



Office of the Commissioner for  
Sustainability and the Environment

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## annual report 2008-09

*living sustainably*

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Office of the Commissioner for  
Sustainability and the Environment

### TRANSMITTAL CERTIFICATE

Mr Simon Corbell, MLA  
Minister for the Environment, Climate Change and Water  
Minister for Energy  
ACT Legislative Assembly  
GPO Box 1020  
Canberra ACT 2601

Dear Minister

I am pleased to submit to you the Annual Report of the Office of the Commissioner for Sustainability and the Environment for the year ended 30 June 2009. This Report has been prepared in accordance with section 6(1) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements referred to in the Chief Minister's 2007-2010 Annual Report Directions. It has been prepared in conformity with other legislation applicable to the preparation of Annual Reports by my Office.

I hereby certify that the attached Annual Report is an honest and accurate account and that all material information on the operations of the Office during the period 1 July 2008 to 30 June 2009 has been included.

I also hereby 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  
16 September 2009

Commissioner: Dr Maxine Cooper  
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This Office is independent of, but funded by, the ACT Government.



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## SECTION A – PERFORMANCE AND FINANCIAL MANAGEMENT REPORTING

### A.1 The Organisation

#### Our Role

The 2008-09 year built on the previous year when the Office of the Commissioner for the Environment was expanded to create the Office of the Commissioner for Sustainability and Environment ('our Office'). The Commissioner is an independent statutory position created by the ACT Legislative Assembly under the *Commissioner for the Environment Act 1993*<sup>1</sup>.

The Commissioner is accountable and responsible to the Assembly through the Minister for the Environment, Climate Change and Water in relation to its operations.

The Act specifies that the Commissioner shall:

- produce state of the environment reports for the ACT,
- investigate complaints about the management of the environment by the Territory or a Territory authority,
- 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.

Our Office prepares state of the environment reports for each of the 17 councils in the Australian Capital Region<sup>2</sup>, on a fee-for-service basis. This is undertaken through an agreement with the local councils, all of which are members of the Australian Capital Regional Leaders Forum.

Increasingly over past years, our Office has sought to resolve issues through mediation and conflict resolution. This approach facilitates resolution and can be seen as an advocacy or facilitative role for the Commissioner. Our Office has also undertaken an advocacy and awareness role about sustainability and environmental issues.

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<sup>1</sup> On 21 November 2007, the Legislative Assembly noted 'that the Government will amend the *Commissioner for the Environment Act 1993* to expand the role of the Commissioner to include responsibility specifically for sustainability and will consult widely with the Government, business and the broader community on the scope of legislative change'.

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<sup>2</sup> The Australian Capital Region includes the ACT and the surrounding New South Wales local government areas of: Bega Valley, Boorowa, Bombala, Cooma-Monaro, Cootamundra, Eurobodalla, Goulburn-Mulwaree, Gundagai, Harden, Palerang, Queanbeyan, Snowy River, Tumbarumba, Tumut, Upper Lachlan, Yass, and Young.

## Our Vision

*Living Sustainably.*

As is consistent with the intent of the legislation our vision, *living sustainably*, captures our commitment to assist the community and government to undertake actions advancing sustainability and environmental security. This is achieved through advocacy, independent scrutiny, reporting and advice.

## Our Mission

Advancing sustainability and environmental security through advocacy, independent scrutiny, reporting and advice.

## Our Values

Our values guide our work; our behaviours; and the way we interact with each other and our stakeholders.

Our values are:

- **Independence** - we empower through objectivity, transparent processes, honest delivery and appropriate confidentiality.
- **Caring** – our high regard for the environment and our community sustains our efforts.
- **Innovation** –we seek to use the best available knowledge to pursue solutions that may not be evident or even exist yet.
- **Empathy** – we have realistic approaches in recognising the realities faced by the individuals and organisations we engage with.

- **Collaboration** – we take an integrated and inclusive approach.

## Our Objectives

Our objectives are:

- **Engagement and advocacy** - an independent voice that advocates for, and raises awareness of, sustainable practices and environmental security;
- **Monitoring and reporting** - advancing sustainable practices and better management of the environment through independent monitoring and reporting;
- **Investigation and resolution** – investigating to enhance understanding and provide guidance on specific issues, and resolving conflict related to complaints; and
- **Capability** - fostering a collaborative culture built on professional expertise and partnerships.

