

STANDING COMMITTEE ON CLIMATE CHANGE,
ENVIRONMENT AND WATER

**Report on Annual and Financial Reports
2009-2010**

MAY 2011

Committee membership

Ms Meredith Hunter MLA	Chair
Mr John Hargreaves MLA	Deputy Chair
Mr Zed Seselja MLA	Member

Secretariat

Ms Margie Morrison	Secretary (to December 2010)
Mrs Nicola Kosseck	a/g Secretary (from January 2011 to April 2011)
Ms Lydia Chung	Administrative Assistant

Contact information

Telephone	02 6205 0136
Facsimile	02 6205 0432
Post	GPO Box 1020, CANBERRA ACT 2601
Email	committees@parliament.act.gov.au
Website	www.parliament.act.gov.au

Resolution of appointment

On 9 December 2008, the ACT Legislative Assembly agreed by resolution to establish general purpose standing committees to inquire into and report on matters referred to it by the Assembly or considered by the committee to be of concern to the community, including:

(f) a **Standing Committee on Climate Change, Environment and Water** to examine matters related to climate change policy and programs, water and energy policy and programs, provision of water and energy services, conservation, environment and ecological sustainability.

The Assembly agreed that each standing committee can consider and make use of the evidence and records of the relevant standing committee appointed during the previous Assembly.¹

Terms of reference

On 23 September 2010 the ACT Legislative Assembly referred the annual and financial reports for the calendar year 2010 and the financial year 2009-10 to Assembly standing committees. The reports, and parts of reports, as presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004*, referred to the Standing Committees on Climate Change, Environment and Water were:

- Department of the Environment, Climate Change, Energy and Water;
- Conservator of Flora and Fauna;
- Environment Protection Authority; and
- Office of the Commissioner for Sustainability and the Environment.²

¹ Legislative Assembly for the ACT, *Minutes of Proceedings No 2*, 9 December 2008, pp15-18

² Legislative Assembly for the ACT, *Minutes of Proceedings No 77*, Thursday 23 September 2010, pp906-909

Abbreviations

ACTPLA	ACT Planning and Land Authority
CMD	Chief Minister's Department
CPI	Consumer Price Index
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DECCEW	Department of the Environment, Climate Change, Energy and Water
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EPHC	Environment Protection and Heritage Council
ESD	Ecologically Sustainable Development
FiT	Feed-in tariff
FTE	full-time equivalent
GWh	Gigawatt hour
LAPS	Department of Land and Property Services
LDA	Land Development Agency
ICRC	Independent Competition and Regulatory Commission
IPAA	Institute of Public Administration Australia
kWh	kilowatt hour
OCSE	Office of the Commissioner for Sustainability and the Environment
QTON	Question Taken on Notice
TAMS	Department of Territory and Municipal Services
UK	United Kingdom

TABLE OF CONTENTS

Committee membershipi

Resolution of appointment..... ii

Terms of reference ii

Abbreviations iii

RECOMMENDATIONS 1

1 INTRODUCTION 3

 Conduct of the inquiry 3

 Purpose and intent of annual reports 4

**2 DEPARTMENT OF THE ENVIRONMENT, CLIMATE
CHANGE, ENERGY AND WATER 7**

 Format of the report..... 7

 ACT Legislative Assembly Committees 8

 Departmental structure and staffing11

 Key departmental policy documents12

3 CONSERVATOR OF FLORA AND FAUNA 25

 Environmental Impact Statements.....25

 Tree protection25

 Plant Import.....26

 Other26

4 ENVIRONMENT PROTECTION AUTHORITY 27

 Complaint handling.....27

 Enforcement Activities.....28

 Other28

**5 OFFICE OF THE COMMISSIONER FOR SUSTAINABILITY
AND THE ENVIRONMENT 29**

 Role of the Commissioner for Sustainability and the Environment.....29

 State of the Environment Report.....30

 Green infrastructure.....30

 ‘What can I do?’ Campaign.....31

Complaints	32
Contracts.....	32
Other	33
APPENDIX A WITNESSES WHO APPEARED BEFORE THE COMMITTEE	35
APPENDIX B QUESTIONS TAKEN ON NOTICE	37
APPENDIX C SUPPLEMENTARY QUESTIONS	39

RECOMMENDATIONS

RECOMMENDATION 1

2.7 The Committee recommends that the Department of the Environment, Climate Change, Energy and Water cross reference the budget output classes in its annual reports when providing the analysis of agency performance (section A9).

RECOMMENDATION 2

2.14 The Committee recommends that the Department of the Environment, Climate Change, Energy and Water Annual Reports include collated information about whole-of-government performance against the Ecologically Sustainable Development indicators.

RECOMMENDATION 3

2.17 The Committee recommends that the reporting requirements for Ecologically Sustainable Development and Triple Bottom Line be revised to better address the intent of those concepts and better identify the distinction between the two.

RECOMMENDATION 4

2.28 The Committee recommends that the Department of the Environment, Climate Change, Energy and Water include in the final *Sustainable Energy Policy 2010-2020* a requirement for an annual review to assess progress of the policy's implementation.

RECOMMENDATION 5

2.29 The Committee recommends that the Department of the Environment, Climate Change, Energy and Water expedite the release of the *Sustainable Energy Policy 2010-2020*.

RECOMMENDATION 6

2.35 The Committee recommends that the Department of the Environment, Climate Change, Energy and Water expedite the release of *Weathering the Change* Action Plan 2 for public consultation.

RECOMMENDATION 7

2.68 The Committee recommends that the Department of Environment, Climate Change, Energy and Water maintain and report aggregate whole-of-government data on the Territory's progress towards achieving water saving targets.

RECOMMENDATION 8

4.4 The Committee recommends that the Environment Protection Authority include complaints data from previous financial years into the Annual Report in order to facilitate comparison between annual complaint numbers.

RECOMMENDATION 9

4.6 The Committee recommends that the Environment Protection Authority include enforcement action data from previous financial years into the Annual Report in order to facilitate comparison of the numbers of notices, orders and prosecutions from year to year.

RECOMMENDATION 10

5.4 The Committee recommends that the ACT Government expedite the government response to the report on the *Expanded Role of the Office of the Commissioner for Sustainability and the Environment*.

RECOMMENDATION 11

5.20 The Committee recommends that, in future annual reports, the Office of the Commissioner for Sustainability and the Environment consider including information outlining the rationale for higher value single select tenders.

1 INTRODUCTION

- 1.1 On 23 September 2010 the annual and financial reports of all ACT government agencies were referred to relevant standing committees of the Legislative Assembly for the ACT.³
- 1.2 The Standing Committee on Climate Change, Environment and Water considered the following agencies' annual reports for this inquiry:
 - Department of the Environment, Climate Change, Energy and Water (DECCEW);
 - Environment Protection Authority (EPA);
 - Conservator of Flora and Fauna; and
 - Office of the Commissioner for Sustainability and the Environment (OCSE).
- 1.3 This report presents the Committee's assessment of issues raised in the reports, focusing particularly on some of the matters discussed during the Committee's public hearings for the inquiry.

