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SENATE
ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE

Tuesday, 12 November 2019

Members in attendance: Senators Fawcett, Green, Hanson-Young, Keneally, McMahon, Rice, Marielle Smith, Urquhart, Van, Whish-Wilson.
ENVIRONMENT AND ENERGY PORTFOLIO

In Attendance
Senator Birmingham, Minister for Trade, Tourism and Investment
Department of the Environment and Energy

Executive
- Mr David Fredericks, Secretary
- Mr Rob Heferen, Deputy Secretary, Energy Group
- Mr Matt Cahill, Deputy Secretary, Strategy and Operations Group
- Ms Jo Evans, Deputy Secretary, Climate Change and Energy Innovation Group
- Mr Dean Knudson, Deputy Secretary, Environment Protection Group

Corporate Strategies
- Ms Paula Goodwin, Chief Operating Officer
- Ms Giorgina Strangio, Assistant Secretary, People Branch
- Mr Robert Hanlon, Chief Finance Officer, Financial Services Branch
- Mr Jonathan Nicholl, Assistant Secretary, Business and Ministerial Services Branch

Legal and Compliance Division
- Ms Margaret Tregurtha, Acting First Assistant Secretary
- Mrs Monica Collins, Chief Compliance Officer, Office of Compliance
- Mrs Kate Lalor, Acting General Counsel, General Counsel Branch

Policy Analysis and Implementation Division
- Mr James Chisholm, First Assistant Secretary
- Ms Allison Ball, Acting Assistant Secretary, Economics and Analysis Branch
- Mr Travis Bover, Acting Assistant Secretary, Strategy and Governance Branch
- Mr Adam Carlon, Assistant Secretary, Communications and Engagement Branch

Outcome 1
Biodiversity Conservation Division
- Ms Emma Campbell, Acting First Assistant Secretary
- Ms Tia Stevens, Assistant Secretary, Biodiversity Policy and Water Science Branch
- Mr Geoff Richardson, Assistant Secretary, Protected Species and Communities Branch
- Dr Sally Box, Assistant Secretary, Threatened Species Commissioner and Biosecurity Branch
- Mr Steve Costello, Assistant Secretary, Program Deliver Branch

Environment Approvals Division
- Ms Michelle Croker, First Assistant Secretary
- Mr Andrew McNee, Assistant Secretary, Assessments and Governance Branch
- Mr Greg Manning, Assistant Secretary, Assessments and Post Approvals Branch
Ms Louise Vickery, Assistant Secretary, Environment Approvals and Wildlife Trade Branch
Mr Declan O'Connor-Cox, Assistant Secretary
Mr Nathan Sibley, Director, Wildlife Trade Assessments
Ms Sarah Gowlan, Director, Wildlife Trade Regulation
Mr Dane Roberts, Director, Northern New South Wales Assessments
Mr Mike Smith, Director, Southern New South Wales Assessments

Environment Protection Reform Division
Mr James Tregurtha, First Assistant Secretary
Mr Bruce Edwards, Assistant Secretary

Heritage, Reef and Marine Division
Mr Stephen Oxley, First Assistant Secretary
Mr David Williams, Assistant Secretary, Heritage Branch
Ms Paula Parrett, Assistant Secretary, Marine and International Heritage Branch
Ms Deb Callister, Assistant Secretary, Reef Branch

Outcome 2
Climate Change Division
Ms Helen Bennett, First Assistant Secretary
Ms Edwina Johnson, Assistant Secretary, Industrial and Air Quality Branch
Mr Chris Johnston, Assistant Secretary, Climate Change Policy Branch
Ms Alannah Pentony, Acting Assistant Secretary, Land and Outreach Branch
Mr Paul Ryan, Director, Forests Section, Land and Outreach Branch

International Climate Change and Energy Innovation Division
Ms Kushla Munro, First Assistant Secretary
Ms Kim Farrant, Assistant Secretary, International Branch
Mr Paul Murphy, Assistant Secretary, Energy Innovation and Ozone Protection Branch
Ms Rachel Burgess, Director, National Inventory Systems
Ms Gaia Puleston, Director, International Branch

Outcome 4
Energy Division
Ms Rachel Parry, First Assistant Secretary
Ms Lesley Dowling, Assistant Secretary, Gas and Governance Branch
Ms Penelope Sirault, Director, Electricity Branch

Energy Security and Efficiency Division
Mr Sean Sullivan, First Assistant Secretary
Mr Alistair Sherwin, Assistant Secretary, Industrial Energy Efficiency Branch
Mr Tim Wyndham, Assistant Secretary, Energy Security Branch
Ms Alison Dell, Acting Assistant Secretary, Energy International and Infrastructure Branch
Ms Lila Oldmeadow, Acting Assistant Secretary, Residential Energy Efficiency Branch

Committee met at 10:31

CHAIR (Senator Fawcett): I declare open this meeting of the Senate Environment and Communications Legislation Committee. These are supplementary budget estimates proceedings, and the agencies heard during these estimates are those which have been nominated by various senators. The committee has fixed Tuesday 14 January 2020 as the date for the return of answers to questions taken on notice from this hearing. Proceedings today will continue the committee's examination of the Department of the Environment and Energy and will follow the order as set out in the program.

Under standing order 26, the committee must take all evidence in public session. This includes answers to questions on notice. Officers and senators are familiar with the rules of the Senate governing senate estimates hearings. If you need assistance, the secretariat has copies of the rules. The Senate has also resolved 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 a question to superior officers or to a minister. The resolution only prohibits questions asking for opinions on matters of policy and does not preclude questions asking for explanations, policies or factual questions about when and how policies were adopted.

I particularly draw the attention of witnesses to an order of the Senate of 13 May 2009 specifying the process by which a claim of public interest immunity should be raised, which will be incorporated in 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: Witnesses are specifically reminded that a statement that information or a document is confidential or consists of advice to government is not a statement that meets the requirements of the 2009 order. Instead witnesses are required to provide some specific information on the harm to public interest that could result from the disclosure of the information or the document.

Department of the Environment and Energy

[10:33]

CHAIR: I welcome Senator the Hon. Simon Birmingham, Minister for Trade, Tourism and Investment, representing the Minister for the Environment and the minister for energy. I would also specifically like to welcome the new secretary, Mr David Fredericks. Day 2, supplementary estimates spillover—well done! I hope you don’t buy lottery tickets! I congratulate you on your appointment. Minister or Secretary, would you like to make an opening statement?
Senator Birmingham: No, thank you, aside from echoing your remarks in welcoming Mr Fredericks and congratulating him on his appointment.

CHAIR: In that case, we will move to outcome 1.

Mr Fredericks: Thank you, Chair, and, through you, Chair, could I just say that I'm looking forward to working with this committee in the future.


Senator URQUHART: Could I first of all start off by thanking the department. With all the terrible fires that are happening around the country, I'm sure your department is pretty busy in terms of dealing with that, so we do appreciate the couple of hours you're giving us today. Thank you very much. Senator Keneally is going to kick off for us.

Senator KENEALLY: Thank you for being here today. I'd like to start by asking about correspondence handling. What happens when a minister in your department receives a piece of correspondence? Is it automatically entered into the system through the departmental Slipstream, for example?

Mr Knudson: I'm just going to bring to the table the deputy who's responsible for overall corporate governance.

Senator Birmingham: Chair, just for clarification, in terms of the program for the next couple of hours: are we working through the different elements of the program that have been requested to return in any type of order?

CHAIR: It is all in one block, I'm afraid, Minister, so the order will be determined by the questions.

Senator Birmingham: The committee may need to be patient, then, as officials come and go from the table.

Mr Cahill: All our correspondence is registered in our parliamentary workflow system and workflowed back to the department and assigned to a responsible officer to draft a response.

Senator KENEALLY: Are there any exceptions to that?

Mr Cahill: Not to my knowledge.

Senator KENEALLY: When does a minister's office first become aware of the correspondence—at the time it's received or at the time a response is drafted?

Mr Cahill: My understanding is that it depends where the correspondence is received. If the correspondence is received within the department then we obviously register it. If it's received in the minister's office then the departmental liaison officer supports the registering of the process and allocating the work.

Senator KENEALLY: If it's received in the department, when does the minister's office become aware?

Mr Cahill: It depends on the nature of the correspondence. If it involves the minister then obviously we would notify an adviser that we've received such correspondence and work to action it accordingly.

Senator KENEALLY: You said that someone is assigned the correspondence. Is that information—who that person is—entered into Slipstream?
Mr Cahill: To be honest, I don't know. I would have to take that on notice. It's quite clear in the system who the department's assigned officer is, but I would have to check the detail on whether there is an adviser. There are quite clear roles for advisers in the minister's office. There are advisers assigned for the environment portfolio or EPBC, so it's understood which adviser you're working with.

Senator KENEALLY: Who determines whether or not a response is required, or is all correspondence responded to?

Mr Cahill: Sorry, Senator?

Senator KENEALLY: Does all correspondence receive a response, or does someone make a determination on whether or not a piece of correspondence receives a response?

Mr Cahill: A departmental officer will give advice on whether or not a response is required. I would be confident that we respond to the vast majority of correspondence we receive.

Senator KENEALLY: Can I ask about the original piece of correspondence from the Lord Mayor of Sydney, Clover Moore, to the Minister for the Environment, Sussan Ley, about climate change. On what date was that received?

Ms Evans: The letter from Clover Moore, which was dated 22 August, was received electronically in Minister Ley's office on 22 August, and it was then forwarded—I would need to confirm it was forwarded on that day, but I think that's the case—to Minister Taylor's office, as he is the minister responsible for emissions reduction.

Senator KENEALLY: Who forwarded it to Minister Taylor's office—Minister Ley's office?

Ms Evans: Again, I'd have to take that on notice to be sure, but, yes, that's my understanding. Minister Ley's office would have forwarded it to Minister Taylor's office. That's standard practice.

Senator KENEALLY: Right. Can a copy of that letter be tabled?

Ms Evans: I don't have a hard copy with me, but we can arrange for it to be tabled.

Senator KENEALLY: Thank you, Ms Evans. On what date was it entered into the department's Slipstream?

Ms Evans: Again, you're asking when it was entered, so I'd have to check. I'm assuming it would have happened on 22 August. What I can say is that it was assigned to the division coordinating unit in my area on 2 September.

Senator KENEALLY: Okay. You said that Minister Ley forwarded it to Minister Taylor's office because he was the minister responsible for emissions reduction. I presume that was a decision made in Minister Ley's office.