## Our Structure

Our Office's establishment consists of; a full time Commissioner, two Senior Officers Class B; two Project Officers Class 2 and one Administrative Services Officer Class 5.

## Our Clients and Stakeholders

Our work is relevant to all members of the ACT community, specifically:

- the community in general and future generations,
- ACT Government Agencies,



- environment and sustainability interest groups,
- business and industry,
- academics,
- professional bodies and interest groups,
- media,
- Australian Capital Region Councils, and
- NSW and Commonwealth governments

- initiated the Dickson Motor Vehicle Registry Building Sustainability Working Group.

#### **Planning framework and direction setting**

During the year, our Office reviewed its *Corporate Plan 2005-06 to 2008-09* to reflect its expanded role and additional resources. This plan has been replaced by our new *Strategic Plan* which highlights our vision, mission, values and objectives. We also produced a Communications Plan to direct our communications objectives, goals and activities. This Plan will act as a guide for all major communications and events.

## **A.2 Overview**

#### **Strategic assessment of performance**

The 2008-09 year has continued to see our Office implement changes and shape our role as a result of our expanded role and additional resources.

During 2008-09 we focused on the following activities which are detailed in Section A.3 Highlights. These include:

- release of the *ACT State of the Environment Report 2007/08*;
- release of the *2008 Regional State of the Environment Report*;
- finalisation of the ACT Lowland Native Grassland Investigation;
- increased advocacy and awareness activities. To do this we finalised our Communications Plan and launched the Young People Ambassadors trial,
- producing a Strategic Plan; and

#### **Organisational Environment**

The Commissioner is a statutory office holder and our Office operates as an independent statutory body. Our staff members are employed under the *Public Sector Management Act 1994* and observe the ACT Public Service Code of Ethics.

The Department of the Environment, Climate Change, Energy and Water and Shared Services within the Department of Treasury provide corporate support for matters such as accommodation, financial reporting, recruitment and other personnel matters. Information management and information technology support is provided by InTACT.

The Office is developing a Memorandum of Understanding with the Department of the Environment, Climate Change, Energy and Water in relation to our administrative matters.

### Significant Organisational Change

2008-09 was a year of challenges as we continued to implement changes as a result of our expanded role and resources. We undertook extensive community and government consultation in response to the Government's decision in November 2007;

*'to amend the Commissioner for the Environment Act 1993 to expand the role of the Commissioner to include responsibility specifically for sustainability and will consult widely with the Government, business and the broader community on the scope of legislative change'.*

In line with the directions set for our Office by the Stinson review<sup>3</sup>; consultation with the community and stakeholders; discussions with the Reference Group; and analysis by the Commissioner and her staff, our Office has begun, and will continue to shape its new role.

### Reference Group

The Commissioner established a Reference Group to provide high-level advice on the expanded role of the Office, in particular to:

- advise on consultation;
- act as a forum to develop ideas to identify and clarify the expanded role;
- identify opportunities and facilitate consultation between the business, community and government sectors;

- advise on potential changes to the *Commissioner for the Environment Act 1993*; and
- advise and contribute to the final paper for the Government's consideration.

The Reference Group provides expertise across a wide range of issues including business, environment, health, climate change, urban planning and community. The members of the Reference Group are:

Ms Charlie (Charlotte) Wood – youth member;

Mr Michael Galluzo – President of Reconciliation ACT;

Ms Maiy Azize – Youth Coalition of the ACT;

Mr Darro Stinson – former Commissioner;

Dr Rosemary Purdie – former Commissioner;

Dr Joe Baker – former Commissioner;

Professor Brian Roberts – Chair, former ACT Sustainable Expert Reference Group;

Professor Val Brown – visiting professor at the Fenner School, Australian National University;

Mr David Marshall – Chair, ACT Tourism Advisory Council;

Professor Will Steffan – Head, Climate Change School, ANU;

Mr Phil Lown – CEO, ACT Division of General Practitioners; and

Ms Chris Faulks – CEO, Canberra Business Council.