Conduct of the inquiry

- 1.4 The Committee held public hearings on 10 November 2010 and 15 December 2010 and heard from the Minister, departmental officials and statutory office holders (see Appendix A). The members of the Standing Committee on Climate Change, Environment and Water participated in the hearings, accompanied by Mr Alistair Coe MLA, Mrs Vicki Dunne MLA and Mr Shane Rattenbury MLA.
- 1.5 The schedule of hearings was posted on the Legislative Assembly website and the Committee Office issued a media alert about the forthcoming public hearings. All hearings were web streamed and a copy of the transcripts is available on the Assembly website at the following location:
<http://www.hansard.act.gov.au/hansard/2009/comms/default.htm>

³ Legislative Assembly for the ACT, *Minutes of Proceedings No 77*, 23 September 2010, pp906-909

- 1.6 Answers to questions taken on notice (QTON) and supplementary questions were provided to the Committee to assist with the inquiry. The list of questions is provided at Appendix B. The answers to these questions are published on the Committee inquiry webpage.⁴
- 1.7 The Committee met on 20 April 2011 to deliberate on the Chair's draft report. The Committee continued deliberations out of session and met on 2 May 2011. The Committee adopted the report on 2 May 2011 as amended.

Purpose and intent of annual reports

- 1.8 Agencies' annual reporting requirements are set out in the *Annual Report (Government Agencies) Notice 2010 (No 1)*.⁵ This notice includes the Chief Minister's Annual Report Directions (the Directions) which are issued under the *Annual Reports (Government Agencies) Act 2004 (ACT)*. That Act requires that agencies comply with the Directions.⁶
- 1.9 As key accountability documents concerning management performance, annual reports reflect on the year's performance, achievements and outcomes. They are also a concise way of accounting for the expenditure of public monies.
- 1.10 Agencies account for management performance through Ministers to the Legislative Assembly and the wider community. Since annual reports are tabled in the Assembly, they are historical documents on the public record, and are available for use by stakeholders, including educational and research institutions, the media and the public. Annual reports are also key reference documents, and documents for internal management.
- 1.11 As specified in the Directions, annual reports 'should not be designed for promotional, marketing, commercial or morale-building purposes' but should be 'an objective account, primarily to the Legislative Assembly, of how the

⁴ QTON and Supplementary Questions are available at:
<http://www.parliament.act.gov.au/committees/index1.asp?committee=112&inquiry=851>

⁵ Annual Reports (Government Agencies) Notice 2010 (No 1) NI2010-308 , accessible at:
<http://www.legislation.act.gov.au/ni/2010-308/default.asp>

⁶ *Annual Reports (Government Agencies) Act 2004*, Section 5(2) (b)
<<http://www.legislation.act.gov.au/a/20048/default.asp>>.

entity has performed during the reporting year'.⁷

1.12 The Directions also specify that an effective annual report will:

- provide a clear picture of the agency's purpose, priorities, outputs and achievements;
- focus on results and outcomes – communicate the success or otherwise, including shortfalls, of the agency's activities in achieving government policy outcomes in the reporting year, while accounting for the resources used in the process;
- discuss results against expectations – provide sufficient information and analysis for the Assembly and community to make a fully informed judgement on agency performance;
- clearly identify any changes to structures or functions of the agency in the reporting period and explain changes in performance over time;
- report on agency financial and operational performance and clearly link with budgeted priorities and financial projections as set out in annual Budget Estimate Papers and the agency Statement of Intent and Corporate Plan;
- provide performance information that is complete and informative, linking costs and results to provide evidence of value for money;
- discuss risks and environmental factors affecting the agency's ability to achieve objectives including any strategies employed to manage these factors, and forecast future needs and expectations;
- recognise the diverse needs and backgrounds of stakeholder groups and present information in a manner that is responsive to the maximum number of users while maintaining a suitable level of detail;
- comply with any specific legislative reporting requirement; and
- comply with the *Annual Reports (Government Agencies) Act 2004* and the Chief Minister's Annual Report Directions.⁸

⁷ Chief Minister's 2007–2010 Annual Report Directions, p6

⁸ Chief Minister's 2007–2010 Annual Report Directions, p5

- 1.13 Annual reports which have been nominated by agencies may also be assessed for an award by the Institute of Public Administration Australia (ACT Division).⁹
- 1.14 The Committee notes that DECCEW received an IPAA Annual Report Award for its 2008-09 Annual Report. The award was in the bronze category which acknowledges 'generally good standard overall or notable reporting against some criteria'.¹⁰ DECCEW was commended for its use of 100 per cent recycled paper made in Australia, enhanced with good photos and a clear layout. The judges went on to state that they 'would have welcomed the outlook to have been made within a broader global context and also highlighting the ACT's achievements.'¹¹
- 1.15 The 2009-10 Annual Report appears to present the broader global context and better highlights the ACT's achievements.

⁹ Institute of Public Administration Australia (ACT Division), 'Annual report awards', accessed 8 December 2010, http://www.act.ipaa.org.au/annual_report_awards

¹⁰ Institute of Public Administration Australia, *IPAA Annual Report Awards – 2008-09 Judges' Report*, p7

¹¹ Institute of Public Administration Australia, *IPAA Annual Report Awards – 2008-09 Judges' Report*, pp14-15

2 DEPARTMENT OF THE ENVIRONMENT, CLIMATE CHANGE, ENERGY AND WATER

- 2.1 The Department of the Environment, Climate Change, Energy and Water (DECCEW) was created on 11 November 2008 through the *Administrative Arrangements 2008 (No 2)*. The Department was formally established from 1 March 2009 bringing together areas from the Department of Territory and Municipal Services (TAMS) as well as a ministerial and corporate branch, strategic finance area and the office of the Chief Executive.
- 2.2 The annual report states that DECCEW
- ...plays a key role in delivering the Government's vision by developing policies and programs to drive sustainable living and resource use; by strengthening the response to climate change, especially through designing and coordinating the implementation of the pathway to a carbon neutral Canberra; and making Canberra the solar capital.¹²
- 2.3 The Department identified five strategic indicators for 2009-10 as follows:
- Maintain contemporary, best-practice environmental standards;
 - Progress towards a measurable target on greenhouse gas emissions;
 - Raised community awareness of climate change;
 - Secure, sustainable and equitable supply of energy; and
 - Maintain water security for the ACT.

Format of the report

- 2.4 Section A.9 of the *Chief Minister's 2007–2010 Annual Report Directions* (the Directions) notes that the annual report should include an analysis of agency performance using 'accurate, consistent and complementary information

¹² DECCEW, *Annual Report 2009-2010*, p2

which presents a balanced and coherent snapshot of an agency's achievements within a strategic context'.¹³ This analysis should provide a coherent picture of performance which is consistent and allows for comparisons across years.

