



Legislative Assembly for the Australian Capital Territory

Standing Committee on Environment,
Climate Change and Biodiversity

Inquiry into Annual and Financial Reports 2021-22

Legislative Assembly for the Australian Capital Territory
Standing Committee on Environment, Climate Change and Biodiversity

Approved for publication

Report 7
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About the committee

Establishing resolution

The Assembly established the Standing Committee on Environment, Climate Change and Biodiversity on 2 December 2020.

The Committee's areas of responsibility are:

- climate change
- climate action
- environment
- heritage
- Commissioner for Sustainability and the Environment
- Environment Protection Agency
- parks and conservation
- water and energy policy and programs
- emissions reductions
- environment and ecological sustainability

You can read the full establishing resolution [here](#).

Committee members

Dr Marisa Paterson MLA, Chair

Ms Jo Clay MLA, Deputy Chair

Mr Ed Cocks MLA

Secretariat

Ms Miona Ikeda, Acting Committee Secretary

Ms Kate Mickelson, Assistant Secretary (Acting Committee Secretary until 21 November 2022)

Mr Adam Walker, Assistant Secretary

Ms Lydia Chung, Administrative Assistant

Contact us

Mail Standing Committee on Environment, Climate Change and Biodiversity
Legislative Assembly for the Australian Capital Territory
GPO Box 1020
CANBERRA ACT 2601

Phone (02) 6205 0199

Email LACommitteeECCB@parliament.act.gov.au

Website parliament.act.gov.au/parliamentary-business/in-committees

About this inquiry

Clause 3A of the establishing resolution refers all calendar and financial year annual and financial reports for 2021-2022 to the relevant standing committee for inquiry and report by 9 April 2023 of the year after the presentation of the report to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004*.

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Acronyms and abbreviations

Acronym	Long form
ACT	Australian Capital Territory
Act	Nature Conservation Act 2014
AO	Officer of the Order of Australia
Commissioner	ACT Commissioner for Sustainability and the Environment
Committee	Standing Committee on Environment, Climate Change and Biodiversity
CMTEDD	Chief Minister, Treasury and Economic Development Directorate
CRA	City Renewal Authority
EPA	Environment Protection Authority
EPSDD	Environment, Planning and Sustainable Development Directorate
FTE	Full-time equivalent
HVAC	Heating, ventilation, and air conditioning
MLA	Member of the Legislative Assembly
NSW	New South Wales
OCSE	Office of the Commissioner for Sustainability and the Environment
QTON	Question Taken on Notice
SLA	Suburban Land Agency
SoE	State of the Environment

Recommendations

Recommendation 1

The Committee recommends that the ACT Government review staff retention rates of First Nations people, and identify if there are any areas that the ACT Government could improve, to ensure First Nations people are ongoingly supported.

Recommendation 2

The Committee recommends that the ACT Government examine other jurisdiction's policies and procedures for best-practice and innovative land management in relation to hazard reduction burns and fire abatement, and offer training for EPSDD staff to expand their knowledge base.

Recommendation 3

The Committee recommends that the ACT Government advise the projected date for when:

- all roads at Namadgi National Park and repaired; and
- full public access will be restored to Namadgi National Park.

Recommendation 4

The Committee recommends that the ACT Government develop a conservation plan for Callam Offices as a matter of urgency, and look to invest in the modernisation and restoration of the buildings.

Recommendation 5

The Committee recommends that the ACT Government seek to collaborate and learn from other jurisdictions on how to proactively identify biosecurity risks, and continue to support the biosecurity rapid response team.

Recommendation 6

The Committee recommends that the ACT Government improve its protection measures for native species, such as burrowing animals like wombats, that are not considered threatened but are at high risk due to urban development and encroachment.

Recommendation 7

The Committee recommends that the ACT Government provide half-yearly updates to the Assembly on the progress of environmental assessments at Bluett's Block-Piney Ridge (specifically Stromlo Blocks 402 and 403), and ensure that the community has the opportunity to input citizen science and observations.

Recommendation 8

The Committee recommends that the Office of the Commissioner for Sustainability and the Environment provide more details on the impacts of urban development and encroachment on the environment in its next *ACT State of the Environment* report.

Recommendation 9

The Committee recommends that the ACT Government implement a standard contract provision that contracts involving solar panels and large battery systems require end-of-life reuse or recycling.

1. Introduction

Presentation of 2021-22 annual and financial reports

- 1.1. All annual and financial reports for the Territory were tabled between 12 October 2022¹ and 13 October 2022² in the ACT Legislative Assembly. A collated list of annual and financial reports is available [online](#).³
- 1.2. During its inquiry the Standing Committee on Environment, Climate Change and Biodiversity (the Committee) was required to examine all or part of the following annual and financial reports for 2021-2022:
 - Environment, Planning and Sustainable Development Directorate;
 - Chief Minister, Treasury and Economic Development Directorate; and
 - Office of the Commissioner for Sustainability and the Environment.
- 1.3. The Committee's inquiry was undertaken amid the continuing COVID-19 pandemic. In light of this, all annual and financial report hearings were conducted in the ACT Legislative Assembly Chamber to allow for appropriate social distancing and other control measures. Witnesses were also able to attend via Webex.

Public hearings

- 1.4. The Committee held public hearings on 31 October 2022, 1 November 2022, 7 November 2022, and 10 November 2022. At the public hearings, the Committee heard from ACT Government Ministers, Directorate officials, and statutory officers.
- 1.5. Witnesses who appeared before the Committee are listed at **Appendix A**. Transcripts from the public hearings are available on the ACT Legislative Assembly [website](#). Footage of the public hearings are available on the ACT Legislative Assembly [Video on Demand website](#).

Questions on Notice and Questions Taken on Notice

- 1.6. A total of 15 questions were lodged during the inquiry. Thirteen questions were taken on notice by Ministers and statutory office holders during the hearings, and two Questions on Notice were submitted by Committee Members and visiting Members following the hearings.
- 1.7. The list of questions lodged during the inquiry are available at **Appendix B**, and all answers have been published on the inquiry [website](#).

¹ ACT Legislative Assembly, *Minutes of Proceedings*, No 61, 12 October 2022, p 839.

² ACT Legislative Assembly, *Minutes of Proceedings*, No 62, 13 October 2022, pp 849–850.

³ Chief Minister, Treasury and Economic Development Directorate, *Annual Reports*, https://www.cmtedd.act.gov.au/open_government/report/annual-reports (accessed 13 January 2023).