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<sup>3</sup> Stinson, D. Review of the role of the Commissioner for the Environment (Stinson Review) 6 August 2007 Annual Report 2008-09

#### **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**

During 2008-09, we achieved the following results:

- tabled the *ACT State of the Environment Report 2007/08*,
- released the *2008 Regional State of the Environment Report*,
- provided a copy of the *Report on ACT Lowland Native Grassland Investigation* to the Minister for the Environment, Climate Change and Water,
- increased our advocacy and awareness activities,
- finalised our Communications Plan,
- launched the Young People Ambassadors trial,
- produced a new Strategic Plan, and
- initiated the Dickson Motor Vehicle Registry Building Sustainability Working Group.

#### **State of the Environment Reporting**

##### ***ACT State of the Environment Report***

The *ACT State of the Environment Report 2007/08* was tabled in the ACT Legislative Assembly on 7 August 2008. The report covers the period from 1 July 2003 to 30 June 2007. This Report provides an assessment of our environment through six

issues papers – climate and greenhouse, air quality, conserving biodiversity, catchment quality, community wellbeing, and resource use. The issues papers are supported by 38 indicators that show measurements, analysis and interpretation of specific attributes and two high-level papers; *Progressing Sustainability Issues Paper* and *Overview and Recommendations*. New to this state of the environment report is the inclusion of a compendium of *Snapshots* that highlight the key programs and activities undertaken in the ACT. An ecological footprint is also included in the *Progressing Sustainability Issues Paper*.

##### ***Regional State of the Environment Report***

On 16 December, the *2008 State of the Environment Report for the Australian Capital Region* was released covering the period July 2004 to June 2008. This *2008 Regional State of the Environment Report* is the fourth report and comprises individual reports for the 17 local government areas of Bega Valley, Boorowa, Bombala, Cooma-Monaro, Cootamundra, Eurobodalla, Goulburn-Mulwaree, Gundagai, Harden, Palerang, Queanbeyan City, Snowy River, Tumbarumba, Tumut, Upper Lachlan, Yass Valley and Young. Each Report has been written and presented with the aim of providing an effective tool for community engagement and information to guide future strategic planning.

The Regional State of the Environment Report is the culmination of a joint approach where councils work together to develop the Report. It is an important step in developing a regional overview and a base for measuring our progress towards increased sustainability for the region. A

regional sustainability overview was developed as a separate chapter.

The *2008 Regional State of the Environment Report* was officially launched in Queanbeyan at the Australian Capital Regional Leaders Forum on 5 June 2009 – World Environment Day. Our Office also conducted two forums to provide an opportunity for a discussion on sustainability issues at a regional level:

- Queanbeyan, 8 May. Progressing Sustainability in the Australian Capital Region; and
- Gunning, 27 May. Renewable Energy in the Australian Capital Region.

***ACT Lowland Native Grassland Investigation***

Our Office began a formal investigation into the ACT Lowland Native Grasslands as directed by the then 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 grassland (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 approximately 5 per cent (1,000 hectares) of this grassland remains today. Nationally, less than 1 per cent of this community remains.

The investigation considered 49 lowland native grassland sites in the ACT, on both National and Territory land. These sites are the subject of Australian and ACT Government legislation and have a number

of land managers. Complex administrative arrangements exist including memoranda of understanding, licences, leases (including land management agreements) and Conservator's Directions.

The first part of the investigation focused on the lowland native grassland at the Belconnen Naval Transmission Station (BE08a) site because it required urgent attention. The Commissioner's report on this site, *Belconnen Naval Transmission Station Site as part of the Investigations into ACT Lowlands Grasslands*, was submitted to the Minister on 26 February 2008.

On 12 March 2009, pursuant to section 21(d) of the Act, the Commissioner provided a copy of the *Report on ACT Lowland Native Grassland Investigation* to the Minister for the Environment, Climate Change and Water, Mr Simon Corbell. This report included the report on the Belconnen Naval Transmission Station.

The *Report on ACT Lowland Native Grassland Investigation* contains 32 recommendations that are specifically directed to help better protect the Territory's lowland native grassland, in particular Natural Temperate Grassland, and threatened grassland species. The Government is yet to formally respond to the Report, however, recommendations are being implemented as outlined in Section A.9 Analysis of Agency Performance.