Ms Evans: I'd have to double-check that that's exactly where the decision occurred, but that's my expectation as well.

Senator KENEALLY: So you think the minister's office made that determination, not the department?

Ms Evans: Again, I'll double-check, but my understanding is that that determination would have been made in the minister's office. The understanding of the division of
responsibilities between the ministers is quite clear, and this one came in about a response to emissions so it would have been forwarded to the Minister for Energy and Emissions Reduction.

Senator KENEALLY: Are you aware if there was a conversation between Minister Ley's office and Minister Taylor's office?

Ms Evans: No, I'm not.

Senator KENEALLY: So it was transferred to Minister Taylor on 22 August.

Ms Evans: Again, that's the date it was received by Minister Ley's office. It was then forwarded to Minister Taylor's office. I would need to double-check if that happened on that date or some days later.

Senator KENEALLY: Was there a particular adviser assigned to the letter in Minister Taylor's office?

Ms Evans: I don't know the answer to that. We would have to take it on notice and check with the minister's office.

Senator KENEALLY: Okay. You said it was assigned to your area on 2 September.

Ms Evans: That's right.

Senator KENEALLY: Did your department speak with Minister Taylor's office about drafting a response?

Ms Evans: I'm not aware of us having had any interactions with the minister's office on the nature of the response, but we did prepare a draft response, using standard words, which was provided to Minister Taylor's office for review on 4 September.

Senator KENEALLY: Just so I'm clear: on 4 September you provided a standard response?

Ms Evans: We provided a draft response that was using standard words.

Senator KENEALLY: Did that draft response include reference to the City of Sydney's travel expenditure?

Ms Evans: No, it did not.

Senator KENEALLY: Did the minister's office seek any changes to the draft that you provided to them on 4 September?

Ms Evans: Not from the department. That's the only version of the letter that we provided or drafted.

Senator KENEALLY: And there were no requests back to the department for additional information or further drafts?

Ms Evans: No, nothing.

Senator KENEALLY: So from the department's standpoint they drafted a response based on standard words on 4 September and gave it to the minister's office. That was the last involvement you had with this letter?

Ms Evans: That's correct.

Senator KENEALLY: Is it possible to table a copy of the department's draft response?
Ms Evans: It is. Again, unfortunately, I've come with just an electronic copy. I'll see if we can arrange to have a hard copy to table.

Senator KENEALLY: Thank you. Minister Taylor's office didn't ask for any further information in relation to this letter. They didn't send back any additional drafts for checking?

Ms Evans: No, they did not.

Senator KENEALLY: Did the minister's office ask for any information regarding the City of Sydney annual report from the department?

Ms Evans: Not from the department.

Senator KENEALLY: You're saying that the department did not provide any information in relation to the City of Sydney annual report or their travel expenditure?

Ms Evans: That's correct.

Senator KENEALLY: Was there a briefing that accompanied the draft letter?

Ms Evans: No, there was not. Sometimes correspondence does have a brief attached to it, but in this case there was no brief.

Senator KENEALLY: I presume that you are familiar with the letter that did go from Minister Taylor to the Lord Mayor of Sydney with the alleged annual report figures of $1.7 million on international travel and $14.2 million in domestic travel. Are you saying that the department played no role in providing that information to the minister?

Ms Evans: That's right. We provided our draft response on 4 September. We had no further interaction on the content of the letter. The final letter was signed then came back to our parliamentary area on 30 September.

Senator KENEALLY: After it had been sent?

Ms Evans: No. Our parliamentary area arranges for the dispatch to the recipient. That final letter came back to the department and was simply processed. We wouldn't do anything other than that.

Senator KENEALLY: You wouldn't read the letter and fact check it, for example, before it was sent?

Ms Evans: Once a letter has been finalised and signed, the department would not do a further amendment of that letter.

Senator KENEALLY: So you weren't asked to verify the additional information that the minister's office placed in the letter to the Lord Mayor?

Ms Evans: No, we were not asked to verify any of the additional information.

Senator KENEALLY: And you didn't unilaterally decide to do that either?

Ms Evans: That's right.

Senator KENEALLY: Just so I am clear: the draft letter comes from the department, based on standard response, on 4 September. It contains no information about the City of Sydney annual report or travel expenditure. Then the minister's signed version comes back to you on 30 September, and that is simply for processing. It is not for content checking or alteration at that point?

Ms Evans: That's correct.
Senator KENEALLY: And the minister's office did not request any information from the department regarding the City of Sydney's travel expenditure or its annual report?

Ms Evans: No, they did not.

Senator KENEALLY: The version of the letter that I have seen in the public realm is not dated. Is that usual, that letters are not dated?

Ms Evans: I don't think that is usual, so I would have to check. Usually there is a date stamp on the letters. I don't know which version you have seen versus the one we have in the system, so I would have to double-check it.

Senator KENEALLY: Can we please check and ask to be tabled the version in the system? I am just curious if there is a version where the letter is dated.

Mr Cahill: We can do that.

Senator KENEALLY: Thank you, Mr Cahill. So it was sent to you on 30 September. What date was it sent out? Was it sent out on 30 September?

Ms Evans: That would be my expectation. As soon as these finalised letters come back to the department they are dispatched. But again, I would have to double-check that on notice.

Senator KENEALLY: Was the department aware that the letter had already been provided to The Daily Telegraph in advance of it being sent?

Ms Evans: No, we weren't.

Mr Cahill: Not to our knowledge.

Senator KENEALLY: Did Mr Taylor, his office or the department provide a draft of the letter from Mr Taylor to Ms Moore to the Prime Minister or his office?

Ms Evans: I don't know the answer to that.

Senator KENEALLY: Did the department provide a draft of the letter?

Ms Evans: The department only provided a draft to our minister's office.

Senator KENEALLY: Minister Birmingham, do you know if the minister provided a draft of his letter or a copy of his letter to the Prime Minister's office?

Senator Birmingham: Not to my knowledge.

Senator KENEALLY: Did Mr Taylor, his office or the department provide a final copy of Mr Taylor's letter to Ms Moore to the Prime Minister's office? I take it you didn't provide a copy of the final letter, before you dispatched it, to anyone else?

Ms Evans: That's correct.

Senator KENEALLY: Minister Birmingham, do you know if Minister Taylor provided a copy of his final letter?

Senator Birmingham: Not to my knowledge.

Senator KENEALLY: Not to your knowledge. Can you take that on notice, please?

Senator Birmingham: Sure.

Senator KENEALLY: Can you take on notice whether you provided a draft?
Senator KENEALLY: Either the minister or his office, to be clear. Minister Birmingham, did Mr Taylor or his office provide a copy of an extract of the City of Sydney 2017-18 annual report relating to council travel costs to the Prime Minister or his office?

Senator Birmingham: Not to my knowledge.

Senator KENEALLY: Can we take that on notice, and on what date and if a copy can be provided?

Senator Birmingham: We can take on notice whether they did, and obviously the other questions would follow depending on the answer.

Senator KENEALLY: Chair, I am happy to share the time around at this point and come back to this range of questions.

Senator HANSON-YOUNG: Following up on some of the questions around how correspondence is managed, I have some questions in relation to a letter originally sent to the Prime Minister from former fire chiefs in relation to their concerns about climate change and the impact on our emergency services. I understand this letter was first sent in April by a delegation of former fire chiefs to the Prime Minister and that that letter was indeed forwarded to Mr Taylor's office. Ms Evans, I am not sure if you are the right person, but somebody in your department must have an understanding of this letter.

Mr Knudson: There is going to be some difficulty for us dealing with fairly broad corporate questions. The reason for that is that when the committee notified us of this spillover date, they indicated that the questions would focus on outcomes 1.1, 1.4, 1.5, 2.1 and 4.1. That was on 28 October. On 6 November we wrote back to the committee secretary and sought confirmation those were the only outcomes that questions would be focused on, and we received reassurance that that would be the case. Indeed, it was also clarified that the Office of the Supervising Scientist would not be required to attend. So we will try and answer your questions, but I want to point out that the corporate area of the department pretty much isn't represented here today, because there were no outcomes that implicated them specifically. Therefore they are not here today.

CHAIR: I think that is a fair point, Mr Knudson, particularly the fact that you clarified which outcomes are going to be sought. Senator Hanson-Young, feel free to put your questions, but you may find most of them are taken on notice.

Senator HANSON-YOUNG: Frankly, the issues that pertain to the letters of concern that I am asking about are in these outcomes, so I don't know what the problem would be. If you are trying to get out of it by not answering because of the bureaucracy in the department, that will be taken as so.

Senator Birmingham: Let's just ask the question, Senator Hanson-Young, rather than engage in commentary of that nature. Mr Knudson has just made the reasonable point that the entire department is not represented here today. We have the elements of the department that the committee had requested.

Senator HANSON-YOUNG: Can I first ask about when the department receive the correspondence forwarded from the Prime Minister's office from the fire chiefs requesting a meeting?

Mr Fredericks: We will take that on notice.
Senator HANSON-YOUNG: Are you aware of the request and the letter?

Mr Knudson: I am not.

Senator HANSON-YOUNG: You are not aware at all?

Mr Knudson: No.

Senator HANSON-YOUNG: You haven't been listening to reports in the last three or four days in relation to this?

Mr Knudson: Absolutely. Like many people in this country, I am absolutely focused on the fire events. But with respect to a particular piece of correspondence, I am not.

CHAIR: Senator Hanson-Young, can I interrupt for a minute. We have a cameraman present. Are members of the committee happy for the media to be filming subject to the normal constraints? There is no objection.

Ms Evans: We are aware of a response that was drafted for the Prime Minister's signature, which was also signed and sent back to the Emergency Leaders For Climate Action in response to their letter that was dated 30 May. That letter was addressed to the Prime Minister and the Prime Minister responded. We provided input through the Department of the Prime Minister and Cabinet.

Senator HANSON-YOUNG: Why was it believed that this would be an issue for Minister Taylor to manage?

Ms Evans: I am sorry, in our correspondence there is no record of the letter being forwarded. As far as we are aware it was handled by the Prime Minister, to whom the letter was addressed, and there was a response provided.

Senator HANSON-YOUNG: Could I ask for that letter, both received and drafted in response, to be tabled?

Ms Evans: Yes, we can do that.

Senator HANSON-YOUNG: So that was the original letter. My understanding from reports—this is where I want to work out what has actually gone on and where this letter got to—is that the fire chiefs wrote to the Prime Minister asking for a meeting. They received a response from the Prime Minister saying that this request had been forwarded to Mr Taylor's office. Can you confirm that that is what the letter indeed said?