2. Environment, Planning and Sustainable Development Directorate

- 2.1. The Environment, Planning and Sustainable Development Directorate (EPSDD) delivers on the ACT Government's key planning, land management, climate action, and environment priorities through a range of policies and programs.⁴
- 2.2. Responsibilities cover areas such as the built environment, land strategy, planning policy, urban renewal, building policy, development and leasing applications, environment, water policy, heritage, nature parks, nature conservation, climate change, and energy.⁵
- 2.3. The EPSDD also provides corporate and governance support for the Suburban Land Agency (SLA) and the City Renewal Authority (CRA). When considered together, the EPSDD, SLA and CRA are referred to as the EPSDD Portfolio.⁶

Minister for Planning and Land Management— Administrative arrangements

- 2.4. The Committee examined the following matters allocated to the Minister for Planning and Land Management and EPSDD:
- Government Architect;
 - Land release policy (including the land release program);
 - Parks and Conservation;
 - Planning and development;
 - Planning and development enforcement policy;
 - Site identification and facilitation for major land and property projects;
 - Strategic land use; and
 - Survey and leasing.⁷

Matters considered

- 2.5. During the Minister for Planning and Land Management's appearance before the Committee on 31 October 2022, the following matters were considered:
- Ngunnawal ranger funding initiative;⁸
 - Engagement with Indigenous people;⁹

⁴ EPSDD, [Annual Report 2021-22](#), p 16.

⁵ EPSDD, [Annual Report 2021-22](#), p 16.

⁶ EPSDD, [Annual Report 2021-22](#), p 16.

⁷ ACT Government, *Administrative Arrangements 2022 (No 2)* <https://legislation.act.gov.au/View/ni/2022-697/current/html/2022-697.html> (accessed 23 January 2023).

⁸ *Proof Committee Hansard*, 31 October 2022, p 1.

⁹ *Proof Committee Hansard*, 31 October 2022, p 2.

- Cultural burning and water practices;¹⁰
- Consultation with the Dhawura Ngunnawal Caring for Country Committee;¹¹
- Turnover rate for First Nations people working at EPSDD;¹²
- Fire management;¹³
- Consultation with Parks and Conservations Service for the Planning Bill 2022;¹⁴
- Management objectives in the Planning Bill 2022;¹⁵
- Bushfire recovery efforts in Namadgi National Park;¹⁶
- ACT Bushfire Recovery and Resilience Program 2021-24;¹⁷
- Road management at Namadgi National Park;¹⁸
- ACT Parks and Conservation depots;¹⁹
- Invasive species;²⁰ and
- Electric vehicles.²¹

Key Issues

Retention rates of First Nations people

- 2.6. According to the EPSDD's annual and financial report 2021-22, the EPSDD have 'continued to engage in initiatives to increase First Nations representation across the organisation', through programs such as the Mura Yardhura—Strong Pathway Program and First Nations/Ngunnawal Ranger Program.²²
- 2.7. During the public hearing on 31 October 2022, the Committee asked the Minister for Planning and Land Management whether there was any data on the turnover rate for Ngunnawal rangers working in the ACT Parks and Conservation Service, along with First Nations people working at EPSDD in general.²³

¹⁰ *Proof Committee Hansard*, 31 October 2022, p 3.

¹¹ *Proof Committee Hansard*, 31 October 2022, p 4.

¹² *Proof Committee Hansard*, 31 October 2022, p 4.

¹³ *Proof Committee Hansard*, 31 October 2022, p 4.

¹⁴ *Proof Committee Hansard*, 31 October 2022, p 5.

¹⁵ *Proof Committee Hansard*, 31 October 2022, p 5.

¹⁶ *Proof Committee Hansard*, 31 October 2022, p 6.

¹⁷ *Proof Committee Hansard*, 31 October 2022, pp 6–7.

¹⁸ *Proof Committee Hansard*, 31 October 2022, p 7.

¹⁹ *Proof Committee Hansard*, 31 October 2022, pp 7–8.

²⁰ *Proof Committee Hansard*, 31 October 2022, p 8.

²¹ *Proof Committee Hansard*, 31 October 2022, p 9.

²² EPSDD, [Annual Report 2021-22](#), p 135.

²³ *Proof Committee Hansard*, 31 October 2022, p 4.

- 2.8. In his response, Mr Bren Burkevics, Executive Group Manager of the Environment, Heritage and Water Unit at EPSDD, stated that the Directorate has ‘not probably done analysis down to that level of detail’:²⁴

Typically when you are looking at turnover of staff, it is done at an organisational level. So I am not sure whether we would have the detail available to look at turnover. But I think much like good staff, there are always opportunities for staff to pursue their own career destinations and we support that where we can.²⁵

Committee comment

- 2.9. While engagement and support of First Nations people have been broadly discussed with the Committee, there is little detail on what the support entails. The Committee would therefore like to see more information on the support that is intended to be provided to First Nations people who have chosen a career with the ACT Government, through data collection of important job satisfaction indicators such as staff retention rates.

Recommendation 1

The Committee recommends that the ACT Government review staff retention rates of First Nations people, and identify if there are any areas that the ACT Government could improve, to ensure First Nations people are ongoingly supported.

Fire management

- 2.10. The ACT Parks and Conservation Service conducts a number of prescribed burns each year in and around urban and rural areas across the Territory and Googong Foreshore (NSW) to prepare for the upcoming fire season.²⁶
- 2.11. The Committee asked the Minister for Planning and Land Management whether the Territory looks to other jurisdictions in relation to hazard reduction burning and carbon abatement programs.²⁷
- 2.12. In his response, Mr Bren Burkevics, Executive Group Manager of the Environment, Heritage and Water Unit at EPSDD, stated that the ACT Government has been working closely with other neighbouring jurisdictions:

So we are very tapped into what is happening across the country, we are a member of AFAC, which is the council of emergency agencies. So we are very much tapped into the arrangements that each of the jurisdictions is putting in place. We are in constant communication. We work very closely with New South Wales in particular. So all of our planning, all of our prescribed burning and all of

²⁴ Mr Bren Burkevics, Executive Group Manager, Environment, Heritage and Water, EPSDD, *Proof Committee Hansard*, 31 October 2022, p 4.

²⁵ Mr Bren Burkevics, Executive Group Manager, Environment, Heritage and Water, EPSDD, *Proof Committee Hansard*, 31 October 2022, p 4.

