboration with other jurisdictions. Importantly, the department and the EPA participated in Exercise Volare on 21 August, which simulated an outbreak of H5N1 in wildlife, and that was coordinated by the Australian Government. A further exercise is planned for 9 September, and that will include non-government organisations and industry stakeholders, as well as government agencies.

We're also participating in the roundtable on HPAI H5, convened by the Australian Threatened Species Commissioner. We're also working with the New South Wales wildlife health interagency group and their associated subcommittee. We're also participating in the National Avian Influenza Wild Birds Surveillance Program, which is being coordinated by Wildlife Health Australia. There's a number of actions that are about to be implemented, as well. DCCEE staff are being provided with coordinated communications, including an

overview of HPAI symptoms, response actions and necessary safety precautions for staff. NPWS is preparing a draft response plan for the North Head area of Sydney National Park, due to the risk to the little penguin colony, and those risks arise from high visitation, as well. That is then going to be used as a template to develop risk plans for other sites, such as Montague Island. We're continuing risk assessments and developing potential mitigation options, and we'll also be developing key messages for stakeholders and the public more generally, to inform them about how to deal with the issue if they come across infected wildlife.

The CHAIR: Thank you. I'll come back to that a bit later, but I think it's over to Ms Faehrmann.

Ms CATE FAEHRMANN: Welcome, everybody. I just wanted to begin, probably, with you, Mr Kidman, in terms of what process the cultural heritage unit or department goes through when assessing the cultural heritage impacts of a mine. Obviously, this is in relation to McPhillamys. What extra or additional work did you and your team undertake, if any, to what the mine's consultant undertook? Do you undertake your own investigation?

SAM KIDMAN: We don't undertake an investigation. What we do is provide feedback to the department of planning on the adequacy of the Aboriginal cultural heritage assessment work that is undertaken as part of the environmental impact statement. That is there, also. We don't do the assessment ourselves. We review the EIS as it comes to us, and in this instance it included two ACHAs that were produced in 2019.

Ms CATE FAEHRMANN: Two of them? What were the two? Both by the company, by the same consultant?

SAM KIDMAN: Typically, the proponent is the body that engages a consultant to undertake those cultural heritage assessments. Another part of our role is to, as part of the SEARs requirements, ensure that the consultation undertaken as part of that Aboriginal cultural heritage assessment is robust and includes relevant registered Aboriginal parties, and we were satisfied that that was the case in this instance.

Ms CATE FAEHRMANN: In relation to consultation, then—I'm glad you mentioned that—looking at the appendix to the cultural heritage impact assessment, it actually details all of the consultation that was undertaken. I go through back to 2016, from Regis sending out the first lot of calls or official requests for the names of Aboriginal parties. That went to lots of people—the OEH, Blayney Shire Council, Native Title Tribunal—lots of different agencies, to find out who the RAPs were. Tick—that was done.

There was a notice published in the paper. Then the notifications were sent to the different registered Aboriginal parties to register interest in the project. Then, from there to 2017, the engagement suggests that it was only the Orange local Aboriginal council from there—no others—that attended a field survey in 2017, a couple of field surveys, an invitation to attend—Orange Local Aboriginal Land Council, email, telephone—and then that was it. The draft Aboriginal cultural heritage assessment was then provided to that Orange Local Aboriginal Land Council for review, and that's about it, really. Aunty Nyree Reynolds was provided—she was emailed the Aboriginal cultural heritage assessment. She was emailed, and there was a phone call to her. That's it. Does that sound comprehensive to you?

SAM KIDMAN: I can't confirm those details here. I don't know who was directly contacted or not, but we were provided with a list of RAPs. I think they're included in the document that you were—

Ms CATE FAEHRMANN: But a list is one thing, isn't it, Mr Kidman?

SAM KIDMAN: Yes.

Ms CATE FAEHRMANN: But it's how they were engaged and whether they were able to provide meaningful feedback into what I have heard from multiple First Nations people now, who live locally, the significant cultural heritage impact that the mine and the tailings dam will have.

SAM KIDMAN: I would have to come back to you with detail about who was and who wasn't contacted. I don't have that detail in front of me right now.

Ms CATE FAEHRMANN: What I'm trying to get at, I suppose, is the thoroughness of the work that you do. It does appear as though, from the information that we have that's on the Major Projects planning portal—the submissions and what have you—that, indeed, pretty much the only expertise was who the proponent engaged. They engaged with one party, ultimately, in terms of the survey. From that survey, importantly, the Orange Local Aboriginal Land Council objected to the proposal. The mine's proponent put in whatever they put in to you. I would think that Heritage NSW should be investigating that and making sure that you don't just take the mining company's word for granted.

SAM KIDMAN: I can check the details of that, but asking for submissions from registered Aboriginal parties and receiving submissions are two different things, of course. I don't know who has requested—

Ms CATE FAEHRMANN: Mr Kidman, the only registered Aboriginal party that went onto that site objected to the mine. I'm wondering what Heritage NSW was doing when you said that the conditions that they put in place were fine and ticked that off.

ANTHONY LEAN: I think we'd need to take that on notice. As Mr Kidman has pointed out, the role of Heritage NSW in this process is advisory to the department of planning. I don't know; they may indeed have undertaken more work themselves to assess the advice of the Orange Local Aboriginal Land Council. I think it's best that we take it on notice and come back to the Committee on that.

Ms CATE FAEHRMANN: I don't believe planning did that, to be honest. We know that the actions of Heritage NSW are very important here, so I'll provide more questions on notice about that. I wanted to turn to the PFAS in the Belubula River. I understand that the EPA has taken a couple of samples a couple of different times. That is now published on the EPA's website.

TONY CHAPPEL: Yes.

Ms CATE FAEHRMANN: One is on 30 May, when two samples were taken, and then again on 4 July. I understand from both of those testings that the EPA is suggesting that there's not too much to worry about. Can I get your view on that, Mr Chappel?

TONY CHAPPEL: No, I wouldn't put it like that, Ms Faehrmann, but we have undertaken some initial rounds of testing. We're now working with the community and the science they've shared with us on designing a broader monitoring program. There are obviously some concerns there in the community about PFAS in the river, and we want to investigate rigorously any sources. The monitoring we did showed the only substantial detection was actually upstream of the Cadia mine, so we need to do monitoring over a larger area.

Ms CATE FAEHRMANN: Did the EPA take samples of the foam that the locals had collected for analysis?

TONY CHAPPEL: No. I understand some of the community did collect foam samples. They didn't share those physical samples with us; they've shared the results. We sample water, consistent with international guidelines. Mr Beaman can talk a little more to our regime and how we're considering that.

STEPHEN BEAMAN: I think that any time you detect PFAS, you've got to be concerned. As Mr Chappel mentioned this morning, it's a contaminant that's persistent and bioaccumulates. We did our samples in May and July at the request of the community. The community came and we spoke about what their concerns were. I think we have tested the water and we've done some recent testing on the foam. We've put that into the reports that we've just recently published. The next step, when you do PFAS testing, is for us to work out what the distribution and the concentration is and the type of asbestos in that catchment.

Ms CATE FAEHRMANN: Not asbestos, PFAS.

STEPHEN BEAMAN: Sorry, I've got asbestos on the brain today.

Ms CATE FAEHRMANN: It must be a nightmare working with all the contaminated, toxic substances all day, every day.

The Hon. WES FANG: I live in so many people's heads, it's not funny.

Ms CATE FAEHRMANN: Mr Beaman, can I ask you a question before my time is up. I'll be back later today. What has the EPA found in the foam that it has tested?

STEPHEN BEAMAN: We've actually found that it's made of both a natural and a synthetic substance. Those foams can naturally generate on rivers from the breakdown of organic matter, and so we did testing to determine whether it's a synthetic or whether it's a natural foam. The testing confirmed that it's a chemical composition of a synthetic foam.

Ms CATE FAEHRMANN: I'll come back to that.

The Hon. JOHN RUDDICK: I have a few questions for Mr Atticus Fleming, the Deputy Secretary of the National Parks and Wildlife Service. These questions relate to the reopening of Mount Warning. I recently climbed the mountain, along with about 20 locals. As we were coming down, the locals were all convinced that we would be met by rangers at the bottom and issued a fine. To their surprise, there were no rangers there. The speculation, then, amongst the locals was that because a parliamentarian had been with them, there had been a stand-down order. Can you confirm whether there's any credibility to that claim?

ATTICUS FLEMING: I'm going to ask Ms Stephens to deal with any specifics around Wollumbin but, in relation to that question, I was certainly unaware that you were planning to climb. I doubt very much that there's any substance to that.

The Hon. JOHN RUDDICK: Have you personally met with community stakeholders regarding the closure or the reopening of Mount Warning? If so, who?

ATTICUS FLEMING: I might ask Ms Stephens to talk about the process and the level of engagement and consultation that has been undertaken.

NAOMI STEPHENS: I might start with the first question. Our approach to compliance in Wollumbin has really been a staged one, transitioning from when initially we were using security guards and we were using quite tight compliance. We've been focusing on education and signage. We've been focusing on ensuring that people were aware of the issues around safety at the site, and also the concerns of the traditional owners. We're now at a point where we are patrolling. We have signage. When we have evidence that people have climbed, then we will look into it. Depending on the evidence that's collected, we've got law enforcement advice, and then we look into the appropriate action. But we're not specifically sending people or not sending people depending on what's going on.

In terms of the consultation, the consultation in recent times has been undertaken by the Minister. She has had comprehensive meetings with all the stakeholders in a number of different forums to get their views, ranging from people representing the local economy, through to people who have an interest in bushwalking, through to the traditional Aboriginal owners. There's a range of consultation that has gone on, and that has happened over a period of time and in a number of different forums.

The Hon. JOHN RUDDICK: The track is in a very bad state. It looked as though it hadn't been repaired or maintained for about four years. The local community members have offered to provide working bees and to voluntarily correct it, but they're not permitted to. Why is the National Parks and Wildlife Service resisting locals voluntarily trying to improve the track?

NAOMI STEPHENS: At this stage, the track is legally closed under the National Parks and Wildlife Act and regulation. It is closed until 31 December 2024 while the Minister continues to consult on the issue. We aren't undertaking any maintenance on that track for that period while we wait.

The Hon. JOHN RUDDICK: Do you have an estimate of how much the repairs will cost? You're saying that it's quite possible that from 1 December we would be potentially reopening the track.

NAOMI STEPHENS: The area is closed until 31 December.

The Hon. JOHN RUDDICK: What would be the cost of bringing the track up to a safe condition again?

NAOMI STEPHENS: I'd have to take that on notice. We'd be able to provide you with an estimate of that, but I can't do that today.

The Hon. JOHN RUDDICK: Have you considered reopening Mount Warning as a pay-to-enter-style operation or, indeed, including it as part of the annual national parks pass?

NAOMI STEPHENS: At this stage the area is temporarily closed. The Minister is consulting with stakeholders, and she will be forming a view on the future of the management of the track and the summit. We're waiting for that process to work through.

The Hon. JOHN RUDDICK: I have met a few times a local Aboriginal fellow by the name of Stuart Boyd, whose family claims to be the main custodians of the mountain, in a traditional sense. I understand that the National Parks and Wildlife Service has ignored Mr Boyd and his family members but they have listened to the views of non-local Aboriginals. Can we explain why Stuart Boyd has not been consulted?

NAOMI STEPHENS: Cultural authority over the mountain is a matter for Aboriginal people. The National Parks and Wildlife Service always would defer to Aboriginal people to make decisions around cultural authority and association. Mr Boyd approached Parks and requested a meeting with the Wollumbin Consultative Group and we facilitated that. That will be happening very shortly in the next couple of weeks, where the discussion around cultural association and authority will happen amongst Aboriginal people.

The Hon. JOHN RUDDICK: Are you familiar with an anthropologist by the name of Dr Harry Creamer?

NAOMI STEPHENS: Yes, I used to work with Dr Creamer in the past.

The Hon. JOHN RUDDICK: You would know that it was actually Prime Minister Gough Whitlam who brought him to Australia in the early 1970s, as he was a leading anthropologist, to look at Aboriginal sites around the country, particularly in New South Wales. He is of the view, having spent his entire life looking at these sites, that there are very few actual sites that are of significance to the Aboriginals. Are we taking into account his high level of understanding about this issue?

NAOMI STEPHENS: We have referred Dr Creamer's most recent work to the Wollumbin Consultative Group. The Wollumbin Consultative Group is a group that represents a large number of Aboriginal families and groups up in that area. But we are leaving it with them for them to consider because obviously it's about cultural knowledge and it's about cultural association. It's not something that we are in a position to be making a decision about.

The Hon. JOHN RUDDICK: How many sites do you think actually on the mountain are of cultural significance? Are we talking about actual archaeology or where things are remembered?

NAOMI STEPHENS: I don't have any personal knowledge of the cultural significance in terms of those sorts of details. I couldn't answer that question.

The Hon. JOHN RUDDICK: In June 2022 the former environment Minister in the previous Government, James Griffin, announced that it was the intention of the National Parks and Wildlife Service to hand over all national parks as Aboriginal freehold and lease them back to be run under Aboriginal control. Where is this policy at?

NAOMI STEPHENS: I might hand to Dr Fleming to respond to that one.

ATTICUS FLEMING: There is ongoing consultation in relation to that proposal. Obviously, we are interested in expanding joint management arrangements, but we are doing that very carefully and very cautiously and there will be further consultation as that unfolds.

ANTHONY LEAN: I might just add on that as well that it is currently being progressed through the Closing the Gap framework, which requires a partnership-based approach with the council of Aboriginal peak organisations. Those discussions have commenced recently and there will be further updates on that as the work progresses.

The Hon. JOHN RUDDICK: So it is still the policy of the department to move in the direction of handing all national parks in New South Wales to Aboriginal freehold. Is that the direction that we are heading in?

ATTICUS FLEMING: I should add that the initial proposal or the initial announcement talked about this occurring over, I think it was, a couple of decades. There was never any intention that this be a rushed process. There was always an intention that there be extensive consultation obviously with Aboriginal people and, as Mr Lean has said, through the Closing the Gap process and with non-Aboriginal people. That process is unfolding, but there is no rush to do this. It's being very cautiously progressed.

The Hon. JOHN RUDDICK: That could potentially include the Sydney Harbour National Park?

ATTICUS FLEMING: The proposal is related to the park estate as a whole. Ms Stephens could talk a little bit about Goat Island, Me-Mel.

NAOMI STEPHENS: Me-Mel, Goat Island, is in Sydney Harbour National Park. Under the previous Government, an agreement was made that that would be handed back to Aboriginal people. We have a process. We have a committee made up predominantly of Aboriginal people from a number of different groups—land councils but also groups representing other Aboriginal people—and they are meeting on a regular basis to talk about what kind of plans and what kind of model might be adopted in terms of handing back Goat Island to Aboriginal people. The Me-Mel project is an ongoing project, which is an example of one of the projects that has been undertaken under the wider umbrella of this program.

ATTICUS FLEMING: Mr Ruddick, I might just add there that I think it is 34 joint management arrangements in place already across the park estate, which covers about 30 per cent. There are three different models, broadly speaking: Some of them involve hand back, some of them are based around native title, and some of them are based around other arrangements. They include places that have significant levels of visitation. They have been very successful in terms of promoting socio-economic outcomes as well as conservation outcomes and, of course, cultural outcomes.

The Hon. NATALIE WARD: Thank you, Mr Lean, and all your team and everyone working very hard in their roles for the people of New South Wales. I will direct my questions through you, Mr Lean, but, if you need to direct them to somebody else, please do so. In relation to the Hydrogen Centre of Excellence in Glenwood,

the Government has awarded a grant of \$25 million for that Hydrogen Centre of Excellence. What entity has this grant been given to?

ANTHONY LEAN: Just give me a moment. I'll hand over to Ms Curtain.

KIM CURTAIN: The grant will be in Glenwood and it's a partnership with the Plumbing Industry Climate Action Centre.

The Hon. NATALIE WARD: What are the funding conditions of that grant?

KIM CURTAIN: I don't have all of the details here, but the grant is for preparing the plumbing industry to meet the future demand for jobs around the hydrogen sector. It's intended to deliver apprenticeships and upskill workers leading into early 2027—or is expected to be operational in 2027, sorry. I don't have the exact details of the grant itself.

The Hon. NATALIE WARD: Are you able to take that on notice or table them or see if you can find them over the course of the afternoon? I'm interested in the funding conditions for that grant.

KIM CURTAIN: The funding conditions? Okay.

The Hon. NATALIE WARD: I get the purpose and that's good but, if we could get some more detail on the funding conditions, that would be great.

KIM CURTAIN: We'll take that on notice.

The Hon. NATALIE WARD: What is the amount of funding that PICAC needs to contribute themselves to that grant or to that project?

KIM CURTAIN: I don't seem to have that here either. I will take that on notice as well.

The Hon. NATALIE WARD: Are you able to get that this afternoon, if someone can look that up while you are busy here?

KIM CURTAIN: Yes, we'll get it back to you.

The Hon. NATALIE WARD: Can you tell me the total value of that project?

KIM CURTAIN: I've got that the \$25 million has been committed but I will get it to you before the end of the afternoon.

The Hon. NATALIE WARD: That's the grant. I'm interested in the whole project and what—

KIM CURTAIN: Yes and which would be their contribution as well.

The Hon. NATALIE WARD: It would be helpful if we could have someone look those up.

KIM CURTAIN: Yes, they will send it through to me now.

The Hon. NATALIE WARD: Is that funding grant specific to that location at Glenwood or can it be transferred to another location for that project?

KIM CURTAIN: I will check that, but my understanding is that it is specific to the centre in Glenwood. I'll check that as well.

