Commissioner for Sustainability and the Environment Australian Capital Territory

Annual Report 2007-08

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TRANSMITTAL CERTIFICATE



OFFICE OF THE COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT ACT

ABN: 14 526 086 507

Mr Jon Stanhope MLA Chief Minister, Minister for the Environment, Water and Climate Change ACT Legislative Assembly Canberra ACT 2601

Dear Chief Minister

As the inaugural full-time Commissioner, I am pleased to submit the 2007-08 Annual Report of the Office of the Commissioner for Sustainability and the Environment. The Report has been prepared in accordance with section 6(1) of the *Annual Reports (Government Agencies) Act 2004* and the Chief Minister's Annual Report Directions. In addition, it takes into account other legislation applicable to the preparation of Annual Reports by the Office of the Commissioner for Sustainability and the Environment.

I hereby certify that the attached Annual Report is an honest and accurate account and contains all material information on the operations of the Office of the Commissioner for Sustainability and the Environment during the period 1 July 2007 to 30 June 2008. I also certify that fraud prevention has been managed in accordance with the Public Sector Management Standard 2, Part 2.4.

Section 13 of the *Annual Reports (Government Agencies) Act 2004* requires that you present to the Legislative Assembly a copy of the report within three months of the end of the financial year.

Yours sincerely

Dr Maxine Cooper

Commissioner for Sustainability and the Environment

19 September 2008

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SECTION A – Perfomance and financial management reporting

A.1 THE ORGANISATION

Role, functions and services provided

The 2007-08 year has seen the Office of the Commissioner for the Environment expanded to create the Office of the Commissioner for Sustainability and Environment (hereafter referred to as 'the Office'). The role of the Office of the Commissioner for the Environment is set out in the Commissioner for the Environment Act 1993. Its major functions are to:

- produce state of the environment reports for the ACT;
- investigate complaints from the community regarding management of the environment by the ACT Government and its agencies;
- conduct investigations as directed by the Minister;
- initiate investigations into actions of an agency where those actions would have a substantial impact on the environment of the ACT; and
- make recommendations for consideration by government and include in our annual report the outcomes of those recommendations.

The Office also prepares State of the Environment Reports for each of the 17 councils in the Australian Capital Region (ACR), on a fee-for-service basis. This is undertaken through an agreement with the local councils, all of which are members of the Regional Leaders Forum.

The role of the Commissioner has been made full-time and resources increased in order to enable the Office to provide leadership in sustainability, have a greater capacity to advocate for sustainability and promote ways to improve the overall management of the environment. Also, it has increased the Office's capacity to respond to community complaints and provided an ability to regularly report on progress towards sustainability and key environmental issues. Other functions may emerge as the expanded role of the Office is refined.

Consultation to refine the expanded role will be undertaken early in the 2008-09 financial year. This will help inform a paper that will be submitted to the Government to assist in shaping any legislative changes that may be required to reinforce the expanded role.

In carrying out the functions of the Office, and as is consistent with the intent of the enabling legislation, we aim to contribute to Government decision-making in a manner that helps advance sustainability efforts and improve the overall management of the ACT's environment.

Mission, vision and values

The mission and values of the Office are outlined in the *Office of the Commissioner for the Environment Corporate Plan 2005-06 to 2008-09*, which was finalised in October 2005.

Our Mission

To develop an understanding of changes in the condition of the environment and the reasons for these, and to encourage all sectors of the community to progressively improve the environment, and so work towards sustainability.

Our Vision

A society with the will to achieve a sustainable high quality environment for all.

In working towards this Vision, it is respected that:

- individual and government decision-making aimed at achieving sustainability must consider the costs and benefits for natural, social and economic aspects of the environment; and,
- our natural environment must be managed in an ecologically sustainable way for our society and economy to remain healthy.

Both the Mission and Vision will be reviewed in 2008-09 given the expanded role of the Office.

Our Values

The values that guide the way we interact with each other and with all our stakeholders are:

- · highest integrity;
- ethical approach;
- honesty;
- respect (for different cultures, opinions and values);
- commitment to excellence;
- trust and trustworthiness; and
- empathy, fairness and courtesy.

Office structure

The ACT Government has expanded the Office such that its core staffing will consist of a full-time Commissioner with five full-time staff. Action to fill these positions will be completed in the 2008-09 financial year. In the meantime positions are being filled with temporary staff and contractors.

In addition to these core staff, we have three temporary positions for preparing the *Regional State of the Environment Report 2008*. The 17 Capital Region Councils fund these positions. The Office also employed, for a limited time, two staff on a temporary basis to assist in a major investigation, the Lowland Native Grasslands Inquiry.

Clients and stakeholders

Our clients and stakeholders are to be found in the ACT and beyond. They include:

Government	the ACT Minister for the Environment, Water and Climate Change					
	the ACT Legislative Assembly					
	all ACT Government agencies					
	the ACT Government's Regional partners					
	Commonwealth Government agencies					
	local councils in the Capital Region					
Community	all ACT residents and people in the surrounding region					
	 people with a grievance about the way the ACT Government or its agencies are managing the ACT's environment, where the grievance has not been resolved through other channels community groups 					
Business and	owners and operators					
Industry	business customers					
Academic	• researchers					
and Research Institutions	• students					

A.2 OVERVIEW OF THE 2007-08 FINANCIAL YEAR

Strategic assessment of performance

The ACT Government has expanded the Office of the Commissioner for the Environment to create the Office of the Commissioner for Sustainability and the Environment. In September 2007 I was appointed as inaugural full-time Commissioner. This followed the appointment of Mr Darro Stinson as an interim Commissioner whose task essentially was to review the role of the Commissioner for the Environment.

In August 2007 former Commissioner Stinson submitted his review (henceforth referred to as the Stinson Review (2007)) into the role of the Commissioner for the Environment. Based on the Stinson Review (2007), the Government decided to create a full-time Commissioner's role and increase resources for the Office. Furthermore, the Minister directed the Office to consult widely on its expanded role and provide further advice to the Government to facilitate changes to the legislation.

The Office continues to progress the *ACT State of the Environment Report* 2007/08. The Report is due to be completed early in the 2008-09 financial year. Progress on the Report could only be accelerated once I was appointed and we had resolved some project management and procurement issues.

The Office also continues to progress the *Regional State of the Environment Report 2008*, working in consultation with the 17 Capital Region Councils to identify issues and gather data. This Report is due to be completed in the 2008-09 financial year.

