



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

SENATE

ENVIRONMENT AND COMMUNICATIONS LEGISLATION
COMMITTEE

Estimates

(Public)

TUESDAY, 7 OCTOBER 2025

CANBERRA

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ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE

Tuesday, 7 October 2025

Members in attendance: Senators Ananda-Rajah, Brockman, Cadell, Darmanin, Duniam, Ghosh, Hanson, Hanson-Young, Henderson, Hodgins-May, McDonald, McKenzie, McKim, McLachlan, Nampijinpa Price, Payman, Barbara Pocock, David Pocock, Roberts, Ruston, Dean Smith, Thorpe, Walker, Waters, Whish-Wilson and Whitten

CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER PORTFOLIO**In Attendance**

Senator Ayres, Minister for Industry and Innovation, Minister for Science

Senator Watt, Minister for the Environment and Water

Department of Climate Change, Energy, the Environment and Water**Executive**

Mr Mike Kaiser, Secretary

Ms Kushla Munro, Deputy Secretary

Mr Simon Duggan, Deputy Secretary

Ms Rachel Parry, Deputy Secretary

Mr Dean Knudson, Deputy Secretary

Mr Sean Sullivan, Deputy Secretary

Ms Amanda Lee, Acting Deputy Secretary

Corporate**Finance Division**

Ms Donna Valenti, Acting Division Head

Ms Rachel Harris, Branch Head, Financial Services Branch

Mr Kamaldeep Singh, Acting Branch Head Financial Management

Property, Infrastructure and Physical Security

Mr Robert Hanlon, Division Head

Ms Jill Mand, Branch Head, Property, Infrastructure and Physical Security

Information and Communications Technology Division

Mr Dale Naughton, Chief Information Officer

Legal

Ms Kate Lalor, Chief Counsel

People Division

Ms Tim Spackman, Chief People Officer

Portfolio Strategy Division

Ms Michelle Croker, Division Head

Ms Kristen Palmer, Acting Branch Head, Ministerial Liaison and Governance Branch

Ms Melina Saunders, Branch Head, First Nations Branch

Ms Miranda Lello, Branch Head, Portfolio Strategy and Integration Branch

Mr Michael Holberton, Acting Branch Head, Communications and Media Branch

Ms Kelly Buchanan, Branch Head, National Security and International Branch

Ms Mahani Taylor, Branch Head, Review Taskforce

Outcome 1**Clean Energy Investment and Facilitation Division**

Mr Matthew Brine, Division Head

Mr Salim Mazouz, Branch Head, Clean Energy Investment Branch

Ms Alison Wiltshire, Branch Head, Capacity Investment Scheme Delivery and Governance Branch

Mr Mike Masters, Acting Branch Head, First Nations and Clean Energy Facilitation Branch

Climate Change Policy, Adaptation and Risk Division

Mr Jason Mundy, Division Head

Dr Nicole Mitchell, Branch Head, National Adaptation Policy Office Branch

Mr Chris Johnston, Branch Head, Climate Active, Risk and Science Branch

Ms Nicole Thomas, Acting Branch Head, Climate Change Policy Branch

COP31 Operations Division

Mr Nathan Hannigan, Acting Division Head

Mr Aaron Kirby, Branch Head

Ms Louise Perez, Branch Head

Electricity Division

Ms Kirsty Gowans, Division Head

Ms Electra Papas, Branch Head, Electricity Markets Branch

Mr James White, Branch Head, Branch Head, Consumer Energy Resources Branch

Ms Nadia Rosenman, Branch Head, Rewiring the Nation

Mr Paul Johnson, Special Adviser

Ms Mel Pang, Branch Head, National Electricity Market Review Secretariat

Emissions Reduction Division

Ms Kath Rowley, Division Head

Mr Matthew Ryan, Branch Head, Land and Transport Branch

Mr David Gourlay, Acting Branch Head, Net Zero Taskforce

Ms Rachael De Hosson, Branch Head, Net Zero Taskforce

Ms Kate Lea-Perry, Branch Head, Carbon Crediting Branch

Ms Alannah Pentony, Branch Head, National Inventory Systems and International Reporting Branch

Mr Matthew Searson, Branch Head, Emissions Reduction Assurance Committee Secretariat

Energy Performance Division

Ms Clare McLaughlin, Division Head

Dr Kate Boston, Branch Head, Energy Performance Strategy Branch

Mr Chris Videroni, Branch Head, Home Ratings and Disclosure

Mr David Atkins, Branch Head, Industrial and Buildings Energy Performance

Ms Melanie Ford, Branch Head, Greenhouse and Energy Minimum Standards

Gas and Liquid Fuels Division

Ms Paula Svarcas, Division Head

Mr Cris Cano, Branch Head, Liquid Fuels Operations and Analysis Branch

Mr Hew Atkin, Branch Head, Gas Markets Branch

Mr Andrew Pankowski, Branch Head, Gas Transformation Strategy Branch

Ms Jennifer Anne, Branch Head, Liquid Fuels Strategy and Security Policy Branch

International Climate and Energy Division

Ms Gaia Puleston, Acting Division Head

Ms Lynda Hayden, Acting Branch Head, Regional Partnerships Branch

Mr Michael Bartlett, Acting Branch Head, COP31 Clean Energy Economy Branch

Ms Sharon Traucki, Acting Branch Head, Strategic Engagement Branch

International Climate Negotiations Division

Dr Sally Box, Division Head

Ms Ingrid Lundberg, Branch Head, COP31 Presidency

Mr Chao Feng, Acting Branch Head, Negotiations Branch

National Energy Transformation Division

Ms Linda McGrath, Division Head

Mr Adam McKissack, Chief Energy Economist

Mr Matt Minchin, Branch Head, National Climate and Energy Partnerships Branch

Mr Lachlan Bickley, Branch Head, Energy Security, Resilience and Emergency Response

Net Zero Industries Division

Ms Edwina Johnson, Acting Division Head

Ms Catherine Zerger, Branch Head, Hydrogen and Industrial Future Branch

Ms Alicia Barnes, Branch Head, Decarbonisation Initiatives Branch

Mr Paul Murphy, Branch Head, Offshore Renewables Branch

Mr Thomas O'Connor, Acting Branch Head, Decarbonisation Initiatives Branch

Outcome 2

Biodiversity Division

Dr Fiona Fraser, Acting Division Head

Dr Ilse Kiessling, Branch Head

Mr Glenn Block, Branch Head

Ms Jackie Raynor, Branch Head

Ms Jacqui Goonrey, Branch Head

Circular Economy Division

Mr James Tregurtha, Division Head

Ms Rachel Burgess, Branch Head, Chemicals and Atmosphere

Mr Cameron Hutchison, Branch Head, Waste and Resource Recovery Policy

Ms Cathryn Geiger, Branch Head, Partnerships, Infrastructure and Analysis Branch

Mr Malcolm Southwell, Branch Head, Supply Chain Initiatives

Environment Information Australia

Ms Maya Stuart-Fox, Division Head

Mr Dirk Welsford, Branch Head, Environmental Economics, Science and Reporting Branch

Ms Juanita Pettit, Branch Head, Environmental Data and Analysis Branch

Ms Belinda Campbell, Branch Head, Environment Information Policy and Strategy

Environment Law Reform Taskforce

Mr Shane Gaddes, Division Head

Ms Jennifer Kay, Branch Head

Ms Anna-Liisa Lahtinen, Branch Head

Mr Blaine Wentworth, Acting Branch Head

Environmental Permitting and Compliance Division

Ms Dani Yannopoulos, Acting Division Head

Mr Sam Hush, Branch Head

Ms Kate Elliott, Branch Head, Wildlife, Waste and Environmental Permits Branch

Mr Danny McQuillen, Branch Head, Compliance and Enforcement Branch

Environmental Water and Aquatic Ecosystems

Dr Simon Banks, Division Head and Commonwealth Environmental Water Holder

Mr Hilary Johnson, Branch Head, Environmental Water Holdings and Water Science

Dr Marcus Finn, Branch Head, Environmental Water, Northern Basin and Water Science Branch

Ms Rebecca Curtis, Branch Head, Environmental Water Policy, Engagement and Wetlands

Heritage Division

Ms Michelle Dumazel, Division Head

Dr Wayne Beswick, Branch Head, Heritage Policy Branch

Ms Carmen Dwyer, Branch Head, First Nations Heritage Protection

Mr Ranga Parimala, Branch Head, World and National Heritage

International Environment, Reef and Ocean Division

Ms Katrina Maguire, Division Head
Mr John Foster, Branch Head, Great Barrier Reef Branch
Ms Belinda Jago, Branch Head, Ocean and Wildlife Branch
Ms Suzi Heaton, Branch Head, International Environment Branch

Environment Policy, Regions and Markets Division

Mr Greg Manning, Division Head
Dr Alison McMorrow, Branch Head, Nature Repair Market Delivery Branch
Ms Laura Higgins, Branch Head, Nature Finance and Market Policy Branch
Ms Daniela Croce, Branch Head, Regional Planning and Landscapes Branch

Environment Regulation Division

Mr Bruce Edwards, Division Head
Ms Kylie Calhoun, Branch Head
Mr Tim Wyndham, Branch Head
Ms Sarah Reachill, Acting Branch Head
Mr Declan O'Connor-Cox, Branch Head
Ms Rachel Short, Branch Head

Outcome 3**Australian Antarctic Division**

Ms Emma Campbell, Head of Division
Mr Phillip Boxall, Branch Head, Assets and Technology Branch
Mr Christian Beekes, Acting Branch Head, Policy and Strategy
Professor Nerilie Abram, Chief Scientist, Science Branch

Outcome 4**Water Infrastructure and Investment Division**

Ms Ruth Wall, Division Head
Mr Ryan Breen, Acting Branch Head, Great Artesian Basin, Lakehead Basin and Upper Murrumbidgee and Snowy Branch
Mr Lachlan Simpson, Acting Branch Head, National Water Grid Branch
Ms Christine MacRae, Acting Branch Head, Water Recovery Branch
Ms Fiona Yule, Branch Head, Murray Darling Basin Infrastructure Program Delivery Branch
Ms Lou-Ellen Martin, Branch Head, Water Support and Water Efficiency Labelling and Standards Branch

Water Policy Division

Mr Matthew Dadswell, Division Head
Ms Emma Solomon, Branch Head
Ms Angie McKenzie, Branch Head
Mr Anthony Bennie, Branch Head
Ms Sheryl Hedges, Branch Head
Mr Phil Coates, Branch Head

Murray-Darling Basin Authority

Mr Andrew McConville, Chief Executive
Ms Jacqui Hickey, Executive Director
Mr Tim Goodes, Executive Director
Mr Scott Ashby, Executive Director
Ms Katrina Tonkin, Chief Operating Officer
Mr Jack Mills, General Manager, Finance and Business Operations

Inspector-General of Water Compliance

The Hon. Troy Grant, Inspector-General of Water Compliance
Mr Daniel Blacker, Deputy Inspector-General
Mr Tim Gilbert, Chief Operating Officer
Ms Tara Schalk, Acting Assistant Inspector-General Regulation
Ms Sheridan de Kruiff, Acting Assistant Inspector-General Oversight

Bureau of Meteorology

Dr Peter Stone, Acting Chief Executive Officer and Director of Meteorology
Ms Nichole Brinsmead, Chief Information Officer and Group Executive, Data and Digital
Ms Astrid Heward, Group Executive, Enterprise Services and Chief Operating Officer
Ms Vicki Manson, Group Executive, Australian Climate Science
Mr Tim Abrahams, General Manager, Organisational Development
Dr Andrew Jones, Acting Group Executive, Business Solutions Group
Dr Judith Landsberg, General Manager, Climate Knowledge and Services
Mr Michael Logan, General Manager, National Production Services
Mr Robert Argent, General Manager, Research to Operations
Mr Mark Lyons, General Manager, Business Management
Dr Karl Braganza, National Manager Climate Services
Mr Benjamin Haydon, General Manager, Strategy

Threatened Species Scientific Committee

Professor Iain Gordon, Chair

Australian Institute of Marine Science

Professor Selina Stead, Chief Executive Officer
Ms Michelle Noack, Chief Financial Officer
Dr David Wachenfeld, Research Program Director, Reef Ecology and Monitoring
Mrs Tara McLaren, Director, External Relations
Dr Richard Brinkman, Chief Operating Officer

Great Barrier Reef Marine Park Authority

Mr Joshua Thomas, Chief Executive Officer
Dr Roger Beeden, Chief Scientist
Mr Richard Quincey, General Manager, Marine Park Operations
Ms Jameelie Fletchett, Chief Operating Officer
Mr Fred Nucifora General Manager, Major Projects

Climate Change Authority

The Hon. Matt Kean, Chair
Mr Brad Archer, Chief Executive Officer
Ms Eliza Murray, Deputy Chief Executive Officer
Ms Weilin Chiu, Acting General Manager, Systems and Science Branch
Mr Joe Hardwicke, Acting General Manager, Corporate Branch

Australian Renewable Energy Agency

Mr Darren Miller, Chief Executive Officer
Mr Chris Faris, Chief Operating Officer

Clean Energy Finance Corporation

Mr Ian Learmonth, Chief Executive Officer
Mr Andrew Powell, Chief Finance Officer

Mr Simon Every, Chief Public Affairs Officer

Emissions Reduction Assurance Committee

Professor Karen Hussey, Chair

Snowy Hydro Limited

Mr Dennis Barnes, Chief Executive Officer

Mr Roger Whitby, Chief Operating Officer

Australian Energy Regulator

Ms Clare Savage, Chair

Mr Matt Garbutt, Chief Executive Officer

Mr Justin Oliver, Deputy Chair

Mr Geoff Purvis-Smith, General Counsel

Australian Energy Infrastructure Commissioner

Mr Tony Mahar, Australian Energy Infrastructure Commissioner

Clean Energy Regulator

Mr David Parker, Chief Executive Officer and Chair

Mr Carl Binning, Executive General Manager, Scheme Operations Division

Ms Liza Pegorer, Chief Operating Officer, Corporate Branch

Mr Mark Williamson, Executive General Manager, Scheme Support Division

Ms Jane Wardlaw, General Manager, National Greenhouse and Energy Reporting and Safeguard Branch

Ms Michelle Crosbie, General Manager, Australian Carbon Credit Unit and Nature Repair Market Schemes

Ms Katia Tsiolkas, General Counsel, Legal Services and Governance

Ms Jennifer Bradley, General Manager, Australian Carbon Credit Unit Scheme

Mr Matt Power, General Manager, Renewable Energy Target Branch

Mr Rizwan Akhund, Acting General Counsel Legal Services and Governance

Committee met at 09:01

CHAIR (Senator Ghosh): I declare open the hearing of the Environment and Communications Legislation Committee into the 2025-26 supplementary budget estimates. I begin by acknowledging the traditional owners of the land on which we meet and pay my respects to elders, past and present. The committee has fixed Friday 28 November as the date for the return of answers to questions taken on notice. The committee's proceedings today will begin with corporate matters and general questions of the Climate Change, Energy, the Environment and Water portfolio. Under standing order 26 of the Senate, we must take all evidence in public session; this includes answers to questions on notice.

I remind all witnesses that, in giving evidence to the committee, they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence.

The Senate has endorsed the following broad test of relevance of questions at estimates hearings: any questions going to the operations or financial position of the departments and agencies which are seeking funds in estimates are relevant questions for the purposes of estimates hearings. I remind officers that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the parliament or its committees unless the parliament has expressly provided otherwise. The Senate has resolved also that an officer of a department of the Commonwealth shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or a minister. This resolution does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted.

Witnesses are reminded of the Senate order specifying the process by which a claim of public interest immunity should be raised, and I incorporate the public interest immunity statement into the *Hansard*.

The extract read as follows—

Public interest immunity claims

That the Senate—

(a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;

(b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;

(c) orders that the following operate as an order of continuing effect:

(1) If:

(a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

(2) If, after receiving the officer's statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.

(3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.

(5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.

(6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

(7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).

(8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

(d) requires the Procedure Committee to review the operation of this order and report to the Senate by 20 August 2009.

(13 May 2009 J.1941)

(Extract, Senate Standing Orders)

CHAIR: Senators and those present should be aware that one of the roles of the committee chair is to ensure that proceedings are conducted in an orderly way. This is not intended to prevent rigorous questioning of witnesses but to help ensure that senators exercise their rights and privileges in a civil and responsible manner; that is, questions are to be put in an orderly way and without disruptive interruption of either the questions or the answers. Witnesses are not to be subject to badgering or harassment. I remind all those present of their obligations under the behaviour codes adopted by the parliament, including the Behaviour Code for Australian Parliamentarians, to treat witnesses with dignity, courtesy, fairness and respect, and to act respectfully, professionally and with integrity. As chair, I will endeavour to uphold these standards.

Department of Climate Change, Energy, the Environment and Water

[09:05]

CHAIR: I now welcome the Hon. Murray Watt, Minister for the Environment and Water. Minister, do you wish to make an opening statement? If so, I would ask you to keep those remarks as short as possible.

Senator Watt: Certainly. I'll be no more than half an hour! Good morning, senators. I'm looking forward to a good discussion today, in my first estimates hearing as Minister for the Environment and Water, and welcome a number of new committee members and, indeed, a couple of senators for their first estimates session; I'm sure you'll enjoy the experience. When the Prime Minister entrusted me with this portfolio in May, I saw three core elements to my role: protecting Australia's spectacular natural environment; being a good international partner on

the environment; and ensuring that economic development is sustainable. Those principles have been at the heart of our work since I commenced in this role and, indeed, since our government came to office in 2022. We're committed to working collaboratively with state and territory governments, who hold many of the environmental levers in Australia; and, equally, we have committed to being a loud and active voice on the international stage, pushing for positive global environmental outcomes.

It's well understood that nature is facing many challenges, both here and overseas, driven by factors such as land clearing and invasive species. We are losing biodiversity at an alarming rate, and climate change is only making things worse, causing drier, hotter summers and warmer waters, with devastating impacts on our native plants and wildlife.

We all know that Australia's environmental needs were largely ignored for a decade under the former coalition government, who still struggle to admit that climate change is real. Three years ago, under my predecessor, Tanya Plibersek, we set out an ambitious agenda to put nature on a better path for the future, including by committing to protect 30 per cent of land and marine areas and to prevent new extinctions. A lot has been achieved since then. We've expanded our marine-protected areas to include 52 per cent of our ocean and we've increased our total protected landmass as well. We've celebrated the dedication of 12 more Indigenous Protected Areas, adding a further 18.6 million hectares to the National Reserve System.

We've given the green light to more than 100 renewable energy projects, including solar farms, onshore wind farms, energy storage systems and transmission projects. We've established Environment Information Australia and the world's first nature repair market. We've increased funding to better look after national parks, including Kakadu and Uluru. We've invested over \$600 million to protect and recover our most imperilled plants and animals. We've invested \$200 million to improve the health of our urban rivers, creeks and streams for native plants and animals. We signed the High Seas Treaty on day one, following years of global negotiations. We've increased recycling capacity by more than 1.4 million tonnes a year, stopping tyres, glass, paper and 'soft and difficult to recycle' plastics going to landfill. We've rescued the Murray-Darling Basin Plan, passing legislation to provide more time, funding, accountability and options to implement the plan.

I could go on, but what I'm focused on is the work that still needs to be done. The most pressing task before me is, of course, reforming our national environmental legislation, the Environment Protection and Biodiversity Conservation Act. The urgency of this task was highlighted recently at the government's Economic Reform Roundtable. The reforms I'll introduce to the parliament this year are built on three pillars: firstly, stronger protection for the natural environment; secondly, faster and more efficient approvals processes; and, thirdly, more transparency when it comes to making environmental decisions.

For too long, reform of the act has eluded this parliament, but I'm determined to get the job done. Our wellbeing, the places and species that Australians love and our future prosperity all depend upon it. Thank you very much, committee. We look forward to answering your questions today.

CHAIR: Thank you, Minister. I also welcome Mr Mike Kaiser, the Secretary of the Department of Climate Change, Energy, the Environment and Water. I note that this is your first time appearing before the committee since assuming your role, and I wish you all the very best. Do you wish to make an opening statement? If so, at the risk of being rude, can you keep it very short, please?

Mr Kaiser: No, I don't have an opening statement.

CHAIR: Before we commence with corporate matters and general questions, I remind senators that this part of the program relates to matters concerning central departmental administration; examples include building services, ICT, staffing levels and media procurement. Questions relating to individual policies and programs should be addressed to officials when the specific programs are considered in subsequent sections. With that, I will go to the coalition.

Senator HENDERSON: Good morning, Minister, Mr Kaiser and Ms Lee. I want to start with a few brief questions before handing over to Senator Dean Smith. Mr Kaiser, I'll address this to you first. Both the Prime Minister and Minister Bowen flagged possible meetings with Turkiye to resolve the hosting of COP31, noting that there is currently a stalemate on hosting rights, according to all reports. It's unclear whether any such meetings were held. Could you update the committee on whether any meetings were held, please?

Mr Kaiser: I think that's a question best addressed in outcome 1.1, climate change.

Senator HENDERSON: In fact, I'm asking about the travel arrangements. I'm asking specifically about departmental travel and, in relation to departmental travel, what meetings occurred. I'm specifically asking: did any meetings occur at the UN General Assembly in New York or anywhere else in the world?

Mr Kaiser: Yes.

Senator HENDERSON: Yes to what?

Mr Kaiser: Yes, meetings occurred at the UN General Assembly.

Senator HENDERSON: Can you please update the committee on what those meetings were?

Mr Kaiser: If you're going to the substance of the meetings, that's probably a question best left for outcome 1.1, because that goes beyond the travel arrangements and to the substance of the meetings.

Senator HENDERSON: Could you advise us of who the meetings were with, who attended the meetings, and the times and locations, please?

Senator Watt: The point is that it's a well-travelled path by oppositions of all persuasions to try to get into detailed questions in corporate that belong in other outcomes. What the officials who are currently here can do is explain things like the costs of travel—

Senator HENDERSON: I'll be getting to that, Minister.

Senator Watt: Yes; but the substance of the meetings requires officials who are not currently here.

Senator HENDERSON: Minister, with great respect, I didn't ask about the substance of the meetings; I asked about when the meetings—

Senator Watt: I think that's all you've asked about.

Senator HENDERSON: No, that's not correct, Minister.

CHAIR: Could we come to order? It's very early in the day. Senator Henderson has the call.

Senator HENDERSON: I asked about when the meetings occurred, the location and who attended; I'm not asking about the substance. I will get to the cost very shortly. Mr Kaiser, could you provide us with that information?

Mr Kaiser: I'm trying to be helpful, and there's ample opportunity between now and the end of the day to get to all of the questions. But these are questions about corporate, so we can tell you how many officers travelled, when and the costs, if you like, but we can't go to the substance of those meetings.

Senator HENDERSON: Yes, please share that with us, including where and when the meetings were, please.

Ms Lee: I have our travel statistics for July and August this year, for the beginning of the financial year. We have had 64 individuals attend 31 international events. From July to 31 August, we've had 64 individuals attend 31 international events in 25 different countries. There have been 73 trips in total, and the largest of those related to Antarctic science. I don't actually have the figures for COP, but Ms Munro has joined us at the table.

Senator HENDERSON: Just on that, I did ask specifically about any meetings between Australia, the minister and officials, and representatives of Turkiye.

Ms Munro: I don't have that information. In relation to the questions relevant to this area, and as the secretary said, three officials travelled with Minister Bowen to the UN General Assembly, as well as the New York Climate Week.

Senator HENDERSON: Could you provide details of when the meeting occurred? I assume that a meeting occurred with Turkiye; could you provide those details, please?

Ms Munro: Yes.

Senator HENDERSON: Not the substance; just the location, the time and who attended that meeting.

Ms Munro: Just on that, we will be back later today, so I can certainly take that on notice; we'll be able to provide all of that information to you later today.

Senator HENDERSON: So there was a meeting with Turkiye?

Ms Munro: There certainly were meetings with officials from Turkiye and also at ministerial level.

Senator HENDERSON: With whom did Minister Bowen meet at a ministerial level, please?

Ms Munro: Again, we can go into that under outcome 1.

Senator HENDERSON: You'll address that later, will you?

Ms Munro: Yes.

Senator HENDERSON: Could you just tell me the total cost of all of the meetings to which you have referred, Ms Lee, and in particular the cost of travel to New York by your department.

Ms Munro: I don't have the final figures in terms of the cost of travel to New York. It was only two weeks ago, so we're still reconciling what the financial cost was.

Senator HENDERSON: Okay. Can we go back to the overall travel costs for the department in relation to the meetings, Ms Lee, that you mentioned.

Ms Lee: Yes. These are our travel costs for July to 31 August. Our international travel costs so far have been \$600,845; \$378,000.

Senator HENDERSON: They are the costs for—

Ms Lee: Our international travel, so that's airfares, accommodation and other costs.

Senator Watt: Obviously, that's for a range of different events.

Ms Lee: That's not just for COP.

Senator HENDERSON: Could you please provide a breakdown, if you're able to do so. Maybe you could ask one of the officials whether you could separate the costs of each trip and break it down into airfares, accommodation and any other incidental costs.

Ms Lee: We'll take that on notice; yes.

Senator HENDERSON: Perhaps it's possible to hand that up to the committee. Do you have any of that information?

Ms Lee: I don't have it by trip; I just have a breakdown across airfares, accommodation and 'other'.

Senator HENDERSON: Just in relation to the cost of travel to New York, do you have those costs?

Ms Lee: No, I don't have that one; sorry.

Mr Kaiser: Those costs were for July and August, which is what the department has had the opportunity to reconcile to date, in this financial year. As Kushla said, the UN General Assembly was only a couple of weeks ago, so we've not had the opportunity to reconcile those costs, although she has provided the information that three departmental officers attended in New York.

Senator HENDERSON: Those costs must be known to the department, though, because they would be approved by the department.

Mr Kaiser: Can we take that on notice? We'll provide you with whatever information we can.

Senator HENDERSON: Yes, you can take it on notice. You've got many people here from the department today, so can I ask whether you can find that information and bring it back to the committee as soon as possible today?

Mr Kaiser: Sure.

Senator Watt: They've taken it on notice and they will attempt to get the information together as quickly as they can.

Senator HENDERSON: Minister, I'm well aware of the rules of estimates. I'm asking, given that this is a substantive issue in relation to corporate and the functioning of your department, if you are able to provide that information to the committee, particularly when those costs would have been approved. I would appreciate it.

Mr Kaiser: Sure.

Senator HENDERSON: I'm not really asking whether the reconciliation of those costs has occurred, but someone in the department would have approved the travel costs to go to New York.

Mr Kaiser: Sure. Specifically, what we're taking on notice are the travel costs, airfares and accommodation associated with the three officers who went to New York for the United Nations General Assembly.

Senator HENDERSON: And any other travel costs associated with going to New York. But I've already asked Ms Lee to provide, on notice, a breakdown of all travel costs for July and August.

Mr Kaiser: And all travel costs.

CHAIR: Senator Dean Smith.

Senator DEAN SMITH: I might continue Senator Henderson's line of inquiry. On notice, could you identify the 64 individuals who participated in travel between July and 31 August—not their names, of course, but their relevant positions across the department—and identify the 31 international events that they attended, and perhaps, as part of that, identify which ones were specifically related to COP31 preparations. What were the 25 countries? You said that there were 31 events but over 25 countries, I think. Could you identify what the 25 countries were. Am I right to assume that, for the 73 trips that you identified, the total value for just two months was \$685,000-plus?

Ms Lee: Yes.

Senator DEAN SMITH: What was that exact figure: \$685,000?

Ms Lee: It was \$6,845,378.

Senator DEAN SMITH: So \$685,378.

Mr Kaiser: Sorry, Senator; it's \$6,845,378.

Senator DEAN SMITH: I was going to applaud you for your prudent use of taxpayers' money; it's just as well I didn't.

Ms Lee: Oh, my goodness; what a thing to have got wrong!

Senator DEAN SMITH: So it's not \$685,000 but \$6 million.

Mr Kaiser: And \$845,378.

Ms Lee: That was my reading. My team have it right; it's just me.

Senator DEAN SMITH: So, Ms Lee, perhaps you could just restate that number for the travel.

Ms Lee: It's \$6,845,378.

Mr Kaiser: That's for international departmental travel—staff expenditure.

Senator DEAN SMITH: So that's \$6,845,378 for two months worth of travel for international events.

Ms Lee: No. Actually, I've completely read the wrong number. That makes more sense.

Mr Kaiser: We're just getting our act together. That was for the entire last financial year.

Ms Lee: I'm sorry; that was for last year. That makes more sense. So it's \$1,030,000—

Mr Kaiser: It's \$1,030,814.

Ms Lee: My apologies.

Senator Watt: We might just check those numbers.

Senator HENDERSON: We are alarmed.

Senator DEAN SMITH: I'm sorry, colleagues. I've probably achieved more in the last few minutes than we did in the first seven, so should we just focus on me while I've got the call?

CHAIR: You don't have the call for much longer, Senator, so can we have the answer to that question, please?

Senator DEAN SMITH: So it's \$1,030,814 for the 73 trips between July and 31 August.

Ms Lee: Yes.

Senator DEAN SMITH: And you're going to provide those additional details to me?

Mr Kaiser: I might just confirm that 73 trips isn't the full financial year.

Ms Lee: No. That's for July to August.

Mr Kaiser: All of July and August, yes; 73 trips.

Senator DEAN SMITH: That's 73; great.

CHAIR: Senator Hanson-Young.

Senator HANSON-YOUNG: On corporate matters, I wonder how many officers or staff you have working on securing the COP here in Australia.

Mr Kaiser: That's, again, probably a question best left for outcome 1.1, where we can provide much more detail around the number of staff and precisely what skill sets they have.

Senator HANSON-YOUNG: What budget has been allocated to securing the COP?

Ms Munro: We don't have a specific budget just for securing the COP. There are a range of preparations underway, should we do that. There is an operational division. In trying to secure the COP, that goes across our negotiations teams and preparations for those sorts of meetings in the broader WEOG but also, as was discussed, directly with Turkiye.

Senator HANSON-YOUNG: Can I ask: how much of the resourcing for the bidding process is being covered by your department, versus DFAT? There must be a sharing of that.

Ms Munro: Yes. There are particular responsibilities that this department has and then, separately, there are those with DFAT, led by the Ambassador for Climate Change in that department. Again, I don't have precise figures in terms of budget allocated to secure the COP, but you're correct: there is a shared responsibility between the departments.

Senator HANSON-YOUNG: You must have some allocation of funding, though. If you can't give me that now, I'd like you to take that on notice and bring it back when we get to that section—

Ms Munro: I'll come back; yes.

Senator HANSON-YOUNG: including the number of officers and staff, which Mr Kaiser has said you can answer when you come back. On the broader issue of staffing and resources allocation, I'm interested in how many officers are currently working on project assessments and approvals.

Mr Kaiser: Again, that's probably best left to outcome 2.1, where the appropriate deputy secretary will be present and can answer questions in detail.

Senator HANSON-YOUNG: They're on notice, then.

Mr Kaiser: Sure.

Senator HANSON-YOUNG: I also want to know how that compares to the figures from this time last year.

Mr Kaiser: Okay. We'll endeavour to get those for you in item 2.1.

Senator HANSON-YOUNG: Thank you. I'd also like to know how many staff are working on EPBC reforms. They're the mooted reforms that the minister has been speaking about this morning.

Mr Kaiser: Again, perhaps we could take that on notice and attempt to answer it.

Senator HANSON-YOUNG: I'd also like to know whether that is more or less, and what the comparison is with this time last year.

Mr Kaiser: I understand.

Senator HANSON-YOUNG: Could I ask how many different pieces of legislation across the two different portfolios—or three, if you include water—are currently being worked on by the department.

Mr Kaiser: There may be someone here who can answer that question. We'll just see.

Senator HANSON-YOUNG: It's got to be in corporate because it's across the board.

Senator Watt: Yes, we can get that.

Mr Kaiser: Obviously, there are also various stages of working on a bill or a set of amendments. We may be in the consultation phase, we may be considering advice to the minister or we may be drafting the legislation.

Senator HANSON-YOUNG: Yes. I want all of that.

Mr Kaiser: You'll appreciate that it's a challenging question to answer, but we'll attempt to do so.

Ms Lalor: I can't give you a more helpful answer than that now, but I can later today. We can come back to you with an answer on how many pieces of legislation we're working on. Can I clarify this with you, though: do you mean reforms that we're working on, as opposed to—

Senator HANSON-YOUNG: Is there anything other than the EPBC reforms that you're working on?

Ms Lalor: Yes.

Senator HANSON-YOUNG: What are they?

Ms Lalor: I can come back to you with how many we're working on, but obviously—

Senator HANSON-YOUNG: Hang on. This is budget estimates and there hasn't really been time for the Senate to inquire into the department's activities all year. I would be surprised if you couldn't give us this. You've got all these people sitting back here, and I know that there are a whole bunch of people in the back room. If you can't explain what is on foot, we're going to have a very tough day.

Mr Kaiser: Senator, we are attempting to be helpful, but could I perhaps clarify the nature of your question. For example, we're anticipating reforming the Water Act. That work has not begun yet, but we know that it's due. Would that be included in or out of your list?

Senator HANSON-YOUNG: Yes. The only piece of legislation that the minister has been talking about is a bill to reform the EPBC Act, so we know about that one. I want to know what else is being worked on, what else is in the pipeline.

Mr Kaiser: That work hasn't necessarily commenced yet.

Senator HANSON-YOUNG: Hasn't it?

Mr Kaiser: The Water Act reform?

Senator HANSON-YOUNG: The Water Act reform; okay.

Mr Kaiser: Yes. Of course, there are other bills that may be statutorily required to be reformed in five years time. Should we include those in the list?

Senator HANSON-YOUNG: I don't think we need to be too cute about this.

Mr Kaiser: No. I'm attempting to—

Senator HANSON-YOUNG: Is there any legislation being drafted or worked on that is anticipated to be introduced into this parliament in this term?

Senator Watt: I can give you one example of a piece of legislation that has already been introduced. My recollection is that the title of the bill includes environment protection and biodiversity conservation. It's to do with the boards of management for federally run national parks, such as Kakadu. That bill has been introduced in the House. I must admit, though, that I think it has been sent to a Senate inquiry.

Senator HANSON-YOUNG: It has. It's currently before us in committee, so we can't actually ask about that.

Senator Watt: So that is an example of one bill. It would be fair to say that the priority bill for me, the government and the department is the EPBC reforms. It would appear that—and I think this is reasonable—the department don't have a full list of every piece of legislation that they're currently working on, but they've undertaken to come back to you on that.

Senator HANSON-YOUNG: Do you have any legislation in the climate portfolio that's being worked on at the moment?

Ms Lalor: I think we've got a few different aspects here. I think you're asking particularly with respect to acts—bills for the parliament. What I was referring to in particular was that we've got a large program of subordinate legislation that we work on—regulations and subordinate instruments for the parliament. I can come back to you in relation to some of those. Obviously, the question of introducing legislation to the parliament is one for government to determine, from time to time, when they would like things introduced in the parliament.

Senator HANSON-YOUNG: Yes, but I'm not asking about timing or what decisions the government is making; I'm asking about the resources of this department and how much of that is being spent on legislation and legislative reform.

Ms Lalor: Yes. I can assist you with that. I can talk to you about that or come back to you with some numbers around the number of people we have in our legislation practice.

Senator HANSON-YOUNG: And which pieces, in which areas. The problem that we have with you going away is that we're going to get into the other sections and it's going to be, 'Well, you should have asked this in this bit and you should have asked this in this bit.' That's the reason for using the corporate outcome for trying to get an overview as to what the priorities of work for the department are.

Mr Kaiser: If it's pieces of legislation that we are currently working on, because we can't anticipate what the government may ask us to work on further down the track—

Senator HANSON-YOUNG: I'm not asking you to anticipate.

Mr Kaiser: Okay. So currently, certainly in this minister's part of the portfolio, EPBC Act reform is the overwhelmingly dominant consideration at this point in time.

CHAIR: I have to share the call at this point, Senator Hanson-Young; we will come back to you. Senator Roberts.

Senator ROBERTS: Thank you for being here this morning. Minister, firstly, congratulations to you. It's a challenging appointment; Anthony Albanese must trust you quite a bit. Mr Kaiser, congratulations on your appointment to run the department.

Mr Kaiser: Thank you.

Senator ROBERTS: I'd like to focus on the third driver of the minister's drivers to the department, which is more transparency. What's your total remuneration package for heading the Department of Climate Change, Energy, the Environment and Water?

Mr Kaiser: Approximately \$930,000 per annum.

Senator ROBERTS: Is that in total, or does it include super and allowances? Is that everything in your package?

Mr Kaiser: That's inclusive of super.

Senator ROBERTS: So your gross salary package is \$930,000.

Mr Kaiser: Approximately.

Senator ROBERTS: How long is your contract for?

Mr Kaiser: Five years.

Senator ROBERTS: What was your last job?

Mr Kaiser: I was one of what we call directors-general. I was Director-General of the Queensland Department of the Premier and Cabinet.

Senator ROBERTS: And the premier was Steven Miles?

Mr Kaiser: Yes.

Senator ROBERTS: Which party was he in?

Mr Kaiser: The Labor Party.

Senator ROBERTS: He was unceremoniously tossed out of government by the Queensland voters, and it's the federal Labor government now appointing you.

Mr Kaiser: I think my career CV is a matter of record. I was employed by the Queensland government until 24 October 2004, and I commenced work with the Commonwealth government as the secretary of this department on 14 July 2025.

Senator ROBERTS: At one stage, you were state secretary for the Queensland Labor Party; is that correct?

Mr Kaiser: Correct.

Senator ROBERTS: And were you a member of the parliament for the Labor Party?

Mr Kaiser: I was a member of the Queensland parliament for a brief period of time, yes.

Senator ROBERTS: What role did you have that earned the Prime Minister's praise? I can see that he has been very glowing in his praise: 'Mr Kaiser's experience includes delivering on large scale projects, administering complex regulatory regimes and leading the Queensland government's policies on planning and infrastructure.' What role did you have on climate and energy plans?

Mr Kaiser: As a Queensland public servant?

Senator ROBERTS: Yes.

Mr Kaiser: I headed the infrastructure department that had overall responsibility for the program management of the infrastructure that was publicly funded in Queensland and aspects of private sector infrastructure; that certainly included energy infrastructure, for example. I was the director-general of the local government department; I had a lot of interactions between local governments and energy providers and also those developing renewable energy projects. I'm trying to think of other touch points. Obviously, as the Director-General of the—

Senator ROBERTS: Thank you. I appreciate your being so forthcoming. Did that include any of the pumped hydro storage systems?

Senator Watt: Chair, can I just get a ruling? I think these are questions that go to matters in the Queensland government, and I would have thought today is more about asking questions about what's happening in the federal government. So can we just get some guidance on whether these questions are in order?

CHAIR: Senator Roberts, I'll deal with that. I understand the point that you're making, minister. I think it's relevant to the qualifications of the department's secretary for the purposes of corporate affairs. So, unless it strays very much further into the Queensland government, I think these questions are in order for now.

Mr Kaiser: In terms of the pumped hydro projects being worked on in Queensland at the time while I was a public servant, it was certainly Queensland government policy that pumped hydro projects be developed in Queensland and, as a public servant, I played my legitimate role in assisting the government to fulfil its policy objectives.

Senator ROBERTS: Did that include Borumba and Pioneer-Burdekin?

Mr Kaiser: Yes.

Senator ROBERTS: Thank you. Mr Kaiser, how many of the projects that you oversaw have been turned around by the latest government, the new government?

Mr Kaiser: I can't answer that. As a public servant, I worked diligently to fulfil the policy objectives of the government that I worked for and not a subsequent government.

Senator ROBERTS: Minister, why hasn't the government released its jobs-for-mates review into Public Service appointments? Senator Gallagher said back in 2023, 'This review is all about putting an end to the jobs-

for-mates culture.' It was handed to your government in 2023, yet you still keep it secret; why haven't you commented on it?

Senator Watt: I don't know about that. That's not a matter involving this department, but the estimates for the Department of the Prime Minister and Cabinet and Finance are happening over the course of the week.

Mr Kaiser: Senator, if I may, it would seem to me that your questions go to my political background. There is no doubt and it's a matter of record that I have political involvement in my background. I can assure senators, my ministers and the Australian people that I've had no involvement in politics—I've held no political role—for 16 years. When I was involved in politics, the public servants whom I admired the most were the ones who provided frank, fearless and impartial advice, and that's a value I hold dear now as I exercise my responsibility as a public servant.

CHAIR: Thank you, Senator Roberts. I'll have to share the call. If you have further questions, please let me know. Senator Dean Smith.

Senator DEAN SMITH: Senator Roberts has shamed us. I also extend our congratulations, Senator Watt, for your appointment to the new portfolio and to Mr Kaiser for his appointment to the role of secretary of the department. Ms Lee, just going back to questions about travel costs et cetera for the period between July and 31 August, if you could provide the information that's been requested in a table format that identifies the event, the country, the officials who participated, the class of travel, the accommodation costs, the airfare costs and any miscellaneous costs, and then a total for each of those travel events, that would be helpful.

Mr Kaiser, I just want to ask some questions about the COP31 bid, and perhaps Ms Munro could come forward.

Mr Kaiser: Sure, bearing in mind that Ms Munro will be spending quite a bit of time at the table in outcome 1.2, which is imminent.

Senator DEAN SMITH: I want to ask her some global questions, no pun intended. Ms Munro, you said that there was no budget attached to the COP31 bid; did I hear you correctly?

Ms Munro: I answered a question from Senator Hanson-Young, which was what the budget was to secure the COP. I said that there was not a specific budget to secure the COP; there were a number of things which do require resources, particularly the preparation and planning, should we be successful in securing the bid to host COP31.

Senator DEAN SMITH: The bid is not yet secured, is it?

Ms Munro: That's correct; it's not secured.

Senator DEAN SMITH: On notice, can you provide to the committee the total costs that have been expended to date in an attempt to secure the bid? Minister or Mr Kaiser, if Australia is successful, will there be a budget for COP31 preparations and execution?

Senator Watt: I'm sure that there will be.

Mr Kaiser: This bid is on behalf of the Australian government and not this department. So, if there is a budget, it will span many agencies and won't all reside with this agency.

Senator DEAN SMITH: Have budget discussions or preparations begun regarding COP31, in the event that we might be successful?

Ms Munro: Yes, preparations are underway to fully cost and provide advice to government, but no decisions have been made yet on those decisions.

Senator DEAN SMITH: Is our COP bid being managed through an interdepartmental arrangement or group?

Ms Munro: Yes. There is what we'd call an interdepartmental committee; that is a governance committee that spans this department, the Department of Foreign Affairs and Trade, the Department of the Prime Minister and Cabinet as well as the Department of Finance.

Senator DEAN SMITH: What's the IDC called?

Ms Munro: I don't think it's got a grand name. I'll have to take that on notice. I think it's called the COP31 governance committee.

Senator DEAN SMITH: Governance committee?

Ms Munro: Yes.

Senator DEAN SMITH: Does that presuppose success?

Mr Kaiser: Senator, these questions really are going beyond corporate.

Senator DEAN SMITH: I thought I might just get them out early. I can ask them again, but I thought I might just get them out earlier. Ms Munro, you've mentioned that Minister Bowen had travelled to the United Nations with three officials. Is it common for the minister to travel with three departmental officials?

Ms Munro: It is common. There is precedent for ministers being supported at that level. It wasn't just the UN General Assembly; it was UN Climate Week. There was a Climate Ambition Summit and discussions on the negotiations as well as the broader action agenda.

Senator DEAN SMITH: Could you just identify on what other occasions the minister might have travelled with greater than one official? Mr Kaiser, did you accompany him to the United Nations?

Mr Kaiser: No.

Senator DEAN SMITH: Which three officials accompanied Minister Bowen to the United Nations?

Mr Kaiser: Do you want names?

Senator DEAN SMITH: Positions.

Ms Munro: I was one of those officials, as deputy secretary for the climate group. Then there were two other officials: the head of the International Climate Negotiations division and also the head of the International Climate and Energy Innovation division.

CHAIR: Thank you, Senator Smith. I'll come back to you if you have further questions. I'll share the call at this point. Senator Hanson-Young.

Senator HANSON-YOUNG: On funding, I'm interested to know whether any extra funding has been allocated to support South Australia with the toxic algal bloom.

Mr Kaiser: There was an allocation.

Senator HANSON-YOUNG: It's been spent.

Senator Watt: That's not correct, Senator Hanson-Young. You would be aware that the government has committed half of the \$28 million package, the other half being contributed by the South Australian government. In addition to that, the Prime Minister announced an extra, from memory, \$6 ½ million in funding. The point that I picked you up on was that all of that money has been allocated for various purposes but not all of it has yet been spent. For example, money remains for businesses that need financial support; in the allocation, there is provision for that.

Senator HANSON-YOUNG: Yes. But it has been allocated; is that right?

Senator Watt: Yes.

Senator HANSON-YOUNG: What we're seeing is that the demand is going to be much greater. I wonder whether the department has put any work into further funding support for South Australia, given how bad the situation is.

Senator Watt: I think it's best if we take detailed questions on this in the relevant outcome, when we'll have the officials here. But I've already made public the fact that our government is in discussion with the South Australian government about their proposed summer plan. You would have seen that I was in Adelaide last week meeting with the South Australian government about that.

Senator HANSON-YOUNG: So that includes funding?

Senator Watt: I think it would be reasonable to expect that the South Australian government would be seeking funding from us, yes.

Senator HANSON-YOUNG: Have they yet?

Senator Watt: I don't believe that there's been a formal request yet, but there have certainly been discussions.

Senator HANSON-YOUNG: Is there any work being done on further funding support needed, such as in the area of research and science, which sits outside the almost emergency response regarding South Australia?

Senator Watt: I think that we're getting into a level of detail that it's best to deal with in outcome 2.

Senator HANSON-YOUNG: But this is not just for outcome 2, is it.

Senator Watt: No; but you're asking about particular programs of funding and what may or may not be in them, and that's exactly what we deal with in outcome 2 rather than in corporate.

Senator HANSON-YOUNG: Which department did the \$14 million come from?

Ms Lee: I think the actual payment itself went through the Treasury department, but I think it was made up of a number of features.

Senator HANSON-YOUNG: Did it come out of just the environment budget or from somewhere else?

Senator Watt: It was new funding. It wasn't taken out of existing departmental funding.

Senator HANSON-YOUNG: Where did the 6.5 come from?

Senator Watt: Again, perhaps in outcome 2, when we have the relevant officials, we can give you firm answers on this, but my recollection is that was new funding as well.

Senator HANSON-YOUNG: You're saying that you expect there will be a request for further funding, but you haven't received that as yet.

Senator Watt: My understanding, as of 9.45 today, is that we have not yet received a formal request for funding from the South Australian government, but we certainly have been in discussions with them about what they think is required in the summer plan and what funding that will entail.

Senator HANSON-YOUNG: Minister Watt, I understand you to be saying that there's some understanding of how much that summer plan is going to cost.

Senator Watt: Discussions are underway between the two governments about the cost of the summer plan and how it should be funded.

Senator HANSON-YOUNG: When do you expect to have a formal request from the South Australian government?

Senator Watt: Premier Malinauskas has already made clear that he will be releasing the summer plan in October.

Senator HANSON-YOUNG: It is October.

Senator Watt: Correct. Given that he has said he will be releasing the summer plan in October, I would expect that to be happening pretty soon. As I say, discussions are underway, and have been for a while.

Senator HANSON-YOUNG: There hasn't been a formal request, but officers within your department have an understanding of what the magnitude of extra funding would need to be.

Senator Watt: They have an understanding of the types of things that the South Australian government thinks are necessary in the summer plan.

Senator HANSON-YOUNG: You're saying that you'll answer these questions for me in outcome 2.

Senator Watt: It depends on what your questions are. I can't tell you what's in the summer plan or what's going to be funded, because that's still being negotiated, but I can give you some more—

Senator HANSON-YOUNG: But your officers do have a sense of the quantity of money that's required.

Senator Watt: They may do. I haven't checked with them about that.

Senator HANSON-YOUNG: We can come back to that.

CHAIR: Before I pass the call, I'll make the observation that we are now running 15 minutes behind where we need to be at this point in time. I'm conscious that senators still have questions but, given that some have gone to substantive bits, the quicker we can make this, the more likely we are to get to everyone on the program today. Senator Duniam?

Senator DUNIAM: I want to go to incoming government briefs. There was an order for the production of documents in the Senate requesting all incoming government briefs, which was only partially complied with, earlier this year. This is a different approach to other departments—the Department of Finance, the Department of Agriculture, Fisheries and Forestry, to name a couple. Why has only one of the two volumes been released?

Ms Croker: The incoming government briefs that were prepared by the department have been subject to a freedom of information request. Volume 2 of the documents has been released publicly, in response to that request, and is available on our DCCEEW FOI disclosure log.

Senator DUNIAM: Thank you for that. I asked why we didn't have volume 1, I suppose, to cut to it.

Ms Croker: We've not released volume 1, in relation to that FOI request; they are exempted in full under the FOI Act.

Senator DUNIAM: That takes me to the nub of the issue here. If the Department of Finance, for example, and the Department of Agriculture, Fisheries and Forestry can release in full their incoming government briefs, what is the rationale for holding back a full volume—I presume half—of the incoming government briefs from public consumption? We've talked already about transparency; it was a big part of the last term of government and, apparently, this term. Why hide, notionally, 50 per cent of incoming government briefs to this minister?

Ms Croker: They are exempted under the FOI Act on the basis that they contained material subject to legal professional privilege, deliberative matter, the disclosure of which would be contrary to the public interest, and information, the release of which would involve the unreasonable disclosure of personal information.

Senator DUNIAM: The normal approach, of course, with these sorts of things is that redactions would occur on sensitive information. Are you telling this committee that the entire volume that has been held back is of the nature that you've just described—

Ms Croker: That's correct.

Senator DUNIAM: Sensitive and against the public interest for them to know about what you're telling the minister?

Ms Croker: Yes, that's correct.

Senator DUNIAM: So the Australian public shouldn't know. Were there only two volumes to the incoming government brief, or was there another volume?

Ms Croker: There were two volumes.

Senator DUNIAM: There was not a third volume at all; there were no appendices or anything in another document or another folio?

Ms Croker: No.

Senator DUNIAM: What interaction was there from the minister's office with regard to the decision to hold back volume 1?

Ms Croker: The FOI decision was made by the department.

Senator DUNIAM: Who in the department makes that decision?

Ms Croker: That was made by me.

Senator DUNIAM: What process do you go through in making that decision?

Ms Croker: We receive advice from our legal counsel on the FOI Act process, and that decision is then made in consideration against those.

Senator DUNIAM: Of course, in addition to a freedom of information request, there was an order for the production of documents in the Senate, and the same response. Was there a public interest immunity claim made by the department or the minister in response to that?

Ms Croker: No, I don't think there was a public interest immunity claim made.

Senator DUNIAM: What was the rationale in that instance for not complying with an order of the Senate to release these documents?

Ms Croker: I'm sorry; I'm not in a position to comment on that one.

Senator DUNIAM: Are you taking that on notice; is that what you mean?

Ms Croker: We'll take that one on notice.

Senator DEAN SMITH: Can Ms Lee provide any information? Ms Lee, I understand that, in the organisational structure, you sit over Ms Croker.

Ms Lee: We will take that on notice, as the decision on the production of the documents is undertaken by the—

Senator DEAN SMITH: Ms Lee, you'll understand that you are not at liberty to take something on notice if you know the answer to the question.

Ms Lee: I actually don't know the answer to that question, so we'll have to take that on notice.

Senator DUNIAM: I presume the minister received both volumes as well, and was advised of your intention to make this decision before you made the decision not to release volume 1?

Ms Croker: Yes. The minister's office was advised of my decision.

Senator DUNIAM: Before or after the making of the decision?

Ms Croker: I'll have to take the exact timing on notice.

Senator DUNIAM: Just to dot the i's and cross the t's, was that advice provided in a regular weekly meeting or as part of a formal minute or brief to the minister?

Ms Croker: Again, I'll take that on notice.

CHAIR: Senator Roberts, I understand that you need two minutes.

Senator ROBERTS: Yes. Minister, following on from my last question, I will quote from a news report. Gabrielle Appleby, a constitutional law professor at the University of New South Wales and director of the Centre for Public Integrity, said:

The fact that they commissioned—

that's your government—

the Briggs review, have yet to release it, and are still making appointments through this outdated, opaque, and problematic process is particularly concerning ... hugely corrosive.

Even if the individual is the right or the best or a good person for the job, it just smells of jobs for mates, it smells of cronyism, and it smells of a conflict of interest. These are the types of issues that undermine public trust in government.

In my experience, both public servants and private sector employees are usually wonderful. What is the impact of this appointment of Mr Kaiser on morale in your department?

Senator Watt: I have absolute confidence in Mr Kaiser's ability to do the job, and that's certainly being borne out—

Senator ROBERTS: With respect, I asked for your opinion of the effect of his appointment on the morale of the people in the department.

Senator Watt: I've seen no evidence that it's had a negative impact on morale.

Senator ROBERTS: Thank you. Can I ask a second question?

Senator Watt: You are making an imputation or implication in relation to Mr Kaiser, and I'd repeat the point—

Senator ROBERTS: I'm just quoting what an independent person said.

Senator Watt: Mr Kaiser comes to this job having been the director-general of the premier's department in Queensland, the director-general of the state development department in Queensland and the director-general of the resources department in Queensland, on top of a lengthy private-sector career. With that kind of background, I'm not surprised that he's doing a very good job as the secretary.

Senator ROBERTS: You omitted some of the controversial aspects. Moving on to my second question, you said in your opening statement, Minister, that we're facing drier and warmer summers. Can you give me the source of that data, please—the specific location? No quips about 'hard to convince'.

Senator Watt: Senator Roberts, I thought we'd get into climate conspiracies by about 4 pm; I didn't think we'd get there by six minutes to 10.

Senator ROBERTS: You're avoiding the question. Could you give me the specific location, please?

Senator Watt: You and I have had many conversations in estimates hearings—

Senator ROBERTS: And we'll continue to have them.

Senator Watt: about whether climate change is real or not. I have failed to persuade you that climate change is real. The Bureau of Meteorology has failed to convince you that climate change is real. CSIRO has failed to convince you that climate change is real. What you see on your TV has failed to convince you that climate change is real. I don't think I'm going to be able to convince you.

Senator ROBERTS: Is your forecast of drier and warmer summers cyclical; is it a change in climate? Can you give me the specific location? I will keep raising this until you give me the specific location of variables.

Senator Watt: I have no doubt that you will keep raising it.

Senator ROBERTS: No-one has provided it.

Senator Watt: Many witnesses at estimates hearings have presented the evidence.

Senator ROBERTS: Why can't you provide it?

Senator Watt: You've just chosen not to believe them.

Senator ROBERTS: Why can't you provide it?

CHAIR: Senator Roberts, I think that brings the call to the end. I will give the call to Senator Hanson-Young from the Greens, to take us to the break.

Senator HANSON-YOUNG: I want to go back to the matters that the department is working on, so that I can get a full sense. I want to be clear. The minister has said that the EPBC reform package is the priority; is that fair?

Senator Watt: For legislation, yes.

Senator HANSON-YOUNG: For legislation. A team of people is currently working on that?

Mr Kaiser: Correct.

Senator HANSON-YOUNG: We can come back to that in outcome 2. Are there still plans for plastic packaging reform?

Senator Watt: Yes, and we'll be able to talk to you at length about that in outcome 2.

Senator HANSON-YOUNG: What about the extended producer responsibility scheme legislation; is that being worked on?

Senator Watt: Yes. Again, we'll be able to talk to you about that in outcome 2.

Senator HANSON-YOUNG: What about the decade-long science plan; is something being done in that space?

Senator Watt: I wonder whether that is more of a Minister Bowen issue.

Senator HANSON-YOUNG: It's probably not for you, Minister, but maybe for Mr Kaiser.

Mr Kaiser: Yes; I think officers in outcome 2 will be able to—

Senator HANSON-YOUNG: That's fine. I'm just trying to work out whether, on these matters, there will be people of whom we can ask questions. You think 'maybe'?

Senator Watt: I will speak to my—

Senator HANSON-YOUNG: The Antarctic science plan.

Senator Watt: That is being worked on and there's an entire outcome dedicated towards Antarctica.

Senator HANSON-YOUNG: What about any legislation or regulation coming out of the algal bloom disaster; is anything being worked on in that space?

Senator Watt: Again, the relevant officers will be here shortly; but, to my knowledge, no-one has demonstrated a need for legislative reform in this portfolio. We've been focused on environmental restoration, science, business assistance and community assistance for that event.

Senator HANSON-YOUNG: Who is leading the response on algal bloom for the federal government?

Senator Watt: This department.

Senator HANSON-YOUNG: If there is any requirement for legislation, you don't know about it?

Senator Watt: No-one has yet demonstrated a need, in the government's opinion, for legislative reform. What we need to do is to support the businesses that are suffering, support the environmental recovery and undertake further science, and that is all the kind of activity that we are funding.

Senator HANSON-YOUNG: What about making sure that government can respond to these types of disasters faster through some type of marine heatwave disaster response or a climate disaster response?

Senator Watt: That probably goes to climate adaptation matters, which will be covered in outcome 1.

Senator HANSON-YOUNG: I'm asking whether there's anybody in the broad department who is being tasked to look at whether any legislative reform is required.

Senator Watt: The relevant officials who'd be able to answer that will be in outcome 1.

Senator HANSON-YOUNG: You can't answer that question for me now; the secretary can't answer that? It's not a matter of priority for you.

Senator Watt: They're your words.

Senator HANSON-YOUNG: Can you answer it or not? Is somebody looking at the implications of the requirements for legislative reform or not?

Senator Watt: I think I've answered that two or three times already.

Senator HANSON-YOUNG: No. You keep saying, 'You can ask the officers.'

Senator Watt: No; in my earlier answers, and you're going well beyond matters that would normally be dealt with in the corporate area.

Senator HANSON-YOUNG: Mr Kaiser, are you aware of anyone in your department who is looking at whether any legislative reforms are required regarding how government responds to algal disasters like this?

Mr Kaiser: As the minister has suggested, if there is, they are more likely to be at the table in those outcomes, either 2.1 or 1.1.

Senator HANSON-YOUNG: I think that says everything. Have you heard about the fish kill off the Gold Coast today?

Senator Watt: I've seen media reporting of that, yes.

Senator HANSON-YOUNG: Is anyone in your department working on that?

Senator Watt: They will be able to talk to you about that. This is not a corporate matter; these are program matters. I admire your persistence, Senator—I used to do it myself when I was in opposition—but this is not a corporate matter.

Senator HANSON-YOUNG: But you think there will be people who can answer some questions about that?

Senator Watt: There is an entire division in this department that deals with marine matters—division, branch or whatever the technical term is—and I'm sure they'd be happy to take your questions.

CHAIR: We will momentarily go to a break. I remind senators that we are now running half an hour behind and some of these questions have trammelled into matters that would not strictly be called 'corporate'. I'm reluctant to intervene while senators are asking questions, but we will need to move to the next outcome as soon as we can after the break. I encourage everyone to put their questions concisely. The committee will now suspend the proceedings.

Proceedings suspended from 10:01 to 10:15

CHAIR: Thank you all. The hearing is now back in session. We are still in corporate and related matters, and I'm going to pass the call to Senator Smith.

Senator DEAN SMITH: Thank you very much, Chair. I was just hoping that Ms Croker could come back to the table. I just want to continue with Senator Duniam's line of inquiry with regard to the incoming government brief. So, just to be clear, Ms Croker and Ms Lee, the Senate on three separate occasions resolved—39 senators or more resolved—that the volumes, all volumes, of the intergovernmental brief would be made available. That's the first point. The second point is that, through the FOI request and through the OPD mechanism, the government did make available the second volume. The second volume that was made available includes redactions. So my question, Ms Croker, is: why did you decide—and if not you, who—that the incoming government brief volume 1 could not be provided with the necessary redactions, because that is an option, is that correct? That is an option.

Ms Croker: That is an option, Senator, and, as I said earlier, volume 1 has not been released and exempted in full under the FOI Act on the basis that it contained material subject to legal professional privilege; deliberative matter, the disclosure of which would be contrary to the public interest; and information the release of which would involve the unreasonable disclosure of personal information.

Senator DEAN SMITH: Ms Croker, in coming to that decision, whose advice did you rely upon?

Ms Croker: That was a decision that I made and with advice.

Senator DEAN SMITH: Independently of any advice from others?

Ms Croker: And with the advice of our departmental legal team.

Senator DEAN SMITH: And who is the departmental legal team? Are they here?

Ms Croker: Yes.

Senator DEAN SMITH: Thank you very much. Ms Lalor, can you explain to the committee the differences in the process to be applied for an FOI matter and the separate process to be applied for an order for the production of documents process? My understanding is that they are quite independent and separate to each other, even though they might run in parallel to each other, and on what basis did you decide, with Ms Croker, to not comply with an order of the Australian Senate determined by 39 senators or more?

Ms Lalor: Yes. First, I will potentially clarify my position in relation to these issues. My role is to provide advice to decision-makers in the department in relation to FOI decision-making together with my team, and also to provide advice sometimes in relation to public interest immunity grounds, which may be relevant to orders for production. Obviously, the FOI decision-making process is governed by the FOI legislation and the regulations around those issues and, as you have said, that is quite separate and distinct from the process in the parliament.

Senator DEAN SMITH: So you agree that it is separate and distinct from the order for the production of documents mechanism of the Australian Senate?

Ms Lalor: They are governed by different regimes, yes.

Senator DEAN SMITH: So on what basis did you decide to provide advice to Ms Croker, and why did Ms Croker decide that you had it within your authority to override a decision of the Senate? These are separate. You have used the freedom of information mechanism as a defence for justification, which is not appropriate—which is not appropriate. You could have employed an alternative approach, and that was to release volume 1 with all

the necessary redactions. And if every page had to be redacted, then that is still an alternative approach to the one that you've decided to employ, which is to not release volume 1 at all.

Ms Lalor: To the extent that your question is directed to me, we provided advice on the application of the FOI Act in relation to the incoming government brief; and the order for production of documents was dealt with as a separate issue. I'll let my colleague talk to her decision-making in that respect, but I suspect that she was considering what was appropriately already in the public domain.

Senator DEAN SMITH: No, that's not a consideration. The Senate made an order. So, Ms Croker, why did you think that you could use the FOI mechanism as a justification or as a defence for not complying with that order in full—in full—which was explicit in the OPD 100—all volumes of the intergovernmental incoming government brief?

