

**Senate Standing Committee on Environment and Communications
Legislation Committee**
Answers to questions on notice
Environment portfolio

Question No: 195
Hearing: Additional Estimates
Outcome: Corporate
Programme: Policy Analysis and Implementation (PAAI)
Topic: Commissioned reports
Hansard Page: N/A
Question Date: 19 February 2016
Question Type: Written

Senator Ludwig asked:

Since the change of Prime Minister on 14 September, 2015:

1. How many reports (including paid external advice) have been commissioned by the Minister, department or agency?
 - a) Please provide details of each report including date commissioned, date report handed to Government, date of public release, Terms of Reference and Committee members.
2. How much did each report cost/or is estimated to cost? How many departmental or external staff were involved in each report and at what level?
3. What is the current status of each report? When is the Government intending to respond to these reports?

Answer:

Since 14 September 2015, the Clean Energy Finance Corporation, the Climate Change Authority, the Clean Energy Regulator, the Director of National Parks, Sydney Harbour Federation Trust, and the Bureau of Meteorology have not commissioned any reports.

Department of the Environment

1. Nine.

(1. a – 3). See Table 1.

Great Barrier Reef Marine Park Authority

1. One

(1. a – 3). See Table 2.

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Table 1. Reports commissioned by the Department of the Environment

Name	Date commissioned	Date report handed to Government	Date of public release	Terms of Reference	Committee members	How much did each report cost/or is estimated to cost? (GST Inclusive)	How many departmental or external staff were involved in each report and at what level?	What is the current status of each report?	When is the Government intending to respond to these reports?
Update to listed migratory shorebird population estimates	9 November 2015.	Due date – 30 May 2015.	Not known at this stage.	A revision of the flyway population estimates of all 37 migratory shorebirds listed under the EPBC Act	Not applicable.	\$73,925.70.	1 x APS6	The report has commenced	Yet to be determined
Regulatory Maturity Project	19 October 2015.	Expected April 2016.	The report is for internal purposes.	See appendix 1.	One external expert was engaged – Mr Joe Woodward.	Estimated to be \$69,850.	The secretariat team comprised: 1 x EL2 1 x EL1 1 x APS 6 1 x APS 4	A final report is expected to be provided April 2016.	Yet to be determined.
Landfill bans study	10 November 2015.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	\$24,542.10.	<1 EL1	Not yet complete.	Not applicable.
Waste levies study	23 November 2015.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	\$24,981.	<1 EL1	Not yet complete.	Not applicable.
Hazardous waste data and reporting standard	15 November 2015.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	\$76,956.	<1 EL1	Not yet complete.	Not applicable.
Thermal waste infrastructure study	3 December 2015.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	\$55,000.	<1 EL1	Not yet complete.	Not applicable.
Hazardous waste tracking system requirements study	15 January 2016.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	\$110,220.	<1 EL1	Not yet complete.	Not applicable.
Transboundary movement of used electronic equipment study	5 February 2016.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	\$45,223.	<1 EL1	Not yet complete.	Not applicable.
Independent Review of the Water Trigger legislation	17 September 2015 - Minister agreed to initiate review.	Not yet complete.	Not applicable.	See appendix 2.	Not applicable.	\$50,000.	1 x EL2 1 x EL1 1 x APS6	Not yet complete.	Yet to be determined.

Table 2. Reports commissioned by the Great Barrier Reef Marine Park Authority

Name	Date commissioned	Date report handed to Government	Date of public release	Terms of Reference	Committee members	How much did each report cost/or is estimated to cost? (GST Inclusive)	How many departmental or external staff were involved in each report and at what level?	What is the current status of each report?	When is the Government intending to respond to these reports?
Discussion and options paper on underwater noise guidelines for the Great Barrier Reef	8 February 2016	Scheduled 16 June 2016	Yet to be determined.	This report does not have a Terms of Reference.	There is no committee associated with this report.	\$27,000.	1 x SES Band 1 1 x EL2 1 x EL1 1 x APS6 7 x external	Development of the report has commenced.	Yet to be determined.

Towards Regulatory Maturity

A regulatory capability review of the Environment Protection Group

PURPOSE OF THE REVIEW

The review will assess the maturity, capability and capacity of the Environment Protection Group to fulfil its regulatory functions and provide recommendations on how the Department can establish and maintain a position as a contemporary, mature and trusted regulator.