The Office commenced a formal investigation on the Lowland Native Grasslands as directed by the Minister for the Environment, Water and Climate Change, Mr Jon Stanhope. An initial report on one of the 49 sites, the Belconnen Naval Transmission Station, was presented to the Government in February 2008. The Office is continuing to investigate the other 48 sites and will present a final report to the Minister in the 2008-09 financial year.

We received 240 phone calls or inquiries from community members. As we were the only 'Environment' contact in the Government section of the white pages, many of these calls were redirected to the ACT Government call centre as a more appropriate contact point. Twenty-nine calls and inquires were addressed by the Office. The Office also received six formal complaints in the 2007-08 financial year. Three of these have been resolved and resolution is still pending on the other three. Further information on complaints and inquiries is provided in section A9 of this Report.

Planning framework and direction setting mechanisms

The *Corporate Plan 2005-06 to 2008-09*, finalised in October 2005, highlights the responsibilities, accountabilities, values and outcomes for the Office. The Corporate Plan will be reviewed in 2008-09 following consultation on the expanded role of the Office.

Organisational Environment

The Office is independent and works with agencies across the ACT and Commonwealth Governments, local Councils in the ACR, the business sector and academic and community groups. In doing so, a number of principles provide the basis for the way we work:

- objectivity;
- the need for transparent and inclusive processes;
- using the best available knowledge;
- taking a holistic view (across all aspects of the environment and across the whole of government);
- providing independent analysis, based on a cooperative approach;
- giving balanced consideration to social, economic and environmental values;
- striving for continuous improvement; and
- doing the best we can with the resources we have.

Owing to the small size of the Office, our financial reporting and human resource support is provided by the Department of Territory and Municipal Services (TAMS) and Shared Services within the Department of Treasury. This is appreciated.

Significant organisational change and/or revision to administrative arrangements

As previously mentioned, this financial year has seen an expansion in the role and resources of the Office. In line with the directions set for the Office by the Stinson Review (2007) the Office has begun, and will continue to shape its new role including:

- overtly incorporating sustainability in our role;
- regularly monitoring and reporting annually on the ACT Government's progress towards sustainability;
- advocacy and awareness for sustainability and environmental issues;
- determining a role in drinking water catchment management;
- · long-term sustainability outcomes reporting; and,
- providing independent expert advice to the Government on sustainability and environmental issues.

Role of administration of legislation or other regulatory activities

The Commissioner for the Environment Act 1993 is the current enabling legislation. The Office administers no other legislation and has no regulatory activities.

A.3 HIGHLIGHTS OF THE 2007-08 FINANCIAL YEAR

Expanded Role of the Office

The most significant highlight for this financial year has been the creation of the Office of the Commissioner for Sustainability and the Environment by the ACT Government. This has increased the capacity of the Office allowing several major projects to be advanced in 2007-08 including Regional and ACT State of the Environment reports and an Investigation into Lowland Native Grasslands.

The Stinson Review (2007), as previously mentioned, provided directions for the expanded role of the Office. However, work is needed to refine some of these directions and inform the necessary legislative changes. The Minister has directed the Office to undertake this further work in consultation with the community and key stakeholders. The majority of this work will be undertaken in the 2008-09 financial year following completion of the *ACT State of the Environment Report* 2007/08.

State of the Environment Reporting

The Office continues to progress with the *ACT State of the Environment Report* 2007/08 which will provide data and information about the environment and society in the ACT as well as examining trends and pressures on the environment. It will also include a chapter on sustainability and "snapshots" that are examples of actions being undertaken to progress sustainability. Progress on the *ACT State of the Environment Report* 2007/08 was constrained until a full-time Commissioner was appointed and some project management and procurement issues resolved. The Report is now due to be completed early in the 2008-09 financial year.

The Office also continues to progress the *Regional State of the Environment Report 2008*. We have been visiting local councils and working closely with them to identify key issues and tailor the reporting to the needs of each council. The *Regional State of the Environment Report 2008* is due to be completed in the 2008-09 financial year.

Lowland Native Grasslands Investigation

The Commissioner's Office commenced a formal Investigation into the ACT's Lowland Native Grasslands as directed by the Minister for the Environment, Water and Climate Change, Mr Jon Stanhope, on 15 November, 2007, pursuant to section 12 (1)(b) of the *Commissioner for the Environment Act* 1993.

Natural temperate grasslands (one of the lowland native grasslands) is one of the ACT's most threatened ecosystems. It is estimated that 20,000 ha of natural temperate grasslands occurred in the ACT prior to European settlement. Only approximately 5% (1,000 ha) of this grasslands remains today. Nationally, less than 1% of this community remains.

In February 2008, an initial report of findings was presented to the Minister on one of the 49 sites; this being the Belconnen Naval Transmission Station as there was an understanding that this site required urgent consideration. In this Report, eleven recommendations (discussed later in this Annual Report – see section A9) were made to protect the natural temperate grasslands and threatened species that inhabit or depend on the grasslands. The recommendations included reducing the grazing pressure on the site by removing kangaroos; developing a long-term management plan for the site; and developing processes to ensure protection and preservation of the site as well as co-operative arrangements between the Australian and ACT Governments relating to the site.

The recommendations that require urgent short-term actions were implemented during the 2007-08 year. The Office will monitor the implementation of those recommendations not yet implemented and continue to investigate the other 48 Lowland Native Grasslands sites. A final report on all grasslands sites will be presented to the Minister in the 2008-09 financial year.

Biosphere Visits

In October 2007, the ACT Standing Committee on Planning and Environment, chaired by Mr Mick Gentleman MLA, presented its finding on *The Proposed Nomination of the ACT as a UNESCO Biosphere Reserve, Report 30*. One of the Committee's recommendations was that the Minister for the Environment, Water and Climate Change ensure that a representative of the ACT attend the 3rd International Congress of Biosphere Reserves, in Madrid, Spain, as an observer. Mr Mike Zissler, CEO, TAMS, and I attended this Congress. We were involved in many events including chairing a Congress urban biosphere session and presentations at side-events profiling the ACT region. We also visited three biosphere reserves in Spain (Sierra del Rincon), Canada (Niagara Escarpment) and the USA, (San Francisco Golden Gate). A Report of the findings from these visits was provided to the Minister in March 2008.