Ms Lalor: Maybe just before you jump in, I would say that they are completely different regimes.

Senator DEAN SMITH: Yes.

Ms Lalor: However, at their heart they each do have public interest aspects available to them.

Senator DEAN SMITH: So why is the public interest immunity claim not detailed by the minister or Senator Ayres in his letter to the President of the Senate?

Ms Lalor: I think my colleague has already referred to the fact that she didn't make a public interest immunity claim with respect to the OPD. There was no public interest immunity claim made by the minister on that.

Senator DEAN SMITH: So then there's no defence for not making the document fully available.

Ms Croker: So what has been provided in the orders for production are, again, referring to the freedom of information reference about the documents that have been—

Senator DEAN SMITH: No, Ms Croker. It is clear for the world to see what documents have been made available. What has not been complied with is an order of the Senate to release all the volumes, including volume 1. I'm right to assume there is a volume 1, because this is volume 2.

Ms Croker: That's correct.

Senator DEAN SMITH: Am I right to assume there's a volume 3, or there is no volume 3?

Ms Croker: There is no volume 3.

Senator DEAN SMITH: So there is volume 1?

Ms Croker: Yes, that's correct.

Senator DEAN SMITH: And the Senate has ordered that both volumes be released, and somehow in the department, Ms Lee, as the deputy secretary responsible for this section, a decision has been taken not to comply with an order of the Senate—39 senators plus.

Ms Lee: Yes, that was the decision that was made.

Senator DEAN SMITH: By Ms Croker?

Ms Lee: Ms Croker.

Senator DEAN SMITH: Independently of yourself?

Ms Lee: I wasn't part of the decision-making, but that was because I wasn't in the role at the time.

Senator DEAN SMITH: Mr Kaiser, were you involved in the decision-making not to comply with an order of the Senate? You're an experienced public servant. I concede that Queensland doesn't have an upper house. Were you involved in the decision-making?

Mr Kaiser: No, I was not, Senator. Can I suggest that we take this on notice and come back to you quite quickly.

Senator DEAN SMITH: What are we taking on notice?

Mr Kaiser: Your question as to why volume 1 was effectively redacted in its entirety. Is that the question you asked?

Senator DEAN SMITH: No, it hasn't been released at all.

Senator HANSON: What I'd liked to ask is: instead of the minister playing with his phone, why doesn't the minister answer the question—

CHAIR: Senator Hanson!

Senator HANSON: Instead of the bureaucrats?

CHAIR: Senator Hanson, you do not have the call from the chair.

Senator HANSON: No. I'm calling out a question here. I want to know why the minister is playing with his phone and not answering the question—

CHAIR: Well, Senator Hanson, once again, please, you do not have the call. We are endeavouring to move through the questions. If you would like the call we can come to you. No, this is not how we're running this. Senator Smith has the call. He has questions to ask and they will be answered.

Senator HANSON: Why have we got a minister?

CHAIR: Senator Smith.

Senator DEAN SMITH: Ms Lee, were volume 1 and volume 2 of the incoming government brief provided to the minister's office?

Ms Croker: I'm sorry, are you directing that question to me, Ms Croker?

Senator DEAN SMITH: Yes.

Ms Croker: The incoming briefs were provided to the minister's office.

Senator DEAN SMITH: Volume 1 and volume 2?

Ms Croker: Volume 1 and volume 2 were provided—the incoming government briefs.

Senator DEAN SMITH: On what date?

Ms Croker: They were provided shortly after the May 2025 election.

Senator DEAN SMITH: And can you provide that date on notice if it's not known to you, or is it in your notes there?

Ms Croker: Sorry, I don't have it here, but I will provide that to you on notice.

Senator DEAN SMITH: Shortly after 22 May?

Ms Croker: I would just have to double check.

Senator DEAN SMITH: How many drafts were prepared of the incoming government brief? Ms Lee, were you in your role then at the time?

Ms Lee: An iterative drafting process was undertaken across the caretaker period. So I don't know that we ever—that's like a final draft 1 or draft 2. The way in which we worked in our organisation is that different areas prepare different parts of the document and then they all come together.

Senator DEAN SMITH: And they come together to who first?

Ms Lee: Michelle, do you want to go into more detail on that?

Ms Croker: With respect to drafting our incoming government briefs, as I said, it is an iterative process, as every drafting of documents is.

Senator DEAN SMITH: But you get to a stage, Ms Croker, where you're at a final draft, yes?

Ms Croker: Yes, we do get to a stage where we've got a final draft, but it's still not a final document.

Senator DEAN SMITH: I agree; that's why it's called a final draft.

CHAIR: Senator Smith, if I may interrupt you for a moment. I've let you have about 11 minutes. There are other senators who wish to have the call, so if we can make this the last question.

Senator DEAN SMITH: Just on notice, Ms Croker and Ms Lee, could you identify on what date the final draft was provided to Ms Lee to review. I'm assuming Ms Lee reviews it—she's your senior manager—and on what date the final draft or final document was provided to Mr Kaiser.

Ms Lee: It was Mr Fredericks at the time.

Senator DEAN SMITH: Of course, you're quite right, yes. Also, on what date was the document provided to the minister. And, Ms Croker, can you provide me on notice a written justification for why you decided to engage the FOI mechanism as a defence or justification for not complying with the order of the Senate made on three separate occasions—made on 29 July, made on 26 August and made on 2 September? Thank you.

CHAIR: Senator Duniam.

Senator DUNIAM: Will you table a copy of volume 1 to the committee now?

Ms Croker: I'm sorry, no; I'm not going to table a copy of volume 1. As I said, it has been exempted in full under the FOI Act.

Senator DUNIAM: This is a Senate committee operating, as Senator Smith has already outlined, under the rules of the Senate, not under the administration of the Freedom of Information Act, which is about public release elsewhere through a different regime. I'm asking: will you provide to this committee a copy of volume 1 of the incoming government brief?

Ms Croker: I can take that on notice.

Senator DUNIAM: You'll take that on notice, and if the answer is no will you make a public interest immunity claim?

Ms Croker: I can't answer that question now, but I will take on notice the question about whether or not we will table it.

Senator DUNIAM: Minister, just noting that the government has made quite a virtue of transparency, you've heard an interchange here about this committee—and the Senate as well—wanting access to this information as other committees—or, indeed, the entire Senate—have been provided with regard to other departments. We've asked for a copy of volume 1 of the incoming government brief, which you've had the benefit of being able to digest in full. The officer, Ms Croker, has taken on notice whether or not that document can be provided to this committee. Just in the interests of transparency, is it something that you're willing to commit to providing to the Senate, to this committee, a copy of that volume 1?

Senator Watt: I would want to go back and have a look at what exactly has been provided by way of the FOI request, what redactions occurred. I'm therefore not in a position to give a commitment today. I want to go back and have a look at those documents.

Senator DUNIAM: To save you time, volume 1 was completely held back under the FOI Act—a different approach to other departments. Indeed, in response to OPDs and FOIs, full briefing packs have been provided to the Senate. So it is just volume 2 that has been received, with redactions, I presume.

Senator Watt: I am sorry; I thought it was the other way around. I thought it was volume 1 that had been released, not volume 2.

Senator DUNIAM: No, volume 1 is the one that's MIA. Again, noting that you're a minister in this government—a government that's talked about transparency—is it something that you will commit to providing, in the interests of transparency?

Senator Watt: I'm not going to give that commitment here without having looked at those documents. If you want to do this by way of me taking something on notice, I will take on notice the request that be provided, and we will respond with an answer to that question once I've had an opportunity to look at those documents.

Senator DUNIAM: Yes, of course; understood.

Senator DEAN SMITH: Mr Kaiser, what's in the document that the government doesn't want revealed?

Mr Kaiser: I think what you've heard from our officer is that she took a decision based on criteria. The suggestion in your question is inaccurate. We took a decision not to release material based on criteria that our officer has discussed.

Senator DEAN SMITH: Mr Kaiser, volume 1 can be released redacted in full—the cover page, pages and pages of redacted information.

Mr Kaiser: Earlier, I offered to take on notice that proposition—that we would go and have a look at volume 1 and consider the criteria again. But our officer has explained the basis on which she's made the decision.

Senator DUNIAM: Mr Kaiser, have you read volume 1, as the new secretary?

Mr Kaiser: I think I have, yes.

Senator DUNIAM: Going to that question from Senator Smith, there were a range of issues identified by Ms Croker as the reason not to allow the Australian public to see this information. What is it that we're hiding from them?

Mr Kaiser: I don't think we're hiding anything.

Senator DUNIAM: Well, we're not giving them—

Mr Kaiser: I think Ms Croker has explained that there are certain criteria that she has depended upon to make the independent decision that she's made.

Senator HENDERSON: Can I just—

CHAIR: Before we come to you, Senator Henderson, Senator Duniam, have you concluded your—

Senator DUNIAM: On that issue. There are a couple of other minor ones.

CHAIR: Okay; Senator Henderson.

Senator HENDERSON: I have a couple of questions. Minister, the rules of the Senate are that you and the department are required to provide this committee with all documents unless there's a public interest in not doing so. What is your reason for not handing over this document?

Senator Watt: I'm happy to take that on notice, and I say that because I would need to go back and see what reason was given at the time. I don't recall what reason was given—

Senator HENDERSON: Have you read this document?

Senator Watt: The incoming government briefs?

Senator HENDERSON: Yes.

Senator Watt: Yes. I received them when I became the minister.

Senator HENDERSON: Isn't it the case that this is full of politically sensitive information, which is why this government—

Senator Watt: That's—

Senator HENDERSON: Hang on, if I can finish—which is why this government is refusing to hand over this document, Minister?

Senator Watt: No.

Senator HENDERSON: So there's no politically sensitive reason or no reason that you wouldn't want to hand it over?

Senator Watt: Your question to me was: isn't it the case that these briefs are full of politically sensitive material that the government doesn't want to hand over, or something to that effect. My answer to that is no.

Senator HENDERSON: If you know that answer, do you know why the brief has not been handed over? This is a very important document which provides not just this committee but the Australian people with information as to the handover of this department, setting out the agenda for the department. If you know that it's not for the reason of political sensitivity, what is the reason?

Senator Watt: I've already said to you that I don't recall the reason that was provided for why the documents were not released, but I've taken that matter on notice, so that I can respond and explain that.

Senator HENDERSON: Minister Watt, as a senior senator and a minister, you would know that the orders of the Senate must be complied with. Do you understand that?

Senator Watt: Yes.

Senator HENDERSON: Why hasn't the order of the Senate been complied with in this case?

Senator Watt: If I answer that question, it will be the third time I've done so.

Senator HENDERSON: No, I'm asking you a different question.

Senator Watt: Well, that's the fourth—

Senator HENDERSON: Because this is an unacceptable situation.

Senator Watt: For the fourth time, I do not recall the reason that those documents were not handed over to the Senate, and I have undertaken to provide an answer as to why, once I can go back and review the documents.

Senator HENDERSON: I want to go quickly to Ms Croker. Ms Croker, I'm quite concerned about your determination under freedom of information. You've suggested it's because there's legal professional privilege in the document.

Ms Croker: In part, yes.

Senator HENDERSON: For what other reason can you not disclose any part of this document under FOI?

Ms Croker: Because there's deliberative matter, the disclosure of which would be contrary to the public interest and information the release of which would involve the unreasonable disclosure of personal information.

Senator HENDERSON: Ms Croker, I would suggest to you that is very hard to believe, in relation to personal information. If there are personal names or addresses in the document, they can be redacted. I would also put it to you that it's very hard to believe that there are matters concerning legal professional privilege on every single page of this document. Are you telling this committee that there is?

Ms Croker: I have told the committee that the basis on which I have made my decision is that the incoming government brief contained those three elements of information, and that is why it was not released and exempted in full.

Senator HENDERSON: With respect to the advice, Ms Lalor, that you referred to, can we please have that advice tabled and provided to the committee?

Ms Lalor: That advice is subject to legal professional privilege.

Senator HENDERSON: Is there any part of your advice that's not subject to legal professional privilege?

Ms Lalor: No, because my role as chief counsel is to give legal advice—

Senator HENDERSON: I understand that. I'm checking whether—

Ms Lalor: No, I'm sorry; it's not.

Senator HENDERSON: Is there a copy of that document here in the building at the moment?

Ms Croker: I don't have a copy of that document here.

Senator HENDERSON: No, I didn't ask that question. Is there a copy, to your knowledge, of the document here in the building?

Ms Croker: I don't have an answer to that question. I don't know.

Senator HENDERSON: This is my last question: I want to express, on behalf of this committee, our dismay that this document has not been handed over.

CHAIR: Respectfully, Senator Henderson, on behalf of yourself, not this committee.

Senator HENDERSON: Yes, that's fair enough, Chair. On behalf of the coalition, we are very concerned that this order has not been complied with. Minister, if it's possible, could you revert back to the committee today, in relation to this document?

Senator Watt: I'll try, but I'm going to be in this committee all day.

Senator HENDERSON: Well, you've got lots of—

Senator Watt: And I've already said that I—

Senator HENDERSON: You've got lots of staff—

Senator Watt: I've already said that I will need to review the documents. If I can do that today then I'll come back today. If I can't do that today, I'll answer the question on notice in the usual timeframes.

Senator HENDERSON: Thanks very much, Minister. Thanks, Chair.

CHAIR: Senator Duniam, you have a couple of questions.

Senator DUNIAM: Yes. I want to go to the matters that Senator Roberts was asking about, with regard to your appointment, Secretary. Your appointment was part of a proper recruitment process, I presume?

Mr Kaiser: It certainly felt that way to me, Senator.

Senator DUNIAM: It felt that way; right. Was there an advertisement somewhere or were you approached by a recruiter and you responded? How did it work?

Mr Kaiser: I was invited in to the process by the head of the APSC.

Senator DUNIAM: By the head commissioner of the APSC?

Mr Kaiser: Yes.

Senator Watt: Senator, obviously, we'll be as helpful as we can. Depending on the question, it may need to go to Prime Minister and Cabinet estimates.

Senator DUNIAM: Indeed; understood.

Senator Watt: Given that they ran the process.

Senator DUNIAM: Okay. When did that process commence with you, Secretary? I think that the announcement was made on 8 July; is that right?

Mr Kaiser: Yes. In total, it was approximately six weeks.

Senator DUNIAM: Was there a selection panel that oversaw the process?

Mr Kaiser: Yes.

Senator DUNIAM: I'll probably have to go to the APSC on that one, as to who was on the panel. Was the whole process run by the APSC? Is that how it works?

Mr Kaiser: The Department of the Prime Minister and Cabinet was involved in these processes. I made a written application and appeared before a panel of departmental secretaries, and I was interviewed.

Senator DUNIAM: With regard to the recruitment processes, is that a cost borne by this department or is it something that's run elsewhere?

Ms Lee: For the secretary?

Senator DUNIAM: Yes, for the secretary.

Ms Lee: No, the department has nothing to do with the recruitment processes for the secretary. When we get told that he's our secretary, we put in place our processes.

Senator DUNIAM: Okay. Have you got a tally-up of the recruitment costs incurred by the department?

Ms Lee: Overall?

Senator DUNIAM: Yes; or in the calendar year, or to the last financial year.

Ms Lee: Mr Spackman may have that level of detail.

Mr Spackman: Can I seek clarification? Are you asking about the costs of the secretary's recruitment?

Senator DUNIAM: No, I've just been told that's not part of the costs borne by the department.

Mr Spackman: Overall costs?

Senator DUNIAM: Yes.

Mr Spackman: I'll take that on notice. We should be able to get that to you today.

Senator DUNIAM: Break it down by position that the recruitment was undertaken for. That would be helpful.

Mr Spackman: Absolutely.

Senator DUNIAM: What would you provide that in? Financial year or calendar year?

Mr Spackman: It would be financial year.

Senator DUNIAM: Okay; and could you do calendar year to date?

Mr Spackman: Most probably, yes. We will take that on notice.

Senator DUNIAM: Could I go to IT support to the minister, please? What costs have been incurred to assist our good friend the minister to be able to correspond with his friends in the department?

Mr Naughton: If I can take that on notice, I should be able to get the specific costs today.

Senator DUNIAM: Yes, that would be helpful. There is only the one minister; there's not an assistant minister, is there? It's just you, solo?

Senator Watt: There's no assistant minister for me. But this department services Minister Bowen and Assistant Minister Wilson.

Mr Naughton: That's it.

Senator Watt: And Special Envoy Thwaites.

Senator DUNIAM: So there is support provided to the special envoy?

Senator Watt: That's why I said I don't know exactly what support is provided to her.

Senator DUNIAM: Okay; take it on notice. On the special envoy, in the interests of time, what is Special Envoy Thwaites a special envoy for?

Senator Watt: I've forgotten her exact title.

Senator DUNIAM: Does anyone know?

Senator Watt: As I say, she works with Minister Bowen. I'm sure that if Minister Bowen was sitting at the table, he would know.

Senator DUNIAM: Can we take on notice Ms Thwaites's title, please?

Ms Munro: The special envoy's title is the Special Envoy for Climate Change Adaptation and Resilience.

Senator DUNIAM: We used to have a special envoy for the Great Barrier Reef, but we don't anymore; is that correct?

Senator Watt: That's correct.

Senator DUNIAM: What was the rationale behind the decision to scrap that role, given the importance of the reef?

Senator Watt: The decision about special envoys is made by the Prime Minister of the day.

Senator HANSON-YOUNG: What about the special envoy for drought?

Senator Watt: There was one, back in the day.

Senator HANSON-YOUNG: Didn't he report by text message or something?

Senator Watt: Under a former government.

CHAIR: Senator Hanson-Young, I apply the same rule to everyone. We won't have people interrupting other senators' questions, please. Senator Duniam, you have the call.

Senator DUNIAM: Has the work of the special envoy for the Great Barrier Reef ceased? Is that now—

Senator Watt: No. I have taken on that role. I have sole responsibility for matters involving the Great Barrier Reef at a ministerial level. Obviously, in the last term there was a special envoy who shared that role with Minister Plibersek.

Senator DUNIAM: The special envoy, I think, completed a report in the term on the state of the reef. Is that something you're going to do in this term, given we don't have a special envoy?

Senator Watt: I will be performing all ministerial responsibilities in relation to the Great Barrier Reef.

Senator DUNIAM: The only other question I have here is in terms of priorities. We've talked a lot about work outside the EPBC Act. Is there work on foot relating to Indigenous cultural heritage?

Senator Watt: Yes.

Senator DUNIAM: We'll pick that up later.

CHAIR: Senator Henderson.

Senator HENDERSON: Could the general counsel come back to the table, please? I want to go back to the questions that I raised in relation to volume 1 of the incoming government brief and our concern that this has not been handed to the committee and provided to the Senate. I refer to the rules for estimates published in September 2025, quoting *Odgers* pages 667 to 670—I needed to check this—and stating that the grounds outlined below have not been accepted in the past for refusing to hand over a document: a freedom of information request has been or could be refused. Legal professional privilege is no ground not to hand over a document. Advice to government is no ground, and secrecy provisions in statutes are no grounds. I'm reading from page 11. On that basis, could you please table your advice in relation to volume 1 of the incoming government brief?

Ms Lalor: I would say that, with the provision of legal advice to the Senate, there's been a longstanding practice of government—

Senator HENDERSON: No, I'm sorry; we're not in a court of law, Ms Lalor. We are in the Senate. I will read this to you:

It has never been accepted in the Senate, nor in any comparable representative assembly, that legal professional privilege provides grounds for refusal of information in a parliamentary forum.

It must be established that there is some particular harm to the public interest if the information was disclosed. Could you please table that advice?

Ms Lalor: I can take it on notice and come back to you.

Senator HENDERSON: Do you have a copy of the advice?

Ms Lalor: No, I don't.

Senator HENDERSON: So what's the reason for taking it on notice? You don't have the document or you're not willing to provide the document?

Ms Lalor: I'll need to take it away to have a look at the document and to—

Senator HANSON-YOUNG: Come up with another excuse?

Senator HENDERSON: Yes.

Ms Lalor: No. It is legal advice. Arguably, it's not in the public interest to make publicly available legal advice which is to assist the Commonwealth.

Senator HANSON-YOUNG: It's to make it available to a Senate committee.

CHAIR: Senator Hanson-Young.

Senator HENDERSON: Ms Lalor, you're not in a court; you are in Senate estimates. There are very specific rules. Legal professional privilege does not exempt you from providing this document. This is a very serious matter. This is something we take very seriously, when there is an express refusal to provide a document.

Senator Watt: Chair, can I just make a point? I can recall many, many occasions—

Senator HANSON-YOUNG: That doesn't make it right.

Senator Watt: when the coalition was in government where they refused to release documents on the basis of legal professional privilege.

Senator HENDERSON: As I mentioned, Minister, it needs to be established that there is a particular harm to the public interest. And that's what I'm asking. I reiterate the importance of this. This is an important document we are seeking. It's potentially in contempt if this document is not provided. There's been no—

Senator Watt: I think that's going a bit far.

Senator HENDERSON: Well, that is my view—

Senator Watt: Then there were various coalition ministers who were in contempt as well.

Senator HENDERSON: Minister, can you just let me finish.

CHAIR: Before we get too much further down this path, ultimately the determination of a claim of PII is a matter for the Senate, not for this committee at this point in time. I just want to put that there.

Senator HENDERSON: Chair, just to be very clear, though, there is no claim of public interest immunity, which exposes the government for a start. So, again, Minister, I ask that you come back to us as soon as possible on what we regard as a very serious matter. Thank you, Chair.

CHAIR: Thank you.

[10:47]

CHAIR: We now have the opportunity to move on from this outcome to outcome 2, and specifically 2.1. I call officers from the department in relation to outcome 2.1. Outcome 2.1 is: Conserve, protect and sustainably manage Australia's environment through a nature positive approach, including the Office of the Threatened Species Commissioner. While the officials are coming to the table, I take this opportunity to note that we are now running more than an hour behind time, and that will have consequences at the back end of the day, unless we are able to catch up.

For clarity, we're now on item 2.1. We will make a start. I hand the first call to Senator Hanson-Young. I'll give you a one-minute warning.

Senator HANSON-YOUNG: Thank you. I want to ask about where the EPBC reforms are up to. We heard earlier today that legislation is being worked on. Is it correct, Minister, that this legislative package will include the full suite of Samuel review recommendations?

Senator Watt: Broadly speaking. I've said since coming to this role that we want to deliver reforms that are in the spirit of Graeme Samuel's recommendations. I wouldn't suggest that every single recommendation will be picked up in these reforms. I guess the point I've been trying to make is that, as you'll recall, previously the government broke those reforms into three stages. The first stage was completed in the last term. The second stage was attempted by the bill—

Senator HANSON-YOUNG: To be fair, there was a bit of retrofitting of history there, but, yes, I don't think it was the government's initial intention to have stages 1, 2 and 3.

Senator Watt: Okay, well, we can argue about who came up with three stages or two stages. So stage 1 was delivered. Stage 2 was commenced and was the subject of the bill that was introduced before the election and didn't pass. The intention was always to come back in this term and deliver stage 3 of the reforms—the standards, the changes to approval processes. What I've decided to do is, effectively, to combine stages 2 and 3 into one bill.

Senator HANSON-YOUNG: So this will include the standards which Graeme Samuel proposed?

Senator Watt: What will be in the bill is a new power for the minister of the day to make national environmental standards. As you'll recall, Senator, Graeme Samuel recommended the need for a number of different standards—matters of national environmental significance, offsets and data. We're seeking to be in a position so that when I introduce the bill, before the end of the year, we will be able to also present for consultation at least—most likely—two draft standards. We are obviously working to a much more accelerated time frame than was originally envisaged, and that means we probably won't be able to draft every single standard that will be required under the act. I think that's okay because those standards are regulations and were always intended to come after the bill was passed anyway. But I recognise the feedback from stakeholders that there's a lot of interest in seeing the content of some of those standards, so it's our intention to present—

Senator HANSON-YOUNG: What will those two draft standards be?

Senator Watt: They're matters of national environmental significance and offsets. My experience has been, in dealing with the full range of stakeholders, that those two standards in particular are of great interest. There's certainly interest in a range of other standards, but it's those two in particular that stakeholders are most keen to

see, and they're the ones we've prioritised. As I say, my intention is to present two of those standards, draft standards. They will require extensive consultation before they're made, so it may be several months later that the standards are actually finalised. But, as I say, that's the way it was always intended—that you amend the bill, give the minister of the day the power to make the standards, and the standards will come next.

Senator HANSON-YOUNG: What about the 'no go' zones?

Senator Watt: Yes.

Senator HANSON-YOUNG: Will this legislation include 'no go' zones?

Senator Watt: Why don't I kick off the answers and then ask the officials to elaborate. You will have seen the media coverage of the speech I gave a couple of weeks ago at the Smart Energy Council's conference, flagging this. You'll remember that one of the recommendations—technically whether it was a recommendation I can't remember—or one of the things Graeme Samuel said was that one important way that we could deliver faster assessments and approvals while maintaining strong environmental standards was to improve the system that exists under the current legislation for regional planning. The way I have explained that in the public domain is that, by the federal government working closely with state governments, local governments, communities and industry, it's possible within a particular region to define areas that have very high environmental value and shouldn't be developed and areas that have either no or minimal environmental implications and therefore could be prioritised for development. The way that I've summarised that in the public domain is 'go' zones and 'no go' zones, where industry, communities and environmental groups know at the very beginning that particular parts of a region are of such environmental value that development cannot occur. That then also flags areas where it could. If you'd like more detail on that, the officials could elaborate.

Senator HANSON-YOUNG: I guess what I'm trying to understand is what will be in the legislation that determines what is of high environmental value and what is of little environmental value.

Senator Watt: I'm happy for the officials to—

Mr Gaddes: I can go to that, Minister. I think you've put me at a disadvantage because you did such a good job of explaining regional planning. Essentially, Senator—

Senator HANSON-YOUNG: I don't need the explanation for regional planning; we've been around this block a few times. I want to know what's in the legislation that goes to this.

Senator Watt: Before Mr Gaddes answers—and I'm very happy for him to tell you what he knows and what he can—just bear in mind that we are still drafting the legislation.

Senator HANSON-YOUNG: I understand that.

Senator Watt: We don't have a draft bill, but we can certainly give you the concepts that sit behind it.

Mr Gaddes: That's quite a short answer, Senator. We will create the head of power for the minister to create a regulatory regional planning scheme which will set out exactly the elements that the minister walked through then.

Senator HANSON-YOUNG: Therefore, the establishment of 'go' zones and 'no go' zones will be through regulation?

Mr Gaddes: Through the regional planning parts of the act, which enables the government or the minister to make regional plans.

Senator HANSON-YOUNG: And will the regional plans be in the form of regulation or legislative instrument?

Mr Gaddes: I can't answer that right now, Senator, because we haven't finished drafting the legislation.

Senator HANSON-YOUNG: But is the intention that they're at that level?

Mr Gaddes: The intention is that they would be at a comparable level to either a ministerial decision or a regulation. That decision is yet to be taken by government.

Senator HANSON-YOUNG: Okay; so, Minister, you haven't made a decision yet as to whether it's just in your purview or whether it could be—

Senator Watt: No. The drafting of this bill is ongoing, so there are a range of decisions that have not yet been made. We're still consulting on them.

Senator HANSON-YOUNG: Is there a map being worked on that identifies these high-value areas versus low-value areas?

Senator Watt: No. I mean, I think the short answer is no.

Mr Gaddes: I don't really want to correct the minister. Maybe we could get Mr Manning to the table. There are a number of regional planning exercises underway across the country that are mapping out just these areas, which would then potentially be turned into regulatory regional plans. All of the information and all of the data that we need, working with the states and territories to figure out where the environmental assets are, is currently being done for eight trials. Those, if they are the right standard, could then be turned into regulatory regional plans with the states and territories.

Ms Parry: Can I add that there's also the intersection with Environment Information Australia. They will be providing that level of data and information for proponents—

Senator HANSON-YOUNG: Yes, but I just—

Ms Parry: and—sorry; I'm just going to finish—the unacceptable impact criteria as well, which is another layer that will be contained in the prospective bill, which will go to the matters that you're addressing.

Senator HANSON-YOUNG: The minister has made quite a thing of trying to articulate 'go' zones and 'no go' zones. What I think the public deserves to know is where these 'go' zones and 'no go' zones are.

Senator Watt: And they will. When you said, 'Is there a map?' my answer was no, and that's because that work is occurring now, as Mr Gaddes has explained. You might remember that, prior to the election, the government announced eight pilots of regional plans to occur around the country. Part of that work is to determine within a specific region where are the 'go' zones and where are the 'no go' zones, to really get good information about where environmental impacts would be high and low.

Senator HANSON-YOUNG: What constitutes an area of low environmental value?

Ms Parry: An area that does not have a significant impact on a matter of national environmental significance, which the act regulates for.

Senator Watt: For example—

Senator HANSON-YOUNG: Under the existing act?

Ms Parry: That's right. But the government has committed to doing an amended EPBC Act, so the nine matters of national environmental significance are still the relevant matters which the act—the updated act and the new act—will regulate.

Senator Watt: To give you an example, Senator—and it's just an example—you may have seen recently that we've been able to approve a number of solar farms in very short amounts of time. That was in two to three weeks in some cases, because the particular sites involved cleared land under transmission lines, with very little, if any, environmental impact. I would speculate that would be the kind of area that would be seen as a 'go' zone under any future regional plans.

Senator HANSON-YOUNG: A 'go' zone for coal and gas?

CHAIR: Senator Hanson-Young, that will have to be your last question.

Senator Watt: Well, there would have to be coal and gas there to begin with. But obviously there are some regions with mineral resources and there are some regions without mineral resources. I don't think we're going to be seeing coal and gas mines in the middle of Adelaide.

Senator HANSON-YOUNG: What about the Beetaloo Basin? Is that a low or a high environmental value area?

Senator Watt: Well, we'd have to look at the basin as a whole, and also I'm not even sure that we're doing a pilot in that area.

Mr Knudson: No. So, Senator, if I can—

Senator HANSON-YOUNG: We will come back to that. You have noted that there are eight pilot areas. When we come back to that, I want to know what those eight pilot areas are.

Senator Watt: Sure.

CHAIR: Senator Duniam, you have the call for 10 minutes.

Senator DUNIAM: We'll stick with this issue. With respect to the drafting that's ongoing at the moment, is it the intention that you, Minister, will retain decision-making powers completely; it won't be delegated out?

Senator Watt: Again, that is one of the matters on which we're still finalising and still consulting with stakeholders. I don't think it's any surprise to know that it's an issue where there are different views amongst the stakeholders; so we haven't reached a final decision on that yet.

Senator DUNIAM: So government doesn't have an intention. It's a case of being guided by stakeholders around what the final—

Senator Watt: Yes, I think it's best to say that we're still consulting on that. But that will obviously be clear in the bill that we introduce.

Senator DUNIAM: So the bill as it arrives—I presume in the Senate given you're a—

Senator Watt: Well, again, we haven't decided yet whether it will be introduced in the Senate or the House.

Senator DUNIAM: So it could pass the House before we get a chance to have a look at it in a Senate committee.

Senator Watt: Potentially.

Senator DUNIAM: The final version will spell out exactly who has responsibility for decision-making?

Senator Watt: I would expect so, yes.

Senator DUNIAM: Either you or a delegate. Right.

Senator Watt: Yes, I would expect so.

Senator DUNIAM: Just in terms of time frames—something that was talked about a lot in the last term—for assessment and approval processes, is that contemplated in any meaningful way in the bill thus far? Are there limitations on the time it takes for certain elements of the process to occur?

Senator Watt: I would say that it hasn't been a massive issue in terms of the stakeholder consultation that we've done. It's possible that it's been raised, but I wouldn't say that it's been a massive issue. Certainly, even under the current legislation, we are making attempts to speed up the approvals. You may have seen the story in the media today about the progress we've made with housing approvals.

Ms Parry: Senator, in terms of time frames, the statutory time frames are still being envisaged in the act. However, with respect to an amended EPBC Act, the intent is to try to create faster pathways and faster approval processes by making it much clearer to proponents their requirements upfront. That's done by information, data, being provided through Environment Information Australia standards, which lay out very transparently the kind of criteria a proponent would need to meet, as well as the different guidelines that proponents can have access to. So what we know under regulating under the current act is that about 70 per cent of the time is spent with a proponent in terms of the duration of working their way through a regulatory process. What we're trying to do is to make sure that proponents have that clarity of information so that they understand where they're likely to touch or not touch the regulatory walls by being explicit about where 'go' and 'no go' zones are by working much more at a regional level and by working more closely with the states under bilateral assessments. So, they are all the different ways we are examining in an effort to reduce time frames to ensure that projects go through more smoothly and faster.

Senator DUNIAM: Will there be a climate trigger in this legislation as presented to the parliament?

Senator Watt: I would say that it is unlikely. Again, we haven't reached a final position on that, but you will have seen that many times in the media I've made the point that, when it comes to the emissions of projects, the government is leaning more towards what Graeme Samuel recommended, which was essentially that proponents would need to disclose their scope 1 and 2 emissions and present an abatement plan. We are leaning more towards that than a climate trigger, which some groups have been putting forward.

Senator DUNIAM: That is a difference of approach from the last term where the government said that emissions are dealt with in separate legislation—the safeguard, et cetera.

Senator Watt: No, I wouldn't say it's a departure from that because when I explain that we're leaning more towards what Graeme Samuel recommended, what I usually go on to say is what you've just said, which is that the reason we are not leaning towards a climate trigger is that, as you say, matters involving emissions reductions for projects and overall are dealt with through a whole range of climate programs and legislation, including the safeguard mechanism.

Senator DUNIAM: So to be clear, the scope of what we're talking about here—the reforms as finally introduced into the parliament—may well include some reference to assessments around scope 1 and 2 emissions, but not a climate trigger?

Senator Watt: I wouldn't even use the word 'assessment'. I would say that we are leaning towards following Graeme Samuel's recommendation, which is that proponents should disclose the scope 1 and 2 emissions of their proposed project, and they should present an abatement plan—so what they're going to do to reduce those emissions—but that we're not leaning towards going beyond that.

Senator DUNIAM: Just on that, is there no other requirement anywhere else in federal legislation to have proponents disclose how to abate those emissions? As a government, this is the first time that we'll be doing it?

Senator Watt: It's sort of straying outside my direct responsibilities, but I know there are some other like provisions.

Mr Gaddes: I think, Senator, that might be a question asked of our climate colleagues later on in the day, but there is a direct linkage between the Environment Protection and Biodiversity Conservation Act and the safeguard mechanism. So, currently, when a new large-emitting project is approved under the act the department is required to provide advice to the secretary around the implications for the safeguard mechanism, and that then flows on to advice to the Minister for Climate Change and Energy. So there is a linkage between the EPBC Act and the NGERs Act.

Senator DUNIAM: In effect, will this follow that same pathway? With respect to the abatement response to anything that is disclosed, will it be administered outside of what we're—

Mr Gaddes: The way I would describe it is that the EPBC Act approval comes some years before the data starts to flow through the safeguard mechanism. So the environmental approval comes, then there'll be some years before the project is developed and those emissions start to flow through the NGERs Act. It is designed to work at the start of the process, and then when they get through the NGERs Act they will then go on and report their emissions and they'll have their compliance under the safeguard mechanism after the first full year of operation.

Senator DUNIAM: New features will include disclosure of emissions, scope 1 and 2.

Senator Watt: I mean, we're still drafting the bill, but likely, yes.

Senator DUNIAM: And you haven't ruled out a climate trigger. You're leaning away from it?

Senator Watt: I think it's very unlikely. I think I said that it's very unlikely, and that remains my view.

Senator DUNIAM: Alright.

Senator HANSON-YOUNG: Do we get a vote—

CHAIR: Sorry, Senator Hanson-Young, we'll come back to you.

Senator Watt: If the Greens want to block legislation like they did for the last term, that's up to you.

CHAIR: Sorry, Minister, please; let's not engage with this. I call Senator Duniam.

Senator DUNIAM: As I understand it there is abandonment of this nature-positive approach, or the concept of that? That is the case, isn't it? You've walked away from that?

Senator Watt: Well, what I've said before is that we won't be using the words 'nature positive' in the name of the bill. The reason is that, frankly, I think that the average person on the street has no idea what we mean by the term 'nature positive', and I think it's always best to use terminology that the average person on the street can understand. However, it was very clear in Graeme Samuel's report—and I think there may have even been a specific recommendation on this—that, firstly, strengthening our environmental protections had to be a part of this package. Graeme Samuel makes the observation that the current laws aren't working for the environment or for business and that we need to do both. We need to deliver better environmental outcomes and we need to deliver better business outcomes. And I think that Graeme Samuel is right, that ensuring that the laws provide a net gain to the environment is an important principle. We don't want to be just managing the decline of the environment; we absolutely want to be restoring the environment and making it better. And so that concept, I would expect, will remain part of the bill, but I don't think it's useful to use the term 'nature positive' if you're trying to explain what you're doing to the Australian public.

Senator DUNIAM: So it is literally just a change of words? Same principles—

Senator Watt: Well, I wouldn't say that it's just a change of words. What I'm saying is that—and I said this earlier—we've always said that we want to deliver reforms in the spirit of Graeme Samuel's review. He was very clear in the review that he presented to the former environment minister, Ms Ley—who attempted to pass reforms based on his reforms—that he thought we needed to deliver environmental outcomes that produced a net gain for the environment. So we're trying to stay true to what he said.

Senator DUNIAM: They'd be the reforms that the Labor Party opposed at that point in time?

Senator Watt: Well, I think it's a point worth making, but I think you'll find that one of the reasons the reforms didn't pass when Ms Ley was the environment minister was that the coalition government at the time cherry-picked Graeme Samuel's review. They were very keen on delivering the faster business approvals and didn't really worry too much about strengthening the environment. What I have said is that we want to do both,

and the best way, I think, of getting support from the parliament is to deliver an outcome that benefits both the environment and business, not one or the other.

Senator DUNIAM: So are you adopting—

Senator HANSON-YOUNG: But you are the environment minister.

CHAIR: Sorry, Senator Hanson-Young, we will come to you.

Senator DUNIAM: Are you adopting all of Professor Samuel's recommendations?

Senator Watt: I think what I said earlier is that we wouldn't be necessarily adopting every single one—

Senator DUNIAM: So you'll cherry-pick.

Senator Watt: Well, no, no. If you have a look at them, some of his recommendations are pretty marginal, and I think even he would admit that. But what we want to do is to have a bill that delivers the key environmental measures that he recommended and the key measures to speed up approvals.

Senator DUNIAM: I know you'll have to share the call, so I'll just finish on this for now. With respect to the EPA, Professor Samuel recommended that the EPA not be a decision-making entity. That is a recommendation you will pursue in terms of what you will present to the parliament?

Senator Watt: I'm trying to remember what he said on that, because he actually didn't recommend an EPA; I think he called it an environment assurance commissioner.

Senator DUNIAM: Yes.

Senator Watt: I'm just trying to remember what he recommended.

Senator DUNIAM: Which infers no decision-making capabilities.

Senator Watt: Yes. I would actually need to go back and have a look at what he recommended on that point.

Ms Kay: Minister, I might be able to assist.

Senator Watt: Yes, sure.

Ms Kay: The Samuel review did not specifically recommend the establishment of a national EPA, but it was aligned to a couple of the recommendations in his review. Recommendation 23 proposed establishing an environment assurance commissioner to audit decision-making by the commonwealth, and recommendation 30B proposed the consolidation of compliance functions into an office of compliance and enforcement within the department.

Senator DUNIAM: So assurance and compliance, not decision-making.

Ms Kay: Correct.

CHAIR: Thank you, Senator Duniam. Senator Hanson-Young, five minutes.

Senator HANSON-YOUNG: Returning to these 'go' zones and 'no go' zones, what are the eight trial sites or project areas, pilot areas?

Mr Knudson: There are, indeed, eight, and they are spread over four jurisdictions—Queensland, South Australia, New South Wales and Victoria. Mr Manning will walk through the details, if that's helpful. But I would point out that those are focused on three sectors: housing; renewables; and critical minerals development. Those are being done in collaboration with the states. And, indeed, some of the states are already at the point of consultation. So, to your point about whether maps and information will be put out to the community, that is absolutely happening. The other piece that I would flag is that a state could choose to stop short of making a regulatory instrument and have that inform project-by-project decisions or they can proceed to the final stage, which is where you were going and which was a regional plan made under the EPBC Act and similar state legislation. So that's going to vary according to each jurisdiction, but if there are specifics that you would like on all eight we certainly can provide that.

Senator HANSON-YOUNG: Mr Manning, where are these eight pilot sites?

Mr Manning: In Queensland we have three regional planning pilots running at the current point in time. They're in South-East Queensland, the north, and north-west Queensland; and as Mr Knudson said, focused on those three particular areas.

Senator Watt: Specifically, my understanding is that the one in South-East Queensland is focused on urban development, the one in the Collinsville area in North Queensland is focused on wind farm development and the one in north-west Queensland is focused on critical minerals.

Senator HANSON-YOUNG: Presumably, you have the actual areas, rather than just saying 'South-East Queensland'.

Mr Manning: I don't have that with me, but I can take it on notice and come back to you. We are working with the Queensland government on that, so I can get that for you.

Senator HANSON-YOUNG: I'd like to know which local council area it is, or some way of identifying where this is.

Mr Manning: We can come back to you on that.

Senator HANSON-YOUNG: Thank you. Three are in Queensland?

Mr Manning: Yes. Two are in South Australia.

Senator HANSON-YOUNG: Where are they in South Australia?

Mr Manning: The Upper Spencer Gulf and the Gawler Ranges, and the second is in the Braemar Province.

Senator HANSON-YOUNG: What's the focus of them?

Mr Manning: They're on both critical minerals and renewable energy projects, in those two regions. In New South Wales, we are working on one pilot there, in the Central Coast and Lake Macquarie regions, focused around urban development. In Victoria, there has been preliminary work, ahead of a formal regional planning process. They have done environmental values, mapping and the like on two regions, but those regions have not been finalised. Victoria hasn't finalised or settled them just yet.

Senator HANSON-YOUNG: There will be two in Victoria?

Mr Manning: Possibly, if Victoria choose to go on with it.

Senator HANSON-YOUNG: That brings you to the eight?

Mr Manning: That's correct.

Senator HANSON-YOUNG: Again, could we have the details of the actual areas—the towns or the local council area—and the focus of these 'go' zones. Where is the pilot area—

Mr Manning: Senator, just to clarify, as Mr Knudson was saying, they're not at the stage of 'go' and 'no go' zones yet. We're working through the pilots on those. Most of these pilots to date have gone into environment values mapping, if you will, over different degrees.

Senator HANSON-YOUNG: But they're for 'go' zones.

Mr Manning: When we get through the planning process and it's finally made as a regional plan under law. That process is not yet complete in these. These are the regions in which we are piloting the process and working through it with the states, but it's not yet in the form of 'go' and 'no go' zones; that is what I'm saying.

Senator HANSON-YOUNG: But there are eight pilot areas which are foreseen to be 'go' zones?

Senator Watt: No. That's—

Senator HANSON-YOUNG: They are not 'no go' zones. Urban development, wind farms—they are not 'go' zones, are they?

Senator Watt: I have noticed, Senator, in all of your public statements about this, that you like to talk about the 'go' zones and you don't mention the 'no go' zones, even though my speech flagged both.

Senator HANSON-YOUNG: I am coming to that.

Senator Watt: The point—

Senator Hanson-Young interjecting—

CHAIR: Senator, let the minister answer.

Senator Watt: The point of assessing the environmental values of particular regions is to then identify what might be called 'go' zones or 'no go' zones.

Senator HANSON-YOUNG: Where are the 'no go' zones?

Senator Watt: The reason that the 'no go' zones matter is twofold. Firstly, it protects the environment in particularly sensitive places. It also gives business an early indication about where they will get a quick no, and they shouldn't even bother putting something up. So it might be useful to mention the 'no go' zones as well as the 'go' zones.

Senator HANSON-YOUNG: That's exactly where my next question was going to, Minister. Where are the eight pilot areas for 'no go' zones going?

Senator Watt: No. There are eight pilots in particular regions. They will ultimately have within them 'go' zones and 'no go' zones. It is not eight pilots to develop 'go' zones. It's eight pilots to develop, within South-East Queensland, where you can build urban development and where you cannot; in North Queensland, where you can do wind farms and where you cannot.

Senator HANSON-YOUNG: Got it. Will there be 'no go' zones in Tasmania?

Mr Manning: From my perspective, there may be. If Tasmania came forward to work with the Commonwealth, with ourselves, to develop a regional plan in a particular area, we are developing the capacity to undertake that regional planning process. So that is a 'maybe'.

Senator HANSON-YOUNG: In order to get a 'no go' zone, do you have to have a 'go' zone?

Mr Knudson: Senator, that's not the approach. The approach is that we've been working with the states to identify areas that are highly prospective, from a development stand point, or where there is significant pressure with respect to housing et cetera, to work through with the states and territories what matters most from the environment perspective and therefore also what matters in terms of development, and try to provide as much certainty as possible, so that proponents and the environment don't have any uncertainty over what will be protected and what will be developed, and do so in a very sophisticated way. I would say that, in our original documents that we put out on regional planning during the last term, which outlined the approach, we were proposing basically 'no go' zones, 'go' zones and then—

Senator HANSON-YOUNG: 'Oh dear!' zones.

Mr Knudson: 'to be determined' for the work required. The Queensland government, for example, have said, 'No, listen, we want to go much more granular than that.' They have 10 different hierarchies. All of that methodology that Queensland has developed has been peer reviewed. They have been working closely with the Victorians, who have been leaders in this area for a number of years. That has also been peer reviewed. We have all the jurisdictions learning from each other. Hopefully, if Tasmania does want to explore this, they'll have a really good basis to go from, to develop their own regional plans.

CHAIR: I have to pass the call now, Senator Hanson-Young. Senator Whitten, thank you for your patience.

Senator WHITTEN: Thank you, Chair. I want to acknowledge that this is my first time; so, in the spirit of first times, please be gentle with me! Minister Watt, I refer to my letter to you dated 1 July 2025, to which I still haven't received a reply. The letter is about the referral decision, that it's not a controlled action, for the marine survey of the Bunbury continental shelf. I have the letter here; it can be tabled, if necessary.

Senator Watt: If that's the case, I apologise that I haven't replied to you yet.

Senator WHITTEN: That's okay. In the letter I asked you to review whether it's not a controlled action. Do you agree that my letter dated 1 July was within the time frame for requesting a review?

Senator Watt: I'll need to get some assistance from the officials on that, Senator.

Ms Calhoun: Can you please repeat the question?

Senator WHITTEN: Do you agree that my letter dated 1 July is within the time frame for requesting a review?

Mr Kaiser: It might be helpful if you repeat, for my officers, what project assessment process you are referring to.

Senator WHITTEN: It was the referral decision as to whether it's not a controlled action for the marine survey of the Bunbury continental shelf.

Ms Calhoun: That was not a controlled action decision. It was referred, and determined that there was no impact; therefore it was not a controlled action based on the action that was undertaken.

Senator WHITTEN: My question was: did you receive my letter within the time frame for requesting a review?

Ms Calhoun: I am not aware of that letter. I don't recall seeing it.

Senator Watt: My office is trying to track down that letter now, and whether in fact we have replied or not. I remember you also had an OPD in the Senate on this point. Effectively, you were seeking a review of the decision that it was not a controlled action.

Senator WHITTEN: Yes.

Senator Watt: You are asking whether your request was made in time to be considered.

Senator WHITTEN: Correct.

Mr Edwards: We will look into that letter. I am not familiar with it, as such. To clarify, it is open to people, at any time, to request a reconsideration; there's no statutory time limit on that. We'll give it due consideration, once we identify that letter.

Senator WHITTEN: I understand that there was a time limit. We will move on. Ms Calhoun is here. Thank you for being here. On 9 July, I submitted a freedom of information request for the referral decision brief. The FOI request was refused by you on 8 August. Ms Calhoun, do you believe there was a conflict of interest regarding your refusal of my FOI application regarding the referral decision, considering that you made the referral decision, as the minister's delegate?

Ms Calhoun: No. I can consider the matters before me based on the evidence and the legislation under which it's taken. I don't believe—

Senator WHITTEN: No conflict?

Ms Calhoun: Yes.

Senator WHITTEN: Fortunately, after I requested an internal review of the FOI, the refusal decision made by the department, the decision was varied on 9 September by Mr Declan O'Connor-Cox. Please pass on my regards to Mr O'Connor-Cox for recognising the need for transparency in a matter of public interest for Western Australians. The 1,790 pages released showed clear evidence of many significant failings in the decision assessment process and multiple breaches of statutory duties. The application is clearly a misrepresentation, and it makes repeated reference to 'non-invasive survey techniques', which are in fact known to be invasive to marine species. Minister, I believe the documentation shows clearly that the not controlled action is unlawful.

Mr Edwards: I might be able to speak to this. I believe that on Thursday or Friday of last week there was a legal representation making the claims that you've just provided to us. We are currently reviewing that documentation. We have only received that, but we will pay due attention to it.

Senator WHITTEN: Is that the letter from—

Mr Edwards: I don't have it to hand, unfortunately, but I do remember it coming in late last week from a legal—

Senator WHITTEN: You received that?

Mr Edwards: We did.

Senator WHITTEN: The notice of breach was emailed by Rainforest Reserves Australia.

Mr Edwards: That's correct.

Senator WHITTEN: Chair, I'd like to table document 36 from freedom of information LEX 80629.

CHAIR: We will run our eye over that very quickly, Senator Whitten. You probably have 10 or 15 seconds left. May I move the call on and come back to you?

Senator WHITTEN: That's fine.

CHAIR: Thank you. Senator Pocock.

Senator DAVID POCKOCK: I have some questions about the carp virus—European carp—CyHV-3 carp virus.

Senator Watt: We'll answer what we can here. We may need to come back during outcome 4, on water. I presume you are going to the Murray-Darling Basin—the rivers that run through there, and the potential use of it.

Senator DAVID POCKOCK: No, not really. It is more about the virus itself. Since the 2022 consultation on the carp virus, what joint work have DCCEEW done with DAFF on the release of the virus and getting some sort of road map or pathway to that happening?

Dr Fraser: Our department doesn't lead on the development of the carp biocontrol virus, as I think you have just stated in your question. We do liaise closely with DAFF on control of invasive species more generally, including getting regular updates on those. Most recently, we had an update from DAFF, probably two weeks ago, on the development of a biocontrol virus, and the pipeline and time frame that are expected to achieve that. Possibly, the Commonwealth Environmental Water Holder may have some more information, but I suspect that's probably best put to our agriculture colleagues.

Senator DAVID POCKOCK: Apart from the update two weeks ago, what does this look like? Has there been more meaningful engagement from DAFF on the virus?

Dr Fraser: I would say DAFF are very focused on a biocontrol virus. I can't find my notes on this, so it is best to put those details to them. It does take many years to develop a biocontrol virus. That work hasn't paused at all;

it is work that's well underway. But because of the potential impacts on the natural environment, there are many checks and balances, and risks, which need to be managed through the development of that virus.

Senator DAVID POCOCK: That's why I'm asking DCCEEW: what does that look like? 2022 is years ago now. What work has happened?

Dr Fraser: A lot of work has happened towards the development of the carp biocontrol virus. I think the pipeline for the development of these viruses is usually more like 10 to 15 years, to ensure that they can be safely deployed into the environment.

Senator DAVID POCOCK: What specific work have DCCEEW done on this? That's my question.

Dr Fraser: DCCEEW aren't engaged in specific work on this virus. It's led by the department of agriculture, but we are kept in the loop on that work because, of course, we're interested in those outcomes for the environment.

Senator DAVID POCOCK: Thank you. That's clearer. They're just keeping you in the loop, since 2022?

Dr Fraser: From the biodiversity division, yes. Other colleagues in the department may have more to add to that and may be more involved.

Senator DAVID POCOCK: Has DCCEEW contributed to interdepartmental planning for environmental impact management and carcass clean-up in the event of the virus being released, or has that not happened yet?

Dr Fraser: You would need to put that to our water divisions. Not from the biodiversity division, to my knowledge.

Mr Knudson: At the risk of being a bit dated on this as well, there's a likelihood that there would need to be a referral under the EPBC Act. Those sorts of questions would need to be assessed—the impact not only on carp but on other species and also the ecosystems affected. That would be drawn out through that assessment. But, again, that's me speculating that would be the requirement.

Senator DAVID POCOCK: Has DCCEEW provided advice to ministers or the National Carp Control Plan proponents since that 2022 consultation, or not?

Dr Fraser: I would have to take that on notice. I am unaware, but I wouldn't necessarily expect to be aware of that either.

Senator DAVID POCOCK: How long would you think that an EPBC assessment for the release of the carp virus would take?

Mr Edwards: It really is hypothetical, so it is hard to answer. As Mr Knudson mentioned then, the proponent—in this case it sounds like a DAFF agriculture department lead—would have to do the necessary impact assessment work for viral matters. It would really be about them getting to a point where they had a plan for implementation. I am not sure they are at that point yet, by the sounds of it. It involves doing the research on potential environmental impacts and establishing a plan to refer to us, so it's very hard to say that at this point. We don't have a proposal in front of us.

Senator DAVID POCOCK: Minister, can I ask you: on the politics of this, we have this virus, which has a huge potential upside, yet I don't think we've seen any political will since the 2022 election to actually move that along. We've got Victoria, other states, interested parties, urging the federal government to get cracking. Can you give us any indication of what's happening?

Senator Watt: Again, it's probably best for the officials in DAFF to answer this. I remember being asked about this issue, possibly by you, when I was the agriculture minister. Unless something has changed, my recollection is that there certainly were advocates for using this virus but there was also opposition to it. I am not sure it is quite as one-way as you're—

Senator DAVID POCOCK: It sounds like a lot of those people are actually in the department. Most people I speak to—stakeholders—are super keen. The cost of inaction is actually huge.

Senator Watt: As I say, I think DAFF will be able to give you a good explanation about where consideration of this has got to. I've obviously been out of that space for 12 to 18 months. But I do remember—I am not sure who you were speaking to in terms of stakeholders—there were certainly some who were pretty opposed to it as well. I recognise that there were very big fans of that approach. DAFF is probably in a better position to tell you about where things are up to.

CHAIR: Senator Whitten.

Senator WHITTEN: I acknowledge that Mr Edwards received the notice of breach. I'd just like to table that, if I can, Chair. I am curious: Minister, are you aware of receiving the breach?

Senator Watt: No. I don't think that would normally come to a minister's attention.

Mr Edwards: I think it was emailed to the secretary, so the secretary's office forwarded it to me. To clarify: that's not a notice under legislation; it's a claim of a breach occurring.

Senator WHITTEN: Referring to document 36, which was obtained under FOI, I have spoken to the Senate about it and the manner in which the department handled the community consultation for the project. It was pretty disappointing to see under FOI that this has continued, with 40 to 70 of the submissions to the referral being disregarded in the referral process. I believe this is a significant failure of procedural fairness. Ms Calhoun, can you please tell me how many submissions were recorded in the 'for' and 'against' columns at the end of the page?

Mr Edwards: Just before Ms Calhoun answers that—I am not sure she has got that detail—it won't surprise you to know that, with most proposals that come to us, most people are against. People really get enlivened when they're not keen on a project. I would say, off the bat, more than 90 per cent of submissions we receive for any project are in opposition to that project. We weigh up all submissions, but we look at their merits in terms of our legislative responsibilities. Being for or against is people's right, but they need to provide substantive evidence that relates to our decision-making responsibilities. I'll just see if Ms Calhoun has that answer for you.

Senator WHITTEN: Just to put it on the record: out of the 100-odd submissions, there were eight people for it. Forty to 70 of the submissions were disregarded on the basis that they were not about action, yet document 51, signed by you, Ms Calhoun, reads as follows. What I am getting to is that a lot of the submissions were knocked out and disregarded because they were talking about a wind project in Geographe Bay. Your reason for removing them was as follows:

The department recommends the grounds for a fee waiver under section 5.21 of the EPBC regulations do not apply for the following reasons: the primary objective of the referral to collect baseline data to inform the placement of off-shore wind turbines is not to protect the environment nor to protect and conserve heritage.

So, on the one hand you're disregarding the submissions because they're not about wind turbines—it is about sonar scanning—yet here you are saying it is about wind turbines. Can you reconcile the disregarding of the submissions?

Ms Calhoun: I don't have all that evidence in front of me. I'll just have to take that on notice. I also don't have the numbers, at the moment, in front of me, but I am happy to take that on notice.

Senator WHITTEN: You will take that on notice. It is a fairly big thing, I would have thought, as outlined on page 9 of the referral decision brief. Point 34 says:

The potential impacts from the proposed action include elevated underwater noise increasing the risk of displacement and adverse behavioural and physiological changes to threatened and migratory species.

Keeping that in mind, I would like to table another document, if that's okay, Chair. Ms Calhoun, can you tell me why every entry on this list has 'no' recorded in the 'significant impact' column?

Mr Edwards: Perhaps it's useful if I step back a bit and talk about what our assessment covers. At the referral stage, we're essentially doing a screening assessment to determine whether something will have a significant impact. If it has a significant impact then it goes through what's called a 'controlled potential for significant impact', and then we'll do a full assessment. In a referral document, what you will see is that we're looking at all potential significant impacts, and then we're reaching a view on the evidence and our expert knowledge and regulatory experience to determine whether a significant impact is likely.

Senator WHITTEN: That's the whole point of my question. It's a whale superhighway; it's a whale birthing and nursery zone. There are all these different species that are endangered there, yet every single item was recorded as 'no significant impact'. How can that be possible?

Mr Edwards: I am happy to explain. It doesn't mean there is not the potential for an impact. What we're saying is that we regulate at a degree where there's a significant impact occurring. You'll find marine exploration activities are quite standardised. They have a bunch of protocols around how they deploy technology, what they use, how they minimise and how they mitigate impacts. That would have all been considered. Then you reach a view, based on the information you have in front of you, about, overall, whether you think it's likely to have a significant impact. What that documentation is saying is that the view reached was that it was unlikely to have a significant impact.

Senator WHITTEN: So you stand by the assessment that there will be no significant impact in every case—

Mr Edwards: It's a legal—

Senator WHITTEN: for every endangered species?

Mr Edwards: No. Ms Calhoun has considered the matter put to her. Again, the documentation put to us we assess against the tests of the act. And, again, I understand that there have been objections to it. We will look at those documents and respond accordingly.

Senator WHITTEN: Can you please take it on notice to find out whether the pygmy blue whale, which is an endangered species, is on that list. Based on all this, do you still believe the decision is not a controlled action?

Mr Edwards: Just to be clear: there has been a legislated decision made. Ms Calhoun has made that. We're confident that decision reflects the requirements of the act. You mentioned pygmy blue whales as a threatened species. We only regulate threatened species. So we've investigated and found that we don't need to undertake a full assessment of the impacts on all of the matters that we regulate.

Senator WHITTEN: Given that Geographe Bay is a particularly sensitive environmental area, should it be a 'no go' zone? I'll leave you with that one.

CHAIR: Senator Duniam, I'm coming to you for five minutes.

Senator DUNIAM: Could I come back to an issue we were discussing before. On 16 September last year, the Prime Minister ruled out a climate trigger being a part of the nature-positive reforms. Your language is softer than that. Can you rule out a climate trigger being a part of what is presented to parliament?

Senator Watt: The only reason I haven't gone that far is that we haven't finalised drafting the bill. But I've said very clearly that it's very unlikely that we will have a climate trigger. I cannot see the government agreeing to a climate trigger. I've made that point to Senator Hanson-Young. I've made that point to every environment group in the country.

Senator DUNIAM: You just can't rule it out, though.

Senator HANSON-YOUNG: What is a climate trigger?

CHAIR: Senator Hanson-Young.

Senator Watt: That's a good question, given that you often call for one.

Senator DUNIAM: The Prime Minister introduced legislation for one.

Senator HANSON-YOUNG: If you are ruling it out or ruling it in, I would like to know what it is.

CHAIR: Senator Hanson-Young and Minister, please resist the urge. Senator Duniam has the call and is asking these questions.

Senator DUNIAM: You can't rule it out today?

Senator Watt: I am happy to rule it out.

Senator DUNIAM: Thank you very much. That is helpful.

Senator Watt: I am amused by the Greens' environment spokesperson asking what a climate trigger is—

Senator HANSON-YOUNG: Well, what you think it is.

Senator Watt: given that's what the Greens party have been calling for.

Senator HANSON-YOUNG: What do you think it is?

Senator Watt: I think it is adding something regarding the impact of climate change as a matter of national environmental significance.

Senator HANSON-YOUNG: So that's what you're ruling out.

Senator Watt: What do you think it is?

Senator HANSON-YOUNG: So that's what you're ruling out.

Senator Watt: Given that you are calling for it—

CHAIR: Minister and Senator Hanson-Young, please. We will try and run this in as orderly a way as we can.

Senator Watt: it's usually good to know what you're asking for.

CHAIR: The call is with Senator Duniam. Let's stay there.

Senator DUNIAM: Many thanks. I move to forestry and how changes envisaged in this bill, when it arrives, might apply to native forestry in particular.

Senator Watt: We've said many times—going back to the last term of office—that we intend to apply the national environmental standards to RFAs. Again, that was a recommendation from Graeme Samuel's review. That remains our position. In terms of how that will be done, we are currently working on that. There is consultation occurring around that.

Senator DUNIAM: I know we won't be able to get too deep into it because the work is ongoing. At the moment, an RFA exempts native forestry practices that are accredited through an RFA from assessments under the EPBC Act. Is it just lifting the standard, for example?

Senator Watt: This is exactly what we are working on at the moment, so I probably am not in a position to tell you today. But the principle remains the same, which is that we intend to follow Professor Samuel's recommendation to apply the standards to RFAs. We are working out exactly how best to do that.

Senator DUNIAM: And you are consulting with industry, obviously, on how that would work.

Senator Watt: Yes.

Senator DUNIAM: And of course the NGOs.

Senator Watt: You'd remember, Senator, that the Australian Forest Products Association, on behalf of the industry, has previously—'welcomed' might be going too far—recognised that's the government's intention and has raised no concern about that.

Senator DUNIAM: It is more an information-gathering exercise to understand exactly what is proposed here. You've talked about offsets. Regarding the regime that you will put in place to deal with offsets, what are we looking at?

Senator Watt: Sorry, would you mind—

Senator DUNIAM: You talked earlier, in response to questions from Senator Hanson-Young, about offsets.

Senator HANSON-YOUNG: A standard for offsets.

Senator DUNIAM: Yes, a standard for offsets. We had, in the last parliament, legislation around some of this stuff. What are we looking at with that?