Ms Evans: I would have to take that on notice, because that is not consistent with either the incoming letter or the outgoing letter that I am familiar with. We will have to take anything about them on notice.

Senator HANSON-YOUNG: Are you aware of a request from these former fire chiefs for a meeting with the government?

Ms Evans: The incoming letter implies that they are available to meet with the Prime Minister if he wished to do so.

Senator HANSON-YOUNG: Your department helped draft a response that was sent to the fire chiefs from the Prime Minister, is that correct?

Ms Evans: That's correct.

Senator HANSON-YOUNG: Why was your department asked to help draft that letter?
Ms Evans: We have some activities that are relevant to the kinds of issues they were raising, including, for example, the work that we do with the energy sector on identifying potential impacts of extreme weather events. Also, because of our role in co-chairing the national Disaster and Climate Resilience Reference Group across the Commonwealth, which we co-chair with the Department of Home Affairs, we are familiar with work on the Natural Disaster Risk Reduction Framework and so on. So we assisted the Department of the Prime Minister and Cabinet to include information about those things in their response.

Senator HANSON-YOUNG: In the Emergency Leaders For Climate Action and these fire chiefs' letter on 16 September, they write again to the Prime Minister. They acknowledge the response they received on 4 July and the advice that Minister Taylor would be in touch for a meeting. Ms Evans, are you aware of any direction from the minister's office, or indeed the Prime Minister's office, to co-ordinate a meeting between the fire chiefs and the minister for energy and climate—the minister responsible?

Ms Evans: I would have to take that on notice. The only letters I am aware of or familiar with are the ones I have already mentioned, on 30 May.

Senator Birmingham: I am advised that Minister Taylor offered them a meeting, in contact between his office in September, proposing an October meeting, which was declined. I am advised by his office that that invitation remains open for him to meet with the former fire chiefs.

CHAIR: Senator Hanson-Young, just before you continue, there was a request to table letters. Minister or department, are you comfortable they can be tabled?

Mr Fredericks: Yes.

Senator HANSON-YOUNG: Ms Evans, are you aware that Minister Taylor was in contact with the fire chiefs in September?

Ms Evans: I have nothing further to add to Senator Birmingham's response.

Senator HANSON-YOUNG: Who drafted the letter that Senator Birmingham is referring to?

Senator Birmingham: I am not aware of whether it was a letter or other communication.

Senator HANSON-YOUNG: Ms Evans, what type of communication was it?

Ms Evans: I have already indicated that the only correspondence that I am aware of is the material from 30 May and—sorry, I've just handed up the copy so I can't say the date again. Those are earlier.

Senator HANSON-YOUNG: So you are not aware of Minister Taylor offering to meet with the fire chiefs?

Ms Evans: No. Minister Birmingham has just clarified that that did occur and that that offer was not taken up.

Senator HANSON-YOUNG: Well, I've got the letter here from the fire chiefs back to the Prime Minister saying, indeed, they're more than happy to meet. So what's going on here? Why is it so difficult to get a meeting arranged between the ministers responsible and the former fire chiefs in this country wanting to discuss these serious matters?
Senator Birmingham: Senator Hanson-Young, my understanding is the offer from Minister Taylor's office was made to the former fire chiefs—and I'm assuming you're speaking of the 16 September letter, which is what you're waving around now—and that offer was made before that letter had been received. But that offer has not been taken up by the former fire chiefs to date.

Senator HANSON-YOUNG: Ms Evans, when was the department made aware of Mr Taylor being prepared to meet with the former fire chiefs?

Ms Evans: I'll have to take that on notice, Senator.

Senator HANSON-YOUNG: You are aware: did that occur?

Ms Evans: I am aware: it did occur—the minister has clarified that while we've been sitting here at the table. I'll have to take it on notice whether we have any earlier records.

Senator HANSON-YOUNG: Your understanding is that it was in September based on what Senator Birmingham said?

Ms Evans: Senator, I've taken the question on notice.

Senator HANSON-YOUNG: So these former fire chiefs first wrote in April, and then the first attempt to actually meet with them was offered in September?

Ms Evans: I don't think there was a question there.

Mr Fredericks: I don't think Ms Evans can answer that question.

Senator HANSON-YOUNG: Ms Evans, you accept that the first letter from the fire chiefs requesting a meeting was in April?

Ms Evans: I don't have a copy of the earlier correspondence that happened in April.

Senator HANSON-YOUNG: Who's running the show?

Ms Evans: The correspondence was addressed to the Prime Minister, so the Department of Prime Minister and Cabinet would have a copy of that letter, presumably. We are aware of the subsequent letter because, in that particular instance—which was also addressed to the Prime Minister and which was responded to—we were asked for some input, which we provided.

Senator HANSON-YOUNG: And then you understand that a meeting, finally, was offered by Mr Taylor in September?

Senator Birmingham: A meeting was offered on September 10, I am advised by Mr Taylor's office. That offer remains open but has not been taken up by the former fire chiefs to date.

Senator HANSON-YOUNG: So April, May, June, July, August, September—five months later. Is it usual for such a senior delegation to have to wait to be offered a meeting, particularly over such a serious issue such as emergency services and a response to climate change? Is five months how long people should be waiting to get a response from the minister?

Mr Fredericks: Senator, I don't believe that's a question that Ms Evans can answer. At the end of the day, it's a matter for—

Senator HANSON-YOUNG: What would be the average wait time?
Mr Fredericks: Senator, I don't have an answer to that question. I could take that question on notice, if you wish.

Senator Birmingham: Senator Hanson-Young, the second letter that was just tabled references that the first letter, which there's not a copy of here because it was to the Prime Minister, was only proposing a meeting at some point after the election. So, if you're going to, for the cameras, wave your fingers around counting the number of months, indeed, the first letter wasn't actually proposing a meeting at the first instance; it was talking about sometime post election, according to the former fire chiefs themselves.

Senator HANSON-YOUNG: Ms Evans, what's the process when a request for a meeting with the minister—this is a senior delegation. Would you agree this is a senior delegation, requesting a meeting?

Senator Birmingham: I think that's asking for an opinion there, Senator.

Senator HANSON-YOUNG: Ms Evans, how do you determine what meetings the minister will have and what meetings the minister won't have?

Senator Birmingham: The minister determines that, Senator.

Senator HANSON-YOUNG: Is there any advice given by the department as to what meetings the minister should engage with?

Ms Evans: Only if we are requested to provide advice of that nature.

Senator HANSON-YOUNG: You were requested to give advice in relation to responding to the fire chiefs, weren't you?

Ms Evans: We were asked by the Department of Prime Minister and Cabinet to provide some input into their response.

Senator HANSON-YOUNG: Were you asked for any advice as to whether the minister should meet the fire chief?

Ms Evans: I'd have to take on notice whether we were requested anything like that, but I don't recall or know of anything where we were asked.

Senator HANSON-YOUNG: Did you provide any advice as to whether the minister should or shouldn't meet with the fire chief?

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

Senator HANSON-YOUNG: You can't recall? Would you be the appropriate person to ask, Ms Evans?

Mr Fredericks: Senator, Ms Evans has said she will take that on notice.

Senator HANSON-YOUNG: So you just can't recall?

Ms Evans: That's correct.

Senator McMAHON: My question relates to Australia's Strategy for Nature. Australia's Strategy for Nature 2018-2030 was endorsed and released at last week's meeting of environment ministers in Adelaide. Could you please outline what the final iteration looks like and how that will help meet Australia's international commitments?

Ms Stevens: As you mentioned, it was agreed by all environment ministers last week. The launch of the strategy demonstrates Australia's forward-leaning approach in the lead-up to the
launch of the Convention on Biological Diversity's post-2020 Global Biodiversity Framework at the end of next year. With the convention's current framework and targets expiring next week, launching the strategy places Australia in a strong position to be responsive to a number of national and global biodiversity-related assessments. The launch of the strategy—which in itself has four goals, 12 objectives and sitting underneath that 45 measures of progress—enables all jurisdictions to identify actions they will take and will be represented on quite an innovative website known as Australia's Nature Hub. This website demonstrates local, state and national action underneath those four goals and 12 objectives. It will demonstrate how much good work is happening across this country in relation to biodiversity conservation at multiple levels. It will also enable, where governments have come together on shared priorities, what work they are undertaking. You will also be able to see for the first time a range of actions across a range of areas of focus in nature—both within cities, through our urban landscapes, and through to our regional and more-pristine landscapes.

In relation to how this will place us well in the international space, as I mentioned, with the changing international space, this flexible framework, by having some high-level goals, will enable Australia at multiple levels of government and beyond to flexibly respond through clear action underneath the framework to demonstrate how we can make new commitments to new global targets as they come online, acknowledging that the Convention on Biological Diversity, the Sustainable Development Goals and other UN conventions have different time frames for their global targets, but it will enable multiple levels of government to respond in a timely fashion with concrete action that will be made transparent to all Australians through Australia's Nature Hub.

Mr Knudson: I will note just a couple of things that definitely played out in the development of this strategy. The original strategy, which was done in 2010—so, it's been a number of years since we've had a refresh of that—when we did a review of it, it was found to be fairly scientific, almost inwardly focused. Very explicitly, ministers wanted something that would engage more Australians on what we're trying to do to protect our nature. That's one of the key objectives of this strategy. As Ms Stevens talked about, that flexibility is also important because different jurisdictions have different priorities and different needs and it allows for that. Very importantly, though, Australia, in signing up to the Convention on Biological Diversity, is required to have a national strategy. While we had one from 2010, we thought it was really important to update that—especially given that the next round of negotiations on the convention, in 2020, will be very important for, as Ms Stevens talked about, resetting those targets. We think this will be an important international contribution for how we can frame our global efforts with respect to diversity.

Senator KENEALLY: I want to go back to the matter I was asking about earlier. I refer to the story published in The Daily Telegraph on 30 September 2019 which cites the Taylor letter to Ms Moore and Minister Taylor's now debunked claims about the council's travel expenditure. When did the department first become aware of this story?

Ms Evans: We became aware of it in the media.

Senator KENEALLY: When it appeared in the media?

Ms Evans: That's correct.
Senator KENEALLY: I assume, then, I can conclude that the department did not provide any information to the minister or his office in relation to that prior to the story being published?

Ms Evans: That's correct. I have copies of the original incoming letter, the draft response and the dated final response tabled.