Inquiries from Community Members

The Office received a number of inquiries from community members on a range of issues. Information on these is given in section A9 of this Report.

FORMAL COMPLAINTS ABOUT GOVERNMENT DEPARTMENTS

The Office received six formal complaints. Three of these: a noise complaint, a complaint relating to the Tharwa Bridge and one relating to a tree in Chifley that affected the mobility of a person with a disability were resolved without needing to progress to an investigation. A request for an investigation into waste strategies in the ACT was not progressed as the *ACT State of the Environment Report 2007/08* was assessing waste strategies in the ACT. The remaining formal complaints are still pending resolution - information on these is given in section A9 of this Report.

A.4 OUTLOOK

With an expanded role, the Office will have a greater opportunity to enhance its leadership role in sustainability and environment issues.

As previously mentioned the Office has been charged by the Minister with engaging with the community and key stakeholders on its expanded role. To assist the Office a temporary Reference Group with a diverse membership is to be established early in the 2008-09 financial year and will include a strong youth component and former ACT Commissioners for the Environment. It is planned to commission papers on key areas in refining the expanded role - these will include the Office's role in drinking water catchment management and advocacy and awareness. These papers, together with advice from the Reference Group, consultation with the Government, government agencies and community groups, will lead to a comprehensive paper that refines the expanded role of the Office. This paper will be presented to the Government in the 2008-09 financial year to help guide legislative changes.

The Office has several major reports to be released in the 2008-09 financial year. The *ACT State* of the Environment Report 2007/08 is a significant piece of work that will not only highlight the sustainability issues and challenges for the ACT but will also shape the future work of the Office. Following its release the Office will work to encourage behavioural and policy changes in key areas identified in the Report. The Office will have a significant role in monitoring and assessing the implementation of any recommendations the Government adopts from the Report.

Following the release of the *ACT State of the Environment Report 2007/08* the Office will undertake a review into the indicators used in state of the environment reporting and other sustainability indicators. This is an important exercise that will ensure we identify the most relevant indicators and can effectively measure the ACT's progress towards sustainability. This review will be done in partnership with the Chief Minister's Department.

The *Regional State of the Environment Report 2008* is due for release in the first half of the 2008-09 financial year. The Report can be a useful strategic planning document. It encompasses all 17

councils in the Capital Region and will assist them in identifying and addressing the significant environmental and sustainability issues. Sustainability "snapshots", similar to those proposed in the *ACT State of the Environment Report* 2007/08 are to be included as part of the Report.

The Office will continue to monitor the implementation of the recommendations from the February 2008 Lowland Native Grasslands Investigation Report for the Belconnen Naval Transmission Station site. In addition, the report on the other 48 sites will be released together with recommendations to ensure protection and preservation of this endangered community in the ACT. The Office will monitor the implementation of recommendations and report on these in future Annual Reports.

The Office will continue its key role in providing advice to the Government on sustainability and environment issues in the ACT and providing an avenue for people to submit complaints about the management of the environment by Territory agencies under the *Commissioner for the Environment Act* 1993.

A.5 MANAGEMENT DISCUSSION AND ANALYSIS

The expansion in resources will allow the Office to play a key role in advancing sustainability and better management of the environment. During this year the Office has not had its full complement of permanent staff and has had to manage using temporary or contract staff. As it will take time to recruit the permanent staff while delivering the needed work, creating the new Office and undertaking the expanded role will be a challenge – but a welcome challenge.

Also, there were project management and procurement anomalies that required attention. These have now been addressed but not without the redirection of resources and subsequent delays in the production of the *ACT State of the Environment Report* 2007/08.

A.6 FINANCIAL REPORT

The ACT Government appropriation for the Office in the 2007-08 financial year is \$1,009,000. This includes the additional second appropriation of \$449,000 to support the expanded role of the Office and \$117,000 in money rolled over from 2006-07 for finalisation of the production of the ACT State of the Environment Report 2007/08. The 17 ACR councils have provided the Office with \$347,500 for undertaking the Regional State of the Environment Report 2008.

All expenses for this Office are reported in the TAMS Annual Report as a part of the 'Expenses on Behalf of the Territory'.

A.7 STATEMENT OF PERFORMANCE

The statement of performance for the Office of the Commissioner for Sustainability and the Environment is included in the TAMS Annual Report as 'Expenses on Behalf of the Territory'.

A.8 STRATEGIC INDICATORS

The Office is not required to present Strategic Indicators.

A.9 ANALYSIS OF AGENCY PERFORMANCE

This section of the report complies with section 14(8) and also with the 'special annual reporting requirements' of section 20 of the *Commissioner for the Environment Act* 1993. It notes any significant impacts on the environment during the year plus progress on implementation of recommendations from past state of the environment reports. Section 14 (8) of the *Commissioner for the Environment Act* 1993 requires reporting of complaints that were received but did not proceed to a full investigation, and the reason for their not doing so. Progress in implementing the recommendations from the Lowland Native Grasslands Investigation related to the Belconnen Naval Transmitting Station site is also reported in this section.

State of the Environment reporting

As previously mentioned work on both the ACT and Regional state of the environment reports has been significant in the 2007-08 financial year. Procurement and project management concerns as well staffing issues constrained progress on the reports. These issues have now been resolved. Recruitment of staff is occurring and the Office has worked closely with Procurement Solutions to identify and address all of the procurement issues. Procurement and project management processes have been implemented to meet Government requirements. Further information on this is provided in Section C.14 of this Report.

COMMISSIONER FOR THE ENVIRONMENT ACT 1993

Section 12 (1) (a) 'Investigating complaints about the management of the environment by the Territory or a Territory authority'

General inquiries and complaints

The Office received 240 general inquires and complaints via telephone or email. This number represents a significant increase in general inquires and complaints over 2007 (98) and 2006 (38). Much of this increase is attributable to the fact that the Office was the only 'Environment' contact in the Government section of the *White Pages*. Almost 90% of these inquiries were redirected to the appropriate authorities as shown in Table 1. A general 'All Environment Enquiries' number has been placed in the 2008 White Page directing people to Canberra Connect.

Formal complaints

There were six formal complaints received in 2007-08.