Senator Watt: Why don't I kick off and then ask the officials to fill in the gaps. There will be matters within the legislation itself with respect to offsets, but most of the detail as to what requirements there would be on proponents around offsets would be set out in a standard. That, again, is something we are working on at the moment, and very soon we expect to be consulting on early drafts or early ideas about that. There have been some discussions with the stakeholders about that. I will get the officials to chime in now.

Mr Gaddes: We are looking at a range of options, as I said earlier. The minister is more comfortable giving commitments. It's a bit more challenging for me to do so, but I can tell you that the discussions and consultations that we're having with people are around offsets that are currently in a policy. They are not a legal requirement. So there is a degree of discretion associated with offsets as they are currently applied under the act; so lifting those up into a standard. The standard would then mean that a decision-maker couldn't be inconsistent with the contents in the standard. So it would be lifted from policy up to a more regulatory basis. You spoke a little earlier about the concept of net gain. The current offset policy is no net loss. That would be moved potentially to net gain in the offsets policy. There were a range of other features in the Samuel review recommending whether or not there could be a financial restoration contribution rather than a physical offset. So the government is looking at whether or not that's a feasible option where proponents can pay into a restoration fund.

Senator Hanson-Young interjecting—

Senator Watt: No. That's what the Greens call it.

CHAIR: Senator Hanson-Young—

Senator Watt: Can I just make the point that—

CHAIR: Minister.

Senator Watt: The NGOs—environmental nongovernment organisations, for those following at home—support the idea of a restoration fund that Senator Hanson-Young just criticised, just as they support regional planning, which Senator Hanson-Young seems to have a concern about as well.

CHAIR: Thank you, Minister. Let's keep it with the person who has the call for this purpose so that we can maintain order here. Senator Duniam, after the interruptions, you have a minute.

Senator DUNIAM: So there is a fund in terms of what will be brought to parliament at the point in time, noting that this wasn't one of the first two standards, was it?

Senator Watt: Yes.

Senator DUNIAM: It was. Will that specify whatever is brought? I think it was going to be a regulation; is that correct?

Senator Watt: It will be a regulation.

Senator DUNIAM: It's called a disallowable instrument.

Senator Watt: Yes.

Senator DUNIAM: That will contain a form for any such fund will it, in terms of how that will be structured?

Senator Watt: We most likely will need to establish the restoration fund via an act of parliament rather than a regulation.

Senator DUNIAM: That will be a separate thing altogether. Okay.

Senator Watt: Yes. That's correct, isn't it?

Mr Gaddes: That is correct, minister. And there would then need to be a standard cost recovery impact statement, and all those sorts of things, that we would need to go through, and determine the fee associated with the—

Senator DUNIAM: Okay. Just going back to the 'go' zones and 'no go' zones. So 'no go' zones and 'go' zones will be established by regulation—by a disallowable instrument—is that correct?

Mr Gaddes: The evidence I provided earlier was that there has not yet been a decision taken about whether or not it would be a decision of the minister or a statutory instrument, which would be a disallowable instrument. That decision—the form of the regional plan—has not yet been taken.

Senator DUNIAM: When you say 'a decision by the minister', that is some declaration or—

Mr Gaddes: So, for example, a strategic assessment is a decision under part 10, I believe; a decision of the minister. Other statutory instruments are disallowable. So there are different forms within the act about different hierarchies of the legal instrument.

Senator DUNIAM: And the other one is challengeable by court, a legal process.

Mr Gaddes: Judicial review, yes.

CHAIR: Senator Ananda-Rajah.

Senator ANANDA-RAJAH: My question relates to resourcing for environmental approvals, and I'm interested in understanding what dedicated funding was the department provided to progress environmental approval applications in 2018-19 and in the 2019-20 budgets.

Mr Edwards: Senator, can you just repeat that question, please.

Senator ANANDA-RAJAH: I am interested in understanding what dedicated funding was provided to the department to advance environmental approvals in the 2018-19 budget, as well as the 2019-20 budgets.

Mr Edwards: I don't know that we would have those years at hand, going back to 2018-19.

Senator HANSON-YOUNG: Someone didn't get the dorothy dixers.

CHAIR: Senator Hanson-Young, please.

Ms Parry: Senator, we can certainly walk you through current budget measures related to environmental approvals, as well as—

Senator ANANDA-RAJAH: I am interested in understanding and doing a bit of a compare/contrast between the years of the coalition government versus now. Do you happen to have any data from that era—the last five years?

Mr Gaddes: We might have some data here. Maybe I'll start with resourcing, in terms of the human resourcing—

Senator ANANDA-RAJAH: Dedicated funding.

Mr Gaddes: because that reflects the majority of our budget. Sorry, senator, you just want funding figures?

Senator ANANDA-RAJAH: Yes; if you've got funding.

Mr Gaddes: For my division, my budget is in the vicinity of \$82 million per annum. That's for the environmental assessment function. We manage post approvals as part of that as well. We also manage the underlying systems, processes, training, online website and so on that supports that entire function. The reason it's difficult to give an exact figure—that's quite an increase where we would have been—is that there are other line areas in the department that also contribute to my function as the environmental regulator. So we will have a species areas, for example. The Environmental Water Holder gives us comments on the heritage area as well as legal resources. I don't have that blanket figure.

Senator ANANDA-RAJAH: I understand. Does your department resource environmental approvals; is that what you're saying?

Mr Gaddes: My division does the decision-making for environmental assessments, that's right.

Senator ANANDA-RAJAH: Maybe come back to us on that. What have we provided in terms of dedicated funding currently for environmental approvals to speed these up?

Mr Wyndham: Maybe I'll step through a set of measures. I should say upfront that these are over and above the general appropriation that the department receives for delivering the different programs and outcomes. I'll start with a measure called 'sustaining timely environmental approvals', which is a measure from the October 2022 budget. It was initially for three years and extended through MYEFO25 to four years for a total of \$182 million. The second measure I'll highlight is the 'nuclear-powered submarines program'. That's for three years, commencing 2023-24, for a total of \$10.6 million. The third measure I'll highlight is 'accelerating renewable industry environment approvals'. That's a measure for four years, commencing 2023-24, for a total of \$19.9 million.

Senator ANANDA-RAJAH: Do you happen to have the figures for 2018-19 and 2019-20?

Mr Wyndham: I don't have the figures for the general department appropriation. However, I understand that there weren't any measures targeted specifically to environment approvals announced in that budget, but that's not to say that the department didn't have funding. That was part of the normal appropriation for the outcome.

Senator ANANDA-RAJAH: Just to clarify: was the \$182 million that you just cited for 2022 specifically directed towards environmental approvals?

Mr Wyndham: Yes, senator, but—

Senator ANANDA-RAJAH: But there wasn't such a line item in the previous budget from the coalition era?

Mr Wyndham: Not from 2018-19, but if I can run through the years since then. In 2019-20 there was a two-year measure called 'congestion busting' for a total of \$25 million.

Senator ANANDA-RAJAH: So \$25 million in 2018-19 versus \$182 million in the 2022 budget, which is when the Albanese government came in; is that right?

Mr Wyndham: As I said, that's the figure specifically targeted at approvals—for measures announced in that year. There were measures announced in subsequent years.

Senator ANANDA-RAJAH: What has that done to your metrics with respect to approvals?

Mr Edwards: I might be better to talk about that. There's probably two really good metrics that give you a better sense of the business. The reason we are having a little bit of trouble unpacking those specific figures—

Senator ANANDA-RAJAH: What I'm getting at is: has the funding had an impact on increasing your approval speed?

Mr Edwards: I'm happy to give you that, but I probably need to give it to you in two different ways. We have improved speed of average approvals. For the last financial year our total of 88 per cent of approvals were on time. I am just not sure whether I have got it in my background, but I believe that in 2021, from memory, we were around about 40 per cent.

Senator ANANDA-RAJAH: And prior to that?

Mr Edwards: Prior to that there was one point where, unfortunately, we had zero per cent. But I would have to take that on notice.

Senator ANANDA-RAJAH: When was that zero per cent environmental approvals?

Mr Edwards: I don't have that with me, but it was prior to 2022. So in those preceding years there was a point where we did not meet statutory time frames.

Senator ANANDA-RAJAH: It would be worth us understanding when that was and what the commensurate funding was during that era. So we've gone from zero per cent some time during the coalition government for environmental approvals within the statutory time frame to now 88 per cent within the statutory time frame. Is that correct?

Mr Edwards: That's correct. I can come back on those with the detail. There is one thing that I wanted to give you, which will maybe help yourself and the committee think about our investment in our system. Back in 2023 we had around about 300 staff in the assessments division. Around about a third of those were non-ongoing casual staff. It was not particularly secure in terms of making sure that we are efficiently investing in people and getting things through the system. We've now got 382 FTEs, so that's about a 27 per cent increase. And we have something like less than 10 contractors. So we've not just grown, but we've tried to confirm.

Senator ANANDA-RAJAH: Fantastic.

Mr Edwards: Really, what you need are skilled regulators with experience that can follow a protocol.

Senator ANANDA-RAJAH: Does it follow that the funding that we have provided has enabled you to now develop a workforce that is skilled in this area and more stable and, hence, it's leading to faster approvals?

Mr Edwards: It's absolutely effective across the department. We've certainly moved away from non-ongoing to more permanent ongoing roles.

Mr Wyndham: Chair, if I could respond to Senator Hanson-Young's earlier question. I think you had asked what was the corresponding number for this time last year. I can report that in October 2024 that number was 366, as compared to the 382 that Mr Edwards has just advised.

Senator HANSON-YOUNG: Those numbers are applications that have been processed?

Ms Parry: That is staff in Mr Edwards's division for assessments—

Senator HANSON-YOUNG: So it has increased from what it was last year?

Ms Parry: That's correct, yes.

Mr Edwards: Yes, that's right.

Senator HANSON-YOUNG: Thank you.

CHAIR: Senator Whish-Wilson.

Senator WHISH-WILSON: The Maugean skate listing advice is due 30 October 2025 following an extension. Have you received that already, minister?

Senator Watt: Let me check. I don't claim to remember every piece of advice I'm given.

Senator WHISH-WILSON: It's a pretty important one.

Senator Watt: It is.

Senator WHISH-WILSON: It's probably the most endangered species on the planet.

Senator Watt: It is. I get given lots of important pieces of advice.

Senator WHISH-WILSON: Indeed. Could someone else provide that, please.

Ms Maguire: No, that advice has not yet been provided to the minister. It's due by 30 October.

Senator WHISH-WILSON: Correct. Can you confirm that the minister then has 90 business days in which he has to make a decision. Is that correct?

Ms Maguire: Correct.

Senator WHISH-WILSON: In relation to the Conservation Action Plan that came from the original conservation advice in 2023, a big component of that was the oxygenation trials in Macquarie Harbour. I understand they are due to be completed on 22 November; is that correct?

Ms Jago: Sorry, can you repeat that, senator?

Senator WHISH-WILSON: The oxygenation trials in Macquarie Harbour were part of the Conservation Action Plan. They are due to finish on 22 November. Can you confirm that is the case?

Ms Jago: The MHOP trials—the mechanical oxygenation trial—of Macquarie Harbour is a project that was done through the FRDC.

Senator WHISH-WILSON: Correct.

Ms Jago: That was an initial step taken under the conservation actions. Since then—

Senator WHISH-WILSON: I am aware of that. I don't have much time. Can you confirm it is due to finish on 22 November?

Ms Jago: The trial itself has concluded. However, since then, through funding provided last year, the government has introduced a new part of the program, an oxygenation program of Macquarie Harbour; so a different program that then extends the trial.

Senator WHISH-WILSON: Has that started?

Ms Jago: It has already.

Senator WHISH-WILSON: So you have already committed more taxpayer funds to this.

Ms Jago: It is to keep the oxygenation continuing, as needed, over that period whilst the reporting of the MHOP trial informs the next steps.

Senator WHISH-WILSON: I am confused. I got the outline of this project from FRDC. I have asked multiple questions about this. There were two components to that trial. There was a 'do no harm' component and there was 'does this work?' Roughly \$7.305 million was committed to that first pilot project. That went for two years, due for completion on 22 November, before any extra money was committed. The response we got from the last estimates was that money was there for a contingency, should the trial prove effective. Is it finished? You're saying it is. And has it been released? When do we get to see the details of this trial?

Ms Maguire: My understanding is that the report is due—the date that you have just referenced. But whether it's on time or not would be a question to ask the FRDC.

Senator WHISH-WILSON: This is a significant part of the conservation action plan which you're overseeing, so why don't we know this? This is over \$7 million of taxpayers' money, with up to another \$28 million committed as an election commitment from the government. Where's the detail?

Ms Maguire: As my colleague has outlined, the MHOP project, the delivery of oxygenation, has finished. The final report is due, as you said, around the end of November. In the meantime, through the government's additional funding of up to \$18 million, which is to continue oxygenation, that, for a period, will run in parallel with the program reporting. That oxygenation has commenced, to ensure there was no gap in delivery of oxygenation between the two projects.

Senator WHISH-WILSON: This is very curious. You said the same thing, Ms Jago. This was a trial with one barge, burning diesel out on a World Heritage harbour, to look at whether micro-ox increased oxygen levels, reduced nitrogen levels and whether it had an effect. Why would we be paying for that to continue when it was just a small scientific trial? Apparently, they need five or six of these barges to provide the oxygen across the harbour. Where's the information to inform all of this taxpayer money going to some of the wealthiest companies on the planet, who are polluting the harbour and pushing a species to extinction?

Ms Maguire: The evidence I gave at the last estimates was that we were confident that the technology can deliver what was intended, and that it would need to be scaled up. Since the oxygenation through that FRDC project ceased, we have continued the oxygenation at the same level. There is currently an expression of interest process underway, and a request for quote process that FRDC will be managing for us, to scale up that oxygenation. That will draw on the report that gets delivered under MHOP.

Senator WHISH-WILSON: Why were you confident that the trial had proven that this worked?

Ms Maguire: Through conversations with the FRDC, the scientists involved, and the industry involved in that project, they were confident, as they were monitoring throughout the project, that the oxygen was being delivered in the way it was intended, and that there were no negative impacts occurring.

Senator WHISH-WILSON: You established that there were no negative impacts. The oxygen is intended for what? To protect the skate or to enhance productivity of salmon farms? What's it intended to do?

Ms Maguire: The oxygenation is intended to replace the oxygen demand from salmon farming that is important for Maugean skate.

Senator WHISH-WILSON: When will the details of that trial be available? Presumably, you're overseeing it.

Ms Maguire: Of the original trial, the MHOP?

Senator WHISH-WILSON: The one that is due to finish on 22 November.

Ms Maguire: I would have to check with FRDC the date when that final report will be available.

CHAIR: Senator Whish-Wilson, I will pass the call. I can come back to you, if you have more questions. Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: I want to ask some questions regarding renewables energy operator ACCIONA Energia. One of their proposed Queensland projects is the Herries Range Wind Farm near Karara, which is approximately 50 kilometres west of Warwick. I've had correspondence from a Queensland property owner who will be affected by the proposed project. They were first advised of this project in writing on 26 August 2025. The same correspondence noted that earlier correspondence and fact sheets had been sent on 27 May 2025; in other words, 91 days earlier. The property owner has checked their emails—she scans her emails prolifically—and has said that no such correspondence or fact sheets were ever received on 27 May; so 26 August was their first awareness of the project. There appears to have been a failure in terms of notifying the owner. That has, obviously, prevented them from initiating any action against the project at an earlier stage. The owner is concerned about environmental impacts of the proposed wind farm, especially given that it's placed in prime cattle country.

You may have the answers. If you don't, I would like to be able to have, for the committee, proof of any correspondence dated 27 May, including proof of postage or delivery to all affected landowners. Could the department provide the committee with any impact statements or assessments that were done as to the effects on farmland and the local cattle industry, and could any environmental approvals be provided?

Mr Edwards: I don't think we have a lot on hand on that project, so I am happy to take the questions on notice. We don't write to landholders. Usually, the proponents actually engage. We will take that piece on notice. I've got your point about impact assessments. We will note that down. You noted the cattle industry. We're unlikely to have much on cattle, but we will have things generally on the environmental impact. We are more than happy to take some full information away and come back to you.

Mr O'Connor-Cox: I am aware of that proposal—the Herries Range Wind Farm that you're referring to. That is in our system. That has been referred, and it has been declared a controlled action. We would have put the referral on our website and called for public submissions on the referral. There is now a process to prepare assessment documentation with regard to that proposal. That's being undertaken by the proponent. When they have finished preparing their assessment documentation, there will be a call for public comments, again, on that assessment documentation. People can register on our website to receive notifications about when that will be ready, or they can check our website. That is another opportunity for people to make those comments at that stage. As Mr Edwards was saying, the main responsibility is for the proponent to liaise with the relevant landholders.

Senator NAMPIJINPA PRICE: In that case, can you tell me when information was first made available by the department through your website, or through any other means, to those who may be affected by this project?

Mr O'Connor-Cox: That was referred on 3 July 2024, according to my notes. It would have been around that time when it was available. That's the initial referral from the proponent that would have been available for the public to see.

Senator NAMPIJINPA PRICE: Were submissions called for at that stage as well, or was that just information provided?

Mr O'Connor-Cox: No; it is part of our standard process that people can make a submission at that stage.

Senator NAMPIJINPA PRICE: Were any other forms of information made available, or was it purely through the website?

Mr O'Connor-Cox: That's the only information that we would have provided at that time. You can also look at our website and see what stage the proposal is up to in our system. We would also have notified on our website that a controlled action decision was made, which would signify that it needs further assessment and approval before it can progress. That information would have been there as well. The proponent would have been providing information as part of their work as well.

Senator NAMPIJINPA PRICE: Why doesn't the department also provide direct information to affected landholders? Why is it left to the proponent to do so?

Mr O'Connor-Cox: The way we communicate with the public is through our website. That's a publicly available website. The proponent is responsible, on top of that, for undertaking their own consultations as well.

Senator NAMPIJINPA PRICE: If landowners and affected persons don't ever visit your website, the only other way they may know about any such project is via the proponent, through media, or in what other way?

Mr O'Connor-Cox: Those are some of the ways. Certainly, it's up to the proponent to make sure that they undertake proper consultation. As I was saying earlier, people with an interest in those types of developments can register, and they'll be notified of any changes or the availability of public consultation with regard to projects in which they register an interest through our website.

Senator NAMPIJINPA PRICE: Are you able to derive from the proponent when they first went out to communicate with affected landholders?

Mr O'Connor-Cox: They may have that type of information in their referral, but that's not something that we necessarily hold details about, in terms of when they first go out.

Senator NAMPIJINPA PRICE: Can you compel them to provide that information, for the benefit of the committee?

Mr Edwards: We would have to take that on notice, Senator. We can provide the information about how to register for information, if that's helpful, as well. I want to assure you that there are multiple consultation stages. There is the one that Mr O'Connor-Cox talked about at the referral. They'll get to comment then. Also, once people have done an environmental impact assessment, and they have the full information that you talked about,

there's a full public consultation process that the proponent engages in. They are required to then tell us how they've addressed any comments they've received, before we get to a statutory decision. The other component I want to mention is that people can write directly to the department about any proposal, and we will take that into account through our decision-making as well.

CHAIR: Senator Whish-Wilson.

Senator WHISH-WILSON: Can I ask, once again, about the skate and Macquarie Harbour? I couldn't find any more information from the recovery team, in terms of when they have had meetings and where they have put out any statements. Are you aware of whether the recovery team has met? Could you, on notice, provide me with the dates of those?

Ms Jago: Absolutely; we can provide the dates. There is also a range of documents that the Tasmanian government, as chair of the recovery team, have recently put on their website.

Senator WHISH-WILSON: Going back to oxygenation, it sounds like you're confident that the full \$18 million that was provided from the government will be used to expand the project; is that correct?

Ms Maguire: The funding that was provided was up to \$18.3 million. Throughout the program there will be monitoring of the effectiveness, delivery and impacts.

Senator WHISH-WILSON: Is that provided for under the \$18.3 million?

Ms Maguire: Yes, it is. It will be adapted as we go, and the amount of oxygen required will be monitored.

Senator WHISH-WILSON: What will the amounts of oxygen be about? Will that be about the skate? Who determines that?

Ms Maguire: It will be influenced by the level of feed and production; and how much oxygen is being demanded by the salmon farms will be one of the determinants of how much oxygen needs to be put in.

Senator WHISH-WILSON: The salmon farms could now expand their production and it will be offset by this oxygenation; is that correct?

Ms Maguire: There are other measures in place through the Tasmanian EPA. There are conditions regarding the level of feed that is required.

Senator WHISH-WILSON: I am very familiar with the Tasmanian EPA, let me assure you. I am interested in what you said then, Ms Maguire, because it sounds to me like salmon companies can now go ahead and increase stocking levels, because any negative externality will be offset by a taxpayer-funded scheme to reduce nitrogen or enhance oxygen in the harbour. Will this factor into stocking levels, for example?

Ms Maguire: The Tasmanian EPA sets the conditions regarding how much feed, nutrients, are able to go in. That will inform how much oxygen is required to go in. It's not a case of saying, 'We're putting oxygen in, so you can increase.'

Senator WHISH-WILSON: You can't assure me right now that a federally funded oxygenation program won't be used by the salmon companies to expand their production in Macquarie Harbour?

Senator Watt: There's no suggestion of that beyond what you're speculating, Senator.

Senator WHISH-WILSON: I want an assurance, Minister.

Senator Watt: The oxygenation program is one of this government's activities to protect the skate, along with the captive breeding program and a range of other things as well. So it's not about assisting the salmon companies to expand production.

Senator WHISH-WILSON: If it works, Minister, to reduce nitrogen or increase oxygen in the harbour and protect the skate, why in the bloody hell are the taxpayers paying for this?

Senator Watt: Because we think it's a good idea to protect the skate.

Senator WHISH-WILSON: And the profits of multinational salmon companies?

Senator Watt: We're—

Senator WHISH-WILSON: Surely, if they're ruining the harbour, Minister, and putting the skate at risk, they should pay for it.

Senator Watt: I'm aware that the salmon companies themselves are investing significant amounts of money in these sorts of activities as well. But the government has an interest in protecting the skate, and I would have thought you'd support that.

Senator WHISH-WILSON: I'd support protecting the skate, which means removing—your own conservation advice said that to remove salmon farming from Macquarie Harbour was the best way to do that. But you

wouldn't do that because you wanted to win Braddon, Minister. You wanted to win a seat in Braddon—that's what this is all about—which you did successfully, by the way.

Could I ask just more broadly about the EPBC reform around continuous use exemption. You're aware, Minister, I've written to you, and it's something I've been campaigning on for years: state-controlled shark net programs and drumlines. You've seen the very distressing imagery every day now of whales and their calves—humpback calves—and dolphins and their babies getting killed and caught in shark nets. How will the continuous use exemption factor into the new laws? Will these barbaric weapons of mass destruction be, for example, reviewed as to why this exemption should continue?

Senator Watt: I am aware that this is something you've campaigned on for a long time, Senator. As you would be aware, there are very strong views on both sides of this debate in the Australian community. There are those who want shark nets taken out. There are obviously others who see them as necessary for human protection. But, at this point in time, we're not proposing to make any change to the existing provisions.

Senator WHISH-WILSON: Right. So they're not even going to be reviewed across the board?

Senator Watt: At this point in time, there's no plan to make any change.

Senator WHISH-WILSON: But you could choose to—

Senator Watt: Well, governments can do anything at future points if they choose to. But, at this point in time, we're not proposing to make any change.

Senator WHISH-WILSON: I understand New South Wales is considering a trial to remove shark nets. Sadly, surfers are getting killed inside shark nets, as are other ocean-goers—they don't make beaches safe. There's plenty of evidence to show that's the case. Why—

Senator Watt: My recollection is that the New South Wales government has also paused some of its planned removals of those nets as well.

Senator WHISH-WILSON: It has.

Senator Watt: In response to a recent shark attack.

Senator WHISH-WILSON: Sadly, once again, it's very traumatic for the community, but it occurred in an area that had shark nets and drumlines. The last fatality on a surfer was at Snapper Rocks in Queensland, inside shark nets. They don't protect you from sharks, but they do kill lots of marine life, especially federally protected marine life. But, just to be clear, you do have the power to say to the states that they should at least be reviewed or removed?

Senator Watt: I'm not sure. Actually, it's not something I've sought advice on.

Mr Gaddes: I don't think that is the case under the current exemption, Senator.

Senator WHISH-WILSON: Under the current exemption—but under the review of the EPBC Act or the environment law?

Senator Watt: That would be a matter for the parliament to decide if it wanted to remove that exemption. It's not something that I could do as minister. It's written into the current act.

Senator WHISH-WILSON: Right, but in your environment law review you're not going to review any continued use exemptions for land clearing and other—

Senator Watt: At this point in time, we're not planning to deal with the issue you're talking about. I have to say I don't recall it being raised by a single stakeholder in all the consultations I've had. I recognise you have—

Senator WHISH-WILSON: Not consultations you've had, but I can tell you it has been raised by stakeholders.

Senator Watt: Well, not in any of the meetings that I've been in.

Senator DUNIAM: Before Ms Lea-Perry comes back, I have just one question for you. We touched on it before—the Indigenous cultural heritage legislation. Where are we at with the works that were underway last term?

Ms Lea-Perry: We have a full half-hour agenda on that today.

Senator DUNIAM: Okay. We'll see you soon. I was trying to find out when the nature repair market went live, and I couldn't find an exact date. What date did we kick off with that?

Mr Knudson: The nature repair market commenced operation on 1 July 2025—sorry, 1 March. I can't read my own notes.

Senator DUNIAM: 1 July 2025?

Mr Knudson: 1 March. Sorry, Senator.

Senator DUNIAM: To date, have any projects been registered?

Mr Knudson: Yes, Senator, and we can walk through that if that's helpful.

Senator DUNIAM: Yes, if we could go to the number, that'd be great.

Ms Higgins: There's been one project that's been registered under the market. That was registered in August. The CER could probably answer some more questions for you on some specifics of applications they've got in the works. There are also about 800 registered users and planners, so people that are planning nature repair projects, and that seems to be growing, including as we approach the right season for considering those things.

Senator DUNIAM: Okay. I'll talk to the CER about others on the way through the system. Are you able to tell me anything about the one project we do have registered?

Ms Higgins: The one project is in north-east New South Wales. It's on a cattle property where they are also stacking that project with an ACCU project. The landholder is optimising the use of that land for several outcomes.

Senator DUNIAM: Okay. Do you have any detail around the nature of specifically what biodiversity they've been certified for?

Ms Higgins: They're planting a number of species. It is addressing the requirements under the first method, which is a replanting method, and it's being stacked with the ACCU method, which is a replanting method.

Senator DUNIAM: Okay. What's the quantum or the area?

Ms Higgins: I think it is 438 hectares.

Senator DUNIAM: Is there a value attributed to this particular project?

Ms Higgins: A value as in—

Senator DUNIAM: Monetary value.

Ms Higgins: But a value for, say, the certificate that it will generate over time?

Senator DUNIAM: Yes.

Ms Higgins: It'll be a number of years before the certificate will be generated. Given the fact that the planting is happening in an ACCU project, the proponent will be able to generate ACCUs in about three years time. I think that the proponent has indicated that they expect that those ACCUs will be well received in the market as planting ACCUs are. With regard to the actual value of the certificate, I think it's too early to tell around that. But we can see what proponents are telling us: there's value in undertaking those projects, whether it's for their land or how they're attached to other things they're doing—agriculture or ACCU.

Senator DUNIAM: How long did the process take for this particular project? When did they commence seeking to have this certified or—

Ms Higgins: Applications opened on 1 March. They would have started their ACCU project first. You need to, in a stacked method, register your ACCU project first and then, immediately after, you can register your application for a nature repair market project. It opened in March and they registered mid-August.

Senator DUNIAM: So the process at your end is very short. So the ACCU—pardon my inability to keep up with the lingo. The ACCU stacking—that's done by the Clean Energy Regulator or is that done by—

Ms Higgins: No, the Clean Energy Regulator regulates both markets, so they accept applications for both the ACCU scheme and the nature repair market scheme, which makes it easier for the proponent.

Senator DUNIAM: In terms of the role that your organisation—the role you fulfil, that is a very light-touch end of it. You take what the proponent or the applicant comes with and register it. Is that right?

Ms Higgins: The regulator does all the applications in the process. We do the policy and the legislation. We also lead method development.

Senator DUNIAM: Okay. So it's managed separately to you. You do the policy. All right. Is information on that particular project available publicly?

Ms Higgins: Yes. The biodiversity—there's a register that the CER hosts, so there's quite a bit of information available publicly about the project.

Senator DUNIAM: I know I will need to speak to the CER about the projects coming through the pipeline. Do you have any visibility of what you do expect? Is there any planning?

Ms Higgins: We have some sense from the regulator, but it is their role, and there's a bit of independence there around the details.

Mr Knudson: Senator, I think the key fact that Ms Higgins pointed out is there's 800 individuals, corporations, et cetera that have registered interest in this. So it gives us a sense that there will be more. But, as is mentioned, this is the first project. It's important that we get these up and demystify what it means to actually participate in the climate market but also in the biodiversity market.

Senator DUNIAM: Just on that, the 800 entities that have registered are people that are interested in attaining a certificate or purchasing or investing in—

Ms Higgins: One of the tools we have to support people to participate in the market is something called Planner. It's an online tool, and there are 800 people registered that are planning on their land. They are drawing their polygons and they are looking at the costs associated with that. So they've registered on the planning tool and are looking at designing projects. That's the first step, I suppose, in them registering a project with the CER.

Senator DUNIAM: Okay, thank you.

Senator WHISH-WILSON: This is probably a question that's taken on notice. In relation to the Queensland Shark Control Program, they're going through a significant expansion. Could the department take on notice if they've reached out to you as to whether that needs to go through a process around significant change? To my understanding, legally they do need to go to you. So could you just confirm if that's been the case and what the framework is around that?

Mr Edwards: Senator, I confirm we've had conversations with Queensland counterparts around that program. We have just stepped through and made sure they understand their potential obligations with the changes. The initial feedback from those colleagues is that, while that plan is in place, there are no substantive changes underway. We've left them with—

Senator WHISH-WILSON: They're expanding it significantly.

Mr Edwards: With implementing any changes, our understanding from them is that they haven't implemented any significant changes at this point. We've asked them to consider, obviously, their obligations and to keep in touch with us. We don't have a lot of detail beyond that, but we wanted to make sure they were thinking about us.

Senator WHISH-WILSON: That's great that you've met with them. Just for my clarity, then, if they do go ahead with their planned expansion, will they need to go through a process with your department?

Mr Edwards: It's unclear. I think we have to then decide whether that's a significant change or not in what they're proposing. Again, sorry to be a bit vague. It wasn't super clear to us at the time, so we wanted to meet with them at least.

Senator WHISH-WILSON: I'll put some questions on notice. Thank you.

Senator McKIM: Good afternoon, folks. I've just got a few questions around the further development of the improved native forest management in multiple-use public forests method in regard to—

Senator Watt: That may need to come later.

Senator McKIM: I'm not sure about it. I was advised that this is the appropriate place, but if you wanted to answer it later, I'm happy to ask it later.

Ms Lea-Perry: Is it a methodology related to ACCU?

Senator McKIM: Yes.

Ms Lea-Perry: That would have to be later this afternoon.

Senator Watt: That's in 1.1.

Senator McKIM: Okay. I'll be back for that anyway, Minister, so we can address that there. I've just got some questions on your approval for the Robbins Island wind farm.

Senator Watt: I didn't expect to get any questions from the Greens after *Insiders* on that project.

Senator McKIM: I've got no problems asking questions on this, Minister. I'm very confident you'll have no problems answering them, given you've approved a project that's pretty much the worst place in the country to put a wind farm for impacts on nature and biodiversity.

Senator Watt: That's your opinion.

Senator McKIM: That is absolutely my opinion.

Senator Watt: It's not Senator Waters's opinion.

Senator McKIM: Minister, can I just ask you to disengage from your rampant politicisation of this issue and focus on your ministerial responsibility—

Senator Watt: I'm sure you won't have any rampant politicisation.

Senator McKIM: which is to protect the environment, Minister.

CHAIR: I'm loath to interrupt you, Senator McKim, but we have managed to keep this on track and focused on questions, so let's keep it in that vein.

Senator Watt: I'm looking forward to questions without any rampant politicisation from Senator McKim.

CHAIR: Minister, this is a two-way street on this occasion. Let's focus on the questions and the answers and leave the sledging out.

Senator McKIM: All right. Minister, you'd be aware that the EPA in Tasmania said that, given the potential for significant impact to the orange-bellied parrot population that may result from a collision, it is considered that the only measure available to reduce the risk of collision during migration is the shutdown of all turbines during specific migratory periods. Why did you not impose that condition?

Senator Watt: Well, for starters, you have omitted to mention that decision of the Tasmanian EPA was overturned on appeal and was removed by, I think, the Tasmanian Civil and Administrative Tribunal. You'll see that, in the conditions that I did impose—and I think there were over 80 conditions imposed on this project—one of the requirements was to prepare a bat and bird management plan, which will require the proponent to take a range of steps to avoid impacts on migratory birds. I'm sure the officials could take you through in more detail the likely content of that management plan. But I flagged at the time I made this announcement that it's possible that there would be a short, temporary shutdown of some of the wind turbines under that plan. But, as I say, the Tasmanian court and judicial system overturned that condition that was imposed by the Tasmanian EPA.

Senator McKIM: It was open to you to impose that condition, though, wasn't it?

Senator Watt: It was, but my view was that—what I had to do in making this decision was determine whether this project would have a significant impact on matters of national environmental significance, including migratory species. I determined that we could avoid those significant impacts if we imposed those over 80 conditions, including the requirement to prepare a bat and bird management plan that may deal with temporary shutdowns of the type that you're talking about.

Senator McKIM: Were you advised by the department to impose any kind of a periodic shutdown on the turbines?

Senator Watt: I'm not sure whether we've published a statement of reasons on this decision yet.

Mr Edwards: That's being finalised.

Senator Watt: Okay, so that will go—

Senator McKIM: Did you say it is being finalised?

Mr Edwards: It is being finalised at moment. It's being put to the minister—

Senator McKIM: Sorry—it has been put to the minister?

Mr Edwards: We're drafting the statement of reasons and then, once we've drafted it, we'll provide it to the minister for consideration. Then it will be released at that point.

Senator McKIM: Will you release those, Minister?

Senator Watt: Yes, and that's a very normal process for a statement of reasons to follow a ministerial decision a period of time afterwards. I only mention that because I'm sure that the statement of reasons will go to that. I might just get the department to respond in terms of the advice that was provided.

Senator McKIM: Thank you.

Mr Edwards: We obviously gave the minister full advice about impacts and journey travelled as well. As the minister said, being a state recommendation, the local council, who's the actual decision-maker in this case, made a decision to authorise that program. Originally, there were some shutdown conditions. The tribunal overturned that with additional evidence being provided. When we briefed the minister, we obviously collected all evidence, not just from the time the EPA reached a view but also in the evidence that came through those different processes as well. So our evidence includes the most contemporary research and evidence around impacts on all matters.

Senator McKIM: Yes, but the fact that you've had to require further research seems to indicate that you're not confident in the research as it currently stands. That's a fair comment, isn't it?

Mr Edwards: That's a fairly standard condition for us to require wind farms to do ongoing surveys. We do reach a view—we found that, with those conditions, the minister could form his view that it is acceptable, but we also make sure we put precautionary measures in place, which means that you need to keep measuring and seeing what's there, adjusting plans as needed.

Senator McKIM: Thank you. Going back to the question I asked the minister, did the department advise the minister to implement any a shutdown of turbines during specific periods in regard to orange-bellied parrots or any other flying creatures?

Mr Edwards: The conditions of approval as published are the conditions that we put to the minister.

Senator McKIM: They're the ones you put?

Mr Edwards: Yes.

Senator McKIM: Alright. So the department effectively advised the minister not to impose shutdowns during the orange-bellied parrot migration periods?

Senator Watt: I don't know if it would be fair to characterise it that way.

Senator McKIM: Well, I think it would.

Senator Watt: No—

Senator McKIM: It would.

Senator Watt: Well, you haven't seen the advice, so how would you know?

Senator McKIM: But there are no shutdowns imposed in the conditions. Therefore, the department has advised you not to impose them.

Senator Watt: I'm picking up on the way that you characterised the department's advice. My decision was based fully in line with the advice I received from the department, which included that those 80-odd conditions, and their advice was that the project could proceed without having unacceptable impacts on those matters of national environmental significance if those 80-odd conditions were imposed. They included the requirement to prepare a bird management plan and bat management plan. It included, as I recall, a requirement for the proponent to invest in repopulating various species. There were a range of conditions, and I accepted the advice from the department.

Senator McKIM: Well, it's fair to say, though, isn't it, that the department did not advise you to impose any kind of a shutdown as one of the conditions. That's right, isn't it?

Senator Watt: That's correct. I think that's a different way of expressing it to what you did before.

Senator McKIM: Does the Commonwealth have visibility of natural resources and Environment Tasmania data relating to the 40 receivers on Robbins Island that are used to monitor fauna and birds?

Mr Edwards: We might have to take that on notice. We've got access to all relevant information from the Tasmanian government. We've got other researcher information that's been provided to us, so we've got a pretty comprehensive set, but I might just have to take on notice that specific question.

Senator McKIM: Thank you. While you're taking that on notice, could you also please respond to this. It's my understanding that the department has not yet asked for the latest data. I would like you to confirm whether that is the case. If it is the case that you haven't asked for the latest data, could you please explain why you haven't asked for the latest data? I'm concerned that there is a scenario where the data might show that there are orange-bellied parrots on the island for longer periods of time than first thought, in higher numbers than first thought, and yet the department doesn't appear to have asked for that data.

Ms Short: The recommendation provided to the minister included all the data that we had received at that point in time from Tas NRE, which included orange-bellied parrot migration data.

Senator McKIM: I understand that. I'm asking about the latest data. Perhaps on notice you could provide the committee with the dates of the most recent data that you had prior to providing that advice to the minister and also respond to the matters I've just raised in regard to whether you've asked for the most recent data or not. If you have got any data subsequent to your advice to the minister, could you please provide that to the committee on notice?

Mr Edwards: Sure.

Senator McKIM: Thank you.

Senator ANANDA-RAJAH: Just switching from one priority, which is obviously energy, to another, which is housing, since May of 2022, when we were elected, how many housing projects have been approved? Can you outline for us how many homes that actually equates to?

Mr Edwards: Senator, I don't think I've got the full date range. Did you say since May 2022? I'd have to take that on notice. I can tell you what we've achieved in the last couple of months with the additional efforts that we've made. In the last two months, the government's done a range of things to support us to progress housing developments at a quicker rate. We've established a housing strike team, and we're doing a bunch of things across my division. As a result, we've cleared through eight approvals just in two months, and that's by itself provided up to 4½ thousand homes for Australians.

Senator ANANDA-RAJAH: Wow. And what's in the strike team? What composes the strike team?

Mr Edwards: What we've done with the strike team is put together a focal point within the division to work across a group of about 60 regulators. They've analysed our caseload. They've looked through the caseload to understand whether there are barriers or blockages with certain projects. They're working with those regulators themselves to problem-solve, working on advice for opponents. Also, they're targeting our efforts. Where we think there's a particularly important project that has been a little bit stuck and we think we can make a difference, they're helping to direct effort to doing that. It's really about that and being a report to and demonstrate, I think, importantly, to the public that we're making good progress on this area.

Senator ANANDA-RAJAH: Did this strike team predate the economic roundtable or did it come after?

Mr Edwards: No, so we established that after the roundtable.

Senator ANANDA-RAJAH: Was that a recommendation of the roundtable?

Mr Edwards: It was, Senator.

Senator ANANDA-RAJAH: What were some of the other recommendations?

Mr Edwards: There were a range, but for us they also suggested that we look at the potential use of AI—artificial intelligence—in housing—and I can come to that—and also rapid assessment pathways under the current act. I'll just talk about both of those briefly. The idea around the rapid assessment pathway in the announcement was that the minister would do some work to progress some guidelines to explain to people how to access the most rapid assessment pathway under the act. There are some ways that people can do that. We see it as a regulator. We see some projects come forward and they're really well positioned and others encounter some problems. We're currently drafting that guidance. It could take you to two things. One is a not controlled action if you put forward a really good proposal in a low-impact area, and we're increasingly channelling more of those through to people. The other point is then the next step, I suppose, which is the controlled action. But we've got one that has quite a low—quite efficient regulatory assessment involved and no further information, which is one of the things that does catch people up. If we can help people through that guidance to know how to basically line their ducks up in the best possible way then we can get more people into the rapid assessment pathway. That's the first point.

Senator ANANDA-RAJAH: Is the guidance published?

Mr Edwards: We will publish it. We haven't put it to the minister yet for consideration. We worked, I think, in a more ad hoc way, if I could explain this at the moment, but the idea is to make it clear to everyone what the ingredients, if you like, for rapid assessment look like.

Senator ANANDA-RAJAH: The strike team—is that just positioned in your department or is it interdepartmental?

Mr Edwards: In our department within my division. That's right.

Senator ANANDA-RAJAH: Okay. Do you want to just elaborate on the AI tool?

Mr Edwards: Yes. For AI, again, I think in every part of the economy people are looking at how AI can increase efficiency. What we've started doing is we've commissioned a little bit of work to look at how we could deploy, in the first instance, AI to help the user experience, if I could put it that way. The regulated community comes to us and they have to deal with a whole bunch of laws and rules and documents, and it actually takes a lot of time. So we've got a bit of work underway to see if we can scope tools to help those proponents. In a similar way to the tax system, if you think about how well that does, it's serving up the material for others on the outside. The work we've got underway—we'll do some proofs of concept. We hope to pilot something early next year. We're already talking to some helpful proponents to see if we can pilot that technology. As a further stage in the future, then we'll turn to whether we can deploy some of that in our own internal processes to save some of the very high labour elements of the work that we do.

Senator ANANDA-RAJAH: So cutting red tape and white tape?

Mr Edwards: Correct.

Senator ANANDA-RAJAH: Yes, that sounds—just keep us posted on that. Would it be accurate to say that, since August, you've approved two housing projects encompassing about 4½ thousand homes? Is that right?

Mr Edwards: Sorry, eight.

Senator ANANDA-RAJAH: Eight?

Mr Edwards: Eight projects and around 4½ thousand homes between those eight.

Senator ANANDA-RAJAH: Okay, that's fantastic.

Senator Watt: Just FYI, that's about three times the number that were approved in the same period last year.

Senator ANANDA-RAJAH: Incredible. Three times?

Senator Watt: About three times the number of homes in the same period.

Senator ANANDA-RAJAH: Okay. Minister, what is the timing consideration of housing developments under federal—why is it important under the federal environmental law? What are some of the alternative approaches, if you could please elaborate.

Senator Watt: I think it's well understood that the process currently under our EPBC laws for housing approvals can be improved, to put it mildly. There is a lot of duplication in the system between state and federal processes that doesn't actually deliver a better environmental outcome and that actually slows project approvals down rather than speeds them up. What we've been working on is ways that we can reduce that duplication between state and federal processes as part of the reforms. But, in the meantime, the department has done a really great job of responding to the government's announcement about a housing strike team and, as you can see, it's starting to bear fruit with those numbers.

Mr Edwards: Senator, sorry, colleagues just handed me the answer to one of your early questions. I wasn't sure we had it on hand. For housing approvals since May 2022, the number we have is 63. To the minister's point, eight in two months is a fair clip.

Senator ANANDA-RAJAH: It is 63 projects? How many homes is that?

Mr Edwards: That is 49,200 dwellings in that period. So, again, we're trying to escalate eight in two months compared to that 63 figure.

Senator ANANDA-RAJAH: Okay, that's very helpful. Thank you. I am Victorian. I'm interested in the Queen Victoria development. Can you just tell us a little bit about that?

Mr Edwards: Sure. The Queen Victoria Market development was approved subject to conditions. The aspect of our approval was very much focused on the heritage values of the market. There's not currently a statement of reasons, so I'll go into a little bit more to explain. You'll know the markets well. They've been there for over a hundred years. They've been there for a long time. You've got the main building towards the other end of the precinct—what they call the stalls of the Queen Victoria Market. They also have heritage values. There are three towers that the minister's approved to proceed down that end of the development working with proponent Lendlease. What was ultimately put forward was a design that maintains the heritage characteristics of that important area but permits housing in that area. I think, from memory, there are about 2,200 dwellings in that one alone, so that's quite a contribution to the Victorian housing market.

Senator ANANDA-RAJAH: Thank you.

Senator McKIM: Can I just come back to Robbins Island, please, and the data that the department has in its possession. Can I ask specifically around the data for the collision risk model and whether that data has been updated recently or is the data being relied on by the collision risk model now over five years old?

Mr Edwards: I don't think we have that detail, Senator. We could take that on notice.

Senator McKIM: Thanks. Could you also take a notice then, according to the data, how many birds are at risk of collision on Robbins Island and how many of those birds are orange-bellied parrots and wedge-tailed eagles, or any other species breakdown that you have available; and also whether or not you're in possession of any data that is yet to be updated to the collision risk model?

Mr Edwards: Yes.

Senator McKIM: Also on Robbins Island, but on a different topic, there are many countries around the world that are actively working to protect global flyways for migratory birds. I'm sure you're aware that Robbins Island is a critical habitat for the East Asian-Australasian Flyway. I want to ask whether approving what will certainly be

a massive bird blender in the middle or in critical habitat for the East Asian-Australasian Flyway be in breach of any of our international bilateral migratory bird agreements like the Convention on the Conservation of Migratory Species of Wild Animals or the East Asian-Australasian Flyway Partnership?

Mr Edwards: No, Senator. Again, when providing recommendations to the minister, we ensure that those recommendations are consistent with the obligations of the act and the Australian government's other obligations. We're certainly confident that we're not in breach of those obligations.

Senator McKIM: Alright, thanks. What's led you to be confident that you're not in breach of those? Did you take legal advice on that?

Mr Edwards: If we take a step back, the overall assessment is about acceptability of impacts on protected matters and us reaching a view on acceptability and making sure they're below significant, which is the thing that contributes to us meeting those international obligations. We wouldn't have sought, I think, specific individual advice. In the same way that the act enlivens the whole bunch of conventions, if we maintain and put forward decisions that we believe meet the obligations of the act then we meet and reflect those obligations.

Senator McKIM: Yes, but you've said you're confident that you're not in breach of any obligations under those instruments. Is that a conclusion—have you arrived at that conclusion, Mr Edwards, or was it the department collectively, given that it doesn't seem as if you did take legal advice on that?

Mr Edwards: I think what I said is that, in recommending decisions to the minister, we make sure they meet the requirements of the EPBC Act and, in doing so, they meet the requirements of international and other obligations.

Senator McKIM: So you're saying you're confident that your advice meets the requirements of the EPBC Act, not that you're confident that it meets the requirements of those international obligations?

Mr Edwards: I'm actually not splitting those things apart. By default, if we provide acceptable decisions that meet the requirements of the act then we are maintaining and delivering on the requirements of the international obligations.

Senator McKIM: But you didn't seek legal advice, did you?

Mr Edwards: On that or any other convention, to be frank, because, again, it's about the act enlivening and delivering on those international obligations.

Senator McKIM: I'll just move on to Tasmanian devils. Obviously, Robbins Island is one of the last DFTD-free strongholds anywhere in the world. You've put in place—some of the conditions relate to Tasmanian devils, obviously. Physical barriers have been notoriously unsuccessful in preventing the spread of DFTD in Tasmania in the past. I'm sure you're aware of that. Well, I hope you're aware of that. What gives you confidence that putting in place a notional physical barrier is actually going to stop, considering a causeway is being proposed to be built from mainland Tasmania to Robbins Island as part of this proposal? What gives you confidence that this notional physical barrier is actually going to work to prevent the spread of DFTD to one of the last remaining disease-free strongholds?

Mr Edwards: Senator, I think you are in the territory now of the minister's statement of reasons. I think we'd take that on notice. I would say that I'm not familiar with the claims that barriers are ineffective. Obviously, in this case, the Tasmanian government recommended barriers. We've endorsed those conditions. There's also speculation I'd point to during this process that devils may, in fact, enter the island currently at low tide. So there's always a risk there. We've taken practical measures in recommending something to the minister and the statement of reasons would be able to give you better detail than I'd like to provide here about the minister's decision.

Senator WHISH-WILSON: Can I just ask for a clarification? When you said the Tasmanian government recommended that, do you mean the EPA?

Mr Edwards: I believe that was part of their recommendation. It was certainly adopted by the council.

Senator WHISH-WILSON: You're happy to accept that recommendation in light of the one about orange-bellied parrots and shutting down the turbines?

Senator Watt: Well, that was overturned.

Senator WHISH-WILSON: Not on scientific grounds, it wasn't.

Senator McKIM: It wasn't. And also it does remain the view of the Tasmanian EPA, by the way, that a shutdown is the only way to protect them. Somehow the federal department has come to a different position, which is a matter of concern to the Greens. One of your conditions in relation to Tasmanian devils requires, I guess, an enclosure or a segregation of part of the island. Is that right?

Ms Short: An offset.

Senator McKIM: Is that offset going to be on island or off island?

Ms Short: On island.

Senator McKIM: An on-island offset?

Ms Short: That's right. The proponent's required to secure 1,164 hectares as an offset on the island to compensate for loss of habitat by construction of the project.

Senator McKIM: Okay, so that's an offset in regard to loss of habitat—it doesn't relate to DFTD. Is that right?

Ms Short: That's correct.

Senator McKIM: For clarity, this area that they got offset—are there already Tasmanian devils in it?

Ms Short: Yes.

Senator WHISH-WILSON: How could it be an offset?

Senator McKIM: How's that an offset?

Senator WHISH-WILSON: Last time we asked I think the department suggested that a zoo breeding program might be a suitable offset.

Mr Edwards: Senator, there will likely be devils there, but it's about maintaining, protecting and enhancing that habitat. A large part of the island is degraded farmland, and there are opportunities there for the proponent to actually offset, literally, their impacts of clearing to make sure there's good quality habitat there for devils.

Senator WHISH-WILSON: Mr Edwards, I know you've been on this for a long time. We've been asking questions about this project for many, many years. We know there was advice—we received internal communications in the department many years ago about you guys wondering how this could actually be done. It seems it's quite miraculous now that the proponents just got to put aside a bit of the island and call it an offset after nearly a third of their habitat is going to be bulldozed for these wind farms. Why has it taken so long to get to this?

Senator Watt: That's not the only condition that's been applied to protect Tasmanian devils. That's one of the conditions amongst 80-odd conditions overall.

Senator WHISH-WILSON: Could I also point out that we just talked about the island here. I have witnessed this community scraping over 200 Tassie devils off the freaking highway and road around that area. We've campaigned to get the speed limits changed to try and protect them. A population of 500 was what was estimated. We feel like we've lost at least half of them because of milk trucks going in the area. We've had pollution going to the bay, into the pass, from dairy farmers that we've had to work on to get crackdown. You're just going to open this whole area up to be further industrialised as one of the biggest wind farms in the world. You couldn't have picked a worse spot, honestly.

Senator Watt: Well, that's your view.

Senator WHISH-WILSON: Minister, I've been on the ground here and worked with this community for eight years. I support the clean energy transition. I think that, if we don't have it, we're absolutely stuffed. You don't realise what a bad decision this is in terms of undermining the rest of that transition. This is not going to go away. It's only going to get more difficult.

Senator Watt: Well, that's your view. The decision that I had to make and did make was whether this project would significantly impact on matters of national environmental significance. The decision I made was that it would not, provided the 80-odd conditions that we imposed are followed.

Senator WHISH-WILSON: The OBP, orange-bellied parrot, breeding program: what evidence is there around breeding? Are you going to be able to breed them fast enough to replace ones that might be lost in the wind farm?

Senator Watt: The department—I'm happy for them to give you an answer to that specific question, but my understanding is that the population of the orange-bellied parrot is actually increasing. It's still not as high as we would like to see it, but it actually is increasing.

Senator WHISH-WILSON: What are we talking about here? How many parrots are we talking about?

Senator Watt: It is a critically endangered species. No-one is debating that. But my understanding is that the national recovery plan estimated the wild population at approximately 50 in 2016. The more recent estimates confirmed 92 birds returning to Tasmania from mainland migration in December 2024. So that's nearly doubled in

that period of time. I'm not pretending that's the number we would all like to see, but it is on the way up. But Senator Whish-Wilson's question went to captive breeding programs.

Mr Edwards: Just briefly on captive breeding, it has been effective. There's been, as the minister said, a good recording of successful migrations for the orange-bellied parrot and some increase in population. The contribution that the proponent's making to that recognises there's still a great deal of uncertainty around the impacts. The data on whether the parrot will be below turbines, whether it'll go through there at all or whether it'll have any impacts is still, to be honest, unclear. But they're taking additional steps, such as contributing to that program to make sure the broader population continues to increase.

Senator WHISH-WILSON: The use of the precautionary principle as it's defined in the EPBC Act is that you need to avoid any permanent, irreversible damage. We're talking about a population of a few parrots left, and this is on its flight path. It's also the most sensitive shore bird breeding habitat in Tasmania. Thirty years ago, the Commonwealth government tried to get this Ramsar listed, and the state government didn't go ahead with it because three people put their hands up to block that, including the farmer who's going to have the wind farms on his property. This is a really bad area to stick a wind farm. That's why you've got—how many conditions do you normally have on wind farms? Is this exceptional that you've got 82 or 86 or 88 conditions? Is that normal for a wind farm approval?

Mr Edwards: It's likely slightly higher. To your point about precautionary principle, Senator, it will be documented how that was considered and enlivened as part of the statement of reasons. So we absolutely address that as part of the consideration for the minister.

Senator WHISH-WILSON: I look forward to reading that.

Senator McKIM: Will you advise to release it in full?

Senator Watt: I think I already have.

Senator McKIM: I'm just asking you to release it in full without any redactions.

Senator Watt: Yes, that would be the normal process.

CHAIR: Thank you. We will suspend now. Before we do suspend, I just note that we are a long way behind schedule. When we come back, we will hopefully find a new spirit of efficiency. Thank you very much.

Proceedings suspended from 13:00 to 13:49

CHAIR: We will resume. We are still in outcome 2.1.

Senator McKIM: I've just got some questions on where we're at in regard to advice to the minister on the tailings dam—the MMG tailings dam that's proposed in the takayna Tarkine region of Tasmania. Can you just give us an update? Has the minister received advice from the department on whether or not to approve that proposal?

Mr Edwards: Not at this stage, Senator. You'll recall this one was put aside by the court. We're remaking or will remake the decision. We've been engaged with the proponent. They, I think at some stage last year, also got an extension to their existing dam. So some of their urgency, I think, is reduced somewhat.

Senator McKIM: Some of their what, sorry?

Mr Edwards: Some of the urgency that they did have has been reduced somewhat. At the moment, we've just been working through with them what are the potential elements of a future decision. So we're just engaging around, if we were to make a decision, what elements we might consider as part of that. So it's an informal part of the decision process.

Senator McKIM: A formal part?

Mr Edwards: Informal, sorry.

Senator McKIM: What are the issues that have been raised by the proponent with you?

Mr Edwards: I don't know if there are any specific issues in there. I'll just see if Ms Short has any further detail.

Ms Short: No, I don't have any specifics. Just to confirm, we're talking about the design and assessment works referral for the tailings facility, not the tailings facility itself.

Senator McKIM: Yes, that's right. But you haven't put anything up to the minister. The minister told the Tasmanian media on 14 August that he hadn't had a single briefing on this proposal. Has the minister now been briefed on this proposal in any form?

Mr Edwards: No. We've been progressing as a department. At this stage, again, it's been the process of considering a new decision. At the right time, we'd brief the minister in his office.

Senator McKIM: What time—

Senator Watt: I should say, Senator McKim, since that time my office sought advice from the department about where this process was up to, and that's been provided to me, but there's been no formal briefing provided to me yet.

Senator McKIM: Understood. Where is this process up to in terms of potential timeframes then?

Mr Edwards: Again, fairly recently, we've provided the basis of a proposed decision—a new referral decision to that proponent and we're engaging and talking through those components. There's no time frame; there's no statutory process there.

Senator McKIM: You've provided the proponent with a proposed decision. Is that what you just said, Mr Edwards?

Mr Edwards: Yes, it's components of what future decision we might make. What I think you would understand, because you're familiar with the act, is that we generally have a proposed decision point as a referral decision, so it's a bit extraordinary in the sense that it was put aside, and now we're turning our mind to a new decision. The proponent did a lot more work. There was additional consultation, and we've done a lot of our own analysis, so we're now re-engaging with the proponent to say, 'These are the elements that we've started thinking will feature in our decision going forward'.

Senator McKIM: Have you put a proposed new decision to the proponent?

Mr Edwards: Yes.

Senator McKIM: You have? When did that happen?

Ms Short: On 15 August.

Senator McKIM: Has the proponent responded to you?

Ms Short: There have been several meetings, and the proponent has provided some feedback back to the department. We're also meeting at officials level today—earlier today.

Senator McKIM: At what level?

Ms Short: Sorry, at officer level.

Senator McKIM: Today?

Ms Short: Today.

Senator McKIM: With MMG?

Ms Short: Yes.

Senator McKIM: Okay. Have they raised any concerns around the proposed decision?

Ms Short: I'm not privy to that information at this stage.

Senator McKIM: Have you had some meetings with them, Ms Short?

Ms Short: No.

Senator McKIM: Your officers have had meetings with them?

Ms Short: Correct—the assessment team.

Senator McKIM: Could I ask you to take on notice, please, whether MMG have raised concerns with any element of the proposed decision.

Ms Short: I'll take it on notice.

Senator McKIM: Thank you. In the normal—

Senator Watt: Senator McKim, you probably know this, but I've found there's a lot of confusion as to what decision is required. It might just be helpful just to very quickly step that out. My understanding, and feel free to correct me, is that MMG are proposing to undertake exploratory work and preparatory steps around, I think, an extension of the existing tailings dam.

Mr Edwards: They're looking to build a new tailings dam.

Senator Watt: A new tailings dam, sorry. They're proposing to undertake exploratory work for a new tailings dam, and the decision the department needs to make initially is whether that proposal is a controlled action and would therefore require further assessment. Is that correct?

Mr Edwards: That's right, Minister.

Senator Watt: I think a lot of people—it's a step before building a tailings dam.

Senator McKIM: Thanks, Minister. The proposed decision that you put to the proponent was that it is a controlled action or that it isn't a controlled action?

Mr Edwards: Senator, I think we'd have to take that on notice.

Senator McKIM: You must know that.

Mr Edwards: We're in a deliberative process. We'll just have to double check to see if we can share that information.

Senator McKIM: All right. I'd say it's in the public interest that you do so—that you do share that information or you do provide that to the committee. Has the department provided any further information to you as a result of the process that you're currently engaged in?

Mr Edwards: You mean the proposed decision that we're engaged in?

Senator McKIM: My understanding from the evidence is you've provided a proposed decision to the proponent. I'm asking you: has the proponent come back with any further information or have they raised any concerns about your proposed decision?

Ms Short: At this stage, the conversations have been with officers. I haven't been privy to that information, but, yes, I believe that MMG have provided some additional information to the assessment officers.

Senator McKIM: A much bigger dam than the one being proposed by MMG is being built outside the takayna Tarkine region by the nearby Bluestone Mines Renison Bell tin mine. That dam could take all of MMG's waste, therefore avoiding significant environmental impact from the proposed new dam that we've just been discussing, and Renison Bell is prepared to accept that waste. But MMG have knocked that suggestion back. Is it within the minister's powers under the EPBC Act to instruct the proponent, MMG, to either put its waste somewhere else—like, for example, the Renison Bell dam—or to adopt an alternative solution—like, for example, a paste-filled plant—to avoid significant impact on endangered species?

Mr Edwards: I don't think that would be within the minister's gift. What's provided is—sorry, the requirement is for the minister or for us to consider the matter as proposed to the minister. So we're not able to say, 'Well, could you consider doing a project in another location?' We're assessing the impacts of the proposed referral. I think that's outside of what the minister can require.

Senator McKIM: Okay, thank you. If these works are—has the department turned its mind to how the proponent would be able to proceed without impacting on masked owls, which was one of the primary matters that the Federal Court case was decided over? Obviously, the relevant Justice found that Minister Ley did not comply with the obligation to take account of the precautionary principle. I guess, how could Minister Watt have confidence that the proposal wouldn't impact the masked owl under the precautionary principle?

Ms Short: In terms of the investigation works, the MMG did provide additional information relating to the Tasmanian masked owl and also the swift parrot, and Tasmanian forests and woodlands dominated by black gum or Brooker's gum, which were then included in the consultation process as part of that new referral decision.

Senator McKIM: Was that information provided after you provided MMG with the proposed decision?

Mr Edwards: No. What Ms Short was referencing there was that, in 2023, following the decision, they put some more information to the department.

Senator McKIM: Thank you. I've just got some questions on the Halls Island proposal.

CHAIR: Senator McKim, before you bring this topic, I note that you've used about 8½ minutes.

Senator McKIM: Okay. I'll try and race through my last couple of issues. Thanks, Chair; I appreciate the heads-up. Regarding the Lake Malbena proposal, has the proponent provided the department with any additional materials related to the Aboriginal cultural heritage assessment report since August 2024? I note that those materials were requested by the minister on 13 November 2023. So has anything been provided subsequent to August last year?

Ms Short: Yes. The proponent has provided some additional information.

Senator McKIM: Can you provide that information to the committee?

Mr Edwards: I think we can. We'll have to do it on notice. We wouldn't, obviously, have that here, so we'd have to see what the material is and seek to provide it to you.

Senator McKIM: Alright. Could you take that on notice, please. Has the department responded to the proponent in regards to those materials?

Ms Short: Yes.

Senator McKIM: And what was the response?

Ms Short: Essentially, that we didn't consider the information provided to be sufficient for what we'd asked that he provide back in August.

Senator McKIM: Have you asked the proponent to provide further information?

Ms Short: Yes.

Senator McKIM: And when did that happen—if you could just give the dates of when the proponent provided the information and also the date that you informed the proponent that it wasn't sufficient and asked for further information.

Ms Short: I wrote to the proponent on 10 September, advising that we didn't consider the information to be sufficient to satisfy the request for further information we'd provided. I don't have the specific date, but he responded in October.

Senator McKIM: Okay.

Ms Short: Sorry, October last year, 2024. Sorry, let me just start with the dates again.

Senator McKIM: Thank you.

Ms Short: So the department requested the RFI in August—the request for further information. The proponent responded in August and then again in October 2024. I wrote on 10 September this year, advising that the information received to date was still not sufficient. He provided a response to that in October, and the department responded as recently as—

Senator McKIM: In October this year?