²⁶ EPSDD, *Bushfire management in the ACT—Upcoming prescribed burns*, https://www.environment.act.gov.au/ACT-parks-conservation/bushfire_management/prescribed-burns (accessed 2 March 2023).

²⁷ *Proof Committee Hansard*, 31 October 2022, p 4.

our fuel management, happens hand in glove with the New South Wales parks and conservation service and with forestry agencies as well. So from a policy level, we are engaged but we also work very closely with our cross-border partners.²⁸

Committee comment

- 2.13. The Committee is pleased to see that the ACT Government is working alongside other jurisdictions and the National Council for Fire and Emergency Services to manage hazard reduction burning in the Territory. The Committee would like for continued interactions not just with neighbouring jurisdictions but also nationwide, to ensure the Territory's policies and procedures are best-practice and well-informed.

Recommendation 2

The Committee recommends that the ACT Government examine other jurisdiction's policies and procedures for best-practice and innovative land management in relation to hazard reduction burns and fire abatement, and offer training for EPSDD staff to expand their knowledge base.

Namadgi National Park bushfire recovery efforts

- 2.14. On 27 January 2020, the Orroral Valley fire swept through Namadgi burning approximately 80 percent of Namadgi National Park (82,700 hectares) and 22 percent of Tidbinbilla Nature Reserve (1,444 hectares) and 3350 hectares of rural lands. This resulted in:
- direct impacts on cultural heritage (rock art, archaeological sites, stone arrangements, heritage trees, huts);
 - risks to public safety (damage to roads, walking tracks, dangerous trees);
 - impacts on threatened ecological communities (alpine bogs);
 - threats to biodiversity (predation, feral herbivores, invasive species);
 - risks to biodiversity (water quality for aquatic species, large gliders, threatened flora and fauna, fire-sensitive communities, hollow-bearing trees, aquatic and riparian habitat);
 - impacts on water quality (sediments and nutrients in water catchments);
 - hillslope erosion; and
 - damage to assets, including those owned by rural landowners (fencing and visitor infrastructure).²⁹

²⁸ Mr Bren Burkevics, Executive Group Manager, Environment, Heritage and Water, EPSDD, *Proof Committee Hansard*, 31 October 2022, p 4.

²⁹ EPSDD, *Bushfire management in the ACT—Orroral Valley bushfire impact report*, https://www.environment.act.gov.au/ACT-parks-conservation/bushfire_management/orroral-valley-fire-impact-report (accessed 2 March 2023).

- 2.15. The Committee was keen to hear an update on the ACT Bushfire and Flood Recovery Plan, in relation to access to the Namadgi National Park, and was told that the ACT Parks and Conservation Service are progressing the recovery of infrastructure:

[W]e are prioritising roading and repair to our roading network at the moment and there is quite a bit of work underway.

[A]t the moment, in terms of a lot of the activity, our number one priority at the moment is actually repairing our road network. So we are really in the response stage at the moment. We have got crews ready to get out and move very quickly to make sure that we are repairing the damage. So we have a range of sedimentation issues, we have creek blow outs as a result of the high rainfall, we have saturation of the catchment and we have serious building issues as well. So we have a significant body of work that we need to do to make sure that we can get to that point of access. As I say, we have the crews ready to go, we are just waiting for the drying conditions.³⁰

- 2.16. Further, Mr Bren Burkevics, Executive Group Manager of the Environment, Heritage and Water Unit at EPSDD, stated that in partnership with the Commonwealth Government, there has been funding awarded to EPSDD to progress a strategic roads program:

That will look at the condition of the roads, to what standard they have to be maintained and then, obviously, the costs associated with that standard. So there has been a project officer recruited who has commenced. That body of work is over a two-year period and the outcomes of that exercise will be presented to the minister for consideration about how to further strengthen the management of Namadgi [National Park] and, in particular, the network of roads that are vital for public safety, emergency services and public access as well.³¹

Committee comment

- 2.17. The Committee is pleased to see the bushfire recovery work that is continuing in Namadgi National Park and would like for the ACT Government to advise the projected dates for when the roads at Namadgi National Park are repaired and when there will be full public access again.

Recommendation 3

The Committee recommends that the ACT Government advise the projected date for when:

- all roads at Namadgi National Park are repaired; and
- full public access will be restored to Namadgi National Park.

³⁰ Mr Justin Foley, Acting Senior Director, Fire Management Unit and the Parks and Conservation Service, Environment, Heritage and Water, EPSDD, *Proof Committee Hansard*, 31 October 2022, p 6.

³¹ Mr Bren Burkevics, Executive Group Manager, Environment, Heritage and Water, EPSDD, *Proof Committee Hansard*, 31 October 2022, p 7.

Minister for the Environment—Administrative arrangements

2.18. The Committee examined the following matters allocated to the Minister for the Environment and EPSDD:

- Agriculture;
- Biodiversity policy;
- ACT Commissioner for Sustainability and the Environment;
- Conservation and promotion of native flora and fauna;
- Environment protection policy;
- Native animal welfare;
- Pest, weed and feral animal management policy;
- Support to the Conservator of Flora and Fauna; and
- Urban agriculture policy.³²

Minister for Heritage—Administrative arrangements

2.19. The Committee examined the following matters allocated to the Minister for Heritage and EPSDD:

- Heritage.³³

Matters considered

2.20. During the Minister for the Environment and Minister for Heritage's appearance before the Committee on 1 November 2022, the following matters were considered:

- Heritage versus end-of-life in buildings;³⁴
- Heritage-listed buildings;³⁵
- Conservation management plan for Callam Offices;³⁶
- ACT Government asset ownership;³⁷
- Private heritage properties;³⁸

³² ACT Government, *Administrative Arrangements 2022 (No 2)* <https://legislation.act.gov.au/View/ni/2022-697/current/html/2022-697.html> (accessed 23 January 2023).

³³ ACT Government, *Administrative Arrangements 2022 (No 2)* <https://legislation.act.gov.au/View/ni/2022-697/current/html/2022-697.html> (accessed 23 January 2023).

³⁴ *Proof Committee Hansard*, 1 November 2022, p 17.

³⁵ *Proof Committee Hansard*, 1 November 2022, p 18.

³⁶ *Proof Committee Hansard*, 1 November 2022, p 19.