### **Advocacy and Awareness**

Our Office is an independent voice that advocates, and raises awareness of, sustainable practices and environmental security. Two key activities that assist us in this respect are our:

- Communications Plan, and
- Young People Ambassadors

### ***Communications Plan***

Our focus is to shape behaviours that support improved sustainability and environmental outcomes through appropriate community and stakeholder engagement. One of our key aims is to advocate and raise public awareness of sustainability and environmental actions and status within the ACT and surrounding community. Our communications activities in 2008-09 included:

- raising public awareness around several important issues in the State of the Environment report including: Canberra's Big Foot – the facts and impact of the ACT community's ecological footprint; resource consumption leading to the ACT's greenhouse gas emissions; how we can reduce our consumption; waste produced by us all; and sustainable transport; and
- the 2008 Regional State of the Environment Report including the launch and presentation at the Capital Region Leaders Forum; and two regional forums in Queanbeyan and Gunning.

### ***Young People Ambassadors***

A recommendation resulting from consultation on the expanded role of the Office is that there should be some Young People Ambassadors to assist the Office raise awareness of environmental and sustainability issues.

The Young People Ambassador trial was launched by the Minister for the Environment, Climate Change and Water on 22 April and will continue until 30 November 2009. If the Young People Ambassadors initiative is continued, nominations for 'Ambassador' will be called.

The Young People Ambassadors assist the Commissioner and staff on advocacy and awareness of sustainability and environmental issues, particularly in the youth sector (12-25 years). Specifically, the functions of the Ambassadors in partnership with us are to:

- identify opportunities for engagement with young people,
- conduct a forum and other activities with young people,
- provide advice on the update of the website and electronic communication,
- provide linkages with the Children & Young People Commissioner by partnering with this Commission to work with young people, and
- provide linkages with key sustainability and environmental youth groups such as Powershift, the Youth Climate Coalition and ACT Otherwise.

The major initiative of the Ambassadors was the Forum for Young People held on 18 June 2009 at the Canberra Museum and Art Gallery. The Forum was designed to allow people aged under 25 to have their say about sustainability and environmental issues. A report on the Forum will be released in August 2009.

### **Strategic Plan**

We produced a Strategic Plan to reflect the environmental context in which we operate; to set a clear direction for us and to establish a rigorous basis for stakeholder engagement. Our Strategic Plan states our vision, mission, values and objectives.

### **Dickson Motor Vehicle Registry Sustainability Working Group**

The Dickson Motor Vehicle Registry Sustainability Working Group is an initiative of our Office and involves the Department of Territory and Municipal Services Business Units (Canberra Connect, Road User Services, RegoACT Development Team) accommodated at the Dickson Motor Vehicle Registry Building.

In November 2008, the Working Group conducted a 'Sustainability Steps Survey' of all staff in the building. The results of this survey indicated that:

- staff support and are interested in sustainability, with 75 per cent of respondents indicating that sustainability is very important to them;
- most staff are addressing sustainability in their own lives with 97 per cent using recycling bins, 86 per cent

reducing their energy use and 72 per cent saving water at home; and

- all staff surveyed supported a recycling system in the building with many identifying other key areas for sustainability in the building including turning off lights and radios.

On 30 May 2009, the Minister for the Environment, Climate Change and Water, Mr Simon Corbell launched 'Going Green in the Dickson Motor Vehicle Registry Building' the initial stage of improving sustainability in the building which includes expanding the existing paper and cardboard recycling system, providing co-mingled recycling and organic recycling bins and a worm farm for the organic waste. A waste audit has been conducted to obtain estimates of the total waste being generated in the building. Data from this audit will be used to gauge the success of the waste reduction project in the future.

The Sustainability Programs section of the Department of Climate Change, Energy and Water provided support and advice to the Working Group.

## **A.4 Outlook**

During 2009-10 the Commissioner will continue to undertake her functions and roles as mandated in the *Commissioner for the Environment Act 1993* and in so doing will specifically:

- finalise our report to the ACT Government on our expanded role,
- finalise a review of the ACT State of the Environment Report,

- release an update of the Regional State of the Environment Report,
- monitor and review our Strategic Plan,
- implement advocacy and awareness activities by progressing our Communications Plan,
- progress the initiatives of the Dickson Motor Vehicle Registry Sustainability Working Group, and
- undertake an Audit/ Assessment on Government Agencies Environmental Performance Reporting.