Ms Short: Yes.

Senator McKIM: So within the last couple of weeks?

Ms Short: Yes. And we responded again on Friday last week, advising that the information is still not sufficient.

Senator McKIM: So the proponent has responded twice, and, on both occasions, you've determined that the information provided is not sufficient. So we wait, do we? Is there anything else going on in regard to this proposal, apart from those matters?

Mr Edwards: That's the primary information we have sought. I think what we'll be doing as the regulator now is considering whether there's a pathway forward with or without that information. We've certainly had some internal discussions recently about whether we can progress without that information, and we've made the proponent aware of that—that, obviously, if we don't have that information, it may mean a different approval approach, maybe a conditioning. It may not be approvable. We'll have to work through that.

Senator McKIM: Are you assuming you will receive nothing further from the proponent, given they've had two tries already?

Mr Edwards: I think that's where we're landing, yes.

Senator McKIM: That's where you're landing. And so, on that basis, you're considering whether or not there's a pathway to approval, given those circumstances?

Mr Edwards: Yes. We'll regroup and think about what those options look like.

Senator McKIM: Alright. Thank you. I'm going to leave it there, Chair, thanks very much.

CHAIR: Senator Hanson-Young.

Senator Watt: Sorry, Senator. Just briefly, you might remember that earlier Senator Whitten asked a question about a letter he had written to me with concerns about a particular project. We've established that that letter was referred to the department for a reply, and the department did reply to Senator Whitten. We have a copy if it is useful to table it. It's dated 31 July 2025.

CHAIR: If you're seeking to table it, that's absolutely fine.

Senator Watt: It doesn't hurt to table it, yes.

CHAIR: Thank you, Minister. Senator Hanson-Young.

Senator HANSON-YOUNG: We were having a discussion about the go zones and the no-go zones and these eight pilot areas. How many go zone and no-go zone areas will there be under the new reforms?

Mr Knudson: As we said, the different pilots are at different stages of development. We're collating the biological or biodiversity values in each of those regions. That will then inform what structure the regulatory instrument takes—that is, the regional plan made under law. We're premature on that, Senator, so I can't answer that with any clarity at this point, but it's the information base that you need to be able to inform what matters with the greatest level of endangerment et cetera in those regions and have that identified. That's the stage we're at.

Senator HANSON-YOUNG: Yes. So there are eight identified regions?

Mr Knudson: Correct.

Senator HANSON-YOUNG: Is there an intention to have more than eight?

Mr Knudson: Again, like we were saying earlier on, if different jurisdictions come to us and say that they would like to engage in a regional plan, then we're happy to do so with them, and they'll be able to learn from those other jurisdictions that have already started this and, like I was saying, have had their methodologies peer reviewed et cetera.

Ms Parry: And can I also just add, Senator, that the regional plans are not the only mechanism by which to establish go or no-go zones.

Senator HANSON-YOUNG: Ms Parry, I know you just want to be helpful, but I've got specific questions, and I don't—if I need that, I'll come back to you.

Ms Parry: That's fine. I just want to make sure that you're aware that that's not the only avenue.

Senator HANSON-YOUNG: No, I understand that. But the go zones and the no-go zones are something that Minister Watt has specifically talked about, and I'm trying to understand what this means in a functional sense—what parts of the environment will be looked after and what parts of the environment will be allowed to be developed. The assessment based on high-value environmental assets versus—if somewhere is of high environmental value, then I'm assuming it means it's a no-go zone.

Mr Knudson: Not necessarily, Senator. What it's saying is that there are ecological values that need to be protected. I'll give an example of cattle grazing. Often you can have species coexist with cattle grazing, with very little impact on the species. So it depends on the nature of the action that's proposed in that particular area. My point is there's still a way to go.

Senator HANSON-YOUNG: What about koala habitat?

Mr Knudson: Again, Senator, it really depends—

Senator HANSON-YOUNG: Is that a higher value? Is critical koala habitat a high-environmental-value area?

Mr Knudson: I'm going to turn to my colleague Mr Manning just to walk through how Queensland is approaching this question with respect to the methodology that they put in place to try and map the ecological values. But, in essence, you want to take a look at what species exist and what habitat there is in a region that helps identify those biodiversity values.

Mr Manning: Yes. In a process sense, that's right. Step 1 with regional planning is you would identify the region in which you're operating, and we've outlined what those are. The second basic step is to do the work to understand what values exist in that region, and that would be the environmental values—and, as we've said, some jurisdictions are doing that over a very granular level and some at a more basic level, but that has been trialled. And obviously you would also look at—relevant to whatever the development proposal or proposals are in that area—where those needs or opportunities exist within that region. That's the beginning process of gathering the information in relation to that set of figures.

Senator HANSON-YOUNG: So there's environmental value, and then there's developmental value.

Mr Manning: Yes. A regional plan is intended to be a tool or a mechanism to help find pathways to get better environmental outcomes whilst at the same time streamlining business opportunities.

Senator HANSON-YOUNG: Where would koala habitat fit in that? Is that developmental value or high environmental value?

Mr Manning: If koala habitat existed, that would be noted as part of the process of documenting the values of that region—as for any protected matter, where it exists. That's part of this first stage that I'm outlining.

Senator HANSON-YOUNG: Okay. Is the Bowen Basin one of these eight projects?

Mr Knudson: No, it isn't.

Senator HANSON-YOUNG: Could it be?

Mr Knudson: If a state or territory government came to us and said that they wanted to do so, then it would be a question for the minister as to whether we would enter into a regional plan for that initiative. That being said—

Senator HANSON-YOUNG: But that decision hasn't been made yet.

Mr Knudson: Nor have we received any proposal to that effect. I would just point out again, as I said earlier on, there are three sectors that we're focused on: critical minerals, renewable energy and housing.

Senator HANSON-YOUNG: And where does coal or gas fit in that critical mineral—

Mr Knudson: It does not.

Senator HANSON-YOUNG: It does not? So you wouldn't be looking at an area that has an application for a coalmine that would be in a go zone?

Mr Knudson: We are not currently at all.

Senator HANSON-YOUNG: What were the three criteria? Urban development?

Mr Knudson: Urban development, critical minerals and renewable energy.

Senator HANSON-YOUNG: Is that set by government policy? Is that what those priorities are, or is that something that will be in some regulatory form?

Mr Knudson: Sorry, I missed the beginning part of that question.

Senator HANSON-YOUNG: Is that just a government priority, government policy, versus will those three elements be set out in regulation?

Mr Knudson: No, it was a policy choice by the government in its first term, and it also reflected the proposals that were coming to us from state jurisdictions as to where they wanted to focus. But, effectively, the policy choice was to focus on those sectors where there is a need for development and greater certainty, as well as a need for facilitating the transition to renewable energy.

Senator HANSON-YOUNG: Can I ask the government. Minister, will you rule out using go zones for coal and gas?

Senator Watt: I have not given it a moment's thought. I'm not going to rule things in or out that we haven't even given consideration to. But you've already heard that the priorities for the government—and this was done in the previous term—were those three sectors. If you have a look at some of the media comments that I've made since being in the role, they're the three sectors that I've talked about being priorities for us in terms of quicker approvals more generally.

Senator HANSON-YOUNG: Yes.

Senator Watt: So I think that gives you a pretty good explanation of the government's intentions.

Senator HANSON-YOUNG: I don't see why you just wouldn't rule it out, then.

Senator Watt: Because I'm not in the habit of making policy—

Senator HANSON-YOUNG: Surely this whole environmental reform process is not to fast-track coal and gas?

Senator Watt: The whole environmental reform process is to have stronger environmental protections, faster approvals for projects of national priority, and greater environmental transparency. That's what the reforms are about.

Senator HANSON-YOUNG: Could I ask about the reforms and how the structure is going to work, because you said earlier today that you're taking a kind of wholesome view of the Samuel recommendations. Is this going to come in different pieces of legislation or is it going to be one bill?

Senator Watt: It's likely that a small number of bills will be required as part of this overall package. My recollection is that there were a number of bills within that package that went to the parliament in the last term, and, similarly, that's likely to be required here as well.

Senator HANSON-YOUNG: Yes—so a package of legislation. And is it your intention to introduce them all together?

Senator Watt: Yes.

Senator HANSON-YOUNG: Okay. And do we know how many pieces of legislation—how many elements there are to this package—yet?

Mr Edwards: Senator, we're still drafting, so we won't be able to determine how many consequential bills and others will be required until the full package is drafted.

Senator HANSON-YOUNG: Yes, but we know there are at least two, because we know there will be amendments needed to the EPBC Act itself, and then there's this restoration fund. Have I got the name right on that?

Senator Watt: My recollection is that the last package included a separate bill to establish an EPA.

Ms Parry: Yes.

Senator HANSON-YOUNG: So there will be a separate—so you'd still do that as well?

Senator Watt: Yes.

Mr Edwards: For the last one, there was a head of EIA, there was the EPA bill and there was a consequential amendment to bills. So there were three last time. There will be more than three this time.

Senator HANSON-YOUNG: Okay. And you are busy working on that now?

Mr Edwards: Very busy, Senator.

Senator Watt: I can assure you these people are very, very, very busy.

Senator HANSON-YOUNG: Could I ask you about some specific projects I'm a bit concerned about. I want to know about the Gemini coalmine. Mr Edwards, where is the Gemini coalmine application up to?

Mr Edwards: I actually don't have any information about that project in front of me.

Senator HANSON-YOUNG: Is that because they haven't put in an application?

Mr Edwards: My understanding is there have been some allegations made against that mine. I don't know if we've got our compliance team here, but I think there were some claims made that were being looked into.

Senator HANSON-YOUNG: Back in June it was discovered that they had already started clearing koala habitat for a coalmine. Surely the department knows about this.

Ms Parry: We're just having our compliance branch head join us now.

Senator HANSON-YOUNG: This is the Gemini coalmine that's a greenfield coalmine proposed by Magnetic South owned by the Queensland billionaire property developer Sam Chong. You're familiar with this?

Mr McQuillen: Yes, we are. We've got an active investigation going on in this matter as we speak.

Senator HANSON-YOUNG: What are you investigating?

Mr McQuillen: It's alleged that action has been taken without approval and is having a significant impact on matters of national environmental significance.

Senator HANSON-YOUNG: Koalas?

Mr McQuillen: Correct.

Senator HANSON-YOUNG: This mining billionaire has come in and bulldozed koala habitat without getting any approval to build a coalmine. How long has the investigation been going for?

Mr McQuillen: We did an inspection on 5 August 2025, but I might have to take on notice when we actually got the allegation.

Senator HANSON-YOUNG: I'd like to know when you were first aware of the allegation and a bit of a timeframe. You're saying there was an inspection on 5 August.

Mr McQuillen: Correct.

Senator HANSON-YOUNG: Did that inspection show that koala habitat had been bulldozed or logged?

Mr McQuillen: I believe so, but I'd have to just to confirm the detail.

Ms Parry: This is an active investigation. We could take some of the details on notice and release what's appropriate during an active investigation, but it is currently undergoing.

Senator HANSON-YOUNG: Yes, but here's a problem. It's 7 October, and if they've been clearing koala habitat without approval already, how much is left?

Ms Parry: It's an allegation.

Senator HANSON-YOUNG: No. Either the trees still exist that the koalas are living in or they don't. They've either been knocked down or they're still up.

Ms Parry: It's currently an allegation. Mr McQuillen has indicated that there is an active investigation. We will take on notice the details of that investigation.

Senator HANSON-YOUNG: Which part, Mr McQuillen, is the allegation—that the trees have been knocked down or they haven't?

Mr McQuillen: I would have to get the exact allegation in front of me. I'll take that on notice.

Senator HANSON-YOUNG: Isn't the allegation that they've destroyed this area without being given approval?

Ms Parry: That's what we would be investigating. We don't know (a) whether or not it's an allegation, (b) whether or not that impact has been significant and (c) whether or not they're in breach. That's what our current investigation is trying to determine.

Senator HANSON-YOUNG: Have they been given an approval or not?

Mr Edwards: On that point, my colleague just pointed out that there is an existing NCA-PM, so that's another element that our compliance folks need to unpack. Was it part of what was previously authorised? Is it of significant impact on protected matters? Is it a new action?

Senator HANSON-YOUNG: How long is this investigation going to take, Mr McQuillen?

Mr McQuillen: I can't give you a timeframe on the exact timing, because we've got to gather evidence. That takes time, and we have to look at expert witnesses and the time they're available. I can't give you an exact time on the completion of the investigation.

Senator HANSON-YOUNG: Is there activity currently underway from this coalmining company while you're doing this investigation?

Mr McQuillen: I believe so, but I'd have to take that on notice to confirm a hundred per cent.

Mr Edwards: They have authorisation to undertake some activities. The question my colleague will be looking into is whether they were part of the authorised activity or not. That is the question being looked at.

Senator HANSON-YOUNG: Has there been any request, Minister, from you to this company to stop their activities while this investigation is underway?

Senator Watt: No, and I think you would find that the department normally go about their compliance activities without me interfering in what they do.

Senator HANSON-YOUNG: Has the department asked the company to stop while it's investigating?

Ms Parry: There are no current provisions under our compliance and enforcement obligations to compel a company to stop. That is part of the consideration of the EPBC reform process.

Senator HANSON-YOUNG: You do have powers under section 70, though, don't you—yes or no?

Senator Watt: Let him answer the question.

Mr Edwards: I assume you're referring to the injunctive processes. I don't have that section in front of me.

Senator HANSON-YOUNG: You've got powers under section 70 for the minister to call in this activity.

Mr Edwards: There's an investigation ongoing, so you actually need to work through the investigation before you deploy any particular action.

Senator HANSON-YOUNG: Why haven't you asked for an injunction?

Mr Edwards: There's an investigation underway. It may be that they're completing completely authorised actions, and a court would not look favourably on an injunction until an investigation has been completed.

Senator HANSON-YOUNG: Have you briefed the minister about this issue?

Senator Watt: I'd need to go back and have a look. I'm pretty sure my office has obtained information from the department about this topic. I certainly remember it being reported in the media, but I'd need to have a look and am happy to take that on notice.

Senator HANSON-YOUNG: This isn't the first example like this in Queensland in recent years, is it, where a coalmine has come and cleared koala habitat without getting approval?

Mr Edwards: They're allegations at the moment, and that's being investigated.

Senator HANSON-YOUNG: Have there been any other examples like this, Mr Edwards?

Mr Edwards: I'd have to look to my colleague.

Senator HANSON-YOUNG: No; you and I have talked about them. We've talked about other examples in Queensland, almost identical.

Mr Edwards: There have been allegations. I deal with approval and assessment; I don't deal with compliance investigation elements, so I can't speak for whether those things were proven. I am aware that, yes, there have been past accusations not just about those types of developments but that have occurred at other developments.

Senator HANSON-YOUNG: If this company is to apply for approval for this new coalmine, the Gemini coalmine they want to create in this koala habitat, this pre-activity, does that mark against them? Is that a mark against their application, or is it 'too bad, so sad'?

Mr Edwards: It'd become, if proven, part of their environmental history that is considered in decision-making.

Senator HANSON-YOUNG: What happened to the Vitrinite coalmine when they did this? Do you remember that case, Mr Edwards?

Mr Edwards: I do remember Vitrinite, and you'd recall there have been a few accusations around that mine. One was made, and I believe the investigation is still ongoing, while it was under active consideration—

Senator HANSON-YOUNG: Do you know when I first asked you about this and members of your department? I can't recall, Mr McQuillen, whether you were lucky enough to be at the table at that time. I don't think you were. But I asked about this illegal clearing of koala habitat by this coalmine, Vitrinite, back in November 2024, nearly 12 months ago. Are you telling me the investigation is still going?

Mr McQuillen: That's correct.

Senator HANSON-YOUNG: How much koala habitat do you think is left?

Mr McQuillen: I'd have to take that on notice.

Senator HANSON-YOUNG: I bet you do. There are powers your minister has, the government has, to force injunctions for rogue operators like this, and you haven't used them. In 12 months you haven't used them.

Ms Parry: We would be using the powers under the act if we felt they were appropriate to be used. You've heard today from our officers that there are various allegations, there are investigations. There has been nothing—

Senator HANSON-YOUNG: You're in bed, with all due respect—

CHAIR: Senator Hanson-Young, would you please allow the official to answer.

Ms Parry: You also heard evidence from Mr Edwards that we would not be going down an injunction pathway unless we felt there were solid grounds to do so. I would also note that this is part of the reform process, that we are looking at stop-work orders to give our compliance and enforcement officers higher penalties and powers and stop-work orders under a revised EPBC Act—give them more teeth. But right now what you are hearing is that these investigations are (a) allegations and (b) ongoing.

Senator HANSON-YOUNG: With all due respect, we now have two clear examples, one which I asked the department about 12 months ago, and the investigation is still going, and now a new one, and you seriously want us to believe that this situation is okay, that you don't need to either get an injunction or get the minister to use his call-in powers.

Ms Parry: We use a thorough, methodical and legal, under the EPBC Act, methodology around our compliance and enforcement activities. I don't know how more clearly we can state that these are allegations. We are investigating them.

Senator HANSON-YOUNG: How long do they need to be allegations for before you act?

Ms Parry: We are acting.

Senator HANSON-YOUNG: But you're not.

Ms Parry: As you've just heard Mr McQuillen say today, these are active investigations. We need to determine whether or not the proponent has a valid approval, what the allegations are—

Senator HANSON-YOUNG: The company is refusing to put forward an application. They're refusing to ask for an assessment. You have the power to force them to do that, and you're not using it.

Ms Parry: I think you're conflating two issues here. We've got an active investigation for one matter, and I think you're conflating that with an active referral process. As you heard Mr Edwards say today, if the allegation were proven and there were a compliance or any type of enforcement undertaking, that would become part of the environmental history of the applicant and that would be considered in a future assessment.

Senator HANSON-YOUNG: The fact that you're still investigating the Vitrinite incident is just astounding to me, and now you expect us to believe you're doing everything you can for this new one. These coalmine companies clearly see straight through you—clear first; ask later. Who cares about the koalas? It's just outrageous. If that's all you can give me after 12 months, that you're still investigating, I have no faith that you're going to be doing the right thing on this new case either.

Ms Parry: I can assure you we are absolutely doing the right thing under the law as it currently exists.

Senator HANSON-YOUNG: You could've called for an injunction to stop the work on Vitrinite; you didn't.

Ms Parry: I think we've just explained why we haven't.

Senator HANSON-YOUNG: Because you're weak.

Ms Parry: Because they're allegations.

Senator Watt: You should withdraw that.

Senator HANSON-YOUNG: Because the department is not doing its job. I withdraw.

Ms Parry: I object to that. Our officers are doing their jobs. They do their jobs with pride. They do their jobs by their obligations under the law as it currently exists.

Senator HANSON-YOUNG: But you're not using all the powers you've got, Ms Parry; that's my concern.

Ms Parry: We are using the powers we have, and we use them at every opportunity we can. If we thought there was a power we could invoke, we would use it.

Senator HANSON-YOUNG: But you're not.

Ms Parry: We are.

CHAIR: Senator Hanson-Young, before we move on for one moment—

Senator HANSON-YOUNG: I did withdraw.

CHAIR: I appreciate that; I'm not re-agitating that. I'm just noting that you've had the call now for about 23 or 24 minutes. I appreciate you have questions, but conscious of where the timing is at, I'm just making that timing point. Then I would also just note that we are in a position now to release the Threatened Species Scientific Committee and the Australian Institute of Marine Science from appearing before the hearing today. For those agencies, thank you for your attendance. It is appreciated, but you are now released.

Senator HANSON-YOUNG: The Vitrinite Vulcan South project—this is the same company you're still investigating for illegal clearing of koala habitat—was approved on 20 December, just before Christmas. You've already rewarded this company once. Are you going to reward them again?

Mr Edwards: We have to act on the information we have at hand at the time of an approval. While there's an ongoing investigation, we could not defer for an indefinite period of time the potential outcome of an investigation.

Senator HANSON-YOUNG: Why were they given approval?

Mr Edwards: They were given approval based on the information we had at hand at that point, and there's—

Senator HANSON-YOUNG: But you knew at that stage that there was an investigation underway as to how they behave next door.

Mr Edwards: The investigation may well find that they have done nothing wrong, and, even if they had done something wrong, it would not necessarily mean that the approval may not be able to be managed through conditions. So we can't, I think, give—

Senator HANSON-YOUNG: Was the koala habitat destroyed, or wasn't it?

Senator Watt: It's under investigation.

Mr Edwards: It's under investigation.

Senator HANSON-YOUNG: And then you've approved the mine to go ahead next door.

Senator Watt: That's a separate project.

Senator HANSON-YOUNG: The same company.

Senator Watt: It's a separate project, by the sound of it.

Senator HANSON-YOUNG: Oh, I know, and this is what is ridiculous about this.

Senator Watt: But Mr Edwards has already explained that, under the current law, the environmental record of a proponent is considered in deciding whether to approve a project or not. I can only presume that that was considered, not having been in the role at the time.

Senator HANSON-YOUNG: There's plenty of cases where approvals are not given in that timely manner, in any timely manner, and when further information can be sought. And the fact that this approval was given on 20 December, when you knew of and were investigating allegations of inappropriate activity, is extraordinary. It's a very convenient picking of this rule versus that rule.

Mr Edwards: There's a statement of reasons that was published for that decision online in April.

Senator HANSON-YOUNG: Yes, I know. I've read it.

Mr Edwards: It explains all the considerations—

Senator HANSON-YOUNG: And it's rubbish.

Mr Edwards: for that decision.

Senator Watt: I don't think that's very respectful towards the public servants who worked on that statement.

Senator HANSON-YOUNG: How on earth do you reward a company by giving them approval for a coal mine when just next door they are blatantly disrespecting the process? No wonder these companies just pick and choose and do what they want.

Mr Kaiser: Senator, I think you've heard the evidence from the officers of the department that there's been an allegation made. That allegation is being investigated. Until such time as there's a finding, it's not really open to us—

Senator HANSON-YOUNG: I understand, Mr Kaiser.

Mr Kaiser: to make judgements about a company based on an allegation.

Senator HANSON-YOUNG: My concern is that while you're still investigating, which has taken at least more than a year so far, you're still giving approvals to the same company. It doesn't pass the pub test. Thank you, Chair.

CHAIR: On that note, we will now move from—

Senator WHISH-WILSON: I've just got one set of questions.

CHAIR: On 2.1 or 2.3, Senator Whish-Wilson?

Senator WHISH-WILSON: No, 2.1.

CHAIR: Sorry, I misunderstood you. Senator Whish-Wilson.

Senator WHISH-WILSON: I have two distinct lines of questioning. I want to know about preparations for the release of the 2026 state of the environment report. I understand that DCCEEW, as the commissioning agency, is proposing to adopt a new process for putting together the 2026 state of the environment report and that the intention is to have DCCEEW staff prepare the text internally with minimal involvement of external independent researchers and authors. Could you just verify if that is the case?

Ms Stuart-Fox: That's not correct. We did have a review in 2023 of the 2021 state of the environment report, and there were a number of findings from that and a number of recommendations. As a result of that, we are moving towards a more data driven approach, but we will continue to have assessments that will be undertaken independently as part of the new state of the environment report.

Senator WHISH-WILSON: Senator Hanson-Young was asking earlier about the algal bloom in South Australia and the impacts we're seeing there that are largely related to a marine heatwave. I'm not sure who the correct person would be to raise this with, but I just want to know if the department is doing anything to monitor or to have a national seabird or beach monitoring program for marine heatwaves and their impacts on seabirds. You may be familiar with Adrift Lab and Dr Jen Lavers and the work her volunteers do across the country, over 300 of them, from Hobart to Victoria and right up to Brisbane. They monitor mostly short-tailed shearwaters, but there are other birds that they monitor as well, like the fairy prions. There have been enormous numbers of dead seabirds washing up associated with marine heatwaves over the years. I think the technical term is 'wreck events' or 'mass mortalities'. Jen sent me information that last summer, November 2023 through to May 2024, they estimated over 600,000 short-tailed shearwaters died in that marine heatwave event, which would be equivalent to the 2019 Black Summer fires. Are you familiar with this, and is there any monitoring program that you're aware of? Does the department have any kind of input into that?

Ms Maguire: Sorry, neither of us are aware of it. What's the location of the mortalities? I'm wondering if the Antarctic division might be—

Senator WHISH-WILSON: All the way from Hobart to Brisbane. They have 300 volunteers across the country who are registered and trained, and they provide the data. As far as I'm aware, they're the only group that's actually looking at mortalities of seabirds, and there's been, I think, six or seven media stories on it in the last couple of years. Obviously, while we're talking about the algal bloom and the impacts of marine heatwaves and the minister has taken an interest in marine heatwaves and put funding into modelling and forecasting and those kinds of things, I'm just wondering why this has slipped the net. Is it because they may not be protected per se under EPBC or endangered species? They wash up on state beaches, but they do—

Ms Maguire: I have to take that on notice. There could be people in our department who are well across that information, but I'll need to take it on notice.

Senator WHISH-WILSON: Yes, if you could, because there's been a number of other events that you'll see reported on around mortalities, and normally you would see a couple thousand of these birds based on their time series data. They've been doing this for a number of years, but they've just noticed that there was a mortality event in 2021, where an estimated nearly 200,000 shearwaters were killed. This year, they're estimating—and I've done a speech on this in parliament—612,000.

CHAIR: Senator Whish-Wilson, just one minute.

Senator WHISH-WILSON: Yes, last minute—612,000 shearwaters washed up dead, which is obviously extraordinary, and I'm just wondering why we don't have a national monitoring program or whether that's something that the department might consider now that we're looking at marine heatwaves, taking this issue very seriously, whether that might be something the department could look at putting some funds into or some resourcing into.

Ms Maguire: We'll take that on notice.

Senator WHISH-WILSON: Thank you.

CHAIR: Senator Pocock.

Senator DAVID POCOCK: I have some questions about the Saving Australia's Bushland Program. I understand we're pressed for time, so I might just ask a few and then put the rest on notice. My understanding is that this program was due to start in July this year. Is the target still 30 million hectares, and what progress is underway? Are there active negotiations? Where are things up to?

Mr Manning: The funding started this year. The funding was allocated for this financial year. We're currently in the design phase of the project, working through the different components we've said that we will use to work that through. We've published those on the website. In essence, we're working in discussions with the states and territories as to how we can partner with them, building upon their programs and the like. We're looking at a process by which we can partner with NGOs and the like, other land managers, to support voluntary acquisitions where they are appropriate. There's really high value stuff that we want to add to the estate. We're in the process of working to develop a protect-and- conserve method under the nature repair market, which will also give us another way, particularly into where landholders voluntarily want to, under the market, lean into the project. Then the fourth element is a further round of the Indigenous Protected Areas program. The team responsible for that is in the process of working through developing the guidelines et cetera. So we're well into working through all of that at the current time, yes.

Senator DAVID POCOCK: That's good to know. One of the things that you didn't mention and I'm keen to ask about is ecological representativeness. Is that something that's factoring in—ensuring that you have a good cover of ecological communities?

Mr Manning: Yes, absolutely. Last year, we published what we call the 30 by 30 road map. That's up on our website. The Australian bushland program is very much working to implement that road map. That road map sets out the criteria that we're looking to add to it. There are a few key features in there. One is the one you're talking about—the ecological representativeness and that we're improving that across the country. The second critical element I would call out is that we're looking, obviously, to protect areas of particular biodiversity importance, where they have really extraordinary values. And then the road map calls out some other further criteria which we would look at—for example, enhancing connectivity through the landscape, where that's possible, or building resilience to climate change and the like.

Senator DAVID POCOCK: Have you looked at whether or not \$250 million will actually deliver that road map?

Mr Manning: We think the \$250 million will—we're doing everything we can to make sure we leverage that money effectively.

Senator DAVID POCOCK: I understand that.

Mr Manning: It's very hard to say exactly how far we will get with that at the moment.

Senator DAVID POCOCK: Have you looked at whether \$250 million is actually adequate for the 30 million target?

Mr Manning: I'm not sure what to say in that other than in the first term—

Senator DAVID POCOCK: You either have or haven't looked at it.

Mr Manning: the government allocated additional funding for the IPAs program. That was \$230 million in total, and that made a significant inroad in towards the total. This is an amount of money of a similar magnitude, and so we would expect to make another very significant inroad into it with the money that we've got. It's very hard to say exactly how far we'll get.

Senator DAVID POCOCK: Mr Knudson, maybe you'll want to jump in here. You've been asked to implement this road map, which I think is great—30 by 30, 30 million hectares—and you've been given \$250 million. From the experts that I've heard talk about figures, you're talking billions to deliver that, and so I'm interested in why you haven't actually looked at whether you can deliver this with \$250 million or whether you are going to get to 2030 and go, 'Well, we tried but just didn't have enough cash.'

Mr Knudson: I think it's important to think about when the 2022 election happened and after that. Since then, the IPA program in particular and other initiatives as well, including states and territories, have taken us from 22½ per cent of the country in the National Reserve System up to around just short of 26 per cent. I believe that's the figure. That's an increase of 3½ per cent. Effectively, the funding at that time, as Mr Manning referred to, was \$225 million. We've got another \$250 million. Mathematically, we're going to be within a shot.

The other piece that's really important in this, though, is that that's obviously being done with First Nations, but Mr Manning talked about states and territories. We've already had a number of conversations with states where they've got existing areas which they are looking to move into the protected estate and do that with us. So there are going to be contributions from other levels of government.

The other thing that Mr Manning referred to is that connection in with the nature repair market, which we've been talking about for a while now, but the methods underneath that market, combined with the carbon market, are creating positive incentives for landholders, private individuals, to also make contributions like what was talked about earlier in the session so that it's not only Commonwealth money but state and territory contributions as well as private sector. That's why we can't define to an absolute limit what we're going to get, but we think, based upon what happened in the first term of government, that there's a good chance that we'll be very close to it, if not exceeding it, in the second term of government.

Senator DAVID POCOCK: What I hear is that you potentially haven't done a deep dive into the sufficiency, but you're looking at the IPAs and what happened there. My response to the department would be that I have real concerns about the ecological representativeness of that. Sure, you can spend money on vast tracts in Central Australia and other places. That does not translate for box gum woodlands, temperate grasslands and all of those sorts of—

Mr Manning: We're very aware of that in terms of how we use the funding for this program. You're absolutely right, but the road map calls out that we're looking for that balance. It's not just about hitting the area at the expense of getting the—we're looking at how this maximises the contribution towards conservation overall. That very much does mean that we're very conscious of that tension that you're pointing to in the design of the program and how we pick that up and make sure that's reflected in those different mechanisms that I was talking about.

Senator DAVID POCOCK: I'm conscious of time. Just finally, how many methodologies have been approved under the nature repair market?

Mr Manning: There's one method in place currently. There are two further methods currently in development.

Senator DAVID POCOCK: What's the one that has been approved?

Mr Manning: The one that's approved is a replanting-forests-and-woodlands method. That is the one that's already in place. As we mentioned here, we're working on a protect-and- conserve method, which is related to this piece of work. And then the other method in development at the current point in time is what we call an enhancing-remnant-vegetation method.

Senator DAVID POCOCK: Thank you.

CHAIR: Thank you, Chair—sorry! Thank you, Senator Pocock.

Senator DAVID POCOCK: I'm happy to take it if you want.

[14:45]

CHAIR: On that note, we are now moving from outcome 2.1 to outcome 2.2, so I would call officers from the department in relation to 2.2: protect Australia's cultural, historic and First Nations heritage. I will now go to Senator Duniam.

Senator DUNIAM: Thank you, Chair. We touched on Indigenous cultural heritage reforms earlier. Where are we at?

Ms Dumazel: Thanks for the question. We've made significant progress on the reforms. What we've been doing is working through all the information that we gathered last year. We ran over 60 consultations and we've used that information to come up with the approach. The main, real focus that we're finding is, with an act from 1984, we want to focus on modernising and streamlining the act. A lot of our thinking has been around that.

It's very clear that the process happens too late, and we find this with ATSIHPA right now. With ATSIHPA, with our current practice we're actually working, when we spend time with applicants and proponents early on in the piece, we can actually avoid an application. What the reforms will look at is really starting that right at the front, before a proponent even thinks about all the other aspects of a plan, to have those conversations with the right people.

Another key feature of the reforms is definitely around who best to speak to. We're doing this work in partnership with the First Nations Heritage Protection Alliance. They represent over 70 organisations across the country, so they go back and talk to their membership as well. As well as those 60 organisations, they talk to their membership. They have worked quite thoroughly around a traditional owner representative institution model so that, then, proponents are speaking to the right people. So there's that aspect as well.

I've just run through a couple of the key features. So we're at the point where now we're starting to test again, because what we did was we used the information we got from all those consultations to come up with the approach, and we're testing that again to just make sure that we're on the right track.

Senator DUNIAM: That is encouraging. Just in terms of timeframes, then, for the potential introduction into parliament of revised laws, what's the plan?

Ms Parry: I think the government has committed that the cultural heritage reforms will happen in this term of government.

Senator DUNIAM: Any advances on that, Minister?

Senator Watt: I probably couldn't be more specific than that. Clearly, we have indicated that the very highest priority, reform-wise, is EPBC.

Senator DUNIAM: Sure.

Senator Watt: We'd be keen to get to this after EPBC.

Senator DUNIAM: All right. That's me done, Chair.

Senator Watt: But, as you can see, there's work happening to position us to do so.

Senator DUNIAM: In fact, I'm delighted by that, and I also won my bet with Senator Pocock, who said I wouldn't be done in under two minutes.

Senator Watt: There you go.

Senator DUNIAM: So he now has to find a hat and eat it! Chair, I'm done.

CHAIR: Thank you very much, Senator Duniam. I go to Senator Pocock.

Senator BARBARA POCOCK: Thank you, Senator Duniam. Very impressive! I'm not going to beat you, I don't think. I have some questions for you, Minister, in relation to the proposed second tower to be built in South Australia right next door to Parliament House. I don't know whether you have ever eaten lunch in the parliamentary dining room in South Australia.

Senator Watt: I don't think so.

Senator BARBARA POCOCK: I know you've been hanging out there a little bit lately, but if you look straight out the window to the north from Parliament House, a 38-storey building is planned for that site. Of course, Parliament House is zoned as a heritage listed building, and it's on the parklands, which is also heritage listed property. Many people who live in South Australia are very concerned about this building, which is right

next door to the 28-storey building that was recently built by the same company, Walker Corporation. It's got Deloitte's name on the top of it—the one next door, overlooking—

Senator Watt: I think I know the one you mean.

Senator BARBARA POCOCK: You know the one. It's public land. It's underway without full approval. They have poured a lot of cement into the foundations. It's proceeding in lieu of the previously agreed three-storey maximum height development. It's now zoned for 38 storeys. I wrote to you on 8 September expressing my concern, and I'm aware, and you may be aware, that many South Australians—130-odd prominent South Australians: architects, past Labor premiers, church figures, trade unionists, and so on—recently wrote and expressed their very public opposition. So my first question is: has the mandatory privately commissioned heritage impact assessment been completed as yet?

Senator Watt: I might need to get some assistance from the officials on that one, Senator.

Ms Dumazel: I don't have that information in front of me. I'll have to take that on notice.

Senator BARBARA POCOCK: I did write to you a month ago.

Senator Watt: Yes.

Senator BARBARA POCOCK: This would've been a very predictable question from me.

Senator Watt: Earlier on, there was a different senator who asked about a letter that he'd written to me. It turned out the department had replied to him. Why don't I try and find out where we're at with the reply to that. But, more generally, I'm not sure whether there's anyone here today—I'm not even sure whether this necessarily triggers federal law and EPBC. Not every heritage matter necessarily involves the EPBC.

Senator BARBARA POCOCK: No.

Ms Parry: Can I take that on notice? If it has gone anywhere in the department, it would likely be under an EPBC referral. It wouldn't necessarily go to our heritage team. We can try and get that information for you today.

Senator BARBARA POCOCK: That was my first question. Today would be great. Has the corporation formally referred the development as a controlled action to the Australian Heritage Council or to the department as required under the EPBC Act?

Ms Dumazel: I'll have to take that matter on notice.

Ms Parry: Mr Edwards, if you've got some information—I'm surprised you're still lurking. I thought you would've bolted.

Senator BARBARA POCOCK: He's running.

Mr Edwards: I love to lurk! And it's not very exciting information, other than that I can confirm that we haven't a referral, so we're not actively assessing that.

Senator BARBARA POCOCK: Sorry, you do have a referral or you don't?

Mr Edwards: We don't have a referral.

Senator BARBARA POCOCK: Why wouldn't you have a referral?

Mr Edwards: Again, it depends on the development and its impact on protected matters. Then the developer would need to self-assess to determine whether they're having a significant impact on any protected matters. If they decide they do, then they would refer to us for assessment.

Senator BARBARA POCOCK: Sorry, I'm an amateur here. Walk me through that again. They have to self-assess—refer this themselves.

Mr Edwards: Yes. It's a requirement under the act that people will self-assess whether they might have a significant impact on a protected matter, and protected matter could be heritage—

Senator BARBARA POCOCK: So that's their decision. Walker Corporation sit back and have a look at a piece of public land abutting our parliament, which is a heritage listed building on public parklands and material, and they decide that it's not worth referring to you. Is that the way that works?

Mr Edwards: That's how the act is structured, yes.

Senator Watt: There is capacity under the act, though, for matters that are not referred by the proponent to then be considered. You might just—

Mr Edwards: Yes. So, if we had significant evidence to suggest that a referral should've been made and a significant impact was likely—the minister is referring to call-in provisions—he can call in a project and require it to be assessed. I don't have any background information about this particular project.

Senator BARBARA POCOCK: Well, I'm asking this question on behalf of a large body of South Australian citizens who definitely see the case for that referral and would ask the minister or the department to take any action that's available to it to ensure that there is proper examination of this significant project. What was to be a three-storey building is now 38 storeys and it's on public land. Don Dunstan would be rolling in his grave, as would Colonel Light. This is a travesty in terms of the heritage of our city.

Mr Edwards: I understand that, Senator. We're happy to look at that correspondence. We'd have to look at what the values of any heritage listing at the national level are and determine whether that's a significant impact. We don't regulate other types of heritage, but we're happy to have a look at—

Senator BARBARA POCOCK: We know South Australia doesn't always figure to the forefront of people's minds in other cities—in relation to algal bloom and so on. But in relation to this development, this is a very important issue, so I'm asking you, Minister, to pay attention to this.

Senator Watt: Understood. Of course, I would dispute your characterisation of the algal bloom, especially given the over \$30 million that has been contributed.

Senator BARBARA POCOCK: Plenty of South Australians would argue that they have not received sufficient attention. Let's leave that aside. I want to stick to my point.

Senator Watt: Sure.

Senator BARBARA POCOCK: Are you aware the development has commenced without any heritage consideration?

Senator Watt: I'm not personally aware of that. I am in the process of trying to track down what's been done about the letter that you wrote to me. But, again, as Mr Edwards has said, not every heritage matter ends up being dealt with at the federal level. Some are dealt with at the state level under state legislation, just as not every environmental impact is dealt with by federal law. There are certain thresholds that need to be reached, and I think what we need to do is clarify whether this particular development reaches that threshold for federal law to apply.

Senator BARBARA POCOCK: And my questions are an attempt to impress upon you the significance—

Senator Watt: Yes. Understood.

Senator BARBARA POCOCK: and the view of South Australian voters and citizens on this. You do have an intervention power.

CHAIR: Senator Pocock, I'm just giving you a one-minute warning.

Senator BARBARA POCOCK: Sure. I'll get there. So I'm asking you to exercise your powers to do that, Minister, and to communicate. I look forward to hearing your response to my letter. Can this development legally proceed under South Australian state government approval without your approval?

Ms Parry: It would depend on whether or not it triggered the EPBC Act, but I think Ms Calhoun has got some additional information for you.

Ms Calhoun: As Mr Edwards said, it hasn't formally been referred to us, but we have written to them to inform them of what their obligations are under the EPBC Act and to consider that.

Senator BARBARA POCOCK: If site work proceeded without federal approval and it should have had it and the development is later deemed to have a significant impact on the national heritage site, which many of us would argue, are there penalties, including fines and legal injunctions, for such premature action in the absence of proper approval?

Ms Parry: You've heard Mr Edwards indicate that the minister does have the power to call something in if a proponent has not referred and there is significant evidence in which that activity would have a significant impact on the matters which we regulate.

Senator BARBARA POCOCK: Can you fine in the event that it has proceeded inappropriately?

Ms Parry: Whether or not we work with the proponent to put them into an assessment process would depend on the situation. It would depend on where they were in terms of their project.

Senator BARBARA POCOCK: Could you provide to me on notice any correspondence, emails—any communications—between the federal government and Walker Corporation or the state government in relation to this building?

Ms Parry: We'll take that on notice for you.

Senator BARBARA POCOCK: Thank you.

CHAIR: I will go to Senator Waters for a five-minute block and then I'm going to go to Senator Payman for a five-minute block.

Senator WATERS: Minister, just to start off with you, your statement of reasons for the decision to approve Woodside's North West Shelf LNG facility out to 2070 shows that the federal department disputed the WA government's findings that there was no ongoing damage to the rock art from industrial emissions and pointed to multiple lines of evidence confirming both past and projected damage from the proposal, and your statement—

Senator Watt: I don't mean to interrupt. We've actually moved past that outcome. Those questions related to outcome 2.1, which we just completed before you entered the room.

Senator WATERS: I'm asking about the heritage value—or I will be, if you let me get my question out. I'll be asking about the heritage values. I believe that's in 2.2, heritage.

Senator Watt: The decision regarding the North West Shelf falls under program 2.1, which we've completed.

Senator WATERS: Why don't I try to ask anyway, and you do your best to respond, if you could, please. I'm interested in why your statement of reasons accepts the department's advice, but then, in public commentary, you repeatedly said that there was scientific evidence that any damage was historic and had nothing to do with Woodside and that everything was going to be fine and the World Heritage Committee shouldn't be concerned. Why did you continue to assert that when your own department had provided multiple lines of evidence to the contrary?

Senator Watt: Noting that we have completed the outcome that that falls under, so I don't propose to provide extensive answers on this now, the comments that you're referring to that I previously made, I think, related to the advocacy that I and the department undertook to UNESCO to have the Murujuga Cultural Landscape World Heritage listed. What we informed UNESCO was that, as I had imposed strict conditions on the project in my proposed decision in addition to the conditions that the Western Australian government had imposed, that would protect the rock art and would mean that we could avoid unacceptable impacts to the rock art, in essence. So I don't agree that my comments were inconsistent with what was in the statement of reasons.

Senator WATERS: Okay. Well, I beg to differ. I've got comments on 28 May in the *Guardian*, on 8 July in the *Australian*, also on 8 July in the *Guardian* and later on *Sky News* on 14 July where you were asserting that any impact on the rock art was historic and was unrelated to Woodside despite the statement of reasons that the department prepared that you signed off on saying, in fact, there was an impact from Woodside.

Senator Watt: I think you're—

Senator WATERS: So how do you explain that discrepancy?

Senator Watt: I think you're selectively quoting from my interviews. What I'm saying to you is that, when I made the proposed decision back in late May, I wasn't in a position to go into great detail about those proposed conditions because there was a consultation phase to occur, as occurs with every project. The point I'm making is that, by imposing those conditions, that is the way that we were able to protect the rock art from unacceptable impacts. That's the decision I was required to make under the act.

Senator WATERS: Did you give the World Heritage Committee a copy of those original conditions, and have you now given them a copy of the revised conditions, which are, in fact, different?

Ms Parry: The World Heritage Committee was provided with a full dossier of information prior to their evaluation, including the ICOMOS evaluation when they came out and did an assessment of Murujuga. The World Heritage Committee was not provided with the proposed Woodside conditions. They were only provided to the proponent. The final set of conditions are publicly available, so the World Heritage Committee has full access to them.

I just want to give you a bit of context on what was provided to the World Heritage Committee in terms of factual corrections as part of the nomination of Murujuga. When the draft decision came out, based on an evaluation report from ICOMOS, there were a number of factual errors within that report. It is part of the World Heritage Committee process that, as a state party in a nomination, we have an opportunity to provide factual corrections, which we did. The factual corrections related largely to how the impacts of emissions were being felt on the rock art. I think that's where the minister was on the record, indicating those corrections. We took the opportunity to correct it with the World Heritage Committee. That is a statement of fact. During the nomination process and the World Heritage Committee meeting at 47 com in Paris, we had the delegation of traditional owners as well as the lead scientist, Professor Ben Mullins from MRAMP, come and talk to committee members about the findings of MRAMP and give them the scientific peer-reviewed basis of fact.

Ultimately, the committee agreed with that position. There was never any doubt about their view on the outstanding value of Murujuga and the quality of the nomination and the quality of the inscription. But we did stridently and factually correct a number of errors that were in the draft decision that were then corrected for the final report.

Senator Watt: And, Senator Waters, you will see in the final decision from UNESCO where they approved World Heritage listing of Murujuga that they acknowledged as being important the regulatory conditions that were being imposed on the project. That was part of the basis of the—

Senator WATERS: The ones that you said you didn't send to them?

Senator Watt: No.

Ms Dumazel: Can I just say in relation to the World Heritage listing and to the minister's point, the World Heritage Committee have asked us to come back with a progress report in the future, one at the end of 2026 and then a state of conservation report afterwards. That's to take into account that the fact that this is a five-year program. It allows, then, the findings in that program to run out. That is clearly with the Murujuga Aboriginal Corporation as part of that process. So we will be reporting on that in the future.

Ms Parry: I'll just point you to the World Heritage Committee's final decision, which actually explicitly acknowledges the Murujuga rock art program combined with the regulatory framework as the best means of protecting the petroglyphs.

Senator WATERS: I've got a number of questions about that.

CHAIR: I need to share the call at this point and then I will come back to you.

Senator PAYMAN: Good afternoon. My questions are actually to do with the Murujuga rock art as well, without repeating Senator Waters's questions. Minister, when you said that you took a precautionary approach, what did you mean in practice?

Senator Watt: That's all set out in the statement of reasons for my decision in relation to this project. Under the EPBC Act, the decision-maker, whether it be the minister or their delegate, needs to take into account the precautionary principles. So, effectively, what that means is that the absence of conclusive evidence should not be used as a reason to approve a project. That's essentially what it means. Mr Edwards might know the technical terminology better than me.

Mr Edwards: The minister is correct. It essentially, as the minister described, means that, just because it is uncertain, doesn't mean you don't take measures to try to minimise impacts. That was the nature of the decision. There are a number of measures in there, even though there was uncertainty, that the minister put in place to protect those matters.

Ms Parry: I'll just draw your attention to the statement of reasons. Paragraphs 151 to 155 go through that and the minister's reasoning behind that, including the use of the precautionary principle.

Senator PAYMAN: Thank you. I'm just curious to understand: is it a precautionary approach for Woodside or is it for the environment? Most Australians who have spoken to us would assume that a precautionary approach means not approving a project until you're sure that it won't cause irreversible damage. So are you essentially saying that you can guarantee that there will not be any irreversible damage to the rock art?

Mr Edwards: I want to step that through for you because it is a bit complex. In this project, as in many, there's high uncertainty. There's a lot of uncertainty and conflicting evidence around things. There was evidence to suggest that there are likely industrial emissions impacts somewhere. Where from, to what extent and all that sort of stuff is actually very hard to pin down. The minister's job in that circumstance is, therefore, to condition it to reduce the risk of a significant impact occurring. On that basis, the proposal is acceptable. So he's trying to condition it to get it below that significant impact and reduce the risk of that happening.

Senator PAYMAN: Given that, three days after the announcement was made for the expansion, the government released its National Climate Risk Assessment, Minister, did you read or receive briefings on that assessment before approving the North West Shelf expansion?

Senator Watt: I'm pretty sure that I was broadly aware of the likely findings of that National Climate Risk Assessment. I don't know that I saw the documents themselves beforehand. But I would also make the point that there have been a lot of people in this debate about this project who have wanted to make it about the greenhouse gas emissions and potential climate change impacts of that project. Actually, what was required to be considered under the law was the potential impact of that project on the petroglyphs, being the National Heritage listed place. So it wouldn't have mattered who was the minister. The decision that needed to be made was on: would this project potentially have a significant impact on the petroglyphs? It wasn't about what impact this project would

have on climate change or greenhouse gas emissions. So, for the range of people who have been trying to conflate those issues and make that decision about climate change, that's actually wrong.

Senator PAYMAN: Can we just go back to the question of whether this is a precautionary approach to Woodside or the environment?

Senator Watt: I think it's a precautionary approach to the environment. That's why we've imposed over 40 conditions on this project.

Senator PAYMAN: While we're at it, are you able to table the departmental advice or any correspondence from Woodside relating to the modification or softening of these environmental conditions before approval?

Senator Watt: I'm happy to take that on notice, but I would disagree with the claim that many have made that the conditions were softened. What actually happened was that we imposed more specific conditions in the final decision than what were in the proposed decision. We also made sure that the final conditions were technically feasible when we were satisfied that a small number of the original proposed conditions were not technically feasible. So we think, and I think, that the final decision which requires the emissions of a range of gases to be reduced by 60 per cent by 2030 and further reductions after that, among all the other conditions, is what means that the rock art is protected as required under the act.

Senator PAYMAN: But you can't guarantee that there won't be any irreversible damage caused?

Senator Watt: I am confident that the conditions that we have imposed will prevent any irreversible damage occurring. That was the basis of my decision.

Senator PAYMAN: So that's a guarantee and that's on the record?

Senator Watt: You can use whatever words you like, but I'm confident that the decision I made—

Senator PAYMAN: I need to hear it.

Senator Watt: will mean there will not be irreversible impacts. That's all set out in my statement of reasons.

Senator PAYMAN: Because that's exactly what your own department warned of—irreversible damage.

CHAIR: A one-minute warning, Senator Payman.

Senator PAYMAN: Yet the project was approved anyway. So given all this—

Senator Watt: No, can I just pick you up on that. The department effectively advised that, in the absence of conditions, it may have irreversible significant or unacceptable impacts—I can't remember the exact wording—and that's why we imposed those conditions. It's to prevent that unacceptable impact occurring.

Senator PAYMAN: Given that you approved this awful project that a lot of scientists have considered a carbon bomb, will you commit to an independent review on the decision-making process to ensure that political convenience did not override what's best for the environment?

Senator Watt: I think there are in-built review mechanisms in this decision, from memory.

Ms Parry: Yes. I'm not sure exactly what kind of review that you are looking at, but there are various mechanisms within the conditions around ensuring continuous monitoring. We have built in that Woodside has to undertake audits of its data and information. They have to be very transparent about the emissions that they are releasing. Then the MRAMP itself, which you would be familiar with and is also within the WA set of conditions, will also be providing a feedback mechanism that Woodside have to adhere to as part of their state conditions. That would indicate, over time, they will set those standards within the MRAMP, and Woodside is obligated to adhere to those as well.

Senator PAYMAN: Do we have the date for the progress report?

CHAIR: Senator Payman, this will need to your last question before I share the call.

Ms Parry: It goes for five years.

Senator PAYMAN: It's not the end of 2026?

Ms Dumazel: It's entering its third year of a five-year program.

Senator PAYMAN: Okay. Thank you.

Senator WATERS: Just coming back to a number of those threads, how many revisions were made to the proposed conditions between your original preliminary decision, Minister, on 28 May and the final decision on 12 September?

Mr Edwards: Again, the statement of reasons actually explains what the original conditions set were and explains the input received from Woodside—

Senator WATERS: So the answer to the question is what?

Mr Edwards: and the adjustments. I don't know that we can provide a number.

Senator WATERS: You don't know how many revisions there were to the conditions?

Mr Edwards: We'd have to take that on notice. I don't know that we've got to, 'Here is the next version; here is the next version.' It was an iterative conversation until we reached confidence that we had the right conditions set to put to the minister.

Senator WATERS: Can you provide copies of all of the alteration along the course, please?

Ms Parry: There is clearly set out in the statement of reasons what was a proposed condition and what ended up in the final conditions set. Those are all stepped out in the statement of reasons.

Senator WATERS: Okay. I want to take you to the point, Minister, that you changed conditions on the basis that some of your original conditions weren't 'technically feasible'. What does that mean? Does that mean it would have cost Woodside too much to not completely erode ancient rock art?

Senator Watt: No—

Senator WATERS: Technically feasible according to whom?

Senator Watt: that's your assertion.

Senator WATERS: That's my question.

Senator Watt: Again, that is all set out in the statement of reasons. If you would like to have a look at paragraph 194, subparagraph (a) of that statement of reasons on page 36, it goes through some of the information that had been provided by Woodside:

In a submission on 23 June 2025, the proponent has asserted that it is not technically feasible to meet the requirement of no air emissions above the detection limit—

which was the original proposed condition—

because elements of the operation that produce emissions are required for safety purposes (e.g. flaring).

So that's an example of where it would not have been technically feasible to proceed with the proposed condition, which was to require no air emissions above the detection limit. That led to discussions between the department and Woodside around how we could set conditions regarding emission levels that would protect the rock art and were technically feasible. That's one of the reasons why we landed on conditions such as requiring a 60 per cent reduction in nitrogen oxide levels by 2030, with further reductions beyond that—I think from memory we get to 90 per cent reductions at some point in the future.

Similarly, there were very specific conditions set about reductions in sulphur oxide and a range of other gases as well. So the proposed conditions were more generic. They were not technically feasible for reasons like what I've just given you. The final decision and final approval had much more specific conditions about particular gases and particular emission levels that were required in order to protect the rock art.

Senator WATERS: Surely, you didn't just accept their word that one example of an alleged safety measure meant that an entire condition was technically not feasible?

Senator Watt: I can—

Senator WATERS: Can you table for me—

Senator Watt: confirm that we did not take their word for it and there were extensive discussions between the department and Woodside. You might remember there were some people being critical of the amount of time that it took to reach a final decision, and that was because of the extensive discussions that were happening between the department and Woodside.

Senator WATERS: So I'd like to see documentation around that discussion. Can you please table the correspondence pertaining to the conditions negotiation.

Senator Watt: I'll take that on notice and see what we're able to provide.

Senator WATERS: Thank you. How many times did you and/or the department meet with Woodside during that period?

Senator Watt: I'll let the department go first.

Ms Parry: Between the proposed condition and the final condition?

Senator WATERS: That's right.

Ms Parry: It was at least 10 times, possibly a dozen.

Senator WATERS: How many times did you meet with traditional owners in that same period?

Ms Parry: Well, the discussion—just to be clear, the discussion between the proposed conditions set and the final conditions set are held exclusively with the proponent.

Senator WATERS: So no meetings with traditional owners?

Ms Parry: It's to deal with the conditions of their approval. But we are in constant contact with traditional owners within that region and, primarily, very intensively through the listing of the Murujuga World Heritage site.

Senator WATERS: How many times during that same period did you meet with scientists?

Ms Parry: I'd have to take that on notice. Part of the assessment process which Ms Calhoun and her team undertook was going through a lot of the scientific information, both with scientists within the department and evidence provided outside of the department. But in terms of the number of times, I would have to take that on notice.

Senator WATERS: When were you first made aware of concerns from experts working on MRAMP, the Murujuga Rock Art Monitoring Program, about inaccuracies in the WA government's summary?

Ms Parry: As has been canvassed at previous testimony in estimates, we relied on the full report, the full Murujuga Rock Art Report. As we have testified previously, we received that in February 2025. We did not rely on an executive summary. Any discussion about WA's treatment of the executive summary and scientists' interpretation of that is a matter for them, but we went straight to the full report.

Senator WATERS: When were you made aware of those concerns from those experts?

Ms Parry: I'll take that on notice. I think that was not something that was raised directly with us, as we were just concerned about getting the full and final report for our consideration.

Senator WATERS: Were you advised about allegations of pressure applied to downplay findings about the impacts of industrial remissions?

Ms Parry: No, not—

Senator WATERS: You weren't advised of that.

Mr Edwards: Just to clarify, we heard about most of these things through the press in the same way that everyone else did. So this is a matter—the concerns around the WA government processes—that we're not party to. We just really listened to those.

Senator WATERS: What did you do when you heard that?

Mr Edwards: Again, we're not just relying on the MRAMP report. We did our own analysis of the full document, not the executive summary, and the minister's decision considered something like 70 other academic pieces and inputs of science as well. So there wasn't a lot for us to do. I think, again, the concern in the press that I've certainly been privy to is one around representations made by the WA government that, really, we don't have a role in.

Senator WATERS: Just going back to that statement in the statement of reasons, where the department clearly says:

... on the balance of probabilities it's more likely than not that industrial air emissions ... are resulting in the accelerated and irreversible weathering of the rocks that the Murujuga art is etched into, and that accelerated weathering is likely to continue under the proposed action ...

When the minister was out there in those media interviews that we canvassed earlier saying that, in fact, there was no evidence that there would be impacts from industrial activity, did anyone in the department advise his office that the statement was not true?

Ms Parry: Again, the minister has been quite clear in his statement of reasons and the thought process that has gone into the approval of Woodside and how emissions are considered. I think, respectfully, we are again conflating issues here about factual corrections related to the World Heritage nomination of Murujuga and the matters that were in front of the minister and he was considering in his EPBC approval. And, as we've canvassed, we undertook quite an extensive factual corrections process and how those emissions were characterised in the draft World Heritage decision.

Ms Dumazel: In relation to the draft World Heritage decision and the way that we worked with this particular nomination, the Murujuga Aboriginal Corporation led the nomination and we supported them, as did the WA government. So when you actually look at the corrections report that's available online and to the public, all the

corrections were done collectively. So anything that we put out in the public domain about the World Heritage listing is done with MAC at the lead.

Senator WATERS: So nobody advised the minister that he was misdescribing the advice from the department?

Ms Parry: I disagree with your statement. The minister was not misdescribing it. The minister was quite clear in his statement of reasons, as has been laid out very extensively, the thought process that he went through and how he arrived at his final decision, how emissions were considered, how he went from the proposed conditions to the final conditions, and we have been extremely transparent about how emissions were mischaracterised in the draft decision of the World Heritage nomination and how we factually corrected that. So I don't agree that the minister has mischaracterised emissions.

Senator WATERS: Is it correct that the department is investigating whether Woodside breached the EPBC Act by processing third-party gas prior to final approval, and is that investigation still underway?

Ms Parry: I'll just ask my colleague to come up, who I think can probably provide the answer to this one as well, but give me one minute.

Mr McQuillen: Yes, that's correct. They're under investigation.

Senator WATERS: When did you start that, and when are you due to finish it?

Mr McQuillen: We did commence that. We received further information in August 2025, and we're currently looking into that at the moment.

Ms Parry: Can I just clarify—

Senator WATERS: My question was when did you start—

Ms Parry: there was a previous allegation in April 2024 that was investigated. That investigation was closed, based on information that was available at the time. It was alleged in April 2024 that Woodside had commenced processing third-party gas prior to referral. The department initiated an investigation in April 2025. That investigation was closed. In August 2025, further information was received, and that investigation is ongoing.

Senator WATERS: Did you reopen it, or was it a fresh investigation in August 2025?

Mr McQuillen: It's been reopened.

Senator WATERS: How long are you going to be investigating for? Do you have a timeframe?

Mr McQuillen: I can't give you a timeframe on an investigation. It depends on the complexity of the nature of that allegation and the availability of the evidence to prove those.

Senator WATERS: How did the fact that they were under investigation for breaches of the EPBC Act factor into the minister's decision to give them a fresh approval?

Mr Edwards: The statement of reasons actually detail that. If you look at paragraphs 279 to 285, it talks about the environmental history of the proponent and how all the issues were considered in the minister's decision-making.

Senator WATERS: For the benefit of people who aren't going to read that, what is the answer to the question? How did that factor into the minister giving them yet another approval, even though they're under investigation for breaching the EPBC Act?

Mr Edwards: Again, they are allegations of breaches.

Ms Parry: The investigation was opened, investigated and then closed.

Senator WATERS: And now reopened.

Ms Parry: That's right.

Senator WATERS: So what impact legally does that have?

Ms Parry: It's currently under investigation. It's an allegation and we're investigating it.

Senator WATERS: What legal impact does that have on the North West Shelf approval?

Ms Parry: The legal impact is that currently there's an allegation under the EPBC Act that we are investigating. That's its legal standing so—

Senator WATERS: Does it have any impact on the existing approval?

Ms Parry: Not until there's a finding.

Senator WATERS: At that point, if the finding is upheld, could that constitute them not being a fit and proper person to hold an EPBC Act approval, and, if so, what consequences would flow?

Ms Parry: That's a hypothetical question. We don't know the outcomes of the investigation. It's an allegation currently.

Senator WATERS: What are the outcomes of an investigation under the act that can occur?

Ms Parry: Sorry, say again?

Senator WATERS: What are the outcomes of an investigation under the act that can occur? What are the options available to you?

Mr McQuillen: There are a range of enforcement activities it could take. It could be anywhere from between education to director variations to civil or criminal actions from the investigation. It just depends on—

Senator WATERS: Is there any consequence of cancelling an approval held by that proponent, either a related or a different project?

Mr McQuillen: Based on the findings, we would then have to make a decision, and we could refer that across to our colleagues around the conditions of the licence, yes.

Senator WATERS: Is that legally open to you?

Ms Parry: It would depend on, again—

Mr McQuillen: On the outcome of an investigation, yes.

Ms Parry: the outcome of the investigation.

Senator WATERS: Yes, but is it an option? Is it in your toolkit of enforcement options?

Mr McQuillen: It could be an option, yes.

Senator WATERS: Yes is the answer?

Mr McQuillen: Yes.

Senator WATERS: Minister, hopefully you've been listening closely to that. Why did you not wait until that investigation was completed before approving—

CHAIR: Senator Waters, sorry to interrupt you. I'm just conscious that this has been a substantial block, and I'm curious to know how much, just by way of planning—

Senator WATERS: I've just got two more short ones, Chair.

CHAIR: Thank you. I'm sorry for interrupting.

Senator WATERS: Perhaps you will direct me back to the statement of reasons again, but I'm interested in how much weight an open investigation had that was then closed that then had to be reopened—and, in fact, I'm not across why it was reopened and whether it was new information or it was information that you had missed the first time after one year of looking. I'm just interested in how you can let an approval sail through with such enormous climate consequences, that I fully appreciate aren't legally required to be considered, even though that is utterly ridiculous. But, with such implications on rock art, how can those two things be true at the same time?