³⁷ *Proof Committee Hansard*, 1 November 2022, p 19.

³⁸ *Proof Committee Hansard*, 1 November 2022, p 20.

- First Nations heritage;³⁹
- Heritage grant applications;⁴⁰
- Independent review into the ACT Heritage Council;⁴¹
- License arrangements;⁴²
- Biosecurity Rapid Response Team;⁴³
- Weeds entering the ACT;⁴⁴
- Weed management practices;⁴⁵
- Invasive species in the ACT;⁴⁶
- Threatened species recovery;⁴⁷
- Urban sprawl;⁴⁸
- Ecosystem condition in the ACT;⁴⁹
- Wombat portal;⁵⁰
- Wombat mange;⁵¹
- *2019 State of the environment* report;⁵²
- Follow-ups on unsatisfactory recommendations;⁵³ and
- Wood heaters.⁵⁴

Key Issues

Callam Offices

- 2.21. The Callam Offices in Woden were designed by acclaimed Australian architect, John Andrews AO, in the wake of the 1971 Woden flood that killed seven people. After the

³⁹ *Proof Committee Hansard*, 1 November 2022, p 20.

⁴⁰ *Proof Committee Hansard*, 1 November 2022, p 21.

⁴¹ *Proof Committee Hansard*, 1 November 2022, p 24.

⁴² *Proof Committee Hansard*, 1 November 2022, p 26.

⁴³ *Proof Committee Hansard*, 1 November 2022, pp 26–27.

⁴⁴ *Proof Committee Hansard*, 1 November 2022, p 28.

⁴⁵ *Proof Committee Hansard*, 1 November 2022, p 29.

⁴⁶ *Proof Committee Hansard*, 1 November 2022, p 30.

⁴⁷ *Proof Committee Hansard*, 1 November 2022, p 31.

⁴⁸ *Proof Committee Hansard*, 1 November 2022, p 32.

⁴⁹ *Proof Committee Hansard*, 1 November 2022, p 36.

⁵⁰ *Proof Committee Hansard*, 1 November 2022, p 37.

⁵¹ *Proof Committee Hansard*, 1 November 2022, p 38.

⁵² *Proof Committee Hansard*, 1 November 2022, p 41.

⁵³ *Proof Committee Hansard*, 1 November 2022, p 42.

⁵⁴ *Proof Committee Hansard*, 1 November 2022, p 44.

disaster, the National Capital Development Commission requested ‘a safe solution for new offices’, which led to the unique design of the Callam Offices.⁵⁵

- 2.22. At the public hearing on 1 November 2022, the Committee asked the Minister for Heritage whether there is a conservation management plan for the Callam Offices, since heritage-listed assets require a plan to ensure that they are maintained, protected, and enhanced. Mr Ben Ponton, Director-General of EPSDD, stated that:

A conservation management plan for Callam Offices has been prepared and it is currently being reviewed by the Heritage Council. That conservation management plan will guide long-term conservation and responsible management.⁵⁶

- 2.23. When asked by the Committee whether the conservation management plan is publicly available, the ACT Government said that they are not, as they are managed by the property owner.⁵⁷
- 2.24. The Committee also sought clarification on enforcement around conservation management plans, since the Callam Offices are an asset of the ACT Government, managed through the ACT Property Group. The Minister clarified that ‘the ACT Government is under the same obligations as any asset owner, and it has to adhere to the same rules’.⁵⁸
- 2.25. Mr Bren Burkevics, Executive Group Manager of the Environment, Heritage and Water Unit at EPSDD, further noted:

In relation to Callam Offices, it would be fair to say that the asset owner manages the operations of that facility in accordance with their plans and arrangements. Whilst there may be operational challenges with that building—all of us that have been to Callam [Offices] certainly know about those; the elevators and navigating our way around the building—that may not be captured under Heritage Act arrangements. It may be more about the operational aspects—for example, the state of the elevators or other access control arrangements—that are dealt with as part of the asset owner’s primary responsibilities for building maintenance, outside Heritage Act requirements.⁵⁹

Committee comment

- 2.26. The Committee is concerned that the Callam Offices in Woden have been neglected and become quite run-down. The Committee believes that ‘the state of the elevators and other access control arrangements’ mentioned during the public hearings can be maintained without interference to the building’s heritage status, and the upkeeping of existing

⁵⁵ The Canberra Times, *A vision unrealised: what Woden could have looked like*, <https://www.canberratimes.com.au/story/6163459/a-vision-unrealised-what-woden-could-have-looked-like/> (accessed 27 February 2023).

⁵⁶ Mr Ben Ponton, Director-General, EPSDD, *Proof Committee Hansard*, 1 November 2022, p 19.

⁵⁷ Mr Bren Burkevics, Executive Group Manager, Environment, Heritage and Water, EPSDD, *Proof Committee Hansard*, 1 November 2022, p 19.

⁵⁸ Ms Rebecca Vassarotti MLA, Minister for Heritage, *Proof Committee Hansard*, 1 November 2022, p 20.

⁵⁹ Mr Bren Burkevics, Executive Group Manager, Environment, Heritage and Water, EPSDD, *Proof Committee Hansard*, 1 November 2022, p 20.

services such as elevators, heating, ventilation and air-conditioning (HVAC) systems, and access control arrangements can be achieved through an allocation of more funding.

- 2.27. Further, the Committee believes that modernisation of buildings can be achieved without affecting its architectural significance, and strongly urges the ACT Government to take appropriate action to preserve the building which is on the Register of Significant Twentieth Century Architecture.

Recommendation 4

The Committee recommends that the ACT Government develop a conservation plan for Callam Offices as a matter of urgency, and look to invest in the modernisation and restoration of the buildings.

Biosecurity rapid response team

- 2.28. The Biosecurity Rapid Response Team was established in 2022 after the 2021-22 ACT Budget provided \$3 million over four years to rapidly respond to biosecurity threats accelerated by recent bushfires, extended dry periods, and current La Nina conditions.⁶⁰
- 2.29. During the discussion of biosecurity risk and biosecurity incursion in the Territory, the Committee heard from the Minister for the Environment and officials of the work the Biosecurity Rapid Response Team have been undertaking to protect the local environment, especially in partnership with NSW:

[T]hey have provided assistance to New South Wales—10 FTE equivalents for seven days to New South Wales—to help with the Varroa mite response, which was really effective for us. Obviously, we are a small jurisdiction. When we have a biosecurity incident, we rely very heavily on New South Wales. We already do. They do a lot of our analytics for us and things like that. Where we can maintain those strong relationships by assisting other jurisdictions when there is a need, it will help us in the long run. We like to foster that relationship.⁶¹

- 2.30. The Minister for the Environment also noted that ‘there has been a strong focus on biosecurity nationally’.⁶²

We have seen some great coordinated and collaborative work. I would note that the commonwealth government has stepped up in this area, in terms of recognising their role, particularly with issues around international borders, and the role they can play in terms of coordinating work with the states and territories.⁶³

⁶⁰ Ms Rebecca Vassarotti MLA, Minister for the Environment, [Rapid response team tackles invasive species](#), 23 February 2022, p 1.