- 2.5 The Committee notes the comprehensive information included in section A.9 of the DECCEW report covering topics such as climate change, natural environment, program implementation, natural resource management and various policy areas. This information assists with understanding some of the departmental priorities for the year but DECCEW's approach to presenting this information makes comparisons across years and against the indicators in the budget difficult.
- 2.6 A number of other ACT Government departments report their performance against section A.9 directly against output classes in the budget papers.¹⁴ Identifying the relevant output classes provides a point of reference for analysis and provides 'links where appropriate to performance measurement framework detailed in budget papers and performance statements' as outlined in the Directions.¹⁵

RECOMMENDATION 1

- 2.7 **The Committee recommends that the Department of the Environment, Climate Change, Energy and Water cross reference the budget output classes in its annual reports when providing the analysis of agency performance (section A9).**

ACT Legislative Assembly Committees

- 2.8 Section B.3 of the Directions requires agencies to include a list of inquiries completed by ACT Legislative Assembly committees that relate to the operations of the agency. Agencies are also required to provide details on the implementation of recommendations of Assembly committees that have been

¹³ *Chief Minister's 2007–2010 Annual Report Directions*, p17

¹⁴ See for example, Chief Minister's Department, Department of Disability, Housing and Community Services and Department of Land and Property Services

¹⁵ *Chief Minister's 2007–2010 Annual Report Directions*, section A.9, p17

accepted by the government of the day.¹⁶

- 2.9 The Committee noted in its *Report on Annual and Financial Reports 2008-09* 'that the DECCEW Annual Report 2008-2009 includes only brief information relating to committee inquiries and Government responses presented in the reporting period'.¹⁷
- 2.10 The Committee was pleased to observe that the 2009-10 annual report provided considerable detail relating to the implementation of recommendations from Assembly committees.¹⁸

Ecologically Sustainable Development Reporting

- 2.11 In accordance with the Directions, agencies are required to include an Ecologically Sustainable Development (ESD) report in their annual report. The report should include details of:
- How Agency actions and administration of legislation accorded with the principles of ESD;
 - The contribution of agency outputs to ESD;
 - The effects of the agency outputs to ESD;
 - Identification of any measures taken to minimise the impacts of these effects; and
 - Description of mechanisms used for reviewing and increasing the effectiveness of these measures.¹⁹
- 2.12 This report should provide information from 2009-10 and 2008-09 to allow for comparison.²⁰
- 2.13 The DECCEW Annual Report includes the required information relating to the economic, environmental and social indicators. This is helpful to assess DECCEW's performance against the indicators across the two years. The

¹⁶ *Chief Minister's 2007-2010 Annual Report Directions*, p20

¹⁷ ACT Standing Committee on Climate Change, Environment and Water, *Report on Annual and Financial Reports 2008-2009*, February 2010, p4

¹⁸ DECCEW, *Annual Report 2009-2010*, pp136-151

¹⁹ *Chief Minister's 2007-2010 Annual Report Directions*, pp38-42

²⁰ *Chief Minister's 2007-2010 Annual Report Directions*, pp17-18

Committee feels, however, that it would be beneficial if whole-of-government information was included in the triple bottom line report. This would develop a more comprehensive picture about the public service as a whole and allow for comparisons across different reporting periods. This information could be used to derive a government-wide average against which particular agencies could be compared.

RECOMMENDATION 2

- 2.14 **The Committee recommends that the Department of the Environment, Climate Change, Energy and Water Annual Reports include collated information about whole-of-government performance against the Ecologically Sustainable Development indicators.**

Triple Bottom Line Reporting

- 2.15 The Committee notes that some confusion was evident in hearings about the distinction between the requirements of Triple Bottom Line reporting and Ecologically Sustainable Development reporting. The Committee notes that whilst these reporting areas are addressed in the Directions, the Directions themselves lack clarity on the difference between the two issues.
- 2.16 Currently the Directions for both reporting requirements appear to focus on an agency's internal operations rather than the impact of policies and programs on the ACT more broadly.

RECOMMENDATION 3

- 2.17 **The Committee recommends that the reporting requirements for Ecologically Sustainable Development and Triple Bottom Line be revised to better address the intent of those concepts and better identify the distinction between the two.**

Departmental structure and staffing

- 2.18 DECCEW is structured into five branches, under the leadership of a deputy chief executive and a chief executive. The Department implemented a realignment during this financial year 'to better match its resources to the Government's priorities.'²¹ This resulted in the consolidation of functions, movement of two sections to a different branch and retitling of three branches.²²
- 2.19 The Committee acknowledges that changes to the departmental structure have been made to better reflect the priorities and work of the Department but is concerned about the allocation of resources. The Committee inquired about the delineation between the different areas of the Department, particularly between 'Climate Change and Natural Environment' and the 'Water, Energy and Waste areas'. The Committee notes a significant discrepancy in the numbers of staff in each area with 39.7 full time equivalents (FTE) in the Climate Change and Natural Environment division and 6.5 FTE in the Water, Energy and Waste division.²³
- 2.20 The Committee was advised that the staff allocation reflects the workload of each division. The Committee heard that 'Climate Change and Natural Environment is a branch that mixes both policy work in the climate change area and the natural environment area with program work'.²⁴ It is also the area that administers Commonwealth funding received under the Caring for Country program and the department's programs like ACTSmart.²⁵ The Committee heard that as some programs are also short term in nature and the funding has a limited tenure, more temporary staff are working in the Climate Change and Natural Environment area.²⁶
- 2.21 The Committee also inquired about the rationale for climate change and

²¹ DECCEW, *Annual Report 2009-2010*, p5

²² DECCEW, *Annual Report 2009-2010*, p5

²³ *Transcript of Evidence*, 10 November 2010, p2

²⁴ *Transcript of Evidence*, 10 November 2010, p2

²⁵ *Transcript of Evidence*, 10 November 2010, p2

²⁶ *Transcript of Evidence*, 10 November 2010, p2

energy being in different units of DECCEW and was advised that this split was also due to 'a division of workload responsibility'.²⁷ The two areas have discrete projects but the Chief Executive noted that being separate elements did not prevent them from informing the broader climate change strategies and policies.²⁸

Key departmental policy documents

- 2.22 The Committee enquired about the finalisation of key policy documents, in particular the *Sustainable Energy Policy* and *Weathering the Change Action Plan 2*.

Draft Sustainable Energy Policy 2010-2020

- 2.23 The Minister for Energy released the *Draft Sustainable Energy Policy 2010-2020* on 21 December 2009. The draft policy was open for community consultation until 5 March 2010 and two public information sessions were hosted by the ACT Government in February 2010.²⁹
- 2.24 When releasing the draft policy, the Minister noted that 'the *Draft Sustainable Energy Policy 2010-20* is an important policy framework for achieving emissions reductions, which will play a pivotal role in meeting the Government's target of carbon neutrality'.³⁰
- 2.25 The Committee was further advised that the final energy policy is anticipated to be released by the end of 2010, with implementation commencing in 2011.³¹ Had the final *Sustainable Energy Policy* been released in December 2010 it would have been 12 months after the draft policy was released and nine months after the closing date of community consultation.
- 2.26 The Committee notes that the targets in the *Draft Sustainable Energy Policy*

²⁷ *Transcript of Evidence*, 10 November 2010, p12

²⁸ *Transcript of Evidence*, 10 November 2010, p12

²⁹ DECCEW website, 'energy policy', available at:

<http://www.environment.act.gov.au/energy/energypolicy>

³⁰ ACT Government media release, *Draft Sustainable Energy Policy 2010-2020*, December 2009

³¹ *Transcript of Evidence*, 10 November 2010, p3

2010-2020 will:

...be subject to further review to take into account research that has been commissioned by the ACT Government. This review will include comments from the public consultation and an assessment of the cost and benefits of individual measures (environmental, economic and social). This will ensure the final Sustainable Energy Policy 2010-2020 contains robust and realistic policies and targets against which progress can be measured.³²

- 2.27 Changing policy frameworks, particularly federal government actions, will necessitate the continuing monitoring and review of the policy. The Committee would like to see a requirement in the final Energy Policy for annual reviews to ensure continuation of work and to assess the progress of the policy's implementation.