The Hon. NATALIE WARD: Can you tell me, in relation to that \$25 million grant, was there a competitive tender that was undertaken for that grant?

KIM CURTAIN: I believe so but I will, again, come back with the details.

The Hon. NATALIE WARD: If we could get some of those today, that would be—

KIM CURTAIN: It's limited, the information I've got here, but I will get the details and come back.

The Hon. NATALIE WARD: My next set of questions, Mr Lean, is regarding the green and golden bell frog, whoever is able to answer that.

ANTHONY LEAN: I'll have a go and then it's probably Ms Molloy or Mr Bruce, but it depends what the question is.

SHARON MOLLOY: It depends what the question is.

The Hon. NATALIE WARD: From my longstanding interest in it, what is the status of the green and golden bell frog?

SHARON MOLLOY: I'll have to double-check. I think it's endangered, but we've got a couple of different categories. We've got vulnerable, endangered and critically endangered. We've got nearly 1,200 species. I can't remember the exact status of all of them, so let me just check. I think it's endangered, but I can double-check quite quickly; my team are listening online.

The Hon. NATALIE WARD: I think from what we were able to ascertain—you might clarify this, but also it seems that it was or is listed as an endangered species under the New South Wales Threatened Species—

SHARON MOLLOY: I'm pretty sure it's endangered, yes.

The Hon. NATALIE WARD: Yes, under the Threatened Species Conservation Act 1995 in New South Wales—but as a vulnerable species under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. So it seems there is a bit of a disassociation there. Are we able to just clarify if it's both, or one or the other, or whatever the status is?

SHARON MOLLOY: It would be both, because it's two different pieces of legislation, so the EPBC Act. There is a process—

The Hon. NATALIE WARD: Sorry, I don't mean to cut you off. Can you confirm if it's still listed as those categories under those Acts, or if that has changed?

SHARON MOLLOY: I'll definitely confirm. I'll be able to do that quite quickly, because I think it's on the website, as well.

The Hon. NATALIE WARD: Thank you. Has its vulnerability eased considerably?

SHARON MOLLOY: That I would have to take on notice, because that would be specifically what we're doing for that particular species. I'd have to get the details of the conservation strategy, and what we are doing about that particular species at the moment. I'd have to get you that detail. I'll take that on notice.

The Hon. NATALIE WARD: In that response, I'd be appreciative that it's quite specific about whether it has eased considerably. So that would be useful. All of these questions are in relation to that species.

SHARON MOLLOY: Yes, I can get you that detail, either before the end of the day or I can take it on notice.

The Hon. NATALIE WARD: All right. Has its endangered status been modified to an extent?

SHARON MOLLOY: It would only be modified from either vulnerable to endangered, or endangered to critically endangered, so it's endangered at the moment. That's a process that would have to go through the Threatened Species Scientific Committee, which is an independent committee. Not that I'm aware of recently, but, again, there will be a history of its listing and when it was listed and why it was listed. The determinations are usually all up on the website as well: why it was listed; what the key threats would be. In terms of whether that's changed over the years, that information I just don't have to hand in front of me for that specific species.

The Hon. NATALIE WARD: If you are able to specific in your answer in relation to the—it would be helpful if we could get that today, if it's not too difficult to find.

SHARON MOLLOY: Yes, I'll—

The Hon. NATALIE WARD: You would have thought if there has been some change and it's perfectly fine, then I would have thought you'd be able to establish that; or, if there is some critical status or if it has changed, that it's mollified and it's eased considerably or modified, that would be something you'd be able to comment on.

SHARON MOLLOY: The team will be listening, and they'll be probably madly trying to look for that information right now, as we speak.

The Hon. NATALIE WARD: Certainly, all right. For fairness, I'm interested what the rules are governing conservation of the frog's habitat within these specific areas within Sydney Olympic Park and particularly, within its habitats at the brick pit, Narawang Wetland, Kronos Hill and Wentworth Common.

SHARON MOLLOY: Again, that is a lot of specific detail on one species. I would definitely have to get back to you on that.

The Hon. NATALIE WARD: I think it's fair to say that they've been the subject of some inquiry and some considerable interest in relation to those areas.

SHARON MOLLOY: Happy to follow up and get the detail for you, yes.

The Hon. NATALIE WARD: Are we able to get those today?

SHARON MOLLOY: We'll do our best to try and get it to you today.

BRENDAN BRUCE: I think some of those details around those specific projects may not be able to be returned today. But we will get you what information we can today.

The Hon. NATALIE WARD: What can you say about the status of it today?

BRENDAN BRUCE: I can confirm that it is endangered in New South Wales and vulnerable is its status within the Commonwealth. We'll get the rest of the information for you as we can this afternoon.

The CHAIR: They know all the answers. It's a problem.

The Hon. WES FANG: I don't believe she was asking you, Chair.

The Hon. NATALIE WARD: If you could pull your microphone a little bit closer, I'm just trying to make sure I'm getting the right answer. So it is presently endangered?

BRENDAN BRUCE: Yes.

The Hon. NATALIE WARD: Would you characterise the brick pit at Sydney Olympic Park, which I understand is the key habitat of the green and golden bell frog, as a non-environmentally-sensitive area?

BRENDAN BRUCE: We don't have that detail with us, Ms Ward. We'll have to get that for you.

SHARON MOLLOY: There would be a number of other key sites for its distribution. I know there is one in the Hunter, as well, just off the top of my head.

The Hon. NATALIE WARD: I'm sorry, I really can't hear you. It might be me; I'm getting old.

SHARON MOLLOY: Sorry, I might need to lean in a little bit more. It wouldn't be the only site. It is potentially one of its key sites. I think we'd have to—

The Hon. NATALIE WARD: I think it's established. I don't mean to cut across, but for clarity, I think it is established as a key habitat of the green and golden bell frog. But it's been characterised as a non-environmentally-sensitive area. We just want to know, is that the case or not?

SHARON MOLLOY: Yes.

The Hon. NATALIE WARD: Is it a key habitat or not?

ANTHONY LEAN: I think you might be talking about the Saving our Species program strategy that we have in place for the bell frog. Is that what you are referring to?

The Hon. NATALIE WARD: No.

ANTHONY LEAN: Because the Sydney Olympic Park and Homebush is listed as a priority management site under that program. There is about seven or eight of them. So I'm just not—

The Hon. NATALIE WARD: So given that priority, it's fair to say—and I'm no expert, but it may not be accurate to say it's a non-environmentally-sensitive area. Clearly it has some sensitivity; it's endangered.

ANTHONY LEAN: It's been identified as a priority site for management. That's where the frogs are located at the moment. We are, I believe, undertaking management actions there, as well as at a number of other sites.

The Hon. NATALIE WARD: What can you say about those items, those issues, at estimates today?

ANTHONY LEAN: I think we've just pointed out we've got a management strategy in place in relation to it, under the Saving our Species program. We've clarified the status of it. I'm just not sure what the question is you are asking around the nature of the habitat. I think we'll have to take that on notice and come back to you.

The Hon. NATALIE WARD: I think it's important. Either it is identifiable as an environmentally sensitive area or it's not. Or, given that it's a priority management area, it's fair to say, is it not, that it has some status as being endangered? It's not okay, to put it in lay terms. That area hasn't been modified and it is a priority area that it's under some management. Is that fair to say? Or do you want to put it in your own words?

ANTHONY LEAN: It's listed as a priority site in the strategy, and within the strategy, we would specify a range of management actions that we've taken there. But we'll get you the detail of that.

SHARON MOLLOY: We can get you the detail about what, if anything, has happened there, in relation to implementing the actions under that strategy. All of the species under Saving our Species would have their own individual conservation strategy. Within that, there would be priority sites, and then there would be priority

actions. But because there is quite a few of them, we'll have to get you the detail on what has specifically happened there in Sydney. Happy to do that.

The Hon. NATALIE WARD: In your experience and understanding, it hasn't changed recently, though?

SHARON MOLLOY: I'm not personally aware of that site. I know where it is, but we would have staff who are aware of it. So we'll have to get back to you on that.

The Hon. NATALIE WARD: Are you able to ask those staff today if there are any recent changes? Say in the last six to 12 months, has there been any radical improvement in the situation, such that it's not a priority area, or it's been modified?

BRENDAN BRUCE: We can come back to you after the break.

The Hon. NATALIE WARD: I'd be appreciative. Is the frog management plan for the brick pit still in force?

SHARON MOLLOY: I'm not familiar with that particular document or plan. But, again, we can get back to you on that.

The Hon. NATALIE WARD: I'm not having a go; it's not a trick question. But you're not aware of that frog management plan for the brick pit?

SHARON MOLLOY: Not specifically that plan, but it could be part of the strategy. As I said, there are lots of different species. I'm not across the detail of all of them.

The Hon. NATALIE WARD: So what are the actions with respect to the green and golden bell frog that are undertaken as part of the Saving our Species framework? I note that the frog is on the cover banner of the website. So what are the actions that are being undertaken as part of that?

ANTHONY LEAN: We'll come back to you later this afternoon with some detail around what's in the strategy.

The Hon. NATALIE WARD: I'm specifically interested in the actions in relation to it, not just—I can see what is on the website, but what action is being undertaken. Is Sydney Olympic Park still a priority management site for the endangered green and golden bell frog?

ANTHONY LEAN: That's my understanding, based on what's publicly available. But we'll confirm that.

The Hon. NATALIE WARD: The joy of having you, Mr Lean, is that you can obtain information that is not publicly available. I can see what is there, but it would be helpful if we can clarify if that's changed or if that is still the same. That would be great. Has your department investigated any other sites for relocation of the frog?

SHARON MOLLOY: That I will have to get back to you on, as well. I'm not sure of the detail of that just at the moment.

ATTICUS FLEMING: I know there is at least one site in Western Sydney, in a national park, where it is something that will be considered—not imminently, but over the next couple of years.

The Hon. NATALIE WARD: A park somewhere in Western Sydney where it is—

ATTICUS FLEMING: Yiraaldiya National Park in Western Sydney is a place where a number of species are being returned, and that is on the list of candidate species.

The Hon. NATALIE WARD: Does any authority under your department need to licence activity within the brick pit site?

ANTHONY LEAN: I'm sorry, could you ask the question again?

The Hon. NATALIE WARD: There's a frog management plan, as I understand it. You haven't said there isn't but you'll clarify whether that management plan is still in place or whether it has changed. But assuming that it is still in place, does your department need to authorise any activity within there, given that plan is in place?

SHARON MOLLOY: I'd have to have a look at the details of the plan. It depends what the activity is, I guess, and whether it has an impact on the species or not. It would depend on what people were doing there, I suppose.

The Hon. NATALIE WARD: It would. Construction, for example, excavation, I would have thought—any activity coming on site. Would they fall within something that would be an activity that would need to be licensed?

ANTHONY LEAN: They may require a development approval, which would then raise biodiversity considerations. Whether they'd need a separate licence under the Biodiversity Act, it would depend on the circumstances.

The Hon. NATALIE WARD: So it may or may not require an authority from your department or you'll come back to us on that?

ANTHONY LEAN: It depends specifically what it is.

The Hon. NATALIE WARD: The brick pit site.

ANTHONY LEAN: But what is the actual activity that's happening there.

The Hon. NATALIE WARD: Why don't you come back to me with what your licence would need to cover. Has the department been asked to provide any advice with respect to the unsolicited proposal to redevelop Rosehill Racecourse for housing, particularly with respect to that brick pit site at Sydney Olympic Park?

BRENDAN BRUCE: I'd have to check on that. We provide advice on a lot of development requests, but let me check with the team and come back to you after the break.

The Hon. NATALIE WARD: It has been a fairly high profile matter. It would be, I would have thought, something on your radar if you had been asked to provide advice on that or not. It's not a trick question.

BRENDAN BRUCE: Yes.

The Hon. NATALIE WARD: Forgive me if I don't know who to direct this to, Mr Lean, but you might. In terms of biodiversity, it was stated by the Minister in relation to the system of environment protections that it needed more red lines to protect ecosystems. The Minister's response to the Biodiversity Act review didn't identify any no-go zones for development. Is that your understanding? Is that correct, there are no no-go zones in there?

ANTHONY LEAN: The Government has put out the plan for nature, which is the comprehensive response to the Henry review and the review of the Local Land Services Act. My recollection is that particular recommendation was identified as an area for further consideration.

BRENDAN BRUCE: Yes, that's right. The Government hasn't committed to mapping no-go areas at this stage. What the plan does commit to is to identify and map areas of high conservation value and to review the adequacy of protections for high conservation value land, and those processes will inform strategic planning processes and land use decision-making. But there is no commitment to formally map no-go areas under the plan.

The Hon. NATALIE WARD: Is it accepted that offsets have a role to play in that to ensure that it will solve some of those issues facing the environment?

BRENDAN BRUCE: The reforms reinforce the offsetting hierarchy. We're encouraging development to avoid, wherever possible, impacts on the environment, to minimise those impacts where they can't be avoided and then to offset where those impacts can't be avoided. That's the hierarchy that we try and reinforce in our advice, and it will be reinforced in an amendment to the Act as well.

The Hon. NATALIE WARD: Is it your advice that the biodiversity offsets scheme bill will solve those issues?

BRENDAN BRUCE: It's part of the reform package. It's the first stage of reforms, so, yes, absolutely, we expect that the changes through the bill will improve the operation of the scheme.

The Hon. NATALIE WARD: The last *NSW Vegetation clearing report* was published, as I understand it, in 2021. When can we expect the next report to be published?

BRENDAN BRUCE: Very soon. There is no statutory time frame for the publication of that data. We are hoping that it'll be very soon. It's going through final validation and approval, so very shortly.

The Hon. NATALIE WARD: So there's a draft that's somewhere in the pipeline. Can we expect that this year?

BRENDAN BRUCE: Yes.

ANTHONY LEAN: Can I just add as well that the report takes quite some time to prepare. The last report that was put out, which I think was in 2023, covered the year 2021. The report we'll put out will cover 2022.

The Hon. NATALIE WARD: I think when it comes to land clearing, some transparency is helpful and people would like to understand what the time frame is.

BRENDAN BRUCE: Absolutely. It takes about 18 months for us to validate the data. As soon as we can finalise that process, we will publish that data.

The Hon. NATALIE WARD: I'm sure my colleague may have more on that. I just want to ask about those contaminated sites, Mr Chappel. I only have 18 seconds so we might come back to it. Does the EPA have enough funding to deal with those contaminated sites, assuming all of them are to be dealt with?

TONY CHAPPEL: Typically, we have enough funding to take a risk-based approach to the most high-risk sites, but generally the polluter-pays principle applies in New South Wales. Obviously sites where we can't identify a polluter are more challenging.

The Hon. NATALIE WARD: Sorry, where you can't identify?

TONY CHAPPEL: A polluter, to seek to recoup the cost of that. They're more challenging.

The Hon. NATALIE WARD: Does that mean you won't take action or the EPA will have to fund that?

TONY CHAPPEL: That's right. We will seek to take action, but if there's no polluter that can be identified or is still solvent, then that is more challenging.

STEPHEN BEAMAN: I can add to that. The Contaminated Land Management Act actually has a hierarchy of people to be held accountable, so it's polluter and then the owner of the land. There's always an owner of the land that you can come back to to get the remediation work done.

The CHAIR: Mr Lean, can I just check very quickly—this is just a yes or a no—were you asked for any opinion on who might be appropriate to be on the panel in relation to the future of the timber industry?

ANTHONY LEAN: Sorry, the Forestry Industry Action Plan?

The CHAIR: Yes.

ANTHONY LEAN: I think the Minister answered that question earlier today.

The CHAIR: I think there was a bit of ambiguity, so I'm just asking: Were you asked at all by anybody?

ANTHONY LEAN: For my opinion as to the members?

The CHAIR: Yes, about who may be appropriate.

ANTHONY LEAN: I don't recall. I'd need to go back and check my records, but I'm pretty sure, no, it was a Government decision.

The CHAIR: If you would check your records, I'd be very grateful. Mr Fleming, were you at all asked about who you might think would be appropriate to be on that panel?

ATTICUS FLEMING: I think my answer is the same as Mr Lean's. I'm happy to check my notes.

The CHAIR: Thank you, if you could check. Mr Chappel, were you asked as the regulator for the forest industry?

TONY CHAPPEL: No, I don't believe so.

The CHAIR: Do you think you need to check?

TONY CHAPPEL: I'm happy to check.

The CHAIR: I'm also happy if you believe not and you're satisfied with that answer. It's up to you. I'll leave it in your hands.

TONY CHAPPEL: Okay.

The CHAIR: Mr Lean, the Auditor-General's report on threatened species and ecological communities, it was a pretty bad report and it has some pretty damning findings in terms of the State's current management of these very important issues. Were you surprised at the findings in the report?

ANTHONY LEAN: Was I surprised? I've only been back in the role for about six or seven months. I was, I guess, concerned at how critical the report was on a range of issues. The one part that I would say, which I wholeheartedly agree with, is we actually need to get better at coordinating the activity in relation to threatened species, not only within the agency but also across government more broadly. The report had a very heavy focus on the Saving our Species program.

The CHAIR: Which is pretty much a flagship program. That is it, isn't it?

ANTHONY LEAN: The point I would make on that is that is not the only threatened species work that we do. Obviously National Parks does a lot of work in the threatened species space. There's work that's undertaken through the offset program and there's also work that's undertaken through LLS. We've accepted this recommendation; I think it was a recommendation well made. We need to get much better at coordinating all of that activity to make sure that we're directing the right resources to the right priorities, so that we're not duplicating activities. I would particularly welcome that aspect of the report.