⁶¹ Mr Chris Glennon, Senior Director, Resilient Landscapes, Environment, Heritage and Water, EPSDD, *Proof Committee Hansard*, 1 November 2022, p 27.

⁶² Ms Rebecca Vassarotti MLA, Minister for Heritage, *Proof Committee Hansard*, 1 November 2022, p 28.

⁶³ Ms Rebecca Vassarotti MLA, Minister for Heritage, *Proof Committee Hansard*, 1 November 2022, p 28.

Committee comment

- 2.31. The Committee understands that reported economic costs of invasive species in Australia highlights that in the last 60 years, invasive species have cost the Australian economy \$389.59 billion.⁶⁴ These costs are expected to increase under the impacts of climate change unless action is taken; therefore, the Committee is of the view that it is of high importance for the ACT Government to continue its support for the Biosecurity Rapid Response Team in to the future.
- 2.32. Further, the Committee would like to see the ACT Government collaborate and learn from other jurisdictions on how to proactively identify biosecurity risks, as there will continue to be greater occurrences of invasive species due to the effects of climate change, and preventative action is paramount to intercepting invasive species establishing within the Territory's natural landscape.

Recommendation 5

The Committee recommends that the ACT Government seek to collaborate and learn from other jurisdictions on how to proactively identify biosecurity risks, and continue to support the biosecurity rapid response team.

Threatened species

- 2.33. Under the *Nature Conservation Act 2014* (the Act), the Conservator of Flora and Fauna is required to prepare an action plan for each species or ecological community that has been listed as threatened under the Act. Action plans contain proposals for the identification, protection and survival of the species or proposals to minimise the effect of processes that threaten the species.⁶⁵
- 2.34. The Committee heard from the Minister for the Environment and officials of the issues the Territory's wombats are facing, including wombat mange, destruction of habitat, and fatal and near-fatal incidents with vehicles on roads.⁶⁶
- 2.35. The Committee were concerned the wombat population in the Territory are being heavily affected by these factors, and asked the Minister for the Environment what was being done, to prevent wombats from becoming a threatened species. The Minister for the Environment said:

It is a question, particularly in the face of climate change, that we are really starting to think about. We have obviously put our focus on threatened species, and we do not want to see the end of species, but there is an ongoing conversation about how to keep common species common.

⁶⁴ Ms Rebecca Vassarotti MLA, Minister for the Environment, [Rapid response team tackles invasive species](#), 23 February 2022, p 1.

⁶⁵ EPSDD, [Annual Report 2021-22](#), p 331.

⁶⁶ *Proof Committee Hansard*, 1 November 2022, pp 37–41.

This is an ongoing piece of work. It is really difficult. As I said, there is significant science literature about how to count particular species and learn about what species need. That is a key focus of the conservation and wildlife area of the directorate.⁶⁷

Committee comment

- 2.36. The Committee acknowledges the importance of the work currently being conducted by the ACT Government to protect threatened species. However, the Committee would like to see the ACT Government improve its protection measures for high-risk native species as well.
- 2.37. For example, burrowing animals like wombats are not considered a threatened species but are at high risk due to urban development and encroachment. Therefore, the Committee is of the view that native species that are at risk of becoming near-threatened should also be given protection measures for biodiversity conservation.

Recommendation 6

The Committee recommends that the ACT Government improve its protection measures for native species, such as burrowing animals like wombats, that are not considered threatened but are at high risk due to urban development and encroachment.

Bluett's Block-Piney Ridge

- 2.38. 'Bluett's Block' or 'Piney Ridge' (also commonly referred to jointly as Bluett's Block-Piney Ridge) is an area of woodland and dry forest to the west of the new suburb of Denman Prospect in Molonglo Valley. It is located on Stromlo Blocks 402 and 403, and into Denman Prospect Section 1 Block 12, also known as the 'deferred area'.
- 2.39. The Committee raised concerns at the public hearing on 1 November 2022, that in parts of the Territory such as Molonglo Valley, where it is undergoing substantial development, the ecosystems there are in high stress and in need of informed advice to guide developments in a way that minimises unnecessary environmental risks and damages.⁶⁸
- 2.40. The Minister for the Environment assured the Committee that the ACT Government is working across Directorates to ensure environmental assessments are being carried out:

With Minister Cheyne we recently introduced some new, much stronger development guidelines, particularly around looking at the issues of reducing pollution and things such as sediment and erosion control. We were able to gain more enforcement resources as part of the last budget ensuring we are working across government in terms of environment protection and ensuring there is enforcement occurring to protect environmental values. It is a very close relationship and something we need to work closely on. As well as the work that

⁶⁷ Ms Rebecca Vassarotti MLA, Minister for Heritage, *Proof Committee Hansard*, 1 November 2022, p 40.

⁶⁸ *Proof Committee Hansard*, 1 November 2022, p 37.

is happening on the ground in terms of protecting threatened species, we need to make sure that the development activity is not creating additional risk.⁶⁹

Committee comment

- 2.41. The Committee is of the view that, given the high biodiversity values in certain areas of Molonglo Valley, the ACT Government should undertake a full assessment of the potential impacts of urban development and encroachment around Stromlo Blocks 402 and 403 and Denman Prospect Section 1 Block 12. In doing so, the Committee would urge the ACT Government to ensure there is the opportunity for the community to input citizen science and observations as part of the environmental assessments.

Recommendation 7

The Committee recommends that the ACT Government provide half-yearly updates to the Assembly on the progress of environmental assessments at Bluett's Block-Piney Ridge (specifically Stromlo Blocks 402 and 403), and ensure that the community has the opportunity to input citizen science and observations.