RECOMMENDATION 4

- 2.28 **The Committee recommends that the Department of the Environment, Climate Change, Energy and Water include in the final *Sustainable Energy Policy 2010-2020* a requirement for an annual review to assess progress of the policy's implementation.**

RECOMMENDATION 5

- 2.29 **The Committee recommends that the Department of the Environment, Climate Change, Energy and Water expedite the release of the *Sustainable Energy Policy 2010-2020*.**

Weathering the Change Action Plan 2

- 2.30 In relation to reviewing *Weathering the Change*, the ACT Government's Climate Change Strategy, the Committee was advised at the public hearing on 10 November 2010 that:

..the Government is currently in the process of developing Action Plan 2...it is intended that public consultation on Action Plan 2 occur in the first quarter of

³² ACT Government media release, *Draft Sustainable Energy Policy 2010-2020*, December 2009, p34

next year and that will allow the document to be completed by the middle of next year.³³

2.31 The Committee was advised that a review of Action Plan 1 was complete and had been publicly released in August 2010.

2.32 The Committee enquired about the measures DECCEW is putting in place to ensure that *Weathering the Change* Action Plan 2 will be released for public consultation in the first quarter of 2011 and finalised by the middle of 2011. The Committee was advised that DECCEW:

... has undertaken significant work to inform the recently enacted greenhouse gas reduction legislation along with significant research, through a number of consultancies, into a greenhouse gas profile for the ACT.

This work, along with additional consultancies, will inform the development of Action Plan 2. The assessment and analysis of options regarding mitigation measures is also underway.

Further, the development of Action Plan 2 is a key priority as it will identify how the Government's greenhouse gas reduction targets will be achieved. The Department is already liaising across government and will recruit additional staff to ensure delivery.

The *Climate Change and Greenhouse Gas Reduction Act 2010*, enacted in November 2010, establishes a Climate Change Council which will be consulted during the development of Action Plan 2. The establishment of the Council is also a matter of priority for the Department.³⁴

2.33 The Committee was also advised in response to a Question Taken on Notice that there will not be a further progress report on Action Plan 1 and initiatives listed as ongoing in the review of the *ACT Climate Change Strategy: Weathering the Change* Action Plan 1 will continue to be implemented. These will be considered for inclusion in Action Plan 2.³⁵

2.34 The Committee notes that at the time of finalising this report in April 2011 the draft Action Plan 2 for public consultation and the final Sustainable Energy Policy do not appear to have been released. The Committee is concerned at the

³³ *Transcript of Evidence*, 10 November 2010, p3

³⁴ QTON 11

³⁵ QTON 12

length of time that the draft Action Plan 2 has been under development and the delay in finalising the Sustainable Energy Policy following the end of the consultation period.

RECOMMENDATION 6

- 2.35 **The Committee recommends that the Department of the Environment, Climate Change, Energy and Water expedite the release of *Weathering the Change* Action Plan 2 for public consultation.**

Feed-in Tariff Scheme

- 2.36 A feed-in tariff (FiT) is a premium rate paid for electricity fed back into the electricity grid from a designated renewable electricity generation source. FiTs can be applied in two forms: gross FiT, whereby all electricity generated from a renewable source is purchased from the generator, with the generator buying-back any electricity they need to use from the grid; or a net FiT, whereby only unused or surplus electricity is purchased from the generator.³⁶ The Legislative Assembly has enacted a gross scheme.³⁷
- 2.37 The Committee asked the Minister and departmental officials a range of questions about the feed-in tariff, in particular in relation to the cost of the scheme.
- 2.38 The ACT Government Feed-in Tariff Scheme (the FiT Scheme) commenced on 1 March 2009.³⁸ During the 2009-2010 financial year a gross FiT of 50.05 cents per kilowatt hour was paid for electricity generated from systems up to 10 kilowatts in size. The payment was reduced to 40.04 cents per kilowatt hour for systems from 10 kilowatts to 30 kilowatts in size.³⁹ From 1 July 2010 to 30 June 2011, 45.7 cents will be paid per kilowatt hour for all systems up to 30 kilowatts. Although prices are set annually, once an individual or business enters into an agreement, the premium price available at that time will remain

³⁶ Parliamentary Library, *Feed-in tariffs*, November 2010, p1, accessible at:

<http://www.aph.gov.au/library/pubs/climatechange/governance/domestic/national/feed.htm>

³⁷ *Electricity Feed-in (Renewable Energy Premium) Act 2008*

³⁸ Department of the Environment, Climate Change, Energy and Water, *Annual Report 2009-2010*, p110

³⁹ Department of the Environment, Climate Change, Energy and Water, *Annual Report 2009-2010*, pp107&110

in operation for the 20 years of the contract.⁴⁰

2.39 The changes to the FiT Scheme were announced on 13 September 2010. These changes followed the release of a discussion paper in December 2009⁴¹ and a subsequent public consultation period which ran until 28 February 2010.⁴²

2.40 The Committee was advised that there are currently just over 3,000 connections under the FiT Scheme.⁴³ There has been considerable growth in the FiT Scheme since its inception in March 2009. Further details may be found in the table below.

Table 1: ACT Electricity Feed-in Scheme⁴⁴

Quarter	New customers during qtr	Total customer numbers to end of qtr
June 2009	541	541
September 2009	123	664
December 2009	221	885
March 2010	431	1,316
June 2010	161	1,477
September 2010	1,083	2,560
December 2010	474	3,034

2.41 The Committee was advised that the total price impact of the FiT Scheme in the ACT is capped at 15 megawatts of total installed capacity for household-scale generation. The Minister also advised that the cap may be reached within

⁴⁰ Parliamentary Library, *Feed-in tariffs*, November 2010, p3, accessible at:

<http://www.aph.gov.au/library/pubs/climatechange/governance/domestic/national/feed.htm>

⁴¹ Department of the Environment, Climate Change, Energy and Water, *Annual Report 2009-2010*, p7

⁴² DECCEW website, 'Electricity Feed-in Tariff Stage 2 Public Consultation', available at:

http://www.environment.act.gov.au/energy/fit/fit_stage_2_public_consultation2

⁴³ *Transcript of Evidence*, 10 November 2010, pp39-40

⁴⁴ Independent Competition and Regulatory Commission (ICRC), *ACT Electricity Feed-in Scheme Activity Summary: 1 March 2009 to 31 December 2010*, January 2011, p4, available at:

http://www.icrc.act.gov.au/pv_obj_cache/pv_obj_id_B557C7DF055138AB376CD98FD55A0EDCDA430100/filename/Electricity_Feed-in_Summary_Report_DecQ10_Final.pdf

18 months to two years.⁴⁵

- 2.42 The Committee also inquired about the number of kilowatt hours per year that would have to be generated by the FiT Scheme for the associated six per cent of the target to be met. The Minister advised that:

According to the ICRC report *Licensed Electricity, Gas and Water and Sewerage Utilities Compliance and Performance Report for 2007-08*, in 2007-08 the total Territory demand for electricity was 2,831 GWh. Six percent of this is 170 million kWh.⁴⁶

- 2.43 The Committee heard that the total scheme cap for small, medium and large-scale generation is at 240 megawatts which is sufficient to produce six per cent of the 40 per cent target based on current level of technological efficiencies.⁴⁷

Amendments to the NSW Scheme

- 2.44 The Committee is aware that changes have recently been made to the NSW Feed-in Tariff scheme (called the Solar Bonus Scheme). New customers joining the Solar Bonus Scheme after 28 October 2010 will be paid a tariff rate of 20 cents per kilowatt hour, compared to existing customers who will continue to receive 60 cents per kilowatt hour.⁴⁸ In addition, the Solar Bonus Scheme will also be capped at 300 megawatts.