Mr Edwards: Again, there has been a lot of talk about this project taking too long to resolve. It was referred in 2018. So we've considered it extensively. We talked about a similar project earlier today actually. The reason we don't necessarily wait for an accusation to be investigated, finalised, followed up, is that it can take an indeterminate period of time. There's collection of evidence. There needs to be a case made. It may be, in fact, even if something is proven, it has no bearing on the original decision, and there's natural justice considerations in being able to progress a decision in front of the minister that we need to take, versus holding a decision for a potential outcome that may or may not impact that decision. Again, that's a standard operating process. If we had something that was very close, and the department was imminent, that would be considered in an environmental history. We may be able to do something like that. But if it's an investigation mid-stream, a convention is not necessarily hold and disadvantage—potentially inappropriately—the proponent by holding off their decision.

Senator WATERS: Was there any consideration, Minister or departmental folk, about whether or not an approval should be issued on a preliminary basis subject to the findings of an investigation, if it does go to whether the proponent is a fit and proper person? Does that meet the need for the natural justice issues you've outlined with the need for actually making sure you're not giving environmental approvals to people who wilfully disregard environmental law?

Mr Edwards: It's not a provision of the act currently. People in the environment are looking for certainty through decisions, and that's the way the act is structured. I should say again, that with compliance, it does matter what happens after investigation. Our primary strategy is to try to bring people into compliance. So it doesn't

necessarily mean a previous decision was invalid or shouldn't have been made. The question is then: how do we make sure this person is doing the right thing to protect the environment going forward?

Senator WATERS: Perhaps not giving them fresh approvals where they've done the wrong thing might be a good start. But thank you very much.

CHAIR: On that note, we will have our opportunity to move on from outcome 2.2.

[15:30]

CHAIR: I will now call the officers from the department in relation to outcome 2.3, on accelerating the transition to a circular economy while safely managing pollutants and hazardous substances. Senators, I take this opportunity to just note we are now running nearly five hours behind the program. I have obviously been too indulgent! Any assistance senators can give me with the efficiency of their questions would be greatly appreciated. Thank you very much.

Senator Watt: Very few questions from the government, I note.

CHAIR: Exactly.

Senator Watt: The government hasn't been delaying things.

CHAIR: We now have outcome 2.3. I will go to the coalition for a block—who am I going to?

Senator BROCKMAN: I have a few quick questions, if my colleagues don't mind.

CHAIR: Certainly. Senator Brockman.

Senator BROCKMAN: This may have been done to death in this committee. I haven't had a chance to actually participate in this committee before. I just want to talk about the recycling of batteries, particularly large-scale batteries, automotive batteries and household batteries. Have we got the right people at the table?

Senator Watt: Yes, should do.

Senator BROCKMAN: I've had this raised with me by a number of constituents, and I will give you a couple of case studies. One is someone who runs a recycling waste disposal business who currently has large-scale lithium batteries in storage they have constructed themselves to effectively act as containment for those batteries, and they have no pathway forward with those batteries at the moment, I'm being told. I've also got a constituent who owns a car out of warranty, who hasn't been in accident, whose battery has degraded. Replacing the battery would cost more than the car is worth. The car is worth, effectively, zero dollars; you couldn't even literally use it as a sea anchor, because then you would be polluting the environment. What is the pathway for recycling large-scale lithium batteries in Australia?

Mr Knudson: Thank you for your question. I'm going to turn to Mr Tregurtha in a second. Probably about a year and a half ago or so, environment ministers from across the country agreed that New South Wales was going to take the lead on this issue. They have introduced legislation which will serve as model legislation for the other jurisdictions to then replicate. They are now at the point where they are into the drafting of a secondary legislative instrument—regulation to support that legislation. That is proceeding afoot, and that is the key thing to help businesses like what you were talking about know what the requirements will be for the effective recycling of batteries and, therefore, help them figure out their business model going forward. But I'll just turn to Mr Tregurtha if there's anything to add.

Mr Tregurtha: No, I've got nothing to add. That's the pathway forward on those larger batteries. I guess I should also mention, though, that there is already in place, and has been for a number of years, a voluntary product stewardship scheme for smaller-scale batteries called B-cycle, which is in place and operating currently. As Mr Knudson said, at the December 2024 meeting of the environment ministers, it was determined that the New South Wales legislation would provide the model for other jurisdictions to implement going forward. What that will do is drive producer responsibility for end-of-life batteries.

Senator BROCKMAN: For the retail example I've given you, where an unusable car is effectively sitting in a driveway at the moment, what are those Australians supposed to do with that vehicle?

Mr Knudson: Well, there are current ways to dispose of end-of-life vehicles, et cetera. They're not ideal in terms of the issues around batteries, et cetera. That's why we've worked as a set of jurisdictions around the country to come up with the New South Wales model of leading on this. The answer right now will be to use the existing vehicle end-of-life options that are available, but it's not a commercial option, per se.

Senator BROCKMAN: So, what, they take it to a car wrecker, and the car wrecker says, 'We don't want it because it's an electric vehicle with an electric battery that we don't have a pathway to recycle yet.' What do they

do? They leave it in their driveway or they go and dump it in the bush—which obviously they wouldn't do because that's illegal.

Mr Knudson: What I would suggest is that, unless Mr Tregurtha has more information on this, we can come back to you with some detail there are current ways about what end-of-lifecycle options are available. I've got an electric vehicle myself and have never heard of that issue playing out, but I absolutely believe what you're saying.

Senator BROCKMAN: Well, no, because electric vehicles are relatively young, but this is going to become an increasingly important issue—

Mr Knudson: Absolutely.

Senator BROCKMAN: over the next few years.

Mr Knudson: And that's precisely why the environment ministers focused on this less than a year ago—because of that emerging issue with respect to the presence of batteries in vehicles, homes, et cetera, and the safe disposal of those batteries. So we're not arguing with you at all about the urgency to do this. Indeed, that's why New South Wales acted so judiciously on this, and now it's up to the other jurisdictions to back in. But we don't have a more substantive answer at this point. We're early in battery recycling, but the country is absolutely taking steps to make sure that we've got a sustainable path going forward.

Senator BROCKMAN: So obviously the vast majority, if not 100 per cent, of all large batteries are coming from overseas manufacturers. Do they have any responsibility within the Australian market to provide any return service, to provide any ability to send those batteries back to their country of origin, to make sure that they do not become a burden on the Australian environment, when in actual fact, they shouldn't necessarily be?

Mr Knudson: I personally am not aware of that, but Mr Tregurtha—

Senator BROCKMAN: I mean, would that be federal legislation?

Mr Tregurtha: There would be obligations. It's not my area of expertise, but I'm presuming there would be obligations in relation to faulty equipment, should it be provided, that a provider of faulty equipment would have to make that good. That's not in our portfolio's responsibilities. In relation to the issue I think you're going to in terms of the product itself, the responsibility you are talking about is precisely what that New South Wales model piece of legislation is intended to drive. If you are bringing a product into the market, in terms of a large-scale battery, you also then need to be responsible for the end-of-life resolution of that battery. From my understanding of New South Wales legislation, that would pertain to someone bringing a battery into the New South Wales market, regardless, presumably, of whether it was brought in—it would either be the exporter or the producer, depending on how it got into the market.

Senator BROCKMAN: Have you done any work on the cost of recycling or containing large-scale EV or household batteries?

Mr Tregurtha: We've certainly done work on the cost of producer responsibility schemes. That's something we've done. Whether they go precisely to that question, I'll take that on notice.

Senator BROCKMAN: Can you take that on notice?

Mr Tregurtha: Yes.

Senator BROCKMAN: Thank you very much. Thank you, Chair.

CHAIR: Thank you. There's notionally three minutes left in your block—

Senator CADELL: Could I just ask a question?

CHAIR: Yes, you may, Senator Cadell.

Senator CADELL: Just on this point, since the disallowance on the recycling licence fees and application fees, we're hearing that applications are happening a lot slower or not happening. Have you got a benchmark for how this was happening when there was cost recovery versus now?

Mr Knudson: We're just getting the area that does the permitting to the table, Senator.

Senator CADELL: That's fine; I have two minutes and 17 seconds left.

Mr Knudson: We may give you back a few seconds.

Ms Elliott: We do monitor the assessment timeframes for licences, and I'm not aware of any delays since cost recovery. We've actually had an improvement in our assessment timeframes. If you look from 1 January 2025 to August of this year, it's taken six weeks on average for a decision on a new licence to be made. That's compared to 13 weeks, if you look at a period between 1 May 2024 to 31 December 2024—sorry, my nervousness is coming through—and cost recovery was actually in place in November—

Senator CADELL: Jonno's the mean one. Don't worry, it's me.

Ms Elliott: We have actually seen an improvement in those processing timeframes.

Senator CADELL: How about variations?

Ms Elliott: For variations, in that same timeframe, between January 2025 to 31 August this year, it was nine weeks on average for a decision to be made, compared to 14 weeks between 1 May 2024 to 31 December 2024. That's due to the continuous improvement processes that we've been looked at as part of assessments.

Senator CADELL: Thank you very much.

Senator WHISH-WILSON: I've got some questions which I promise I'll keep very brief. I'll put the rest of them on notice. On packaging reform, the consultation paper set out a schedule for a 2026 introduction. In the meantime, as I'm sure you're aware, APCO have confirmed it won't be introducing the proposed extended producer responsibility, EPR, fee model in 2027. I'll just read you their exact words from their release:

Industry needs government to provide certainty around reform. It urged APCO to avoid duplication and confusion, and to align with a nationally consistent framework that the government has yet to fully articulate.

Could you give us an update on that, and can you articulate it?

Senator Watt: Can I just really quickly kick it off, and then I might hand over to Mr Tregurtha to follow on. We're certainly aware of the very strong desire in industry and the community to see packaging reform. I've obviously made clear, both today and previously, that the very biggest legislative priority for the government in this portfolio right now is EPBC reform. But we have nevertheless begun the work, if quietly, on what will need to be done for that legislation that you're talking about. I'll get Mr Tregurtha to give you some more detail on that.

Senator WHISH-WILSON: If I could just respond to that with a question, Minister. I understand this work's been underway for some years. The previous environment minister, Minister Plibersek, made similar statements to you in good will—that we're going on this journey—and, four years later, it hasn't happened yet. Would 2026 be a realistic timeframe in line with the consultation?

Senator Watt: I've forgotten the exact timetable that they're working towards, but Mr Tregurtha or his colleagues might be able to go into a bit more detail on that.

Mr Tregurtha: I'll turn to Mr Hutchison in a second, but, as the minister said, we do continue to work. You'll be aware we put the summary of the consultation around packaging reform, which was released by the department on the back of the consultation we did last year—I think it was in September 2024—and a public consultation on a range of models. As you'd understand, the various attributes of those models go to the complexity of what would need to be introduced at a Commonwealth level versus together with the states and together with—

Senator WHISH-WILSON: Yes, I'm aware. You know we had a big Senate inquiry into this in the last parliament. I'm aware of all the intricacies.

Mr Tregurtha: Yes, absolutely.

Senator WHISH-WILSON: I want to know if 2026 is a realistic timeframe for a Commonwealth EPR scheme.

Mr Tregurtha: The key thing about the introduction of something like you're talking about is that the type of scheme is a matter for government. I think that's the first point to make. If there were to be a scheme introduced which we are preparing work on now, as the minister's just indicated, then in terms of the timing and whether that's realistic goes to both the availability and the capacity of the department to first collate and provide the advice, and then it's clearly a matter for government in terms of progressing that matter through the parliament if legislative instruments were to be required.

Senator WHISH-WILSON: So we're not at the point where you could provide advice to the minister on this, then.

Mr Tregurtha: We have provided some advice to the minister and his office. We will continue to do so as we continue to work through—

Senator WHISH-WILSON: Some advice?

Mr Tregurtha: Well, we constantly provide advice to the minister and his office around settings and issues in relation to this matter, amongst many others. The point being that, in terms of packaging and packaging more broadly, as the minister said, we're getting on with working up a response to the consultation that we've done. The ultimate timing—you're asking me to say whether or not 2026 is realistic. What I'm saying to you is we are working as quickly as we can to progress those matters, but ultimately, I can't sit here today and give you a guarantee on a particular date.

Senator WHISH-WILSON: What's the block, apart from the fact that the minister's made it clear his intent? His priority is the environment laws, but is there any other block, given the long process you've already been through?

Mr Tregurtha: I've sort of said we're continuing to work on working up a response in relation to the consultation and the other work that we've undertaken. I wouldn't characterise it as a block at all.

Senator WHISH-WILSON: So will you make public that response you've made to the minister? When will you make that public?

Mr Tregurtha: That would be a matter for the minister and the government once a decision was taken.

Senator WHISH-WILSON: Okay. In terms of soft plastics, I understand Soft Plastics Stewardship Australia has formed a voluntary scheme. Is that correct?

Mr Tregurtha: Yes, Senator. I might get Mr Hutchison to—

Mr Hutchison: Yes, Soft Plastics Stewardship Australia have formed a voluntary scheme, and they're currently working with the ACCC on accreditation for their scheme.

Senator WHISH-WILSON: And the ACCC's made comments that voluntary schemes basically don't work, which is certainly my experience. Would you agree with that, Mr Hutchison? Have you seen any voluntary schemes that have been effective?

Mr Hutchison: To respond to that, certainly in the context of packaging and when we're looking at Soft Plastics Stewardship Australia, they're focused on soft plastic, which is a considerable part of our packaging supply chain. The several reviews that you're going to be very familiar with that have been done over recent years have pointed to the fact that we do need mandatory requirements, and that's why the government is taking the decisions to pursue the reforms it wants to pursue. So I don't think a voluntary arrangement is going to work in this instance.

Senator WHISH-WILSON: I'm not sure what those reforms are at this stage, after many years of asking. My understanding is soft plastics from supermarket cover around 15 per cent of total soft plastics, so 85 per cent won't be covered by this scheme. Is there anything underway in relation to other soft plastics collection?

Mr Hutchison: I can't speak to what Soft Plastics Stewardship Australia might be doing to increase its coverage. What we have been doing with states and territories through the environment ministers meetings from last year and before is working to improve collection pathways through the work we've done and will continue to do through the road map we've got on kerbside collections. As part of that, environment ministers wanted there to be a focus on soft plastic collection, because we know that it is a problematic material. That is something we'll continue to look at. The department has been working with the supermarkets as well on kickstarting their in-store collections following the collapse of REDcycle that occurred some years ago.

So we are looking at various pathways to continue the collection of soft plastics. The government has also invested in recycling infrastructure to support hard-to-recycle plastics like soft plastics. So there are a number of interventions underway. We do see reform of packaging regulations being a key way of addressing the design of these soft plastics that are hitting the market but also creating a market for recycled soft plastic and making sure that it can then flow through the system and we do reach circularity.

Senator WHISH-WILSON: I'll put all my questions on notice around textiles and batteries and other things I wanted to ask, but I did just want to check, because I did write to the minister recently—and thank you for responding, minister, on photovoltaics, which is another area we're going to see a lot of need for recycling. Could you just give us a quick update on where we're at with that. Are there any moves on foot for a mandatory national scheme?

Mr Tregurtha: As you're probably already aware, in August of this year, energy ministers agreed that the Commonwealth would work with states and territories to develop options for a national product stewardship scheme directly targeting solar PVs—solar photovoltaic panels—with New South Wales to concurrently work on a model regulatory income statement in the same way that they're doing the batteries laws. All parties are due to come back early next year on that. So we are certainly working right now on what the shape and nature of a photovoltaic stewardship scheme could look like.

Senator WHISH-WILSON: Obviously, the committee looked at Minister Sharpe's regulation that she wrote and offered to all the other states, including the Commonwealth government, I may add, if you want to adopt it. But there are potentially going to be more different state schemes in different areas of waste. When you say 'New South Wales is working on it', is that for adoption by a federal government, or is this going to be a hotch-potch of state schemes like we see with container deposits and other things?

Mr Tregurtha: The outcome of the energy and climate ministers' consideration was to develop options for a national product stewardship scheme for solar photovoltaics. That goes to exactly to that point around having a national scheme.

Senator WHISH-WILSON: Just ask quickly on batteries, is there any move for a national scheme? I know the senator was asking earlier about big lithium batteries, but these are massive problems, as you know.

Mr Tregurtha: As Mr Knudson indicated, the pathway forward on batteries at the moment is that environment ministers agreed in December 2024 that New South Wales would put in place model legislation, which they have put in place now, as a means for other states to effectively pick up in a way that made it consistent in terms of battery stewardship for those larger consumer batteries—as opposed to the small-scale batteries which I indicated B-cycle already had a voluntary stewardship program in place for.

Senator WHISH-WILSON: Could you just take on notice, then, whether there are any kind of constitutional issues for that being adopted nationally—that legislation that the New South Wales government worked on.

Mr Tregurtha: I'm happy to take that on notice.

Senator WHISH-WILSON: You probably know the answer to that already, but—

Mr Tregurtha: I wouldn't like to venture an opinion.

Senator WHISH-WILSON: Sure. Okay.

Mr Tregurtha: I'd prefer to take it on notice and give you the correct advice.

Senator WHISH-WILSON: Thank you. I'll put the other questions on notice.

CHAIR: That is very much appreciated. We excuse the officials at the table at this point and those from outcome 2.3.

Inspector-General of Water Compliance

[15:52]

CHAIR: I welcome the Inspector-General of Water Compliance and officers from your agency. If you have an opening statement, may I ask you to keep it as brief as possible, or to table it rather than speaking it, since we are running significantly behind schedule. With that, I'll turn to you.

Mr Grant: Since I've been here since 9 am, I'm happy to table my opening statement.

CHAIR: Wonderful. Thank you.

Senator CADELL: I might get good questions out of your opening statement.

Mr Grant: I'm also equally happy to provide it, but—

CHAIR: Thank you, Mr Grant. I appreciate that. If it's going to deprive Senator Cadell of questions, even better. Senator Cadell, the call is yours.

Senator CADELL: Mr Grant, I want to focus on three things: compliance, awareness and education in the Darling. At the Murray-Darling Association last week—I say without certainty—you provided some numbers, I think, there about some survey work about the lack of knowledge. Was it 72 per cent of people don't recognise they're in the basin? Even more scary, 27 per cent of licence holders don't know they're part of the basin. Can you tell me how that came about and what we're doing to try and address that?

Mr Grant: As part of our role, we are charged with the responsibility of restoring trust and confidence in the Murray-Darling Basin Plan by providing regulatory oversight inquiry functions. In order to do that, part of our work is to canvass and survey community sentiment, knowledge and understanding so we know best how to communicate with the Australian public. So we commissioned independent research through a company called ORIMA, which we've been doing for a number of years. We do a large audit biannually, and each year we do shoulder audits, when we attend field days and when we have public engagements through our field operations team.

As a result of the last ORIMA sentiment survey, we gathered those statistics that you referred to in your question. The important part of our surveying, particularly for the interest of new committee members, is that we ask questions about ourselves, because if we're holding other agencies and others to account then we should be held to the same or even a higher level of account. So contained in those survey results, which are all published on our website, are those statistics.

So, yes, probably more concerning than the 70 per cent is the 27 per cent of water licence holders who operate in the Murray-Darling Basin without an awareness that they are in the Murray-Darling Basin.

Senator CADELL: When you talk about that trust and confidence, something keeps coming through in my consultations out there is that people find there is a lack of accountability or responsibility. You're the inspector-general out there and you famously said that you'd have to be a moron to be caught by the legislation as it stood three years ago. When we see things like the ACT minister releasing 360 megalitres for a Netflix waterfall, where does that fall? Where does the accountability fall for that in the system?

Mr Grant: Can you just give me that example, sorry?

Senator CADELL: The ACT water minister—not our minister—is reported as saying that there would be a release of 360 megalitres so that a waterfall would be flowing for a shoot for a Netflix show. Where is the accountability in that? If we're talking about trust and confidence, when people are scratching for water for the environment, for productive use and for these sorts of things, what ability do you have to look into that? What compliance can you have? Are you looking into that? What happens there?

Mr Grant: I'm not aware of that particular example being examined by our office at this stage, but I'm certainly happy to follow up. But each water licence holder, and sometimes they are a government entity—the Commonwealth Environmental Water Holder is a water licence holder, for example—have an allocation that's determined not by the Commonwealth but by each of the jurisdictions, and their use of that allocation of water is within a catchment's sustainable diversion limit that runs through a year, which is a water year, which is accounted for the same as a financial year. It's the enforcement of any over-extraction of that SDL that we police. Their water management practices, if there are complaints or issues, falls into our oversight functions, potentially. But each one of those issues has to be assessed to ensure there's an evidence base for us to utilise the functions we're given under the Water Act 2007 and whether it's appropriate for us and/or a basin jurisdiction to take the lead in any investigation, audit or any work that's needed.

Senator CADELL: Okay. You spoke about SDL compliance. Your report has just come out recently. At the time of the assessment, your statement says:

New South Wales data could not be assessed due to water resource plan status.

Your report indicates approximately 6,000 gigalitres cannot be accounted for. Is that accurate?

Mr Grant: Yes.

Senator CADELL: What effect does that have on the entire system? That's, what, 12 Sydney Harbours of water.

Mr Grant: It's a significant quantum of water. I recently spoke with the CEO of the MDBA and a senior official from his office in relation to some of my concerns about SDL compliance. The actual SDL compliance is done by the MDBA, and if there's any noncompliance that's the enforcement role that we then take on under the act. However, in terms of some of the reporting, I see there are opportunities for significant improvement in transparency and about accountability with that transparency. I've made those views known to the CEO. He's been very receptive to that. He's a good operator and he understands where my concerns are.

My concerns are the concerns the community has. I'm a representative for ensuring that they can see what they need to see, that they have that trust and confidence and that they've got surety and assurance that I'm there to hold people to account if there's any noncompliance. The No. 1 value set of our office is to ensure it's lawful. The second is to ensure everything's transparent. If we've identified issues, can we make it better—if necessary, with any of the powers? Where there is a failure to properly manage this precious resource, we get them to do it better, essentially. On that premise, that's why I've recently established an SDL advisory panel, which the Water Act allows me to do. That advisory panel is currently being formed. I've appointed the chair. And, I'm sorry, the chair is—

Mr Gilbert: Tony Slatcher.

Senator CADELL: Sorry, last name?

Mr Gilbert: Tony Slatcher.

Mr Grant: I didn't say that. I didn't want to mispronounce his surname! We'll be shortly putting the whole panel together, whose remit will be to advise me about the tenacity, merit and authenticity of the framework of the SDL compliance—how it's built, how it's measured—so that I can then, independently, give the Australian public the surety that that's the best way for water take to, from an SDL perspective, be managed and modelled into the future.

Mr Gilbert: I'll just add to that. There are 11 water resource plans that will have had a full year of accreditation, and, from next year, there will be a significant additional volume of water that will be accounted for under the SDL framework.

Mr Grant: We can always look at the problems and the negatives in relation to issues around the Murray-Darling Basin Plan. There have now been 13 years of potential examples, but there are a lot of good things that have been done as well.

I think it's important to note that when we started in this role there were zero accredited water resource plans in New South Wales. At this stage, out of the 20 there are now 15 that are accredited—there were 16, and one is being remade currently. Of the four outstanding, two are groundwater and two are surface water in the Gwydir and Namoi. I can confirm that both the MDBA and the New South Wales government are working tirelessly to complete those plans in order to have them accredited by the federal minister. The difficulty they're having is—there's one element left—the Indigenous consultation on those plans. Right at the point where the plans were about to be sent up for accreditation, the leadership of the Indigenous nations in those catchments changed, and the local community wanted to start again in that process. There have been some delays in that, and I've seen—if I can use a vernacular term—the New South Wales government bust a gut to try and make that happen. I have offered to intervene and try and help as well, which I have done. I have met with the local Indigenous group and I've found that process to be extraordinarily difficult. So I have some sympathy for why those remaining four haven't been quite completed, but I'm not satisfied, and I'm frustrated by it. The quicker they are accredited, the quicker we get a proper, full picture of the water taken across the entire basin.

Senator CADELL: Staying on SDLs for a bit, there's a phrase from your report: 'The IGWC has established an active monitoring process to identify SDL resource units that may be at risk of noncompliance before it occurs. These units are monitored against thresholds and placed on a watchlist for further scrutiny.' How does that work? How many are on the watchlist?

Mr Grant: That's a great question. I will give you a generalised answer, but I'll provide you an on-notice answer so you've got a full technical explanation for a very important question. With everything that we do, when we do the work and find issues where there are variances in potential compliance or risk, we work off a risk base: what problem are we trying to solve, and where's the highest risk? That's where our effort and focus go to. When you do SDL accounting and the water take is at a level, there are allowances—

Mr Gilbert: Compliance thresholds.

Mr Grant: Compliance threshold is the technical term. When they're hitting those marks or getting close, they basically hit an internal document for us that we call a watchlist, which we monitor. It's a cumulative balance as well; it's not just one year. That's where we pay extra attention when we're reviewing and looking at whether there is any growth in use in that particular catchment and what measurements are being used by the MDBA in their accounting processes and that sort of stuff. In relation to that, I think the final part of your question was: how many are there?

Senator CADELL: Yes—how many are on the watchlist?

Mr Grant: It's changed from the last accounting year, which is another issue I spoke to Mr McConville about. There were three that were of concern to me; there are now two.

Senator CADELL: When you talk about the modelling, the actual take and the compliance stuff, how does 6,000 gigalitres not accounted for affect the modelling? How does that affect the risk profile? Twelve Sydney Harbours seems like a lot of water. It's got to have a big effect.

Mr Grant: The risk relates to the lack of legislation that exists because the water resource plans aren't accredited so that something can be done about it. It doesn't mean that there aren't administrative arrangements between the MDBA and the jurisdictions that are still measuring and reporting that take, but it doesn't have any enforceability. It's got no provenance. I have less concern that there's industrial level water theft going on to that scale out there, but we cannot, with the legislation and powers we have, give the assurance that is required to the Australian public that that level of water take isn't at risk. Tim, is there anything else you want to add?

Mr Gilbert: It's linked to the accreditation of the water resource plans. The sooner they come online, the sooner we will have full oversight and enforcement powers to do with sustainable diversion limits.

Senator CADELL: This comes back to the trust and confidence issue that you raised earlier. When you're looking at the modelling where we've effectively had a number of areas where 'allowed' is 'actual take' in the modelling. They're not monitoring these things. They're ticking them off. They're the same figure. 'Allowed' and 'actual take' are coming in as the same figure. Is that a weakness that comes out when they're not measuring effectively and they're just marking off the same number?

Mr Grant: It's a risk.

Senator CADELL: It's a risk, not a weakness. Do you think that's a risk to compliance or a risk to trust, or both?

Mr Grant: Both.

Mr Gilbert: It's a risk to accuracy of the data in total. The more that can be actually measured, the better. That's why we also had the metering report card to try and drive high levels of metering across the basin.

Senator CADELL: You mentioned there that your powers—you're under review at the moment, your agency or your powers?

Mr Grant: The statutory review—we've had an independent review of our functions by Mr Peter Harris. They made recommendations there, and, as a result of that, we got a significant budget uplift from the government, which gave us the capacity to do our inquiry work and a lot more of our engagement work. It's proved very helpful, but the statutory review is currently being scoped up for terms of reference and all that, and we've been well engaged by the department. We appreciate the opportunity to contribute to that, and we very much look forward to contributing to the review.

Senator CADELL: Free dorothy dixer before I have to pass it on to the minister sitting next to you and the department behind you: are there areas of authority or ability that you would like to be able to expand to give greater trust and confidence in the MDBA?

Mr Grant: Yes. There will be recommendations or asks that we will have in our review—there are many—and that they're this important or this important. There's a different scale of importance, but by way of theme is probably the best way to answer it in this forum, and obviously our submission will go forward. We would like some consistency with the legislative settings that other inspectors-general have in and around the inquiry space. Other inspectors-general, of which there are seven in the Commonwealth, I'm the only one that's a regulator and an oversight body. The rest are only oversight. They have the ability under their legislation to delegate inquiries to other persons to conduct on their behalf. I don't have that. I have to conduct every inquiry myself in person—the whole lot. I'm happy to do that, other than that there are a lot of things I would like to inquire into, and I could get more done if I had that ability. That's one example. Tim?

Mr Gilbert: The Harris review from 2024 has a number of recommendations. The government made a response to that and agreed in principle to eight of those recommendations, and three were noted. The three that were noted were largely saying that they would require a water act review or would be addressed through other reviews like the Basin Plan Review. They entailed things like securing the Inspector-General's independence through a separate budget line item, for example; expanding the powers, one of which is in relation to inquiry, which the Inspector-General's just outlined; expanding our audit powers—not just assessing the extent of compliance but assessing performance against legislative instruments; and also adding new intergovernmental agreements under the oversight of the Inspector-General.

Mr Grant: I'll elaborate on that for you. There are currently nine intergovernmental agreements that come under the legislation that I'm able to oversight. However, there are many more that are relevant to the implementation of the Basin Plan. As the deputy inspector raised, these were identified in the Harris review but also by the Productivity Commission, who identified the same issues in their review of the implementation of the Murray-Darling Basin Plan. Both have recommended that the Australian government adopt regulation to add relevant agreements to my jurisdiction, thereby allowing me to have broader and consistent oversight. This hasn't occurred as yet, which we hope will be picked up in the review. This means there are gaps and inconsistencies in my ability of overseeing intergovernmental agreements. My research estimates these relate to approximately \$2.8 billion of expenditure that has no oversight, of which I think, given the oversight I have on other significant spends of money in the IGA, I should have across the outstanding IGAs for that \$2.8 billion of expenditure.

Senator CADELL: I note the time, Chair. I've got more, but if other people do—

CHAIR: Thank you, Senator Cadell. I'll share the call with Senator Hanson-Young.

Senator HANSON-YOUNG: Mr Grant, thanks for being here today and for your opening statement. I'm looking forward to the first commissioned report being handed down. You say in your statement here that that hasn't gone to minister as yet but will shortly.

Mr Grant: Yes, I'm currently writing it at the moment. Being our first inquiry, you learn a lot of lessons. We have a lot of constitutional legislation to navigate. We have a lot of responsibilities on us to ensure that legal term of getting the right people to have a look and come back—fairness.

Senator Watt: Yes, procedural fairness.

Mr Grant: Procedural fairness—sorry, I'm not a lawyer. As our first inquiry, I think it's incumbent on me to make sure that (a) it is extremely helpful—that it has the impact it needs to have—so I want to make sure it's really good and really right. What I've learnt through the inquiry not only relates to just the Northern Basin Toolkit; there are lessons, I think, that we've learnt and will be helpful for government across the remainder of the Basin Plan implementation. I would have liked to have had it out a little bit earlier, but I'd rather get it right than rush it. My expectation is that, according with the act, I'll provide that to the minister before year's end.

Senator HANSON-YOUNG: Have you been consulted in relation to the WESA report that's meant to be due?

Mr Grant: Yes, we have.

Senator HANSON-YOUNG: My understanding is that that's meant to be out this month. Is that your understanding?

Mr Grant: That's my understanding, yes.

Senator HANSON-YOUNG: Well, we can ask the department that. Minister, have you seen a copy of that yet?

Senator Watt: I don't think so, and I've forgotten the timeframe for that, but we've got the water section generally on soon, so they'll be able to answer that.

Senator HANSON-YOUNG: Maybe they can take some notes back there and be ready. What was the level of your consultation with them in relation to the WESA report, Mr Grant?

Mr Grant: It's my office, not me personally and directly. But, yes, my office had several conversations and provided information. They sought some clarification. Metering, I think, was a big part of that that they reached out to us on. Tim, can you elaborate any further?

Mr Gilbert: Yes. We were asked for a review on the progress of metering, basically.

Senator HANSON-YOUNG: The implementation of metering?

Mr Gilbert: Yes, which we've provided to that review.

Senator HANSON-YOUNG: What is the progress of metering?

Mr Gilbert: Well—

Mr Grant: Just before you start, our latest report has just been released. It's on our website. That will give you a breakdown state by state—

Senator HANSON-YOUNG: A breakdown of it.

Mr Grant: so you can interrogate that heavily. But the caveat is that there's a lag in information, so it's nearly 12 months old. In this latest metering report card, it's the first time we're measuring flood-plain harvesting or overland flow take. The data is really immature and doesn't look great in the card, because there is not much of it, because it's only a new reform, but next year's metering report card will give you a much better, accurate story about how far they're behind or how much progress has been made in that space. Tim?

Mr Gilbert: The data we have at this point indicates New South Wales at about 80.7 per cent of the volume of licensed take in the basin as metered, Queensland at 68 per cent, Victoria at over 98 per cent, South Australia at over 99 per cent and the ACT at 100 per cent. In terms of flood plain harvesting licensing, 76 per cent of flood plain harvesting take is licensed in New South Wales. In Queensland it is 47 per cent.

Senator HANSON-YOUNG: So less than half of flood plain harvesting is metered in Queensland?

Mr Grant: Yes. However, as is written in my opening address—and I apologise; I don't have the notes in front of me—in August this year, Queensland contacted me to inform me that their WEN legislation and funding packages passed through. The two major areas there, the Moonie and the Border Rivers, are now fully licensed and regulated with a metering regime. That, I think, will significantly increase and improve, and I congratulate Queensland on that outcome. It's been a long time coming, but it has arrived and it's now done.

Senator HANSON-YOUNG: So you'd hope that next year's report will show that that's—

Mr Grant: There will be a massive uplift, is my expectation.

Senator HANSON-YOUNG: Mr Gilbert, what did you say New South Wales was for flood plain harvesting?

Mr Gilbert: Seventy-six per cent of flood plain harvesting take is licensed.

Mr Grant: That's licensed; that's different to metered.

Senator HANSON-YOUNG: That's licensed.

Mr Grant: Yes. But the rule is 'no meter, no take'. So they're licensed but not necessarily metered, but no meter, no take.

Senator HANSON-YOUNG: So you're saying that that 76 per cent of licensed take—

Mr Grant: Licence to take.

Senator HANSON-YOUNG: Licence to take.

Mr Grant: Allowed to take only if metered.

Senator HANSON-YOUNG: And what percentage of that 76 are metered?

Mr Gilbert: My understanding from our own report is that, in New South Wales, 23.8 per cent of storages are currently metered.

Senator HANSON-YOUNG: 23.8 per cent?

Mr Gilbert: As of the report card for 2023-24. In Queensland, 26 per cent of the flood plain harvesting or overland flow harvesting entitlement is metered.

Senator HANSON-YOUNG: Wow. So there's—

CHAIR: Sorry to interrupt you. We're due to go to our break at the moment. I can come to you immediately afterwards.

Senator HANSON-YOUNG: Could I just have two more seconds to finish this? Then we can move on to another line of questioning.

CHAIR: Sure.

Senator HANSON-YOUNG: Just to be clear, 76 per cent of New South Wales is licensed, but only 23.8 per cent of that is actually metered. So, even though they've got a licence, we don't actually know how much they're taking?

Mr Grant: They're not allowed to take unless they're metered. So if they take without a meter—

Senator HANSON-YOUNG: But are they taking?

Mr Grant: That's a question for NRAR, who are the state regulators. I'm aware of some investigations et cetera in relation to that issue.

Senator HANSON-YOUNG: Do you suspect that water is being taken that's unmetered, Mr Grant?

Mr Grant: Yes.

Senator HANSON-YOUNG: We might have to come back. Thanks, Chair.

CHAIR: Thank you very much. We will briefly suspend for our afternoon tea break.

Proceedings suspended from 16:18 to 16:35

CHAIR: We return with the Inspector-General of Water Compliance. I give the call to Senator Hanson-Young.

Senator HANSON-YOUNG: Mr Grant, we'll pick up where we were. It's your informed view that there is water being taken that's not being metered in New South Wales?

Mr Grant: Correct.

Senator HANSON-YOUNG: Do you have any sense of how widespread this is?

Mr Grant: I don't, but I don't suspect it is a big, widespread issue. I think there are some bad actors out there, and I have confidence in the state regulatory body, NRAR, Natural Resources Access Regulator, in also being acutely aware of who they are and the systems they have in place to detect them and hold them to account.

Senator HANSON-YOUNG: What about in Queensland? Do you suspect that water is being taken that's not being metered?

Mr Grant: Yes. I am less informed there other than that I am aware of two prosecutions. Could I take that question on notice to give you precise information?

Senator HANSON-YOUNG: Happy for you to take that.

Mr Grant: There have been a couple of prosecutions by the Queensland regulators.

Senator HANSON-YOUNG: Yes, and there was one quite significant one not long ago. What about in Victoria? Have you got the same concerns about whether there's licensing, whether meters are implemented or not and whether water is being taken unmetered?

Mr Grant: I've got greater confidence in the maturity of the metering regime in Victoria.

Senator HANSON-YOUNG: Of both floodplain harvesting and—there's not much floodplain harvesting in Victoria, is there?

Mr Grant: No, she's alps, and it flows—it's a lot smaller in scale, and it's a different geography.

Senator HANSON-YOUNG: So the metering is direct take from the river system?

Mr Grant: The metering regime in Victoria is different to everywhere else. There are essentially state owned meters that were rolled out et cetera, which is very different to other jurisdictions. They have greater control right from the outset. Each of the jurisdictions is at a different level of progress, different level of maturity or sophistication in metering, and has different elements of it, whether it's coverage, whether it's complying with AS4747—the Australian standard for metering—and/or whether the telemetry component of the metering is there as well. Each of the jurisdictions is at different levels of maturity or progress there.

That's all contained in a thing called the compliance compact. The compliance compact is an agreement and set of objectives and targets that the Prime Minister of the day and each of the premiers and first ministers signed to say this would be their target across the whole series of measures, and metering is the highlight one. The compact is under review by us, so we'll also be able to give you a scorecard of how they've gone on all those obligations they set to undertake; none were imposed on them—all self-generated obligations.

In addition, to your question about where the states are sitting on their compliance, we publish that data on our website. I apologise; we've got that many titles and terms and frameworks in our organisation that I get confused, but, on our website, we publish the compliance performance reporting, which the states provide to us. On our website, you can go in and see how many PINs, which are penalty infringement notices; how many charges; how many civil actions; and all of those things. For each of the jurisdictions, it's reported in that drop-down box on our website, igwc.gov.au.

Senator HANSON-YOUNG: In your opening statement, you made a point that the running of your office of the inspector-general is dependent on administrative support connected to the department—that you're reliant. Is that for administrative support? I'm trying to understand what you were getting at there.

Mr Grant: Everyone that works for me is an APS DCCEEW employee—so they're essentially seconded from the secretary, who provides that EFT to me. They report to me through each of my line managers. I've got a SES 2 as a deputy and an executive of SES 1s; Mr Gilbert is one of those. We work across four branches in our organisation—a regulatory branch, an oversight branch, a governance branch and a legal branch—and they are supported by the DCCEEW payroll. The EBA from DCCEEW has examples—the departmental policies on travel, WHS and those sorts of things.

Senator HANSON-YOUNG: Have there been any issues where you've felt your direction wasn't able to be followed?

Mr Grant: I've had frustrations with the department, absolutely. I've been very vocal about it. I think we had a pretty poor relationship for a period of time. The former secretary, David Fredericks, and I got on well. When I had issues, I would raise them with him and he would address them to my satisfaction. In the main, we still have teething issues on certain things that the department requires us to do, but that doesn't impact on us operationally and our independence; it's just the frustration and the impact on our staff.

Since the new secretary arrived, I have met with him a couple of times. We had a long conversation—I can't remember the exact date—where I was very forefront about my frustrations that I've held. I'm really happy that there's been a leadership change and that there are a fair few new faces there, and each new leader in the parts of the department I liaise with has instilled me with greater confidence that we've got some better outcomes on the horizon that we may have been frustrated by in the past.

Senator HANSON-YOUNG: Do you think those frustrations have held back your ability to do your job in the past?

Mr Grant: Nothing stops me from doing my job. They might have given me the shits, but I've just got on with it and found a way around them—sorry for the vernacular.

Senator Watt: It's a technical term.

Mr Grant: It's a technical term; my apologies to the transcribers. As with any leader of a team or organisation, when you don't get support the way you think you should be getting it, you get frustrated. I've had frustrations but I just deal with them and move on.

Senator HANSON-YOUNG: But they haven't impeded your ability to do the job and be the inspector-general that you need to be?

Mr Grant: No, they have not. Had that occurred, you would have seen me on the front page of the *Daily Telegraph*, the *Canberra Times* or wherever.

Mr Gilbert: Where issues have arisen, they've been dealt with on an issue-by-issue basis—whether it be budget, recruitment, control of website and so on. We want to deal with it systemically so we don't have to re-prosecute the case every time there's a new secretary or deputy secretary. We're looking to work with the department to establish a memorandum of understanding that deals with those administrative aspects to recognise the independence of the inspector-general.

Senator HANSON-YOUNG: Is there a framework by which you could have more independence with that administration outside the department?

Mr Grant: That was the key focus of the Harris review. We've had discussions, and some initial work has been undertaken with us and the department, scoping out what is possible in that area, and that work is ongoing. I think some of that will also be fed into the review. There are pros and cons in relation to complete independence sitting over here. In reality, there are lots of things that would possibly distract me more from my work; I'd have to run my own payrolls, HR and everything the department provides.

Senator HANSON-YOUNG: I know you're a slim operation, but—

Mr Grant: The little engine that could!

Senator HANSON-YOUNG: I'm keen to understand what parts of the administration you believe could be done separately to ensure more independence and perceived independence. The reason I'm asking this is the inspector-general position is important, and it's only going to become more important the less rainfall there is, frankly. It's all sunshine and rainbows when there's plenty of rain, and then when the drought hits again is when people perhaps start bending the rules a bit. I'm interested in that, but I'm also interested because the government is proposing an EPA and I want to make sure we don't fall into the same pitfalls.

Mr Grant: We'd been canvassed in relation to the EPA during the last term of government. We're a travelling organisation; we cover a million square kilometres. I have officers and staff all over the basin. Our ability to move around to do our job—we turn up in a town with a booking accommodation arrangement through the whole-of-government contractor service. If we turn up and don't have a room, that presents risks to my staff, which I won't accept, and I blow a gasket when that happens; I'm sure the acting deputy secretary can confirm that! Our ability to make our own travel arrangements—I'm happy to get audited to make sure we're compliant with the relevant financial act.

Senator HANSON-YOUNG: And you still front up to Senate estimates.

Mr Grant: Yes, absolutely. Some flexibility and potential secretary allowances for us to operate in a few areas, and our media component—we've struggled to get control of what we put up on our website from a communication point of view. It's not that they stop the content from going up; it's about the timeliness of it and things like that.

Senator HANSON-YOUNG: Sometimes that's the most political—the timeliness of these things.

Mr Grant: Timeliness is probably ineffectiveness. I turned up to Bordertown recently, where two of my staff were in the same facility I was booked into, and my room didn't come through—which is fine; I'll go and sleep in the car in minus-2-degree weather, because there's not much accommodation in Bordertown. I found a pub room, and it was great—no urinal, no toilets and shared showers. That's all fine for me, but I won't allow my staff to work in those conditions without blowing up. There are those sorts of things that are frustrating but don't impact on us doing our job. We're working at the moment on a constructive MOU with the department to overcome some of those things, and they've been very engaging; they wouldn't entertain the idea previously. That's been led by my acting deputy inspector here. We're hoping to get those frustrations overcome in that document and that framework, and that could be a lesson for future agencies as a way forward, if that's helpful.

Senator HANSON-YOUNG: I might put some other questions on notice. Thank you.

CHAIR: Senator Cadell.

Senator CADELL: Going back to the SDL compliance report, your report notes there is no defined pathway or timeline for some modelled components such as floodplain harvesting on a measured take. Given all the SDL compliance relates to credible measurement, does not having that timeline set down pose another risk to going forward and transitioning?

Mr Gilbert: Yes.

Senator CADELL: Given the whole system only works when everything is working—we've had to have 'restore our rivers' to extend, and I can't wait for the Northern Basin Toolkit to come out and look at some of these

problems because even that would have been affected by not having all the data. It is the 'rubbish in, rubbish out' principle. Everything on the health of the system is impacted by 6,000 gigalitres not being there, not metering these things and states going slow. When does slow compliance become noncompliance?

Mr Grant: That's a good question. It's a bit like 'justice delayed is justice denied'. The MDBA are in a far better position to talk about this than I am, but there is some comfort in the fact that, as I referred to earlier, there have been administrative arrangements to still measure the take—although they haven't been legally binding in any way and there's been no real accountability attached to that. It's not like they're operating in a complete vacuum; there are 'eyes on', but it's 'eyes on' without any powers or ability to rectify or hold people to account. The risk and concern are there; the actuality of that risk eventuating is probably less so, but it doesn't lessen the concern, if that makes sense.

Senator CADELL: What happens when a SDL is declared noncompliant? What's the process? What happens?

Mr Grant: I've got a framework on how I deal with that. It depends. That's a hypothetical question in some regards, as it depends on the level of breach or noncompliance—so there's an escalating triage of what I can do but ultimately it makes good provisions. We'll send you a copy of our framework, if you like. That will certainly help. I've got a whole team dedicated to this.

Senator CADELL: Senator Hanson-Young asked questions on the Northern Basin Toolkit. I know we're waiting for a report before the end of the year; I'm going to try to find out what happened to Harry Potter in the end before the book is released, so I'm happy if you can't take all these questions! Two lots of numbers: I was told the Northern Basin Toolkit was \$180 million.

Mr Grant: \$163.7 million.

Senator CADELL: What's the discrepancy?

Mr Grant: Some of the original money out of the \$180 million was spent on the establishment of the Northern Basin Commissioner, which was the role that predated me; it was held by Mick Keelty. There was money from that allocated to Wilcannia Weir, and there was a third tranche—another little bit of money that, from memory, was allocated for some programs. I can get you the precise details. But, in all, it's \$163.7 million for the actual toolkit.

Senator CADELL: Do you think there's any credible possibility that all measures will be finished by 31 December 2026?

Mr Grant: If I'm being honest, no.

Senator CADELL: Here is a good place to be honest!

Mr Grant: Yes. I'm always hopeful and always ready to help achieve that goal, but there are legitimate issues that are outside of some control. To install a metre isn't as simple as it sounds. You need a duly qualified person, a DQP, who comes and installs it, and they are in short supply. There's an industry issue about being able to get them to come out and not only install the metre but also calibrate it; I think that is the proper terminology. There was some industry intelligence we received about the actual supply of metres and whether they were available. We debunked that a little bit; we thought there was enough supply there but that was certainly a mindset that was out there, and people weren't rushing to get them because they thought they were hard to get. There are some outlying issues that have impacted on the metering coverage component of things. Some are legitimate; when things flood, that adds time delays to access areas and stuff like that. There are certain legitimate issues that can contribute to delays but the greatest delays are attributable to poor policy design and unrealistic timeframes.

Senator CADELL: Do you think it will actually deliver environmental equivalence of 70 gigalitres?

Mr Grant: No.

Senator CADELL: We've talked about that accountability and responsibility. Who is ultimately responsible for ensuring the six toolkit measures are delivered?

Mr Grant: That's a wonderful question which I address in massive detail in my report.

Senator CADELL: Can't wait to read it. Thank you very much.

CHAIR: With that, we will release the Inspector-General of Water Compliance. Thank you very much for your evidence today and your attendance.

Mr Grant: Thanks for the invitation. It's always lovely to be here, genuinely. And, once again, I apologise for my language.

Department of Climate Change, Energy, the Environment and Water

[16:53]

CHAIR: I now call officers from the department in relation to outcome 4: improve the health of rivers and wetlands and enhance the sustainable, efficient and productive use of Australia's water resources. We'll initially go to 4.1: protect, restore and sustainably manage Australia's water resources, including the Commonwealth Environmental Water Holder and the Murray-Darling Basin Authority. I welcome everyone to the table. You will have heard me say this already today, but if there is an ability to table and dispense with opening statements that would be very much appreciated by the chair. If you are compelled to make an opening statement, I ask that you make it as brief as possible.

Mr Sullivan: I've got nothing to say.

Mr Dadswell: I've got nothing to say.

Mr Southwell: Nothing to say.

Dr Banks: I don't have an opening statement.

Mr McConville: I do not have an opening statement.

Senator Watt: We deliver!

CHAIR: Thank you. I express my appreciation once again for that wonderful brevity. Senator Hanson-Young.

Senator HANSON-YOUNG: When is the WESA report going to be published?

Mr Dadswell: The third independent review of the Water for the Environment Special Account was an item that was put forward as part of the restoring our rivers bill in 2023. It builds on the previous two independent reports. Work on that report started in about the middle of this year, and the report was provided to the minister on 30 September.

Senator HANSON-YOUNG: So last week?

Mr Dadswell: Yes. The minister has up to 15 sitting days to table that report.

Senator HANSON-YOUNG: Minister, do we expect to see this when the Senate resumes?

Senator Watt: I'm not going to make any guarantee. Obviously, we'll meet the timeframes that are required. Since you asked about this earlier, my office also advised that it was provided to our office last week. I dare say I'll be having a look at it once we get through estimates.

Mr Sullivan: It's important to note that, while it's been provided to the minister, we haven't had a chance to brief the minister in detail. So we've got to go through that process. It's not as though there's a recommendation saying, 'Please get it out now.' We're working through that as well.

Senator HANSON-YOUNG: But you say you will endeavour to brief the minister over the next week or so.

Mr Sullivan: Yes.

Senator HANSON-YOUNG: Is there anybody else who gets briefed on the WESA report before it's tabled, aside from the minister? Does the inspector-general get it? Does Dr Banks here get it?

Mr Dadswell: Not that I'm aware of. The report is for the minister.

Senator HANSON-YOUNG: Dr Banks, have you seen any parts of this report?

Dr Banks: No, I haven't seen the report. I have met with the WESA panel as part of their process.

Senator HANSON-YOUNG: Mr Dadswell, just for the record's sake, can you tell us who those individuals on that WESA panel are?

Mr Dadswell: The panel was chaired by Mr Simon Lewis; he also chaired the second review panel. The panel consisted of Simon, Ms Sally Farrier, Ms Merran Kelsall and Dr Deborah Peterson.

Senator HANSON-YOUNG: Has the MDBA been briefed on the WESA report?

Mr McConville: No, we haven't been briefed. We did have a meeting with the panel as part of the consultation process.

Senator HANSON-YOUNG: Were you asked to provide any documents?

Mr McConville: Nothing out of the ordinary. I'd have to come back to you with exactly what we provided. We had a session with the panel of some 90 minutes in length.

Senator HANSON-YOUNG: Where is the review of the current plan up to? We're pushing up against the clock, aren't we?

Mr McConville: As in the Basin Plan review?

Senator HANSON-YOUNG: Yes.

Mr McConville: I wouldn't say we're pushing up against the clock. The Basin Plan review has to be delivered in 2026, and it will be delivered in that timeframe. In the lead-up to that, there have been a series of inputs that have been released. The Basin Plan evaluation and the Basin Plan outlook will be released at around the end of October. We will release a discussion paper as part of the consultation process at around the end of January. That will then commence a 12-week consultation process, which is required under legislation. Then we'll look to deliver the review towards the last quarter of 2026. That is in accordance with the timeframe set down by legislation.

Senator HANSON-YOUNG: Can you just remind me what the official timeframe is? Is it by December 2026?

Mr McConville: That is correct.

Senator HANSON-YOUNG: So it's sometime in the next 12 months.

Mr McConville: Yes. We are required legislatively to deliver it by the end of 2026.

Senator HANSON-YOUNG: And then reconciliation.

Mr McConville: As in the SDLAM reconciliation?

Senator HANSON-YOUNG: Yes.

Mr McConville: I might get Mr Goodes to talk to that.

Mr Goodes: The authority's required to conduct a reconciliation of the SDL adjustment mechanism and to provide its output, in the form of an amendment to the Basin Plan's SDLs, to the minister by the end of the calendar year 2026. That date was extended at the end of 2023.

Senator HANSON-YOUNG: How far down the path are you to being able to understand where that will fall by the end of next year? You must be monitoring it constantly.

Mr McConville: The process under the legislation is very prescriptive in terms of what we have to do. We will release the report at the end of this year. That will be our last river assessment before we release the reconciliation. We've previously released two of those.

Senator HANSON-YOUNG: Is this the outlook report?

Mr McConville: No. When we look at the SDLs, we publish an assessment report—as in, where we are up to with progress. Senator, you may recall that previously we've been on record as suggesting that there would be a shortfall of between 190 and 315 gigalitres. That will be updated. We'll release that by the end of this year, and then, as Mr Goodes said, we are required after June next year to conduct a reconciliation which has to be completed by the end of December. These timeframes have tended to be conflated with the extension of some of the time under the restoring our rivers bill. There's a bit of a rush at the end of 2026 with the completion of these various component parts.

Senator HANSON-YOUNG: Dr Banks, what is the role of the Commonwealth Environmental Water Holder in all of this, given that the main objective of this whole plan is to make sure you've got enough water to water the environment?

Dr Banks: My role is to manage the Commonwealth environmental water holdings.

Senator HANSON-YOUNG: How much water do we have?

Dr Banks: Our holdings are just over 3,000 gigalitres of entitlement, which goes to the long-term diversion limit equivalent of just over 2,000 gigalitres.

Senator HANSON-YOUNG: What about the extra 450 gigalitres that's required to keep the lower stretches of the Murray healthy?

Dr Banks: Every year we go through a process of planning for our environmental water use. With the entitlements that we have in our holdings, we're entitled to a share of the water wherever we've got entitlements. We go through a careful process of planning for the year ahead. As we go through the year, we consider the conditions that are unfolding and then make decisions around the use of environmental water.

The other thing is that we've had a science program that's been going on for over 10 years. We've got really good evidence now that shows the outcomes or results we can get from the use of environmental water, and that includes in the Coorong. There was a period—I think it was three years out of a seven-year period—where 100

per cent of Commonwealth water was required to operate the barrages. That's about reducing or contributing to a reduction in salinity in the Coorong.

We know from our environmental water use, for example, that we can get native fish to move, spawn and recruit. That's another piece of evidence that has come from our science program. Previously I provided evidence to the committee around a really good example, which is the southern bell frog. This is a nationally vulnerable species. Through environmental water use, we have been able to have that species return to areas that it occupied prior to the millennium drought. Obviously, natural flows played an important part of that, but it's what we do in those intervening periods which really shows that we can achieve a lot.

The other example is when waterbirds congregate and breed. Environmental water has played a key role in sustaining water levels to ensure that those bird-breeding activities come to completion. The reason that's important, when you have a regulated river, is that once a flood passes they'll move to conservation of water, trying to hold water in storage to minimise losses in the system. What we can do with environmental water is support those bird-breeding events to completion and, importantly, provide wetland habitat for the fledglings to feed.

Senator HANSON-YOUNG: In relation to the MDBA, how have we gone with getting the extra 450 gegalitres?

Mr McConville: The department can talk to the task of recovering the 450. The MDBA is involved in terms of advice around the types of environmental outcomes that can be achieved from the recovery of that water and areas of the basin where environmental outcomes might still be under pressure—so looking towards that connectivity and the like—and then providing principles to inform water recovery. We've provided three sets of advice, available on our website. Our most recent advice was provided in September 2025, and that had a particular focus on benefits that can be obtained around recovery, particularly in the northern basin. The actual task of recovery is for the department, who are better informed to comment.

Senator HANSON-YOUNG: I can see the deputy secretary wants to jump in here. How much of the 450 have we recovered?

Mr Sullivan: Mr Southwell will run through that.

Mr Southwell: We're making good progress towards that. We publicly reported that, as of 30 June 2025, we'd had 157.6 gegalitres recovered towards that. Since that time, there has been further water recovered. As at the end of September, it's up to 229 gegalitres. Some of that is subject to contractual outcomes from the water purchases.

Senator HANSON-YOUNG: On notice, could you tell me where that water has been recovered from?

Mr Southwell: Absolutely. I would note, though, that we do publish. Once contracts are finalised, there is a breakdown on our website of where those water purchases have come from.

Senator HANSON-YOUNG: They all been via buybacks—yes?

Mr McConville: No. There have been volumes of water recovered towards the 450 from a mix of measures, both purchasing and non-purchasing. There are some infrastructure programs in there, as well as some previous efficiency measures.

Senator HANSON-YOUNG: On notice, could you give me the breakdown of what makes up the 229?

Mr Southwell: I can do that now.

Senator HANSON-YOUNG: Sure.

Mr Southwell: Out of 157, we had 23.3 gegalitres from the selected catchments open tender. Expressions of interest to process was 25.4 gegalitres. There were some over-recovered amounts that contributed towards the 450—that was a non-purchasing amount from the current round—of 79.6 gegalitres. As at 30 June, there was 3.2 gegalitres from the Resilient Rivers Water Infrastructure Program. Previous efficiency measures was 26 gegalitres. That should add up to 157.6. Then, to go beyond that, there are additional purchases that relate to water purchasing that have contributed to the 229.

Senator HANSON-YOUNG: They're the contracts that have yet to be completed?

Mr Southwell: That's correct. We've made offers, and those contractual processes are underway.

Senator HANSON-YOUNG: Thank you.

CHAIR: Senator Cadell.

Senator CADELL: I might start somewhere a bit different. Freedom of Information 141 was on the MDBA red book and blue book for an incoming government. Page 5 of the letter to the minister from the MDBA chair notes, 'After a period of comparative calm on the Murray Darling Water Basin, water matters as a more difficult

few years seems likely.' That was in the red book. It was not in the blue book. Why was there a difference between the two on what the comparative outlook was for water in the next few years?

Mr McConville: I don't know. I think the observation was made, and it is certainly true as we move into the process of the basin plan review, that we would expect the level of interest in the community to rise. I think that's the first point. The second point is that we're seeing more challenging conditions. We've come through a period of relatively high flows. Things are starting to dry out. Communities certainly become more stressed and challenged when it's dry. I think that's a correct reflection as interest increases. In my engagements out in the community—I spend about 50 per cent of my time out there—I am seeing that the level of engagement is still pretty good. People are certainly very invested in the process of water policy and the Basin Plan review. I think it's also fair to say that there is a high degree of fatigue in the community, and perhaps those comments reflect that level of fatigue in terms of being consulted across a range of reviews and the like. To your specific question on the difference between the book—as I say, I don't know, but that's my assessment of that commentary.

Senator CADELL: It seems odd, where we're talking about compliance—the Northern Basin Toolkit report is coming out, but we don't think we'll meet the 70-gigalitre recovery where the SDLAMs or SDLs are non-metering. We've had a CEWH—cease to pump; we've had buybacks; we've had all of that. If that's calm, what does 'not calm' look like?

Mr McConville: I think what we've seen over the last couple of years is that there's a high degree of engagement and interest from the community. Water is incredibly complex; we all know that. I think we've made significant progress. The outcomes of the Basin Plan evaluation point to a high degree of acceptance around the Basin Plan—that the Basin Plan is working. There's certainly more work to do.

In terms of the issues you raise, I'm happy to talk about things like SDL compliance and the like—water resource plans. Progress is being made. Three years ago, there wasn't a single New South Wales water resource plan accredited; there are now 15. We are seeing significant progress in achieving the outcomes of the review. Water is always going to be a contested space, and I think that goes with the territory, but, if we continue on the path of engagement that we're on, we can probably manage it reasonably well.

Senator CADELL: You mentioned there were 16—there are 15—

Mr McConville: Fifteen.

Senator CADELL: Fifteen, sorry. Let's go back to fractured rock and what happened there. Minister, your predecessor—not you; I grant that—was recently found by the Federal Court to have breached section 63(3) of the Water Act, neglecting her governmental responsibilities by not reading the fractured rock resource plan before accrediting. I note when we're talking about other things—you're yet to be briefed on WESA, and you'll do that. How did that occur? How did we endorse a plan that was not read by a minister? Did the department not brief? How did that happen?

Senator Watt: I do remember the headlines about that report saying that the former minister hadn't read the report. I think the issue was that it may not have been included in the material that was provided to her when she needed to make a decision, but, given that I wasn't there at the time, it might be best if I get the officials to comment on that.

Ms Solomon: First of all, I'd like to give a very brief outline of what the court found in the circumstance. This was the Water (Accredited Water Resource Plan—NSW Murray-Darling Basin Fractured Rock) Instrument. By consent, the court set aside Minister Plibersek's decision to accredit the plan, and the court ordered that the decision be remitted to the minister for reconsideration in accordance with the law. The court otherwise dismissed the proceedings and upheld the Murray-Darling Basin Authority's recommendation to accredit the WRP. Then, in a separate judgement, the court made confidentiality orders over a series of First Nations reports and related material which contained culturally sensitive information.

I can just say, in relation to the consent orders, consistent with the model litigant obligations, the Commonwealth made a partial concession in relation to Minister Plibersek's decision, to narrow the issues to be determined at the hearing. While the minister had extensive material before her when making that decision, including the Murray-Darling Basin Authority's detailed assessment and the relevant First Nations reports, it could not be unequivocally established on the evidence that the water resource plan was also before the minister. I can say that the water resource plans were provided to the minister's office.

Senator CADELL: My concern is, going to the Murray-Darling too—and we had the Murray-Darling authority last week. I think your agency, your deputy, was there. Mr McConville said the plan is working. I have some challenges around that. I think it's operating; you can't deny that. But, to put back projects because the timelines, SDLAMs and all these SDLs aren't—monitoring is going back. We have water-sharing plans, water

resource plans, that are six years over date and they're coming online. We're hoping these last ones are here, and I think that's not the issue of you guys. There are a lot of state issues around that.

When we talk about the fundamentality of the environment and river health, we have done nothing on carp, and I know that's a DAFF lead. How can we assess the progress of the plan when the works aren't being done or haven't been done, when the sharing plans haven't been done and when the hard work is all too hard? I spoke to a state minister who signed off on the original plan, and their quote was: 'Of course I signed up. I never thought I'd have to do any of it.' The tagline for the Murray-Darling Basin Plan should be 'the buck stops elsewhere'. When there is no responsibility, how do we check the basics of river health and productive use? What's the way forward?

Mr McConville: Almost 2,100 gigalitres of water have been recovered and are now available to the environment, so about 20 per cent of all flows are now available to the environment. What we've seen—and the evaluation that was recently completed attested to this; it was a five-year research project—is that, when we see water getting up onto the flood plain, it delivers significant environmental benefits. We've also seen an investment of more than \$5.1 billion in improving on-farm efficiency, so we're seeing significant improvements in the efficiency with which water is used. The cotton industry is a really good example of improving efficiency, with water use 55 per cent below the global average for the cotton industry. Where connectivity can occur, as Dr Banks has mentioned, we've seen significant outcomes from bird breeding events. We've seen improvements in the health of black box and river red gums. The evaluation has found outcomes in relation to fish are less than ideal, and a lot of those aren't necessarily right at the hands of the Basin Plan—issues of infrastructure and the like that also need to be addressed.