Tharwa Bridge - Energy and resource use (September 2007)

The Office received a written complaint from a community member relating to the construction of the new Tharwa Bridge, specifically the energy and resource consumption required to build a new bridge. The Government's initial response was to replace the historic wooden bridge with one constructed from concrete. The issue was resolved with discussions between experts, the community, government officials and this Office. An important part of these discussions was a roundtable meeting that allowed all parties to share information that was then conveyed to the

Government. The Tharwa Bridge is currently in the process of being restored and it is expected that it will be opened for heavy vehicles by August 2008 with on-going restorations occurring in subsequent years.

Chifley - Gum tree (December 2007)

The Office received a written complaint from a Chifley resident with a disability regarding the affect of a gum tree on their mobility. The Office was approached after this person had spent over a year contacting officers in TAMS and Disability, Housing and Community Services. By working with the resident and Departmental staff, the Commissioner was able to negotiate a suitable outcome. This case did, however, raise the dual issues of appropriate site planning and whether there is a need to have legislation amended to assist in making decisions regarding the retention of trees where persons with a disability are directly affected. It also raises the issue of how best to secure and manage public properties for people with a disability where there is a major tree that is deemed worthy of protection. These issues will be raised with the relevant Departments.

Cook - Noise and emission pollution (September 2007)

The Office received a written complaint from a Cook resident regarding the conduct of the Environment Protection Agency (EPA). The resident complained about receiving infringement notices (and the associated fines) while liaising with the EPA regarding a noise complaint from a neighbour. The resident subsequently made a complaint regarding air emissions from the neighbour's residence. Discussions between this Office, the EPA, the resident and the neighbour resulted in all issues being clarified. The EPA agreed to suspend one of the infringement notices and respond to all emails even if only an acknowledgement is required. The resident was advised to respect the one remaining notice and pay the associated fine. The resident was also asked to ensure that they had the EPA's written permission before undertaking any future noise testing.

Aranda Bushland weeds (February 2008)

The Office received a written complaint from a community group regarding weeds in the land abutting the Aranda Nature Reserve. This community group has invested significant time in weeding the reserve and has approached the Office to assist in finding a way to enforce the lease conditions (weeding) for the abutting rural lease. Currently, Office staff are holding discussions with the community group and relevant agencies.

Belconnen - Nettlefold Street tree (February 2008)

The Office was contacted regarding a dead tree in Nettlefold Street, Belconnen. The Office has contacted TAMS seeking information and requesting that the owner be contacted to determine what actions are proposed with respect to removing the dead tree and if there is to be a replacement replanting.

Tuggeranong Canberra Technology City (CTC) - Proposed development (June 2008)

The Office received a written complaint from a community member regarding environmental issues associated with the CTC proposed development. The community member does not believe that the Government has taken into account the ecological value of this area or the effect that the development would have on the surrounding area. The Office is seeking information from relevant agencies on this issue.

Request for an Investigation

In September 2007, a request for an investigation was received. This was for an investigation into waste strategies in the ACT. As the ACT State of the Environment Report 2007/08 was assessing waste strategies in the ACT, this request was not progressed. The correspondent will be sent a copy of the ACT State of the Environment Report 2007/08 following its publication.

Table 1: Complaints and inquiries received by the Commissioner 2007-08

General inquiries and complaints received	240
Inquirer directed to appropriate contact (eg. Canberra Connect, Environmental	211
Protection Authority, ActewAGL)	
Action facilitated by the Office of the Commissioner for the Environment	29
Matter resolved	26
Formal complaints	6
Formal complaints on hand at the end of the previous financial year	0
Matter resolved without formal investigation	0
Formal complaints received during the financial year	6
Matter resolved without formal investigation	3
Decision to investigate pending at end of financial year	0
Resolution still pending	3

COMMISSIONER FOR THE ENVIRONMENT ACT 1993

Section (1) (b) 'Conducting investigations as directed by the Minister'

In November 2007 the Minister for the Environment, Water and Climate Change, Jon Stanhope, directed the Office to undertake an Inquiry into Lowland Native Grasslands, pursuant to section 12(1) (b) of the *Commissioner for the Environment Act* 1993.

Natural temperate grasslands (one of the Lowland Native Grasslands) is one of the ACT's most threatened ecosystems. It is estimated that 20,000 hectares of natural temperate grasslands occurred in the ACT prior to European settlement. Only around 5% (1,000 hectares) of this grasslands remains today. Nationally, less than 1% of this community remains.

The first part of the Inquiry focused on the Belconnen Navel Transmission Station (BNTS) site as it required urgent attention. A report on this site (one of 49 sites to be investigated) was submitted to the Chief Minister in February 2008. This report identified eleven recommendations to conserve the natural temperate grasslands and threatened species that have the grasslands as their habitat. These recommendations and subsequent actions are presented in Table 2.

Table 2: Implementation of recommendations contained in the Commissioner for Sustainability and the Environment report on Belconnen Naval Transmission Station (BNTS)

Recommendation	Implementation
Recommendation 1	The culling of kangaroos on the
Urgent action is to be taken to restore the ecological condition of the Grasslands, and provide opportunities for the Perunga Grasshopper, Golden Sun Moth and Ginninderra Peppercress to survive and thrive at BNTS.	site has significantly reduced the grazing pressure. The Department of Defence has fenced off the areas containing the Ginninderra Peppercress.
Recommendation 2	A cull was completed by the end
Kangaroos are to be removed immediately from BNTS to achieve a stocking rate of 1 kangaroo per hectare or less. This is to be done by the land manager, preferably before the end of April 2008 to prevent impacts on pasture biomass occurring during the dormant 2008 winter season.	of May 2008.
Recommendation 3	It is understood that 100 animals
Kangaroo population numbers are to be maintained at the targeted level for the foreseeable future using fertility-controlled kangaroos only. A program to maintain this situation is to be implemented as needed. (This recommendation is made on the assumption that all remaining kangaroos at BNTS will be part of fertility control research programs.)	in the long-term will remain on- site and that these will be used for fertility control research.
Recommendation 4	An issue to be addressed in the
Further reductions in the number of kangaroos at BNTS (i.e. even below the proposed stocking rate of 1 kangaroo per hectare) is to occur if recovery of the grasslands does not improve over the next growing season even if research projects are compromised.	future.
Recommendation 5	The kangaroos were culled by
Kangaroos are to be removed from BNTS by the most humane method suitable for that site having regard to advice from the AFP that firearms are not to be used at BNTS. (The Expert Panel has recommended sedating by darting followed by euthanasia by lethal injection.)	herding, sedation by darting followed by euthanasia by lethal injection. AFP would not give permission to use firearms due to site conditions and the proximity to residential areas.
Recommendation 6	No translocation has been
The policy of the Conservator of Flora and Fauna, to the effect that translocation of eastern grey kangaroos is not an appropriate management technique, is to remain unchanged and that this policy position be confirmed to the Department of Defence immediately.	undertaken.