The CHAIR: Earlier on this morning the Minister referred to the Natural Resources Commission chairing a panel that is involved in the improved native forestry management method and the ACCUs. Is that something you can tell me about? What is that and what's happening? Are you aware of that?

ANTHONY LEAN: Yes. There's a specific group that's set up to advise the interdepartmental steering committee that is supporting the work through the FIAP process. It's chaired by the Natural Resources Commission. It has a range of experts from a variety of departments, plus some externals on that as well, I think—or they bring externals in on a case-by-case basis depending on what the issues are.

ATTICUS FLEMING: We should clarify, the improved native forest management, that process is not—that's a separate process.

The CHAIR: Sorry, I shouldn't have referred to that. I meant the industry panel—the future of the forest panel. I apologise. That was my fault. I think it's a bit confusing for everybody at the moment, and I realise the panel has only just been established and hopefully we'll get some more information, but there's an enormous amount of concern at the moment. The Minister referred to the resources commission's panel. What is it doing to assist—sorry, committee. What will that committee do to work with this panel, and where is the demarcation or the roles that are being undertaken here?

ANTHONY LEAN: My understanding is if there are technical issues requiring expert scientific-type advice, then it can be referred to that panel, which the NRC would then oversee that input.

The CHAIR: Who is on that panel?

ANTHONY LEAN: I'd have to take that on notice. I don't have that to hand at the moment.

The CHAIR: What is your understanding really about—where does the community and the independent forest science come into this work that's being done?

ANTHONY LEAN: I think the Minister answered that this morning. The panel that's been established and chaired by Peter Duncan—they've just been established. They will need to set out how they're going to conduct the stakeholder engagement that they have been tasked with doing. I think we just have to wait for them to get up and running, then they will map out the plan for how they engage the stakeholders that you've just mentioned.

The CHAIR: Can I turn to the improved native forest management method, and I believe, Mr Fleming, this is yours—or the Minister referred to you as being able to tell us about it. Do you know what the Federal Government's time frame is? Have you been told?

ATTICUS FLEMING: I think it is important to note that what we have done is submit an expression of interest. The process is obviously a process under Commonwealth legislation. It's an independent science-based process. One of the really important things to note is that there are legislative integrity standards that apply. There's a whole range of EOIs that have been lodged with the Commonwealth. My understanding of the process is that their independent committee looks at those. There will be a shortlisting process. For an EOI that is on the shortlist, there will be further development. We don't have a precise timetable, but what I can say is the timetable will probably be different, depending upon the nature of the EOIs that are on the shortlist. Some are going to be more complex than others. Some will be a shorter time frame than others.

The CHAIR: Did the one that we submit include the generation of credits in native forests that were still being logged or thinned?

ATTICUS FLEMING: I'll aim to give you a quick overview. As you indicated this morning, it basically provides—and it's an EOI, subject to further development—for credits to potentially be generated if you stop harvesting in a specific area, or if you defer harvesting, and in a sense, take less logs out over a given period of time, through, say, increased rotation lengths. But really important—and again, this comes back to the integrity standards—that only applies if the level of effort we're talking about, the level of harvesting effort, is not then transferred somewhere else.

You are asking a question in relation to the Great Koala National Park. It's important to emphasise that a decision hasn't been made about the boundaries of that park, nor has a decision been made about what would happen to the relevant level of harvesting effort in that area. If the EOI is shortlisted, if there's something developed, the carbon credits would be generated by or correspond to the reduction in harvesting in the north-east RFA as a result of any decision. It is pretty complex.

The CHAIR: There is correlation between the continued logging right now.

ATTICUS FLEMING: If you'd let me finish—

The CHAIR: The fact that we haven't yet determined where the park is and the fact that we don't yet have a methodology are all very relevant in terms of timing, isn't it?

ATTICUS FLEMING: The other point I'd add is for the Great Koala National Park, of those two options we talked about, the only one that will be relevant is the cessation of harvesting. Once the national park is declared, then there is no harvesting permitted. It's important to note there's no decision on the park. The decision on the park and the boundaries and what happens to the corresponding level of harvesting effort will take into account a range of factors. As the Minister indicated, there's quite a detailed process taking into account—obviously ecological factors such as koalas but also socioeconomic factors, social factors and cultural factors. Carbon is another one of the matters that will be taken into account. All of those things will be important in the final decision.

The Hon. JOHN RUDDICK: I have a few more questions about Mount Warning. The first is to Mr Fleming. Marc Hendrickx is an advocate for reopening the track. He's written a book called, *A Guide to Climbing Mount Warning*. It's a compelling case and it goes through the history. It concludes that the claim that only Aboriginal men can climb the mountain is a modern-day invention. Did you receive the book and did you read it?

ATTICUS FLEMING: I understand that Mr Hendrickx sent it to me. I, as a general rule, don't accept gifts, so I haven't accepted it or read it at this point in time. The issue is a really important one. I acknowledge that. But as Ms Stephens said, there are challenging issues here around cultural authority and so on. Those decisions and those issues need to be considered in the right context and by the right people.

The Hon. JOHN RUDDICK: I think the rules around giving gifts to bureaucrats is more about trying to bribe you; this is more a case of trying to inform you. I would encourage you to read it. It's not a long book but I think it makes a very compelling case. This may also be a question to Ms Stephens. You would be familiar with the late John Roberts, who was central to the claim that only Aboriginal men can climb this mountain.

NAOMI STEPHENS: I am aware of John Roberts, yes.

The Hon. JOHN RUDDICK: You'd also be familiar with Elders like Aunty Millie Boyd, as she is a local. John Roberts was from Grafton, a long, long way from the mountain. But he seems to be central to the claim, and he seems to be the only one to make this decision. Would you agree that he has been the most prominent Aboriginal voice—or he was, the late John Roberts?

The CHAIR: He was from Lismore.

The Hon. JOHN RUDDICK: I understand he was from Grafton.

The CHAIR: No, he was from Lismore.

The Hon. JOHN RUDDICK: He was central to the claim, correct?

NAOMI STEPHENS: I haven't been involved in this work at that level. I haven't been privy to any of the discussions by the Wollumbin Consultative Group and I wouldn't be able to comment on that.

The Hon. JOHN RUDDICK: If Wollumbin/Mount Warning is primarily a sacred men's initiation site, as is claimed, why were women given major financial contracts to research and write about it, first in 2001 and again in 2012 for the Aboriginal Place management plan? Was it because John Roberts insisted that those particular women be given the contracts?

NAOMI STEPHENS: I'm not able to answer that question today, but I could look into it.

The Hon. JOHN RUDDICK: If you could take that on notice that would be appreciated.

ATTICUS FLEMING: Mr Ruddick, can I just add at a higher level—I want to reinforce the fact that national parks are really important places to visit, and we encourage that. We get over 50 million visits a year around the State. We as an agency are obviously very supportive of and work very hard to promote access to our national parks. But again, as I think the Minister said, there are a range of issues that arise. It might be to do with

operational matters like fire or shooting. It might be to do with cultural matters. It might be to do with environmental sensitivities. They're all challenging issues and we're doing the best we can to balance and juggle those while still promoting access. Certainly there's a lot of investment that's gone into northern New South Wales to ensure that there are plenty of places for people to visit.

The Hon. JOHN RUDDICK: But this is a particularly special place. It really does stand out. I'm very pleased to hear that National Parks and Wildlife Service does want to encourage people to visit our beautiful national parks. But what I'm really concerned about is that this Mount Warning issue could become the first of many where there are other modern inventions that make up claims that only certain Aboriginal groups can climb the mountain. Do you think it's a possibility that this could cascade, that this would be the first of the dominos?

ATTICUS FLEMING: No. I guess that was really my point. We've got more than 50 million visits a year around the State. There are lots of people visiting lots of places around our national parks. It's actually a small number of sites, Wollumbin being one of them, where there are challenging decisions and challenging issues around access. We take them very seriously, and we're doing our best as an agency and as a government to address them. But I think when there are 50 million-plus visits every year and a lot of investment going into supporting visitation, you can rest assured that the agency and the Government are really committed to promoting access to our national parks. We know that's important for people's health. We know it's important for local economies, for local businesses. We know it's important because it promotes awareness of environment, cultural heritage and so on. We're trying to get the balance right. I think the message is that there are plenty of great places to visit around the State and our national parks.

The Hon. JOHN RUDDICK: I'm very pleased at that, but do you think in the last decade or two there has been an increase in claims of this nature?

ATTICUS FLEMING: I don't have the data in front of me so I can't really give you a meaningful answer to that.

The Hon. JOHN RUDDICK: Back to Harry Creamer—and I'm glad that Ms Stephens had worked with him, so she would know how much of a respected anthropologist he is—my understanding is that he says that on Mount Warning there is one, possibly two, at the most, sites that are of cultural significance. The one that can be confirmed, which we believe is a cave on the western side, is far away from the walking track. If we were to reopen the track, it's not going to have any impact on that cave. What would be your response to that claim?

NAOMI STEPHENS: I would say that I think that landscape values, as part of considering cultural significance, is a really important aspect of the cultural significance of many Aboriginal Places rather than just sites. But I would say that we have referred the work that Dr Creamer has sent to us recently to the Wollumbin Consultative Group. We would consider that they would have the cultural authority to be considering that work through the lens of what they have established to be the cultural significance of the site.

The Hon. JOHN RUDDICK: When I recently visited the area and spent a couple of days there, everybody I met across the political spectrum was appalled by what is happening about the closure of the site because it's destroying the town—not just one town but several of them. Another concern—probably an even higher concern—was that in the last four years since there has been controversy over the track, there has been no back-burning on Mount Warning and in the nearby areas. The locals were worried that if we happen to have a difficult bushfire season—and bushfires are a natural phenomenon in Australia, so we know that it's going to happen at some point—the town is going to be very much at risk of a very serious, dangerous fire because the locals are prohibited from doing the back-burning that they want to do themselves, on a voluntary basis, to save their town. Everybody was saying that to me. Is there any merit to that claim?

ATTICUS FLEMING: Mr Ruddick, I'll answer that. I'm not sure if you're referring to prescribed burning on private land, which is not a matter for National Parks.

The Hon. JOHN RUDDICK: My understanding is it was on the mountain.

ATTICUS FLEMING: So I can't comment specifically on the prescribed burning in that park because I don't have the data for every national park handy. What I will say is that National Parks does in the order of 75 per cent of all prescribed burning across the State. We work very closely with the RFS, with Fire and Rescue and with Forestry Corp, as the four firefighting agencies in the State. When you look at the fact that we're doing 75 per cent of all prescribed burning in the State, it's clear that we take that very seriously. We manage 10 per cent of the State but do 75 per cent of the prescribed burning, so we're clearly doing our fair share and working very closely with those other agencies. That's the approach we take right across the State. I'm happy to take on notice your specific question about Wollumbin.

The Hon. JOHN RUDDICK: I'd be very grateful if you could. We're only a couple of days away from spring so bushfires are just around the corner.

The CHAIR: They've started.

The Hon. JOHN RUDDICK: That's right.

The Hon. WES FANG: Time to back-burn now, I guess.

The Hon. JOHN RUDDICK: Yes, that's right. The locals want to do it. This was not just one or two people I spoke to. This was the number one concern people had when I was there. They're very concerned about the mountain, but they were concerned that it's a massive fire risk because they haven't been able to back-burn for four years. I appreciate what National Parks is doing across the State. Back-burning is an important part of living in Australia. I'm very grateful that you will take it on notice. The perception is that National Parks and Wildlife Service uses the Wollumbin Consultative Group to justify every decision it makes, including its refusal to reconsider any alternative management strategies. Is there any decision that National Parks and Wildlife Service would make independently and present it to the Wollumbin Consultative Group as the preferred way forward? Or does the Wollumbin Consultative Group pretty much win everything that they claim?

ATTICUS FLEMING: I will answer that by saying that of course we provide independent advice, but we certainly respect the views of the traditional custodians.

The Hon. JOHN RUDDICK: But you would acknowledge that in these things there are always different views amongst the local traditional custodians, as you describe them? That is a common feature, so then we have conflict, and there are often financial incentives involved. Would you agree with that?

ANTHONY LEAN: Mr Ruddick, I think I'd answer that by saying the Minister's already outlined the process that she's going through to inform a decision around the future of the track. She's been consulting widely with a range of stakeholders and she will make her decision in good time. I don't necessarily accept—

The Hon. JOHN RUDDICK: The question was, do we acknowledge that there are competing claims? Not just here, but often when these issues arise, there are often heated conflicting claims, which undermines the claim that it really is a traditional site.

ANTHONY LEAN: I'd acknowledge that there are competing claims in this space; you've outlined a number of them today. Does that undermine the significance of the site? That was verified when it was declared an Aboriginal Place through a rigorous assessment process. I'll probably leave it at that.

The Hon. WES FANG: Mr Fleming, you're first in the batting order today. I've just tabled some photos, but whilst they're being circulated to you I have a question for Mr Lean. In relation to Heritage, I guess your department also handles Heritage for the Minister?

ANTHONY LEAN: Yes, we do. Mr Kidman is here from Heritage NSW.

The Hon. WES FANG: In circumstances where you've got a heritage-listed site in a national park, what's the process around the preservation of that heritage-listed site?

ANTHONY LEAN: It depends what you're talking about. There are a number of sites that are on the State Heritage Register that are also located in national parks. National Parks would have an obligation to maintain those sites under both the Heritage Act and also its own legislation.

The Hon. WES FANG: When you say that there's an obligation to maintain a site, what's considered "maintain"? To stop it from falling down or to keep it in its current state and form?

SAM KIDMAN: I can help there. Under the Heritage Act there are minimum standards of repair and maintenance that you need to meet as part of the regulatory framework. They're outlined in the Act. They go to things like ensuring that windows are watertight, roofs are watertight, the guttering is not going to cause fire, there are no safety hazards. There's a whole list of things outlined in the Act. Some items, whether they're on the parks estate or not, will be locally listed so they are regulated under the Environmental Planning and Assessment Act also.

The Hon. WES FANG: This is a fascinating answer. Could you pass the photos to Mr Fleming? Before I come to some of the heritage issues—sorry, I note before that you were addressed as Dr Fleming. It says Mr Fleming on your nameplate. I apologise if I have been using the wrong title. Is it Dr Fleming or Mr Fleming? You should have the right title. That's the first thing.

ATTICUS FLEMING: Mr Fleming is fine.

The Hon. WES FANG: Mr Fleming, you'll see the first photo. They're numbered one to five in the top right-hand corner. This photo is of a house in Scheyville National Park. Are dogs allowed on national parks?

ATTICUS FLEMING: I'm going to defer to Ms Stephens because she knows the Scheyville matter a little better than I do.

NAOMI STEPHENS: Generally, dogs are not allowed in national parks, but they are allowed in some regional parks.

The Hon. WES FANG: Are they allowed in Scheyville?

NAOMI STEPHENS: I believe that they are not, but I would need to take that on notice to be absolutely confirming.

The Hon. WES FANG: You'll see the first photo that I've tabled.

NAOMI STEPHENS: I didn't even see that; I'm sorry.

The Hon. WES FANG: The first photo that I've tabled has a house and, just for the camera, you can see there's the photo and the "no dogs" sign. I believe that there is a dog residing in this residence. Would that be allowed?

NAOMI STEPHENS: I don't know exactly the circumstances of that residence, but if it's a National Parks and Wildlife Service employee—and we do have some residences on-park that are occupied by National Parks employees—there is provision for people living in remote or non-urban situations to have a dog as part of the family living, whether for security reasons or other. It is possible that, under the circumstances, the dog may be permitted.

The Hon. WES FANG: Would it be fair to say that it's one rule for one and one rule for everybody else?

NAOMI STEPHENS: We're very transparent about it. We looked into it. We have revised our policy a number of times. Each time, in consultation with unions, we have always come to the conclusion that there are some circumstances where Parks staff could have a dog, but only within the confines of the property in which they have a lease.

The Hon. WES FANG: Would you consider Scheyville to be a non-urban national park?

NAOMI STEPHENS: If a Parks employee has a dog on that property, it will be, because it has been determined that it's appropriate to be there, and it will be part of the lease.

The Hon. WES FANG: I'll go to the second photo now. That's it there. You can see a number of shipping containers and quite a nice Land Rover. It's a shame it's there. There's a Mercedes as well. I've run the regos through the rego checker. The Land Rover's rego ran out in 2008. The Mercedes is a bit more recent—it was March 2024. Is this permitted to be stored on national park sites?

NAOMI STEPHENS: I'm not aware of the circumstances with this photo. I would need to check and take the matter on notice.

The Hon. WES FANG: I'm not sure, given some of the circumstances around the rest of the national park in the area, that this should be permitted if some of the others aren't. Anyway, we'll move on. The next photo, number three—you will see this is a house in Scheyville. It is actually the commandant's house. Obviously Scheyville has had a number of purposes, and one of those was for the Officer Training Unit for those in national service. This commandant's house is heritage listed. You can see that there is a fence around it. My understanding is that the fence went up recently, only after an interview occurred on Ray Hadley about the state of Scheyville itself. Mr Lean, this house having a heritage listing on it—should it be protected in the way that you understand the Heritage Act, and noting the answer from Mr Kidman around having it watertight, protected and without safety risks?

ANTHONY LEAN: Off the top of my head, I'm not aware whether that particular house is heritage listed. I'd need to take that on notice and come back to you.

The Hon. WES FANG: Mr Fleming, do you know?

ATTICUS FLEMING: I don't know.

SAM KIDMAN: It is on the State Heritage Register.

