

2013

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**GOVERNMENT RESPONSE TO THE
STANDING COMMITTEE ON CLIMATE CHANGE, ENVIRONMENT AND WATER
(7th ASSEMBLY)
REPORT NO 7**

REPORT ON ANNUAL AND FINANCIAL REPORTS 2010-2011

**Presented by
Ms Katy Gallagher MLA
Chief Minister**

Government Response

Standing Committee on Climate Change, Environment and Water (7th Assembly) Report No 7 – Report on Annual and Financial Reports 2010-2011

Introduction

The Annual Reports of All ACT Government agencies are referred to the Standing Committees of the ACT Legislative Assembly for examination and report.

The Standing Committee on Climate Change, Environment and Water (7th Assembly) reviewed annual reports for:

- Environment and Sustainable Development Directorate
- Conservator of Flora and Fauna
- Environment Protection Authority
- Office of the Commissioner for Sustainability and the Environment

The Committee made 11 recommendations.

Response to Committee Recommendations

Recommendation 1

2.12 The Committee recommends that the ACT Minister for the Environment and Sustainable Development present to the Legislative Assembly, before the end of the Seventh Assembly:

- the ACT Commissioner for the Environment's Expanded Role of the Office of the Commissioner for Sustainability and the Environment report (2009) in full and the Government's response to it; and*
- the Government's response to the ACT Commissioner for Sustainability and the Environment's Report on an audit/assessment of ACT Government agencies' environmental performance reporting (2010).*

Government Response

Not agreed.

In June 2012, the Government supported amendments to the Commissioner for Sustainability and the Environment Act 1993 including to:

- include 'sustainability' in the Commissioner's title, and rename the act;
- insert objects about sustainability into the Act; and
- expand the scope of State of the Environment reporting to include sustainability issues.

The amendments formalised the title of the Commissioner, brought greater clarity to the role of the Commissioner and created a tighter reporting regime. Amendments resulted in a better operating framework for the Commissioner for Sustainability and the Environment and are the ultimate outcome of the review into the role of the Commissioner. The Commissioner's 2009 report did not require a Government response under the Act and release of the report has been superseded by the amended Act.

Recommendation 2

2.22 The Committee recommends that:

- the ACT Commissioner for Sustainability and the Environment seek legal advice on the full scope of the power provided by section 17 of the Commissioner for Sustainability and the Environment Act 1993 (ACT); and*
- the Act be amended to clarify the extent of the power, if there is any doubt that it enables the Commissioner to effectively compel ACT agencies to provide information the Commissioner needs to conduct investigations and resolve complaints.*

Government Response

Agreed in part.

The ACT Commissioner for Sustainability and the Environment has obtained advice on this matter from the ACT Government Solicitor. The advice confirms that the Commissioner has the power under section 17 to require ACT agencies to provide information required by the Commissioner to conduct investigations and resolve complaints. In light of this advice, the Government considers that no amendment of the Act is required.

Recommendation 3

3.18 The Committee recommends that the ACT Minister for Environment and Sustainable Development report to the Legislative Assembly, before the end of the Seventh Assembly, on the progress of the review of the Think water, act water strategy.

Government Response

Agreed in principle.

The review of Think water; act water (TAW) is complete and undergoing internal review. The review will provide significant direction for the revised water strategy that is being developed. The revised water strategy cannot be finalised with any meaningful outcomes until the Murray Darling Basin Plan is finalised and the ACT knows, with certainty, what water use arrangements and limitations will apply to the ACT, including securing water for future population growth. When the Basin Plan is factored along with the TAW review and incorporated, the revised strategy will be subject to extensive community consultation.

Recommendation 4

3.24 The Committee recommends that before the end of the Seventh Assembly, the Minister for the Environment and Sustainable Development update the Legislative Assembly on the outcome of the ACT Government's discussions with the Commonwealth Government on the \$80 million in Commonwealth funding that both Governments previously explored investing in a salt reduction project in the ACT.

Government Response

Agreed in principle.

The ACT Government has been in extensive consultation with the Commonwealth Government over the utilisation of the funding negotiated for the ACT to undertake projects consistent with the bilateral Water Management Partnership Agreement. The broad objectives of the ACT in accessing the funds are to undertake catchment management activities.

Recommendation 5

3.36 The Committee recommends that the ACT Minister for the Environment and Sustainable Development:

- establish arrangements for gathering data on the implementation of the Plastic shopping Bags Ban Act 2010 (ACT) in terms of environmental outcomes; and*
- report on the progress of these arrangements before the end of Seventh Assembly.*

Government Response

Agreed in principle.