Recommendation	Implementation
Recommendation 7 The interim grasslands management plan and interim kangaroo management plan for BNTS are to be completed by the end of August 2008, by the land manager, in consultation with key stakeholders. These plans are to adopt adaptive management principles and be based on a stocking rate of 1 kangaroo per hectare or less prior to the 2008 winter.	It is understood that the Department of Defence has informally provided Territory and Municipal Services with a draft management plan for comment.
Recommendation 8 Conditions at BNTS are to be reported on a quarterly basis to all relevant agencies and to the Commissioner's Office. The Commissioner is to establish an independent group to assist her evaluate progress and report on this in her annual report.	Defence has informed the Office that conditions are stable. The post-Spring quarterly report will be important in assessing recovery.
Recommendation 9 A long-term grasslands management plan covering BNTS is to be developed prior to the abutting Lawson lands being developed for residential purposes. This plan should incorporate clear management objectives and be based on an adaptive management approach to protect the Grasslands, Perunga Grasshopper, Golden Sun Moth and Ginninderra Peppercress at the BNTS. (The interim grasslands management plan and interim kangaroo management plan (Recommendation 7) should be incorporated into the long-term plan. This long-term plan could cover all ACT natural temperate grasslands areas.)	This is the responsibility of Territory and Municipal Services - it is understood that work on this is yet to commence.
Recommendation 10 The Territory is to ensure that legal measures are implemented to protect and preserve the high conservation value of the Grasslands and its threatened species when the land at BNTS is transferred from the Commonwealth to another entity. (This recommendation is made on the assumption that Territory laws will fully prevail post the transfer.)	An issue to be addressed in the future.
Recommendation 11 The review of the Memorandum of Understanding between the Department of Defence and ACT Government (TAMS) is to be completed by August 2008.	It is understood that the Executive Director, Environment and Recreation has written to the Department of Defence and the Department for Environment, Water, Heritage and the Arts as a first step towards achieving this recommendation. No response has been received to date.

The final report, including the findings and recommendations of the other sites is planned to be presented to the Minister in the first half of the 2008-09 financial year.

COMMISSIONER FOR THE ENVIRONMENT ACT 1993

Section (1) (c) 'Commissioner-initiated investigation'

No new investigations were conducted under this section of the *Commissioner for the Environment Act* 1993.

SPECIAL ANNUAL REPORTING REQUIREMENTS

Section 20 of the Commissioner for the Environment Act 1993 reads:

- "A report presented, or information provided, by the Commissioner under section 8 of the *Annual Reports (Government Agencies) Act 1995* in respect of a period shall include particulars of:
- a) any special factor which the Commissioner believes had a significant impact on the environment during the period;
- b) any measures taken during the period by or on behalf of the Territory in relation to the implementation of any recommendation in a State of the Environment Report under section 19 or a special report under section 21; and,
- c) any recommendation in such a report which the Commissioner believes is still to be implemented or fully implemented."

SIGNIFICANT IMPACTS ON THE ENVIRONMENT

The drought continued to impact on the ACT and its environment. Water restrictions remained in place through all of the 2007-08 financial year. The Water Security Taskforce and its Advisory Panel provided recommendations to the Government on water security for the ACT and Region in July 2007. The Government adopted these recommendations and as a result, over the next few years there will be a number of significant projects aimed at securing water supply for the ACT including the enlargement of the Cotter Dam, extraction of water from the Murrumbidgee River and transfer to the Googong Reservoir, and an enhanced demand management program. Studies for a water purification plant will also be progressed.

There was increasing concern and awareness of climate change in 2007-08, highlighted by the water crisis in the Murray-Darling Basin. The ACT is a part of this Basin and there are a number of community groups, such as SEE-change and the Concerned Residents of Western Kambah (CROWK) emerging in the ACT, who are focused on taking actions to be more sustainable and address climate change at a local level. The Australian Sustainable Schools program has also been very successful in bringing sustainable practices and knowledge to our schools. The initiative was offered to all ACT schools in 2007 and by late 2007 over half had registered (the national average is 25%).

The ACT's native ecosystems continue their recovery from the 2003 bushfires with impressive recovery of vegetation in the Lower Cotter Catchment and at Jedbinbilla (in the Tidbinbilla

valley) due largely to an unexpected level of natural regeneration from seed lying dormant in the soil as well as intensive replanting projects managed by government and community groups. However much remains to be done, with work continuing on the native vegetation restoration in areas, which were formally pine plantations.

Progress on implementation of recommendations from State of the Environment reports

Previous annual reports outlined progress of the recommendation for the *State of the Environment Report 2003*. They identified no further reporting was required through annual reports. The following recommendations were not fully implemented; however, as recommended in previous annual reports, these will be followed-up in the coming *ACT State of the Environment Report 2007/08*. They are:

- 2003.2 Examine how indoor quality may be monitored in the ACT;
- 2003.16 improve access to support services and provide dedicated acute care, day and long stay accommodation for children adolescents with a mental illness; and
- 2003.17 Implement the *Sustainable Transport Plan* 'principles for managing change' in the *Draft Canberra Spatial Plan* and manage parking to assist in achieving sustainable transport outcomes.

GOVERNMENT POLICIES

Implementation of Weathering the Change - the ACT Climate Change Strategy 2007-2025

In the period to June 2008 since the release of the ACT Climate Change Strategy in 2007, the Government has completed 11 of the 43 actions identified in the first Action Plan with two more partially completed. These are outlined in Table 3 below.