When I'm out in the basin, very honestly, I do not speak to an individual person who says that we shouldn't have a plan for the basin, and I think that's very important. Certainly, there's more to do, and that's why we've got the opportunity now to review the plan.

One of the things you're highlighting, Senator, is, where we've had the more prescriptive elements—so water resource plans, SDLAM projects—they're the projects that have been more difficult; the outcomes have been more difficult to achieve. Where we focus on a less prescriptive, outcomes focused approach, we see delivery. I think that's important, and that's one of the learnings. We look to the opportunity of the Basin Plan review: how can we deliver a plan that actually provides more adaptive tools, if you like?

So it's not that the plan is not working. There is more work to be done, but we have seen significant outcomes achieved with what has been recovered to date. I think the opportunity and the challenge for us is to also make sure that the water that has been recovered—that 2,100-plus gigalitres of water—is being used in the best possible way and being used to give it the biggest delta that we can so that every gigalitre is being used effectively. Making sure that we've got the right rules based frameworks in place, addressing constraints where we can, integrated catchment management approaches—these are the things that the Basin Plan review will consider as we look to the review in 2026.

Mr Sullivan: We're at a critical juncture with the Basin Plan review. We've already talked about the WESA review. We've got a Water Act review. There's the SDLAM process in terms of reconciliation and a review of the inspector-general. We need to bring those all together at the same time as dealing with consultation fatigue, as well as trying to look at the positive stories that have come out of this, rather than the gaps that we've still got to go, because sometimes the ambition may have been higher than what's possible. I think we're at a really important point in terms of still trying finish off the 450 gigalitres, delivering on the Sustainable Communities Program, as well as all of these review processes, and bringing that together to give some certainty to communities. You'll also hear that from communities in the basin—about having long-term certainty. I think it's easier to point to some of the issues and problems, but that's what the review processes are there for.

At the same time, we shouldn't just glaze over the stories that Dr Banks was talking about in terms of the environmental outcomes that have been achieved and the positives that have come out of some of the MDBA's work to date. This is a tough problem. This is one of those classic, wicked problems that's not just about the Commonwealth; it's about working in a multilateral way with states. We started from a really challenging baseline some 13 years ago.

Senator CADELL: I get that and accept that, but for all of those good stories I hear about the town of Bourke, who's lost 60 per cent of their water entitlement and 40 per cent of their population. I see the town of Louth, who prayed for the last four weeks of the water year that they wouldn't have a fire, because they didn't have the water allocation to put it out with their fire hydrants. There are good stories, but there are still these challenging human need stories and these things out there. It's not a one-way street. My problem is it's not just 2,100 recovered and making sure that water is done. When I hear your less prescriptive measures, that concerns me, because the easy

things are being done. Writing a cheque to buy back water is easy. Building infrastructure, doing the hard work for the fish ladders and these things—they're the hard things that can go over budget, can have poor consultation and can put communities off side. So, if we aren't prescriptive that you've got to do the hard things, everything is 'write a cheque'. Everything is easy.

My concerns are that the things that aren't done are the things we really need to do to see whether we need to keep recovering. Going back to carp, we know there'll be negative consequences of that, but, if we can see the bottom of the river when we try it, I'll stand next to the minister—I'll write you a letter next week and I'll say, 'If we give a carp rollout and we have a try and there are some suboptimal consequences, I will stand next to you and wear that with you as shadow minister,' because we need to try something. We're scared of doing the hard.

When we go there, on these timeframes—they're all slipping out. The inspector-general's report says that the baseline diversion limits changing the goalposts erodes confidence. All of this is ganging up. We've got two. Your other phrase was 'consultation fatigue'. The last two weeks in Griffith—it's not consultation fatigue; it's being ignored fatigue. They're saying the same things and they're not seeing changes. I understand we're doing all this review. I understand we're going forward. What confidence and trust, when you heard the numbers before—72 per cent of people who live in the basin, including around this town, don't know they're in it and 27 per cent of water licence holders don't know they're part of it, for that education. You talked about engagement being good. If I'm water licence holder and I don't know, quarter to quarter, how do we get that engagement to make this better?

Mr McConville: It's about melting shoe leather. We did more than 700 one-on-one meetings with the community last year, 11 community forums and seven regional tours. We had seven Basin Community Committee meetings. It is just about continuing to get out there—there is absolutely no doubt. Can we do more? Yes, we can always do more. At the moment we've got a campaign—it's called '300 Cups of Tea'—to have 300 individual conversations between now and the end of the year to do exactly as you're saying.

Whilst those statistics to which the inspector-general referred and you just replayed can seem alarming, the key to engagement is to find those that actually have the influence in the basin. More than 2½ million people live in the basin, but what we've got to do is find those people with the greatest influence. That's why the MDBA, last year, held the Basin Leaders Summit with 135 leaders from across the basin. We're repeating that exercise next month with 225 leaders from across the basin. They're the people that are leaders in their respective communities, whether they be environmental, agricultural or from local government and the like—and use them as multipliers in order to engage. We have to adopt a range of different approaches, from the one-on-one conversation over the car bonnet to public information, which the inspector-general has mentioned he's investing heavily in, to regional community forums and the leadership forums to which I've referred. There's no one silver bullet to community engagement in the basin, but I think it's about doing all of those things to the extent that we can. That's certainly what we've been doing and increased significantly over the last three years, as we lead into the Basin Plan review.

Senator CADELL: If you're happy for me to keep going, Chair, I'll keep going. We talked about the water buybacks and those numbers around there. What contingencies are in place if the department does fall short, by 31 December 2027, on the 450?

Mr Dadswell: We're on track at the moment for 450, so I think that's probably a hypothetical question I can't answer.

Senator CADELL: Do you have a year-by-year recovery target or quarter-by-quarter recovery targets?

Mr Dadswell: Recovery is based on—we've got to be clear in terms of the water market and be careful about water market sensitivities. We will publish, in advance of any major water recovery efforts, purchasing strategies that will then indicate what the forward plans are. We publish regular updates on our website about the broad trajectory that we do see for water recovery through to 2027. I just don't have those in front of me.

Senator CADELL: If we get the 450 acquired without constraints projects, can that water actually be delivered to the floodplains and wetlands it's intended for?

Mr Dadswell: That's in regard to the 605 gigalitre offset. There certainly will be challenges to get—perhaps Mr Banks and others might be better placed to—

Senator CADELL: We're already hearing talk about flooding.

Mr Dadswell: talk about this, but that will need to be a matter that we will need to consider once we understand—those projects were given more time and given more funding to continue—the extent to which those projects have or haven't met those obligations. The Commonwealth government has funded those projects on a no-regrets basis through to the end of 2026. We'll then have an opportunity, based on the MDBA advice, to look at what remains and what is the best way to address any outstanding environmental matters there.

Senator CADELL: I'm happy to rotate.

CHAIR: I'll go to Senator McLachlan.

Senator McLACHLAN: My question is on the Coorong, Lower Lakes and Murray Mouth Research Centre, following on from my questions from last estimates. I think, when we last met in this room, we were discussing the review and where the review was at. Has it been completed now?

Dr Finn: Yes. I think you're referring to what we call the midterm review for the institute, which was a review that we set up. It was really an administrative review to have a look at the current contract and see whether there are any changes we need to make to the contract in partnership with the Goyder institute to make sure the last parts of that current contract were successful. We completed that and sent the final copy to the Goyder institute two weeks ago, I think.

Senator McLACHLAN: Is that a public document now?

Dr Finn: It was an internal document. We don't intend to publish, but I have spoken to the Goyder institute and said they're welcome to share with partners and interested parties and people who participated.

Senator McLACHLAN: What was the outcome of the review? Was it positive?

Dr Finn: Very positive. In an overall sense, I think the feeling of everyone that we interviewed as a part of that midterm review had overwhelmingly positive sentiment towards the work and particularly towards the models and the things that the Goyder had put in place to roll that out, including pretty deep community engagement and partnership with First Nations people in the region.

Senator McLACHLAN: What are the next steps now, post the review and the bid for further funding?

Dr Finn: I want to distinguish those two components, if I can. The review itself was about the current contract, and it's \$8 million over four years. We are coming to the end of that \$8 million, so this is the last financial year that the institute is funded under those arrangements. One of the things we looked at through the review—its core purpose, really—was to see whether there was anything that we needed to change within the current arrangements and current funding. Like I said, the outcomes were really positive and didn't identify anything that, at this stage, we would need to change to ensure that there's success under the current program.

Outside of that, I do know that the Goyder institute have a business case for a phase 2 of the program. That business case has been shared with us as a department, with the minister's office and with a whole range of other partners and potential funding bodies. The consideration of that will be a matter for government as a part of budget processes, but it is not something that we explicitly looked at as part of the midterm review.

Senator McLACHLAN: Can anyone else assist me on the timings of the decision around phase 2? Obviously, it probably hasn't come to the minister yet, but what are the milestones, to assist me with the next estimates and my questions?

Senator Watt: I'm trying to remember when the current funding runs out. I think it's 30 June next year.

Senator McLACHLAN: I can assist. It's 30 April 2026.

Senator Watt: Across government, there are a range of programs that have funding due to expire some time over the next 12 to 18 months and, obviously, government needs to make a decision—whether it be through the midyear review or next year's budget—on whether to extend them. There's been no decision made on this particular one. I am aware of it. It's been raised with me. I think you may have written to me.

Senator McLACHLAN: Yes, I have.

Senator Watt: And others have as well. By all means, we'll be back here in December. We may have an update for you at that point, but I'd say it's probably more likely to be next year.

Senator McLACHLAN: Mr McConville, I understand that there was the community tour, which also found its way to the research institute. I'm interested in your perspective, since I understand you were there.

Mr McConville: Yes, I was. We recently spent some time with Alec and the crew there. I think they work that they're doing is important. Certainly, I've spoken with the minister's office and shared my views on that outcome. Obviously, it's a question for government as to where the funding goes, but one of the things that the institute have done really well is community engagement across the spectrum, from interest groups and environmental groups to school groups and the like, plus their research. So it was a very positive engagement, and the work that they've been doing has been really important in that part of the world.

Senator McLACHLAN: Do I have time, or are you going to cut me off?

CHAIR: I will indicate that it would be ideal if you could come to a conclusion.

Senator McLACHLAN: I'll come to a conclusion, Minister, by revisiting my letter of support and the others. It's one of the great initiatives on the river.

Senator Watt: Thanks.

CHAIR: Senator Ruston.

Senator RUSTON: I have some questions on the algal bloom in South Australia.

Senator Watt: Depending on what the questions are, we may be able to answer them here. Otherwise, we would have needed to do them earlier. Why don't you ask them, and we'll see what we can do.

Senator RUSTON: I'm keen to understand when the first time was that the South Australian government contacted the federal government or department seeking help with the bloom in Gulf St Vincent.

Senator Watt: I think this may have been canvassed in the Senate inquiry in the last week or two, and most relevant officials have left, because they were here earlier. I think the department gave evidence last week, or whenever it was, at the Senate inquiry that they had been in contact with South Australian government officials from May. I obviously became the minister in mid-May, and it wasn't too long after that that I was having discussions with the South Australian minister as well.

Senator RUSTON: So May 2025?

Senator Watt: Yes. Well, that's all I can really talk to, because I became the minister in May.

Senator RUSTON: Apart from the \$13 million of the original announcement and the \$6.5 million in the subsequent announcement, have there been any other requests for funding or assistance from the South Australian government?

Senator Watt: I answered a few questions about this earlier today, and what I said was there are discussions under way between the federal and South Australian governments about the proposed summer plan that the South Australian government is finalising, but we have not yet received a formal funding request. But there are discussions happening about the types of things that might go in that plan and what they are likely to cost.

Senator RUSTON: Does your department have any ongoing role in the monitoring, research, response or clean-up of the bloom, or are you just providing backup to South Australia? Do we actually have any formal role in this process?

Senator Watt: Again, probably some of the officials who are no longer here would be able to give more precise answers, so I can take that on notice if you like.

Senator RUSTON: Sure.

Senator Watt: The response to this event is being led by the South Australian government, and we are funding half of that first package that was announced, with \$6½ million more on top of that. Our department officials are still in regular contact with South Australian government officials about the handling of this and the monitoring and other things like that.

Senator RUSTON: I'd be keen to understand when the last time was that the federal government had any interaction with the South Australian government about this.

Senator Watt: I can tell you my office was in contact with them again today, and quite possibly the department was as well.

Mr Kaiser: Most days.

Senator Watt: You may have seen that I was in Adelaide myself on Thursday last week. I attended the South Australian cabinet taskforce on this. So 'most days' is probably the best way to describe it.

Senator RUSTON: And does the federal government or the department have a view on what is most likely to happen in summer? When we questioned the departmental officials in South Australia, their strategy seemed to be hope, so I'm hoping you've got a better strategy than that. Do you have a view or a strategy about what is likely to happen and what that response might need to be from a federal environmental perspective?

Senator Watt: Based on the advice that I received when I was in Adelaide last week attending that task force, the South Australian government and our government are preparing for the likelihood that this bloom is going to continue through summer. No-one can predict this with any certainty. As you'll recall, the early advice to both governments was that it was likely that the bloom would dissipate over winter as a result of storms; that didn't happen. With any luck, it'll change tomorrow or the day after that, but we're all preparing for the likelihood that this will be with us for a while and through the summer. That's what the summer plan is being worked up to deal with.

CHAIR: Senator Thorpe.

Senator THORPE: My question's in relation to the 15 water resource plans, particularly those listed in appendix A. Had the department provided a copy of the water resource plans—including all annexes, schedules or attachment—to the minister's office prior to her accrediting the plans?

Mr Dadswell: It might be useful to outline the basis of what is provided to the minister for accreditation of a water resource plan. The MDBA assesses the water resource plan and provides the plan in its full entirety to the minister. We then provide a brief that includes the accreditation instrument, a summary of the assessment and MDBA's summary of the assessment of the water resource plan. We attach advice that has come from First Nations organisations and provide other background and briefing material to go with that. That's what we provide to the minister. All 15 of those WRPs were provided by the MDBA to the minister ahead of that and ahead of our briefing that then goes out.

Senator THORPE: Did that include a detailed analysis?

Mr Dadswell: Yes, there's a detailed analysis in the briefing that we do, including an assessment by the MDBA as well as by the department.

Senator THORPE: Has the department provided reports of assessments prepared by MLDRIN or any other organisations in relation to the plan's consistency with obligations under chapter 10, part 14 of the Basin Plan to the minister for water prior to her accrediting the plan?

Mr Dadswell: Yes. Again, that advice is attached to the brief that goes to the minister in accordance with chapter 10, part 14 of the Basin Plan.

Senator THORPE: Has the department undertaken any steps to confirm whether the minister had reviewed the WRP itself prior to accrediting it?

Mr Dadswell: Again, the minister is provided with a copy of the water resource plan for every water resource plan accreditation, and the brief has multiple references to the water resource plan in it.

Senator THORPE: Which of the 15 water resource plans listed in appendix A were not before the minister when she accredited them?

Mr Dadswell: Again, as I outlined at the beginning, the process is that water resource plans are provided to the minister and her office ahead of the accreditation decision.

Senator THORPE: None were left out at all?

Mr Dadswell: Again, all water resource plans are provided by the Murray-Darling Basin Authority to the minister and their office.

Senator THORPE: That's it from me then.

CHAIR: Senator Cadell.

Senator CADELL: Going back to 450 recovery and the triple bottom line that I think changed a bit, the minister's required to consider the social and economic impacts going forward. What specific modelling do we use to determine that? My concern is—I'll give you the context of it. If we look at more diversified economies like Dubbo and the bigger towns, not the smaller towns—I gave you the Bourke example—really stressing, how do we look at these things?

Senator Watt: I might ask the authority or the department to go into a bit of detail on that.

Mr McConville: When we conducted the evaluation, we looked at the social and economic consequences of the plan. The challenge is granularity of data down to that local level, but what we did find—largely by listening to lived experience—was that, in those smaller communities that were more irrigation dependent, there were negative impacts. Those impacts were also reflected more broadly across smaller, remote towns in rural and regional Australia as well, so there's a trend consistency there. But, yes, there were impacts in those smaller communities that are heavily irrigation dependent. But, with the granularity of data, we were not able to say, 'This component is the consequence of the basin plan.' What we also found was that the overall output of irrigated agriculture was probably about two per cent lower than it would have been in the absence of the Basin Plan and that the price of water does rise when the Commonwealth enters the market.

Senator CADELL: We topped 300 last week, I think, didn't we?

Mr McConville: I wouldn't know off the top of my head. So there is an impact, and the evaluation was able to determine that. This also must be viewed in the context that larger towns are more resilient. With smaller towns, trendwise we are seeing that outside of the basin as well. But, certainly, the lived experience of those

communities is that there has been an impact, and we've been very transparent in acknowledging that in the evaluation.

Senator CADELL: Please don't take this as finger-pointing, but, anecdotally, people walking off their lands, moving away or even suicides are linked to these things. Do we go back and look at the stats after we do it, to validate our modelling—that it was right on these things? Or don't we ever look back?

Mr McConville: I might get Mr Ashby to come up and talk through some of our social and economic modelling, which might help answer that in the context of how we did that for the evaluation and how we're also looking for it in terms of the outputs as well.

Mr Ashby: In the history of the Murray-Darling Basin Authority, it would be fair to say that, up until 18 months or so ago, we really focused very strongly on water resource management. The legislation was subsequently amended, so we have a much stronger focus now on social and economic impacts associated with the basin and the Basin Plan. Over the last 18 months, we've done quite a lot of work with Marsden Jacobs Associates, looking at modelling associated with the sustainable rivers audit—which is an audit we've just undertaken and is a point in time, to the present—that then fed into our evaluation report. Both of those reports are on our website, as is the report on the social and economic impact.

We've also undertaken quite a bit of work with communities to get their feedback, and we have some oral histories that you can hear online. They're excellent because they really give you a bit of colour and movement about what's been going on out there. What we've found is that the large urban centres and towns, where you've got a diversified economy, are actually travelling pretty well and there's no real discrepancy between inside and outside the basin. So Australia's regional centres are doing quite well because they have that diversified economy.

Where you have small towns that are fundamentally reliant on agriculture, we are seeing in our data—and it's available, as I said, on our website—a decrease in economic activity and also in population. They're struggling in some instances, and it's clear that, as the services move to regional centres as well, people are perhaps not as positive about where they live as other people in the basin are. It was interesting that, in a social survey that we undertook, we actually found that people were happier in the basin than outside the basin, but that varied again, depending on the town. We're also going into that space now of social research and asking people how they are feeling about where they live.

To your comments about some communities struggling—yes. You'd be aware that regional centres and small towns and agriculture are also being impacted by a whole suite of drivers at the present time. We're seeing quite dramatic change in terms of international market impacts; we're seeing modernisation and technological advancement on farms; we're getting fewer, bigger farms; we're seeing the corporatisation of farms as well. These and the cost of labour are all factors which are impacting on the agricultural fabric of the basin. So it's not simply the basin plan.

It's important to note, when the market was initiated, this became a significant asset for people, but it also set up a situation where potentially water could be separated from land and traded. The buybacks have been voluntary, but we recognise that sometimes 'voluntary' doesn't mean voluntary; it could be a sale of—

Senator CADELL: Duress voluntary.

Mr Ashby: Your words. There are a lot of drivers out there, and if you have a look at our reports, we outline what the drivers are and how they're impacting the agricultural economy in the basin.

Senator CADELL: Is there a process where you go back and look at the modelling versus the actualities?

Mr Ashby: As I mentioned, our modelling has just been completed for the sustainable rivers audit and the evaluation. But, yes, our plan is to continue doing that work across the basin so we can follow the trends that are going on and be aware.

I should also point out that we're working closely with all of the major industries in the basin to develop what we're calling industry snapshots, so we have a very clear picture of what's happening in each industry sector. We have already taken the position that we will take onboard the information from those industries rather than generate it ourselves. If the cotton industry advises us, 'This is what's happening in the cotton industry', I think they're better placed than us to be able to say what's going on. So we'll accept that and adopt those positions, then go, 'Alright, let's verify that with our own modelling.' If there is a challenge, then we'll go back and speak with them. We're really trying to build that bond with industry so we have a better understanding of what's going on in the economies of the basin.

Senator CADELL: Thank you. A different question: states are responsible for delivering SDLAMs. Given the fact we are fairly confident not all will be delivered by—what's the accountability, what's the responsibility,

what can we do other than shake our fingers, shake our heads and say 'naughty'? We have no call-back on the states, do we?

Mr Dadswell: There are a number of things that we've sought to do to improve accountability to address those matters that you raised. One thing is we have regular reporting, including an assessment we had done in mid-2024 by Aurecon, which talked about progress and keeping a close handle on that. As well, the Murray-Darling Basin Authority was commissioned to undertake a constraints road map, which they did at the end of last year, that had suggestions for improving delivery of those programs. Additionally, the states are subject to funding agreements with the Commonwealth which have clear milestones and progress payments attached to them that support delivery of projects at their various phases.

The basin officials meet very regularly and monitor very closely the progress of projects. Under the Australian rivers bill there was additional time for new projects to be brought forward by the due date of June this year. We continue to meet regularly and talk often about the progress and monitor progress and encourage progress of those projects through to the end of next year.

Senator CADELL: How many are currently on track to be completed by the end of next year?

Mr McConville: We'll get Mr Goodes to talk to that. We can talk to the assurance reports that are underway.

Senator CADELL: There are two things: how many are on track and how many will still be outstanding?

Mr Goodes: The data is being collected at the moment for the assurance report which, as Mr McConville said, we'll release before the end of this calendar year. That will have the conclusions of our best and latest estimate of the status of those projects, addressing that question, and we'll have an estimate, or a revised estimate, if necessary, about any potential shortfall, but we won't know that for a couple of months.

Senator CADELL: What was your next best and next latest one, if that will be the next and latest one?

Mr Goodes: The current best estimate is a shortfall of up to 315 gigalitres of the 605. It was a range initially of between 195 and 315, and that depended on a number of projects, from the likely to be delivered through to the very unlikely. The update we've given to that in 2023-24 is that, given our assessment of progress, we're at the higher end of that. The early work on the assurance is not suggesting that we're pessimistic there.

Senator CADELL: So the states that all signed up for this are on track to deliver less than half.

Mr McConville: On the basis of our current assessment, that's correct.

Senator CADELL: We're going to ask the minister here to make a Murray Darling plan too? With the states not carrying their weight, with works not done, we're going to do an entire review where people are walking away from their obligations and expect the federal government to carry the can for them not living up to their job?

Mr McConville: Just by way of a process question, at reconciliation we model the package as a whole, not project by project, and the number we're looking at is that 605. As Mr Goodes said, certainly our estimation isn't pessimistic; we're at the upper end of that 315 number. What we then do as part of the process is apportion the supply contribution between each of the 109 SDL units per the agreement between the Commonwealth and the states. After we've calculated and consulted on the proposed adjustments, we prepare an amendment. This is separate from the basin plan review. The timing has been a confluence because of the additional time that was given to the states. We then prepare an amendment to the Basin Plan for consideration by the minister. And then what that would do is, if the reconciliation Basin Plan amendments are accepted, then the SDL would decrease, reopening the gap, if you like, between what's required and what we have. It's a separate question for the Commonwealth to determine how they may wish to respond to that bridging-the-gap amount. There's a calculation process we undertake, and then there's a policy decision as to what the Commonwealth will do in response to the reopening of that gap upon reconciliation. Just to be clear on the process.

Senator CADELL: I'm happy with that. I'll try to condense the next 14 questions down to three on the National Water Agreement. A broad one first: can you give an update on National Water Agreement progress?

Mr Dadswell: Thank you, Senator. The last agreement was published at the beginning of December last year and brought together extensive consultation from the last 12 to 18 months of 2023-24 with a wide range of stakeholders and submissions. There was a significant amount of refinement based on stakeholder feedback. That report was then considered extensively by Commonwealth, state and territory officials running to ground any outstanding comments and feedback coming from states and territories. The agreement is now out with all states and territories for signature.

Senator CADELL: Given the comments to me from two ministers—we don't have two ministers on my side—that we are very unlikely or unlikely to sign it as it stands, are we hopeful? Do we have a timeline where this may be done?

Mr Dadswell: At an official's level, we are confident that all issues have been run to ground and consulted and engaged on. States will then need to go through, and ministers will need to consider their respective cabinet processes, and there may be issues raised through that, but at this stage it's with them to consider that. We look forward to seeing some signatures.

Senator CADELL: As it stands, will it put enforceable conditions on the states and Commonwealth, or will it just be a policy framework?

Mr Dadswell: The agreement is not a legally binding instrument, but there will be regular annual reporting on progress to the water ministerial council. As well, under the Water Act, the Productivity Commission has a role to review progress on national water reform every three years, and those reviews will continue.

Senator CADELL: I'm going to piggyback on that for my next question. Have the Productivity Commission given formal feedback on the process to date, and, if so, what is it?

Mr Dadswell: The renewal of the National Water Initiative and the new National Water Agreement were informed by Productivity Commission inquiries in 2017, 2020—I'll have to test my memory—and then more recently, and it's been updated based on that. Additionally, the Productivity Commission provided submissions into the process over the last year or so that we've run consultations on the National Water Agreement, and their submissions are available on the website.

CHAIR: At this point, I'm able to advise that the Great Barrier Reef Marine Park Authority may be excused from appearance this evening. If officers are here, they are released with the committee's thanks and gratitude for their attendance. Senator Pocock.

Senator DAVID POCOCK: I have some questions about the upper Murrumbidgee. It's been 10 or so months since the package for the upper Murrumbidgee was announced. I'm interested in what tangible progress there has been on adaptive management of Tantangara Dam releases.

Mr Southwell: We've got a review of the Snowy Water Inquiry Outcomes Implementation Deed underway, as I think you're aware. We've formed an intergovernmental advisory group alongside separate First Nations and stakeholder advisory groups, and a panel has been established in that space. We've released a draft upper Murrumbidgee drought operating framework for consultation, and that's out at the moment. There was a submission period for that which closed two weeks ago, and we received 20 submissions.

Senator DAVID POCOCK: In terms of adaptive management, where does that fit into all of that? That was one of the key things that the minister agreed to.

Mr Breen: There are a range of things that are happening at the moment in that space. New South Wales and Snowy Hydro have been working, through their normal Snowy licence revisions, on a range of different measures, including more adaptive management or flexible management arrangements. That's one thing, and that's more in the here and now. In terms of the Commonwealth funded program, there are a couple of elements there. One is the drought operating framework, which has been out for public consultation. That provides short-term measures for some additional water under droughtlike conditions. You're likely to have seen that. We are looking to finalise that by November, and that will be activated under those conditions.

If you're looking for those more long-term adaptive management arrangements, we'll look at those through the Snowy water deed review. That deed review has commenced. The terms of reference were in March. We've been consulting on that with jurisdictions, and there will be some revisions shortly. The independent review panel has been formed, and they met with stakeholders last week. There were two workshops. We have, effectively, opened the doors to stakeholder views on what those adaptive management arrangements look like.

Senator DAVID POCOCK: Thank you very much for your work on that. Is there a timeline for the SWIOD review?

Mr Breen: The report from the independent reviewers is due by the end of June next year—2026.

Senator DAVID POCOCK: In terms of adaptive management, have there actually been any adaptive releases so far, or is everything just a work in progress?

Mr Breen: Everything is still operating under the existing Snowy Water Licence, so any changes under the current arrangements—and these are between New South Wales and Snowy Hydro, because it's a New South Wales licence—are a negotiation between those two parties. To date, there have been a range of minor improvements, as we understand. However, current arrangements stand as you know them.

Senator DAVID POCOCK: What's the volume of adaptive releases so far that fall outside of the scheduled releases from Tantangara?

Mr Breen: Could you ask that question again?

Senator DAVID POCOCK: What releases have there been outside of the scheduled Snowy Hydro releases from Tantangara?

Mr Breen: I'm not aware of any additional releases. Are you talking about under the Snowy Montane Rivers Increased Flows, managed by New South Wales, or under the drought operating framework?

Senator DAVID POCOCK: Either. One of the agreements from the minister was to ensure that Snowy Hydro, as a Commonwealth owned entity, was coming to the table and not just releasing water on a given date but working with landholders and environmentalists to say, 'This is when we need water,' rather than just releasing it because it's on the schedule.

Mr Breen: The only water that's been released to date, for this year, has been through the Snowy Montane Rivers Increased Flows, which New South Wales manages. There's been no additional water released for environmental purposes other than that.

Senator DAVID POCOCK: Why is that?

Mr Breen: Their obligation extends only so far as what's under the Snowy deed and the Snowy Water Licence.

Mr Southwell: I might just add to that. That's the purpose of the Upper Murrumbidgee Drought Operating Framework. That's been out for a draft, and we're working through that process so that those questions can be resolved.

Senator DAVID POCOCK: I understand that, but, even when we're not in drought, we're still having 90 to 99 per cent of flows diverted. As you would know, the health of the river is pretty dire, and part of the argument is that we need some adaptive management of this section of the Murrumbidgee so that we actually put water in when it needs it, not just when Snowy Hydro decide that they're going to release it.

Mr Breen: I absolutely agree, and that's the purpose of the review of the Snowy deed: to work through a better set of operating rules for Snowy Hydro to operate under, which would then affect the Snowy Water Licence.

Senator DAVID POCOCK: I understand that bit, but the SWIOID review and update are long-term things. I was under the impression that, in the short term, there would be some sort of adaptive management regime put in place, but Mr Southwell is saying, 'No, that's the drought framework.' But the drought framework, as the name suggests, I assume, only operates in drought. The thing I hear from people along the river is that we need something year round when it comes to adaptive management. I'm just trying to understand how this is all working out.

Mr Breen: You're right. The drought operating framework is only intended to be a short-term gap filler under extreme conditions.

Senator DAVID POCOCK: What's short term? When does this go till? When does it end?

Mr Breen: The funding commitment was for three years, from 2023-24 to 2026-27, so it's only three years.

Senator DAVID POCOCK: Hang on. But you haven't even got the framework yet.

Mr Breen: That's correct.

Senator DAVID POCOCK: So, by the time we get the framework, the timeframe's over. Or does it get extended by three years?

Mr Southwell: I think we're talking about two different things. The \$30 million over three years was to support emergency water releases if droughtlike conditions return, and that was to provide time whilst work is underway to identify what the long-term strategies are. The review of the implementation deed is underway. We've got a panel in place, and we've also got, as I said, the drought framework that's been out for public comment.

Senator DAVID POCOCK: So the drought framework is not [inaudible]. The drought framework is not tied to the \$30 million [inaudible].

Mr Breen: The drought framework sets out the rules for activating the \$30 million.

Senator DAVID POCOCK: Yes, but what you just told me is that the \$30 million's for three years, and, with a year and a bit to go, we still don't have the framework.

Mr Breen: There were two preliminary conditions for the release of that additional water. One was for allocations against the Snowy Montane Rivers Increased Flows to be less than 50 per cent, and the other one was droughtlike conditions in the river downstream or the dam. On the basis of those two conditions, at the start of this year New South Wales advised us that the allocations against the Snowy montane flows were greater than 50

per cent. So, on that advice, we have taken additional time to set up a technical panel to do a lot more consultation. It has taken a little bit more time to get to this point. Under those conditions, it wouldn't have been activated. What the drought operating framework now sets out is a completely different set of conditions that better align with conditions in the river, and that's what we've been consulted on. You are right, though, that we are a year and a bit into the three years, but we have a drought framework that better aligns with the actual conditions in the river.

CHAIR: I don't want to interrupt you, but I am eager, if not desperate, to move the program along, given our lateness. I appreciate that you're entitled to ask questions, but with that suggestion—

Senator DAVID POCOCK: I'm sure the Canberrans don't mind talking about the Murrumbidgee, but I could be wrong. Could I ask one or two more, then I'll put some QONs in.

CHAIR: Thank you.

Senator DAVID POCOCK: Again, thank you for your work on this. It really is important, and I hope the government will extend that beyond the three years. Of the \$15 million for the river health and resilience projects, how many have started and are being funded, to date? Do you have those figures?

Mr Breen: Of the money that was committed to the on-ground work—there are two parts to the on-ground work, the river health and the science and monitoring programs—that funding has gone to the ACT and New South Wales under that grant to deliver with those works. To date, the total spent under that funding agreement is \$5 million, and there are a range of things that have occurred there. There are program plans and project plans which have been completed by the ACT and New South Wales. They're published on our website, so that will show how the remaining funds will be spent by the two jurisdictions.

There were some initial early projects, which were undertaken by New South Wales and the ACT, while that planning was undertaken. We are advised that those projects have been completed, and there was a combination of weed control work throughout New South Wales, on-ground works in the Naas and Gudgenby catchments, as well as some translocation of Macquarie perch. The monitoring for those projects is ongoing. Those were the early-win projects while the more detailed planning and consultation was occurring.

Senator DAVID POCOCK: Finally, onto the Snowy Hydro's statement of expectations, there was an agreement for it to be updated to embed environmental and adaptive management principles. I'm interested to see if that's happened.

Mr Breen: The statement of expectations was updated towards the latter part of last year, and that's on their website. There have been some changes in there to recognise those components that you just referred to, and it does that.

Senator DAVID POCOCK: But, as yet, there is no tangible difference in management?

Mr Breen: That's right. The changes that were made were to the extent that Hydro came underneath their existing operating framework and within the legislation.

Senator DAVID POCOCK: I'll take it up with Snowy. Thank you.

CHAIR: With that, we have completed outcome 4—

Senator O'SULLIVAN: On your indulgence, Chair, could I have 30 seconds?

CHAIR: Yes, 30.

Senator O'SULLIVAN: I want to acknowledge Mr Dadswell's upcoming retirement. This will be his last estimates. I want to acknowledge his significant contribution and senior roles across environment, agriculture and water. All the best for his retirement.

CHAIR: Thank you very much. Now I feel bad about saying just 30, but thank you very much for your service, and we appreciate what that reflects across a career. Thank you all for your attendance and for your answers to the questions. We will now move to the Bureau of Meteorology and the Australian Climate Service.

Mr Kaiser: We have an answer to an earlier question on notice. Would that be appropriate now?

CHAIR: Yes, while the officials are coming up to the table would be great.

Mr Kaiser: We took on notice a question about ICT support for ministers and the special envoy. I'm advised that, for 2024 to 2025—that financial year, plus costs to date, so a full financial year up until 3 October—ICT equipment costs for ministers and the special envoy are at a level of \$236,388.92.

CHAIR: Secretary, I'm afraid the ambient noise remained a fraction loud for senators. Are you able to provide that in writing at the appropriate juncture?

Mr Kaiser: Sure, of course.

CHAIR: Thank you.

Bureau of Meteorology

[18:10]

CHAIR: I welcome the Bureau of Meteorology and the Australian Climate Service. Thank you for your attendance today, Dr Stone and your colleagues. You will have potentially heard me say this a number of times today: if you have an opening statement, it's possible to table it. You're shaking your head—no opening statement, wonderful! We'll go straight to questions. Senator Smith.

Senator DEAN SMITH: Thank you very much for your participation this evening. I want to go to the *Australia's national climate risk assessment* report that was recently released. Welcome, Dr Landsberg and Ms Manson; we had a discussion at a previous committee hearing. At that committee hearing, we talked about the scientific basis of the report. If I recall correctly, you confirmed to me that it was a scientific report. Can you explain to the committee on what basis that claim is made or the process that is gone through to demonstrate its scientific rigour?

Ms Manson: The national climate risk assessment involved over 250 experts. For the process we went through for quality assurance and checking on the science, we had an expert advisory committee which was set up by the department and made up of eight members from academia, some First Nations people and practitioners. They provided us advice and feedback on our methodology. At a project level, there were 20 to 25 projects that made up the national climate risk assessment. Each project had experts review within—say a project was done within the ABS; we used the Australian Bureau of Statistics' normal quality assurance processes before it came into the national climate risk assessment. All 20 of those projects had individual quality assurance.

The risk assessment had a range of stakeholder engagement which aimed to get information from scientific experts as well as decision-makers and practitioners. For the second pass assessment, there were three key engagement checkpoints. The first one focused on scope, so we shared the approach and scope of the risk assessment on each component; we got feedback on that and tested that with stakeholders. The second checkpoint was an integrated and cross-system risk; we sought information on how we were assessing when a risk happens in one and how it flows into another part of another system or vice-versa. For the third, we shared a progress update and findings, and got feedback per system.

For each of the system chapters in the main risk assessment, we shared with external experts for peer review—so they were experts relevant to that system. We then had a draft report, and each chapter of that draft report went to Commonwealth officials and experts across the Commonwealth, for them to give us feedback. When that information came, we got a huge amount of feedback. We checked it for accuracy and technical suitability against the methodology we'd applied. We considered the feedback we'd received; at times we would adopt or improve the analysis, and at other times we noted it and made detailed notes around why we didn't adopt it—either it wasn't scientifically correct or it didn't align with our methodology. We also did quality checks on the data and the data governance, and the 25 projects and all the components came to Dr Landsberg and myself, who did final quality checks. Our role was checking for consistency and checking how we'd adopted different experts' feedback, and making sure it was readable and consistent.

Senator DEAN SMITH: Thank you very much. There's one particular matter that has been drawn to my attention. It was a question that Minister Bowen was given at his press conference, and it refers to how property loss values are reflected in the climate risk assessment report. The overview document, at page 31, says:

Losses in Australian property values are estimated to increase to \$AUD611.0 billion by 2050 and could increase to \$AUD770.0 billion by 2090.

The reference for that is a Climate Council report from 2019. Page 108 of the substantive document has a more accurate account of the Climate Council report of 2019:

Losses in Australian property values could be \$571.0 billion in value by 2030, \$611.0 billion by 2050 and \$770.0 billion by 2100 ...

The difference between the overview document at page 31 and the substantive document at page 108 is the reference to the \$571 billion in expected property losses by 2030. The Climate Council's 2019 report says at page 2, chapter 1, in the introduction:

The modelling done for this report shows that climate change is likely to result in sharp adjustments in residential property values in some areas. The total estimated damage related loss of property value—excluding any disruptions to productivity—is expected to rise to \$571 billion by 2030, \$611 billion by 2050 and \$770 billion by 2100.

I'm curious to know, first: why does the overview document not provide the full suite of those three numbers—\$571 billion by 2030, \$611 billion by 2050 and \$770 billion by 2100—and why is the full quote provided in the substantive document? Is there an explanation for that?

Dr Landsberg: The answer is very simple. In the overview report, for consistency, we used the 2050 scenario and the 2090 scenario in all the notable facts. As the full report was available, in the interest of space and for comparison on the scenarios we chose, those were the two that were listed in the overview.

Senator DEAN SMITH: In the interest of space, you decided not to include four or five words.

Dr Landsberg: No, it was for consistency.

Senator DEAN SMITH: But it's not consistent because page 31 in the overview—

Dr Landsberg: It's consistent with the other facts and impacts that were cited in the overview report—so consistency across systems and different points of evidence.

Senator DEAN SMITH: It is not reflected consistently, and it's just six words. It is an expected property loss of \$571 billion in value by 2030. That doesn't appear in the overview but it is in the substantive document.

Dr Landsberg: That's correct.

Senator DEAN SMITH: I'll come to why this is important in a moment. Wouldn't the consistency test have been better achieved if that reference was in the overview and the substantive document?

Dr Landsberg: We made a decision in the overview, in the interest of clear communications, to look at the current climate, which is 2020, and then cite facts for 2050 and 2090—so there is cross-evidence consistency.

Senator DEAN SMITH: Ms Manson, when you talked about Commonwealth agencies being engaged in assessing and providing some assurance across the data used, which agencies were engaged to assess the accuracy and utility of that data in the Climate Council report of 2019?

Ms Manson: I'll get Dr Judith Landsberg to answer that.

Dr Landsberg: We had a policy and economy reference group that reviewed all of the evidence that went into the economic assessment. It's normal scientific practice to collect evidence from a range of previous studies. They were not involved in assessing the work of Steffen and others for the Climate Council report, but part of their role was to review the report and ensure it was reflected accurately.

Senator DEAN SMITH: Was there an assurance exercise done in regard to the Climate Council 2019 report before it was included, in two instances, in the climate risk assessment report?

Dr Landsberg: Was that report assessed for accuracy? No, it wasn't.

Senator DEAN SMITH: It wasn't. We talked previously about it being a scientific document, because certain processes and assurances were part of the methodology. But here is a reference to the Climate Council 2019 report that is reproduced twice—once in the overview document and once in the substantive document. The minister himself, Minister Bowen, was questioned on it in the press conference and in the reporting about the climate risk assessment report itself. This turns out to be a key matter of interest.

Dr Landsberg: It's normal scientific practice to cite previous reports without going back and checking the accuracy of those reports, so it is—

Senator DEAN SMITH: Excuse me. I'm not a scientist, but that doesn't sound scientific to me.

Dr Landsberg: What is assessed is the preponderance of evidence, and the way that the evidence was synthesised was reviewed by our economy and policy reference group, which included officials from Treasury, from APRA and from the Climate Change Authority and a number of academics.

Senator DEAN SMITH: So officials from Treasury and APRA did review the Climate Council 2019 report and the references included in the overview and substantive document, and they approved their inclusion? Is that what you're saying?

Dr Landsberg: That's—sorry.

Ms Manson: Yes, they—

Senator DEAN SMITH: Well, that will be interesting, because, at the public inquiry into the climate risk assessment report, I asked APRA exactly that question, and they took it on notice. How believable is it that Australian property values will fall by \$571 billion in just the next five years, which is what the Climate Council report says and what page 108 of the substantive report says?

Dr Landsberg: We would encourage people to look at the breadth of the evidence. That is one piece of evidence that is cited in the report and was reviewed by our policy reference group. We consider that to be

believable. It is not a prediction; none of this is a prediction. It is an assessment of potential impacts, which, potentially, could be avoided by adaptation and intervention.

Senator DEAN SMITH: I suppose my question is: how relevant is data in a 2019 report, in a scientific report, which is a product also of the BOM—that's correct—which suggests that Australian property values are going to fall by \$571 billion in the next five years? Just to put that in context, that's \$114 billion a year, and, assuming there are about 9.8 million households across Australia, this report is suggesting that Australian household values are going to fall in the order of \$11,600 each year for the next five years. That's just not scientific. That's just not believable.

Senator HENDERSON: They're just scare tactics.

Senator DEAN SMITH: I'm also curious to know—because I'm not convinced, Dr Landsberg, that it was necessary to not include the \$571 billion in value by 2030 in the overview statement.

Ms Manson: That's noted. Just to correct, though, we're not saying, 'This will happen.' With climate, as we understand, the climate changes and the scenarios we looked at—

Senator DEAN SMITH: It hasn't happened.

Ms Manson: No—

Senator DEAN SMITH: It hasn't happened.

Ms Manson: We're saying that, if there is no adaptation, that is the sort of scenario you're facing.

Senator DEAN SMITH: Dr Stone, is it likely to happen?

Dr Stone: Sorry, what was your question?

Senator DEAN SMITH: Dr Stone, have you not been listening to the evidence that officials have been providing? My question is: what is the likelihood of a \$571 billion loss in the value of Australian properties in the next five years?

Dr Stone: Sorry, I'm not able to comment on that.

Senator DEAN SMITH: I wouldn't have thought so.

Dr Stone: I can comment on the climate aspects of it.

Senator DEAN SMITH: Of the likelihood?

Dr Stone: I can't comment on property values.

Senator DEAN SMITH: But it's in the climate risk assessment report, which is branded the Bureau of Meteorology.

Dr Stone: The bureau is one of the contributors, not to property values.

Senator DEAN SMITH: Do you stand by the document? Do you personally believe, Dr Stone, that it's a scientific document and it stands up to scientific scrutiny?

Dr Stone: Yes.

Senator DEAN SMITH: Despite this very, very significant glaring omission that goes to the core of how Australians measure their wealth and security?

Dr Landsberg: That particular fact was not omitted. It was omitted from the overview, and we encourage people to read the full report. It's also included in the technical reports in context.

Senator DEAN SMITH: I just think that, for completeness and credibility, those four or five words should have been included in the overview.

Dr Landsberg: Thank you. That's noted.

Senator DEAN SMITH: My question then goes to who was on the policy and economic reference group.

Dr Landsberg: We had officials from Treasury, representatives from APRA, representatives from academia and a representative from the Climate Change Authority. They provided advice in their area of expertise and then reviewed the final economy report and the chapter of the synthesis report.

Senator DEAN SMITH: Did they confirm the inclusion of that Climate Council 2019 report reference? Do they confirm each economic data point, or do they draw attention just to those that might need to be improved?

Dr Landsberg: I can't speak to their review process. They were asked to provide review and comment on the document.

Senator DEAN SMITH: Is their review and comment an internal document that is available? Is that a core piece of correspondence in the development of the climate risk assessment report?

Ms Manson: That policy reference group met monthly over a period of time, providing us advice at key stages as we did the risk assessment.

Senator DEAN SMITH: Are there minutes of those meetings, those considerations?

Ms Manson: There'd be records of those meetings, yes.

Senator DEAN SMITH: If you could provide those to the committee on notice and also provide to the committee on notice the designations of the officials, not the names of the officials, that would be very helpful.

Finally, in Minister Bowen's press conference when he released the climate risk assessment report, in response to a question from a journalist, he said, 'It's important to be clear eyed about the challenges.' He also said, 'Let's be realistic about the threats.' Do you think the inclusion of the statement that Australian property values are going to collapse by \$571 billion in the next five years helps make the document realistic?

Dr Landsberg: Yes, we do.

Senator DEAN SMITH: Do you really think so?

Dr Landsberg: Yes, we do. We provided a range of evidence and, where available, both a low and a high figure.

Senator DEAN SMITH: Is the document warning Australians of a \$571 billion loss in their property values over the next five years?

Dr Landsberg: The purpose of the document is to provide a view of what may happen. It is not intended to warn Australians about a loss in their property values, no. It's intended to guide adaptation by identifying the sorts of impacts that we may experience. They can be avoided with effective adaptation intervention.

Senator DEAN SMITH: Could the document have achieved that purpose without reference to the Climate Council 2019 report?

Dr Landsberg: Yes, it's possible. It was included as an example of an impact.

Senator DEAN SMITH: Thank you.

CHAIR: Thank you. That brings to an end—

Senator CADELL: I have two very quick things.

CHAIR: Of course.

Senator CADELL: At the end of last year, you changed the spread range on your precipitation and snow forecast. It used to be one to five, six to 10, 11 to 20 and so on. Now it is zero to 11, seven to 25 and 20 to 60. Is there a reason behind that?

Dr Stone: I'm not aware of that change. We express rainfall as a probability distribution. If you're using the app, as an example, it will say that we expect at least this much with a 25 per cent probability, at least this much with a 50 per cent probability and at least this much with a 75 per cent probability. The amounts of rainfall that are expressed against those probabilities don't have fixed ranges. They are whatever they are. So, if you drew it as a curve—

Senator CADELL: I understand that curve, but those ranges—I'll send something to you afterwards.

Dr Stone: They're not fixed. You can vary either probability or amount in your reporting, and we use a fixed probability; therefore the amounts that you report against those vary with the shape of that distribution.

Senator CADELL: So it's the other way around. I'm happy with that. This is my second question. During the algal bloom inquiry, we all went to Port Lincoln, and three times in one day we were asked about Doppler radars and weather radars. They're a big fishing community down there. All the effects around there exist. Is it on your radar to give them a radar? Is there any probability that might happen?

Dr Stone: We're very aware of the demand for radars in several areas and in the Eyre Peninsula. We've been aware of that for some time. The bureau's got a fleet of 69 radars. We're able to sustain those 69. We're not appropriated to put in additional radars at this point.

Senator CADELL: When one drops off can one come in?

Dr Stone: It could. I'm not suggesting that would happen. I will just explain that the current location of the network is partially a reflection of history. It's also partially a reflection of the technology that's available. In a lot of places, we have radars located so that they provide overlap so that, in the event that one goes down for whatever reason or needs to be serviced, there's still coverage. All of that can change with radar technology. It's

possible, and we're testing the market at the moment for different technology. It might be possible to have a different spacing of radars. So, with new technology that looks further, it's possible. We need to see what will happen.

Senator CADELL: Thank you.

CHAIR: With that, I give the grateful thanks of the committee to the Bureau of Meteorology and the Australian Climate Service. We appreciate your attendance here today.

[18:34]

CHAIR: We move to the next outcome on our schedule, which is outcome 3, Advance Australia's environmental, scientific, strategic and economic interests in the Antarctic region by protecting, researching and administering in the region, including through international engagement. I won't read out program 3.1, but it's there on the agenda. With the minister's assurance and in the absence of any indication to the contrary, I take it there won't be any opening statements. If that's the case, I'll hand the call to Senator Whish-Wilson.

Senator WHISH-WILSON: I'd like to have asked BOM this question. Just out of interest, in terms of the reported 50 degrees Celsius jump over Antarctica while temperatures are still 30 degrees above their norm, who monitors that? Do we have weather stations there that record that kind of data, or is it done through satellites? It's just as a matter of interest.

Ms E Campbell: I'll have to take that on notice. We're recently involved and hooked in, but I don't know where the data actually comes from.

Senator WHISH-WILSON: Could you update us on the implementation of the decadal plan funding. I've certainly written to the minister about this recently as well. What's happening in regard to that?

Ms E Campbell: The Australian Antarctic Science Council released a decadal strategy on 28 February this year. One of the key milestones is an implementation plan. We are working on that within the AAD. Our new chief scientist, Nerilie Abram, is doing the work with the science community and within the AAD to bring that information together to make a plan for consideration, first by the science council and ultimately by the minister.

Senator WHISH-WILSON: What's the process?

Ms E Campbell: It's working with the science community about tangible outcomes under the themes in the science strategy and then, as you referred to budget, looking at the affordability. We want a strategy that's achievable within existing budget and within existing forward projections—

Senator WHISH-WILSON: We're talking about a 10-year plan here, right?

Ms E Campbell: It's a 10-year plan.

Senator WHISH-WILSON: You're aware that this is one of the recommendations of the Senate inquiry. We received a lot of evidence around this. Perhaps the minister can answer this. What is the process for looking at a 10-year implementation plan for Antarctic science funding?

Senator Watt: As Ms Campbell has said, there is work underway about that. But all of those sorts of things will need to be considered through usual budget processes.

Senator WHISH-WILSON: But your budget process is not going to go out 10 years, is it? Can you make an appropriation for 10 years?

Senator Watt: Ordinarily, governments would make appropriations for four years over the forward estimates, but it's not uncommon for governments to make longer term commitments than that.

Mr Sullivan: There are examples of that inside the AAD—things like the Macquarie Island refurbishment. It's got a nine-year profile.

Senator WHISH-WILSON: In terms of consolidating funding streams, one of the key themes to come out of the inquiry was all the different funding streams across universities, shared with DISR, which I understand you're now responsible for. The role of the AAD science branch versus—it's a significant reform program.

Ms E Campbell: We're working very actively with the science council on that as part of our advice to government. Again, as the minister flagged, future funding decisions are budget issues for government.

Senator WHISH-WILSON: Minister, one in particular is obviously—and I know you've been asked about this quite a bit lately—the ACEAS funding that finishes very shortly. Will you be announcing funding for that group? This is why I wanted to know about the decadal plan. How does it all fit in if you've got terminating funding for a long-term CRC like ACEAS? It's a chicken and egg question, I suppose. We desperately need the funding to keep these jobs.

Senator Watt: As I think I've indicated to you previously—and I've certainly indicated it to a number of other senators and MPs, including the government's full Tasmanian caucus, who are very strongly lobbying for this funding—we are aware of the need for some certainty around longer term funding. Again, we have to go through budget processes in terms of allocating funding, but I'm certainly conscious that there's a lot of interest in an answer on this, and I'll attempt to provide one as soon as I can.

Senator WHISH-WILSON: I'll go to *Nuyina*. Obviously the federal government boosted funding for *Nuyina*, and that was one of the key recommendations from the Senate inquiry. You've had your Denman Glacier research voyage, including to Heard and McDonald islands. When will the next dedicated science voyage happen?

Ms E Campbell: Again, government provided two years of funding, and we're on our way to Heard and McDonald islands right now. I think we'll be there next weekend, which is amazing. It's the first time in a long time. Future funds dedicated for those additional days are a budget issue for government.

Senator WHISH-WILSON: Surely the government is not just going to give you more money and say, 'Go away and do something with it.' Surely you're planning your next science voyage, Ms Campbell. What have you got in mind?

Ms E Campbell: There are a number of things that we're looking at. The marginal ice zone project, which was originally planned and delayed because of *Nuyina*'s late arrival, is certainly on the agenda and doing some work on krill is very high on our agenda, and that feeds into the important work that we're doing in the CCAMLR fishery.

Senator WHISH-WILSON: Can you tell me whether any requests have been made for more funding for another dedicated voyage?

Ms E Campbell: People lobby me all the time for access to *Nuyina*.

Senator WHISH-WILSON: I'm sure they are, but, in terms of the department's interaction with the minister, has there been a request?

Ms E Campbell: We always advise the minister on options available.

Senator WHISH-WILSON: So is that a yes?

Ms E Campbell: We always advise the minister on options available in the context of the budget.

Senator WHISH-WILSON: It's a great platform, and it's now been on display with its recent voyage. There was a recommendation from the inquiry around a second vessel, an ice rated vessel, be it on lease or owned. Is there any development in regard to that, even if it's a resupply vessel to help free up *Nuyina* to do more science?

Ms E Campbell: One of the things we're looking at is additional shipping to support a couple of our big infrastructure projects. Mr Sullivan talked about the rebuild of the Macquarie Island station, and we're also looking at some significant infrastructure work at Davis Station and looking at how we can use the funding provided by government for that for supplementary shipping. There will be a lot of cargo going south for that.

Mr Sullivan: Just for the record, the reason why there were two years of funding for the additional shipping days for *Nuyina* was it was at a time when it was coming out of dry dock and was a year behind schedule. So it was a testing period, to some degree, to see what the capabilities of *Nuyina* were with its role in both resupply and dedicated science. I've been touching wood when saying this for two years: it's doing extraordinarily well. So building a case for ongoing funding or additional funding or whatever that may be—

Senator WHISH-WILSON: So you're allowed to do more science.

Mr Sullivan: We've been really actively looking at its capabilities, sending it south earlier than we've ever been able to do before, and that has had a massive impact on the work of the division. Before, we talked about a seasonal impact on the workforce. That's now basically all year round. Last year's season wasn't over before we were loading for this year's season. Part of that has been coming to that adjustment around our working model for logistics as well as science moving forward.

Senator WHISH-WILSON: Surely some of that forward planning and thinking would be around if we had a situation like we recently did with *Nuyina*, when it might get called off for a rescue or we have issues with it, and we don't have any capability. So there are a lot of theories around why we need a second ship.

Mr Sullivan: As part of that, the government also provided contingency funding for those circumstances. But I want to make the point that we're really in a period of where we've tested the *Nuyina*'s capabilities, and it's done extraordinarily well.

Senator WHISH-WILSON: Great. We'd all love to see more science then, wouldn't we?

Ms E Campbell: I will say 2026-27 is the scheduled dry dock for *Nuyina*. Every five years, under international maritime legislation, it will need to be dry docked to be checked. That is 2026-27.

Senator WHISH-WILSON: Can you do that outside of the summer season?

Ms E Campbell: We will, but it will constrain how long we can use *Nuyina*. So 260 days won't be available in that year.

Senator WHISH-WILSON: I have a question on science. I've heard really good things about the new chief scientist, Nerilie Abram. I understand she's not on the executive of the AAD. You've got another senior manager rather than the chief scientist. What was the thinking around that?

Ms E Campbell: There are a couple of things. First of all, I think it was—certainly, evidence to the Senate inquiry into AAD's funding was about the size and scale of the science branch. What we've done is—Rhonda Bartley is the branch head of science, and Nerilie Abram is the chief scientist. That allows Rhonda to focus on—in some ways I think about it—the internal governance and the management and budget management within the division. And Nerilie's very much working on the external and the science leadership—the other elements. Nerilie and Rhonda are working very closely in a team.

Senator WHISH-WILSON: Respectfully, though, it wasn't one of most important, in my opinion, things to come out of the inquiries. We needed the science branch to have more influence on money being spent internally to go towards science. If you don't have your chief scientist sitting on executive, how is that going to happen?

Ms E Campbell: Nerilie is on our divisional management committee, and Rhonda and Nerilie are working very closely, and so we definitely are taking science into that element.

Senator WHISH-WILSON: Could you come back to me, Chair, if you're—

CHAIR: How many more questions do you have?

Senator WHISH-WILSON: A few. Another five minutes.

CHAIR: In which case, I will come back to you. Senator Henderson, you have the call.

Senator HENDERSON: I just wanted to ask about China's proposed station at Marie Byrd Land. Did Australians have any concerns in relation to that proposal, and what, if any, issues have been raised?

Ms E Campbell: Under the Antarctic Treaty System, any country can build a research station anywhere in Antarctica. One of the wonderful things about the treaty is that any country who is proposing major infrastructure brings a comprehensive environmental evaluation to the treaty. China brought an evaluation of its proposed station to the treaty meeting that we had in July this year. Australia, like many countries, looked at the environmental impact assessment provided by China and made a number of suggestions, and, as a result, China was asked many questions about its station. As a result, China advised that it will make some amendments to, for example, baseline monitoring and where it takes its water from for the station, and it will bring that back to the treaty parties.

Senator HENDERSON: Can you take, on notice, the correspondence in relation to your assessment. I understand that you sought some amendments. What are those amendments? What concerns did you have? Could you be more specific?

Ms E Campbell: We'll certainly take it on notice, and we provided our formal feedback. We can certainly do that. It was about the environmental provisions within the treaty and how parties could have confidence and make suggestions about how China could manage the environmental impacts of the treaty. The provisions of the treaty are about the impacts of the station, not the existence of the station.

Senator HENDERSON: The head of ASIO, Mike Burgess, raised some concerns in a speech in July about foreign spies targeting Antarctic research. What does the department know about this?

Ms E Campbell: Again, we're aware of Mr Burgess's comments in that regard. We certainly work with colleagues across government, including ASIO. We'll leave ASIO to talk further about their comments.

Senator HENDERSON: But I'm asking you what the department knows about the concerns that the ASIO boss has raised. Clearly, this is very much in your ballpark.

Ms E Campbell: We're very much aware of the risks of espionage across our work, as many parts of government are, and we're certainly alert to those risks and are working to manage those risks, but, in terms of ASIO's assessment, those are best directed to ASIO.

Senator HENDERSON: Has the department raised any concerns about foreign espionage relating to Antarctic research?

Ms E Campbell: No, I don't believe so.

Senator HENDERSON: Have you had any correspondence or discussions or meetings?

Ms E Campbell: We meet with ASIO regularly.

Senator HENDERSON: What can you tell me about those discussions?

Senator Watt: I don't think it would be normal practice to disclose national security information in an estimates hearing.

Senator HENDERSON: I'm not asking that. I understand the sensitivity. I'm just keen to understand the department's role in these obviously very important matters.

Mr Kaiser: Given the sensitivities, we may come back to you on notice, perhaps, with a considered answer.

Senator HENDERSON: Thanks, Mr Kaiser.

Senator Watt: Also, ASIO will be appearing tomorrow, so there'd be an opportunity to ask questions, and they might be well-placed to work out what they can and can't say.

Senator HENDERSON: Thanks, Minister. Is the department aware of any research at the Australian Antarctic Division which has been targeted in any respect?

Ms E Campbell: We'll put that on notice as well—not to my knowledge.

Senator HENDERSON: What measures are in place to reduce the risk of foreign espionage targeting Antarctic research?

Ms E Campbell: Within the Antarctic Division, there are a range of measure. We talk about IT security, physical security of the building and preventive briefings when we travel or meet with delegations. There are a range of what I'd classify as relatively standard government security measures to address the espionage risk that many government agencies face.

Senator HENDERSON: Can you explain why Antarctic research is, particularly, being targeted and why there is a particular concern. It is simply because of the location? Are there any particular features of the location of the Antarctic, with respect to communications, satellites and the like? Why has the department been engaging in these discussions? Could you provide some sort of oversight as to why Antarctic research is being targeted.

Mr Sullivan: Our engagement with—sorry.

Mr Kaiser: Those are questions best left to ASIO, I think.

Mr Sullivan: But our engagement with security agencies is not something new. This has been happening for decades. In terms of Ms Campbell's answers, our risk mitigation issues are reasonably standard for those across many departments who have some sort of risk profile.

Mr Kaiser: As to why our work and our base is maybe of interest to others, that's probably best left to someone else.

Senator HENDERSON: I want to quickly address the current situation regarding plans to resolve the fuel issue for the RSV *Nuyina* so that it can refuel in Hobart rather than in Burnie.

Ms E Campbell: We have done a deal with the Tasmanian government about refuelling, wharfing and shoreside power for *Nuyina*. The Australian government is supporting the rebuild of the wharf at Macquarie Wharf 6. As part of that deal, the Tasmanian government has committed to providing a fuelling solution for *Nuyina* available for the next Antarctic season, as well as shoreside power to support *Nuyina*. We're working with the Tasmanian government on that, and we're continuing to support a strong outcome for Antarctica.

Senator HENDERSON: How much has it cost the department so far, since the *Nuyina* was blocked from travelling under the Tasman Bridge? Rather than just travelling the few kilometres, it's now doing the big, obviously very long, distance to Burnie.

Ms E Campbell: I'll take that on notice. Last year, my recollection is, the annual cost was in the order of \$800,000. But I'll take that on notice.

Senator HENDERSON: What about the cost of the wharf upgrade?

Ms E Campbell: The government has provided \$188 million to support the wharf upgrade.

Senator HENDERSON: Thank you.

Mr Sullivan: The refuelling option is something we've been working on and holding Tasmania's feet to the fire on, with respect to trying to avoid those one to 1½ day trips to Burnie. As recently as last week I wrote to my counterpart the Secretary of the Department of State Growth to get an update on where the refuelling options are up to, given that they've ruled out, again, going under the bridge following an invitation from the Tasmanian

government to recheck that and to retest that, which I did last year. It took them some nine months to respond to that, so there must have been an active consideration.

Senator HENDERSON: I've got two more very quick questions. We're trying to finish at seven o'clock. Did Australia conduct any inspections of other countries' facilities in Antarctica over the past season?

Ms E Campbell: Not over the last season. We conducted inspections the season before. We looked at the French station. We did not do an inspection this past season.

Senator HENDERSON: Why not in the last season?

Ms E Campbell: We do not do inspections every year. There's a big resource cost for inspections. We take inspections really seriously. Australia is one of the most active inspectors within the Antarctic Treaty System, and we look forward to doing more.

Senator HENDERSON: What is the plan for 2025-26?