At Annual Report Estimates in 2011 Minister Corbell committed to the Standing Committee on Climate Change, Environment and Water to conduct an interim review of the plastic shopping bag ban to examine both environmental and non-environmental factors. This review has concluded and the results of the review have been released.

Recommendation 6

3.43 The Committee recommends that the ACT Environment and Sustainable Development Directorate review whether its purchase of more GreenPower than it uses is the most effective and efficient way in which the Directorate can offset the greenhouse gas emissions that it produces.

Government Response

Agreed.

In August 2012 Cabinet agreed to the Carbon Neutral ACT Government Framework which outlines the long term strategy for the Government to achieve carbon neutrality in its operations by 2020. Implementing cost effective energy efficiency measures in Government buildings is a key focus of the Framework. The Government will review the need for further purchases of offsets to achieve carbon neutrality as part of a review of the Framework closer to 2020.

Recommendation 7

3.51 The Committee recommends that the ACT Minister for the Environment and Sustainable Development presents to the Legislative Assembly, before the end of the Seventh Assembly, an update on how the ACT Government intends to assist owners of units/apartments to increase the energy efficiency of their dwellings.

Government Response

Agreed in principle.

Unit and apartment owners as well as home owners are eligible for assistance under the Government's Energy Efficiency Improvement Scheme. The Home Energy Advice Team (HEAT) program continues to provide free advice to unit and apartment owners as well as home owners to improve the energy efficiency of their dwellings. A review of the HEAT is in progress and recommendations about future assistance will be provided to Government in early 2013.

Recommendation 8

4.9 The Committee recommends that the ACT Minister for the Environment and Sustainable Development publicly release the discussion paper on the review of the Environment Protection Act 1997 (ACT) before the end of the Seventh Assembly.

Government Response

Agreed.

The discussion paper on the review of the Environment Protection Act 1997 was released on 2 August 2012 for public consultation.

Recommendation 9

4.19 The Committee recommends that the ACT Environment Protection Authority continue to monitor the progress of the mapping and management of ACT sites contaminated with asbestos and other hazardous materials.

Government Response

Agreed.

The Environment Protection Authority will continue to monitor and progress the management and mapping of ACT sites contaminated with asbestos and other hazardous materials.

Recommendation 10

5.13 The Committee recommends that the ACT Minister for the Environment and Sustainable Development ensure that appropriate procedures are established in the ACT Environment and Sustainable Development Directorate and throughout the ACT Public Service to:

- Ensure activities that may impact on ecological communities listed under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) are routinely, fully referred to the ACT Conservator of Flora and Fauna; and*
- Enable the Conservator, upon receiving these referrals, to decide whether to, in turn, refer them to the Commonwealth under the Environment Protection and Biodiversity Conservation Act 1999.*

Government Response

Noted.

All proposed developments are referred to the Conservator of Flora and Fauna early in the process, either prior to sale for individual sites, or as part of the early planning for an area with greenfields development. While it is the responsibility of the project proponent to make a referral to the Commonwealth under the EPBC Act, the Conservator does make recommendations to proponents that a referral may be required.

In response to the recommendations by the Commissioner for Sustainability and the Environment, the draft annual Bushfire Operational Plan (BOP) is now formally referred to the Conservator for comment and review. The ecologists in the Conservation Planning and Research unit of the Environment and Sustainable Development Directorate review the program for any potential impacts on declared species and any other potential ecological impacts and provides advice to the Conservator. The Conservator then formally writes to Territory and Municipal Services Directorate with comments on the draft annual BOP and this includes any recommendations in regards to EPBC matters.

Recommendation 11

5.16 The Committee recommends that the ACT Environment and Sustainable Development Directorate monitor the trends in increases and decreases in applications to undertake tree damaging activities and determine the factors likely to be causing these trends.

Government Response

Noted.

TAMSD administers the Tree Act 2005 and monitors tree applications for tree damaging activities. ESDD is aware that increases in applications can be attributed to storm and wind events; seasonal variations such as new growth spurts during spring and summer (and the end of the drought); seasonal activity by birds, and lerp infestation during autumn. There is also the phenomenon of “summer branch drop” which often causes people to claim faults in their tree. ACTEWAGL and SES advertisements can create an increase in applications by raising resident’s awareness of the vegetation in their yard.

Decreases are mostly attributed to seasonal variations in temperature. For example, in cold weather people are outdoors less often.