Effects on Low Income Households

- 2.45 The Committee inquired about the actions being taken by the ACT Government to protect low income households from the move to more renewable energy, particularly the increase costs added to all ACT electricity bills to cover the costs of the FiT Scheme.⁴⁹ The Committee heard that, according to the Australian Energy Regulator, the total average impact on

⁴⁵ *Transcript of Evidence*, 10 November 2010, p40

⁴⁶ Supplementary Question 9; QTON 15

⁴⁷ *Transcript of Evidence*, 10 November 2010, p45

⁴⁸ NSW Government, *Solar Bonus Scheme for NSW*, accessed on 8 December 2010:

<http://www.industry.nsw.gov.au/energy/sustainable/renewable/solar/solar-scheme>

⁴⁹ *Transcript of Evidence*, 10 November 2010, p36; DECCEW website, 'Solar Pays in Canberra' factsheet, available at: http://www.environment.act.gov.au/data/assets/pdf_file/0011/187904/FiT_Factsheet_March_2011.pdf

ACT electricity bills will be \$50 per annum when the household cap is fully utilised.⁵⁰

- 2.46 The Minister advised that the ACT has a generous concession regime which was increased in the last budget and is indexed against the CPI each year.⁵¹ The Committee heard that a range of programs have been deployed 'to assist low income households to manage their energy use better, including assistance via community welfare agencies.'⁵² Funding has been used to provide free energy efficient appliances for those in the private rental market, and for solar hot-water, improved insulation, window coverings and draught sealing in public housing.⁵³
- 2.47 Community energy grants from Action Plan 1 have also been available to community organisations, including for installation of Photo Voltaic Cells.⁵⁴

Medium and Large-Scale Generation

- 2.48 The Committee heard about the expansion of the FiT Scheme to two new categories of generators: the medium-scale, from 30 kilowatts up to 200 kilowatts, and the large-scale generation, which is 200 kilowatts and above and suitable for solar farm type installations.⁵⁵
- 2.49 Large-scale generation locations will be identified by the successful proponent of a reverse auction process. The Committee heard that a site at Ingledene will continue to be made available by the ACT Government but a previously identified site at Kowen is no longer considered suitable. Other suitable unleased Territory land may also be requested through the direct grant process. Proponents are likely to enter into private arrangements with owners of existing leased sites for suitable land.⁵⁶
- 2.50 The Committee was advised that the Department expended \$384,306 on the

⁵⁰ *Transcript of Evidence*, 10 November 2010, p40

⁵¹ *Transcript of Evidence*, 10 November 2010, p36

⁵² *Transcript of Evidence*, 10 November 2010, p36

⁵³ *Transcript of Evidence*, 10 November 2010, pp36-7

⁵⁴ *Transcript of Evidence*, 10 November 2010, pp61-2

⁵⁵ *Transcript of Evidence*, 10 November 2010, p38

⁵⁶ *Transcript of Evidence*, 10 November 2010, p38

expression of interest process for solar providers which was terminated.⁵⁷

2.51 The Committee was advised that the bulk of the scheme is focused on large-scale generation because it is more efficient than smaller-scale generation.⁵⁸

2.52 The Committee was advised that:

Conservatively, (assuming no further technical advances in generating efficiency are realised), once the Feed-in Tariff Scheme is fully subscribed 'it will be generating at about 525 million kWh per annum. The greater bulk of this generation (about 460 million kWh) will be produced by the Large Generator category (210 megawatts installed).⁵⁹

2.53 The Committee heard that large-scale generation is likely to cost each ACT household a maximum of \$175, in addition to the costs of small and medium generators. The Committee heard that, in today's dollars, the total projected cost is \$225 per household 'at the end of the scheme, once fully utilised, which could be over a five to ten-year period'.⁶⁰ These figures do not take into account likely improvements in technological efficiencies or penalties for use of fossil fuels carbon tax.

Greenhouse Gas Reduction and Resource Management Plans

2.54 The Committee inquired about the Government's progress towards carbon neutrality and was advised that a range of work to assess and better understand the carbon footprint of ACT Government operations is being undertaken.⁶¹ The Committee heard that the cross-government property sustainability working group was working in consultation with agencies on a carbon neutral framework. The Committee was advised that:

A key element of that framework will be the development of agency resource management plans to allow agencies to reduce their carbon footprint. To date, three resource management plans have been finalised with DECCEW, the LDA

⁵⁷ QTON 13

⁵⁸ *Transcript of Evidence*, 10 November 2010, p46

⁵⁹ *Transcript of Evidence*, 10 November 2010, p48; QTON 15

⁶⁰ *Transcript of Evidence*, 10 November 2010, p47

⁶¹ *Transcript of Evidence*, 10 November 2010, p6

and the Dickson motor registry. A further two are in draft form—CMD and LAPS—and other agencies are continuing to actively develop their plans.⁶²

2.55 The Minister advised that funding at the moment is being directed towards monitoring emissions from government agencies to complete the current knowledge gaps and DECCEW is focusing on capacity building across agencies.⁶³

2.56 The Committee sought further information from the Minister on the purpose of the Resource Management Plans and whether they forecast out to the 2015 target for carbon neutrality ⁶⁴ and was advised that:

The purpose of a Resource Management Plan is to:

- collect and analyse baseline data;
- identify the targets for resource efficiencies and the actions necessary to meet those targets;
- incorporate sustainability principles into all aspects of corporate operations including,
- procurement and asset management;
- identify cost-saving opportunities for achieving resource efficiencies;
- and
- establish an environmental resource efficiency monitoring and reporting framework.

The initial DECCEW Resource Management Plan provides a basis for future resource efficiency measures and will be built upon in future resource management plans. It addresses the Department's management of water, electricity and gas consumption, waste production and recycling, and greenhouse gas emissions.

The focus of the initial plan is on establishing metering and other actions to ensure the Department can accurately measure or estimate its environmental resource use. This information will then inform a longer term DECCEW Resource Management Plan. The plan will be updated annually to reflect progress made and new goals as required.⁶⁵

⁶² *Transcript of Evidence*, 10 November 2010, p6

⁶³ *Transcript of Evidence*, 10 November 2010, pp6-7 & 9

⁶⁴ *Transcript of Evidence*, 10 November 2010, p7

⁶⁵ QTON 3

Carbon budgets

- 2.57 The Committee was advised that the Department was preparing advice for the Minister about carbon budgets.⁶⁶ Carbon budgets have been implemented in a number of countries and most recently in the United Kingdom (UK). In particular, a carbon budget is a cap on the total quantity of greenhouse gas emissions emitted in the UK over a specified time. Carbon budgets place legally binding ceilings on the level of allowed UK emissions over five year periods.⁶⁷
- 2.58 In the context of the ACT, the Committee was further advised:
- At its heart it is simply taking the resource management planning process we are doing and the commitment to carbon neutrality by 2015 and encapsulating it in part of the performance agreement of chief executives, setting out what is expected, year by year reductions, essentially between here and 2015, what would be necessary to get to the target, and building that in as an imposition or an expectation in the chief executive's performance agreement.⁶⁸
- 2.59 The importance of strong levels of data collection to consolidate understanding of agencies' emissions profiles was also acknowledged. 'There is little point in telling a chief executive to achieve a particular reduction when the overall emissions profile of the agency is not properly understood'.⁶⁹