Senator KENEALLY: Thank you very much. I appreciate that. Was the department concerned by the figures mentioned in the story? Did they undertake any fact-checking once the story appeared?

Ms Evans: Not to my knowledge.

Senator KENEALLY: Can we put that on notice to see if anyone else has knowledge of any fact-checking.

Ms Evans: We can take it on notice.

Senator KENEALLY: Thank you. Minister Birmingham, can you advise what information Minister Taylor or his office provided to The Daily Telegraph for their story?

Senator Birmingham: No.

Senator KENEALLY: Can you take that on notice.

Senator Birmingham: I can take it on notice, yes.

Senator KENEALLY: Thank you. A later report states, 'Mr Taylor's office had sent The Daily Telegraph the altered document when council disputed the figures in the minister's letter.'

Senator Birmingham: Who are you quoting there?

Senator KENEALLY: I am quoting The Daily Telegraph. This is on 25 October 2019. The story is titled 'Federal minister Angus Taylor says his travel figures were false but council was the source'. How did Mr Taylor provide the information he gave to The Daily Telegraph—that is, the altered document? Did he email it to them? Text message? WhatsApp?

Senator Birmingham: I think that's probably covered by the question I have already taken on notice.

Senator KENEALL: Does that mean you will seek to find out and you will take that on notice?

Senator Birmingham: I took on notice previously what communication there was in terms of providing the story to The Daily Telegraph.

Senator KENEALLY: So now I'd like to know how he provided it. Did he email it? Did he text it? Did he WhatsApp it to them? I'd appreciate that. If you could provide a copy of that communication—would you take that on notice please, Minister.

Senator Birmingham: I'll take it on notice. I'm not sure how eager you'd be to provide copies of communications between you and journalists. Nonetheless, I'll take it on notice.

Senator KENEALLY: Thank you. In parliament, the minister said about the altered document he relied on that 'The document was drawn directly from the City of Sydney's website. It was publicly available.' Minister, that's funny language, isn't it—it was 'drawn from the website'? Did the minister mean that it was downloaded from the website?
**Senator Birmingham:** I think Mr Taylor has dealt with those questions in relation to the statement he made on Friday 25 October. He is clear there that, yes, a document and its various drafts and versions are on the servers of the City of Sydney, and:

There is clear evidence on the City of Sydney's own website that there are different versions of the same report online right now.

**Senator KENEALLY:** In fact, Minister, the City of Sydney says:

Metadata logs prove that the City's annual report documents, both PDF and Word versions, were uploaded on 27 November 2018 and not updated after that date.

So we have metadata that says the documents have not been changed since they were uploaded. So when the minister says the document was 'drawn from the website', is he saying he downloaded it from the website—that he printed it off the website?

**Senator Birmingham:** I would take that to be the case, yes.

**Senator KENEALLY:** Yet we have metadata that says it has never changed since it was uploaded.

**Senator Birmingham:** We don't have metadata, and I don't know whether you do either.

**Senator KENEALLY:** Are you aware of Trove, the website run by the National Library of Australia?

**Senator Birmingham:** Yes.

**Senator KENEALLY:** In fact, the government provided $10 million of funding in this year's budget to expand Trove's archives.

**Senator Birmingham:** I trust you're welcoming that.

**Senator KENEALLY:** I am. Trove archives Australian websites, and it just so happens that Trove archived the City of Sydney website addresses for both the PDF and Word versions of the City of Sydney's annual report for 2017-18 of 20 April this year. So those archived websites of 20 April 2019 on Trove contain the correct figures for the City of Sydney travel. Is it the minister's contention that the correct report was on the website on 20 April this year and then replaced with a report with incorrect figures, which his office downloaded on 9 September, and then the report with the correct figures was put back up again? Is that the contention of the minister?

**Senator Birmingham:** I am only going to be able to refer you to the minister's statement there, which is, as the minister has said:

There is clear evidence on the City of Sydney's own website that there are different versions of the same report online right now—

'right now' being the statement he made on 25 October 2019—

Clearly, given the document and its various drafts and versions, are on the servers of the City of Sydney, only they can prove which documents have existed, and may still currently exist.

**Senator KENEALLY:** That actually flies against the evidence that Trove has and that the City of Sydney's own metadata has—that the documents were uploaded and that they have not been altered. Isn't what the minister is postulating—that he downloaded or drew this information from the City of Sydney website—implausible? Can you point me to any actual evidence that supports his contention that that is what he has done?
Senator Birmingham: I understand that the minister provided some evidence, along with the statement that he made, on 25 October.

Senator KENEALLY: He provided evidence that, between PDF and Word, there were some formatting differences. He has provided no evidence that the content is different, and he has provided no evidence that there has ever been a report on the City of Sydney website that has different content. The metadata and the Trove archive back that up. These have not changed. Where did the minister get this altered document?

Senator Birmingham: The minister has been clear that it was from the City of Sydney website.

Senator KENEALLY: Can the minister point to or provide any public document which contains those figures?

Senator Birmingham: As I said, the minister has been clear that it was from the City of Sydney website.

Senator KENEALLY: Is it your evidence to this committee that the minister printed it out from the City of Sydney website?

Senator Birmingham: That is what the minister said.

Senator KENEALLY: Despite the fact that metadata shows it hasn't been changed since it went up on 28 November, and despite the fact that Trove archives show that, as of 20 April, the documents are as they are today? Nobody except Minister Taylor has ever found a version of this annual report that has different figures. Only Minister Taylor claims to have seen it. Only Minister Taylor claims to have printed it out. Can you explain this mystery to us?

Senator Birmingham: I again refer you to Mr Taylor's statement, in which he makes clear:

There is clear evidence on the City of Sydney's own website that there are different versions of the same report online right now.

Clearly, given the document and its various drafts and versions, are on the servers of the City of Sydney, only they can prove which documents have existed, and may still currently exist.

Senator KENEALLY: Minister, come on. You're a smart man. Seriously! He has never been able to point to a version or any evidence that shows there has been different content or any change to the content of those reports. They have been on the City of Sydney website since November 2018. They have not been altered. They have not been changed. There is no evidence from metadata that they have been altered or changed. Trove says they haven't been altered or changed. Nobody else seems to have ever seen this version, and the minister cannot point to where this version came from. He simply has a statement that it was drawn from the City of Sydney website. Where did he get this document from? There is no evidence that supports his assertion that it was taken from the City of Sydney website. There is no evidence that it ever existed in the form he says it did.

Senator Birmingham: I think I have already answered that question.

Senator KENEALLY: No, you haven't.

Senator Birmingham: You asked me before, 'Where did he get it from?' I told you before that the minister says it was downloaded from the City of Sydney website.
Senator KENEALLY: Who in his office printed it out? Did they print it out, first of all, or did they just eyeball it? Did they take a screenshot?

Senator Birmingham: I'll have to take that on notice.

Senator KENEALLY: Who in his office did it?

Senator Birmingham: I'll have to take that on notice.

Senator KENEALLY: Where did he get this document from?

Senator Birmingham: The minister addressed that before.

Senator KENEALLY: Did Godwin Grech bring it to him? Did fairies from the garden fly it in?

Senator Birmingham: If you want to try stand-up comedy, there are places other than Senate committees for that.

Senator KENEALLY: I am trying to understand, when we have absolutely no evidence whatsoever that backs up Minister Taylor's claim that he downloaded or drew this document from the City of Sydney website. Today you have been unable to point to any evidence that there are any different versions of this report that have ever been online. There is a PDF and a Word version, and, yes, they've got some formatting differences, but there is no difference in the content. The content has not been changed since it went up on the website in November 2018. So I ask you again: where did the minister get this document from?

Senator Birmingham: I have answered that question several times now.

Senator KENEALLY: You really haven't. You've simply repeated what he said.

CHAIR: Senator Keneally, you may not like the answer but the minister has provided an answer.

Senator KENEALLY: We do have some other questions relating to this subject. Do we have any time left in this section?

CHAIR: You have used your 15 minutes, so it's probably a good time to go to Senator Hanson-Young.

Senator KENEALLY: When we return, I think Senator Marielle Smith will pick it up.

Senator HANSON-YOUNG: Ms Evans, going back to the discussion on correspondence in relation to the fire chiefs, the original letter sent to the Prime Minister in April by the 23 former fire and emergency service chiefs explicitly asked for a meeting within three months to overcome this issue that Senator Birmingham raised about the election. Do you recall ever seeing that letter?

Ms Evans: I have not seen that letter. It was addressed to the Prime Minister and was handled by the Prime Minister's department.

Senator HANSON-YOUNG: So that first letter was handled purely by the Prime Minister's office. That is not the letter that was then referred to you?

Ms Evans: I said the Prime Minister's department. I don't know exactly how their processes work, so you would need to ask them.

Senator HANSON-YOUNG: But the letter that your department was asked to feed into was the one dated 30 May, which you have tabled?
Ms Evans: That's correct.

Senator Hanson-young: That is the second letter that this group sent to the Prime Minister, as they point out in the letter itself. You would know that because you have read the letter.

Ms Evans: Yes.

Senator Birmingham: Did you say the date?

Senator Hanson-young: It was 10 April.

Senator Birmingham: The government was in caretaker mode—if not on 10 April, then pretty soon thereafter.

Senator Hanson-young: Yes, I understand, which is why they asked for a meeting within three months, taking that into consideration. Ms Evans, you said that you don't recall seeing any letter confirming that Minister Taylor would offer a meeting to the fire chiefs. Do you know how that offer was given?

Ms Evans: I think we've responded to that through Senator Birmingham. I don't have any further information to add.

Senator Hanson-young: I just want to clarify: you know it wasn't in writing?

Ms Evans: No, I don't know that. I would have to take it on notice to find out in what way the offer for a meeting was made.

Senator Hanson-young: Minister Birmingham, you said an offer was made. That is obviously the information that you have.

Senator Birmingham: I have been advised that an offer was made on 10 September.

Senator Hanson-young: But you don't know how that offer was made?

Senator Birmingham: No.

Senator Hanson-young: Do you think anybody from the minister's office might be able to at least tell us whether that offer was made in writing or over the phone? Surely that's not a hard thing to work out. We've still got another hour here.

Senator Birmingham: I think I've taken it on notice. If we get the information, we will share it with you.

Senator Hanson-young: Ms Evans, I might go to some of the concerns the fire chiefs have, which is what they originally wrote to the Prime Minister about, seeing as it is now being handled by Mr Taylor. They say:

Bushfire seasons are lasting longer and longer. Does the department agree with that?