Table 3: Implemented actions as of June 2008 from Weathering the Change - the ACT Climate Change Strategy 2007-2025

Fully Imple	mented			
Action 3	Establishment of a \$1 million energy efficiency fund for ACT Government Agencies			
Action 5	Legislate for GreenPower to be offered to all new electricity customers			
Action 9	Provide solar hot water rebate			
Action 16	Develop Network and Service Design Plans for buses			
Action 22	Include environmentally sustainable design feature in all new public schools			
Action 31	Support the National Adaptation Framework			
Action 32	Assess the Climate Change impacts on our Urban Areas			
Action 38	Implement Sustainability in Schools			
Action 40	Facilitate a Business roundtable on Climate Change			
Action 41	Partner with Key Institutions to Encourage Research			
Action 42	Develop Fuel Sale Data Legislation for Emissions			
Partially Im	plemented			
Action 21	Develop integrated land use and transport planning			
Action 39	Showcase Renewable and Energy Efficiency Technologies			

It is pleasing to see progress on the implementation of the ACT Climate Change Strategy in this financial year. Some significant steps have been made with the introduction of the GreenPower legislation and the integration of sustainability into the curriculum and practices of so many of our schools.

However, this is a Strategy for all Canberrans and, as such, the Government needs to make a significant effort to engage and inform the community of outcomes of the actions. It is understood that there is a lag time in both the implementation of some of these projects (e.g. the GreenPower scheme will not come into effect until January 2009) as well as the measuring of emissions.

It would have been encouraging to see more progress on Government sustainability practices. In order to move towards carbon neutrality, agencies need to take more significant steps to develop a framework for pursuing carbon neutrality and sustainable practices. It is understood that work on a framework has progressed and the Government is to be encouraged to pursue this. The establishment of the energy efficiency fund of \$1million is welcomed, however, only three applications for a total of \$128,000 have been approved in the first round.

Implementation of the Sustainable Transport Plan

The Government has made progress on the implementation of the *Sustainable Transport Plan* including:

- implementation of the TravelSmart Program in Belconnen;
- completing the feasibility study for a right of way system between Belconnen and the city and along Northbourne Avenue;
- developing a new bicycle parking guideline for new developments;
- completing a study on Demand Responsive Transport System;
- releasing the ACT Road Safety Strategy 2007-2010 and the Draft Parking Strategy; and
- completed and distributed walking and cycling maps.

Progressing sustainable transport is a key challenge for the ACT given our high level of car dependence. On current trends it appears that the targets in this Plan are likely to be achieved. However, data were not available on the effect these targets are having on greenhouse gas emissions, energy efficiency or progress towards a carbon-neutral transport system. To properly understand the environmental impacts of the Plan, data on greenhouse gas emissions together with energy efficiency and/or carbon neutrality targets for the transport sector as well as specific efficiency targets, such as energy efficiency per person or persons per kilometre travelled will be needed.

Given the current challenges in relation to fuel costs and climate change, it is key that the ACT community address the challenge of long-term innovative sustainable transport options that ensure our transport system is integrated with land use planning. We need to draw on experts as well as the views of the community to identify innovative transport options that increase the

effectiveness of the *Sustainable Transport Plan*. In developing measures for a better transport system and the assessment of progress toward more sustainable transport systems we need to understand that public transport is not necessarily more efficient than personal transport. Such an assumed efficiency would not necessarily be the case where, for example, public transport includes a bus carrying a single passenger and personal transport includes a car carrying a large family or group.

Section B - Consultation and Scrutiny Reporting

B.1 COMMUNITY ENGAGEMENT

In 2007-08 the Office undertook a number of consultations in the form of reference groups and roundtables.

In November the Office held a roundtable discussion with key stakeholders on matters relating to the Investigation into ACT Lowland Native Grasslands in order to outline the process for the investigation, present an overview of the ACT's Lowland Native Grasslands Strategy by TAMS and allow stakeholders to identify their key issues and share information. Public submissions were also called for to allow the community and representative groups to provide their views.

As part of the development of the *ACT State of the Environment Report 2007/08*, the Office held sessions with a range of experts from the community, academia, the Commonwealth and ACT Governments. There were seven reference groups held throughout the 2007-08 financial year discussing the following issues in relation to the *ACT State of the Environment Report 2007/08*:

- Air quality;
- Catchment quality;
- Climate and greenhouse;
- Community wellbeing;
- Conserving biodiversity;
- Resource use; and
- Sustainability.

Mayors and councils were visited to discuss local environmental and sustainability issues as part of the regional state of the environment report process.

In addition, as part of my role I also visited local community members and groups on a variety of environmental and sustainability issues.

B.2 INTERNAL AND EXTERNAL SCRUTINY

This Office has not been notified of any internal or external scrutiny during 2007-08.

B.3 LEGISLATIVE ASSEMBLY COMMITTEE INQUIRES AND REPORTS

In October 2007, the ACT Standing Committee on Planning and Environment, chaired by Mr Mick Gentleman MLA, presented its finding on *The Proposed Nomination of the ACT as a UNESCO Biosphere Reserve, Report 30*.

The Standing Committee's recommendations provide a significant potential role for this Office. One of the Committee's recommendations was that the Minister for the Environment, Water and Climate Change ensure that a representative of the ACT attend the 3rd International Congress of Biosphere Reserves. As previously stated in this Annual Report, Mr Mike Zissler, CEO, Territory and Municipal Services, and I represented the ACT at this Congress. We also visited three biosphere reserves in Spain, Canada and the United States. A Report of the findings was provided to the Minister in March 2008.

The Government's response to the Standing Committee's report, which would outline any potential role for this Office, is yet to be tabled.

B.4 LEGISLATION REPORTS

The Office is responsible for administering the Commissioner for the Environment Act 1993.

Section C - Legislative and Policy based reporting

C.1 RISK MANAGEMENT AND INTERNAL AUDIT

This Office is covered under the TAMS Annual Report.

C.2 FRAUD PREVENTION

This Office is covered under the TAMS Annual Report.

C.3 PUBLIC INTEREST DISCLOSURE

This Office is covered by TAMS for the purposes of policies relating to the public interest disclosure. During 2007-08 no public interest disclosures related to the office of the Commissioner for Sustainability and the Environment were lodged.

C.4 FREEDOM OF INFORMATION

Section 7 Statement

Under the *Commissioner for the Environment Act* 1993, the Commissioner can make recommendations to the ACT Government through investigation reports or state of the environment reporting but can not enforce these recommendations.

The Office continues to consult with community members and people with relevant expertise in the development of state of environment and other key reports.

One of the key roles of the Office is to provide an avenue for members of the public to submit complaints about the management of the environment by the Territory or a Territory authority.

Documents produced by the Office are available to the public on our website www.envcomm.act. gov.au or in hard copy by request. Documents available in the website include:

- ACT State of the Environment reports from 1997 to the present;
- Regional State of the Environment reports from 2004 to the present;
- Investigation reports; and
- Annual reports from 2000-01 to the present.