The Hon. WES FANG: We've understood that it's on the heritage register and it's on national park land. It's the case that the people who are seeking to protect the heritage around the military training facilities are also

seeking to protect the house. They've said, "Please allow us access so that we can protect it and stop it from falling down." It's the case that they're not being given access to stop it from falling down, and that's the reason why the fence has gone up. They said they believe that, within a number of months, it's likely that some of the walls and the footings will give way and part of the house will collapse. There's a heritage listing on it and it's in a national park. National Parks won't let them go in and protect the house; National Parks aren't spending any money on the house. They want to go in and protect the house to stop it from falling down and to protect the heritage there, given that it was the commandant's house. Why are you not letting them at least go in and spend the money that they've raised in order to protect the heritage there?

NAOMI STEPHENS: The Hunter Anzac Memorial Limited group, which is the group that's working with Parks at Scheyville, have an existing licence which covers a number of activities and a number of areas on the site. The area of the commandant's house is not part of that licence. But on 25 May HAML did come to Parks and they requested a variation of the licence. It would expand the area that they have a licence over, and it would include this house as well as another house. We've met with HAML to clarify some aspects of that proposal. We had to get approval to go into direct negotiations. We've got approval to enter into direct negotiations with HAML in order to be able to have a look at amending the licence to include that site. But at this stage, it hasn't progressed. The reason we've put up the fence is because we're genuinely concerned about safety. We need to keep people away from the house for the time being.

The Hon. WES FANG: I appreciate that, Ms Stephens, but at the moment there's no granting of a licence over it. Mr Kidman, you've identified that it is on the heritage register. Mr Fleming, where you're not granting a licence, is it not National Parks' responsibility to preserve that house, given that it's on the heritage register?

ATTICUS FLEMING: It's our responsibility to comply with the obligations that we have. I can't remember the number—

The Hon. WES FANG: Mr Kidman, do you believe that National Parks has complied with their obligations in relation to that house, given that they had to put a fence around it to stop people from going in there because they recognise that there are safety issues?

ATTICUS FLEMING: Mr Fang, I think we'll have to take on notice your specific question around the application of heritage standards to this particular house. Where happy to do that.

NAOMI STEPHENS: What I can say is on 9 August, in discussion with HAML, we've now reached in-principle agreement to extend the licence to cover that house, which would then enable HAML to spend the money that they raised on the property.

The Hon. WES FANG: How long will it be before they are able to try to protect the house?

NAOMI STEPHENS: I would need to take that on notice.

The Hon. WES FANG: The next photo, number four—you'll see this is Long Tan Place. It is named after the Battle of Long Tan, obviously. You'll see that the street is virtually overgrown, except for one house. That one house that's left is the last of the married quarters in relation to the training facilities and the married area that was part of that training facility. The National Parks and Wildlife Service got permission to demolish the rest of the houses there. Part of that approval was that the streetscape needed to be maintained, including the driveways and the streetscape, in effect. My understanding is now that National Parks are indicating that there is no requirement or they are not intending to honour the agreement that was reached in order to demolish those houses. Ms Stephens, why is National Parks not honouring their commitment in relation to Long Tan Place?

NAOMI STEPHENS: I would say two things. One is that the house is part of the extended licence application that we've received. So, in principle, we'll be agreeing to HAML also spending money on that house. My understanding is that there was an agreement. It was a timed agreement and the period has now expired. The work that we were supposed to do has, in fact, been overtaken by natural regeneration of the area. In the strict sense, the answer to your question is because the time period for the agreement has now expired. So we aren't under an obligation to do that work.

The Hon. WES FANG: The last photo you'll see, number five, relates to the Pitt Town Sports Club and their training and playing facilities. This is a circumstance where part of the land is owned by the club, part of the land is on a national park. I've spoke to the club, and it seems that National Parks has decided that, after a number of years of them improving, maintaining, mowing the fields—all of a sudden, National Parks wants to impose a fee on the club so that 10-year-olds can play soccer. Mr Fleming, given that the club has maintained and watered and mowed and kept the field and received government grants in order to improve it, why are they now expected

to pay National Parks a fee in order to use this ground, given that National Parks has no expenditure in relation to this area?

ATTICUS FLEMING: Mr Fang, I'm happy for us to take that on notice. My understanding is that there's longstanding discussions around this area, but I'm not familiar with them, and I don't have the information in front of me.

The Hon. WES FANG: The Minister, obviously, would be cognisant of the fact that this Government has cut the Active Kids vouchers, they've cut the Back to School vouchers, and now to slug kids—

ATTICUS FLEMING: Let me take it on notice. I think what you're saying is it would be good to get a commonsense solution, and I think we would all endorse that.

The Hon. WES FANG: I've spoken to the club, and I've been out there. I took this photo. They've been attempting to reach a commonsense position on not only this, but there's also—where the training facilities are, in Scheyville, there were old sporting fields that the training officers used to use. They've been told that they've got to pay for not only the one that National Parks has no expenditure on, but they're not allowed to use the fields that are within the Scheyville training area, either, and it just seems to me to be a lack of common sense. If you're suggesting that common sense may prevail, I'd appreciate it.

ATTICUS FLEMING: Thank you for raising it. We'll come back to you.

The Hon. NATALIE WARD: Mr Lean, I think it might be to the EPA—but redirect me if that's incorrect, Mr Chappel—in respect to the McPhillamys goldmine and the location of the associated tailings storage facility, the location of that tailings storage facility was, of course, approved by the New South Wales development process. In the department's view, will the tailings storage facility destroy or impact the Belubula River?

TONY CHAPPEL: Perhaps I'll take that on notice. I think the EPA did provide fairly extensive advice into all the different stages of the assessment process, including the scoping, the EIS, the submissions report and then amendments to the project with recommended conditions. On the basis of all of that, I'd be fairly confident that our view was that the tailings dam as approved would not impact the Belubula River in a material way, but I'll take that on notice because I don't have that detail.

The Hon. NATALIE WARD: Thank you. Could you include in that whether any advice has been provided that that facility might destroy the river or might have an impact.

TONY CHAPPEL: Yes. Absolutely.

The Hon. NATALIE WARD: Obviously, that specifically is the aspect, not just whether advice has been provided but specifically in relation to the possibility of destruction, impact or otherwise. Thank you. Just turning to other matters—the renewable energy projects and ETU industrial action. Are you, Mr Lean, or anyone in your team aware of any projects waiting to be connected to the grid or delayed because of the ETU industrial action?

ANTHONY LEAN: We have been notified of some instances where there's been delays caused, but I don't have the specific details of those to hand, and whether the ones that we were notified of are still delayed, I'm not sure, so we'd have to take that one on notice.

The Hon. NATALIE WARD: How many were you notified of?

ANTHONY LEAN: I would have to check. My memory is that we were notified of some specific matters from Transport for NSW and possibly one other. But I'd have to check so that I don't mislead the Committee.

The Hon. NATALIE WARD: Is it under five, under 10?

ANTHONY LEAN: I need to take it on notice and come back to you with the detail.

The Hon. NATALIE WARD: Is that something you could find out today? Obviously, hopefully, there's not hundreds. But, if there's a couple, if you could get back to us today on those projects and what—

ANTHONY LEAN: We'll see what we can do.

The Hon. NATALIE WARD: There's just been a lot of questions taken on notice today, and we are here to try and get some information that's not otherwise available, for that transparency. The Clean Energy Investor Group has publicly called for urgent action, as badly needed renewable energy projects are being affected by the industrial dispute. Are you taking any steps—is the department?—to intervene, to have some involvement in that process, to try to get that resolved? What involvement has your department had?

ANTHONY LEAN: It's an industrial dispute that's being managed through the Federal industrial relations system. We don't have a specific role in that, as a department. I'm not sure what it is you think that the department could do in that respect.

The Hon. NATALIE WARD: I would've thought that it's having an impact on renewable energy projects, which are your priority and your Minister's priority and this Government's priority. I would've thought that you'd have some impact or interaction, if only to understand what updates or what impact that is having. Are you saying you have not had any involvement or updates or briefings or sought information on it?

ANTHONY LEAN: We've certainly received information from, as I said, some stakeholders, where projects have been delayed, and some of the electricity companies and transmission companies that have been affected have certainly provided us with updates, as well. But, as I said, it's ultimately an issue that's resolved through the Federal industrial relations process, and that's not something that the department has any standing in to intervene.

The Hon. NATALIE WARD: I understand that. We're both recovering lawyers. We both get the standing issues that are, I guess, your responsibility, and my responsibility to ask is what the department's involvement is. Are you able to clarify that for the Committee—or what the status is of the projects, how long are they delayed?

ANTHONY LEAN: I think we've been notified of certain matters. I'll get you the details of those. But we don't have a role in brokering an industrial dispute between two parties. I'm not sure what it is—

The Hon. NATALIE WARD: We're clear on that, but you, surely, have a role in understanding the risk to your projects and prosecuting or in some way communicating or understanding how that can be ameliorated or what the impact is. I would've thought that's your role. Isn't it? Or am I wrong?

ANTHONY LEAN: That's what you think our role should be. I'm not sure how we would actually execute that role, in terms of trying to resolve the issues. They're matters that—each of the parties has certain rights, and they can take action in the Fair Work Commission, which, I think, some of them have actually done.

The CHAIR: Mr Chappel, I just wanted to understand how you came up with the shared arrangement or understanding, between EPA officers and Forestry Corporation, that the first transect of each night's search and survey was to commence within the one hour of sunset. You know I'm referring to the greater glider site-specific condition. How did that happen, given what we know about the need to find greater gliders exiting their dens?

TONY CHAPPEL: The advice that we have is that the period of time, the first period of hours after sunset is the most prospective for sighting gliders, including activity around their dens. As we were developing that condition, we have an obligation to provide procedural fairness with Forestry Corporation and consult with them on implications for their operations, of any adaptive management, which is the intention of the IFOA, to be adaptive. It's probably a slightly longer answer than I have time for. But, in that process, we came to that shared understanding.

The CHAIR: I might come back to you after. The intent of the question is this: How does anyone out there have confidence that the regulator is actually regulating and not just making arrangements with the industry it's regulating?

TONY CHAPPEL: I'm very happy to come back to that, Chair. I can also clarify that the EPA and I were not asked or consulted regarding the make-up of the stakeholder panel that you mentioned earlier for the future of forestry piece of work.

The CHAIR: Thank you for choosing that response. We're breaking now for 15 minutes.

NAOMI STEPHENS: Could I also please make a clarification?

The CHAIR: Of course. Please do.

NAOMI STEPHENS: I said in relation to the revegetation of Long Tan Place that the reason we hadn't done the work was because there had been a lapse in the time period. That was incorrect. In fact, Heritage NSW has advised HAML that the section 60 approval under which we needed to do the work is no longer valid. That's why we haven't done the work.

The Hon. NATALIE WARD: Chair, I just wanted to prompt Mr Lean and the team that if they're able to come back with those answers over the break, if they're able to ascertain that or give us an update, that would be useful.

(Short adjournment)

The CHAIR: Welcome back, all. Over to you, Dr Cohn.

Dr AMANDA COHN: My questions are for the EPA. I am interested to know if it is possible to quantify how many times the EPA has been involved in contamination or pollution incidents that are as a result of or in proximity to synthetic turf surfaces?

TONY CHAPPEL: You mean how many reports of pollution we have received relating to synthetic turf? I think we better take that on notice. We get about 150,000 reports—either phone calls or emails—each year to our environment line. Let us take that on notice.

Dr AMANDA COHN: I'm also interested to know if your microplastic monitoring program has identified any microplastics in estuaries that include run-off from synthetic turf.

TONY CHAPPEL: It's underway. I think we're looking at about 120 estuaries for microplastics as we speak. Do you want to talk about that, Mr Beaman?

STEPHEN BEAMAN: We can take that one on notice and we can do that linkage between the synthetic ovals and where we are doing the sampling.

Dr AMANDA COHN: What is the time frame on the microplastic monitoring?

STEPHEN BEAMAN: We'll come back on that one.

Dr AMANDA COHN: I'm still on synthetic turf but this is a question for the Heritage Council. I'm interested in understanding if there is a position of the Heritage Council on synthetic turf installation at heritage-listed sites and if there are any particular checks and balances for those materials.

SAM KIDMAN: I'm not aware of any Heritage Council position, although the installation of synthetic turf, depending on the impact to the heritage values of the site, would be taken into consideration. You may or may not need an approval under the Heritage Act for its installation.

Dr AMANDA COHN: If I can ask about a specific site, did Heritage NSW have any involvement in the Inner West Council proposal to install synthetic turf in Callan Park?

SAM KIDMAN: I'm not aware. I'd have to take that on notice.

Dr AMANDA COHN: I'll come back to the EPA. Last year I asked about your role in mould testing and remediation and what action was being taken in relation to the recommendations of the Federal inquiry into biotoxin-related illnesses. The answer was that the EPA has commenced discussions on this matter across government. Is there an update on that work?

TONY CHAPPEL: We meet quarterly now with NSW Health. We had some discussions of that issue and broader indoor air quality with our Health colleagues. What would you add, Mr Beaman?

STEPHEN BEAMAN: The last advice from NSW Health is that there is some work happening nationally on indoor mould. My understanding is that they're waiting for that work to actually roll out. That is probably best to ask NSW Health.

Dr AMANDA COHN: Is NSW Health the lead agency in progressing that work?

STEPHEN BEAMAN: Yes.

Dr AMANDA COHN: I will ask them in a couple of weeks time. I'd also like to ask about wood heaters. Experts have criticised the current standards for wood heaters. I understand that there is also Federal involvement. It has been explained to me that the testing that takes place for new wood heaters takes place in controlled environments, where the emissions recorded are significantly lower than in real-world settings. This has been recognised in New Zealand, where the standards are much more stringent than ours. Is it your view that those current standards for wood heaters are adequate? Is there any work underway to look at that new evidence coming from New Zealand?

TONY CHAPPEL: It's certainly a live topic of engagement between NSW Health and ourselves. I'm not specifically aware of work around the New Zealand standards. I think we regulate, as I understand it, to the Australian standard. I am aware of some criticism of that standard.

Dr AMANDA COHN: You said it's a live topic of engagement with NSW Health. What is that discussion that is currently taking place?

TONY CHAPPEL: We're essentially collaborating around actions we can take or potentially propose that may reduce the human health impacts attributed to the damage of wood smoke.

Dr AMANDA COHN: Are you able to share what some of those actions being considered might be?

TONY CHAPPEL: I don't have specific actions at this point in time, but it's certainly a priority for the Chief Health Officer. We are working with NSW Health on those issues.

STEPHEN BEAMAN: The things that we do is particularly work with our colleagues in local government, because they are really in those communities, and give those councils the tools and the education advice they can give the community to run those wood heaters efficiently and operate them in an appropriate manner.

Dr AMANDA COHN: You've said tools and education for local councils. A complaint that I hear commonly is that when local councils go to investigate air pollution, complaints are actually required to witness plumes of smoke. Often they come on the wrong day or at the wrong time or in the wrong conditions to witness what is otherwise really well documented by neighbours. Is there any work being done for other types of evidence to be accepted or to allow that sort of citizen-science monitoring of local air quality?

STEPHEN BEAMAN: It is a good question. I think today everyone has a mobile phone and you can timestamp and video footage. I am happy to take that on notice so we can come back and give you some advice about what we can do in that space.

Dr AMANDA COHN: Sorry, I know I'm jumping through a lot of topics in 10 minutes. Coming to the *NSW Plastics: Next Steps*, what is the timeline for the Government publishing its response to the community consultation?

TONY CHAPPEL: I think the Minister referenced that as within the next few months earlier today.

Dr AMANDA COHN: Is there any work being done to look at a re-use strategy for food ware such as beverage cups?

TONY CHAPPEL: Yes.

Dr AMANDA COHN: Can you elaborate on that work?

TONY CHAPPEL: I am not sure I can share a lot more detail at this point. Ultimately those are policy questions for the Government.

Dr AMANDA COHN: All right, I will take it back to the Minister. I have a couple of questions about air quality monitoring in the Upper Hunter. I've heard that community members are concerned that the Upper Hunter has been split into two regions, where each area has a population of below 25,000 people, so they're not monitored under the National Environment Protection Measures. Do you know why that decision was made to split the Upper Hunter into two regions for monitoring?

BRENDAN BRUCE: I don't have detail on that one. I'll have to take that one on notice.

Dr AMANDA COHN: No problem. I am also interested in the OpenAir study. Are there any plans to extend the OpenAir project to include more local council areas?

BRENDAN BRUCE: I'm sorry, I thought you were referring to the indoor study from Victoria.

Dr AMANDA COHN: No, sorry, the partnership with local councils to do air quality monitoring. I understand that was the New South Wales Government in partnership with UTS. It was nine local councils initially.

BRENDAN BRUCE: I would have to take that on notice as well, sorry.

Dr AMANDA COHN: I have questions about Vales Point.

TONY CHAPPEL: The power station?

Dr AMANDA COHN: Yes. I am interested to understand if the power station no longer requires exemption to clean air regulations?

TONY CHAPPEL: That's our expectation.

Dr AMANDA COHN: Can you confirm that in 2027, the Bayswater Power Station and Mount Piper Power Station will also need to comply with the stricter limit, which I understand is 800 milligrams per metre cubed?

TONY CHAPPEL: I think that's right for those years. You're talking about group five standards under the clean air Regulation?

Dr AMANDA COHN: Yes.

STEPHEN BEAMAN: Yes.

Dr AMANDA COHN: Just coming back to Vales Point, are you able to tell us what changes were made to the operations in order to come into compliance without needing an exemption?