SCOPE AND PARAMETERS

The review will focus on the regulatory activities of the Environment Protection Group related to the legislation listed at [Attachment A](#).

The review will address:

- The attributes of a ‘best practice regulatory agency’, taking into account experience and practice in like regulatory agencies at the Commonwealth and state levels and, if appropriate, internationally
- Any changes required to ensure the Environment Protection Group’s regulatory functions reflect those attributes.

In addressing the above requirements, the reviewer will consider:

- The most appropriate institutional arrangements for a ‘best practice regulatory agency’, including organisational design and structure, designation of responsibilities, resourcing and opportunities for efficiencies
- Organisational processes for identifying and managing regulatory risks
- Staff capability, including regulatory knowledge and capacity
- The adequacy of, and potential improvements to, business systems.

As discussed further under “Consultation,” the review will contribute to the regulatory knowledge and capabilities of staff in the Environment Protection Group.

In undertaking the review, the reviewer will have regard for relevant Australian Government policies (including the Regulator Performance Framework) and the findings of recent past assessments of the Department’s regulatory functions (e.g. ANAO performance audits).

The following matters are beyond the scope of the review:

- The regulatory functions of Portfolio agencies and other Departmental groups.
- Amendments to current legislation. However the reviewer may choose to highlight aspects of the legislation that create constraints to best practice regulatory performance.

DELIVERABLES

The reviewer will provide a report on their assessment of the regulatory capability and capacity of the Environment Protection Group, together with recommendations for moving towards best practice and positioning the Department as a contemporary, mature and trusted regulator.

A draft report will be provided for discussion prior to finalisation of the final report.

The reviewer will liaise with the Functional and Efficiency Review team to discuss early findings that may inform that process.

CONSULTATION

The review will engage staff in the Environment Standards Division and Wildlife, Heritage and Marine Division. The reviewer will draw on internal knowledge and experience, seeking staff views on current practices and potential improvements. Engagement will be structured to build the regulatory knowledge and capacity of staff, including through discussions about relevant best practice and possible directions for reform.

The review will include consultation with key stakeholders in the Commonwealth's environmental regulatory process, including: peak industry organisations; environmental organisations; regulatory agencies in other jurisdictions and Commonwealth agencies; and regulated parties.

The Review will consider the views of the regulated community on opportunities for the Department to improve its regulatory systems and stakeholder engagement.

The reviewer may engage with other Departmental divisions and Portfolio agencies as required.

GOVERNANCE

The review will be undertaken by an independent external reviewer, reporting to the Secretary and Deputy Secretary, Environment Protection Group. The reviewer will provide regular updates on progress to the Deputy Secretary, Environment Protection Group.

An Executive Advisory Panel will provide strategic advice and guidance to the reviewer. The panel will comprise:

- First Assistant Secretary, Policy Analysis and Implementation Division
- First Assistant Secretary, Environment Standards Division
- First Assistant Secretary, Wildlife, Heritage and Marine Division
- The Department's General Counsel.

The reviewer will be supported by a secretariat based in the Policy Analysis and Implementation Division.

TIMEFRAME

The reviewer will discuss early findings with the Functional and Efficiency Review team in mid-October.

A draft report will be presented to the Secretary and Deputy Secretary, Environment Protection Group within two months of the commencement of the review.

The final report will be delivered by 20 February 2016.

LEGISLATION WITHIN SCOPE OF THE REVIEW

- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- *Australian Heritage Council Act 2003*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Environment Protection (Sea Dumping) Act 1981*
- *Fuel Quality Standards Act 2000*
- *Hazardous Waste (Regulation of Exports and Imports) Act 1989*
- *Historic Shipwrecks Act 1976*
- *National Environment Protection Council Act 1994*
- *National Environment Protection Measures (Implementation) Act 1998*
- *Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Act 1995*
- *Ozone Protection and Synthetic Greenhouse Gas (Import Levy) (Transitional Provisions) Act 2014*
- *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*
- *Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Act 1995*
- *Product Stewardship Act 2011*
- *Product Stewardship (Oil) Act 2000*
- *Wet Tropics of Queensland World Heritage Area Conservation Act 1994*