Ms E Campbell: We don't normally talk about our plans ahead of schedule, but I will say that we have not notified to do an inspection. We need to notify other parties if we have inspectors appointed, and we have not appointed any inspectors for 2025-26.

Senator HENDERSON: I would ask you to take on notice the reason that you don't discuss those plans.

Mr Sullivan: Since 1961, we've undertaken 12 inspections. That's the second-highest number of inspections undertaken by any country. That gives you an idea of one every six to seven years. I don't think there's anything we can take on notice to say why we didn't do anything last season.

Senator HENDERSON: No, it's why you can't answer that particular question.

Ms E Campbell: One of the wonderful things about the inspections is that we can do surprise inspections. Normally, we give a few days notice so that we know that there are beds and runways available for us. We don't like to let other countries know we're coming. That's the reason.

Senator HENDERSON: Thank you very much.

CHAIR: Senator Roberts.

Senator ROBERTS: I'll be quick. In November 2021, the then coalition government made the poor decision to abandon the proposed construction of an all-weather paved runway near the Davis research centre in Antarctica due to perceived concerns of potential disruption of bird and seal colonies. It was a very poor decision, in my opinion, that missed the opportunity for Australia to advance its claims to usage of their allocated portion of Antarctica under the existing Antarctic Treaty signed in 1959. That will be up for renegotiation in some years hence or sooner if the treaty is challenged. My understanding is that there's no formal expiry date. My first question is: will this government, the Labor government, reconsider and confirm the building of an all-weather runway to open up the Antarctic to year-round access via an eight-hour flight and replace total reliance on sea access that may take weeks?

Senator Watt: I'm not aware of that being considered. The officials can elaborate if they have info on that.

Ms E Campbell: At the moment, there are no plans for an all-weather runway, but we do have a really strong and capable blue ice runway. We have four-hour flights that go to Antarctica through the summer, and that's a critical support for our stations and access. It's at the Wilkins runway, which is about four hours, by tractor train, from Casey Station. I've had the pleasure of going on that flight a couple of times. It is a wonderful asset for Australia.

Senator ROBERTS: My understanding is that an all-weather runway would radically reduce the operating costs and logistics of accessing Australia's research stations. It would be the first and only all-weather runway on the continent and provide access to speedy evacuation in medical or other emergencies.

Ms E Campbell: We certainly use the blue ice runway for access to the station.

Senator ROBERTS: What do you mean by blue ice?

Ms E Campbell: It's a runway set up on the glacier just above Casey Station. We land jets on that runway in the summer months. To your point about 'cheaper and effective', my understanding—and it was before my time in this role—is that one of the reasons that the previous government decided not to progress with the all-weather runway was cost.

Senator ROBERTS: In the context of changing geopolitical dynamics, especially when China is expanding its influence in the Southern Ocean and in Antarctica, what else is Australia doing to protect its interests from encroachment in the Southern Ocean and Antarctica?

Ms E Campbell: We've got a really strong program in Antarctica. We talked previously about our science voyages and the step-up in our science work in Antarctica. Elements such as inspections, which we've talked about, are part of our influence in Antarctica. Going to international meetings, rebuilding our stations—these are all really strong parts. We can certainly provide references to the strategy and action plan. We've got a million-year ice core where we're travelling 1,200 kilometres inland with a traverse tractor to drill for ice. We've also re-established the ability to go across our territory and explore new areas, which is really exciting.

Senator ROBERTS: Correct me if I'm wrong, but I understand that scientific programs have been cut. Why is the supply of critical food and medicine no longer assured? Has the government not heard of the phrase: 'Use it or lose it'? That's important for my next question.

Ms E Campbell: I don't accept that we've cut funding. The government has invested more than ever. Funding has gone up.

Senator ROBERTS: There's been no cut to scientific funding?

Ms E Campbell: No.

Senator ROBERTS: This is my last question. China is currently the most active national player in the Antarctic, yet Australia has the largest designated proportion of area claimed of the Antarctic continent, at 42 per cent—so over 40 per cent. It is referred to as the Australian Antarctic Territory and, in landmass, is the largest territory of Australia. China has five research bases there, and it's soon to be six, with three of the bases it's built within the Australian Antarctic Territory. Australia has only three bases in the territory and a fourth at Macquarie Island. Am I correct so far?

Ms E Campbell: Yes.

Senator ROBERTS: Chinese research stations have a dual purpose, supporting both military and civil functions. Common sense suggests that this will influence a Chinese call for a recognised claim for a part of the Australian Antarctic Territory, at our expense. Australia must do something soon to reclaim its senior role in Antarctic affairs. Will this government do what the coalition failed to do and build this vital runway to protect our claim to our territory?

Ms E Campbell: I might correct a couple of points of fact. First of all, you said at the beginning that—and I did say it was right—China was the most active player. China is certainly very active in Antarctica, as are many other countries. I think the US would say they have been the most active player, and I think we're close behind. There's not evidence that there is a dual-use function of Antarctic stations, and that would be a breach of the treaty. There has been no finding—

Senator ROBERTS: What do you mean by 'dual use'?

Ms E Campbell: You talked about dual military and scientific use. That would be a breach of the Antarctic Treaty, and there is no evidence that that has happened.

Senator ROBERTS: Do you think that would bother China?

Ms E Campbell: I think you're asking my opinion. Under the treaty, that would not be allowed.

Senator ROBERTS: So we're leaving it to the Chinese?

Ms E Campbell: That's not what I said.

Mr Sullivan: They're your words, Senator, not Ms Campbell's.

Senator ROBERTS: Thank you. Chair.

CHAIR: In the interest of closing this outcome when we break for dinner, I'm going to extend for a few more minutes for some questions from Senator Whish-Wilson. I appreciate that you've listened to me all day, so be as brief as you can.

Senator WHISH-WILSON: Thank you. Mr Sullivan, you were just about to say something about the bridge and the *Nuyina*. You said it took nine months for them to respond. Were you about to say that they may allow the *Nuyina* under the bridge?

Mr Sullivan: In the joint committee public inquiry in Hobart, the Tasmanian government suggested we should reapply to see if we could go under the bridge. It took them some time to come back, and the answer was no. We've got a refuelling option. In response to that, I've written back asking for a meeting to say: 'How can we get the refuelling option to stop the Burnie trips?'

Senator WHISH-WILSON: That's very interesting. Thank you. Just quickly—the national interest inquiry. You're obviously aware of the other inquiry into the importance of Antarctica to Australia's national interest. I'm wondering whether you provided any response for the government, because the government hasn't responded yet.

Ms E Campbell: Again, we're advising government on the potential response to that.

Senator WHISH-WILSON: Minister, do you know when the government might respond to that inquiry?

Senator Watt: I don't, sorry.

Senator WHISH-WILSON: If you could take that on notice, it would be great.

Senator Watt: Sure—or respond, whichever would be earlier!

Senator WHISH-WILSON: Are you allowed to ask a minister to take something on notice? I don't know if I've done that before! In relation to AAD culture, when was the last pulse survey conducted, and can you tell us how many more will be conducted?

Ms E Campbell: The last pulse survey that we took was February, from my recollection. Correct me if I'm wrong. We also had the APS census, which was undertaken in May to June, and we used that instead of the pulse survey. We certainly had feedback that we asked staff for their opinion too often. We now have Leigh Russell back doing a progress report on our culture journey—which was always foreshadowed—after two years, and Leigh is collecting information through a range of mechanisms: one-on-one meetings with staff, group meetings with staff and surveys. Again, we have paused the pulse survey while that work is happening.

Mr Sullivan: Part of Leigh's advice, I think—it's something I haven't taken up with her, but I will—is about how we actually keep monitoring, because we do have that survey fatigue from people: 'Stop asking me the question. Can you get on and do things.'

Senator WHISH-WILSON: Would it be possible to table or provide to us the results from the last survey that you said you did in February?

Ms E Campbell: Yes, and it was February. Can I go back to your question about where we get the stratospheric data from?

Senator WHISH-WILSON: Yes

Ms E Campbell: Data on the stratospheric warming event comes from international monitoring including NASA and Japanese meteorological organisations. It is interpreted through an ozone working group including the AAD and the University of New South Wales.

Senator WHISH-WILSON: Including NASA? I thought Donald Trump shot the NASA satellite out of the sky. That's what I read, anyway; I don't know if it's true. On a serious note, though, what are we noticing in terms of the US pulling back their presence in Antarctica?

Ms E Campbell: It's certainly something we're alive to. I think there have been some conflicting reports about what is happening and what is not happening.

Senator WHISH-WILSON: Can you tell us what is happening? I must admit, I have heard conflicting reports as well, including from New Zealand.

Ms E Campbell: I think some of it changes within the US as well.

Senator WHISH-WILSON: Of course—daily and hourly changes.

Ms E Campbell: We're certainly looking at what's happening. We're looking at reports on cuts to Antarctic science, both to the ship and to Argo floats in the region. They're really concerning because they—

Senator WHISH-WILSON: Can you confirm they have let their lease go on the icebreaker?

Ms E Campbell: I'll have to take that on notice. I think I heard they had, but then I heard, on a different hand, that they might be doing more in that space. We're meeting with US counterparts in the morning, for example, on what's happening on Antarctic science.

Senator WHISH-WILSON: If they do pull back, what kind of impact will that have on science, on those kinds of activities. We've got a lot of collaborative projects with US scientists.

Ms E Campbell: Globally, the US is a leader in Antarctic science and in oceanographic science that informs weather systems. We're working with the US to understand what is happening in the US system and also with others—for example, the Europeans—about what that means for us as an international community in this region.

Senator WHISH-WILSON: Mr Sullivan and Minister, it's a good opportunity for Australia to step up there and perhaps fill some of those gaps.

Senator Watt: We're very proud to be leaders when it comes to Antarctic science.

Senator WHISH-WILSON: We have a very big claim on the continent, so we should be. I've got some questions, which I'll put on notice, on the Wilkes Station remediation program—unless you can you tell me, very quickly, where that's at.

Ms E Campbell: Wilkes is a really complicated site. Last season we took some of the loose debris away, which is a positive thing. We're looking to do some more of that this season. We also have Cleaner Antarctica scientists looking at how we manage what is a really complicated site in a cost-effective way that doesn't do harm.

Senator WHISH-WILSON: Complicated—as in removing waste from the site?

Ms E Campbell: There is waste that is under ice. Some of it might be inert, so moving it might actually make it worse and dislodge things that are trapped in the ice, for example. So we don't want to make it worse.

Senator WHISH-WILSON: Is it possible to move the waste that's there?

Ms E Campbell: I think so. We've cleaned up other sites. For example, we've cleaned up a tip site at Casey.

Senator WHISH-WILSON: Just quickly—how will that be done?

Ms E Campbell: Again, there are multifaceted elements—moving debris, using the soils and the microbes and turning it over. We originally took contaminated soil back to Australia. Soil's a really rare commodity in Antarctica and our more recent fuel spill remediations show that you can turn the soil and use the microbes in the soil to remediate, which has been really successful at Casey. So that's a much better outcome.

Senator WHISH-WILSON: Thanks. I'll put my other questions on notice.

CHAIR: Thank you, Senator Whish-Wilson; I appreciate your accommodation in that respect. That concludes outcome 3 and this program. To the witnesses: thank you very much for your attendance and your answers here today, and for, I am sure, the preparation that went into them.

Proceedings suspended from 19:09 to 19:58

CHAIR: I welcome Senator the Hon. Tim Ayres, Minister for Industry and Innovation, and Minister for Science, representing the Minister for Climate Change and Energy. Minister, there is an opportunity to make an opening statement, but I have given the same instruction to everyone all day—if it can be dispensed with, wonderful; if it can't, be as brief as possible, please.

Senator Ayres: I don't want to disappoint everybody here, but I do not have an opening statement.

CHAIR: Thank you very much. I now call officers from the department in relation to outcome 1: support the transition of Australia's economy to net zero emissions by 2050; transition energy to support net zero while maintaining security, reliability and affordability; support actions to promote adaptation and strengthen resilience of Australia's economy, society and environment; and take a leadership role internationally in responding to climate change. We are going to program item 1.1: reduce Australia's greenhouse gas emissions. I will go first to Senator McKenzie.

Senator McKENZIE: This might be the wrong place, but I want to understand the government's mechanism for tracking the origin of refined oil products arriving at Australian ports. I asked the department of infrastructure and transport, and they said DCCEE—

Mr Kaiser: It's actually in outcome 1.2, which is up next after climate.

Senator McKENZIE: Great! So I haven't missed it.

Mr Kaiser: You've not missed it.

Senator McKENZIE: Righto. Sharpen your pencils, people. You'll get some questions on that in outcome 1.2. Perfect.

CHAIR: Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: Firstly, I've got a couple of general questions. Minister Chris Bowen said the total taxpayer investment to achieve the new 2035 target was now \$75 billion. Can the department please provide the breakdown as to what has been spent so far, what is to be spent per year and what remains in separate funds.

Mr Kaiser: That is a whole-of-government figure estimated through to 2035, I think. It's certainly not all expenditure in this department.

Senator NAMPIJINPA PRICE: So that's not able to be provided at this point? Can it be provided on—

Mr Kaiser: Not from us. You may be able to get it.

Ms Munro: Let me just double check. I think we'll have to take that on notice. Could you repeat the question, though? What has been spent of the \$75 billion?

Senator NAMPIJINPA PRICE: What has been spent so far, what is to be spent per year and what remains in separate funds.

Ms Munro: Okay.

Senator NAMPIJINPA PRICE: Can the department advise at all what the actual cost is to government per year for climate related incentives.

Mr Kaiser: Can you elaborate, perhaps, on what you mean by climate related incentives?

Senator NAMPIJINPA PRICE: I suppose it's subsidies and anything that incentivises a steer towards reducing emissions.

Ms Munro: I'll have Mr Mundy join us, but in Budget Paper No. 1, statement 3, which is the fiscal strategy and outlook, it does report on what that spending is. You're right—the government has committed over \$70 billion to action on climate change. That funding is the estimate put together by Treasury, so it's not just what's in this department or the initiatives that we're responsible for but across government.

Senator NAMPIJINPA PRICE: So the cost relating to climate incentives is captured in that \$75 billion as a whole, is it?

Ms Munro: That's correct. Again, in terms of what was reported under program 1.1 for DCCEEW's portfolio budget statement in 2025-26, there was \$499 million in administered funds allocated in the 2025-26 budget to fund initiatives under program 1.1.

Senator NAMPIJINPA PRICE: Sorry, can you repeat that figure?

Ms Munro: It's \$499 million, which was allocated in the 2025-26 budget.

Senator NAMPIJINPA PRICE: Okay. I now want to go to a paper published on renewable energy by the Centre for Independent Studies—analysis paper 89 from September 2025. Is the department familiar at all with this paper?

Mr Kaiser: If it's on the topic of renewable energy, you're more likely to get an answer in program 1.2, which is up next.

Senator NAMPIJINPA PRICE: It relates—

Mr Kaiser: This is about reducing Australia's greenhouse gas emissions, which, for the purposes of the department, are around the climate change group within the department. Questions on renewable energy are best left to them.

Senator NAMPIJINPA PRICE: The costs of?

Mr Kaiser: Sorry? The costs of renewable energy?

Senator NAMPIJINPA PRICE: Correct.

Mr Kaiser: Renewable energy will be covered in the next item.

Senator NAMPIJINPA PRICE: I suppose I should put those questions to them, Chair.

CHAIR: Senator McDonald.

Senator McDONALD: I refer to the government's net zero Electricity and Energy Sector Plan 2025, released by the department. Did the department or any of its reporting agencies fund in whole or in part any form of market research, polling, community attitude studies et cetera relating to the final report?

Mr Kaiser: Not to my knowledge, but I'll defer to the deputy.

Ms Munro: In relation to the Net Zero Plan, no, we didn't fund any of those activities.

Senator McDONALD: So all the language was developed by the department and it wasn't focus group checked or taken out to the marketplace to get some feel on that?

Ms Munro: No.

Senator McDONALD: There was no outside marketing or advertising advice?

Mr Kaiser: Not that I'm aware of.

Senator McDONALD: No graphics design—

Mr Kaiser: Thanks for the compliment, though—that you think that we did!

Senator McDONALD: I know! This is going well, isn't it!

Ms Munro: We had in-house designers.

Senator McDONALD: Congratulations. I think my next questions are going to be for 1.2 as well.

CHAIR: Senator McKenzie.

Senator McKENZIE: I have questions for 1.1, around the Transport and Infrastructure Net Zero Roadmap and Action Plan. I want to understand the modelling that was done, having spent the day on this with the infrastructure department, around the light vehicles pathway on page 8, in particular, where you say that from 2035 to 2050 fossil fuels will only be used in very specific circumstances. To me, that says that by 2035 the government anticipates that the majority of light vehicles in the fleet will be electric vehicles. I want to understand the numbers underneath that graphic on page 8.

Mr Kaiser: If you're referring to the sector plans that were released along with the Net Zero Plan, they are the responsibility of line agencies.

Senator McKENZIE: I understand that, but you developed the 2035 targets and the 2030 targets. What role do the sectoral plans have in you setting your targets?

Ms Rowley: I can speak to a couple of things, but the details of the modelling may need to be referred to my colleagues in Treasury. Treasury conducted the modelling to inform the Net Zero Plan. In addition, the 2035 target that you referred to was informed by advice and analysis by the Climate Change Authority, who are appearing separately before this committee and can speak to the analysis they did.

To your question about the outlook for different fuels, including the use of fossil fuels, across the economy: the modelling Treasury conducted and which is presented in the net zero and sector plans looked at the cost-effective opportunities to reduce emissions across the Australian economy based on the best available information and in the context of global action to keep warming well below two degrees. Treasury drew together, based on consultation across government, the outlook for technologies and fuels, and global supply and demand of commodities, and synthesised that through a suite of models—which is presented in their published report—to look at where the cost-effective opportunities are over time from now until 2050. You'll see in their results that there is substantial cost-effective abatement potential in particularly the light vehicle segment of the transport sector in the nearer term. Over the longer term we see opportunities like low-carbon liquid fuels and, perhaps in some transport applications, hydrogen and other fuels coming in.

Senator McKENZIE: I appreciate that, but those assumptions are based on the unaffordability of petrol and diesel cars over the next 10 years as a result of the NVES.

Ms Rowley: No, that's not correct. What I said was that it looked at the emissions reduction potential across the economy and it identified the cost-effective opportunities across all sectors over time. It found that, particularly in that initial period, within the transport sector—as you've pointed out and as is presented in the sector plan—there are significant cost-effective opportunities to electrify in the light vehicle fleet, and we see significant take-up over that period.

Senator McKENZIE: That's what you're anticipating to see; that's actually not what industry says is possible.

Ms Rowley: I think different participants in industry have different views about the outlook. There's a pretty big technology transformation going on in the transport sector, so it's true to say that different market participants have different views about how that will play out.

Senator McKENZIE: Some have a greater conflict of interest in those views than others. The actual industry body that represents the producers and marketers of electric vehicles and hybrids and also represents those who are seeking to develop hydrogen technologies and, indeed, efficient petrol and diesel engines—so the industry body that represents all those sectors and isn't just focused on one—has said that, on the maths, it's actually impossible to sell in excess of six million new electric vehicles by 2035, which is actually what this plan requires to be done if the target is to be met. That is the data from the association that represents both.

Car dealers are car dealers. They just want to sell cars, and, if they're selling electric vehicles, that's fine. If they're selling petrol and diesel, that's fine. Car dealers want to sell cars, irrespective of the technology, as you would understand. But the maths from industry—and it has been widely reported—actually said it was impossible. So I want to understand not just whether you've spoken to select groups within the car industry but the actual practical reality—because, while they don't care about what they sell, they're saying it will be impossible to sell the number of cars that you need sold to reach the target. Do you have a response to that?

Ms Rowley: I might speak briefly to the question of what's required to meet the target, and then my colleague might want to speak a bit more about who we're engaging with and what we're hearing on the market outlook side.

With respect to what's required to meet Australia's 2035 target, the Treasury modelling—alongside the CCA advice and substantial other analysis that has informed the government's decision—identifies extensive emissions reduction potential across the Australian economy. The government has a suite of policies and measures in place to drive emissions reductions.

As set out in the Net Zero Plan, that suite of policies will be augmented and refined over time in light of experience. In the context of the transport sector, one of those key policies is the new vehicle efficiency standard, the NVES, which you referred to earlier. The CCA analysis and the Treasury modelling—the Treasury modelling, in particular—identify, based on what we know, what the most cost-effective opportunities are. But it's not a prescriptive pathway; it's not saying this must happen by this time in this place. It's based on what we know now—where the cost-effective opportunities are.

The fact is, for a national economy-wide target, we haven't set a target for the sectors, and the government hasn't set a target for electric vehicle uptake.

Senator McKENZIE: No.

Ms Rowley: But, for the national economy-wide target, if you do a bit less in some areas, then you need to do a bit more in other areas. It's not correct to say that a particular thing must be done to achieve the national target; there's a suite of options to choose from. Over time, you'll be able to move differently.

This is my last question in this area. Last time I was here, we spoke about the framework that was being set up to deal with electric cars being able to be attended to by emergency service providers, whether it's the fire or the SES or the police. We didn't have a set of standards about when an incident happened. Given the—what you'll say is ambitious but what I'll say is aggressive—uptake of electric vehicles expected across the Australian fleet, how advanced now are those agreed standards with state governments? It's having insurance implications for both dealers and purchasers.

Mr Ryan: There was a program that was committed to as part of the NEVS, the National Electric Vehicle Strategy, to roll out training to first responders for a number of different incidents that would occur with an EV or a plug-in hybrid. That training has been launched and is available. It's done through AFA, the Australian Fire Association, the peak body for firefighters. They've been rolling out that training since July. To date, I think there have been about 2,000 completions of that training. There have been around a further 8,000 enrolments. The reason for the difference between the enrolments and the completions is it takes quite a while to work through the program. There are a number of modules. It deals with things like EVs that might be parked in a garage, EVs that might be in an accident, EVs that might be submerged by a flood—the different situations that might occur and how to deal with them. So it takes quite a while to work through. That has been rolled out and is underway at the moment in terms of providing that training to fire. It might also be volunteers in rural fire brigades and other first responders.

Senator McKENZIE: Thank you.

CHAIR: Senator Waters.

Senator WATERS: I'll start with the climate targets please. Obviously, we're on record saying we don't think they're science based and we don't think that 62 per cent is anywhere near what's needed to keep us to 1½ or even two degrees of warming. Notwithstanding that, the Climate Council says that 75 per cent would get us to 2.3 to 2.4 degrees. They also say that only net zero by 2035 would give us a reasonable chance of staying under two degrees. The minister contended that 62 per cent aligned with Paris. But there's no analysis. I can't see anything to legitimise that statement. On what has the minister based that assertion?

Ms Rowley: The Climate Change Authority provided its independent expert advice to the government on the matter of the 2035 target. They've produced a very substantial report that presents their analysis and advice based on extensive public consultation and engagement with experts and stakeholders across the Australian economy. Their recommendation to the government, provided on 12 September this year, was for a target of 62 to 70 per cent below 2005 levels by 2035. That was their advice, and, as part of their advice, they presented their analysis of all the relevant considerations set out under their statute and the Climate Change Act, including consideration of the Paris Agreement and the global temperature goals. That report is published and available for you to look at. We also presented a summary of the key considerations in the chapter on the 2035 target in the Net Zero Plan.

Senator WATERS: So you're saying that because it's in the CCA doc that's why Minister Bowen is asserting that 62 per cent will keep us aligned with Paris? There's no other document of any legitimacy that he can cite?

Ms Munro: Just to add to Ms Rowley's answer, the Climate Change Authority of course considered the science. I think, as you know, that includes our chief scientist and also Dr Lesley Hughes, one of the leading IPCC authors. It did consider that. The IPCC found, in its most recent report, that global emissions must reduce by 60 per cent from 2019 levels to keep 1.5 degrees within reach. While that does not determine what the national contribution should be, it does provide a useful point of comparison. When you look at 2005 levels instead of 2019 levels—that's a 68 per cent reduction on 2005 levels. Given that Australia's target range is 62 to 70 per cent, 68 per cent falls within that range. That is a point of data evidence that supports Minister Bowen's statement.

Senator WATERS: Did the department provide any specific advice about Paris alignment?

Ms Rowley: Alongside the Climate Change Authority's advice to the government, the department addressed all of the relevant considerations to the target. That's reflected in the Net Zero Plan, which was published on 18 September.

Senator WATERS: Did you specifically advise on what likely temperature outcome 62 per cent would lead to, and whether that was aligned with Paris?

Ms Rowley: You would appreciate that the global temperature outcome is a function of global emissions. So there is no singular or linear relationship between Australia's target and global temperature outcomes. Of course, Australia makes its full contribution to global efforts to reduce emissions in line with the Paris temperature goals. The target of 62 to 70 per cent was identified by the Climate Change Authority, having taken into account all of the considerations including the Paris temperature goals, as Australia's highest possible ambition. The government accepted that advice.

Senator WATERS: Have you provided advice to the minister on the Climate Council's analysis, which says that only net zero by 2035 will keep us below two degrees, and explained the discrepancy between those two positions?

Ms Rowley: In its public consultation on Australia's target, the Climate Change Authority engaged with a wide range of stakeholders.

Senator WATERS: But did you provide advice to the minister? That was my question.

Ms Rowley: Similarly, when we were putting together the Net Zero Plan, we took into account the views that had been expressed right across the stakeholder group. The Climate Council, along with some other stakeholders, was advocating for net zero by 2035. There were other stakeholders advocating different views. Ultimately, the assessment comes back to what an appropriate target for Australia is, including Australia's appropriate contribution to global action to reduce emissions with the ultimate goal of keeping warming well below two degrees and keeping 1.5 degrees within reach?

Senator WATERS: Thank you. I understand all that. My question was: did you brief the minister on the Climate Council's analysis that only a target of net zero by 2035 would keep us below two degrees. That's according to their analysis; you don't have to agree with that analysis. Did you brief the minister on that analysis?

Ms Rowley: We provided advice to the government on the range of stakeholder views.

Senator WATERS: Including that?

Ms Rowley: Including stakeholders who were calling for targets of 100 per cent reductions by 2035.

Senator WATERS: You're still not specifically answering my question. I'm going to have to ask again—or you could just answer, which would be nice. Did you advise on that particular analysis?

Ms Rowley: I'd need to take it on notice. I can't be certain.

Senator WATERS: Thank you. Coming back to the sector plans, which you've mentioned—I have looked at those. They don't set out clear policies or actions to achieve the overall 62 per cent target. But the CCA did identify seven policies that they say must be adopted to reach the targets. And they are clearly identified as the bare minimum, in the CCA's mind, to reach 62 per cent. Has the government agreed to those policies or briefed the department to enact them?

Ms Rowley: The government's policies are as set out in the Net Zero Plan and the sector plans. The Net Zero Plan makes clear that we have a number of policy reviews in place or scheduled, which will provide an opportunity to review the performance of those policies and consider the contribution they will make towards meeting the 2035 target. It also set out the process of reviewing and augmenting policy over time. That's the approach that the government's taking. That will be informed by the Climate Change Authority's annual progress reports, and there are the accountability mechanisms of the annual projections and inventory, as well as the minister's annual statement to parliament.

Senator WATERS: Thanks for all of that, but that was not my question. My question was: has the government agreed to the CCA's seven key policies that it said must be adopted to reach the 62 per cent—the 99 per cent renewables, ending deforestation, the new EVs, lifting organics recycling. I'm sure you know what they are. Has the government said yes to those or not?

Ms Rowley: Not at this time.

Senator WATERS: Have they adopted any of them?

Ms Rowley: The policies of the government are as set out in the net zero plan. I don't have the list in front of me. If they're not reflected in the net zero plan, then they have not, at this time, been adopted.

Senator WATERS: How can the government selectively adopt CCA advice and then choose to discount their clear calculations that say, 'You must do these things in order to meet 62 per cent'?

Ms Rowley: The CCA was requested by the minister to provide advice on Australia's target. Their advice on Australia's target was that Australia's highest possible ambition was a target of 62 to 70 per cent below 2005 levels by 2035. In providing their advice and in doing their analysis, building on the work that they did in the sector pathways review that was provided to the government last year, they've expressed views about the range of policies and measures that, in their view, will help get Australia to that 62 per cent target. The government will, as it does with all of the Climate Change Authority's advice, consider that as part of its ongoing work program. But, at this point in time, they haven't changed their policies or adopted those specific observations. But the core recommendation of the CCA's advice was the target of 62 to 70 per cent, and the government has accepted that recommendation.

CHAIR: Senator Waters, you have one minute.

Senator WATERS: If you haven't accepted what CCA says was the bare minimum to reach 62 per cent, what's the plan to reach 62 per cent?

Senator Ayres: The problem is that you're asking the—

Senator McKIM: The problem is that you haven't got a plan. That's the problem.

Senator Ayres: Senator McKim, you're not starting very well, really. This committee has run well and truly over time. There are questions that your colleague wants to ask. We're endeavouring to answer them. We want to answer them carefully and in a straightforward way. What I was setting about explaining before you were up and about, being as disruptive on this as you are in terms of the government's renewable strategy, opposing wind farms on Robbin's Island, which is a destructive environmental vandalism. You're mischaracterising how the Climate Change Authority, Senator Waters, has set out this report. They say—

CHAIR: Minister—

Senator Ayres: Well, she's mischaracterising the Climate Change Authority's approach.

CHAIR: And you're entitled to answer that in the question.

Senator HENDERSON: Actually, they're not.

CHAIR: No, sorry, Senator Henderson, I'm more than capable of handling this. Thank you. I appreciate your help. Please direct it to the questions, Minister, and keep your answer within that field.

Senator Ayres: Yes. And if I'm not interrupted, I'll do my best. Your mischaracterising—

Senator HENDERSON: Cut the attitude.

Senator Ayres: You're interrupting again. I mean, honestly. The Climate Change Authority—and their chair will be here later to answer questions about this—has set out a series of streams of activity that, if adopted, would collectively get you into the 62 to 70 per cent range. As one of the officials said before, they are not the only ways of acting. If there is less achieved in one area, it means more needs to be achieved in another, and 62 to 70 per cent is a very substantial task for the country and the economy. It requires not just the federal government acting but, of course, the states and territories and everybody else who's engaged in this task. That's why there's a range. The vectors of activity—whatever we're calling them—are not government policy, but that is what the Climate Change Authority has set out. You shouldn't characterise it in the way that you did. It's very difficult for the official to answer questions if you do it that way.

Senator WATERS: It's very difficult if no-one gives her the chance to respond. Ms Rowley, my question was: if the government hasn't accepted the seven key policies that underpin CCA's calculation to get to 62, how does the government propose to get to 62?

Ms Rowley: If you've spent some time looking at the Net Zero Plan, you'll see that it sets out the government's approach to reducing emissions to 2035 and beyond—

Senator WATERS: It was very vague. I'm sorry, but it was very vague.

Ms Rowley: If I could finish. The government sets out policies and measures organised around five decarbonisation priorities. The first is expanding clean electricity across the economy. Under that banner there are a number of policies and measures that have been articulated, including the 82 per cent renewable targets, supported by the Capacity Investment Scheme, Rewiring the Nation and other measures, which could be explored

in further detail in outcome 1.2. It also foreshadows reviews that are currently on foot that are going to inform further policy reform over time.

The second is to lower emissions through electrification and energy efficiency. It sets out the suite of policies and measures that, again, the government has implemented to drive electrification across the economy, backed by expanded renewable energy generation and the energy efficiency improvements. Alongside the plan, there were a number of energy efficiency measures funded and announced alongside the release of the plan, which, again, could be explored in outcome 1.2 if you're interested.

The third priority is to expand clean fuel use, which is particularly important in those applications—

Senator WATERS: I have read the plan, thank you.

Ms Rowley: that cannot be electrified. Again, there is a suite of policies and measures set out in the plan that the government is already implementing to do that. Alongside announcement of the plan, the government announced a commitment of \$1.1 billion to support the development and production of low-carbon liquid fuels in Australia and to support accelerated decarbonisation options for those activities that cannot be electrified.

The fourth priority is to accelerate new technologies. This is an innovation measure. The government, again, in the Net Zero Plan sets out the policies and measures that it has implemented over the course of the last three years.

Senator WATERS: I have read the plan.

Ms Rowley: Senator, you asked what the government's plan was. I'm just stepping you through the top priorities as identified in the plan. Alongside those existing policies and measures, again, it foreshadows the further action to be taken over time.

Finally, the fifth priority is to scale up NEP carbon removals and, again, sets out the policies and measures the government has put in place to enhance carbon removal in the Australian landscape, and the further policies and measures to be implemented over time.

Senator WATERS: Thank you. I think I've run out of time.

CHAIR: You have. I will have to come back to you, Senator Waters. I'm now going to Senator Henderson.

Senator HENDERSON: Australia has a legislated 43 per cent emissions reduction target from 2005 levels by 2030. Current emissions are approximately 440 million tonnes of carbon dioxide equivalent, which is only 28 per cent below 2005 levels. We're only five years away from 2030. Are we going to make this target? Many experts say that we are falling well short of the 2030 target, Ms Munro.

Ms Munro: Your facts are correct. For the year to March 2025, Australia's emissions were 440.2 million tonnes, or 28 per cent below the year to June 2005. The department also prepares our emissions projections, and, under that baseline scenario, Australia is on track to overachieve on the 2030 target on a budget basis—

Senator HENDERSON: I'm going to stop you there—

Ms Munro: and just shy of the actual time target. If I can finish this part—on the basis of our cumulative emissions over the period 2021 to 2030, we're projected to actually be three per cent below the emissions budget and 42.6 per cent below 2005 levels in 2030.

Senator HENDERSON: Let's just cut to the chase here. The average requirement per year between now and 2030 is 16 million tonnes to reach 43 per cent emissions reduction. What is your projection for this year? So far, you've achieved just over four million tonnes lower than 2022. What I'm putting to you is that, based on the last three years, which have been very marginal, almost flatlining, to get to 43 per cent, you're going to have to lower emissions by 16 million tonnes a year. Is that what your projections are showing?

Ms Munro: I might actually ask Ms Rowley to—

Senator HENDERSON: I just want to finish this line of questioning. Could you please provide those projections that you're reading from now. Could you take us through what you're projecting your emissions will be per tonne each year between now and 2030?

Ms Munro: There are the details of how we produce the projections—

Senator HENDERSON: I am not interested in how; I'm just interested in the number. How many million tonnes for this year?

Ms Rowley: If I could provide a brief chapeau before we go into—

Senator HENDERSON: No. I don't—

Ms Rowley: I'm sorry, with respect to—

Senator HENDERSON: No. With respect to me, I'm asking a specific question.

Ms Munro: We're genuinely trying to answer.

Senator Ayres: The officials are trying to answer the question.

Senator HENDERSON: Minister, could you not interrupt me please.

Senator Ayres: You should allow them to answer the question—

Senator HENDERSON: I am asking a question.

Senator Ayres: and give them an opportunity to do that.

CHAIR: Before everyone starts talking—

Senator Ayres: They don't have to answer it the way that she wants them to, but they are going to give it a go. If they can't satisfy Senator Henderson, they're entitled to take it on notice, but they are trying to explain—

Senator HENDERSON: It's not about satisfying me.

CHAIR: Before we continue this debate, let me just say this—

Senator HENDERSON: Point of order, Chair.

CHAIR: I will come to your point of order in a moment. The place that I had thought we had got to was that there were aspects of Senator Henderson's questioning that remained to be elaborated on. If that wasn't the case and there was an opportunity to answer being given, then I agree, Senator Henderson, the witnesses need to be given the chance to answer the questions. I had understood you hadn't completed the question—

Senator HENDERSON: I hadn't completed the question.

CHAIR: So if we—

Senator HENDERSON: So please show me respect by allowing me to ask the question. The questions are: Given you've got to achieve, on average, 16 million tonnes fewer emissions a year to get to 43 per cent, year by year, what is your projection? Can you please provide the substantiation of that projection? I just want the yearly number per year. What's 2025, please?

Ms Pentony: My branch produces the emissions projections. That information is published in the projections. I just need to take on notice—we don't have the table that I've prepared with all of those numbers in it. It is published in the emissions projections, which also include a detailed explanation of the methodologies that we used to arrive at those projections. I can tell you what the projections—

Senator HENDERSON: I just want each year and the number per year, please.

Ms Pentony: I understand. I don't have that table with me in a way that I can give it to you now. I can take it on notice, but I can also advise you that it is published in the emissions projections report, which is available online.

Senator HENDERSON: Could you just provide the committee with each year?

Ms Pentony: On notice, I can do that.

Senator HENDERSON: So you can't provide us with how many million tonnes of carbon dioxide equivalent is going to be reduced each year between now and 2030?

Ms Rowley: We can provide those figures for the 2024 projections, which are our most recent official projections of the period out to 2040. That is a published report, and all of the data underpinning the charts in that report are available on our website. We can also provide it to you on notice.

Senator HENDERSON: This is Senate estimates. With respect, we're not going to be going to any website. I'm asking—between 2025 and 2030, could you please take us through each year's emissions reduction, and how many million tonnes in 2025, 2026, 2027, 2028, 2029 and 2030?

Mr Kaiser: I think we've taken that on notice.

Senator Ayres: The official is entitled to take it on notice, but she's also pointed out to you that, with a Google search, you could produce those results yourself. She's entitled to take it on notice—

Senator HENDERSON: So you're not going to answer the question, Minister? Is that the issue?

CHAIR: Senator Henderson, respect has to go both ways here—

Senator HENDERSON: Telling me to do a Google search is disrespectful—

CHAIR: Senator Henderson, please come to order! The Minister is providing an answer from the table.

Senator Ayres: She is entitled to take it on notice. She is just pointing out, as am I, that this is public, open, transparent data that is published on a regular basis by the government for people who are genuinely interested to make those inquiries and read it for themselves. We will provide it on notice because that's what we're required to do, but I'm just pointing out to you that it's there for you and your colleagues and anybody else who is interested.

Senator HENDERSON: Minister, with respect, this is Senate estimates. We are asking questions. I am asking for data. How many million tonnes of carbon dioxide equivalent will be reduced per year? I want to put to you, and put to your department, that this is a huge fudge. You're at 28 per cent, and based on the fact that you've achieved just over four million tonnes in three years there is nothing to evidence the fact that you can achieve a reduction of 16 million tonnes per year in emissions to get to 43 per cent by 2030.

Senator Ayres: The projections are publicly available, and the officials will take that on notice.

Senator HENDERSON: Could you tell me what they are per year, if your officials can't, Minister?

Senator Ayres: As I've indicated, we've taken that on notice.

Senator HENDERSON: That's extraordinary. This is a core part of your energy plan. Are you telling me that you, or anyone in your department, can't provide this basic information? What I'm saying to you is there is every bit of evidence that this is a fraud in terms of telling the Australian people that you are going to make—

Senator Ayres: Well, now you're in Hastie's and Roberts's territory.

Senator HENDERSON: Excuse me, Minister. I would like to finish. It is fraud to tell the Australian people that you are going to reach a 43 per cent reduction in emissions.

Senator Ayres: The officials have said it is publicly available.

Senator HENDERSON: Please don't talk over me.

Senator Ayres: Well, you've been talking over me.

Senator HENDERSON: No, I'm not talking over you. I'm asking a question.

Senator Ayres: The officials are endeavouring to answer your question again. I can sense an effort here to try and engage with some of the material. It is, as they have said, publicly available.

Senator HENDERSON: So far they've declined to provide the data.

Mr Kaiser: During the course of the discussion, we looked it up online, and we have the material for you.

Senator HENDERSON: Thank you, Mr Kaiser.

Ms Rowley: I've just accessed it from our website. From the 2024 emissions projections, our estimate of emissions in 2024 in the baseline scenario is 441 million tonnes. This is projected to remain at the same level in 2025 and to decline to 439 million tonnes in 2026, a two million tonne +; to 434 million tonnes in 2027, a five million tonne reduction; to 411 million tonnes in 2028, a 23 million tonne reduction; to 381 million tonnes in 2029, a 30 million tonne reduction; and to 352 million tonnes in 2030, which is a 29 million tonne reduction.

Senator HENDERSON: If you could, provide the mechanism that you will be using to get to 352 million tonnes by 2030. In three years, it's only been a very, very small reduction.

Ms Rowley: I'm happy to speak to those, if you're interested.

Senator HENDERSON: No. I've asked if you could provide those mechanisms on notice. The 82 per cent renewables target is obviously a key policy in achieving the 43 per cent emissions reduction target. There are various experts who have determined that the best that you might reach is 58 per cent. Rystad Energy says you might reach 65 per cent. What evidence do you have to suggest that you will reach 82 per cent by 2030?

Mr Kaiser: The people who can answer that question will be up next in outcome 1.2.

Senator HENDERSON: So you don't have anyone who can answer?

Mr Kaiser: We do, but it's the next outcome that we'll be speaking to: renewable energy.

Senator HENDERSON: Isn't it a part of your emissions reduction—

Mr Kaiser: Yeah, but we've set out an agenda. The agenda is set out by outcome, and the next outcome addresses renewable energy.

Senator HENDERSON: Right, well I will leave it at that.

CHAIR: Senator Waters.

Senator WATERS: Can we pick up where we left off. You said that one of the ways that you would attempt to achieve 62 per cent—not the ways the CCA has suggested—was to scale up net carbon removals. Can we go to that please. The Treasury modelling for the targets shows 150 million tonnes of carbon removals by 2050. Did

your department contribute to that modelling, and then how much of that removal is expected to occur from revegetation or avoided deforestation?

Ms Rowley: Just to clarify, the 62 to 70 per cent reduction is for 2035 and the 150 million tonne figure that you quoted is for 2050. Do you want to talk about the period to 2035 or to 2050 or to both?

Senator WATERS: I want to talk about the period to 2050. My first question was whether or not you had had input into the Treasury modelling that says that 150 million tonnes of carbon removals by 2050 has been modelled.

Ms Rowley: The department did contribute to the work led by the Treasury, along with the other sector department leads. We all contributed information analysis and advice to Treasury, who then synthesised that work into their modelling. That was also done in close consultation with the Department of Agriculture, Fisheries and Forestry, including contributions from ABARES.

Senator WATERS: How much of that 150 million tonnes of carbon removal is expected to come from revegetation or avoided deforestation?

Ms Rowley: Some degree of detail is set out in the Treasury modelling report. For the specifics, you might want to refer to them. But I can certainly say that, within the Treasury modelling, all of the carbon removals that were modelled and presented in that figure were land based removals. Treasury did not find, through its analysis, that other forms of carbon removal would be cost effective within that timeframe.

Senator WATERS: So basically 'all of it' is the answer. What is the government doing to achieve the volume of reforestation needed to meet those targets?

Ms Rowley: The target is net zero. The government doesn't have a specific target for the land sector or for land sector removals. As I explained earlier, the Treasury modelling is an illustrative scenario of the cost-effective opportunities available across the Australian economy based on the information we have available now. Our understanding of the emissions reduction opportunities obviously improves over time as technology and global markets evolve. But, in terms of the key policies and measures the government has to support land based sequestration, they're set out in some detail in the land and agriculture plan. Some of the key ones are work to expand and support expansion of the plantation estate; work to improve the conservation estate; major programs like the Natural Heritage Trust support; better land management over time across public and private, particularly private, tenures; and policies and measures like the Australian Carbon Credit Unit scheme, which provides a specific incentive or reward for carbon sequestration from eligible projects under approved methods.

Senator WATERS: How many ACCUs have been produced from that reforestation method to date?

Ms Rowley: Which reforestation method are you—

Senator WATERS: The one that you just described.

Ms Rowley: There are a number of vegetation related methods under the ACCU scheme, and my colleague might be able to assist with details. The Clean Energy Regulator administers the ACCU scheme and probably has the best information on ACCUs issued under specific methods today.

Senator WATERS: With respect, I might take it up with them a bit later. I'm sure my colleague will as well. My understanding is the answer is zero. I have other questions for you, and I'll take that up with them.

CHAIR: Senator Waters, I'm going to move the call in a minute.

Senator WATERS: Please can I get one more question out, Chair?

CHAIR: You have another minute, Senator Waters.

Senator WATERS: Thank you. You've just described the Treasury modelling that your department contributed to, in concert with a bunch of others that you listed, as an illustrative model. So you're saying that, actually, it is not government policy to remove 150 million tonnes of carbon by 2050; it's just illustrative modelling. I want to make sure I've got that right.

Ms Rowley: The government doesn't have a target for carbon removals in 2050. It has a target of net zero emissions across the Australian economy by 2050. The precise source of the emissions reductions and removals to balance residual emissions will evolve over time in light of the policies and measures the government has in place, the actions by state and territory governments, and the evolution of technology and global markets. Based on the analysis that the Treasury has done with all of the inputs and assumptions presented in their published report, our current estimate under the baseline scenario is in the order of 150 million tonnes of residual emissions in 2050, which would be balanced by 150 million tonnes of carbon removals from, as we discussed, the land

sector. But it is not a forecast. It is not a projection in the classic sense of, 'Here is what we think will happen over those sorts of timeframes.' It is an illustrative scenario based on the stated assumptions.

Senator WATERS: Thanks.

CHAIR: I'm going to go to Senator Whitten.

Senator WHITTEN: Is the department aware of the Page Research Centre submission to the Select Committee on Information Integrity on Climate Change and Energy that has highlighted over \$108 million in pro-renewable foreign funding over the past 10 years?

Ms Munro: Personally, I am not aware of that Page report, but it does relate to renewable energy investment, which, again, is under outcome 1.2.

Senator WHITTEN: So colleagues who are coming to the table for the next item may have heard of the report? Is there anything being done to investigate foreign funding to activist groups targeting coal, gas and nuclear?

Ms Munro: I'm not aware of the basis of those claims and I'm not aware of any policies addressing those issues.

Senator WHITTEN: Will you take it on notice?

Senator Ayres: We can certainly do that.

Ms Munro: Yes, we can take it on notice.

Senator WHITTEN: It's in the report.

Mr Kaiser: What is the organisation, again, sorry?

Senator WHITTEN: The Page Research Centre. It was a submission to the select committee.

Mr Kaiser: We'll check the claim.

Senator Ayres: I certainly haven't heard of them, but we'll do our best.

Senator WHITTEN: What are the current disclosure rules for internationally funded activist groups, and how are they enforced?

Mr Kaiser: I don't believe that's a matter that this department administers, if anyone does.

Senator WHITTEN: The Institute of Public Affairs reported that 35 of the 50 largest wind farms and 36 of the 50 largest solar projects are partially or completely foreign owned. Has the department provided any advice to government or released any reports on potential foreign influence in relation to the energy transition?

Mr Kaiser: Again, at the moment, we're dealing with outcome 1.1, which is broadly about climate change. The next outcome, 1.2, is about renewable energy projects. Obviously they're related; one hopefully leads to good outcomes in the other. We're just trying to manage the movement of officers from the front table to the back seats. They'll be with you soon, although foreign investment matters should probably be directed to Treasury, not to us.

Senator WHITTEN: The rest of my questioning is on that, so I might leave it at that.

CHAIR: We might come back to you in outcome 1.2 then. I'll move to Senator Smith.

Senator DEAN SMITH: Thank you to officials. Has the government claimed that it is on track to deliver the 2030 emissions target?

Ms Munro: As I answered before, the department produces the projections. The latest projections on whether the government is on track or not on track were produced at the end of last year. On that basis, yes, on a carbon budget basis, it's three per cent below and just shy, on a point target, at 42.6 per cent.

Senator DEAN SMITH: What are the assumptions that underpin that level of confidence?

Ms Pentony: Those figures come from the emissions projections report, and that report sets out, in some detail, how we work through the various assumptions and the impacts of projected policies into the future. It's quite a lengthy report; I don't think I can summarise all of it in a short answer.

Senator DEAN SMITH: Do all of the assumptions in the report have to be realised for the government to have confidence that its 2030 emissions target will be met?

Ms Pentony: The projections attempt to project forward the impact of current government policies and, in scenarios with additional measures, of policies where there's less information currently available on emissions out to 2040. It's not that that's what's required to meet a particular target; the projections are our best estimate, at the time that we prepare them, of what the emissions are likely to be.

Ms Rowley: I might just add a couple of things. The emissions projections look at the current outlook for global markets and demand for Australia's commodity exports, look at current availability of technologies and the current outlook for those technologies and make assumptions about the key Commonwealth, state and territory policies and measures that have been sufficiently progressed so that we can model them with confidence. All of those things bear upon our estimates of emissions. One of the key assumptions is full implementation of current government policies, as articulated in that projections document. Some of the key measures that are important, particularly for the outlook to 2030, are the 82 per cent renewable target, the new vehicle efficiency standard and the safeguard mechanism. The details of each of those measures and their implications for emissions are presented in that published report.

Senator DEAN SMITH: How does it seek to stay abreast of or contemplate future changes in conditions—for example, changes in investment appetite, changes in construction timetables, construction delays or changes in consumer behaviour to consumer driven initiatives?

Ms Pentony: We update the emissions projections each year. And each year we use the best information that we have at that point in time to do our best assessment of the forward outlook. We don't have an error margin in the projections; we just continue to update them over time as new information becomes available.

Senator Ayres: It's hard to predict some of the developments on the upside, as well as the downside. The falling costs for solar and the very high take-up by Australian households of solar—very steep falls in solar and very steep reductions in battery prices supplemented by the scheme that the government's announced whereby a thousand families are taking up batteries every day. Those kinds of changes do have a material impact.

Senator DEAN SMITH: When the government says it's 'on track', that statement is only true insofar as each of the government policies that are articulated in the document is perfectly implemented on time?

Ms Pentony: The projections assume that policies are implemented as intended. The government's statement of being on track is a reflection of the most recent projections outcomes.

Senator DEAN SMITH: So, when the government says it's 'on track', what the government is saying is that it expects its policies that are contained in the document to be met in full and according to the schedule? That's what I've heard. So, if I've heard it incorrectly, please—

Ms Rowley: It's correct to say that the projections reflect full implementation of the government's policies. Effectively what they're saying is that, through legislation and budget allocations and the funding to implement measures, we have policies and measures in place which, if fully implemented, are sufficient to get us to that target.

Ms Munro: I'll just add that there's the annual review in terms of how things are actually tracking. So it's not a set-and-forget projection whereby we're on track or not. Those policies and the underpinning methodologies are looked at every year.

Senator DEAN SMITH: So, the further we move away from the existing document and the closer we get to the new document or the annual review mechanism, the less reliable the existing document is.

Ms Pentony: We update the document every year. I think it's fair to say that, historically, emissions projections have tended to reduce over time rather than increase over time. The further out you are from a time period, the more difficult it is to predict what the settings are likely to be at that time. Over time, governments bring in new policies. Policies are implemented faster, in some cases, than we thought. Things like renewable energy came online much faster than we ever thought they were going to. So, broadly speaking, the emissions projections have tended to track down, year on year, rather than track up.

Senator DEAN SMITH: On notice, can you demonstrate that statement to me?

Ms Rowley: Sure.

Senator DEAN SMITH: Thank you. The minister himself has said that meeting the 82 per cent renewable target is a very big factor in achieving the 43 per cent emissions reduction. That's true?

Ms Pentony: Yes.

Ms Rowley: Yes.

Senator DEAN SMITH: So then how do we compare that to statements such as that from Wood Mackenzie, which has said that the government might reach 58 per cent, and from Rystad Energy, which has said that the government might reach 65 per cent in a best scenario? How does the department reconcile those statements with its level of confidence that the plan will be delivered? The CEO of the Australian Chamber of Commerce and Industry has said that it's doubtful it will ever be achieved. I think the Clean Energy Council may have said in its

investment report that commitments to new projects are running at just a third of the run rate required for Australia to deliver on the target. Have you tested or interrogated each of those four statements?

Ms Rowley: The thing I would note is that the minister is also on the record as saying that to get to 82 per cent it's going to take a lot of hard work and that it's not a simple or easy target to meet. But the government has been consistently implementing and augmenting the policies and measures and actions to—

Senator DEAN SMITH: When I heard that, Ms Rowley, I thought that was lowering expectations.

Ms Rowley: No, it's—

Senator Ayres: All this cynicism in one so young, Senator Smith!

Senator DEAN SMITH: I'm not cynical; you know that, Senator Ayres. I'm very much optimistic.

Ms Rowley: The government has continued to implement policies and measures and take actions to reduce the barriers to deployment of clean energy. As we've referred to in answers to previous questions, further detail on those policies and measures could be provided in outcome 1.2.

Senator DEAN SMITH: In the current plan, none of the government's policies are terminating measures?

Ms Rowley: There are a range of policies and measures. Depending on which ones—

Senator DEAN SMITH: And none of them are terminating?

Ms Rowley: It depends on which ones you're talking about.

Senator DEAN SMITH: That was my question to you. Are any of them terminating, and which ones are terminating? I recall reading in the incoming government brief—not wanting to rehash this morning's evidence—volume 2, which was redacted, that there might have been a list of terminating measures. I might have misunderstood that, but my questions to you—and perhaps you might take them on notice—are: does the plan include any terminating measures, and, if so, what are those terminating measures?

Ms Rowley: Could I just clarify, because there are quite a few plans bouncing around, which plan you are specifically referring to there.

Senator DEAN SMITH: Each plan.

Ms Rowley: Each plan?

Senator DEAN SMITH: The current plan.

Ms Munro: The Net Zero Plan?

Ms Rowley: Are you talking about the Net Zero Plan, or are you talking about what the government's doing to achieve 82 per cent?

Senator DEAN SMITH: Let's do both, on notice.

Ms Rowley: Certainly.

Senator DEAN SMITH: Thank you very much.

Senator Ayres: The officials will do their best.

CHAIR: Senator Smith, I'll just give you the one-minute warning.

Senator DEAN SMITH: It might take me a minute to regroup. I might go to a colleague, if I may, or share the call.

CHAIR: No, we'll pass the call and come back to the coalition. Thank you, Senator Smith. Senator Waters.

Senator WATERS: Can I ask about the funding for the \$5 billion Net Zero Fund within the National Reconstruction Fund? Is it correct that in the first two years the NRF has only spent \$635 million of its \$15 billion allocation?

Senator Ayres: I would be absolutely delighted to answer those questions on Friday, Senator Waters, if my recollection is correct. The National Reconstruction Fund, which I have some responsibility for, appears then, and we can take you through that in a more systematic way.

Senator WATERS: What will the Net Zero Fund do that can't be done with the \$14 billion-odd that hasn't been spent so far? What's the difference?

Senator Ayres: As I've indicated, we'll take you through that in some detail. We've got plenty to contribute on that question. That is \$5 billion for Australian industry to support electrification of industrial processes and secure investment in future manufacturing factories—big factories full of blue-collar workers in our outer suburbs and industrial regions that will receive equity funding loans and other support so that, in a practical way, they can

secure investment in new plant and equipment. It's a very ambitious pro-manufacturing position from a pro-manufacturing government. In terms of the details, I can't wait to deal with it on Friday—two more sleeps!

Senator WATERS: Is the Net Zero Fund new money or just a re-announcement of money to make it look like you're doing something?

Senator Ayres: No, it is an allocation of the \$15 billion to this purpose. I would be very happy to go into more detail on Friday, but we are out talking to heavy industry and Australian manufacturing now about the design and the changes that will be required to make that effective for blue-collar jobs and engineering and factories in the outer suburbs and industrial regions of Australia. This is really important work to achieve good industrial outcomes. It does, of course, require more electricity, which is why your colleague Senator McKim should get out of the way of wind farm development in places like Robbins Island and stop being destructive to us achieving our objectives of securing more electricity for Australian industry. But we are determined to get on with the job.

Senator WATERS: Sorry, is it new money? You described it as an allocation of the \$15 billion, which is the NRF amount.

Senator Ayres: Exactly right.

Senator WATERS: So it's not new money; you're just repurposing?

Senator Ayres: It is money that is being directed towards that precise purpose—that is, achieving—

Senator WATERS: So you're earmarking five of the 15? I'm just trying to understand.

Senator Ayres: That's exactly right.

Senator WATERS: Thank you.

Senator Ayres: There's more work to do in terms of the design. We're out to heavy industry and working on it now. We announced that a couple of weeks ago after the PM and Minister Bowen announced the fund. We will be setting about that work quickly, and we're very keen to spend time talking about it on Friday.

Senator WATERS: Only two sleeps to go—I heard you, Minister. Speaking of unspent money, is it right that \$350 million of the original \$400 million for the Powering the Regions Fund safeguard transformation stream hasn't been spent? If not, why can't you use that to do something good like electrify low-heat gas use in manufacturing?

Ms Johnson: It's right that \$600 million was allocated to the safeguard transformation stream, and \$300 million has been allocated under round 1 in grant funding to 15 projects. Round 2, we expect, will open early in 2026. As you're aware, the safeguard mechanism reforms are going well. Fifteen projects have been awarded funding to date. We fully anticipate that, once round 2 of that fund opens, we will get high-quality projects. As you might remember, the intention of that fund was to reduce the scope 1 emissions of trade exposed safeguard facilities. Most safeguard facilities are trade exposed, so we do anticipate a good take-up of round 2 of that program.

Senator WATERS: Can I do a quick topic change in relation to methane accounting for coal mines. Is that you, Ms Johnson? I'm interested in the changing basis for the accounting for coal mine methane emissions. I understand that, rather than individual baselines, it's now changed to averaging across the entire industry. My information is that that has led to windfall gains for some coal mines where the average was higher than their emissions. So they've just profited from that accounting change. I'm particularly interested in the situation that has meant that Adani-Bravus's Carmichael coal mine earned around \$12 million for operating below the average baseline despite making no effort to actually reduce their methane emissions. Have Adani had a \$12 million windfall based on an accounting change and no methane reduction?

Ms Johnson: As it relates to the safeguard mechanism, that is me; as it relates more generally to methane accounting, that is Ms Pentony. There's a lot in that. If I start with the way that safeguard baselines are calculated, there is the industry average component of each baseline and also the site-specific value. We consulted, you might remember, on the way those baselines would come together as we developed the reforms in 2023. The outcome was that there would be a hybrid mix of those two elements. Really the ratio between site-specific values and the industry average determines where the baseline was set, and they are production adjusted, so they go up and down each year as production changes.

There are sectors, and coal mining is the key one, where there is a great variability in the emissions intensity across the sector. The site-specific values and the combination of industry average has meant that some facilities may start with their emissions below their baseline, but there will be others, conversely, that have started with their emissions above their baseline. That was something that was built into the reforms to balance those two things out as we moved across the years from that site-specific calculation of baselines to industry average. So it's

true to say that there were some facilities that were issued safeguard mechanism credits. Alternatively, on the other hand, there were other coal mines that needed to surrender either safeguard mechanism credits or Australian carbon credit units to meet their obligations. So those things sort of roughly equal out. Then, of course, the baselines decline at 4.9 per cent each year going forward, so that obligation will become tougher as the years go on.

Senator WATERS: I understand all of that. Is it correct that Adani got a \$12 million windfall?

Ms Johnson: I would have to take that on notice and unpick those figures.

Senator WATERS: Please do, thank you. Can Adani or any other mine that has benefited from that situation cash in those credits over time rather than abate or capture methane?

Ms Johnson: Any credits that were issued in the 2023-24 year can be used by that facility up to the year 2030 or sold to other facilities. As I say, there were many facilities that needed to already purchase or surrender credits to meet their obligations in the last financial year.

Senator WATERS: So Adani has made a \$12 million windfall, and now they can cash in those credits.

Ms Johnson: Senator, I've taken that figure on notice. I can't comment on that figure.

Senator WATERS: They can now onsell that.

Ms Johnson: They can onsell credits. That's right.

Senator WATERS: Wow. Can I quickly go to gas strategy. Thank you to whoever that is coming to the table.

Mr Kaiser: This may be best dealt with in outcome 1.2, depending on what the nature of the question is.

Senator WATERS: Let's give it a crack.

Mr Kaiser: We're not sure who to bring up, because you haven't asked a question.

Senator WATERS: That is a very good point! The electricity and built environment sector plans released by government—and I'm only laughing because this is actually about two conflicting policies, so I don't mind which person answers it—talk about using less gas and electrifying existing gas appliances. But the Future Gas Strategy doesn't talk about reducing demand and in fact talks about opening up new gas fields. We've seen 12 new gas projects approved by this government, so I want to know: which is government policy? Is it the policy to use less gas and electrify appliances, or is it the policy to open up new gas fields and not reduce gas demand?

Ms Rowley: With respect to this outcome, under climate change and reducing emissions, the government's policy is to achieve its legislated emission reduction target of 43 per cent by 2030, the new target of 62 to 70 per cent by 2035, and net zero by 2050. As we were discussing earlier, one of the key priorities as set out in the Net Zero Plan is to improve energy performance and electrification and, across the board, to reduce greenhouse gas emissions, including from the use of gas. The Net Zero Plan sets out a range of actions that the government is taking both to reduce direct use of fossil fuels—coal and gas—and to support the switch to electrification.

Senator WATERS: Thank you. I know all of that bit. My question is: how does that 'square'—because it's in complete opposition to the Future Gas Strategy, which isn't about reducing demand.

Senator Ayres: Well, it's just not, Senator.

Senator WATERS: That's my question.

Senator Ayres: The answer to the question is—and Senator Chisholm will be there on Thursday in the resources part of the DISR estimates—it is absolutely consistent.

Senator WATERS: How?

Senator Ayres: If you give me a moment, I will try and walk you through it. It is absolutely consistent with our objectives domestically and internationally. Gas is absolutely fundamental to Australia achieving its objectives here. In terms of the electricity system, the officials can talk you through it, but gas and storage, batteries, hydro and household batteries—with 1,000 a day being installed—are absolutely fundamental to us achieving our—

Senator WATERS: Yes, I love batteries. I'm talking about future gas and you opening up new gas projects. I'm not loving that one so much.

CHAIR: Senator Waters, you are going to have to listen to this.

Senator WATERS: I'm just trying to bring him to the point.

CHAIR: I understand that, but we have to—

Senator Ayres: The thing is, it's complicated and it takes a little bit of time. Gas is fundamental for electricity. It is not the only peaking capacity that the system will have—or grid management capacity. There is gas. There are industrial batteries. There are household batteries. There's demand management. All of that is open, and officials can talk you through it in terms of the electricity system. Regarding household gas, states and territories are working their way through these questions, but we want as much gas available for the third category of domestic gas use, which is industrial gas, which is absolutely fundamental to us achieving our emissions reduction targets for industry. I can tell you that it is absolutely crucial to us making progress and meeting our commitments to our international partners, for whom gas is an absolutely fundamental transition fuel. It is also, if we're serious about meeting targets and not sloganeering about them, fundamental to the world meeting its targets. We want households to take up solar and batteries, and they are. We want households to take up electric vehicles, and they are. We want just the right amount of gas in the electricity system, not too much but certainly enough to make sure that it's making its contribution. Gas is very expensive in the electricity system. But those two sets of policy objectives are absolutely reconcilable, absolutely consistent and absolutely fundamental to Australia meeting its objectives.