Ms Evans: The advice that we have, which is based on the Bureau of Meteorology and CSIRO, does indicate that the bushfire season is starting earlier and is longer than it has been in previous times.

Senator Hanson-young: They say:

The number of days of Very High to Catastrophic—which, importantly, is the level set for today in some parts of the country—bushfire danger each year are increasing across much of Australia, and are projected to get even worse.
Does the department agree that that is a correct statement?

**Ms Evans:** The forest fire danger index values are available right across Australia, and they go back to 1950. The advice we have is that those values have been increasing across almost all of eastern Australia as a result of rising temperatures and reduced cool season rainfall. But there are some declines in fire danger in some parts of northern Australia, because of increased monsoonal rainfall.

**Senator HANSON-YOUNG:** Does the department agree with the fire chiefs' statement: Opportunities to carry out hazard reduction burns are decreasing because warmer, drier winters mean prescribed fires can often be too hard to control—so fuel loads will increase.

**Ms Evans:** It is not something that the department necessarily takes a view on. We are not responsible for fire reduction burning ourselves, except in our own national parks. That is the opinion of the former fire and emergency service chiefs. I don't have any other observation there.

**Senator HANSON-YOUNG:** The department doesn't have any other information as to whether a statement like that would be correct?

**Ms Evans:** They are stating their view.

**Senator HANSON-YOUNG:** The fire chiefs continue: Higher temperatures mean that forests and grasslands are drier, ignite more easily and burn more readily, meaning fires are harder to control.

Is that a correct statement?

**Ms Evans:** Again, that is consistent with the advice from the Bureau of Meteorology and the CSIRO that is in the public domain, in their *State of the climate* report, which projected that warming and drying in southern and eastern Australia is likely to lead to fuel loads that are drier and readier to burn, with increases in average forest fire danger index and a greater number of days with severe fire danger.

**Senator HANSON-YOUNG:** The fire chiefs continue: 'Dry' lightning storms are increasing in frequency, sparking many remote bushfires that are difficult to reach and control.

Would you accept that that's correct, based on your previous statement?

**Ms Evans:** Again, that's a more specific interpretation which I don't have a view on. Perhaps that's something you could address to Emergency Management Australia or someone else who has a more direct responsibility for handling those issues when they occur.

**Senator HANSON-YOUNG:** But there's no reason to suggest that that would be wrong?

**Ms Evans:** I've no reason to consider it would be incorrect.

**Senator HANSON-YOUNG:** The fire chiefs continue:

Fire seasons across Australia and in the northern hemisphere used to be staggered—allowing exchange of vital equipment such as aerial water bombers, trucks and firefighters. The increasing overlap of fire seasons between states and territories and with the USA and Canada will limit our ability to help each other during major emergencies.

Does the department agree with that statement?
Ms Evans: I don't think it's a matter of agree or disagree. Those are very real concerns that need to be taken into consideration.

Senator HANSON-YOUNG: The fire chiefs continue:
A warmer atmosphere holds more moisture, increasing the risk of heavier downpours and flooding events—like that which recently affected Townsville.
Is that a correct statement? This letter was written in April.

Ms Evans: Again, I'd refer back to the State of the climate report. Certainly they have said there's an increase in the frequency and intensity of various types of extreme weather, but there are some places where rainfall is decreasing as well—for example, in south-western Australia. There are a range of climatic impacts, and I think the climate chiefs are quite rightly pointing to some of the risks.

Senator HANSON-YOUNG: The final point that the fire chiefs make is:
Current Federal Government climate policy has resulted in greenhouse gas pollution increasing over the last four years, putting Australian lives at risk. Communities, emergency services and health services across Australia need to be adequately resourced to cope with increasing natural disaster risk.
Is there any reason why you wouldn't accept those statements?

Ms Evans: Climate change is a global problem. In order to limit the increase in average global temperature and the increase in extreme weather events that is associated with that, we need global action to reduce emissions. Action solely in Australia, or the impact of Australia's emissions alone, is unlikely to have any material impact on the global climate impacts. So I do have to take a little bit of a difference there with the link the fire chiefs appear to be drawing between Australia's own specific emissions and the impacts. We are part of a global problem which we have to work towards solving, and, as part of that, the government is committed to its Paris targets, which I know you are familiar with.

Senator HANSON-YOUNG: But the point in relation to increasing pollution and making climate change worse is not divorced, is it, from these threats that climate change is having on increasing natural disasters such as bushfires and floods?

Ms Evans: At a global level—and I went through this at the last Senate estimates hearing—it's clear that greenhouse gas emissions that are a result of human activity are contributing to an increase in temperatures, and we are seeing the impacts of those already in Australia. But that's a global result.

Senator HANSON-YOUNG: Ms Evans, do you agree that every tonne of pollution increases temperature?

CHAIR: Senator Hanson-Young, just remember that you can't ask an official for an opinion.

Senator HANSON-YOUNG: Ms Evans, is it correct that every tonne of pollution contributes to temperature rise?

Ms Evans: As I've said, greenhouse gas emissions and their contribution to climate change are a global issue. Globally we need to make sure that the total amount of emissions is reducing. That can happen through both removing carbon dioxide from the atmosphere and preventing the emission of carbon dioxide or greenhouse gas emissions. When you ask does every tonne of greenhouse gas emissions contribute, it's difficult to answer, because it
depends on what else is happening. Certainly the increase in emissions that are a result of fossil fuels used globally is clearly understood to be one of the drivers of climate change that we are already witnessing.

Senator HANSON-YOUNG: Increasing temperatures means more extreme weather?
Ms Evans: The increase in average global temperature is definitely associated with an increase in the probability of extreme events.

Senator HANSON-YOUNG: This is science, isn't it?
Ms Evans: That's science, yes.

Senator HANSON-YOUNG: So when we have fire chiefs highlighting the very real dangers of bushfire and asking for government to take action and to do something serious on climate change, they're just asking for the science to be acted upon, aren't they?

Mr Fredericks: I don't think that's a question that Ms Evans can answer.
CHAIR: In fact, that's a good point, Senator Hanson-Young. We will go to Senator Smith.

Senator KENEALLY: Just before we do that I want to quickly follow up something. Thank you for the tabled documents. I want to be clear. The letter you provided to us from Minister Taylor to Councillor Moore is dated 27 September 2019. That's the signed version. You said that you received it on 30 September for dispatch.

Ms Evans: That's correct.

Senator KENEALLY: You were checking whether it was dispatched that day.

Ms Evans: I don't think I have the answer to that.

Senator KENEALLY: It's obviously the earliest it could have been dispatched if you received it on the 30th. I'm just checking because the story was printed on 30 September, so that would suggest that the letter was dispatched to The Daily Telegraph prior to it being sent to you or to the Lord Mayor.

Ms Evans: I can't shed any light on that.

Senator KENEALLY: I know you can't comment, but I just wanted to double-check that you received it for dispatch on the 30th.

Ms Evans: That's correct.

Senator KENEALLY: Thank you.

Senator MARIELLE SMITH: When did the department become aware of The Guardian story first published on the evening of 23 October 2019 that alleged that the travel figures used in Minister Taylor's letter had been doctored?

Mr Cahill: I first became aware on the 24th. Other officials may have known earlier in the day or in the evening.

Senator MARIELLE SMITH: When was the secretary or the acting secretary made aware?

Mr Fredericks: I'll take that on notice.

Senator Birmingham: Obviously, Mr Fredericks wasn't the secretary at the time.

Senator MARIELLE SMITH: And the acting secretary is not here?
Mr Cahill: I understand that the acting secretary was made aware of the story as it was released on the Wednesday.

Senator MARIELLE SMITH: Did the department undertake any efforts to verify the figures provided by Mr Taylor in that letter once they had read that report in The Guardian?

Mr Cahill: No, not to my knowledge.

Senator MARIELLE SMITH: Did they have any discussions with the minister's office regarding that story and its allegations?

Mr Cahill: Yes.

Senator MARIELLE SMITH: When did they have those discussions? When did they first speak to the minister and his office about that?

Mr Cahill: I spoke to the minister's office on Thursday the 24th.

Senator MARIELLE SMITH: Was that with the minister himself, his chief of staff or his advisers?

Mr Cahill: His chief of staff in the mid afternoon.

Senator MARIELLE SMITH: Was that prior to question time?

Mr Cahill: Probably not. I think it was more 3.30 or 4 pm. I'd have to check.

Senator MARIELLE SMITH: There were no discussions with the minister's office prior to question time, or any preparation of a brief for question time or assistance with preparing a brief for question time—

Mr Cahill: Not to my knowledge, but I will take that on notice.

Senator MARIELLE SMITH: What discussions did the minister or the minister's office have with the Prime Minister's office prior to question time, Senator Birmingham?

Senator Birmingham: I will take that on notice—I'm not aware.

Senator MARIELLE SMITH: You are not aware of any discussions or engagement?

Senator Birmingham: No.

Senator MARIELLE SMITH: Are you aware if the Prime Minister or his office sought any advice from Minister Taylor or from Minister Taylor's office regarding the origin of the allegedly doctored document?

Senator Birmingham: No.

Senator MARIELLE SMITH: Would you be able to take that on notice, please?

Senator Birmingham: I can.

Senator MARIELLE SMITH: Has the minister, his office, or the department contacted the Australian Federal Police or NSW Police to ask them to investigate the origin of the false figures the minister used in that letter?

Senator Birmingham: I don't believe so.

Mr Cahill: The department has not.

Senator MARIELLE SMITH: Would the minister and his office fully co-operate with any police inquiry, including providing any document and witness statements requested, if there were to be one?
Senator Birmingham: That is a hypothetical question. I am sure they would.

Senator MARIELLE SMITH: Has NSW Police contacted the minister or his office in relation to this matter?

Senator Birmingham: No.

Senator KENEALLY: If we can turn to another matter, I would like to ask some questions around grasslands and Dr Wendy Craik's review into the EPBC Act. I will start with Dr Wendy Craik's review, if we have the right officials. I am asking about Dr Wendy Craik's review of the interactions between the EPBC Act and the agriculture sector. I understand that Minister Frydenberg met with Nationals MPs in their party room about the Monaro Grasslands, and a review was canvassed there. Had a review been canvassed internally by the minister's office or the department prior to that meeting?

Mr Knudson: I believe you asked this question previously. What I recall is that our answer was no, but we will take that on notice and confirm if I've got that correct.

Senator KENEALLY: Thank you. Would you say the review was an action item that came out of the meeting?

Mr Knudson: No. As I think I have said previously, there were no action items out of the meeting with the National Party's members.