TONY CHAPPEL: I don't have much specific detail. We might be able to provide some on notice. But it's essentially that, as renewable penetration expands, the pattern of operation of coal-powered stations is shifting more towards what is called ramping, so more rapid adjustment up and down. I think it was during some of those phases when the station was having challenges meeting its obligations. They have been able to do further refinement on how that process works to meet the necessary standards. We can perhaps be a bit more specific.

STEPHEN BEAMAN: That's exactly right. I think they did some engineering changes inside the plant. But what we found as they were doing the air testing under that exemption was that the ramping goes up and down during the day. When the renewables come on, they pull back a bit. It doesn't give the air pollution control equipment a steady state to work in. That unsteady state means they were struggling to meet that 800 limit. They have actually been able to tune the plant to consistently maintain. I checked the past three months and they have always been under the 800 limit. They are actually meeting it quite consistently now.

Dr AMANDA COHN: In my last minute, one of the recommendations of the parliamentary inquiry last year into the health impacts of metals mining was that the EPA would review the Protection of the Environment Operations (Clean Air) Regulation 2022 and provide advice to the Minister. Has there been any progress on that work?

TONY CHAPPEL: I think I'd better take that one on notice. I'm not across the progress. It's a very complex instrument and it will take some time, but I'll happily take that on notice.

The Hon. JOHN RUDDICK: My question is to Mr James Hay, the CEO of Energy Corporation within the department of climate change. It is a powerful role that you have, Mr Hay. Can I ask what academic qualifications you have in science?

JAMES HAY: I have no scientific qualifications.

The Hon. JOHN RUDDICK: You would agree, however, that the scientific revolution over the past few centuries has been beneficial for mankind. Would you agree with that?

JAMES HAY: That's a very general question.

The Hon. JOHN RUDDICK: And you'd agree that science involves an endless amount of debate by the brightest of minds and that often these debates are multigenerational. Would you agree with that?

JAMES HAY: Yes.

The Hon. JOHN RUDDICK: Would you agree that what may be regarded as the scientific orthodoxy of today can change with time? Yes? I'll take that as a yes. You seem reluctant to answer but you're nodding your head for Hansard. As a result, we have very few scientific laws but many scientific theories. Since you've said you don't have a background in science, Newton's science theories are now considered law because no-one can debate with them. But something like evolution, which most people agree with—I agree with evolution. There are still parts of evolution we don't understand, so in a strict sense evolution is still a scientific theory unlike Newton's laws. Do you agree that politicised science has the potential to pervert science?

JAMES HAY: That's not something I can—

ANTHONY LEAN: Chair, can I ask, is this line of questioning appropriate for a public servant?

The Hon. JOHN RUDDICK: I think it is. I'm an elected member of Parliament by the people of New South Wales and you are public servants, and I am leading to a question about the REZ. But these are important. I know you're reluctant to hear it, but we're going to progress.

The Hon. WES FANG: I would support Mr Ruddick on that position.

The CHAIR: I might just ask Mr Ruddick, though, to ask the question, if you could.

The Hon. JOHN RUDDICK: Do you agree that when it is in the interest of the State to favour a particular scientific theory that there have been occasions in history when the State has persecuted those who dissent from State-sponsored science? I'm thinking of Galileo but there are many others. I'm assuming you would also agree with that.

JAMES HAY: I have no knowledge of that, and I can't comment on it.

The Hon. JOHN RUDDICK: Okay. The past several Federal elections have been called the climate change elections, so do you think it's fair to describe climate change science as politicised science where dissenters get silenced and dismissed?

JAMES HAY: As a public servant, it's not for me to comment on elections or politicisation of issues.

The Hon. JOHN RUDDICK: Do you believe the science of climate change? You're the head of the department of climate change. Do you believe that the science of—

The CHAIR: No, actually, he's not.

ANTHONY LEAN: Actually, I am.

The Hon. JOHN RUDDICK: The head of Energy Corporation within the department of science. I apologise, Chair. Thank you for correcting me. Do you believe that the science of climate change is settled science, so it's up there with Newton's laws?

JAMES HAY: I'm a delivery agency for delivering major infrastructure in accordance with the Electricity Infrastructure Investment Act. It's not for me to have an opinion on climate science.

The Hon. JOHN RUDDICK: Well we wouldn't want to be making a big error, would we, Mr Hay? How much have the taxpayers of New South Wales already spent on the renewable energy zones and how much will they spend in the coming years?

JAMES HAY: How much have the taxpayers of New South Wales spent?

The Hon. JOHN RUDDICK: Yes.

JAMES HAY: I'd have to come back to you with the exact amount on that. That's quite a complex question.

The Hon. JOHN RUDDICK: It's a large figure.

The Hon. WES FANG: The one actual budget question.

The Hon. JOHN RUDDICK: So we're going to take that on notice. It shouldn't be too difficult to calculate how much the taxpayers have put into these renewable energy zones so far and how much we're projected to put into them.

JAMES HAY: That is quite a broad question.

The Hon. JOHN RUDDICK: So are you going to come back to me on that?

JAMES HAY: I'm going to have to come back to you on that.

The Hon. JOHN RUDDICK: I appreciate that. Thank you very much. Just theoretically, if in the future we came to the view that the consensus was that climate change is not settled science and in fact that it was faulty science, and we say, "The science may not be true and carbon dioxide may not be the atmospheric temperature control switch," do you still think that what we're doing with these renewable energy zones is a good thing?

JAMES HAY: What we're working on—

The Hon. PETER PRIMROSE: Point of order: I'm reluctant to do this—

The Hon. WES FANG: You're never reluctant when it's me.

The Hon. PETER PRIMROSE: I think the honourable member should be able to ask questions. I simply point out that on the budget estimates document relating to questions to public servants, public servants should not be asked to express an opinion on the merits of Government policy. These should go to the responsible Minister. Public servants should not be held accountable et cetera.

The Hon. JOHN RUDDICK: Thank you, Mr Primrose.

The Hon. PETER PRIMROSE: All I am arguing is let's stick to details, rather than—

The CHAIR: Thank you, Mr Primrose.

The Hon. JOHN RUDDICK: My last question, Mr Hay, is this—

The CHAIR: I accept the point of order. Carry on, Mr Ruddick.

The Hon. JOHN RUDDICK: —you're head of the REZs, and I am fearful that we have embarked on this grand central planning based on faulty science and that we are causing harm to the people of New South Wales. What would you say in relation to that?

JAMES HAY: I think what we are doing is pursuing options that deliver the lowest cost of energy for New South Wales energy consumers.

The Hon. JOHN RUDDICK: Why are energy prices going up so much all around the world, where we are using policies like the REZs all around the world? When will we expect prices to come down?

JAMES HAY: Prices are influenced by very many factors. As you'd know, the war in Ukraine and all sorts of other issues have influenced price.

The Hon. JOHN RUDDICK: The war in Ukraine is responsible for the energy crisis? That's what you truly believe? You don't think the REZs have—

JAMES HAY: We are pursuing the lowest cost of delivered energy options for the consumers of New South Wales.

The Hon. WES FANG: Mr Ruddick, I've got a follow-on question. Am I able to ask that?

The Hon. JOHN RUDDICK: Yes, please do.

The CHAIR: No, it is crossbench time.

The Hon. WES FANG: It is a follow-on question.

The Hon. NATALIE WARD: He is able to.

The CHAIR: It's crossbench time.

The Hon. WES FANG: It is a follow-on question; I'm seeking clarification.

The CHAIR: Mr Chappel, I might come back to you. Could you tell us how we interpret the position of the Government and the NSW EPA on Moolarben and HVO? I know this morning the Minister said the guideline would apply to HVO, not Moolarben, I think. But also, I think you may have made a previous statement in July—before we were where we are now—that the guide would not apply to proposals that had already produced an EIS. Could you clarify for the Committee where we are and what will apply?

TONY CHAPPEL: I think the point I made earlier is substantively correct, but the content of the guideline for major emissions assessment—all of the substantive content of that was shared as EPA advice. So, if you like, the same principles and requirements in terms of the HVO project, but prior to the publication of that with our colleagues in Planning and with the proponent. To all intents and purposes, the proponent is required to address that guideline. Does that make sense?

The CHAIR: Even if they have produced an EIS already?

TONY CHAPPEL: Yes. The advice was delivered early enough in the process to enable that. With Moolarben, obviously that's a much more advanced proposal, but as I mentioned this morning, the consent authority is still able to take into account that draft document. We've just completed the consultation on the draft. We are now working through that feedback and aim to finalise that soon. But we have also proposed that they—the consent conditions require climate change mitigation and adaptation plans, and we will be progressing a model guide to those shortly as well.

The CHAIR: It is your view or your understanding that any final decision-making body would need to take those into account in making a final determination about approval or refusal?

TONY CHAPPEL: I mean, it is not really for me to say what the consent authority should consider. I think they need to consider their obligations under the planning framework, but my understanding is they are certainly able to take that into account.

The CHAIR: Is it fair to ask why it is taking so long for the EPA to work out a plan and set the targets or caps for the pollution on mines?

TONY CHAPPEL: You are talking about fugitive methane and scope—

The CHAIR: Yes.

TONY CHAPPEL: There are a number of actions in the action plan addressing that directly, including the modern standards for diesel equipment, which I know is not methane from the mine, but often about half the scope one and two emissions in coalmining are from onsite vehicles. Methane is a particular focus. It is something

we have been doing a lot of work with a number of universities on. Our initial focus is improving the accuracy and sophistication and granularity of monitoring and verification, because I think historically a number of projects have progressed on the basis of emissions factors that aren't necessarily ground-truthed. I think the other two major pieces of work in the next 12 months, consistent with the plan we released last year, model conditions for mining mitigation and adaptation plans and, of course, the licence review.

The CHAIR: Is it the intention, though, to have a cap for the industry, for the mining sector? Why is that not yet set?

TONY CHAPPEL: It certainly is the intention. Since we released the plan, the legislation has developed and there's a Net Zero Commission. They are obviously expert advisors on sectoral targets and pathways, and we'll be working very closely with the commission on that issue.

The CHAIR: Is the EPA going to say this is it—this is the amount of emissions you have and cap it for the actual sector, given we're looking at industry paths to get to net zero?

TONY CHAPPEL: We certainly want to engage closely with the commission and understand their thinking on exactly those questions, and how we best operationalise regulating to the legislated targets.

ANTHONY LEAN: We do have some answers for some of the questions.

The Hon. WES FANG: You can do that in government time.

The CHAIR: We'll do that if that's okay. We get so precious about our time. I'm sure you've noticed.

The Hon. NATALIE WARD: Are they on my green and golden bell frog passion project?

ANTHONY LEAN: They are indeed on the bell frog.

The Hon. NATALIE WARD: Excellent, that will save me asking you about them. Mr Lean, the Australian Energy Market Operator has raised concerns with Transgrid that the current ETU industrial action risks the security of the power system and increases the likelihood of regional blackouts and harm to the public. Have you discussed this with the AEMO?

ANTHONY LEAN: I haven't discussed that specific issue with AEMO, but from what I understand in relation to Transgrid, the Fair Work Commission has actually made orders that require the ETU to suspend the actions that are of concern to AEMO. My recollection is they've been suspended for a period of two months—Liam is nodding for me. During that period, the actual underlying dispute is going to be arbitrated, I believe, by the Fair Work Commission.

The Hon. NATALIE WARD: Sure, but in relation to your responsibilities—I understand the Fair Work Commission, its work and its decision of 2 August. My interest is in what steps you are taking given these concerns have been raised. As I asked previously about the Clean Energy Investor Group, AEMO and a number of entities are raising concerns. What steps are you taking to ameliorate these?

ANTHONY LEAN: As I answered before the break and as I just answered then, the appropriate means for this to be resolved is through the Federal industrial relations system, and at least in relation to Transgrid. That is in fact happening. I'm not sure what further—

The Hon. NATALIE WARD: Are you having any discussions with your counterpart in the department of industrial relations?

ANTHONY LEAN: Sorry?

The Hon. NATALIE WARD: Are you having any discussions with your counterpart in the department about the progress, raising concerns? You've got these entities coming to you saying this is impacting.

ANTHONY LEAN: In which department, sorry?

The Hon. NATALIE WARD: In industrial relations, or any others?

ANTHONY LEAN: I believe that's handled by the Premier's Department. I've had some discussions with them at a high level.

The Hon. NATALIE WARD: Discussions with who?

ANTHONY LEAN: The Premier's Department.

The Hon. NATALIE WARD: So none with industrial relations or—

ANTHONY LEAN: They're part of Premier's Department.

The Hon. NATALIE WARD: What have you done in those discussions—raised concerns or asked for action?

ANTHONY LEAN: Sorry, let me just clarify. This is a dispute in the Federal industrial relations arena, and NSW Industrial Relations is confined to the public sector. I have raised it with the Premier's Department, who looks after industrial relations generally, but ultimately this is a matter to be resolved in the Federal jurisdiction.

The Hon. NATALIE WARD: So am I to understand from that answer that you've had some discussions with the Premier's Department, but really you've taken no other substantive action. Would that be a correct characterisation of what steps you have or have not taken?

The Hon. MARK BUTTIGIEG: Point of order: The witness has answered to the best of his ability in terms of the jurisdictional capability and his wherewithal in terms of the Premier's industrial relations people. I don't understand why the question is repeated ad nauseam when he has answered the question.

The Hon. NATALIE WARD: I'm not repeating the question ad nauseam. I'm trying to understand—

The Hon. MARK BUTTIGIEG: You're implying that he's done nothing. It is not true.

The Hon. NATALIE WARD: Can I finish my point? This is my time to ask my questions and I'm putting fairly to the witness about how to characterise what steps he's taken. We have finally got after four questions that there have been some discussions. I would like to pursue—I don't want to make an assumption that no other action other than discussions has been undertaken. It's only fair I put that to him.

The CHAIR: I don't think there is a point of order. Just make sure it's a civil engagement, which it is.

The Hon. NATALIE WARD: Certainly.

ANTHONY LEAN: I think I've answered the question. We're the Department of Climate Change, Energy, the Environment and Water. We don't resolve industrial disputes, so I don't really think there's anything else to be said on the matter.

The Hon. NATALIE WARD: I'm not asking you to. I'm not saying that you have any role in resolving industrial relations disputes. We've covered that four times. What I am asking is what steps you have taken as secretary of this department. Given concerns by a number of entities that have raised it, what steps have you taken to say, "This is impacting the works that my department is undertaking and impacting our industry in New South Wales." Am I to, fairly to you, understand that you've had some discussions with the Premier's Department but otherwise you're waiting and there's no further action to be undertaken?

ANTHONY LEAN: I think I've answered question. We don't have a role in resolving industrial disputes. If you've got some suggestions about what you think I should be doing, and if that's consistent with whatever statutory authority I have, I'd be happy to consider that but, as far as I'm aware, I don't have any statutory role in resolving disputes between parties in the private sector.

The Hon. NATALIE WARD: I'm not asking that. I've made that very clear five times now. When you've got the Clean Energy Investor Group raising concerns, calling for urgent action; when you've got AEMO; and when you've got the Fair Work Commission's decision that it would threaten to endanger life, personal safety or welfare of people, I would have thought that you would be picking up the phone and saying, "What are we doing to progress this? How are we going? What can we be doing? I've got industries here that are affected. I'm taking steps." But you're saying to this Committee that you haven't.

ANTHONY LEAN: I think I answered the safety question this morning. Again, my understanding is that in the Fair Work Commission, various safety commitments have been given by the union to the relevant companies around the steps that they will take to ensure that the safety of the public is not jeopardised. Beyond that, it is an industrial matter that needs to be sorted out in the Federal industrial jurisdiction.

The Hon. NATALIE WARD: Can we come to your department and the management of your department? Have there been any efficiency dividends found within the environment portfolio?

ANTHONY LEAN: Efficiency dividends? There wasn't an efficiency dividend as part of this year's budget.

The Hon. NATALIE WARD: None? You don't have to find any?

ANTHONY LEAN: We have to identify travel, advertising and consultant savings and legal savings.

The Hon. NATALIE WARD: Have you done that?

ANTHONY LEAN: They were announced as part of the budget last year. The money was removed from the budget, I think, in last year's budget process, and that applies this year as well.

The Hon. NATALIE WARD: Regarding the \$206.2 million Nature Positive Farming program, last year the Minister said it hasn't been cut; it's been deferred. Is that still so?

BRENDAN BRUCE: Yes.

The Hon. NATALIE WARD: It's still deferred?

BRENDAN BRUCE: Yes.

The Hon. NATALIE WARD: When will it no longer be deferred?

BRENDAN BRUCE: It has been deferred for four years.

The Hon. NATALIE WARD: For four years. But it's not cut?

BRENDAN BRUCE: No.

The Hon. NATALIE WARD: The plan is to bring it back in four years, given it's not cut?

BRENDAN BRUCE: The decision that the Government took was to defer it for four years.

The Hon. NATALIE WARD: Have you provided advice about how it might be re-implemented in four years time?

BRENDAN BRUCE: Not since the decision was taken.

The Hon. NATALIE WARD: Secretary, has Treasury asked you to hand over control of your Special Deposits Accounts?

ANTHONY LEAN: Can I take that on notice? Not as far as I'm aware, but I just think I should double-check that.

The Hon. NATALIE WARD: You're not aware?

ANTHONY LEAN: I think I'd be aware of it, but—

The Hon. NATALIE WARD: Is that a no, you have to check, or yes?

ANTHONY LEAN: Not as far as I'm aware.

The Hon. NATALIE WARD: What about the Statutory Special Purpose Fund?

ANTHONY LEAN: I'll have to take that on notice.

The Hon. NATALIE WARD: You haven't been asked by Treasury to hand it over or you're not sure?

ANTHONY LEAN: I'm unsure on that one so I'll have to take it on notice.