Minister for Water, Energy and Emissions Reduction— Administrative arrangements

- 2.42. The Committee examined the following matters allocated to the Minister for Water, Energy and Emissions Reduction and EPSDD:
- Climate change policy;
 - Energy policy and energy efficiency programs (including zero emissions vehicle policy);
 - Sustainability of government services and assets;
 - Water efficiency programs; and
 - Water policy.⁷⁰

Minister for Gaming—Administrative arrangements

- 2.43. The Committee examined the following matters allocated to the Minister for Gaming and EPSDD:
- Club buildings energy efficiency fund.⁷¹

⁶⁹ Ms Rebecca Vassarotti MLA, Minister for Heritage, *Proof Committee Hansard*, 1 November 2022, p 37.

⁷⁰ ACT Government, *Administrative Arrangements 2022 (No 2)* <https://legislation.act.gov.au/View/ni/2022-697/current/html/2022-697.html> (accessed 23 January 2023).

⁷¹ ACT Government, *Administrative Arrangements 2022 (No 2)* <https://legislation.act.gov.au/View/ni/2022-697/current/html/2022-697.html> (accessed 23 January 2023).

Matters considered

2.44. During the Minister for Water, Energy and Emissions Reduction and Minister for Gaming's appearance before the Committee on 7 November 2022, the following matters were considered:

- Community clubs program and energy efficiency;⁷²
- Smoke and heat refuges;⁷³
- Alcohol and gambling products at refuge locations;⁷⁴
- Emissions reduction;⁷⁵
- Renewable electricity target;⁷⁶
- Energy reliability;⁷⁷
- Gas connections and gas appliances;⁷⁸
- Electric vehicles;⁷⁹
- ACT Climate Change Strategy;⁸⁰
- ACT Climate Change Council;⁸¹
- Engagement with marginalised communities impacted by climate change;⁸²
- Social cost of carbon;⁸³
- Office for Water;⁸⁴
- Drought management plan;⁸⁵
- Energy concessions;⁸⁶
- Follow-ups to unsatisfactory recommendations;⁸⁷
- *2020-21 ACT greenhouse gas emissions inventory report*;⁸⁸
- Impact of transport emissions;⁸⁹

⁷² *Proof Committee Hansard*, 7 November 2022, p 48.

⁷³ *Proof Committee Hansard*, 7 November 2022, p 49.

⁷⁴ *Proof Committee Hansard*, 7 November 2022, p 49.

⁷⁵ *Proof Committee Hansard*, 7 November 2022, p 50.

⁷⁶ *Proof Committee Hansard*, 7 November 2022, p 50.

⁷⁷ *Proof Committee Hansard*, 7 November 2022, p 51.

⁷⁸ *Proof Committee Hansard*, 7 November 2022, p 51.

⁷⁹ *Proof Committee Hansard*, 7 November 2022, pp 51–52.

⁸⁰ *Proof Committee Hansard*, 7 November 2022, p 53.

⁸¹ *Proof Committee Hansard*, 7 November 2022, p 56.

⁸² *Proof Committee Hansard*, 7 November 2022, p 56.

⁸³ *Proof Committee Hansard*, 7 November 2022, p 57.

⁸⁴ *Proof Committee Hansard*, 7 November 2022, p 58.

⁸⁵ *Proof Committee Hansard*, 7 November 2022, p 60.

⁸⁶ *Proof Committee Hansard*, 7 November 2022, p 63.

⁸⁷ *Proof Committee Hansard*, 7 November 2022, pp 65–66.

⁸⁸ *Proof Committee Hansard*, 7 November 2022, p 66.

⁸⁹ *Proof Committee Hansard*, 7 November 2022, p 67.

- Flood risk and flood modelling;⁹⁰
- *2021 Non-portable water review final report*;⁹¹
- Risk management activities;⁹²
- Climate justice;⁹³
- New energy performance standards for rental properties;⁹⁴
- Leaf Collective program;⁹⁵ and
- Pollution.⁹⁶

⁹⁰ *Proof Committee Hansard*, 7 November 2022, p 68.

⁹¹ *Proof Committee Hansard*, 7 November 2022, p 69.

⁹² *Proof Committee Hansard*, 7 November 2022, p 71.

⁹³ *Proof Committee Hansard*, 7 November 2022, p 73.

⁹⁴ *Proof Committee Hansard*, 7 November 2022, p 74.

⁹⁵ *Proof Committee Hansard*, 7 November 2022, p 75.

⁹⁶ *Proof Committee Hansard*, 7 November 2022, p 76.

3. Office of the Commissioner for Sustainability and the Environment

- 3.1. The ACT Commissioner for Sustainability and the Environment (the Commissioner) is appointed under the *Commissioner for Sustainability and the Environment Act 1993* and is accountable to the ACT Legislative Assembly through the Minister for the Environment.⁹⁷
- 3.2. The Commissioner for Sustainability and the Environment is an independent statutory position.⁹⁸

Matters considered

- 3.3. During the Commissioner's appearance before the Committee on 1 November 2022, the following matters were considered:
- Scope 3 greenhouse gas emissions;⁹⁹
 - ACT Government's draft *Circular economy strategy 2022-25*;¹⁰⁰
 - Follow-ups to unsatisfactory recommendations;¹⁰¹
 - *State of the environment* report;¹⁰²
 - *2018 Independent audit of the Molonglo Valley strategic assessment* report;¹⁰³
 - *2019 ACT State of the Environment* report;¹⁰⁴
 - Heritage grants;¹⁰⁵
 - Urban encroachment and greenfield development;¹⁰⁶ and
 - *2022 State of the lakes and waterways in the ACT* report.¹⁰⁷

Key Issues

Impacts of urban development and encroachment

- 3.4. The Committee observed that in the Office of the Commissioner for Sustainability and the Environment's (OCSE) annual and financial report 2021-22, it stated that:

⁹⁷ Office of the Commissioner for Sustainability and the Environment, [Annual Report 2021-22](#), p 8.

⁹⁸ Office of the Commissioner for Sustainability and the Environment, [Annual Report 2021-22](#), p 8.

⁹⁹ *Proof Committee Hansard*, 1 November 2022, p 10.

¹⁰⁰ *Proof Committee Hansard*, 1 November 2022, p 11.

¹⁰¹ *Proof Committee Hansard*, 1 November 2022, p 12.

¹⁰² *Proof Committee Hansard*, 1 November 2022, p 12.