Senator KENEALLY: If I can go to the selection of Dr Craik. How was Wendy Craik selected by Minister Frydenberg? That is, was she recommended by the department?

Mr Knudson: The selection of the reviewer obviously was a matter for government.

Senator KENEALLY: So, she was selected by the minister? Did the department have a selection process? Did they seek interest? Did they have a panel of people? How does this work?

Mr Edwards: That was a selection made by government, as Mr Knudsen mentioned. So we naturally have conversations with ministers about priority work and who might be positioned to undertake that work. But we didn't provide any direct advice to the minister.

Senator KENEALLY: There was some commotion behind me and I didn't hear that last bit. You provided or you didn't?

Mr Edwards: We didn't provide advice to the minister.

Senator KENEALLY: You did not?

Mr Edwards: No.

Senator KENEALLY: You didn't provide a shortlist about potential reviewers, or—

Mr Edwards: Not to my knowledge.

Senator KENEALLY: Do you know how the minister came to decide upon her, then? Did he make the decision?

Mr Edwards: Certainly my understanding is that it was Minister Frydenberg's decision to appoint Dr Craik.

Senator KENEALLY: He didn't ask for any recommendations or any advice in regard to who might conduct the review?
Mr Edwards: I can't recall that we provided direct advice, but again we had conversations at that time about the scope of the activity, and potentially in part of those conversations there would have been some conversation about who might be well-positioned to undertake that work.

Mr Knudson: If it is helpful, we can certainly provide a summary of Dr Craik's expertise and the foundation in effect for why she would be very credible in this area.

Senator KENEALLY: I am sure that is helpful, but it is not really where I am going with this. Did Minister Frydenberg approach her informally—perhaps you know, Minister—through a phone call or some other form of communication? That is, was there any conversation with her prior to the formal letter from Minister Frydenberg on 28 March? How did she come to be appointed? Was it endorsed by cabinet? I am trying to understand this process.

Senator Birmingham: We will take that on notice, in terms of anything further that can be added beyond that final point of contact. Dr Craik is a distinguished, long-serving public servant, whose skills to do so are well-documented in fact. Noting your particular love of the National Library's Trove website, there is a very detailed entry on Dr Craik on Trove that I can read to you if you like.

Senator KENEALLY: I am not actually questioning her qualification. I am asking the question in general terms. What due diligence does the department undertake on people who would be conducting reviews for the minister?

Mr Knudson: I think as the minister has indicated, we will take on notice the specifics with respect to this process and come back to you on that on notice.

Senator KENEALLY: Would a proposed independent reviewer be required to disclose conflicts of interest, for example?

Mr Knudson: You are asking a set of hypotheticals. We are happy to address that specific question in this process. We will come back to you on notice with the process that was followed with respect to the appointment of Dr Craik, and also cover off the issue of whether conflicts of interest were part of that process.

Mr Tregurtha: If I could, when the department engages parties, the engagement instrument contracts for independent reviews, including this one, have standard clauses that relate to conflicts of interest. We can certainly provide you with a copy of those clauses on notice.

Senator KENEALLY: Were those provided to Dr Craik before she was appointed? Did anyone in the department ask her if she needed to disclose any conflicts of interest?
Mr Knudson: As I have indicated already, I'm happy to take that on notice and come back very explicitly on that point.

Senator KENEALLY: So you can't say today whether she was asked to disclose if she had any conflicts of interest.

Mr Knudson: That's correct. We cannot.

Senator KENEALLY: Are ASIC searches, landholding searches or any other searches undertaken by the department or the minister's office prior to the appointment of independent reviewers or contractors?

Mr Knudson: I'm happy to also take this on notice with respect to Dr Craik's appointment. We will try to provide as much detail as possible, given—

Senator KENEALLY: In relation to Dr Craik, was any due diligence undertaken prior to Minister Frydenberg offering her the position of independent reviewer?

Mr Fredericks: I think we have offered to take that on notice. We will give you a comprehensive answer.

Senator KENEALLY: Did she voluntarily disclose any financial or other interest that may constitute a perceived or actual conflict of interest?

Mr Fredericks: We will take that on notice.

Senator KENEALLY: Is the department aware if Dr Craik has any interest in farming land herself?

Mr Fredericks: We will take that on notice.

Senator KENEALLY: You don't know?

Mr Fredericks: We will take it on notice.

Senator KENEALLY: Did the department make any inquiries to determine whether Dr Craik may have had interest in land that may be subject to EPBC Act listings?

Mr Fredericks: Once again, I believe that is captured by our taking the process issue on notice, and we will come back to you on that.

Senator KENEALLY: It's quite extraordinary. The government has appointed her to conduct this type of review, and sitting here today the government can't answer what the due diligence process was, whether or not she disclosed any conflicts of interest or even whether you're aware of whether she has any.

Mr Knudson: Senator, you're asking about a process of a year-and-change ago. We're happy to come back with the details on that. But, as I think you would understand, it's not front of mind for us—a process that took place back in March or February of last year.

Senator KENEALLY: Sure, but I can't even get a description of how she got appointed. Nobody can even tell me whether there was a shortlist, whether it went through cabinet or whether the minister just texted her and asked: 'Hey, are you free? Do you want to do this?'

Mr Knudson: And we will provide a response on notice. But, again, because this was a year and a half ago, I don't recall the details of it. I don't want to provide a—

Senator KENEALLY: But it seems that you don't even have a standard process that you can point me to. My last question, and I'm assuming this is going to be taken on notice: was
any further due diligence undertaken prior to her appointment as a reviewer to the 10-year EPBC Act review? Please take that on notice.

Mr Fredericks: We'll take that on notice.

Senator Birmingham: That's been taken on notice. I just want to test here, though, Chair—because there's an insinuation left hanging by Senator Keneally's questioning—is there an allegation that you're making, Senator Keneally?

Senator KENEALLY: This is a format for estimates, for us to ask questions of you, and I'm asking a series of questions.

Senator Birmingham: Sure, and I'm seeking a clarification from you around your line of questioning.

Senator KENEALLY: I'm asking a series of questions that nobody can answer, so now they're being taken on notice, and I will await the answers.

CHAIR: Thank you, Minister. We've had that clarification.

Senator Birmingham: Well, we haven't, actually.

Senator VAN: How will the EPBC reviewer and panel ensure that they have access to appropriate expertise, including conservation, science and ecology?

Mr Tregurtha: I guess the first thing to note is that the EPBC review is a review of the operation of a piece of legislation, not a review of the state of environmental science in Australia. Having said that, of course, the contribution of environmental science to the understanding of how the EPBC is achieving its objectives of course will be critical to the review and the capacity of Professor Samuel in undertaking his review. As part of his access to consultations, the department has already arranged for briefings of Professor Samuel over the course of the next few months with groups including the CSIRO, the National Environment Science Program hubs, the Wentworth Group and certainly a range of other science-related organisations to ensure that science, along with a range of other different fields, is properly represented in the inquiries and consultations undertaken by the reviewer.

Senator VAN: I have just one other related question. Why was the agriculture review of the EPBC Act undertaken?

Mr Edwards: The agriculture review was a short-term targeted review to look at the specific interactions with the farming sector in the act. I think there was a pretty long history of reports, including a PC inquiry, that found that it was overly complex and the agricultural sector, largely because of it's make-up—they're small enterprises—were struggling to interact with the act. So, Dr Craik's review was commissioned to look at more short-term-targeted, practical ways to improve that interaction with the act.

Senator VAN: That's a clever thing to do. Thank you.

Senator WHISH-WILSON: I'd like to ask some follow-up questions of Mr Oxley from questions I asked at the last Senate estimates, in relation to the award of the $444.3 million grants to the Great Barrier Reef Foundation. Mr Oxley, I asked you a few questions at the last estimates around the Auditor-General's report No. 22, a 2018-19 performance audit report, Award of a $443.3 million grant to the Great Barrier Reef Foundation. And I highlighted on page 19 figure 1.1, in terms of background to the grant—key events in the process to award the grant. The top of that chart, on the top right-hand side, says that on 16 June 2017 the
government was advised by the Department of the Environment and Energy of the need to 'escalate the response to the declining health of the reef' to avoid an 'in danger' listing by the World Heritage Committee. Can you provide a copy of that email—or was it a letter or was it verbal communication?

Mr Oxley: That communication happened within the bounds of cabinet confidentiality. It was part of a process of briefing the minister for the purposes of engagement in the cabinet, so I doubt that is correspondence. If that is the form in which it exists, that would be able to be provided by the committee.

Senator WHISH-WILSON: So that was cabinet in confidentiality. Can you explain to us why you deemed that to be cabinet in confidentiality? This is the initiation of a process.

Mr Oxley: We're talking about a diagram or a time line that was constructed by the Australian National Audit Office on the basis of its comprehensive review of all of the documents relevant to its analysis of the making of the grant to the Great Barrier Reef Foundation. As the committee's heard through lengthy testimony from the department in many fora, we went through quite a comprehensive process of developing policy advice to the government, which the minister—

Senator WHISH-WILSON: Is this prior to June 2017?

Mr Oxley: That was leading up to June 2017. That culminated in the government, through a series of considerations by the cabinet—and this is all a matter of the public record—making decisions to award a grant to the Great Barrier Reef Foundation. In relation to the very specific point on the diagram, let's call it the beginning of the diagram, the department provided advice to the government which indicated that there was a significant challenge faced in terms of ensuring the health and resilience of the Great Barrier Reef. That is all well understood and that—

Senator WHISH-WILSON: Could I just stop you on that point. It clearly says to avoid an 'in danger' listing, which is a separate thing to what you said. But we're all aware of the health of the Great Barrier Reef. Was this advice specifically to avoid an 'in danger' listing?

Mr Oxley: The advice was not about specifically avoiding an 'in danger' listing, but the fact that the Great Barrier Reef was under a process of review of its state of conservation by the World Heritage Committee and that it had in the past been considered for potential inscription on the 'in danger' list if the Australian government had not taken a certain course of action and that we would be over the coming years, in particular, next year, 2020, having the state of conservation of the Great Barrier Reef again reviewed by the World Heritage Committee with the government needing to demonstrate performance—

Senator WHISH-WILSON: Mr Oxley, I'm going to stop you there because I've got a number of sub-questions. Are you saying that the Auditor-General office pieced these things together themselves by making that statement?