These and other reports are also available by phoning or emailing the Office and can be posted to any member of the community. Our Office can be reached by public transport and has disabled access.

Section 8 Statement

The *Commissioner for the Environment Act* 1993 provides guidance for the role and functions of the Office as well as detailed specifications for the conduct of investigations. The Act forms the basis of our operational procedures. The Act is available to the public and can be provided in hard copy if requested.

Section 79 Statement

We did not receive any Freedom of Information requests in 2007-08.

C.5 INTERNAL ACCOUNTABILITY

The Commissioner is accountable for both the legislative and contractual functions of the Office and for ensuring the execution of these functions is consistent with the intent of the enabling legislation. Given that the Office is essentially a new entity; systems are being implemented to ensure compliance with ACT Government practices.

There are no senior management or other significant committees or boards within the Office.

C.6 HR PERFORMANCE

As we continue to refine the expanded role of the Office into the next financial year, we will ensure that each staff member has an achievement/performance plan.

C.7 STAFFING PROFILE

The 2007-08 financial year has seen a significant change in the Office's staffing with an increase from a part time Commissioner and two full time staff to a full time Commissioner and five full time core staff. However, the filling of all five positions will not be complete until early in the next financial year. In addition to these core staff there are three temporary positions to undertake the *Regional State of the Environment Report 2008*. These positions are funded by the 17 ACR councils for whom the report is written. The Office also employed two full time positions on a temporary basis to assist in undertaking the investigation in to the Lowland Native Grasslands. The staffing profile for the Office is provided in Table 4 below.

Table 4: Core staffing profile

Classification	Employment status	Employed under	Category of Employment
Commissioner for Sustainability and the Environment	Full time Contract	Commissioner for the Environment Act 1993	Disallowable instrument
SOGB	Full time	Public Sector Management Act 1994	Full time (not filled)
SOGB	Full Time	Public Sector Management Act 1994	Full time (not filled)
ASO5	Full time	Public Sector Management Act 1994	Full time
ASO5	Full time	Public Sector Management Act	Full time
PO2	Full time	Public Sector Management Act 1994	Full time (not filled)

C.8 LEARNING AND DEVELOPMENT

Formal learning and development had previously been limited in the Office due to its small size. Training was conducted primarily in response to specific requirements within the Office. With the expansion of the Office, greater focus has been placed on the learning and development needs of staff. As the expanded role of the Office is defined in the next financial year, individual learning and development needs will be incorporated into staff achievement/performance plans and embedded in our future corporate and business plans.

C.9 WORKPLACE HEALTH AND SAFETY

There were no accidents or dangerous occurrences that required the giving of notices under section 204 of the *Occupational, Health and Safety Act 1989* in this office. No investigations were conducted during the year and no formal injury prevention programs were initiated or implemented during the year.

The Office does not pay a first tier worker's compensation premium. In this matter we are a subsidiary of TAMS.

This Office is covered by the TAMS for Annual Report workplace health and safety policy purposes.

C.10 WORKPLACE RELATIONS

There are no staff in this Office covered by Australian Workplace Agreements or Special Employment Arrangements.

C.11 STRATEGIC BUSHFIRE MANAGEMENT PLAN (SBMP)

This Office does not own or manage any Territory land and is therefore not required to report on its operations in relation to the either the strategic bushfire management plan or the bushfire operations plan.

C.12 STRATEGIC ASSET MANAGEMENT

The Office does not own any major assets.

Office accommodation

During the 2007-08 financial year the Office was accommodated in three separate locations namely:

- Northbourne Avenue, Braddon for 1 month;
- Sandford Street, Mitchell for 5 months; and
- Challis Street, Dickson for 6 months.

The current location of the Office (Challis Street, Dickson) occupies an office space of 155m² and is adequate for the increase in the number of staff. In the 2008-09 financial year the Office will be fully fitted-out and we will work with TAMS staff to create a more sustainable building and office space.

C.13 CAPITAL WORKS

This Office has no capital works projects.

C.14 GOVERNMENT CONTRACTING

The Office contracted a range of consultants and suppliers over the reporting period with 16 contracts being directly related to the production of the *ACT State of the Environment Report* 2007/08. These were mainly small contracts covering publishing, editing, technical writing and for providing expert advice. There were three contracts whose value exceeded \$20,000. These contracts are summarised below.

Table 5: Summary of contracts over \$20,000

Description and reason for contract	Total expenditure in 2007-08	Procurement type	Original contract date	Variation contract dates
Project management, research and writing for ACT State of the Environment Report	\$66,000	Single select	4 February 2008	29 April, 16 May
Technical writing for ACT State of the Environment Report	\$30,536	Single select	12 May 2008	No variation
Publishing Support to the Office of the Commissioner for Sustainability and the Environment	\$24,500	Contract	1 July 2007	30 May

In April 2008, the Commissioner became aware of irregularities with respect to procurement procedures relating to consultancies for the *State of the Environment Report* 2007/08. A review of contracts was undertaken and procedures corrected. This was done in consultation with Procurement Solutions. Procurement procedures were put in place in the Office and all contracts and variations following the review are according to procurement guidelines and requirements.

C.15 COMMUNITY GRANTS/ASSISTANCE/SPONSORSHIP

The Office did not provide financial support to any community grants, assistance or sponsorships during the reporting period.

C.16 TERRITORY RECORDS

This Office had insufficient resources available to complete the requirements of the *Territory Records Act* 2002 during 2007-08. Staff attended a records management information session to ensure the Office is aware of current procedures.

C.17 HUMAN RIGHTS ACT 2004

The Office has a responsibility to be the advocate of human rights for the public with regards to environmental concerns. This role is outlined in the *Commissioner for the Environment Act* 1993 and is usually in the form of a submit complaints from a member of the public about the management of the environment by Territory agencies.

In 2007-08 staff in the Office did not undertake any formal course in relation to human rights principles.

C.18 COMMISSIONER FOR THE ENVIRONMENT

This Annual Report is for the Commissioner of Sustainability and the Environment.

C.19 ACT MULTICULTURAL STRATEGY

This Office is covered under the TAMS annual report.

C.20 ABORIGINAL AND TORRES STRAIR ISLANDER REPORTING

This Office is covered under the TAMS annual report.