Sustainable Water Resources

Think Water, Act Water Review

- 2.60 The Committee heard that the review of Think Water, Act Water had commenced and would occur over a six to nine month period, including a period of public consultation. It is anticipated to be finished by the end of 2011.⁷⁰
- 2.61 The Minister advised that DECCEW is implementing water saving measures

⁶⁶ *Transcript of Evidence*, 10 November 2010, pp10-11

⁶⁷ UK Committee on Climate Change, available at: <http://www.theccc.org.uk/carbon-budgets>

⁶⁸ *Transcript of Evidence*, 10 November 2010, p11

⁶⁹ *Transcript of Evidence*, 10 November 2010, p11

⁷⁰ *Transcript of Evidence*, 10 November 2010, p15

through the Canberra Integrated Waterways project to reduce use of potable water⁷¹. This project will help meet the Government's agreement with the Commonwealth Government to reduce the Territory's reliance on potable water by three gigalitres by the year 2015, funded through their WaterSmart Australia program.⁷² That project includes the Urban Wetlands network and the Sustainable Schools initiative.

- 2.62 The Committee inquired about the cost-benefit analyses that have, or will be, undertaken on the water saving initiatives and was advised that:

The cost-benefit analysis for that suite of projects was done prior to the government committing to them. It was done as part of the work undertaken with the CSIRO to identify the most viable sites [for the wetlands and urban pond project].⁷³

- 2.63 Also, the Committee heard that the review of Think Water Act Water will 'be examining the efficiency of the programs that have been put in place to determine their value and contribution.' The Committee further heard that any new programs arising from the review will also have cost-benefit analyses to ensure their contribution.⁷⁴

Potable Water

- 2.64 The Committee inquired about the Government's other options to reduce reliance on potable water and was advised that a number of measures are underway including the sport and recreation portfolio's 'Where Will We Play' strategy which reduces reliance on potable water for irrigation. The Committee was also advised about the improvements being undertaken by Land and Property Services across the Territory's portfolio assets.⁷⁵

Household level Savings

- 2.65 The Committee was advised that the ACT Government, through ACTPLA and

⁷¹ Potable water refers to water of sufficiently high quality that can be consumed or used without risk of immediate or long term harm.

⁷² *Transcript of Evidence*, 10 November 2010, p15

⁷³ *Transcript of Evidence*, 10 November 2010, p17

⁷⁴ *Transcript of Evidence*, 10 November 2010, p17

⁷⁵ *Transcript of Evidence*, 10 November 2010, pp13-14

its water-sensitive urban design guidelines, requires a 25 per cent reduction in overall potable water use for the Territory as a whole. There is also a requirement for a 40 per cent reduction in potable water use for new dwellings, which effectively 'mandates the requirement for either a plumbed rainwater tank or grey water system into all new dwellings in the Territory.'⁷⁶

Reporting

- 2.66 The Minister advised, in response to a question taken on notice, that:
- Within Government, each agency reports on water usage under the Ecologically Sustainable Development section of their Annual report, including the percentage change from the previous year. At this stage this data is not collected or aggregated centrally.⁷⁷
- 2.67 The Committee believes that it is important for aggregated data from all agencies to be maintained to accurately reflect the Territory's progress towards the many water saving targets that have been set as part of the programs discussed above.

RECOMMENDATION 7

- 2.68 **The Committee recommends that the Department of Environment, Climate Change, Energy and Water maintain and report aggregate whole-of-government data on the Territory's progress towards achieving water saving targets.**

Other

- 2.69 Other issues discussed with DECCEW included:
- Permanent water conservation measures;
 - Offsets for carbon neutrality;
 - Greenhouse Gas Emission Reductions – record keeping;
 - Job creation with medium scale solar generation;
 - FiT inspections and meter boxes;

⁷⁶ *Transcript of Evidence*, 10 November 2010, p19

⁷⁷ QTON 5

- Quality of Photo Voltaic Panels;
- 'Monergy' campaign;
- ACTSmart programs;
- Green power;
- Nature Conservation Act review;
- Natural Resource Management Council – management plan;
- Pest animal management plan – coordination with TAMS;
- Draft Waste Policy;
- DECCEW Bikes;
- Rainwater ownership;
- Community awareness of climate change;
- Murray Darling Basin plan and ACT Government submission to House of Representatives committee;
- Improved emissions data collection; and
- Smart meter trial.

3 CONSERVATOR OF FLORA AND FAUNA

- 3.1 The Chief Executive of the Department of the Environment, Climate Change, Energy and Water (DECCEW) holds the office of the Conservator of Flora and Fauna (the Conservator). Established by the *Nature Conservation Act 1980*, the Conservator has additional responsibilities under the *Planning and Development Act 2007* and the *Tree Protection Act 2005*.⁷⁸

Environmental Impact Statements

- 3.2 The Committee heard about the role of the Conservator in providing advice on Environmental Impact Statements (EIS). The Committee was advised that EIS matters are referred to the Conservator through the planning process, and that the Conservator advises ACTPLA on such things as large estate planning, Development Applications, and EIS studies.⁷⁹ The Conservator told the Committee that ACTPLA does not always follow his advice but that often 'a level of discussion and negotiation' takes place between them.⁸⁰

Tree protection

- 3.3 The Committee inquired into the opportunities for appeal under the *Tree Protection Act 2005* where tree removal is approved. The Conservator advised that:

Under the provisions of the *Tree Protection Act 2005* an applicant has 14 days from the date of the decision in which to lodge an application for reconsideration of that decision. As a result of consequential amendments to the legislation on enactment of the *ACT Civil and Administrative Tribunal Act 2008*, adjoining lessees no longer have appeal rights against a decision by the Conservator. As a result of these changes, a prior condition that the tree/s could not be removed until 14 days after the decision is now not applicable.

⁷⁸ DECCEW, *Annual Report 2009-2010*, p10

⁷⁹ *Transcript of Evidence*, 10 November 2010, p66

⁸⁰ *Transcript of Evidence*, 10 November 2010, p66

It should be noted that even though appeal rights have changed, residents who have adjoining leases to the block where the activity is approved are still notified of both the first decision and any subsequent reconsideration applications.⁸¹

Plant Import

- 3.4 The Committee asked about the importation of trees for the National Arboretum and whether checks had been conducted on those trees.⁸²

Licences are issued under the Nature Conservation Act 1980 (NCA) for the import/export of Protected Native Plants, as per Schedule 3 of Disallowable Instrument 2003-6 or Special Protection Status Plants as per Schedule 7 of Disallowable Instrument 2005-64. No licence applications for the importation of plant material to the arboretum have been received.⁸³

- 3.5 The Conservator emphasised to the Committee that, in his dealings with the Arboretum, they have been very professional and 'have a strong commitment to ensuring that the conservation needs in the ACT are met'.⁸⁴

Other

- 3.6 Other issues relating to the Conservator discussed at the hearing included:
- Investigations and offences;
 - Animal and plant import and export licences; and
 - Plans of Management.