¹⁰³ *Proof Committee Hansard*, 1 November 2022, p 12.

¹⁰⁴ *Proof Committee Hansard*, 1 November 2022, p 15.

¹⁰⁵ *Proof Committee Hansard*, 1 November 2022, p 15.

¹⁰⁶ *Proof Committee Hansard*, 1 November 2022, p 16.

¹⁰⁷ *Proof Committee Hansard*, 1 November 2022, p 16.

It is of critical priority that we pause ever-expanding our city and instead embrace the challenge of creating liveable, efficient and sustainable future housing that sits within our current footprint.¹⁰⁸

- 3.5. In relation to the statement, Dr Sophie Lewis, the Commissioner, further noted that research on urban encroachment ‘will be central to the OCSE’s forthcoming *2023 ACT state of the environment* report’ and that they ‘will look at the impact of expansion on those various aspects of our environment, such as vegetation clearance, degraded land conditions, expansion of invasive species, increased resource demand, and threats to biodiversity’.¹⁰⁹
- 3.6. Additionally, Mr Sean Grimes, Director of the Sustainability, Environmental Assessments and Reporting Unit, stated that ‘there were a lot of impacts’ from urban encroachment and that it is an issue the OCSE are familiar with.¹¹⁰

It [urban encroachment] is something you could probably talk about for several hours but it is something that we have identified and we propose at this stage to have a separate chapter in the next SoE about urban development, its impacts and management.¹¹¹

Committee comment

- 3.7. The Committee acknowledges that as Canberra continues to grow, there will be increased environmental pressures across the Territory, especially as the landscape changes through the conversion of rural and natural land into urban zones. However, the Committee is of the view that expanded urban development frequently impacts areas that hold significant environmental value, and greenfield development increases demand on resources, such as a need for additional infrastructure and greater dependence on private transport.
- 3.8. For these reasons, the Committee would like to see more details on the impacts of continued urban development and encroachment in the next *2023 ACT State of the Environment* report, to identify how these factors are affecting many different environmental measures of health.

Recommendation 8

The Committee recommends that the Office of the Commissioner for Sustainability and the Environment provide more details on the impacts of urban development and encroachment on the environment in its next *ACT State of the Environment* report.

¹⁰⁸ Office of the Commissioner for Sustainability and the Environment, [Annual Report 2021-22](#), p 13.

¹⁰⁹ Dr Sophie Lewis, ACT Commissioner for Sustainability and the Environment, OCSE, *Proof Committee Hansard*, 1 November 2022, pp 15–16.

¹¹⁰ Mr Sean Grimes, Director, Sustainability, Environmental Assessments and Reporting, OCSE, *Proof Committee Hansard*, 1 November 2022, p 16.

¹¹¹ Mr Sean Grimes, Director, Sustainability, Environmental Assessments and Reporting, OCSE, *Proof Committee Hansard*, 1 November 2022, p 16.

4. Chief Minister, Treasury and Economic Development Directorate

- 4.1. The Chief Minister, Treasury, and Economic Development Directorate (CMTEDD) is the ACT Government's central agency and is responsible for the provision of strategic advice and support to the Chief Minister, the Directorate's Ministers and the Cabinet on policy, economic and financial matters, service delivery, whole of government issues and inter-governmental relations.

Minister for Climate Action—Administrative arrangements

- 4.2. The Committee examined the following matters allocated to the Minister for Climate Action and CMTEDD:
- Big Canberra Battery;
 - Climate Action (Coordinator-General);
 - Climate change adaptation and resilience; and
 - Sustainable household program.¹¹²

Matters considered

- 4.3. During the Minister for Climate Action's appearance before the Committee on 7 November 2022, the following matters were considered:
- Sustainable Household Scheme,¹¹³
 - Electric vehicles;¹¹⁴
 - Big Canberra Battery,¹¹⁵
 - End-of-life recycling of solar panels and batteries;¹¹⁶ and
 - Procurement processes.¹¹⁷

Key Issues

End-of-life recycling of solar panels and batteries

- 4.4. The recycling of solar panels and batteries aims to reduce the products from being disposed into landfill, as solar panels and batteries contain a number of heavy metals and

¹¹² ACT Government, *Administrative Arrangements 2022 (No 2)* <https://legislation.act.gov.au/View/ni/2022-697/current/html/2022-697.html> (accessed 23 January 2023).

¹¹³ *Proof Committee Hansard*, 7 November 2022, p 77.

¹¹⁴ *Proof Committee Hansard*, 7 November 2022, p 78.

¹¹⁵ *Proof Committee Hansard*, 7 November 2022, p 80.

¹¹⁶ *Proof Committee Hansard*, 7 November 2022, p 81.

¹¹⁷ *Proof Committee Hansard*, 7 November 2022, p 82.

toxic chemicals which, if not disposed of correctly, can lead to soil contamination and water pollution.

- 4.5. During the public hearing on 7 November 2022, the Committee asked the Minister for Climate Action whether contracts for solar panels and battery systems include end-of-life reuse and recycling as part of the contracts.¹¹⁸
- 4.6. Mr Sam Engele, Coordinator-General, Office for Climate Action at CMTEDD, confirmed this is the case, and that ‘there are requirements around end-of-life and how to remediate the site’, with the exception of the Big Canberra Battery contract as it is ‘not standard due to its complexity’.¹¹⁹

Committee comment

- 4.7. The Committee is of the view that there should be a standard contract provision for solar panels and large battery systems to require end-of-life reuse or recycling as part of their contracts, to reduce the number of batteries being disposed into landfill.

Recommendation 9

The Committee recommends that the ACT Government implement a standard contract provision that contracts involving solar panels and large battery systems require end-of-life reuse or recycling.

Minister for Business and Better Regulation— Administrative arrangements

- 4.8. The Committee examined the following matters allocated to the Minister for Business and Better Regulation and CMTEDD:
- Environmental protection, water regulation, and clinical waste controller (including Environment Protection Authority).¹²⁰

Matters considered

- 4.9. During the Minister for Business and Better Regulation’s appearance before the Committee on 10 November 2022, the following matters were considered:
- Environment Protection Guidelines for construction and land management in the ACT;¹²¹
 - Policy enforcement by the Environment Protection Authority (EPA);¹²²

¹¹⁸ *Proof Committee Hansard*, 7 November 2022, p 81.

¹¹⁹ *Proof Committee Hansard*, 7 November 2022, p 81.