Mr Oxley: No. What I'm saying is that the potential for a future 'in danger' listing of the reef was part of the context that was put to the government, so there was a—

Senator WHISH-WILSON: So the Auditor-General missed that context—is that your accusation?
Mr Oxley: I'm saying that the Auditor-General has summarised the context down to a point about 'in danger' listing.

Senator WHISH-WILSON: Which is the key point that they make—that this process was initiated by advice from your government to avoid an 'in danger' listing from the World Heritage Committee.

Mr Oxley: That is the ANAO's interpretation of the whole body of advice provided by the department to the government.

Senator WHISH-WILSON: If this is cabinet-in-confidence, how did the Auditor-General get a copy of this correspondence?

Mr Oxley: My understanding is that the Auditor-General has access to all of the documents—

Senator WHISH-WILSON: So there is a document, which was my first question. There is a document. This was provided in written advice.

Mr Oxley: We have said on a number of occasions that there has been cabinet consideration of the Great Barrier Reef. We have not gone into the specific detail of that consideration, other than to confirm that propositions were put to the government about investments in a range of areas, and the government accepted those propositions through making an investment in the grant to the Great Barrier Reef Foundation, as well as additional funding, for example, to the Great Barrier Reef Marine Park Authority.

Senator WHISH-WILSON: Is it your understanding that the Auditor-General often makes cabinet-in-confidence advice public?

Mr Knudson: You will probably recall that the former Prime Minister, the current Prime Minister and the current Treasurer all made public statements with respect to the process that was undertaken, which included cabinet-in-confidence material. They chose to do so—

Senator WHISH-WILSON: They chose to do so, but is it your understanding that the Auditor-General can make cabinet-in-confidence details—

Senator Birmingham: Senator, you should direct those questions to the Auditor-General.

Mr Fredericks: Senator, with respect, that is a question for the Auditor-General.

Senator WHISH-WILSON: Well, I intend to follow this up again with the Auditor-General. We did bring him in, and I did ask whether he had seen the document, and that was an accurate verification, and he said yes, it was. I intend to pursue this, Mr Oxley, because you know we went through an entire Senate inquiry into how this process came about for this $444.3 million. At no point did the department say that they provided advice to 'escalate the response to the declining health of the reef' to avoid an 'in-danger' listing by the World Heritage Committee. In relation to that 'in danger' listing by the World Heritage committee, this looks like you are providing, essentially, political advice to the government to avoid an 'in danger' listing. Why is an 'in danger' listing such a concern to the government—enough for us to go down the road of spending $444 million on the Great Barrier Reef Foundation?

Mr Oxley: Senator, first of all, you are asking—

Senator Birmingham: Senator, Mr Oxley has already put context around the extract you are seeking to highlight. Further to that, the government's work, continuously in terms of our investment across the Great Barrier Reef, has been to build the resilience of the reef. All of
that is about the health of the reef such that we maintain the health of the reef in a condition that does avert an 'in danger' listing—

Senator WHISH-WILSON: I'm aware of that, Minister.

Senator Birmingham: and is entirely an expectation I would have thought you would have had of us—to work to invest in the reef.

Senator WHISH-WILSON: Minister, I'm aware of that, but that's not the question I'm asking.

CHAIR: Order, Senator Whish-Wilson. You will do the minister the courtesy of hearing him, or, if you believe you are pressed for time, you are welcome to come through the chair, but I don't want people talking over the top of each other.

Senator WHISH-WILSON: Thank you, Chair. I'm aware of that, Minister. My question is about avoiding an 'in danger' listing. That's what my question is about. Looking after the reef and doing the best you can is one thing. It's another thing to pursue a strategy to avoid a World Heritage 'in danger' listing of the Great Barrier Reef. I am going over old ground because in the last estimates, under questioning, Mr Oxley admitted he was the one who provided advice—it might have been framed up as an intervention by someone on this panel—in relation to climate change being excluded in the current process where the World Heritage Committee is looking out the status of the reef. So I am trying to find out if there was an intervention of any kind to avoid a World Heritage 'in danger' listing. That is clearly what the Auditor-General outlines at the beginning of this chart. So my question is—

Senator Birmingham: Senator, the two—

Senator WHISH-WILSON: My question is: why is the government so concerned about a potential World Heritage UNESCO listing of the Great Barrier Reef as in danger? Why are you so concerned about that?

Senator Birmingham: You are drawing a distinction that doesn't exist. The government is concerned about the health and resilience of the reef.

Senator WHISH-WILSON: And also you are clearly concerned about UNESCO coming here and declaring the World Heritage values of the Great Barrier Reef to be in danger.

Senator Birmingham: Our efforts are to preserve the health and resilience of the reef and to build that health and resilience further in the future, which would indeed, we trust, avert an 'in danger' listing. But that is one of the metrics to be considered there. Ultimately it is about health and resilience of the reef.

CHAIR: Senator Whish-Wilson, the 10 minutes you asked for has expired. Do you have one last question?

Senator WHISH-WILSON: I will go to Senator Rice, because she only has five minutes.

CHAIR: I was going to go back to the ALP. They have indicated that they only have questions on outcomes 2 and 4. Where are your questions, Senator Rice?

Senator RICE: Mine are on outcome 1.

CHAIR: In that case—

Senator URQUHART: We have a couple on 2.1 and on 4. If we have any left we will come back to this particular section.
CHAIR: Okay. So I can't release officials—

Senator Birmingham: I think we can all hang about for 25 minutes.

CHAIR: In that case, we'll go to the opposition for 10 minutes.

Senator KENEALLY: Minister, I have a question for you. Earlier today Barnaby Joyce said on Sky News—

CHAIR: Excuse me, Senator Keneally: just a reminder that you do need to use the correct titles for members of the other House.

Senator KENEALLY: The member for New England said on Sky News about the two people who died in the bushfires:

…I acknowledge that the two people who died were most likely people who voted for the Green party, so I'm not going to start attacking them. That's the last thing I want to do.

How does he know who they voted for? And why does it matter? They are dead. They died in a bushfire. Isn't that enough?

Senator Birmingham: I have not seen the quotes, Senator Keneally. I have no idea what Mr Joyce was referring to. They would be questions for him.

Senator KENEALLY: Do you think it matters who they voted for?

Senator Birmingham: No, Senator.

CHAIR: I remind senators—

Senator KENEALLY: Do you associate yourself with those comments?

CHAIR: Order! Senators, I remind you that this is a Senate estimates hearing into the Department of the Environment and Energy. The comments by a backbencher are not relevant for this hearing.

Senator KENEALLY: I think they are very relevant.

Senator MARIELLE SMITH: My questions are on outcome 2.1. In December 2017, the Department of the Environment and Energy released the 2017 review of climate change policies. That review stated that the government would start developing, in 2018, a long-term emissions reduction strategy by 2020. Given we are at the end of 2019 now and 2020 is fast approaching, what is the status of this long-term strategy?

Senator Birmingham: I will kick off there. The government outlined detailed policies in relation to our emissions reduction commitments and the tonnes of abatement required to meet the 2030 target. I can take you through the contributions variously. We anticipate the Climate Solutions package to make more than 200 tonnes of C02 equivalent—

Senator MARIELLE SMITH: Sorry, Minister Birmingham, but I was referring specifically to that strategy and just wanted to get a sense of the status of where that strategy is up to in development. Are you saying that the policies that you referred to are that strategy?

Is that strategy work underway? Is it still continuing? Is it in development?

Ms Evans: As you say, Senator, the government committed to have that long-term emissions reduction strategy by the end of 2020. So we continue to work on that and to that deadline.

Senator MARIELLE SMITH: So you have begun developing it?
Ms Evans: Yes. We've been working on it.

Senator MARIELLE SMITH: Has there been or will there be any public consultation on that strategy?

Ms Evans: That will be a matter for the government over the remaining course of the time we have to develop the strategy.

Senator MARIELLE SMITH: So there has been no decision so far on the extent of the consultation and how extensively it should be done? You have not provided advice on that consultation?

Ms Evans: We have had various discussions but there has been no final conclusion.

Senator MARIELLE SMITH: Do you anticipate there will be a consultation?

Ms Evans: That will be a matter for the government.

Senator MARIELLE SMITH: Can you give me a date for when that strategy will be released?

Ms Evans: It will be completed before the end of 2020.

Senator MARIELLE SMITH: Will there be economic modelling of the cost of meeting the target?

Ms Evans: Possibly. There has already been quite a lot of economic modelling done in the past. It is a question about whether we need anything additional.

Senator MARIELLE SMITH: Depending on what is in the strategy?

Ms Evans: That's right.

Senator MARIELLE SMITH: Every Australian state and territory has announced a target of net zero emissions by 2050, apart from the ACT, which has a more ambitious target of 2045. Will this strategy include a federal net zero emissions target?

Ms Evans: That is a matter for the government.

Senator MARIELLE SMITH: There has been no decision taken or no advice provided on that?

Ms Evans: That's right.

Senator MARIELLE SMITH: So you are not aware if there will be a 2050 target?

Ms Evans: There is a commitment to have a long-term strategy by the end of 2020.

Senator MARIELLE SMITH: Will this be discussed at the next COAG energy ministers meeting, given that it was raised by New South Wales at the last meeting and tasked for consideration alongside an emissions roadmap as soon as practicable?

Ms Evans: The next COAG Energy Council, is that the one you asked about?

Senator MARIELLE SMITH: Yes, the next COAG energy ministers meeting.

Ms Evans: The next meeting is next Friday. The agenda has a number of items that are relevant in a broader sense to the long-term emissions reduction strategy. They include a detailed paper on the Climate Solutions Fund that the minister referred to before.

Senator MARIELLE SMITH: Is the strategy specifically on that agenda?
Ms Evans: The strategy itself is not, but you stopped me from answering what we also do have on that agenda, which is progress on a technology roadmap and a key part of the long-term strategy. So in that sense it is on that agenda.

Senator URQUHART: I have a couple of questions on outcome 4. Welcome, Mr Heferen. My questions are particularly around offshore wind. On 30 March Minister Taylor issued a press release—

Mr Heferen: Sorry to cut you off there, but offshore wind is actually dealt with by my colleagues under outcome 2.

Senator URQUHART: Maybe I could have those other officials back. Ms Evans and Mr Knudson, on 30 March, Minister Taylor released a press release saying that the Morrison government has approved a deed of licence to allow Offshore Energy Pty Ltd to undertake resource exploration for an offshore wind farm. Can you tell me what legislation or ministerial powers were relied on to issue this deed of licence?