⁸¹ *Transcript of Evidence*, 10 November 2010, p67; QTON 25

⁸² *Transcript of Evidence*, 10 November 2010, p69

⁸³ QTON 29

⁸⁴ *Transcript of Evidence*, 10 November 2010, p69

4 ENVIRONMENT PROTECTION AUTHORITY

- 4.1 The Environment Protection Authority (EPA) is a statutory position established by the *Environment Protection Act 1997*. Under the direction of the Director, Environment Protection and Water Regulation, the EPA is responsible for administering the *Environment Protection Act 1997*.⁸⁵

Complaint handling

- 4.2 The Committee heard that there was a nine per cent reduction in noise complaints since 2008-09.⁸⁶ The Committee also notes that the Annual Report 2009-10 highlights a 13 per cent reduction in overall complaints from the previous year.⁸⁷
- 4.3 Whilst the reduction in complaints is commended by the Committee, the Committee believes that the EPA should consider including complaints data from previous financial years into the Annual Report, in order to facilitate comparison between annual complaint numbers and to show where any change, by category of complaint, actually occurred.

RECOMMENDATION 8

- 4.4 **The Committee recommends that the Environment Protection Authority include complaints data from previous financial years into the Annual Report in order to facilitate comparison between annual complaint numbers.**

⁸⁵ DECCEW *Annual Report 2009-10*, p213

⁸⁶ *Transcript of Evidence* 10 November 2010, p25

⁸⁷ DECCEW *Annual Report 2009-10*, p216

Enforcement Activities

- 4.5 As with complaints data, the Committee identified that it would be informative for data on enforcement action to be provided over two or three financial years to facilitate a comparison of the number of notices, orders and prosecutions from year to year.⁸⁸

RECOMMENDATION 9

- 4.6 **The Committee recommends that the Environment Protection Authority include enforcement action data from previous financial years into the Annual Report in order to facilitate comparison of the numbers of notices, orders and prosecutions from year to year.**

Other

- 4.7 The Committee was also interested in a number of the other functions of the EPA, with a particular focus on the following matters:
- Water quality;
 - Water extraction charges;
 - Procedures for environmental authorisations;
 - Complaint handling;
 - Noise complaints – monitoring the noise awareness campaigns;
 - Ginninderra Creek quality;
 - Air quality and the ‘Don’t Burn Tonight’ campaign; and
 - Plastic bags.

⁸⁸ *Transcript of Evidence* 10 November 2010, p27

5 OFFICE OF THE COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT

Role of the Commissioner for Sustainability and the Environment

- 5.1 The role of the Commissioner for Sustainability and the Environment (the Commissioner) is an expansion of the role defined under the *Commissioner for the Environment Act 1993*. The Commissioner is an independent statutory position accountable and responsible to the Legislative Assembly through the Minister for the Environment, Climate Change and Water in relation to its operations.
- 5.2 The Committee notes that the Government response to the Commissioner's report on the *Expanded Role of the Office of the Commissioner for Sustainability and the Environment* has not yet been released, despite the report being submitted to the Minister in September 2009.⁸⁹ The Committee heard that the Government has not set a time for its response to the report.⁹⁰
- 5.3 The Committee supports the Commissioner's roles but is concerned that the Commissioner has taken on this expanded role and title without amendments to the *Commissioner for the Environment Act 1993*.

RECOMMENDATION 10

- 5.4 **The Committee recommends that the ACT Government expedite the government response to the report on the *Expanded Role of the Office of the Commissioner for Sustainability and the Environment*.**

⁸⁹ OCSE Annual Report 2009-10, pp2-3; *Transcript of Evidence*, 15 December 2010, p78

⁹⁰ *Transcript of Evidence*, 10 November 2010, p35

State of the Environment Report

- 5.5 The Committee was advised about the review of the state of the environment framework, conducted in conjunction with the involvement of people across the community. The revised framework has largely been modelled on the existing framework because it was important ‘that we had a framework that continued on and could be used as a comparable system—so rather than starting everything from scratch and from new baselines we could actually look back and be able to compare using the last state of the environment report’.⁹¹
- 5.6 The key change is the introduction of ‘driving forces’ into the framework – population, land use and transport systems, climate and consumption. This addition may help facilitate a greater understanding of what forces are placing pressure on the environment. The Committee heard that driving forces provide demographic, social and economic development which in turn place pressures on the environment.⁹²
- 5.7 The Office of the Commissioner for Sustainability and the Environment (OCSE) has commenced work on the next State of the Environment Report which will be released by the end of 2011.

Green infrastructure

- 5.8 The Commissioner outlined that Canberra is in a unique position in relation to its green infrastructure. In particular she noted that,

In terms of green infrastructure, this city has an immense amount more than any other city. It really comes home when you get figures like these: in Canberra, we have generally got about 12 persons per hectare of park area. In Brisbane, the figure is about 75 people per hectare. If you go to Melbourne, it is about 158, and if you take into account the influx of workers, you have actually got 1,358 persons per hectare. So the amount of green infrastructure this city

⁹¹ *Transcript of Evidence*, 15 December 2010, p 72

⁹² *Transcript of Evidence*, 15 December 2010, p 72

needs to support is incredibly significant and it is no wonder we grapple with the management challenges we have and it is no wonder we grapple with the funding arrangements.⁹³

‘What can I do?’ Campaign

- 5.9 The Committee inquired about the ‘What Can I Do?’ campaign which was launched in August 2009 and focuses on what individuals can do to promote a better environment and work towards sustainability. Components of the campaign have included:
- What can I do in my home?
 - What can I do in my travels?
 - What can I do for the festive season?⁹⁴
- 5.10 The ‘What Can I Do?’ campaign is primarily led by the young ambassadors group. Ten Young People Ambassadors were announced in June 2010 to assist the OCSE to increase community awareness about the importance of becoming more sustainable, particularly in the youth age group (12-25 years old). The Young People Ambassadors (the Ambassadors) are drawn from a number of different areas across the ACT community, although there are some groups that are not represented at this time.
- 5.11 The Committee inquired about upcoming activities for the Ambassadors and whether there were any indicators for the program to assist with assessing its impact and success. The Ambassadors will meet early in 2011 to discuss their target activities for the upcoming year. The Committee was advised that, due to the difficulties in setting targets for a voluntary group, there are no particular targets or indicators for the program at this time.⁹⁵
- 5.12 The Committee acknowledges that it may be difficult to establish indicators for this initiative but encourages the OCSE to implement a formal review process for this program.

⁹³ *Transcript of Evidence*, 15 December 2010, p 71

⁹⁴ Office of the Commissioner for Sustainability and the Environment, *Annual Report 2009-10*, p6

⁹⁵ *Transcript of Evidence*, 15 December 2010, p81

Complaints

- 5.13 The OCSE received 17 complaints in the 2009-10 financial year, a slight increase from the 14 received in 2008-09.⁹⁶ The Committee commends the OCSE for presenting the information about complaints in table format, making the details much more accessible.
- 5.14 While a number of complaints relate to individual cases, the Commissioner told the Committee that the role of the OCSE is to address the systems issues underpinning individual complaints.⁹⁷
- 5.15 The Committee observed that some complaints had been open for some time, either because of delays receiving information and input from other agencies or as a result of prioritisation because of finite resources. In this context, the Committee inquired about the adequacy of the resources currently available to the Commissioner. The Commissioner indicated that she felt that resources for the OCSE are adequate.⁹⁸
- 5.16 Notwithstanding this assurance from the Commissioner, the Committee notes that the number of complaints received by the Office is increasing as follows: six received in 2007-08, 14 in 2008-09 and 17 received in 2009-10. Some of these complaints are complex and require considerable investigation and resources.
- 5.17 The Committee will continue to monitor the number and nature of complaints received by the OCSE, in particular the number of complaints that require input from multiple agencies.