The Hon. NATALIE WARD: What happens to the interest or any other funds accrued in those accounts?

ANTHONY LEAN: In relation to interest, my understanding is that there has been a government decision to take the interest that's earned on those accounts.

The Hon. NATALIE WARD: Where does the interest go—Consolidated Fund?

ANTHONY LEAN: I believe it's Consolidated Fund, yes.

The Hon. NATALIE WARD: What about other funds in the accounts? Just the interest, or it's taking whatever else is accrued?

ANTHONY LEAN: It's just the interest, from what I understand.

The Hon. NATALIE WARD: How much is that?

ANTHONY LEAN: I'd have to come back to you with a specific number.

The Hon. NATALIE WARD: You'll take that on notice?

ANTHONY LEAN: Yes.

The Hon. NATALIE WARD: Is it still available for use by your department or not at all?

ANTHONY LEAN: No, it becomes part of the consolidated funding. What does happen, as I understand it, though, is that to the extent that our activities are funded, whilst we don't get the interest, we would get escalation on some of those funds as well to account for increasing costs year in, year out.

The Hon. NATALIE WARD: Does that balance cover what the interest would have been, or are you left short?

ANTHONY LEAN: If you had asked me that three years ago, it probably wouldn't have made much difference given interest rates were so low. It's probably a bit different now, but I don't have the specific details now. I'd have to take that on notice.

The Hon. NATALIE WARD: Yes, I'm talking about interest rates right now, your role right now and the funding right now. Whether it's been cut three years ago is past history. I'm interested in what the department's able to do right now—and whether Treasury's stealing it from you—to do the great work you're doing. I'm in your corner, Mr Lean.

ANTHONY LEAN: Yes, but, as I said, Treasury would, through the budget process, continue to give us escalation for salaries and other on-costs and that sort of stuff, depending on the fund. That would generally enable us to continue to provide the services that we continue to provide.

The Hon. NATALIE WARD: But you'll confirm, where you can. Ms Stephens, National Parks, or somebody else, if you're able, in relation to the joint management of national parks, can you update us on how that initiative is going?

ATTICUS FLEMING: I think we answered that—I think Mr Ruddick asked a similar question. I'm not sure we've got anything to add to that. As Mr Lane explained, it will be progressed under the banner of the Closing the Gap process.

The Hon. NATALIE WARD: Are you happy with that progress?

ATTICUS FLEMING: It's a very big issue. It's a really important topic. As I explained, there are 34 joint management agreements already, but they're essentially three different models. I think there's a lot of work to do to ensure we can develop a new model that the range of stakeholders can support. Obviously, our objective is to ensure good conservation outcomes, good cultural outcomes and good socio-economic outcomes. I guess the thing I could add to the response earlier to Mr Ruddick is we're very cognisant of the fact that holding title is very important for Aboriginal people. There are a range of other things that we do—fire management, feral animal control et cetera—that are very important to the community generally, so we're trying to progress that in a really balanced manner.

The Hon. NATALIE WARD: Are you able to give any details on a timeline for progress?

ATTICUS FLEMING: I can't give you details on a timeline right now, other than to say that we're not rushing it because it is such an important thing. The original timeline—there was never a precise timeline set out, other than flagging the fact that this was a long-term process. I think the initial announcement might have talked about up to 20 years for it to roll out.

The Hon. NATALIE WARD: Can I turn to Thurloos Downs? What's the progress on that? Is there a date for the park to be opened?

ATTICUS FLEMING: I'd have to take that on notice. When we purchased the property, part of the arrangement was a transition period for the existing owner, which is obviously something that is really important in many of these acquisitions in western New South Wales. I don't think we've reached the end of that transition period just yet. If I'm wrong about that, I'll correct the record. What I can say is that for Thurloos Downs—and for all of our recent acquisitions in the west—we are planning to invest significantly in Thurloos.

There is work going on at Thurloos Downs planning for the infrastructure investment that will support visitation. There is work going on at Thurloos Downs planning for ecological health surveys to take a benchmark of the health of the property and measure its change over time. That is all consistent with what we've done across the other recent acquisitions out there, where we have invested substantially and where we've delivered substantial feral animal control right from the word go. We have a process and an approach to these new acquisitions and you can expect the same to happen at Thurloos Downs.

The Hon. NATALIE WARD: Are you able to take on notice—

NAOMI STEPHENS: I can add that Thurloos Downs will come across to Parks in July 2025.

ATTICUS FLEMING: We hold the title now, but there is a licence until that time.

The Hon. NATALIE WARD: Yes. Just on marine management—I'm not sure who is responsible.

ANTHONY LEAN: Direct it to me.

The Hon. NATALIE WARD: Thank you. The Marine Integrated Monitoring Program is meant to measure the strategy's progress against the maritime estate management program. A mid-term evaluation of that was due to commence in 2023. Is that correct?

SHARON MOLLOY: I think you're talking about the Marine Estate Management Strategy and the monitoring—

The Hon. NATALIE WARD: No, the Marine Integrated Monitoring Program. That's meant to measure the strategy's progress against the estate management program.

SHARON MOLLOY: Yes. The lead agency for the strategy is our colleagues in DPI Fisheries. However, we have joint responsibilities and there are quite a number of the initiatives that we deliver as well—I think, one, three and nine. I'll have to double-check, out of the nine initiatives, which ones we implement. I'll have to get back to you on the specifics of that report, when it's due and whether it has been delivered or not.

ANTHONY LEAN: I would say, though, that the Marine Estate Management Authority would be the entity responsible for leading on that.

SHARON MOLLOY: Yes, I think we'd have to refer that.

The Hon. NATALIE WARD: The mid-term evaluation was due to commence in 2023. We are in 2024, so we want to understand where that is at. What are you able to say today?

SHARON MOLLOY: We'd have to refer that to our colleagues in DPI Fisheries. They have the lead on that.

The Hon. NATALIE WARD: Mr Chappel, in relation to the waste levy, is it your view that will be changed in the not too distant future, or is that staying the same?

TONY CHAPPEL: The consultation on that is a piece of work that commenced this year, and the review, and that will inform future government policy. But it is too early to make any definitive comments about the direction of that policy.

The Hon. NATALIE WARD: What is the time line for the review?

TONY CHAPPEL: I anticipate it will conclude later this year.

The Hon. NATALIE WARD: Can I ask you to comment on the energy from waste proposition, whether that has a role to play, or is it the EPA's view that there are other technologies that exist that could better manage waste?

TONY CHAPPEL: It's really important, when thinking about moving to a more sustainable circular economy, to think about the waste hierarchy. We really need effort into repair and re-use, and there are major pieces of work going on there, and then of course recycling. And then, after that, it is possible to recover some materials and energy through the kinds of facilities you've mentioned. So they can have a role alongside, obviously, residual waste going into landfill. There is one project that I'm aware of that's progressing through the planning process today in one of the four precincts where those facilities are authorised under current policy settings.

The Hon. NATALIE WARD: Some communities have safety concerns, though, about energy from waste. Has there been some engagement with them to deal with those concerns? What's progressing?

TONY CHAPPEL: I understand there was, as the policy was developed, and extensive advice from the chief scientist was incorporated into that policy. The settings in New South Wales aim to require global best practice in pollution control and safety in these facilities.

The Hon. WES FANG: I have a question in relation to the native vegetation maps. The Minister said this morning that there is a free assessment that is available to landholders if they believe that the land classifications are incorrect. What is the process for that, Mr Lean?

ANTHONY LEAN: When we release the draft maps, there's information on our website where people can apply for a map review. They lodge an application with the department—that's free—it's assessed and, if a change is needed to the map, the map will be adjusted.

The Hon. WES FANG: Is that going to be ground-truthed?

ANTHONY LEAN: I'm not sure how it would work in the specific case. They may need to go out and—

The Hon. WES FANG: The major concern of people is that there's no ground-truthing of these maps and it doesn't represent at all what is present on the ground. If people challenge the maps, will they be ground-truthed?

BRENDAN BRUCE: I think the department works closely with the landowners during the map review process. The map reviews are completed within 40 days, but it's a collaborative process between a landowner and the department.

The Hon. WES FANG: Mr Lean, the Minister said she didn't think the date had been set yet for publishing the maps. I believe it's 24 September. Is that the date that the maps will be published?

ANTHONY LEAN: No date has been set. I've written to stakeholders, asking for their comments about moving from the draft map to the final map. I've given people—

The Hon. WES FANG: Do you think it's appropriate to have less than a month's warning, if it is 24 September, to enforce these on landholders?

ANTHONY LEAN: I wrote several weeks ago. I asked people to come back to me with comments by 6 September, I think. It depends on what comments come back in terms of how long it will take before we make the final decision. It depends on what comments come back.

The Hon. WES FANG: Have you considered a period where enforcement may not be enforced—for want of a better word—where you've given a certain period of time to say that the maps are going to be enacted? That will allow for people to have these things ground-truthed.

ANTHONY LEAN: Let's be a bit realistic about this. These maps have been in the public domain for, I think, six or seven years. They haven't been secret. We've formally released them, as we're required to do under the Act, over a period of 18 months or so. We've advertised in local newspapers and I think also in *The Land* that map reviews are available. People have had more than a reasonable opportunity to seek one of those map reviews, and they will still be able to seek it.

The Hon. WES FANG: Yes, but the previous Government also acknowledged that they weren't ground-truthed and they weren't going to commence the—

The CHAIR: Mr Fang, it is now time to go to Ms Faehrmann.

Ms CATE FAEHRMANN: I want to turn to the PFAS reports on the Belubula River again. Mr Beaman, when I left last time I think you were saying that the foam was some combination of natural and chemical—was it synthetic?

STEPHEN BEAMAN: Yes, it's man-made.

Ms CATE FAEHRMANN: What's the safety profile of that foam?

STEPHEN BEAMAN: The foam, technically—and this is a discussion we've just been having with the community—by its nature, it actually accumulates PFAS, because that's what the material is. More often than not, it's a surfactant. So the surfactant foam will have a higher concentration, but the water it's sitting in has a lower concentration. It's looking at what are the exposure pathways and risks. You asked the question earlier. We did the sampling. What we said to the community—I was supposed to be out there last Monday, but it rained over the weekend so I couldn't get out with the community—was that we'll go out and we'll look at the sampling locations the community is really interested in, including all the way down to the Belubula. Our preliminary testing has shown that we need to do further work. So we use the document called the—

Ms CATE FAEHRMANN: When you say, "We need to do further work", what does that mean? Are you finding levels of PFAS at concerning levels anywhere—let's say for livestock?

STEPHEN BEAMAN: No. The way this works is that the number isn't a set pass or fail. I think Mr Chappel talked about it this morning. It's a health-based standard that was really based on the amount a person can consume over their regular life. The way the numbers are derived are over an 80-year period that you consume—

Ms CATE FAEHRMANN: Are you talking about the Drinking Water Guidelines?

STEPHEN BEAMAN: Yes, that's where the numbers hang off—the National Health and Medical Research Council numbers. What you need to do is assess the distribution, type and concentration of PFAS. We

need to know its temporal variation and we need to understand what the extent of the risks are. You can't just get one piece of data and do something with it. If we want to look at something—

Ms CATE FAEHRMANN: No. I think, with respect, what we have seen in the media with that first story—that had extremely high levels of PFAS after that had been tested—it wasn't just one sample. Plus the local community was saying, in terms of whether it's natural or formed by chemicals, that they're used to seeing natural foam in the rivers, for example, usually about the size of grapefruit. They have all said that they have never seen anything like this, coming down like a bubble bath—absolutely massive. They are extremely concerned. It's not just one or two samples. This was a reasonably extensive study that they have undertaken, and they have undertaken a fair bit of water sampling since then.

STEPHEN BEAMAN: So have we. That's why we said we've got to go to the community. We have already been out and taken another 23 samples from around those catchments. We were supposed to go out last Monday with the community to look at other additional locations they're interested in, but you need to be able to—

Ms CATE FAEHRMANN: Does it seem to imply that this would be coming from the Cadia goldmine, do you think?

STEPHEN BEAMAN: No. If you look at the national environment protection management plan for PFAS, which is the national document that all the States use for doing the assessment, and if you go to appendix B, there is a whole range of land use activities that have been attributed to PFAS in the environment, and agriculture is one. It's used in a whole range—

Ms CATE FAEHRMANN: Let me ask another question. How long has the EPA known about the seepage coming from the tailings dam from Cadia? How long has the EPA known that there has been seepage into the groundwater from that tailings dam that broke?

STEPHEN BEAMAN: I will have to take that on notice. The community—

Ms CATE FAEHRMANN: No, let me continue, Mr Beaman, because there are multiple minutes that I have access to since 2010 that do indicate that the EPA has had at least one representative at meetings of the AEMR, which is the Cadia community meeting, that essentially talk about the tailings dam seepage pond, since 2010, going into the groundwater—concerning amounts. The EPA has been part of this discussion since 2010.

STEPHEN BEAMAN: I will have to take that on notice. I'm not aware of that, but what I can advise—

Ms CATE FAEHRMANN: Mr Beaman, this issue—Mr Chappel, can I go to you then. This issue has been in the media for a very long time. The upper House has inquired into the issue. There are incredibly concerning, extremely high toxic levels of PFAS found in the Belubula River and associated waterways. There is information that suggests that the EPA has been at meetings with Cadia since 2010, with discussion about seepage from the tailings facility entering the groundwater. Why do you think Mr Beaman is now sitting here saying he is going to have to take it all on notice?

TONY CHAPPEL: I am not aware of information provided to the EPA about seepage. I can tell you that we are currently in court with the Cadia mine on two offences related to the tailings dam, so I'm not going to speak to that except to say that two amongst five charges are currently before the court. There has been very extensive work done with the community on soil monitoring, water tank monitoring, air quality monitoring and now water monitoring. I've had multiple meetings with members of the community, and they haven't raised that concern with me. My colleague Mr Beaman was going to add, I think, a relevant point.

STEPHEN BEAMAN: Only to say that those concerns have been raised with us, and what we have done is we have undertaken to review the groundwater—so have that independently reviewed and have our technical experts. And we have actually been out, and the EPA has taken its own samples of the groundwater from the Cadia—

Ms CATE FAEHRMANN: When did that start, Mr Beaman?

STEPHEN BEAMAN: I will have to take that on notice, for an exact time.

Ms CATE FAEHRMANN: Did that start when it hit the headlines.

STEPHEN BEAMAN: I will have to take on notice when the team started.

Ms CATE FAEHRMANN: I think the point I'm making is that these documents seem to imply that the EPA has been in discussions and part of meetings with Cadia goldmine that have actively discussed seepage from the toxic tailings facility, because of that—

TONY CHAPPEL: Has the mine disclosed that, or has it been raised as a concern?

Ms CATE FAEHRMANN: Yes, these are meeting minutes, presentation minutes. The mine has actually disclosed—when you dig into its thousands of pages of documentation and reports, it actually does disclose about groundwater. I'm surprised that the EPA, for example, hasn't at least looked at whether the livestock watering is safe. I've spoken to communities, landholders who are very concerned about that.

TONY CHAPPEL: We have measured—

Ms CATE FAEHRMANN: But the EPA hasn't thought to suggest that they should not be watering their stock from the Belubula River at this point in time?

TONY CHAPPEL: All of our test results in the Belubula River and the catchment are consistent with safe levels for livestock to use. As my colleague Mr Beaman mentioned, we need to do a more comprehensive piece of work to be more confident about the source of any potential contamination, because the one result we have had that was more elevated was actually upstream of the mine. I can't accept the proposition that the EPA is reacting to media pressure here. I think one of my first meetings with the community, when they laid out some of their extensive concerns around pollution from the mine, led to the EPA taking very extensive, rapid action to bring the mine into compliance on its air emissions, which we did. We are now in court on five offences—

Ms CATE FAEHRMANN: That was also after it hit the headlines, with respect, Mr Chappel.

TONY CHAPPEL: No, it absolutely wasn't. That was after directly engaging with the community and hearing those concerns for the first time, on my part, anyway. But I'm happy to come back to the Committee on this issue of reporting, either from the community or the mine, or any other third party, about potential seepage out of the tailings.

Ms CATE FAEHRMANN: Can I also just ask about other heavy metals. We're just talking about PFAS chemicals at the moment, but I've also been speaking with a community who suggests that levels of cadmium, mercury and others at certain test points are also high. Has any testing been done on that recently?

STEPHEN BEAMAN: Yes. We released a report on surface water testing. I'm happy to share that with the Committee. That was published.

Ms CATE FAEHRMANN: Any concerns about—

STEPHEN BEAMAN: No. All of that met the relevant guidelines. What we need to be careful—

Ms CATE FAEHRMANN: Was this from the two samples or three samples, Mr Beaman?

STEPHEN BEAMAN: There were two sampling runs, and I think it was over nine different sites. It wasn't just one sample, but over two separate periods. We're doing more sampling out there. The thing you need to be careful of is, when you do sampling, you need to make sure that you're actually following the methodologies that are in the Australian water quality guidelines. In doing so, for example—I know the community has taken some samples and we've seen the results, but I don't know how they've collected them. Often you have to filter it out to meet the guidelines to remove the particulate matter from it. I'm not sure the methodology the community has used, but we're happy to work with them. That's why I had organised to go out with them, so we could do it together.

Ms CATE FAEHRMANN: Yes. I have heard you've been—

TONY CHAPPEL: We have actually engaged additional independent water specialists to analyse all the data as part of the licence review that's currently underway. I'm confident, whatever has happened, going back to 2010, there's going to be a very rigorous analysis of all data that we have access to. If there's additional data, we'd welcome it.