¹²⁰ ACT Government, *Administrative Arrangements 2022 (No 2)* <https://legislation.act.gov.au/View/ni/2022-697/current/html/2022-697.html> (accessed 23 January 2023).

¹²¹ *Proof Committee Hansard*, 10 November 2022, p 86.

¹²² *Proof Committee Hansard*, 10 November 2022, p 89.

- Challenges faced by the EPA;¹²³
- Staff numbers at the EPA;¹²⁴
- Demographic of EPA employees;¹²⁵ and
- Gender balance of EPA employees.¹²⁶

¹²³ *Proof Committee Hansard*, 10 November 2022, p 90.

¹²⁴ *Proof Committee Hansard*, 10 November 2022, p 91.

¹²⁵ *Proof Committee Hansard*, 10 November 2022, p 92.

¹²⁶ *Proof Committee Hansard*, 10 November 2022, p 93.

5. Conclusion

- 5.1. The Committee thanks everyone who participated in, or otherwise assisted, this inquiry. This includes the ACT Government Ministers, Directorate officials, and statutory officers. The Committee wishes to extend its appreciation to the Hansard and broadcasting staff of the ACT Legislative Assembly.
- 5.2. The Committee makes 9 recommendations.

Dr Marisa Paterson MLA
Chair
7 March 2023

Appendix A: Witnesses

Monday, 31 October 2022

- **Mr Mick Gentleman MLA**, Minister for Planning and Land Management

Environment, Planning and Sustainable Development Directorate

- **Mr Ben Ponton**, Director-General
- **Mr Bren Burkevics**, Executive Group Manager, Environment, Heritage and Water
- **Ms Michaela Watts**, Director, Urban Reserves, Environment, Heritage and Water
- **Mr Justin Foley**, Acting Senior Director, Fire Management Unit and the Parks and Conservation Service, Environment, Heritage and Water

Tuesday, 1 November 2022

Office of the Commissioner for Sustainability and the Environment

- **Dr Sophie Lewis**, ACT Commissioner for Sustainability and the Environment
- **Mr Sean Grimes**, Director, Sustainability, Environmental Assessments and Reporting
- **Mrs Miranda Gardner**, Director, Complaints and Investigations

- **Ms Rebecca Vassarotti MLA**, Minister for the Environment, Minister for Heritage

Environment, Planning and Sustainable Development Directorate

- **Mr Ben Ponton**, Director-General
- **Mr Bren Burkevics**, Executive Group Manager, Environment, Heritage and Water
- **Mr Stuart Jeffress**, Senior Director, Parks and Partnerships, ACT Parks and Conservation Service
- **Mr Chris Glennon**, Senior Director, Resilient Landscapes, Environment, Heritage and Water
- **Ms Michaela Watts**, A/g Senior Director, Parks and Partnerships, ACT Parks and Conservation Service
- **Ms Alexandra Magee**, Executive Branch Manager, Communications, Engagement and Media

Monday, 7 November 2022

- **Mr Shane Rattenbury MLA**, Minister for Water, Energy and Emissions Reduction, Minister for Gaming

Environment, Planning and Sustainable Development Directorate

- **Mr Ben Ponton**, Director-General
- **Dr Ralph Ogden**, Program Manager, Healthy Waterways Project, Environment, Heritage and Water
- **Mr Jim Corrigan**, Deputy Director-General, Environment, Water and Emissions Reduction
- **Ms Ros Malouf**, Senior Director, Climate Change and Energy
- **Ms Fiona Wright**, Executive Group Manager, Climate Change and Energy
- **Mr Bren Burkevics**, Executive Group Manager, Environment, Heritage and Water
- **Mr Ryan Breen**, Director, Water Policy, Environment, Heritage and Water
- **Mr Chris Glennon**, Senior Director, Resilient Landscapes, Environment, Heritage and Water
- **Ms Alexandra Magee**, Executive Branch Manager, Communications, Engagement and Media

Chief Minister, Treasury and Economic Development Directorate

- **Dr Su Wild-River**, Senior Director, Environment Protection Authority, Construction, Utilities and Environment Protection, Access Canberra

- **Mr Andrew Barr MLA**, Minister for Climate Action

Chief Minister, Treasury and Economic Development Directorate

- **Mr Sam Engele**, Coordinator-General, Office for Climate Action
- **Mr Kieran Lawton**, Executive Branch Manager, Office for Climate Action

Thursday, 10 November 2022

- **Ms Tara Cheyne MLA**, Minister for Business and Better Regulation

Chief Minister, Treasury and Economic Development Directorate

- **Dr Su Wild-River**, Senior Director, Environment Protection Authority, Construction, Utilities and Environment Protection, Access Canberra
- **Ms Margaret McKinnon**, A/g Deputy Director-General, Access Canberra

Appendix B: Questions On Notice / Questions Taken on Notice

Questions on Notice

No.	Date	Asked of	Subject	Response received
1	07/11/2022	Minister Rattenbury	Office of Water	24/11/2022
2	07/11/2022	Minister Rattenbury	Healthy Waterways	24/11/2022

Questions Taken on Notice

No.	Date	Asked of	Subject	Response received
1	31/10/2022	Minister Gentleman	Management objectives in the new Planning Bill 2022	09/11/2022
2	31/10/2022	Minister Gentleman	Invasive species management	07/11/2022
3	01/11/2022	Dr Sophie Lewis	Government progress towards addressing recommendations	10/11/2022
4	01/11/2022	Dr Sophie Lewis	Follow-ups to recommendations	10/11/2022
5	01/11/2022	Minister Vassarotti	Hill Station maintenance	10/11/2022
6	01/11/2022	Minister Vassarotti	Heritage Grants – barriers for Indigenous people	10/11/2022
7	01/11/2022	Minister Vassarotti	Heritage Grants – First Nations groups	10/11/2022
8	01/11/2022	Minister Vassarotti	Assessment of the eco-system condition	10/11/2022
9	07/11/2022	Minister Rattenbury	Electricity Reliability	18/11/2022
10	07/11/2022	Minister Rattenbury	Healthy Waterways Stage 2	15/11/2022
11	07/11/2022	Minister Rattenbury	Water Sensitive Urban Design	22/11/2022
12	07/11/2022	Minister Rattenbury	Flood and Healthy Waterways website links	18/11/2022
13	07/11/2022	Minister Barr	End-of-life recycling batteries	18/11/2022