Contracts

- 5.18 The Committee sought additional information about a number of contracts engaged by the OCSE in 2009-10, in particular the high number of single select contracts. The Commissioner confirmed that the decision to conduct single select tenders was due to time constraints and the highly specialised level of

⁹⁶ Office of the Commissioner for Sustainability and the Environment, *Annual Report 2009-10*, p10

⁹⁷ *Transcript of Evidence*, 15 December 2010, pp 76 & 77

⁹⁸ *Transcript of Evidence*, 15 December 2010, p 78

expertise required.⁹⁹

- 5.19 The Committee understands that there are circumstances when conducting a single select tender is advantageous and suggests that it may be beneficial for future annual reports to include information outlining the rationale for a single select tender. The Committee also notes that agencies are not required to report on the reason for using a select tender process for contracts valued under \$200,000 as a public tender process is not required for procurements under that threshold.¹⁰⁰

RECOMMENDATION 11

- 5.20 **The Committee recommends that, in future annual reports, the Office of the Commissioner for Sustainability and the Environment consider including information outlining the rationale for higher value single select tenders.**

Other

- 5.21 Other issues discussed at the hearing with the OCSE included:
- Complaints on water reuse, kangaroo management, Tuggeranong technology city;
 - Tree investigation report;
 - Rabbit control;
 - National park status for Goorooyarroo and Mulligans Flat;
 - Consumption and ecological footprint;
 - Eastern broadacre study; and
 - Offsets.

⁹⁹ *Transcript of Evidence*, 15 December 2010, p 92

¹⁰⁰ *Chief Minister's Annual Report Directions 2007-2010*, p34

Meredith Hunter MLA

Chair

2 May 2011

Appendix A Witnesses who appeared before the Committee

Wednesday 10 November 2010

Mr Simon Corbell MLA, Minister for the Environment, Climate Change and Water

Department of the Environment, Climate Change, Energy and Water

Mr David Papps, Chief Executive

Ms Anita Hargreaves, Chief Finance Officer

Mr David Butt, Director, Policy

Mr Alan Traves, Acting Director, Ministerial and Corporate

Ms Heather Tomlinson, Senior Manager, Climate Change and Natural Resources

Mr Daniel Walters, Acting Director, Environment Protection and Water Regulation

Conservator of Flora and Fauna

Mr David Papps, Conservator of Flora and Fauna

Department of Territory and Municipal Services

Ms Helen McKeown, Planning and Conservator Liaison Officer

Wednesday 15 December 2010

Dr Maxine Cooper, Commissioner for Sustainability and the Environment

Office of the Commissioner for Sustainability and the Environment

Mrs Narelle Sargent, Senior Manager

Ms Sarah Burrows, Senior Manager

Appendix B Questions Taken on Notice

The following tables lists the questions on notice and the supplementary questions submitted and answered in the course of the inquiry.

Question No	To	Subject
1	Minister for the Environment, Climate Change, Energy and Water	Water restrictions
2	Minister for the Environment, Climate Change, Energy and Water	Resource management plans
3	Minister for the Environment, Climate Change, Energy and Water	DECCEW resource management plan
4	Minister for the Environment, Climate Change, Energy and Water	DECCEW resource management plan
5	Minister for the Environment, Climate Change, Energy and Water	Water reductions
6	Minister for the Environment, Climate Change, Energy and Water	Water
7	Minister for the Environment, Climate Change, Energy and Water	Water programs
8	Minister for the Environment, Climate Change, Energy and Water	Water
9	Minister for the Environment, Climate Change, Energy and Water	Non-potable water
10	Minister for the Environment, Climate Change, Energy and Water	EPA
11	Minister for the Environment, Climate Change, Energy and Water	EPA
12	Minister for the Environment, Climate Change, Energy and Water	Complaints (EPA)
13	Minister for the Environment, Climate Change, Energy and Water	Large scale facility
14	Minister for the Environment, Climate Change, Energy and Water	Feed in tariff
15	Minister for the Environment, Climate Change, Energy and Water	Feed in tariff
16	Minister for the Environment, Climate Change, Energy and Water	GreenPower
17	Minister for the Environment, Climate Change, Energy and Water	GreenPower
18	Minister for the Environment, Climate Change, Energy and Water	Animal management
19	Minister for the Environment, Climate Change, Energy and Water	American Express
20	Minister for the Environment, Climate Change, Energy and Water	Departmental costs
21	Minister for the Environment, Climate Change, Energy and Water	Advertising costs

38 **STANDING COMMITTEE ON CLIMATE CHANGE, ENVIRONMENT AND WATER**

Question No	To	Subject
22	Minister for the Environment, Climate Change, Energy and Water	Advertising costs
23	Minister for the Environment, Climate Change, Energy and Water	Water
24	Minister for the Environment, Climate Change, Energy and Water	Community energy grants
25	Conservator of Flora and Fauna	Tree protection
26	Conservator of Flora and Fauna	Tree protection
27	Conservator of Flora and Fauna	Licences
28	Conservator of Flora and Fauna	Native flora
29	Conservator of Flora and Fauna	Trees
30	Conservator of Flora and Fauna	Advice from conservator
31	Commissioner for Sustainability and the Environment	Air quality report
32	Commissioner for Sustainability and the Environment	Complaint - Tuggeranong Canberra Technology City
33	Commissioner for Sustainability and the Environment	Rabbit management
34	Commissioner for Sustainability and the Environment	Grasslands Forum
35	Commissioner for Sustainability and the Environment	Total energy use

Appendix C Supplementary Questions

Question No	To	Subject
1	Minister for the Environment, Climate Change, Energy and Water	Grey water management
2	Minister for the Environment, Climate Change, Energy and Water	GreenPower
3	Minister for the Environment, Climate Change, Energy and Water	Strategic Indicator 3 – Community awareness of climate change
4	Minister for the Environment, Climate Change, Energy and Water	World Environment Day
5	Minister for the Environment, Climate Change, Energy and Water	Energy efficiency
6	Minister for the Environment, Climate Change, Energy and Water	40 per cent reduction target in greenhouse gas (GHG) emissions
7	Minister for the Environment, Climate Change, Energy and Water	Energy use in the ACT
8	Minister for the Environment, Climate Change, Energy and Water	ACT Solar Facility
9	Minister for the Environment, Climate Change, Energy and Water	Solar Feed-in Tariff
10	Minister for the Environment, Climate Change, Energy and Water	Appropriations
11	Minister for the Environment, Climate Change, Energy and Water	Action Plan 2
12	Minister for the Environment, Climate Change, Energy and Water	Action Plan 1
13	Minister for the Environment, Climate Change, Energy and Water	Budget allocation
14	Minister for the Environment, Climate Change, Energy and Water	Carbon neutrality of Government operations
15	Minister for the Environment, Climate Change, Energy and Water	Carbon neutrality of Government operations
16	Minister for the Environment, Climate Change, Energy and Water	Carbon budgets
17	Minister for the Environment, Climate Change, Energy and Water	Role of the Commissioner for Sustainability and the Environment
18	Minister for the Environment, Climate Change, Energy and Water	Legislation before the Assembly