Ms Evans: I might have to take it on notice to get the terminology exactly correct, but the reality is that there is no current legislative framework for offshore wind in Australia. We have started work on developing that. It relied on a form of executive power. Maybe one of my colleagues can give me the exact term. It was a form of executive power that was used to issue that deed on an ad hoc basis.

Senator URQUHART: The executive arrangement that you are talking about, is that what the Morrison government anticipate relying on to assess any application to develop or operate an offshore wind farm? You said there was no current legislation. Does that mean that the department is drafting legislation, or—?

Ms Evans: We are doing work to produce a legislative framework.

Senator URQUHART: What would be the timeframe on that?

Ms Evans: We are working to have it in place as soon as we can, but we don’t have a specific deadline.

Senator URQUHART: In the meantime, the executive powers would be used?

Ms Evans: That’s correct, if there were further applications.

Senator URQUHART: In relation to the Offshore Energy Pty Ltd and that exploration, particularly in Commonwealth waters off the Victorian coast, what other approvals and licences will that project require?

Ms Evans: Quite a number. Exactly what it will require will depend on what the legislative framework is. All they have at the moment is approval to explore the wind resource in that area. The question of whether or not they will get approval to actually develop the wind farm is yet to be considered by the government.

Senator URQUHART: What involvement in future offshore renewable projects is anticipated by the offshore petroleum regulator, NOPSEMA? Are there any that they have—

Ms Evans: We have been working very collaboratively with NOPSEMA. It has been a very productive relationship, and they have brought a lot of very valuable expertise to bear to help us. But the exact role of NOPSEMA, our department, the department of industry and so on, all those things are yet to be finalised.
Senator URQUHART: So that's something that you are looking at in the make-up of legislation in the future for that.

Ms Evans: Yes.

Senator URQUHART: Can I ask maybe the minister, does the minister consider offshore renewable energy to be part of the electricity generation industry, with its development planned as part of overhauling the electricity grid to reduce GHG emissions from energy, or part of the petroleum industry?

Senator Birmingham: It certainly has potential. The nature of that potential is obviously something that will be informed by the type of exploration that is underway and the analysis associated with that. Obviously, like any energy generation investment, were it to proceed, there are other questions of transmission infrastructure and the like that would need to be addressed and considered in addition to the type of assessments and approvals that might need to be considered, as Ms Evans was outlining.

Senator URQUHART: We understand that the OEPL first approached the department about their offshore wind project in 2015. When did the government start working on the legislation for offshore renewable energy? The department has indicated that they are working on it. When did that work start?

Ms Evans: I might have to take it on notice to get an exact date. As you say, we have been talking with OEPL and others for quite a long time to try to work out the best way forward. But I would have to take it on notice.

Senator URQUHART: Given that you started to have discussions with them in 2015—

Ms Evans: In some ways you could say that even back then we already turned our mind to the fact that there was a gap in the legislation that we might need to fill.

Senator URQUHART: But when did you actually start working on that legislation?

Ms Evans: I would have to take it on notice to find out exactly when we shifted from thinking about it.

Senator URQUHART: Was it 2016, 2017? I am happy for you to correct your answer if it's—

Ms Evans: I think it was around the same time as when the decision to proceed with the exploration licence was given. The decision to allow that to proceed anticipates, if you like, that there would be an actual framework.

Senator URQUHART: So that is this year—is that right?

Ms Evans: It was either late last year or early this year.

CHAIR: Senator, she has taken it on notice. I am just conscious of time.

Senator URQUHART: That's fine. I just wondered whether it was this year, last year or whatever. If you would like to give us some more definitive time—but we think around last year or this year.

Ms Evans: Yes. I just said that. It was either late last year or early this year.

Senator RICE: My questions are on outcome 1, Leadbeater's possum and recovery plan. As you would know, the Victorian government last week announced that they would phase out native forest logging but that logging would continue for the next 10 years. In particular, it
seems that it is business as usual for the next five years in the forests of the Central Highlands, which are the habitat for Leadbeater's possums. Amongst the announcement last week we did not see the long-awaited Leadbeater's possum recovery plan, despite that we saw an action statement for greater gliders. I want to start with your understanding and what the federal government's position is on the current status of the Leadbeater's possum recovery plan.

Ms Campbell: The Australian government heard about the announcement of the Victorian government's plans to cease old-growth logging by 2030 on Thursday, with other people. We were not consulted in that decision, and so we are still working with the Victorian government about what that actually means. We haven't seen the 30-year forestry transition plan, so there is still some detail to be worked through.

In terms of Leadbeater's possum, we're still working very actively on the recovery plan, and it would be our intention to work with Victoria with the hope of having a jointly-made recovery plan. That is still in process, and we'll need to look at what the Victorian government is proposing to do about how that interacts with the recovery plan.

Senator RICE: What do you mean, 'working very actively'? What is the current status of discussions with the Victorian government, given their announcement last week?

Ms Campbell: I've just indicated that that announcement surprised the Commonwealth, so we're working with Victoria now to fully understand the implications of that decision for the regional forest agreements but also for the Leadbeater's possum recovery plan.

Senator RICE: The Threatened Species Scientific Committee has confirmed the species' status as critically endangered. So where is the federal government at with taking that information into account, in terms of finalising the recovery plan? When was the last time that you had discussions with the Victorian government about the recovery plan?

Mr Richardson: We've actually been in contact with the Victorian government in the last day or so, following the announcement last week of the change in the forest arrangements in Victoria.

Senator RICE: What information, then, have you been sharing with the Victorian government, or have they been sharing with you, about what the implications of the announcement are for the recovery plan?

Mr Richardson: We've been seeking information from the Victorian government, as Ms Campbell said, on the implications of that decision and some more detail around what's happening in the short term as well as the long term.

Senator RICE: Before the announcement last week, what was your expectation of when the recovery plan would be finalised? As you know, the whole time I've been in the Senate—five years—I've been asking about the Leadbeater's possum recovery plan.

Mr Richardson: Our anticipated time frame for completing that recovery plan was by the end of this year, but we are now seeking additional information from the Victorian government. As Ms Campbell said, we're also very keen to make that plan jointly with the Victorian government. That would be a process that would need to be worked through before the plan could be finalised.
**Senator RICE:** If it was by the end of this year, that means you would have been quite a long way down the track with the Victorian government, prior to last Thursday's announcement. When would have been the last discussions you had with the Victorian government about the recovery plan, given your intent to finalise it by the end of the year?

**Mr Richardson:** I'd have to take that on notice.

**Senator RICE:** If you could, that would be good. Have you heard anything from the Victorian government as to whether they think that that time line, of the end of the year, is going to be able to be met?

**Ms Campbell:** We haven't specifically asked the Victorian government about the Leadbeater's recovery plan—the time frames for those. We need to look and understand what the new management arrangements that will be in place in Victoria mean and whether they impact the recovery plan. We'll have to look at that and work with the Victorian government.

**Senator RICE:** So have the Victorian government, as part of their informing you of their decision—it sounds like, after they made that decision last Thursday—forwarded you any further information about how that decision will impact on the central highlands forests the Leadbeater's possums live in?

**Ms Campbell:** We're endeavouring to get that information. I think we've received a number of maps about where the logging prescriptions are, and we're just working through that, at the moment, and continuing to follow up with Victoria. It's been, effectively, only two working days and today, so it's still early days for us.

**Senator RICE:** Thank you.

**Senator HANSON-YOUNG:** We don't have much time now, so I'll try and race through some of the key questions and I'll put some others on notice. It's in relation to the recently announced expert panel, in relation to the Emissions Reduction Fund, or, as we now call it, 'solutions package'. Ms Evans, you would recall we went through the Climate Solutions Package to quite an extent at the last estimates session—or 'Climate Solutions Fund', I should say. Is that right?

**Ms Evans:** Yes, that's right. So it's the Climate Solutions Package, within which the Climate Solutions Fund is one of the largest contributors.

**Senator HANSON-YOUNG:** We're in the midst of seeking information in relation to what the package is, how it was to be implemented and what was going on. Why didn't you tell us about this panel?

**Ms Johnson:** The panel's first meeting was on 18 October.
Senator HANSON-YOUNG: So in the midst of when we were having these discussions?

Ms Evans: Yes, and after I had already referred to them.

Senator HANSON-YOUNG: So there's a need to unlock more abatement?

Ms Evans: The government's made clear how it already has a plan to meet the 2030 target. It's also said to us that, if there are opportunities to do better than that, so not to see the target as a cap but as a floor, they would like to know what those options look like. So we are working on providing them with those kinds of options.

Senator HANSON-YOUNG: So the government might actually review its commitments to emission reduction?

Ms Evans: No, the targets are what they are, and the government has always been committed to meeting or exceeding them, which is what it has done with both of the previous global emissions reduction targets.

Ms Johnson: I'm sorry, Senator, can I just correct my answer. The first time the panel met was actually via teleconference, and that was on 9 October. They then met face-to-face for the first time on 18 October.

Senator HANSON-YOUNG: Thank you. Ms Evans, has this panel been brought together because the government wants to see if they can exceed the Paris targets?

Ms Evans: It's been brought together to look for ways to make sure we are delivering the most abatement that is possible under the arrangements that we have.

CHAIR: This is your last question, Senator Hanson-Young.

Senator HANSON-YOUNG: I've got a series of questions, so we're going to have to put some of these on notice. I'm wondering why there's no-one from the clean energy technology sector on the panel?

Ms Evans: The panel includes Grant King; David Parker from the Clean Energy Regulator, so arguably he has that connection; Susie Smith from the Australian Industry Greenhouse Network; and Andrew Macintosh.

Senator HANSON-YOUNG: Could I ask for a list, on notice, of each of the organisations and industry groups that were consulted before the panel was put together?

Ms Evans: Yes, we can take that on notice.

Senator HANSON-YOUNG: Thank you. Is there a discussion paper that's been finalised?

Ms Evans: There was a discussion paper that was provided—that's right.

CHAIR: Sorry, Senator Hanson-Young, but you'll need to put any further questions on notice.

Senator HANSON-YOUNG: Okay. I'll have a list of questions for you.

CHAIR: Thank you. There was a request to table the letters regarding the Lord Mayor of Sydney. I'm just confirming that you wish to table those?

Ms Evans: Yes.

CHAIR: Thank you very much—they are so tabled. That concludes the committee's examination of the Environment and Energy portfolio. Senators are reminded that written questions on notice should be provided to the secretariat by close of business on Tuesday 19

ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE
November 2019. I thank the minister and officers for their attendance. I also thank the secretary, staff, broadcasting and Hansard.

Committee adjourned at 12:29