The CHAIR: Mr Chappel, what were the 13 facilities that were visited by the EPA since June 2023 as part of the investigation into recovered fines?

TONY CHAPPEL: I don't have the 13 in front of me, so I might take that on notice.

The CHAIR: If you could, I would like to know what were the seven facilities with asbestos and what were the six facilities with the other breaches.

TONY CHAPPEL: Certainly.

The CHAIR: Are you in a position to just briefly explain what happened between 2021 and 2022? I know I asked the Minister earlier. I acknowledge you were not in charge of the EPA at the time. But in terms of recovered fines, what happened?

TONY CHAPPEL: My understanding is the EPA proposed a series of regulatory changes to address the risk as it saw it, and I don't think anyone would quibble with the identification of the risk, but there was certainly a lot of feedback, both in government and from industry, around some of the unintended consequences or the systemic implications of those changes that hadn't perhaps been fully considered. As a result of that feedback at the time, the EPA paused that approach and adopted half a dozen other sets of actions, some of which occurred after I came into the role. But there were new rules around construction site inspection materials, when they come off construction sites and arrive at facilities that were put in place, the ongoing compliance work you've talked about, but a very significant effort in education and trying to uplift standards and then review—

The CHAIR: It didn't really work, did it? Going from a finding of not fit for purpose and posing a risk to the community and the environment, and now we are where we are. None of that really worked, did it?

TONY CHAPPEL: I think it had some impact, but you're right. The systemic shift we need is something that is still needed. The other piece that is evident to me is that you can have the world's greatest regime at the end of the pipe, but unless you're dealing with the source of the problem, you're unlikely to be completely effective. The work we've been developing—

The CHAIR: But that's what the draft regulation was seeking to do, wasn't it? It got pulled. Why did we pull it?

TONY CHAPPEL: It didn't, I think, adequately look at issues such as quality assurance at the source in the material. It certainly didn't look at the need to properly capture what we call rejected loads, where contaminants are rejected from one facility, but then they go to another location.

The CHAIR: Do you have confidence now that you have enough capacity, authority and empowerment to go forward and deal with what we're facing?

TONY CHAPPEL: Yes, and we've announced we're making some changes. We are working with industry on clarification and codification of those resource recovery orders and the locations where these materials can be applied. Importantly, with the new legislation development that was passed by Parliament just a few months ago, we can now develop quality assurance at the site level. Also, with the integrated waste tracking system that the EPA has developed in the last 12 months, we have for the first time a national technology solution that allows us to track this waste effectively, as well as then the refinements we've asked for through the previous Government. The Minister referenced this advice for the chief scientist about the appropriate thresholds in testing regimes. That will all, I think, address these issues at the system level.

The CHAIR: What investigations to date have the EPA undertaken in relation to the unauthorised dumping of firefighting foams, including those that were alleged to have occurred at Lake Macquarie?

TONY CHAPPEL: I might take that one on notice, because I'm not aware of allegations of dumping of firefighting foams. I'm happy to take that on notice.

The CHAIR: Any investigations to date broadly about the environmental impacts about the firefighting foams in terms of the EPAs work at the moment?

TONY CHAPPEL: I think I mentioned earlier, Chair, there are about 1,100 sites that we've investigated around PFAS—or that class of chemistry from the fire retardants, in the main—through working with RFS and Fire and Rescue about their historic use of those materials. I'm sure there's some other work. There's some very extensive work underway about Lake Macquarie—specifically, benthic studies, eco-toxicological work and chemistry analysis—that's flowing from the coal ash inquiry. I'd have to take on notice if that is particularly also including some of this fire-retardant chemistry though.

The CHAIR: I note that there were GIPAA documents that revealed a review into the firefighting retardant impacts and about the dumping at Lake Macquarie. If you could provide that information, that would be very helpful.

TONY CHAPPEL: Of course, yes.

STEPHEN BEAMAN: I can also add to what Mr Chappel just said then. The regulations were trying to ban the use of firefighting foams for training. That's particularly for the sites where we've seen it, around defence bases and fire training grounds, where excessive foam was used for training that subsequently contaminated sites and ran off in the environment. There is a prohibition on the use of firefighting foams for training. There are other methods that fire authorities can use now. If you do need to have PFAS firefighting foams, because it's particularly useful for catastrophic, high-intensity oil fires—there are a couple of industry sectors—they need to seek an exemption from the EPA, which we only give in twelve-month allotments.

You've got to be able to demonstrate that you can contain it onsite. If you do happen to use it, you've actually going to demonstrate how you're going to dispose of it lawfully. An example I'm thinking of here is, if you go to one of the very large fuel storage depots, you'll see around the facilities these big sort of guns facing the facility. They're all preloaded with firefighting foam in case of an emergency. We've really cracked down on the use of those firefighting foams.

The CHAIR: Mr Chappel, who instructed—and why—the EPA to contest whether the Bellinghen Environment Centre should be allowed to be recognised as a friend of the court in relation to the sentencing and prosecution of the Forestry Corporation?

TONY CHAPPEL: My understanding is that the EPA did not contest that point. It made submissions as to the various issues the Bellinghen centre wanted to raise, noting that the EPA anticipated raising them, but it neither opposed nor supported the application from the centre.

The CHAIR: I suppose that's the point. Why would the EPA not support community participation in relation to such an important public interest matter—the prosecution of a public, State owned corporation in relation to breaches that are harming the public native forest estate?

The Hon. WES FANG: I can answer that, Chair.

The CHAIR: Thanks, Mr Fang.

TONY CHAPPEL: As I understood it, that was the appropriate legal position for us to take. I'm happy to take that on notice and seek some advice as to what the specific instructions and the basis for those were.

The CHAIR: I'd be very grateful. Now, obviously, the court has made its findings. How many investigations have been launched by the EPA into allegations of unlawful forestry operations since March 2023?

The Hon. WES FANG: I can answer that one too.

The CHAIR: Wes, cut it.

TONY CHAPPEL: Since March 2023—I think I'd better take that on notice. I'll take the number on notice. I'll see if I can find it before we finish, but I don't think I have data from March.

The CHAIR: I'm interested in how many of those have been substantiated, unsubstantiated and how many of those are ongoing.

TONY CHAPPEL: I'm very happy to take all of that on notice. I think we currently have 26 ongoing, but let me get some advice on that.

The CHAIR: In the last minute, I'd love to turn to you, Mr Fleming, about—and I know we've had conversations about this—the part 11 lands. Will any new lots be purchased under part 11 for the purposes of trials into establishing biodiversity stewardship agreements?

ATTICUS FLEMING: We haven't completed our analysis and thinking around the one trial. That's on record. We won't be doing anything else until we've completed an assessment and analysis of that, and then the Minister would make a decision about the way forward.

The CHAIR: I think she indicated at the last estimates that she has some concerns about it but she's watching that trial. Is there a time frame on that trial? Have we got closer to knowing when that may be complete?

ATTICUS FLEMING: There's not a specific time frame, no. I think we've undertaken previously to give you an update as it progresses, so I should probably leave it at that.

The CHAIR: In relation to that, is this a project that goes on for another 12 months, another 24 months, or is this a longer term project?

ATTICUS FLEMING: I think over the next few months—I don't know whether that's three months or six months—we'd need to make a decision on whether to go any further. I haven't thought beyond that.

The Hon. WES FANG: Mr Hay, I couldn't let you go without asking you a couple of questions. How is the contractor going with transformers for the transmission line from Central-West Orana?

JAMES HAY: Transformers?

The Hon. WES FANG: Yes. Have they secured a purchase agreement?

JAMES HAY: The contractor has a detailed program where they're looking at all of these long-lead-time items. It's all factored into the program.

The Hon. WES FANG: Have they provided you any advice as to if they're having difficulty securing transformers?

JAMES HAY: There has been no issue with the supply of transformers.

The Hon. WES FANG: They haven't advised you that they're seeking substantial discounts from the manufacturers and they're being knocked back because they can't make the numbers work?

JAMES HAY: No.

The Hon. WES FANG: You might want to follow that up. Mr Lean, did you sign an MOU with Transport to provide the ability to move some of the renewable energy project infrastructure, such as wind farm towers and the like, through to Central-West Orana?

ANTHONY LEAN: I don't—

MARK WESTBROOK: Yes.

ANTHONY LEAN: Yes. I sign a lot of things.

The Hon. WES FANG: This is fabulous. I think we're really learning how this works. Why did you have to sign an MOU with yourself, effectively, being the government to the government?

ANTHONY LEAN: It's not uncommon for agencies to sign agreements between themselves.

The Hon. WES FANG: On the question of the decommissioning of wind farms, who can sign off on the decommissioning, if it was to occur?

ANTHONY LEAN: That would depend on the conditions of consent that apply to the wind farm.

The Hon. WES FANG: So it has reached its end of life. Who can then sign off on the decommissioning, and what are the costs to the landholder who has got a turbine on their farm? Say the company who installed it and is operating it perhaps leaves the country or goes bankrupt.

JAMES HAY: Each project has agreements with its landowners, and decommissioning is one of the key parts of those agreements. Equally, as the secretary said, the planning conditions do look at those, and the new guidelines that are to be finalised by the department of planning also look at those.

The Hon. WES FANG: In the example that I gave, if a company goes bankrupt or leaves the country and has left infrastructure on a farmer's land and it's, say, a wind farm, who is responsible for the decommissioning of it? Who bears the brunt and the cost of that decommissioning?

JAMES HAY: Really these are probably more questions for the department of planning, Mr Fang, because they have been consulting on the guidelines. They looked at these very specific issues and considered bonding and other options.

The Hon. WES FANG: There's no bond associated—

JAMES HAY: Bonding was considered, and you need to talk to the department of planning as to where it has landed on that.

The Hon. WES FANG: Nobody here can provide me an answer as to who's going to bear the cost of a wind farm tower that's—

ANTHONY LEAN: As we've said, it's an issue that relates to the planning conditions, which should be answered by the planning department, or it's an issue that relates to the landholder agreement. I think you'll need to redirect your question.

The Hon. WES FANG: If it was to be decommissioned, does the MOU cover the transport back out of the same blades that have to go in to the REZ?

ANTHONY LEAN: I'll have to take that one on notice, but I'd be surprised if it did.

The Hon. WES FANG: Mr Fleming, how did you select Professor Macintosh to deliver the improved native forestry method?

ATTICUS FLEMING: Mr Macintosh is a recognised expert. You'll probably know that there's an independent committee that looks at things like the integrity standards. He has had a previous role on that committee, I think in its previous format. It's actually the Australian National University that we have contracted.

The Hon. WES FANG: Was it, then, a direct appointment to that role or was it a competitive process?

ATTICUS FLEMING: I'd have to take that on notice and give you details. I can't recall the details.

The Hon. WES FANG: How much was he paid for the work that was done and submitted to the Commonwealth under the EOI process for the ACCU?

ATTICUS FLEMING: Again, I'd have to take that on notice.

The Hon. WES FANG: Did you consider a range of the potential carbon methods before selecting and advancing that single proposal that could potentially end native forest operations in New South Wales?

ATTICUS FLEMING: It was a rigorous process; it was an inclusive process. As you know, it was done through the steering committee that involves agencies across government. We looked at a range of options and issues. At the end of the day, the most critical factor is the legislated integrity standards. Every EOI that goes in, whether it is in this land management space or in another space, needs to meet those integrity standards.

The Hon. WES FANG: I asked the Minister this morning if National Parks had provided a briefing to the Minister for forestry. Did that occur?

ATTICUS FLEMING: I'd say two things. As I said, we progressed this through the steering committee. Obviously DPI, or DPIRD as they are now, are on that steering committee. We prepared, and I provided to that committee, some notes that were intended to help everyone brief Ministers. From memory, I contributed to some discussions with not only Minister Moriarty's department but also her office.

The Hon. WES FANG: In the circumstance where Minister Moriarty indicated she wasn't really aware and was not able to provide me an answer about the briefings that occurred, if she didn't receive one, would you say it's then the responsibility of her department, because you gave her department the information to provide her the briefing? Is that right?

ATTICUS FLEMING: All I can say is that it was a whole-of-government process.

The Hon. WES FANG: Did it go through Cabinet?

ATTICUS FLEMING: I think the Minister answered that question this morning.

The Hon. WES FANG: She didn't. That was the problem.

ATTICUS FLEMING: I can't add to her answer.

The Hon. WES FANG: Have you done any formal or informal work to identify any productive forest outside the Great Koala National Park assessment area in New South Wales that this method could apply to, and what are those areas?

ATTICUS FLEMING: No. In relation to the EOI, our focus has been on developing an EOI. As I said earlier in the day, this is the first step in a technical process. It's an expression of interest. If it's shortlisted, we'll do further development.

The Hon. WES FANG: Can I assume then, from that answer, that you won't seek to employ this on any part of New South Wales that's outside of the Great Koala National Park?

ATTICUS FLEMING: No, all I'm saying is that this—

The Hon. WES FANG: You could have just said yes and we would have all been happy.

ATTICUS FLEMING: This is like an accounting standard, Mr Fang.

The Hon. WES FANG: Nobody believes accountants, like lawyers and politicians, I suspect.

ATTICUS FLEMING: The point is, for any proponent—and, as you will know, this applies to public native forest generally, not just in New South Wales. Any proponent can look at this, if it gets approved and further developed, and decide whether they wish to put in a project and, if so, what carbon credits would likely be generated.

The Hon. WES FANG: Mr Fleming, have you got—

ANTHONY LEAN: Can I just add to that?

The Hon. WES FANG: I've got very little time. I've got two minutes left. I've got to fire off a couple more questions. Mr Fleming, have you got the mobile number and email address of Mr Chaudhary from Forestry Corp?

ATTICUS FLEMING: I've spoken to him on regular occasions. I'm pretty sure I do have his mobile number, yes.

The Hon. WES FANG: When was the last time you spoke to him about the Great Koala National Park?

ATTICUS FLEMING: I can't remember.

The Hon. WES FANG: I believe that you owe him a phone call. Is that right? Did you make a commitment? Maybe give him a call.

ATTICUS FLEMING: Sure.

The Hon. WES FANG: I'll take that as you will give him a call. It's interesting. This is my last question and then I'll pass over to my colleague. Mr Chappel, you have been accused by environmental groups in relation to native forestry as "doing backroom deals with Forestry Corporation and also being toothless". I want to give you the opportunity now, on the record, to give the public confidence that you are truly an independent agency with significant powers to enforce forestry rules. Can you put concerns by activists and environmentalists at rest—that you are a strong and effective agency in the native forestry sector?

TONY CHAPPEL: Certainly, within the construct of the IFOA, I think the EPA is extremely rigorous. The process that we have gone through on greater gliders, for example, is adaptive management, as it was always intended to operate under the IFOA. I can't speak to the previous decade where many of the settings didn't shift but, when a species is uplifted, the EPA is obligated to review those conditions. We did that. We said we would review how it was operating after three months. We did that. We refined the condition. We added a temporary protection for gliders that were identified in surveys because our experience was that their dens weren't being identified though the gliders were being identified.

We will continue to review and adapt each of those conditions to try and improve them as much as possible, within the constraints of the balance we are required to take. Perhaps I didn't clarify it today but, in contrast to the other legislation the EPA operates under that allows us to integrate environmental, social and economic issues, the Forestry Act requires us explicitly to balance environmental protection with the economic and contractual obligations that the corporation has. Within those constraints, we work very hard to be rigorous and independent.

The Hon. WES FANG: The Greenies are wrong.

The Hon. NATALIE WARD: Mr Kidman, my questions are to you. It's worth hanging around until the end. Can I ask you about the Auditor-General's report and your progress on that? The Auditor-General made mention in 2023 in that report into State heritage assets that Heritage NSW is working to progress those draft reforms. Can I ask you to update the Committee on how that work is progressing?

SAM KIDMAN: Yes, of course. The Audit Office made eight recommendations in 2023. There were a number of things that they picked up. One was improving quality assurance over Heritage NSW decisions that were made under delegation and another one is around the collection and use of data in the State heritage register, acknowledging that there were a number of items in the SHR that don't have a lot of data attached to them because they were transferred into the SHR 25 years ago. There was also providing more support to New South Wales government agencies in relation to the management of their heritage assets and implementing a heritage engagement strategy as well. Overall, all of those eight recommendations have been addressed.

The Hon. NATALIE WARD: Addressed as in completed or addressed as in they're progressing? What does that mean?

SAM KIDMAN: In relation to the updating of information on the SHR, we've done the policy work that will enable us to start the process of updating the information on the SHR. When you're making a change to a State heritage register item, typically there is a full consultation that needs to be entered into et cetera. We want to be able to make minor amendments to the SHR without having to potentially take them to the Heritage Council or getting Heritage Council approval. In relation to delegated decision-making, we have implemented a new structure in our regulatory space to ensure that we have what is called a functional model, where a certain team will deliver a certain regulatory function, rather than have that function split across a whole lot of different teams. Does that make sense? Just to ensure the consistency of approach.

The Hon. NATALIE WARD: It's your agency. I'm just asking for further progress.

SAM KIDMAN: I can confirm that we have substantially delivered against all eight recommendations, with the exception—

The Hon. NATALIE WARD: Sorry, I don't mean to cut across you, but when you say "delivered", do you mean the policy has been delivered and you're starting to implement the changes?

SAM KIDMAN: That's exactly right.

The Hon. NATALIE WARD: When do you propose to have relevant reforms ready for the Minister?

SAM KIDMAN: Do you mean Heritage Act reforms—legislative reforms?

The Hon. NATALIE WARD: Yes.

SAM KIDMAN: That's a question for the Minister. You would be aware that the Minister has committed to the development of a heritage strategy. We are undertaking consultation on that as we speak. We hope to go out for further public consultation as soon as possible. After that we will take some recommendations to the Minister.