C.21 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Work of the Office

Key functions of the Office include investigating management of the environment by ACT Government agencies, reporting on the state of the ACT environment and assessing progress towards sustainability. With our expanded role, the Office also has greater capacity to increase awareness and advocate for improved sustainability practises both within the Government and the community.

Transport

Where possible, the Office uses sustainable forms of transport such as public transport, carpooling, cycling or walking. For longer trips, the Office uses a hybrid car.

Energy use

There have been significant changes in location and staffing in the Office, which affect the energy use of our operations. Therefore our energy use by location is outlined so that both staffing changes and office space can be taken into account when calculating overall energy use (see Table 6).

Table 6: Energy Use 2007-08

Location	Time period	Black Electricity Green Electricity Gas (MJ) (MJ)				(MJ)	
		MJ/FTE	MJ/m ²	MJ/FTE	MJ/m ²	MJ/FTE	MJ/m²
Northbourne Ave Braddon	1 Month	1418.8	30.58	151.2	3.26	No Data	No Data
*Sandford Street Mitchell	6 Months	248.2	23.29	114.2	9.36	No Data	No Data
Challis Street Dickson	5 Months	1316.46	93.42	522.46	37.01	4,782.18	67.88
Total		19, 449		6, 696		52, 604	

^{*}Note: Calculating data at Mitchell is different from other sites as the entire site other than the laundry and sterilising is on one electricity meter, this includes the warehouse etc.

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In the 2008-09 financial year we will be fitting-out our Office and working with TAMS to create a more sustainable building and office space.

Greenhouse emissions

As with energy use, our greenhouse gas emissions have been outlined based on location to take into account changes in staffing and office space (see Table 7).

Table 7: Greenhouse Gas Emissions 2007-08

Location	Time period	Total Greenhouse Gas emissions (tonnes CO2-e)	Greenhouse Gas emissions/Person (tonnes CO2-e/ FTE)	Greenhouse Gas emissions/area (tonnes CO2-e/ m²)
Northbourne Ave Braddon	1 Month	12.77	5.11	0.11
*Sandford Street Mitchell	6 Months	5.12	1.02	0.08
Challis Street Dickson	5 Months	52,656.13	47,86.92	339.72
Total Emissions (co2-e)		52,674.02	n/a	n/a

^{*}Note: calculating data at Mitchell is different than other sites as the entire site other than the laundry and sterilising is on one electricity meter, this includes the warehouse etc.

We are working with TAMS to create a more sustainable building and office space. This should reduce our greenhouse gas emissions in the next financial year.

Water consumption

Water consumption by the Office has also been outlined based on location (see Table 8). Included in water use for Challis Street is water used for gardens as well as within the building. This was not included in the other sites.

Table 8: Water Consumption 2007-08

Location	Time period	Total Water Use	Water use/ Person (KL/	Water use/ area (KL/m2)
		(KL)	FTE)	area (KL/IIIZ)
Northbourne Ave Braddon	1 Month	No data	No data	No data
Sandford Street Mitchell	6 Months	3.0	0.6	0.05
Challis Street Dickson	5 Months	47.0	4.27	0.3
Total	12 Months	50.0		

Resource efficiency and waste

The only recycling facility in our office accommodation is for office paper, no other recycling facilities are provided for in the accommodation. However, since early 2008 the Office has allocated bins for organics and general recycling which staff take home for composting and recycling. In 2008-09 we will be working with TAMS to develop a recycling and waste reduction system for the entire building.

There are no data available on the total residual waste generated by the Office. However, 128 reams of paper were used in 2007-08 with 3,360L of paper being recycled.

The Office takes measures to reduce waste including the reduction of unnecessary purchases of stationery and other items, double-sided printing and minimising printing by ensuring our reports are available electronically. All paper used by the Office has a 10% recycled content. We will investigate using higher recycled content paper in the next financial year - our ability to do this will depend on our photocopier, which is contracted via arrangements made in the past.

Data collection of Office resource use

Data collection systems are being developed in consultation with the building landlord (TAMS).

C.22 ACT WOMEN'S PLAN 2002-2009

As part of State of the Environment reporting, we assess many of the objectives of the ACT Women's Plan including:

- Objective 1: Representation and recognition though the 'Population', 'Socio Economic Equity' and 'Community Participation' indicators;
- Objective 2: Good health and wellbeing through the 'Community Health' and 'Health Services' indicators;
- Objective 3: Responsive Housing through the 'Housing' indicator;
- Objective 4: Safe, inclusive communities through the 'Safety', 'Community Participation' and 'Socio-economic Equity' indicators;
- Objective 5: Economic security and opportunities through the 'Socio-economic Equity' indicator; and
- Objective 6: Flexible education and training through the 'Education' indicator.

Within the Office, we provide a supportive environment for women encouraging leadership, providing training and development and fostering work-life balance.

Glossary, abbreviations and acronyms

Australian Capital Region (ACR) For the 2000 and earlier reports, the Australian Capital Region included the ACT, the City Councils for Goulburn and Queanbeyan, and the councils for the Shires of Bega Valley, Bombala, Boorowa, Cooma-Monaro, Crookwell, Eurobodalla, Gunning, Harden, Mulwaree, Snowy River, Tallaganda, Tumut, Yarrowlumla, Yass and Young. For the 2004 and 2007 report, three new councils have joined the Australian Capital Region, and several of the original shires have been amalgamated by the New South Wales Government. The Australian Capital Region now includes the ACT and the councils of: Bega Valley, Bombala, Boorowa, Cooma-Monaro, Cootamundra, Eurobodalla, Goulburn-Mulwaree, Palerang, Queanbeyan City, Gundagai, Harden, Snowy River, Tumbarumba, Tumut, Upper Lachlan, Yass Valley and Young.

ACTPLA ACT Planning and Land Authority

ASO Administration Service Officer

BNTS Belconnen Naval Transmission Station

CPI Consumer Price Index

CROWK Concerned Residents of West Kambah

CSIRO Commonwealth Scientific and Industrial Research Organisation

EPA Environment Protection Authority

ESA Emergency Services Authority

HR Human Resources

MLA Member of the Legislative Assembly

OCSE Office of the Commissioner for Sustainability and the Environment

PO Professional Officer

PM2.5 Airborne particles less than 2.5 microns in diameter

SoE State of the Environment

SOG Senior Officer Grade

UNESCO United Nations Educational, Scientific and Culture Organization

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