Senator WATERS: I don't agree, but it doesn't matter.

CHAIR: At this point, we're going to have to go to our break, which we will truncate to 10 minutes. Then I will share the call back to the coalition.

Proceedings suspended from 21:19 to 21:31

CHAIR: We'll resume our session, and I pass the call to Senator Duniam.

Senator DUNIAM: I wonder if I'm able to ask about what role DCCEEW had in being consulted or providing analysis or support to Treasury in its modelling on Australia's net zero transformation. Can I understand the extent of the engagement between DCCEEW and Treasury and what sorts of inputs were provided by this department to Treasury to determine the marginal-abatement incentive pricing contained in the modelling.

Ms Rowley: My energy colleagues in the next session might have more to say as it relates to the energy sector analysis, but, in general terms, we worked with Treasury and we were the coordination point for the net zero and sector plans. We were a member of their modelling committee throughout the course of the work. We provided analysis and insights, drawing on our emissions inventory and emissions projections work. We worked closely with them on things like the land sector, where there's a substantial carbon accounting task, as well as the competing land uses, where our colleagues in Agriculture and ABARES were particularly involved as well. We supported Treasury to gather economic, technology and other inputs, which they then synthesised into their modelling, as reported in their published report.

Senator DUNIAM: Are you familiar with this marginal abatement prices chart within their modelling? Is that something that you're at all familiar with?

Ms Rowley: I'm familiar with it, but, depending upon your question, Senator, it might be best directed to Treasury.

Senator DUNIAM: Indeed—as the final producers and custodians of that. I'm trying to understand the inputs into how they arrived at the end result. Of course, we'll come to the chart we're talking about here, which is table C.2 on page 17 of the Treasury modelling, if you've got it there with you.

Ms Rowley: I don't have it. It's published online, so I can just read it now.

Senator DUNIAM: I'm sure it's available online—very transparently. I'm trying to understand how we arrived at this. This table C.2 says 'comparison of estimates of incentives over five-year averages' and has a range of scenarios: the baseline scenario, the disorderly transition scenario, the renewable exports upside scenario and the Infrastructure Australia well-below 2 degrees Celsius scenario. And over the course of time it charts out dollar figures per tonne of carbon dioxide. I'm looking at the column for 2046 to 2050. I'm trying to understand what role DCCEEW had in trying to establish the data that exists in that table C.2.

Ms Rowley: Can I clarify, Senator, that you're referring to the table in the technical appendix to the modelling report?

Senator DUNIAM: Yes, that's correct. I beg your pardon.

Ms Rowley: Sorry, I was looking at the modelling report.

Senator DUNIAM: It's on page 17.

Ms Rowley: Thank you. Those are all outputs from the Treasury modelling rather than inputs from the department. As I said, the Treasury modelling drew upon and synthesised, in the various models that they used, inputs and advice from us as well as all the other sector plan leads but then essentially combined—they will be

able to speak much more eloquently to the modelling exercise—the economic activity, our understanding of technology trends, our understanding of the global trends and the emissions reduction trajectory, which, in this case, goes through the government's target of 43 per cent by 2030; 65 per cent by 2035, as illustrative of the 2035 ambition; and net zero by 2050. The model essentially gathers up the emissions reduction opportunities that are most cost effective up to that emissions level every year, and that's the output from the modelling that you see in this table. But, certainly, any questions beyond that would need to go to Treasury.

Senator DUNIAM: That's fine, and I'll definitely call on my friends there. In terms of the opportunities you outline—and you've mentioned a cost associated with it—the cost associated with the opportunities to take up, in terms of abatement, is something you provide advice on. That's what you're telling me? That is something that is formulated as an output, post the work that's done by Treasury, following the inputs you provide. Is that right?

Ms Rowley: The kinds of inputs that we and other departments provided were the outlooks for things like technology availability and cost, drawing on various published sources, as reflected in the Treasury report. They also drew on cross-government expertise in terms of market outlook and those sorts of things.

CHAIR: Senator Duniam, this is the one-minute warning.

Senator DUNIAM: Just to finish off, you mentioned costs associated with some of those methodologies and approaches. How do you determine them? Are they something for which you do a bit of research on what's in the marketplace at any point in time?

Ms Rowley: It really would depend on the specifics. If you've got particular sectors or activities you're interested in, I could point you to probably the best place to direct those questions. But, in general, I think Treasury would be your best source of information.

Senator DUNIAM: That's fine. Thank you very much.

CHAIR: Senator McKim.

Senator McKIM: I've got a couple of quick questions in regard to the improved native forest management methodology in multiple-use public forests. That, I understand, is either with ERAC or back out of ERAC. I know ERAC are scheduled for later on tonight, but, frankly, I'm not convinced we're going to get to them, so I'm just going to bowl up a couple of question to the department now. This is the further development that was prioritised by government, and I wondered whether that has emerged out of the ERAC process.

Mr Searson: Senator, as you've identified, the New South Wales Department of Climate Change, Energy, the Environment and Water were last year prioritised to develop a method for improved native forest management, and they are off and away developing that method. They've publicly consulted on the development of that method, and it will be considered by the ERAC later this month.

Senator McKIM: ERAC have had it for a while, haven't they?

Mr Searson: No.

Senator McKIM: When it will arrive at ERAC?

Mr Searson: It'll arrive at the ERAC over the coming days.

Senator McKIM: And ERAC will consider it later this month?

Mr Searson: That's right.

Senator McKIM: Then, post that consideration, it'll provide some advice to you, the department?

Mr Searson: The ERAC will consider the method, and we'll contemplate whether the ERAC should undertake public consultation on the method at this time or whether further work is needed.

Senator McKIM: Is public consultation a given?

Mr Searson: No, it's not.

Senator McKIM: No? So ERAC might decide to just recommend the method?

Mr Searson: No. It must happen for the method to progress—there must be public consultation—but I'm saying that the ERAC might want to pause for the moment and ask the proponent to undertake further research.

Senator McKIM: So public consultation is a given at some stage?

Mr Searson: Yes. It will ultimately happen, yes.

Senator McKIM: Thanks, Mr Searson. I don't think it would be fair to ask you any other questions about that—oh, other than to say that, based on previous experience, ERAC will consider that later this month.

Mr Searson: Yes.

Senator McKIM: Would you expect something out of ERAC shortly after that consideration?

Mr Searson: Well, the ERAC will consider the method later this month. They'll make a decision as to whether further work is needed and they'll advise the proponent of that outcome if that's the outcome or—

Senator McKIM: Will they advise the department of that outcome as well?

Mr Searson: Yes.

Senator McKIM: At the same time?

Mr Searson: Yes.

Senator McKIM: Okay. Thank you. I've got some questions on the Climate Change Authority advice. I'm aware of the fact that that's been the subject of some discussion. Perhaps I could start at a very high level to characterise what the Climate Change Authority did. I understand the minister has said that the only recommendation was the target, but the entirety of that report was advice to government, wasn't it? Is that a fair characterisation? Ms Rowley, am I asking you these questions? Perhaps I will ask you these questions. Is it a fair characterisation that the entirety of the report is advice to government?

Ms Rowley: I think that it's fair to say that the entirety of the advice is the CCA's analysis underpinning their recommendation on the target. As I said in our discussion earlier, as with all of the CCA's analysis and reports, we take it seriously, we consider it and it rolls into the ongoing work of government and climate change policy development.

Senator McKIM: I appreciate that. It's just that they've characterised it as advice. Mr Kean's covering note to the report says:

... we are pleased to submit to you the Climate Change Authority's advice ...

So I do think it's fair to describe it as advice. I note that, in the advice, the authority steps through a number of things that it says are required in order to meet even the bottom of the target range. That's accurate, isn't it?

Ms Rowley: They set out a range of observations with respect to the emissions reduction opportunities and what they think would be necessary, yes.

Senator McKIM: Yes. 'What is required,' to use their words.

Ms Rowley: You've got it right there in front of you.

Senator McKIM: I do, and I believe—well, I know—I'm quoting it accurately. The reason I'm asking is that Mr Bowen has tried to spin his way out of this by characterising what the Climate Change Authority advised the government in a completely different way. I'll put it to you. Minister, I'm happy if you want to respond to this or Ms Rowley; I don't really mind. This is what Mr Bowen has said is what the Climate Change Authority did in their report to him. I'll quote him. He said:

what they ... did in their report to me, quite rightly, ran through some of the possibilities as to what achieving that—target—

might look like ... they are ... simply CCA commentary on the sorts of things that might happen should we meet that target.

That's just a load of spin, isn't it, Minister?

Senator Ayres: No. If you want to—

Senator McKIM: Well, that is emphatically not what the authority said.

Senator Ayres: Well, no.

Senator McKIM: They said it's required.

Senator Ayres: The authority has set out—and they'll be here very soon.

Senator McKIM: Yes, we're going to get to them, so I'm putting these questions to you.

Senator Ayres: I think Mr Kean is itching to answer your questions and whichever other questions are directed to him.

Senator McKIM: I will put this to Mr Kean. I'm putting it to you.

Senator Ayres: The way that Minister Bowen has characterised that is absolutely correct. The Climate Change Authority has set out a pathway to achieve the target. The independent Climate Change Authority recommended a target to the government which the government has adopted. In addition to that advice, the Climate Change Authority has set out a pathway to achieve those objectives. Inherent in that proposition, in a complex market based economy—not North Korea but a complex market based economy—is that, if one of those vectors doesn't work the way you want it to, you've got to do more in the other one.

Senator McKIM: That's exactly right.

Senator Ayres: That's what the minister is referring to—

Senator McKIM: No, it's not.

Senator Ayres: and your sloganeering about it doesn't alter that.

Senator McKIM: You've said it's a pathway, but that's not what Mr Bowen said. He said it's commentary.

Senator Ayres: It is one of—

Senator McKIM: He said they are some of the possibilities.

CHAIR: Minister, Senator, I appreciate the exchange but I will shortly have to move the call on. Senator McKim, do you have a last question?

Senator McKIM: Yes. Do you understand the ordinary English language meaning of the words Minister Bowen used that I quoted to you? I don't recall him saying 'pathway'. I recall him saying, and I recall me quoting the minister, that he described them as 'possibilities' and 'commentary', when in fact the authority said they are required in order to even meet the 62 per cent target, the bottom-of-the-range target.

Senator Ayres: I understand the ordinary English meaning of 'patronising'. That's what you've spent the last few minutes doing. What has been advised is a possible pathway—

Senator McKIM: No, it's not; it's what is required.

Senator Ayres: and that is the approach the government is taking here. This is about technological, industrial energy, energy use pathways that will apply between 2030 and 2035.

Senator McKIM: You don't have a plan. You have no idea how you're going to get there.

CHAIR: Senator McKim, please.

Senator Ayres: The implication in that is that the government will move on those questions in a way that's consistent with the right economic outcomes, cognisant of the fact that less progress in one area means we need to make more in another. That's the truth of it. That's what meeting targets involves, rather than sloganeering about targets.

CHAIR: Thank you, Minister and Senator McKim. Before I pass the call back to the coalition, I can now release the Australian Renewable Energy Agency. I thank their staff for their attendance. Senator Smith.

Senator DEAN SMITH: The government has said that there will be a direct input of \$75 billion as the total investment amount into renewable energy over the forward estimates; that's correct?

Senator Ayres: This question was asked a little bit earlier.

Senator DEAN SMITH: In my absence, I think; apologies.

Senator Ayres: There were a series of coalition questions which overlapped with each other. I think Ms Munro dealt with this.

Ms Munro: I answered a question in relation to program 1.1. I think it was a figure of \$70 billion. I'm not sure of the source that you have for \$75 billion in—this time you said renewables?

Senator DEAN SMITH: I don't want to get them into trouble; I thought I read it in an *Australian Financial Review* article but I'm happy to stand corrected on that. For the sake of this exercise, we'll say it's \$70 billion, and if it's not \$70 billion, then, Ms Munro, you can correct it in the normal way. What does that \$70 billion actually represent? Is that an envelope figure or is it the cumulative number of various initiatives that have already been not necessarily announced but agreed across government or in government?

Ms Munro: That \$70 billion figure was from Budget Paper No. 1, statement 3. It was a figure showing that since 2022 the government had committed over \$70 billion to action on climate change. That is a range of measures, not even just across this portfolio but across all of the government spending.

Senator DEAN SMITH: So that's a \$70 billion figure that has been announced before in Budget Paper No. 1?

Ms Munro: Yes, statement 3.

Senator DEAN SMITH: So it's not new funding commitments?

Ms Munro: No, but it is commitments since 2022.

Senator DEAN SMITH: Okay. Senator Ayres, do you have anything to add?

Senator Ayres: No, the officials have characterised that accurately.

Senator DEAN SMITH: On notice, can you provide me with the details of the components of that \$70 billion—or is it actually listed there in Budget Paper No. 1 in the table that you've—

Mr Kaiser: It doesn't all belong to this portfolio.

Senator DEAN SMITH: Of course, yes.

Mr Kaiser: So you may need to consult the budget papers or ask the Treasury colleagues.

Senator DEAN SMITH: What is the proportion of that \$70 billion in your department? Mr Kaiser, could you provide that on notice.

Mr Kaiser: We can take that question on notice, yes. Bear in mind that's a 2022 figure.

Senator DEAN SMITH: Yes.

Mr Kaiser: It's not—

Ms Munro: I'm just trying to reconcile them, because it doesn't take into account some of the new measures that were announced as part of the Net Zero Plan announcement, including, for example, the \$1.1 million for low-carbon liquid fuels and the additional \$2 billion for the Clean Energy Finance Corporation. So there are a number of measures, but we will take that on notice and come back to you.

Senator DEAN SMITH: In addition to that, if you could take on notice what those additional other measures have been announced are, that would be helpful.

Senator Ayres: There's a sort of temporal question here. We might just provide you with the budget papers that set some of this out.

Senator DEAN SMITH: No, I would like an answer that sets it all out, not some of it.

Senator Ayres: I'm trying to be helpful, Senator Smith. There is additional funding that was announced in relation to the recent announcement of the 2035 target.

Senator DEAN SMITH: And what was that quantum?

Senator Ayres: It was \$8.3 billion in new measures announced to support the Net Zero Plan. We will try and come back to you on the 2022-to-future figure. We might try to express that in a way that sets it out over the forwards as well.

Senator DEAN SMITH: Yes.

Senator Ayres: It might be a bit more useful.

Senator DEAN SMITH: I'm someone who is very comfortable in the granularity of things, so, if there is more detail, that would be helpful. Could I just turn to the safeguard mechanism. I appreciate that there's a review process underway, or about to be underway, but I just want to get some clarity in regard to that. Have the specific scope and objective of the 2026-27 review of the safeguard mechanism been agreed?

Ms Johnson: As part of the reforms in 2023, the government published, as part of the subordinate legislation, an attachment that described the matters that would be considered in that 2026-27 review. That includes things like the trade-exposed baseline adjustment status, the particular baseline decline rate from 2030 to 2035 and a range of other matters.

Senator DEAN SMITH: Thank you. If you could table that, it saves me chasing it.

Ms Johnson: Certainly.

Senator DEAN SMITH: Has a decision been made on who will conduct the review?

Ms Johnson: The department will undertake the review. In that published document, the government particularly notes that it will ask the Climate Change Authority to provide advice on one particular aspect of the review, which is the use of onsite emissions reduction technologies in the context of the use of Australian carbon credit units. That's one piece of advice that the government will ask the CCA to provide as part of that review.

Senator DEAN SMITH: Yes. And the decline rate is subject to that review process?

Ms Johnson: That's right. The decline rate has been set to 2030, and that's 4.9 per cent. The government also included in legislation an indicative decline rate to 2050, but the specific decline rate for the period 2030 to 2035 will be determined as part of that review.

Senator DEAN SMITH: Right. Is it expected that the proportionate approach will be maintained?

Ms Johnson: That's a decision that hasn't yet been made.

Senator DEAN SMITH: Have you provided advice to government on that matter yet?

Ms Johnson: No. Because the review is still another financial year away, we're still in those early days of planning.

Senator DEAN SMITH: So you're not in a position to rule out an increase in the decline rate? That's really for Senator Ayres or Mr Kaiser. You're not in a position to rule out an increase in the decline rate, Senator Ayres, in regard to the operation of the safeguard mechanism?

Senator Ayres: To be completely honest with you, Senator Smith, I would be in a position to respond to your question if I had been listening to it. So, if you'd take me to it again, I'd be delighted to try.

Senator DEAN SMITH: That's okay.

Senator Ayres: Sorry, I was diverted.

Senator DEAN SMITH: I do want to come back to a line of questioning that Senator Darmanin pursued, if time allows.

CHAIR: Thank you, Senator Smith. Senator McKim.

Senator McKIM: Minister, you've quite rightly said—I can't remember because you were being a tad patronising when you mentioned it—that, if you don't do something to reduce emissions, then you'll have to do more in another area. One of the nine things that the Climate Change Authority said was required to meet even the bottom of the target range is to end old-growth logging. Just setting aside for a minute the fact that actually we should end all native-forest logging in this country, given the fact that Minister Watt has ruled out ending old-growth logging at least in my home state of Tasmania—and he did that on ABC radio post the release of the Climate Change Authority's advice—where are you going to pick up the shortfall?

Senator Ayres: Sorry, I missed that last bit.

Senator McKIM: Where are you going to pick up the shortfall? You're not going to do one of the things that the authority said, so, as you quite rightly pointed out a few minutes ago, you'll have to pick up the slack somewhere else. So where are you going to pick up the slack, because you're ignoring the Climate Change Authority's advice that ending old-growth logging is required to meet even the bottom of the target range?

Senator Ayres: You're right to say that that's not the government's policy.

Senator McKIM: I know, so where are you going to pick up the shortfall?

Senator Ayres: This is a big national effort that involves effort across industry, across the energy sector, across land use and right across the economy. It's something that the party in government can grapple with.

Senator McKIM: But where are you going to pick up the shortfall, Minister?

Senator Ayres: We're going to pick it up across the economy.

Senator McKIM: That's no kind of an answer at all.

Senator Ayres: We're going to work and put effort into it—

Senator McKIM: Where? How?

Senator Ayres: not sloganeering.

CHAIR: Let the minister answer your question.

Senator Ayres: I'd be happy to talk to you about the other areas of land use and forestry that make a difference here, but you're right to point out that that is not the government's policy.

Senator McKIM: Shamefully, it's not the government's policy. The government's policy should be to end all native-forest logging in Australia. But perhaps I could approach it this way with the department to see if we can get a little bit more clarity than the minister was able to provide: what is the shortfall? The minister's just been clear that the government's not going to adopt something that the authority said is required to meet even 62 per cent. So what is the shortfall that needs to be made up by not adopting the policy of ending old-growth logging in Australia? What's the abatement shortfall there?

Ms Munro: To answer that, it would be on the basis that it's policy, so therefore there's a shortfall. As has been explained, it's not the government's policy.

Senator McKIM: That's right.

Ms Munro: There are a number of pathways to achieve it.

Senator McKIM: Well, no, sorry—

Ms Munro: There's a different question in terms of the emissions associated with native—

Senator McKIM: That's what I'm asking.

Ms Munro: I'm not sure we have those figures.

Ms Rowley: There are a couple of things I'd note briefly. CCA didn't present a quantitative breakdown of those measures, and we haven't done an estimate of what any of that might imply. So we don't have a number for what that would deliver.

Senator McKIM: Is that something that you're working on? The situation we're in is this. The authority has said that there are a number of things that, in its view, are 'required'—that's their word—to meet even 62 per cent. So we're not even talking about a level of ambition higher than 62; this is the flat bottom of the target range. Minister Ayres has just confirmed that the government is not going to do one of those things that are required. Is the department working on quantifying the abatement that would be delivered if that thing, ending old-growth logging, were done and, therefore, what the shortfall is that is going to need to be picked up somewhere else—vaguely across the total economy, according to Senator Ayres? What is the quantum, and is the department working on that?

Ms Rowley: We provide advice to the government on matters of policy interest to the government. In the development of the Net Zero Plan, as we've been discussing, there's been extensive quantitative analysis of the emissions reduction opportunities across the economy by the Treasury. We've spoken to that, and further questions can go there.

Senator McKIM: I'm aware of that.

Ms Rowley: We are always doing analysis, ultimately published in our annual emissions projections, of what the government's policies are estimated to deliver over time.

Senator McKIM: I understand that, Ms Rowley, but it is not government policy to end old-growth logging. Is the department working on understanding what the emissions abatement would be if old-growth logging were to end? The reason I'm asking that is that the authority has said it's required to meet 62 per cent, the bottom of the target. The government's not going to do it. The Australian people are entitled to understand the abatement that is being missed out on because the government is not going to do that and, therefore, they are entitled to understand how much heavy lifting across the rest of the economy will need to be done in order to make up that shortfall. That's why I'm asking the question.

Ms Rowley: If you're asking if we're modelling scenarios which are not government policy—not at this time, no.

Senator McKIM: Is the government going to provide a detailed response to the Climate Change Authority's targets advice?

Ms Rowley: I think the government's decision to set a target of 62 to 70 per cent—which has been reflected in Australia's nationally determined contribution submitted under the Paris Agreement and then detailed in the Net Zero Plan, is the government's response to the CCA's advice.

Senator McKIM: That is their response to the recommendation from the CCA.

Ms Rowley: That's right.

Senator McKIM: I'm asking about the advice. We've just confirmed, in my last tranche of questions, that the advice is the entirety of the report that the CCA provided to government, the report that said that the ending of old-growth logging is required in order to meet even the bottom range of the target. I'm asking—

Senator Ayres: It doesn't.

Senator McKIM: It most emphatically does, Minister.

Senator Ayres: I tell you what—

Senator McKIM: No, no, no.

Senator Ayres: You are just—

Senator McKIM: I was halfway through a question, Chair, and I'm not interested in being mansplained by Minister Ayres.

CHAIR: Senators, we are getting to the end of an evening. Everyone needs to come to order. We are going to move the call on, Senator McKim.

Senator McKIM: I was halfway through a question.

CHAIR: I understand that.

Senator Ayres: Perhaps, I could just—

CHAIR: Minister, I'm about to move the call on unless you have something that absolutely must be said—very briefly.

Senator McKIM: I had something that needs to be said.

Senator Ayres: It's a pretty extraordinary line of questioning to say that you don't like the target, but you think we should do everything that's in it to achieve it. You don't like the target—

Senator McKIM: It's your target, mate; it's not our target.

Senator Ayres: You stand in the way of wind farm developments that are absolutely crucial to achieving the target.

Senator McKIM: You don't like accountability; that's what I'm hearing. And you haven't got a plan.

Senator Ayres: You can't choose a target because you don't have wind towers.

Senator McKIM: You're incompetent.

CHAIR: Minister and Senator McKim, please come to order now! Senator Henderson, you have the call.

Senator HENDERSON: Ms Munro, is it the government's intention to legislate the new 2035 target?

Ms Munro: That is a matter for government.

Senator HENDERSON: Has the department issued drafting instructions in relation to a legislated target?

Ms Munro: We have not.

Senator HENDERSON: Minister, can you answer that question? Is it your intention to legislate the 2035 target?

Senator Ayres: Our approach to legislation is a matter for government.

Senator HENDERSON: That's why I'm asking.

Senator Ayres: At the time, we legislated the last target. From memory, you lot voted against it. It's interesting to be fascinated with a target that you're determined to vote against, for a concept that you don't believe in and don't support, on the basis of climate denialism that's captured your whole party.

Senator HENDERSON: Minister, I'd ask you not to verbal anyone. Minister, you're really inappropriate.

Senator Ayres: It's a pretty silly line of questioning.

Senator HENDERSON: Could I ask you to address the question? Is the government going to legislate a 2035 target?

Senator Ayres: I refer you to my previous answer in its entirety, Senator Henderson.

Senator HENDERSON: Minister, you've declined to answer the question.

Senator Ayres: I just answered it. I said it's a matter for government.

Senator HENDERSON: Yes, that's why I'm asking you. Aren't you a member of the government?

Senator Ayres: That's how it remains.

Senator HENDERSON: Can I assume that you have made a decision or you're not going to share the decision? Is that what your position is?

Senator Ayres: As I indicated, it's a matter for government.

Senator HENDERSON: Have you or anyone in your office issued drafting instructions in relation to any legislation?

Senator Ayres: I'm the representing minister, so nothing's being going on in my office in relation to that.

Senator HENDERSON: No, I mean in the minister's office.

Senator Ayres: You heard what the official said. That's consistent with my understanding of it.

Senator HENDERSON: In the minister's office, has there been any drafting instructions at all in relation to a 2035 target?

Senator Ayres: I have no knowledge of that.

Senator HENDERSON: Could you take that on notice?

Senator Ayres: Certainly.

Senator HENDERSON: The Climate Change Authority's advice is—

Senator Ayres: If you want another opportunity to vote against climate action, we'll consider applying it.

Senator HENDERSON: Minister, we've just got limited time. You are right. We think the 2035 targets are economically irresponsible. They are unachievable. They're economically reckless.

Senator Ayres: They aren't.

Senator HENDERSON: We've made our position very clear. Let me move on to my question—

Senator Ayres: Is it, though?

Senator HENDERSON: The Climate Change Authority's advice is that to meet 62 to 70 per cent by 2035 requires annual reductions of 19 to 24 million tonnes of carbon dioxide equivalent—more than double the historic pace. How will that required reduction per year be achieved? Ms Munro, do you have those details?

Ms Munro: As it is set out in the government's very detailed Net Zero Plan and the sector plans—

Senator HENDERSON: Sorry, could you speak up a bit?

Ms Munro: Sorry. There a number of policies which are outlined in the Net Zero Plan and also the sector plans. But, probably, the most significant part to how the government's policy framework is set is that there's an annual review by the Climate Change Authority. The government will respond to that, and it really is on the basis of reviewing and refining its policies over time. Some policies are very clear in terms of the reviews that will come into play, including the safeguard mechanism and also the new vehicle emissions standards. But there are a range of policies that the government will pursue over time.

Senator HENDERSON: Does the 2035 target of 62 to 70 per cent below 2005 levels assume that the government's 43 per cent target by 2030 is fully achieved?

Ms Munro: Yes, it is on the basis that it would build on hitting the 43 per cent target.

Senator HENDERSON: What contingency planning has taken place by the department for if Australia falls short of the 43 per cent emissions target?

Ms Munro: Again, I go back to what this government has put in place, which are policies that are covered by legislation for 50 per cent of the economy—so that never used to exist before; it now does. And then there's an annual basis where the government will consider its policies and means to improve outcomes over time.

Senator HENDERSON: Policies aren't achievements, though, are they? Has the department done any modelling for if you don't hit the 43 per cent target by 2030?

Ms Rowley: The analysis that the department does is for the annual emissions projections, which we referred to earlier. That's done on the basis of the government's implemented policies and measures. As we were discussing earlier, the 2024 projections estimated that our emissions would be in the baseline scenario at 42.6 per cent below 2005 levels in 2030. On a budget basis, because the 2030 target is also an aggregate constraint on the emissions between 2021 and 2030, in the baseline scenario we estimate that that will be overachieved by three percentage points.

That's the core analysis that the department does with respect to the achievement and the outlook to the 2030 target. We revise that every year and will publish the next emissions projections by the end of this year. In addition, there was extensive quantitative analysis, as we've been referring to, led by the Treasury to inform the 2035 target and the Net Zero Plan. That sits alongside the Climate Change Authority's analysis, which drew on many different evidence sources, including modelling by the CSIRO. So there's a range of different analysis looking at Australia's emissions reductions opportunities and outlook that has informed both our current sense of how things are tracking and the 2035 target.

Senator McKENZIE: Its one thing to implement policies. NVES relies on certain assumptions of electric vehicle uptake year on year—how are you assessing the real data coming in? Who are you talking to that actually says how many electric vehicles are sold in any given years? The CCA data and analysis says that there need to be in excess of six million new electric vehicles purchased by 2035 to achieve the target set, or the 50 per cent. The industry itself says that's impossible, and it's not because they don't want to sell cars. They love to sell cars and they don't care what type of car it is as long as it gets off the lot.

Senator HENDERSON: What Senator McKenzie is saying is that the assumptions which underpin the 2035 target are unrealistic. What do you say to that?

Ms Rowley: The CCA did extensive public consultation and analysis to inform their advice. That's documented both in their sector pathways advice to government last year and in the targets advice that we've been discussing in relation to the 2035 target. They can speak, if they have the opportunity to appear, to the details of their consultations.

Senator HENDERSON: I'll address that in a minute. I just have one quick question. How much will it cost to deliver the 2035 target? Has the department undertaken any economic modelling? What do you say to the Business Council of Australia, which says it will cost as much as \$520 billion and come at an export loss of \$150 billion a year? Ms Munro?

Ms Munro: If I can begin, Ms Rowley can provide some supplementary information. I think it's important when you ask about what that cost is—for example, the CSIRO modelling for the CCA showed that the economy will continue to grow at the same rate even as we reduce emissions to meet the 2035 target. It is important to understand what the costs are and how that is offset by the increased resilience of our exports and the trends to global demand.

I think the other benefit, which is a really important finding of the Treasury modelling, looked at the failure to set a 2035 target, which would lead to a disorderly transition. That indicates that costs would increase by creating uncertainty and holding back investment. A critical part, which relates to the BCA figures, is that there is a difference between cost and investment, and investment from public and private sources. It's also in light of what the counterfactual would be. There are a range of figures, CSIRO modelling and Treasury figures, and we did not undertake independent modelling.

Senator Ayres: You were also, Senator, mischaracterising the BCA's position. Mr Black said:

The target range that's been set is ambitious and our analysis shows there is a pathway to achieving it that will require significant capital investment, major reform and exceptional collaboration between the public and private sectors.

The Australian Industry Group said:

We should not spend the next ten years arguing about this target range. We should get on with sensible measures that make it ever more achievable.

As Ms Rowley and Ms Munro have said, that figure that you have used is not just about what the public sector invests here; it is about what the private sector invests here, and private sector investment happens when policy settings are certain. Take an industry like the gas industry, for example; \$392 billion it cost—

Senator HENDERSON: Minister, could I go on? I have very limited time.

Senator Ayres: almost exclusively with private investment, because the policy settings were there.

Senator HENDERSON: If I could go to my next question.

Senator Ayres: Don't mischaracterise what organisations are—

Senator HENDERSON: You referred to the CSIRO modelling. Could we please have a copy of that modelling on notice and any other work the department has done in relation to the costs of the 2035 target?

Senator Ayres: I don't think that the CSIRO is really a matter for DISR—

Senator HENDERSON: If I could just finish—

Ms Rowley: It was advice commissioned by CCA.

Senator Ayres: Sure, yes.

Senator HENDERSON: Could I have that modelling on notice, please?

Ms Rowley: That modelling was commissioned by the Climate Change Authority, and I understand it's published alongside their advice on their website. Just coming back to the economic costing of the targets—

Senator HENDERSON: Ms Rowley, I'm just asking for a copy of the modelling.

Ms Rowley: I'm very happy to provide that. To the question with respect to the economic costs of the target, Treasury's modelling examined the economic outlook in Australia with a target in the 62 to 70 per cent range. Compared to a scenario where we don't have a 2035 target, they found that having no target would increase policy uncertainty, leading to a disorderly transition with lower economic growth, missed employment opportunities—

Senator HENDERSON: The minister just read the same lines out. Ms Rowley—

Ms Rowley: Could I just finish my answer. They estimate—

Senator HENDERSON: The minister has just advised us of that.

Ms Rowley: If I could provide the details of the—

CHAIR: Hold on—one second, please, Minister. Sorry, Senator Henderson. We'll come to order. Ms Rowley, could you please finish your answer as briefly as possible, and then I am moving the call on.

Ms Rowley: Treasury estimated that a disorderly transition would lead to half a trillion dollars less cumulative investment to 2050 than an orderly transition would. That's having a target versus not having a target—

Senator HENDERSON: On notice—

Ms Rowley: If I could just finish—for cumulative real GDP, the estimate is \$1.2 trillion lower in the disorderly transition scenario than in their baseline to 2050.

Senator HENDERSON: Ms Rowley, just to confirm, on notice—

CHAIR: No. Senator Henderson, we'll come back to you. I'm going to move the call on now. This is in relation to the earlier question on notice. Senator Waters.

Senator WATERS: I've just got a quick one, and then I'll hand over to my colleague. Further to the \$5 billion that we discussed earlier in relation to earmarking five from the NRF for the new fund, there was an announcement made on the same day for \$2 billion for CEFC. Is that a similar earmarking, or is that a fresh allocation?

Ms Munro: That was additional resourcing to the CEFC.

Senator WATERS: The media release says that that's 'to continue to drive downward pressure on electricity prices', but it doesn't actually say any more than that. Is there a specific purpose that CEFC will be tasked with using that \$2 billion for?

Mr O'Connor: It's an additional \$2 billion into the CEFC general account. I believe the Net Zero Plan talks about what you just said then but also refers to an update of the investment mandate. That is the package of directions that the government provides to CEFC that tells it what to do. So, within that, we would expect that to be updated, and that would include reference to driving down electricity prices.

Senator WATERS: Okay. What's the timeframe for that investment mandate update? That's just a ministerial. Is that a disallowable instrument? Does that come to us?

Mr O'Connor: It's non-disallowable. It is ministerial—both the minister for climate and energy and the finance minister.

Senator WATERS: When will they update the mandate, please?

Mr O'Connor: That will be a matter for government.

Senator WATERS: So it will simply be updated to reflect those words in the media release, 'to drive down electricity prices'. There is no further direction as such?

Mr O'Connor: It will be a matter for government, but they can make all sorts of changes.

Senator Ayres: It will be more solar and more wind and will no doubt be opposed by Senator McKim and the National Party. It'll be more electricity generation, low-cost electricity generation, to drive costs down and reduce emissions. It's not helped by Greens senators getting in the way of it.

Senator WATERS: That's already in the investment mandate. Thanks for the hyperbole, Minister, but I'm just trying to get to the changes to the investment mandate. But I think you have answered me, so I will hand over to my colleague.

Senator McKIM: Thanks. I will just tie off my previous line of questioning, and this is more appropriately directed at you, Minister. Is it the case that the only response that the government is going to make to the Climate Change Authority's advice on 2035 targets is to accept the recommendation for the target band? Is the government going to provide no other response to the Climate Change Authority's advice other than to accept the recommendation for the target band?

Senator Ayres: You know that's not the case. On the day that the target, recommended by the Climate Change Authority and opposed by you, was accepted fully by the government, we announced an additional \$8.3 billion in new measures to support that. Senator Waters has just referred to some of them—that is, significant efforts in the industrial sector, \$5 billion in addition to what's going on in the high emissions safeguard areas, recapitalising the Clean Energy Finance Corporation, the net zero plans, six sector plans—

Senator McKIM: I'm aware of all that, Minister. More than half of that is not new money.

Senator Ayres: You asked if there's anything additional, and the answer is yes.

Senator McKIM: Is there anything further that the government is working on as a direct response to the Climate Change Authority's advice?

Senator Ayres: What was announced is an awful lot for government to be getting on with. You wouldn't rule out, over time, new initiatives. Look at measures like the home batteries announcement: 77,000 new home batteries, with more than 1,000 a day installed. That program is going very well. That's a good development. I have no doubt you'd find a way to vote against that too.

Senator McKIM: Are you just going to keep making stuff up, Minister? You're a minister of the Crown and you're going to sit here making up rubbish.

Senator Ayres: The 77,000 new batteries are a very substantial contribution to that effort—

Senator McKIM: Minister, this is not responding to the question I'm asking.

Senator Ayres: and \$5 billion to the National Reconstruction Fund is a lot of work to be getting on with. Of course the government, over the period between 2025 and 2035, will be advancing more. That's what people get when they elect a Labor government: action on climate change and real progress.

Senator WATERS: If you're a coal and gas company.

Senator McKIM: I think they elect it to approve new coal and gas projects hand over fist, like you are—

Senator Ayres: Wind farms on Robbins Island opposed by you.

Senator McKIM: and to keep thrashing our forests, supporting a mendicant forest industry with public money. That's why they elect the Labor Party.

Senator Ayres: A dark day.

CHAIR: Senators! Senator McKim! This is not productive of a question and answer. I appreciate that you and Senator Ayres have a very good relationship in this respect, but it is important that we stick to what estimates is here to do, so questions and answers please.

Senator McKIM: Is it the case that, given that you've ruled out ending native forest logging, you are completely unable to explain where the abatement shortfall is going to be picked up, other than providing some vague assurance that it'll happen somewhere across the economy? Is that it? Is that the best you can do?

Senator Ayres: This is a 10-year target that is going to require effort every single year in real things, not slogans.

Senator McKIM: Like ending old-growth logging.

Senator Ayres: Like wind farms on Robbins Island. They make a meaningful contribution. You can't make progress on climate change by opposing wind farms.

Senator McKIM: You can't make progress on climate change by logging native forests.

Senator Ayres: It's not possible to do it without big-scale wind farms.

Senator McKIM: Chair, this is really not a response to the question I asked.

Senator Ayres: You should take some responsibility.

Senator McKIM: No. You should actually do your job as a government and explain where you are going to pick up the abatement shortfall that you, just a few minutes ago, admitted exists. You are unable to explain to the Australian people or this committee where you are going to find that abatement shortfall other than waving your arms about and saying, 'We'll find it somewhere.' That's not good enough. The planet's burning, mate.

Senator Ayres: That's why you shouldn't get in the way of wind farm developments like the Robbins Island one. It's irresponsible.

CHAIR: Senator McKim—

Senator McKIM: I'm going to leave the minister there. He's incapable of responding to the question.

CHAIR: You may ask one more question, and then I'm going to move the call.

Senator McKIM: I want to ask the department this. In the Climate Change Authority's advice, alongside saying it was a requirement to end old-growth logging, they talked about halving reclearing rates. Does the government have a working definition for reclearing? You can take that on notice, if you like.

Ms Rowley: I can speak to it insofar as it relates to Australia's emissions. There are a whole range of different land use activities which we use as the basis for our estimates of emissions and sequestration in the land sector. My colleague Ms Pentony might be able to drill into some detail. Reclearing is where land has been—there are lots of different categories—previously cleared, regrown and then, like the word indicates, recleared.

Senator McKIM: Just to be clear, it could be regrowth forest where old-growth forest has previously been cleared and then regrown? Would that—and also, specifically, agricultural land that has previously been cleared where the stock's been removed from it and it's been regrown—qualify as reclearing?

Ms Rowley: It's particularly more relevant to that category.

Senator McKIM: Regrowth forest—because that does fit the definition you've just given us of a piece of land that's been cleared. I'm sure you're aware that the native forest logging industry clear-fells, and then it burns, so

there's basically nothing left apart from a bed of ash. Then either they then resow or the forest grows. Is that included in reclearing?

Ms Pentony: Emissions from forestry activity is included in the remaining forest category of the inventory. It incorporates both the clearing activity in those forests and the regrowth of those forests, and that probably wouldn't be counted in the reclearing figures.

Senator McKIM: Could you take on notice whether the regrowth forests that have regrown or been resown after clearing for logging count under your definition.

Ms Rowley: It does not. We don't need to take it on notice.

Senator McKIM: Alright. Thank you.

CHAIR: Senator Smith.

Senator DEAN SMITH: At page 17 of the Treasury modelling is Table C.2 which is called 'The Comparison of Estimates of Incentives'. Are you familiar with that, Ms Rowley?

Ms Rowley: We had a question on it earlier.

Senator DEAN SMITH: In layman's terms, could you explain to me what that table demonstrates?

Ms Rowley: I would refer detailed questions with respect to the technical appendix to the Treasury modelling to Treasury. I would suggest that you direct the question to Treasury if you want an unpacking of that table.

Senator DEAN SMITH: Because you're not familiar with the explanation, or you are familiar with the explanation?

Ms Rowley: At this time, I would defer to my colleagues in Treasury who published this document for an explanation of its technical appendix tables.

Senator Ayres: There was a series of questions earlier about the department's input into it, which they were able to answer.

Senator DEAN SMITH: I understand that. Just because other senators have asked questions doesn't excuse me for—

Senator Ayres: I'm trying to explain that there was a good discussion about their input that they can answer on behalf of. Treasury can do the rest.

Senator DEAN SMITH: Actually, I'm not so sure it was a good discussion, because I'm still not clear. So, just to be clear for Senator Smith, what inputs were provided by your department to Treasury to determine the marginal abatement incentive pricing?

Ms Rowley: As we discussed earlier in this session, on a question almost identical to yours, we, as the department, provided advice and analysis on the energy and electricity sector which could be covered in outcome 1.2. We coordinated the development of the net zero and sector plans and worked with Treasury as part of that to help them gather input from across all of the sector plan leads. That input included things in relation to market outlooks, technology availability and costs and market trends, which was input synthesised by Treasury into their modelling, and then things like table C.2 are an output from their modelling.

Senator Ayres: That was exactly the question that was asked earlier. If there could be some coordination between the right questions and the centre-right questions—

Senator DEAN SMITH: Senator Ayres, whether it's been asked before—

Senator Ayres: The Hastie questions. Is nobody asking questions for the moderates? If you lot could organise amongst yourselves, then there could be lines of questioning that are coordinated and you could get there more effectively.

Senator DEAN SMITH: Senator Ayres, you know I'm a very independent spirit; I want to be satisfied for myself. Is it right to characterise the marginal abatement incentive as a price on carbon or a carbon tax? If not, why is that inaccurate?

Ms Rowley: As I said, you might want to direct that question to our colleagues at Treasury.

Senator DEAN SMITH: Do you know the answer to that, Ms Rowley?

Mr Kaiser: It's a Treasury document based on Treasury analysis. The question is best directed to Treasury.

Senator DEAN SMITH: It's a question about the marginal abatement incentive, which your department has provided some input to.

Mr Kaiser: But not the output, which is the Treasury document. Questions about the outputs of Treasury modelling should be directed to Treasury.

Senator Ayres: It's a modelling exercise. It's not a measure; it's a modelling exercise.

Senator DEAN SMITH: That's why it's called modelling.

Senator Ayres: So ask the Treasury modellers.

Senator DEAN SMITH: You really are a senator and a scholar.

Senator Ayres: You won't get much more out of this tonight.

Senator DEAN SMITH: You really are. So officials will not answer the question about whether or not the marginal abatement incentive could be characterised as a price on carbon or a carbon tax?

Senator Ayres: It can't be. I'm answering it for you—it can't be; it's a modelling exercise.

Senator DEAN SMITH: Thank you very much, Senator Ayres. Can I ask briefly about the beef cattle herd management method, or is that for 1.2?

Ms Rowley: That's this session.

Senator DEAN SMITH: Briefly, I understand that the beef cattle herd management method was due to expire on 30 September 2025 and sunset on 1 October 2025. Did this happen?

Ms Rowley: Yes, it did.

Senator DEAN SMITH: Is a sunset review of the beef cattle herd management method being conducted by the Emissions Reduction Assurance Committee?

Mr Searson: Yes. The Emissions Reduction Assurance Committee has been undertaking a sunset review of the beef cattle herd management method.

Senator DEAN SMITH: What stage is that review at, at the moment?

Mr Searson: It's at its very final stages.

Senator DEAN SMITH: Where does the review go? Does it go to the minister?

Mr Searson: It was requested by the assistant minister, and it will go to the assistant minister.

Senator DEAN SMITH: Is it the expectation that that will be published?

Mr Searson: That's my understanding, yes.

Senator DEAN SMITH: Thank you very much.

CHAIR: I'm going to Senator Hodgins-May.

Senator HODGINS-MAY: I've got some questions about Barossa and Darwin LNG to begin with. On 22 September, Santos announced that the Barossa gas project was commencing operations. Is the department aware of whether the empty leaking tank at Darwin LNG is now being filled up from this project?

Ms Munro: I'm not sure we have the right officials to answer that particular question. The reporting of emissions associated with that would be to the Clean Energy Regulator. We're not responsible for the operations of that tank.

Senator HODGINS-MAY: Perhaps the minister. Are you aware of or have you taken any actions to ensure that you're informed about the leaking tank?

Senator Ayres: Officials can jump in if I've got this wrong, but I would have thought that the kind of activity that you're referring to—I take the point about the Clean Energy Regulator, in terms of the measurement questions, but, in terms of the management of that beyond the responsibility of the Northern Territory government, the resources part of the DISR estimates is where you'll get more joy on that question, I think.

Mr Kaiser: Senator, it's the Northern Territory EPA that is the primary regulator for that facility.

Senator HODGINS-MAY: Yes, I'm aware of that. Are you satisfied, though, with the Territory's ability to regulate the tank, a known health risk that has been allowed to leak for over 20 years? Are you comfortable—

Mr Kaiser: If you're asking a compliance question—that was much earlier today. Those officials have now left the building.

Senator HODGINS-MAY: So you're not planning to seek advice on it, given that it was leaking for 20 years?

Mr Kaiser: I'm explaining that the officers of the department that could have answered those questions have now left, because we dealt with those matters hours ago.

Senator HODGINS-MAY: Thank you. I've got some questions about CCS. The department wrote in a ministerial brief obtained by an FOI request that CCS will play a limited but critical role in achieving net zero by 2050. How has the government defined what 'limited' means in the context of the deployment of CCS across the economy?

Ms Johnson: I think the brief that you referenced was approximately 18 months to two years ago, so I guess I'd turn your attention to, as Ms Rowley previously noted, the Net Zero Plan. It does identify scaling up net carbon removals as one of the five decarbonisation priorities. Really, our role in CCS is about making sure that the regulatory and other required frameworks are in place. The government has been working on that. We have the \$113 million Carbon Capture Technologies Program, which was announced in the 2022-23 October budget, and that has been supporting projects, including \$65 million to the first round of that program, to look to support projects that work towards that. So, once again, I think there's no particular target for CCS within the net zero planning document suite, but, really, it's about making sure that the regulatory settings are appropriate and providing funding to pilot and demonstration projects as they set up.

Senator HODGINS-MAY: Thank you. So is it correct to say there's no formal criteria or strategy to guide CCS investment at the moment—not regulation of the technology but investment in it? Are there criteria around that?

Ms Johnson: The program that I just referenced aims to accelerate R&D and demonstration of emerging carbon capture and use technologies, including carbon dioxide removal. So, in terms of that program, there are objectives as they relate to it. Apart from that, it's one of the technologies within that Net Zero Plan suite of documents.

Ms Rowley: If I could just clarify, Senator, do you mean carbon capture and storage as it applies to industrial facilities, or do you mean those newer and emerging carbon removal technologies?

Senator HODGINS-MAY: Probably the latter—and investment in it. But I'll jump to—

Ms Johnson: In terms of the latter, the department has also funded CSIRO to work on a national carbon dioxide removal road map. That will look at both—it really looks at the novel forms of carbon dioxide removal as one of the suite of technologies that may be in play into the future, to allow that full suite of technologies for Australia's transition to net zero.

Senator HODGINS-MAY: A 2021 study from the Imperial College London modelled that renewables directly compete with CCS as a net electricity source, ultimately eroding the values of upstream fossil CCS by a significant amount. How will the government manage the risk that CCS projects are approved that further delay the transition to renewables and other net zero energy sources?

Ms Johnson: Well, there'll be other colleagues that will talk more about the transition to renewables. From the government's perspective, things like the Safeguard Mechanism are technology agnostic. For example, CCS will be one way that safeguard facilities can look to then manage their onsite emissions or to work with other facilities nearby to manage their emissions. There's a suite of technologies that Australia will need to take up as we move to our net zero goal in 2050.

Senator Ayres: I think that's why the official asked you to distinguish between the role of CCS in very hard to abate or impossible to abate industrial processes—

Senator HODGINS-MAY: I have got some questions about that.

Senator Ayres: and the role of CCS in the electricity system more broadly. I have to say that in my own portfolio area there is much more focus on one and not the other.

Senator HODGINS-MAY: I've got some questions about Bonaparte later, which might go into detail on that. CCS is frequently modelled in decarbonisation pathways with a capture rate of 90 per cent. Is this the assumed capture rate that the Australian government adopts when modelling CCS in climate projections? Do you know?

Ms Rowley: When we deal with the emissions projections, CCS is incorporated to the extent that it's been adopted by industrial facilities. In Australia at the moment, there are two CCS plants operating associated with gas production facilities, and the capture rates are informed by both what they report to the Clean Energy Regulator as part of their annual greenhouse gas emissions reporting obligations and the outlook for the operation of that plant in any future or intended investments.

Senator HODGINS-MAY: How does the government factor in the consistent underperformance of CCS facilities, which have never achieved a real CO₂ capture of greater than 83 per cent, according to the Institute for Energy Economics and Financial Analysis?

Ms Rowley: As it relates to facilities in Australia, as I said, it's informed by their actual performance as reported under the National Greenhouse and Energy Reporting Scheme to the Clean Energy Regulator. As it relates to broader adoption in more long-term decarbonisation scenario analysis like that conducted by Treasury to inform the Net Zero Plan and like that conducted by CSIRO to inform the CCA's advice, there was, to my recollection, no adoption of CCS in electricity production, for example, modelled in those scenarios because it wasn't cost effective relative to the other options that we have for electricity generation. As it applies to other applications, whether that's hard-to-abate industrial sectors or in LNG and other applications, you'd probably best direct the detailed assumptions to Treasury, but the performance would be informed by the international literature, including both actual performance and the outlook over time.

Senator Ayres: It's just not a feature of the discussions around electricity generation. There is an industrial question about facilities that produce ammonia, for example, and it is absolutely a challenge for those kinds of facilities, because they require gas. It's a chemical process, not a heat or energy process. So there is work that those facilities are engaged in in that area, because it is very hard to abate. But I haven't heard people seriously discussing CCS in the electricity system for a very long time.

CHAIR: Senator Hodgins-May, I'll have to move the call along. I can come back to you.

Senator HODGINS-MAY: Okay. Thanks.

CHAIR: Senator Henderson.

Senator HENDERSON: I want to move very quickly to COP31. What's the status of discussions regarding Australia potentially co-hosting COP31—Mr Kaiser, do you have that information?—and what proposals are being put to Türkiye with the latest idea that both countries co-host COP31?

Mr Kaiser: There have been ongoing discussions with Türkiye in relation to possible arrangements for the hosting of COP31, but I'll defer to my deputy for the detail.

Ms Munro: The current status is that there has not been any agreement reached with Türkiye.

Senator HENDERSON: There has not been any—I'm sorry. I didn't hear you.

Ms Munro: There's been no agreement reached.

Senator HENDERSON: No.

Ms Munro: You asked about the status, I understand.

Senator HENDERSON: Yes. What has Australia offered Türkiye? Anything at all?

Ms Munro: No, we have not made any offer to Türkiye.

Senator HENDERSON: No inducement?

Ms Munro: No inducements.

Senator HENDERSON: No deal on the table in any respect?

Ms Munro: There is no deal on the table. We have had ongoing discussions about what Türkiye's interests are and what our interests are in hosting COP31 with the Pacific.

Senator HENDERSON: When the UK negotiated with Türkiye previously, there was a package of investment pledges made by the UK, and there have been other concessions made with other countries, including a prisoner exchange by two other countries. Has anything been put on the table in any way whatsoever by Australia in relation to co-hosting or hosting COP31?

Ms Munro: Not of that nature.

Senator HENDERSON: Of any nature?

Ms Munro: What we have been discussing is what their interests are. For example, one of the interests that we know Türkiye has is on zero waste, so we have had discussions around, for example—a COP has many elements, including an action agenda. Is that, for example, an area that Türkiye may want to lead on? Again, there is no agreement reached. There are no inducements of the sorts you have outlined that have been offered by Australia.

Senator HENDERSON: Is the nature of those discussions for Australia to accept Türkiye's waste? What do you mean?

Senator Ayres: It's about the agenda.

Ms Munro: The agenda. We call it circular economy, zero waste.

Senator HENDERSON: So it's on the agenda. Can you provide, on notice, all correspondence, briefing notes and advice in relation to the negotiations and discussions with Turkiye.

Senator Ayres: We'll take that question on notice, Senator.

Senator HENDERSON: I've asked for it to be on notice.

Senator Ayres: Yes, but I just want to explain. Publicly outlining the negotiation position with another country is probably not in the national interest. We'll take it on notice. Understand that we're being respectful of the discussion in the way that Ms Munro has outlined it.

Senator HENDERSON: Do you have any idea about the cost involved of hosting or co-hosting COP31? Has there been any work done by the department?

Ms Munro: The cost of hosting COP31 will depend on a number of factors. That goes to the scale of the sort of COP that Australia would host, the cost recovery measures, the partnership that we enter into with South Australia—there are a number of factors which would determine the cost of hosting COP31. Again, that will be advice provided to government when we're in a position to do so.

Senator HENDERSON: What are the preliminary cost estimates for Australia to host COP31? I'm talking logistics, security, staffing, infrastructure upgrades.

Ms Munro: You're asking for—

Senator HENDERSON: What are the preliminary cost estimates?

Ms Munro: I don't have those preliminary cost estimates.

Senator HENDERSON: Do you know what they are?

Ms Munro: There's been work undertaken. As I said, it will depend on a number of factors—

Senator HENDERSON: Yes, I understand that.

Ms Munro: and that will be advice provided to the government—

Senator HENDERSON: But the fact that it's advice—

Ms Munro: and if they make a decision on whether we host a COP and what those decisions are, that would be reported through the budget processes.

Senator Ayres: It's a conference, not the Commonwealth Games.

Senator HENDERSON: The fact that it's advice to government doesn't mean that you shouldn't answer the question. Can I ask you what the preliminary cost estimates are, if you can give the committee a range.

Ms Munro: I don't have those figures.

Senator HENDERSON: Do you know what they are?

Ms Munro: There are a number of factors, as I've said, in terms of what, ultimately, would be the costs of hosting it.

Senator HENDERSON: Yes, but I'm asking for the cost estimate.

Mr Kaiser: For example, it would depend on what cost-sharing arrangement we arrive at with the South Australian government, which is why my colleague can't answer that specific question.

Senator HENDERSON: Can you give me a range, Mr Kaiser?

Senator Ayres: They've done the best they can.

Senator HENDERSON: Minister, can you detail the total carbon emissions generated by sending 75 people from seven different departments and agencies, plus two ministers and staff, at a cost of \$1.6 million, to the UN climate change conference in Azerbaijan?

Senator Ayres: I'll see if officials can provide information about that. But it is absolutely in Australia's interest for Australia to be represented effectively at global climate negotiations that set the terms with which Australian industry participates. Ninety-seven per cent of our trading partners have their own net zero objectives. The agreements that Australia reaches have a profound implication for our agriculture sector, for our relationships in our region and particularly in the Pacific and in South-East Asia—

Senator HENDERSON: Sorry to interrupt. We're nearly at eleven.

Senator Ayres: It is in Australia's national interest—

Senator HENDERSON: I'm not disputing that. I'm just asking about the carbon emissions.

Senator Ayres: to be effectively represented. If there's information available about carbon emissions, we'll do our best.

Senator HENDERSON: Thank you.

Senator Ayres: At COP26 in Glasgow—

Senator HENDERSON: I wasn't asking about that. Thanks. I have no further questions.

Senator Ayres: Scott Morrison took a delegation of 75 people and 13 political staffers. That's 13 political staffers and 75 officials—

Senator HENDERSON: Minister, I've finished my questions, thank you.

Senator Ayres: chasing Scott Morrison around Glasgow, so we'll take it with a grain of salt.

CHAIR: Senator Hodgins-May?

Senator HODGINS-MAY: The Attorney-General's Department confirmed in estimates earlier today that it has given advice to the department regarding the implications the ICJ's advisory opinion on states' obligations on climate change. Without going into the detail of the advice, does it address Australia's potential liability to other states for failing to take adequate climate action and ways to minimise liability risks?

Dr Box: You are correct that the Office of International Law has provided advice to the department on the opinion, but it's not appropriate for me to comment on the content of that advice.

Senator HODGINS-MAY: What action has the department taken in response to the advice?

Dr Box: The Australian government, the department of climate change, the Department of Foreign Affairs and Trade and the Attorney-General's Department are all still considering the ICJ advisory opinion. It's a complex opinion, and the government is still carefully considering that opinion.

Senator HODGINS-MAY: Did the department provide any advice to the climate minister about potential liability when finalising the 2035 targets, Net Zero Plan or the sector plans?

Ms Munro: In the CCA's advice to government, it makes clear that the ICJ opinion was delivered while the authority's 2035 target advice was under development. It is a significant development, and its implications will take some time to analyse. I think what's important is that the advisory opinion itself speaks to a range of factors which are relevant to the Paris Agreement, including that NDCs need to represent the highest possible ambition, be informed by the best available science and be capable of contributing to the Paris Agreement temperature goals. These were absolutely factors that were part of the considerations by the CCA in developing its advice and by the department in developing the Net Zero Plan, as well as ultimately the advice that went to the government.

Senator HODGINS-MAY: Was the risk of a legal challenge from our Pacific neighbours for failing to do enough to keep emissions below two degrees factored into those decisions?

Ms Munro: I wouldn't put it in those terms.

Senator HODGINS-MAY: What terms would you put it in?

Ms Munro: I'd put it in terms of meeting our Paris Agreement obligations and referring to the advisory opinion seeking that parties actually meet their Paris Agreement obligations. That's the basis, in terms of what we have under the Climate Change Act, our international treaty obligations and consideration of the advisory opinion.

Senator HODGINS-MAY: Has the environment minister sought any advice from the climate change policy or climate and energy legal counsel regarding the implications of the ICJAO on the design of the EPBC Act, in particular how climate impacts should be considered under the proposed reforms?

Mr Kaiser: That was an earlier outcome. We addressed this outcome much earlier. EPBC reform was mid-afternoon.

Senator HODGINS-MAY: In response to the ICJ?

Senator Ayres: With the environment minister, yes, when he was at the table.

Senator HODGINS-MAY: My apologies. I have got a few more questions. On what basis do you classify the Bonaparte CCS project as a major renewable energy project? You may need to switch over again. Sorry about that.

Ms Johnson: That's actually a decision of the minister in his ministerial capacity as the Minister for Industry and Innovation.

Senator Ayres: That's really something we can come to on Friday with the Department of Industry, Science and Resources.

Senator HODGINS-MAY: And storing CO2 from hard-to-abate industry—I'll be able to get into all of that?

Senator Ayres: It's all there, yes.

Senator HODGINS-MAY: In that case, I have no further questions.

CHAIR: Senator Henderson, did you want a couple of minutes? I appreciate that you may not.

Senator HENDERSON: I really am sorry that we haven't got to the other witnesses this evening.

Senator Ayres: Not as sorry as they are.

Senator HENDERSON: Yes, I probably agree with you on that, Minister. I want to just go back to the carbon abatement table that we talked about before. This looks and smells very much like a price on carbon: a carbon tax. I know you didn't produce the modelling, but would you agree with that characterisation?

Mr Kaiser: I'm no Treasury official, but a tax usually results in revenue to the government. A marginal cost of abatement does not.

Senator HENDERSON: So you agree it is a carbon tax, Mr Kaiser?

Mr Kaiser: No. I'm saying that tax usually results in revenue to the government.

Senator HENDERSON: Yes.

Mr Kaiser: Marginal cost of abatement does not.

Senator Ayres: It's a definitional question, but, if it assists, in the Treasury modelling it does set this out. It says:

This method of estimating the marginal abatement incentive is a standard feature of many climate modelling exercises, and does not imply the adoption of a carbon pricing policy.

It's absolutely standard modelling. It's for Treasury to work their way through those issues. As the secretary says, it's a fundamental part of any definitional question—if it's a revenue-raising measure. This is a modelling exercise to understand how behaviour in the economy works. There's nothing like a consistent policy to drive good policy outcomes.

Senator HENDERSON: So the modelling exercise, the Treasury marginal abatement price ranging from \$293 to \$328 per tonne by 2050, is a price on carbon, isn't it, Minister?

Senator Ayres: No. I just read the statement from Treasury which says it's not. It's a standard modelling thing that happens. Models do this.

Senator HENDERSON: I agree it's been modelled.

Senator Ayres: They try and understand behaviour in the economy. And that's what this one does.

Senator HENDERSON: Yes, but it is an economy-wide marginal abatement incentive which, by 2050, will reach up to \$328 based on 2024 dollars. Under the Gillard government, the carbon price was between \$20 and \$40. I think at one point it was \$23. If we are talking about a Treasury marginal abatement price of between \$293 and \$328, that is an alarming increase for every single tonne of abatement.

Senator Ayres: It's a modelling construct, not a policy.

Senator HENDERSON: Yes, it is a modelling construct. This is a shadow carbon price. It is assessing the costs that it would take to incentivise carbon abatement.

Senator Ayres: This is a little bit like Senator McGrath's bedroom tax. It's just make-believe nonsense, and you know it's nonsense, and you shouldn't persist in disinformation.

Senator HENDERSON: Minister, I'm reading from your government's documents.

Senator Ayres: You should not persist in disinformation. I know that's fashionable in the Liberal Party at the moment.

Senator HENDERSON: It's very interesting that you're very sensitive about this, Minister. Treasury have factored all of this into their modelling outputs. They've assumed that every cost right across the economy will result in a price per tonne of carbon between \$293 a tonne and \$328 a tonne. So this is a shadow carbon price. It is a price on carbon.

Senator Ayres: I suppose I should regard it as an improvement that some of you have moved from being vectors of other people's disinformation to making up your own disinformation.

Senator HENDERSON: Minister, I hate to disappoint you, but I'm reading from your own documents.

Senator Ayres: It's a modelling construct in an academic research-driven exercise.

Senator HENDERSON: Oh, so it's just academic! Can we agree it's an academic carbon price?

Senator Ayres: It is not government policy. It is a modelling exercise, and it's dishonest to suggest otherwise.

Senator HENDERSON: So it's an academic exercise: a carbon cost of up to \$328 a tonne. Thank you, Minister!

Senator Ayres: It's a soppestry; that's what it is.

CHAIR: Senator Henderson, I will take back the call now. We are concluding this hearing. This involves the release of the departments and agencies that we have not got to today. You go with the committee's thanks for making yourselves available and for the preparation undertaken and the regret of many that we did not get a chance to speak to you, I'm sure. That concludes today's hearing. Thank you to all witnesses who appeared and to Hansard and Broadcasting for their assistance. I remind senators that the committee has agreed that any written questions on notice should be lodged with the secretariat by 26 October 2025.

Committee adjourned at 23:00