The Hon. NATALIE WARD: In this term? In this year?

SAM KIDMAN: That was the Minister's commitment.

The Hon. NATALIE WARD: Does Heritage NSW have capacity under its current funding model to have adequate oversight of the State's heritage assets?

SAM KIDMAN: I believe so, yes.

The Hon. NATALIE WARD: You are comfortable with that, presently?

SAM KIDMAN: Yes.

The Hon. NATALIE WARD: Is Heritage NSW playing an active role in the preservation of assets managed by other government agencies?

SAM KIDMAN: Yes, absolutely, we do. We engage with government agencies. We have delivered asset management principles and guidelines for New South Wales government agencies. We respond to, typically, public concerns around the management of assets. We investigate accordingly. So, yes.

The Hon. NATALIE WARD: How would you characterise that role? Is it advisory? Is it consultative? Is it proactive?

SAM KIDMAN: It is all of those things.

The Hon. NATALIE WARD: How would you characterise it? They're my words.

SAM KIDMAN: It is an advisory and a regulatory role.

The Hon. NATALIE WARD: Just those two?

SAM KIDMAN: How else can I characterise it—

The Hon. NATALIE WARD: It's not a trick. It's a matter for you.

SAM KIDMAN: I think that sums it up.

The Hon. NATALIE WARD: The Auditor-General has also said that Heritage NSW has a role to play in encouraging government agencies to re-use heritage assets. What is the current policy for adaptive re-use at Heritage NSW?

SAM KIDMAN: Adaptive re-use is provided for in the Heritage Act already. I think where the Audit Office was going was that the adaptive re-use and activation of heritage assets is an important mechanism for their ongoing use and maintenance over a long period of time. I suppose the recommendation goes to how we can further enable the activation. There are a number of mechanisms through which you could do that. You could do it through site-specific exemptions. Potentially, there are regulatory changes that you could make and Heritage Council policy positions. There is a whole range of things you could do to enable that to happen.

The Hon. NATALIE WARD: On notice, are you able to provide that current policy to this Committee?

SAM KIDMAN: The current policy on adaptive re-use?

The Hon. NATALIE WARD: Yes.

SAM KIDMAN: It's provided for in the Act.

The Hon. NATALIE WARD: I can read the Act but I'm asking if—

SAM KIDMAN: There's a legislative provision that is a consideration for the Heritage Council.

The Hon. NATALIE WARD: But do you have a policy document that you're able to enlighten? There are obviously lots of Acts out there and lots of departments. There is no policy document?

SAM KIDMAN: No, we don't have a policy on adaptive re-use.

The Hon. NATALIE WARD: You don't have a policy document?

SAM KIDMAN: No.

The Hon. NATALIE WARD: There is no policy articulated on that?

SAM KIDMAN: No.

The Hon. NATALIE WARD: Have you progressed then that recommendation in relation to—

SAM KIDMAN: The recommendations will feed into the Heritage Strategy which will be taken to the Minister in due course

The Hon. NATALIE WARD: Right, so you'll feed it in as part of the Heritage Strategy but it's not a standalone policy document.

SAM KIDMAN: Absolutely. Yes.

The Hon. NATALIE WARD: Is there any framework around it that you are able to provide to the Committee?

SAM KIDMAN: Around adaptive re-use or activation of heritage assets?

The Hon. NATALIE WARD: Yes.

SAM KIDMAN: Is that the question?

The Hon. NATALIE WARD: Yes.

SAM KIDMAN: Not at this time, no.

The Hon. NATALIE WARD: Is there disagreement in the sector over adaptive re-use?

SAM KIDMAN: Which sector are you talking about?

The Hon. NATALIE WARD: Any sector. Is there disagreement about what should be done with adaptive re-use? Is there opposition to it?

SAM KIDMAN: I can't really speak for other people or organisations. Like any policy issue, people take different standpoints. It depends on the item itself. There are some items that might lend themselves to adaptive re-use and activation for other purposes more than others, and that will depend very much on the individual item itself.

The Hon. NATALIE WARD: Let's go there then. Heritage NSW is providing input into Transport for NSW's Regional Rail Heritage Strategy. That's correct, isn't it?

SAM KIDMAN: Yes, it is.

The Hon. NATALIE WARD: What's the status of that?

SAM KIDMAN: That's a question for Transport for NSW I think.

The Hon. NATALIE WARD: Well, no, you're the head of Heritage. I'm asking you. It's not a trick question. What's the status of the input?

SAM KIDMAN: All I can say is that that strategy, I don't believe it is finalised. I don't want to speak on behalf of Transport, but we have been providing advice, as has the Heritage Council, into the development of that piece of work.

The Hon. NATALIE WARD: When do you see that being finalised? What is the timeline for that?

SAM KIDMAN: That's a matter for Transport, and Transport will take it to the Heritage Council at some point in time for endorsement.

The Hon. NATALIE WARD: What is your understanding of the process, though? Are you still providing ongoing advice or is your advisory role finished?

SAM KIDMAN: Yes, we are, absolutely. We are still providing advice to Transport on its approach. But in terms of its finalisation or when that might be, that really is a question for Transport.

The Hon. NATALIE WARD: What details can you provide of those interactions?

SAM KIDMAN: About the interactions? I'm not sure how to characterise them. I personally met with Transport probably three or four times in relation to it. They've presented earlier draft versions or approaches to the Heritage Council for feedback. Yes, there has been ongoing engagement with Transport about the strategy.

The Hon. NATALIE WARD: Is it your understanding that the aim is to look at preserving the heritage assets or are they open to adaptive re-use in that?

SAM KIDMAN: The strategy is not finalised. I don't really want to speak for Transport. When the document is finalised, it may articulate those factors. I'm not entirely sure.

Ms CATE FAEHRMANN: Mr Beaman, why did you say no when I asked you whether the pollution might be coming from Cadia?

STEPHEN BEAMAN: I didn't say no. I said what we're doing is doing further work to ascertain what the sources across the catchment are. There are a range of sources where various different types of pollutants can have come from, like PFAS. I'm not sure—

Ms CATE FAEHRMANN: I think you did say no, but have you ruled out—

STEPHEN BEAMAN: I don't think I did.

Ms CATE FAEHRMANN: Do you know whether Cadia has used PFAS in its operations before?

STEPHEN BEAMAN: That is what we're investigating now.

Ms CATE FAEHRMANN: It has. Apparently it stopped using it in 2015. If I know that, surely the EPA could know that. Also you're aware of the significant fault lines that have been located in the tailings dam? I assume you're aware of those as well.

STEPHEN BEAMAN: I'm not a geologist but I understand there'd been a—

Ms CATE FAEHRMANN: But you're going out there talking to the community and taking samples.

STEPHEN BEAMAN: There had been a failure of that dam, and I know there are fault lines there. That is why I was going to go out and have a look with the community next—

Ms CATE FAEHRMANN: Water taken above those fault lines—sampled in, for example, Carcoar Dam—is extremely pure, lovely water apparently on most levels. Below that fault line, which travels directly from the southern tailings storage facility, is where the contamination is. Perhaps the EPA needs to really look at whether that pollution is coming from that tailings dam, wouldn't you think?

STEPHEN BEAMAN: We're going to do sampling right across the catchment, so we cannot rule anything in or out at this point. But actually—

Ms CATE FAEHRMANN: Why don't you go to Cadia first and check that out?

STEPHEN BEAMAN: We are going to look across the catchment. Like I said, the teams are out sampling this week and did 23 sampling sites this week, including the Cadia site. We're going to go upstream and downstream.

The CHAIR: How much money is currently sitting in the biodiversity fund for the offsets?

ERIN GIULIANI: You are referring to the biodiversity conservation fund as developers have paid in?

The CHAIR: I am, yes.

ERIN GIULIANI: I do have that detail in front of me. If you give me a moment, I will find it for you.

The CHAIR: Thank you.

ERIN GIULIANI: Can I come back to you, Chair? I've just got to find it in my notes.

The CHAIR: That's fine.

The Hon. NATALIE WARD: Can I ask about the plastic bans? There was a lot to say about banning plastic by the Minister when she was in opposition. When will you be announcing the next phase of plastic bans?

TONY CHAPPEL: I think the Minister shared today her intention to release, in the next few months, the next steps in problematic plastic. The regulatory settings will aim to address three problems. One is problematic litter; the other one is chemistry and the chemicals, including microplastics, that some of these products contain; and the third one is keeping pace with other jurisdictions.

The Hon. NATALIE WARD: In relation to energy from waste operations, it was gazetted earlier—more locations for those energy from waste operations, including in Wagga Wagga. Is the Government going to approve any waste to energy projects in the next 12 months?

TONY CHAPPEL: I think that's really a question for the planning and consent authorities. I understand there is one facility in the planning process. At the Parkes activation precinct I understand there are a number of proponents, but I'm not aware of any of those being in the planning system yet.

The Hon. NATALIE WARD: Not in planning yet?

TONY CHAPPEL: There is a proposal from Veolia at Woodlawn that's currently in the planning system.

The Hon. NATALIE WARD: It is in the planning system?

TONY CHAPPEL: Yes.

The Hon. NATALIE WARD: I am just looking at who I can ask about planning.

Ms CATE FAEHRMANN: Obviously not this budget estimates.

The Hon. NATALIE WARD: Clearly not. In relation to national parks—just a quick one—how many vacancies are there in frontline firefighting positions in National Parks?

ATTICUS FLEMING: I couldn't answer that off the top of my head, but I can tell you that I think 1,267 is the sort of number that we always aim to be at. And the latest advice I have is that in terms of fully trained and ready to go, plus staff that are in the process of renewing their accreditations, we are at or around that number. So we are well prepared for summer.

The Hon. NATALIE WARD: Mr Lean, why are there no plans for the establishment of any new marine parks or aquatic reserves in New South Wales?

ANTHONY LEAN: That is actually a question of policy that you should direct to the Minister.

The Hon. NATALIE WARD: Well, that's what was written to advocates of the Bongin Bongin Bay Aquatic Reserve, so it seems to have been decided. I'm just trying to understand what the reasoning is and the thinking behind that.

ANTHONY LEAN: I think I have answered the question.

The CHAIR: It is the Government's time.

The Hon. NATALIE WARD: Sorry, did we have an update—maybe at the end? The secretary was going to come back.

The Hon. PETER PRIMROSE: We don't have any questions.

The CHAIR: We will use this time. Does anybody have anything they would like to update the Committee with before we close?

TONY CHAPPEL: Chair, on the issues Mr Fang was raising earlier today around the asbestos and mulch investigation, I think it is just important to put on record that this is a very complex investigation. There are multiple persons of interest. But it is too early to apportion any sort of liability. If we move into a court process and if there are convictions, the EPA will absolutely look at seeking orders for compensation and costs, because we do have a "polluter pays" principle. But we need to prove any of that beyond a reasonable doubt to the satisfaction of a court to the criminal standard.

ANTHONY LEAN: I was just going to clarify my answer around the native veg map. I indicated that it had been out for six years. I just wanted to be clear that's the transitional map which covers sensitive and vulnerable land. Landholders have been able to seek a review of that since it was released I think in 2017, and there's been 205 reviews sought. In relation to the draft NVR map, that's been released over a rolling schedule. Since 2022 we've had 37 map reviews and they've resulted in changes to less than 3 per cent of the land area. I will hand over to Kim.

KIM CURTAIN: I have a response to Ms Ward on the hydrogen. There was an election commitment to issue a grant to the Plumbing Industry Climate Action Centre, the Hydrogen Centre of Excellence in Glenwood. Initially it was DCCEEW who undertook an assessment of a proposal that was received as an ad hoc grant under the New South Wales grants administration guideline. As that assessment was happening, there was action agreement between Minister Sharpe and the education Minister to transfer that grant process across to the Department of Education. That happened on 30 May, so it's now with them. My understanding is that the

agreement is not yet signed. The Department of Education is working through what are the terms and conditions and milestones. On your other question as well about the value, the total value of the project including the grant amount is, I believe, \$50 million.

The Hon. NATALIE WARD: Was there a competitive tender?

KIM CURTAIN: Assessed as an ad hoc grant.

The Hon. NATALIE WARD: The location, can it be transferred?

KIM CURTAIN: My understanding is that it is specifically for Glenwood. I'm not aware of any conversations about moving it since then. I haven't seen the final agreement with Education.

The Hon. NATALIE WARD: That's very helpful. Also, there was a question about the amount of funding that the organisation—which PICAC need to contribute themselves.

KIM CURTAIN: It's \$25 million of a grant but the value of the entire project is \$50 million.

The Hon. NATALIE WARD: So they need to contribute \$25 million?

KIM CURTAIN: That's my understanding.

The CHAIR: Anything further?

ANTHONY LEAN: The bell frog.

ERIN GIULIANI: I'll just quickly come back to you on your question, Chair. As at 30 June 2024 we hold \$204 million net of agency fees for outstanding credit obligations. What that doesn't factor are credits that we have recently secured but not yet purchased. We recently signed contracts with landholders, so there's around a further \$30 million in that value. As reported in our public dashboards, we have committed to or purchased just over 36,000 credits. That represents just over 55 per cent of the credits ever transferred into the Biodiversity Conservation Fund.

The CHAIR: After that, though, there's still about \$170 million sitting in the—

ERIN GIULIANI: There's \$204 million sitting there at the end of the last financial year. You will see in the next quarter that that figure will go down, although payments will continue to be paid into the fund.

The CHAIR: Mr Lean, did you have something?

ANTHONY LEAN: The bell frog. It's been listed as endangered since the commencement of the Threatened Species Conservation Act in 1995, and it remains of that status under the 2016 Biodiversity Conservation Act. It's listed as vulnerable under the Commonwealth legislation. There hasn't been any change in the level of listing. I just wanted to foreshadow that there is agreement between the State and the Commonwealth to apply a common assessment method, so at some point they will look at aligning those two listings. But it's not currently listed by the Commonwealth as a priority for assessment at the moment.

For the foreseeable future, we'll have the two different listings. The question about characterisation of the brick pit as an environmentally sensitive area—the brick pit is identified as an environmental conservation area under the State Environmental Planning Policy (Precincts—Central River City) 2021. I think, in light of that, further questions about the implications of that need to be directed to SOPA, the Sydney Olympic Park Authority, within the department of planning.

What actions are we taking for the green and golden bell frog as part of the SOS framework? There's a range of actions across the eight SOS management sites. It includes restoration actions, including removing weeds and degraded habitat, or replacing weeds with native ground cover, shrubs and trees to provide connection. We're taking actions to protect habitat, including fencing key habitat or fencing off areas accessible to the public, such as sand dunes at Crescent Head; actions to restore connectivity and mitigate the extreme conditions like drought; and actions to augment or reinforce the species, including captive breeding and translocation actions.

Have we investigated other sites for relocation of the frog? Yes, there are plans to reintroduce the species in the Southern Tablelands management site. In relation to the question around licensing, it became clear through the questions that I think what you're actually asking is what the requirements around development are. If development were proposed on the brick pit, it would need to be dealt with under the planning legislation, and it depends how it's characterised—whether it's a local DA or State significant development. Detail on that probably needs to be directed to the Department of Planning, Housing and Infrastructure.

What I can say is, in terms of the assessment of biodiversity impacts, given that it is a threatened or a listed species, the proponent would need to complete a biodiversity assessment report in accordance with the

Biodiversity Assessment Method. That would be then assessed by the planning authority before making a decision. Part of that would be avoiding, mitigating and, if that was not possible, then offsetting any impact on the species. As we don't know what type of development there is proposed there, I can't predict how that would play out. Then finally, have we been consulted? We're not aware that a specific proposal has been put forward such that we would be consulted through the planning process.

The Hon. NATALIE WARD: Thank you. That's very helpful. Just to clarify, the status, you've confirmed, is endangered and vulnerable under those two respective Acts. That means, in your view, that it hasn't eased or been modified; it's stayed exactly the same?

ANTHONY LEAN: Sorry, I missed that part. The status has not changed under either piece of legislation.

The Hon. NATALIE WARD: That's very helpful. On the last one, in relation to that, is it your evidence that you haven't provided any advice or you haven't been asked to provide any advice?

ANTHONY LEAN: We haven't been asked through the planning system to provide any advice, as far as we're aware. I understand there is an unsolicited proposal process under way. We haven't been asked for advice as part of that process.

The Hon. NATALIE WARD: Thank you very much. That's very helpful.

ATTICUS FLEMING: Chair, in relation to the Pitt Town Sports Club, Mr Fang was asking some questions. There is effectively in-principle agreement around an occupation licence. The intent to offer the licence been already been referred to the NPWS Advisory Council, which is a step we must go through. Subject to their advice, it will be publicly advertised in September. A decision should then be possible, subject to those processes towards the end of September or early October. I think that's good news and hopefully meets that commonsense test.

The Hon. WES FANG: You've made my day, Mr Fleming.

ATTICUS FLEMING: The other thing I just wanted to mention in relation to Thurloo, or what I forgot to say to Ms Ward, was there are five positions identified in relation to that role. That's just important because, for National Parks, obviously our investment in regional and rural communities is important, and that obviously involves staffing these places. There have been significant additional staff in the west as we've been acquiring these properties.

The Hon. NATALIE WARD: Thank you very much. That's very helpful.

The CHAIR: The time has come. I thank all of you for your attendance today—we know that it takes a lot to turn up—and thank you very much for your evidence. The Committee secretariat will be in touch in the very near future regarding those questions that were taken on notice and any supplementary questions. The Committee is very grateful to all of you.

(The witnesses withdrew.)

The Committee proceeded to deliberate.