#### **Expanded Role of the Office**

In 2009-10 the Commissioner will submit to the Minister for the Environment, Climate Change and Water, the *Report on the expanded role of the Office of the Commissioner for Sustainability and the Environment*. This Report will be based on the key findings from the consultation which included:

- public and government agency consultation,
- the Stinson Review,
- discussions with the Reference Group,
- analysis by the Commissioner and her staff,
- consideration of the Commissioner's roles in other jurisdictions, and
- consideration of legislation related to independent Commissioners.

#### **ACT State of the Environment Report Review**

Our Office is reviewing the ACT State of the Environment Report framework and

indicators. A primary aim of this review is to guide future ACT State of the Environment reporting so that it is effective and relevant to the community and government.

#### **Regional State of the Environment Report**

The 2008 State of the Environment Report for the Australian Capital Region will be updated to incorporate data from 1 July 2008 to 30 June 2009. This report is due by 30 November 2009 to meet the requirements of the NSW *Local Government Act 1993*.

#### **Strategic Plan**

Our Strategic Plan will be monitored and reviewed quarterly. The first review will occur in September 2009.

#### **Communications Plan**

Our Communications Plan has a two-tiered communications approach which will be undertaken by a 'What Can I Do?' campaign and Project by Project communication.

#### ***What Can I Do?***

As part of a two-year long campaign, the Commissioner will, on a regular basis, announce an approach to encourage more sustainable living in the ACT and the surrounding community. These ideas will fall under the 'What Can I Do?' Campaign with a focus on what individuals can do to promote a better and more sustainable environment. To be launched on 25 August 2009, the initial stages of the campaign will focus on the following themes: What Can I Do in my Home? What Can I Do in my Travels? and What Can I Do for the Festive Season?

### **Project by Project Communication**

The ACT State of the Environment Report 2008 and the 2008 Regional State of the Environment Report will be a particular focus. Our primary aim is to raise public awareness around several important issues found within the state of the environment reports especially:

- Canberra's Big Foot – the facts and impact of our community's ecological footprint;
- resource consumption leading to greenhouse gas emissions;
- waste produced by us all and how we can reduce our consumption; and
- sustainable transport.

### **Dickson Motor Vehicle Registry Sustainability Working Group**

Pursuing carbon neutrality in Government Buildings is one of the key actions of *Weathering the Change*, the ACT Government's climate change strategy. The work being done in the Dickson Motor Vehicle Registry both to the building and by the staff to promote and encourage sustainability is an example of leadership that showcases actions that address climate change and sustainability.

Future plans for the Dickson Motor Vehicle Registry building include: a new heating, air-conditioning and ventilation system which aims to achieve a 6-star energy rating for the building; an upgraded ceiling grid to be installed throughout the building, allowing the installation of energy efficient lighting and smart switching; rainwater tanks (providing water for toilets), waterless urinals;

external building cladding and solar powered water heating.

### **Audit/Assessment on Government Agencies Environmental Performance Reporting**

The ACT Government Climate Change Strategy *Weathering the Change*: Action Plan 1, 2007-2011, Action 2 states that the Commissioner will scrutinise Agency Resource Management Plans, which are taken to include energy and water use, waste production and transport.

The Commissioner will conduct an environmental performance audit/assessment of ACT Government reporting on its use of some key environmental resources.

## **A.5 Management Discussion and Analysis**

During 2008-09 we sought to improve our internal performance through an audit of the financial health of the Office's procurement, budget management and governance arrangements. Oakton performed the audit in April 2009. The principle objectives of this audit were to:

- examine the Office's overall approach to procurement. This included a review of policies and procedures in place within the Office for compliance with relevant ACT Government requirements, identifying opportunities for improvement and increased efficiency, and comparison with any better practices within similar agencies;
- examine the Office's processes and procedure for budget management;



- conduct sample testing of procurement documentation to ascertain the level of compliance with Office policies and procedures; and
- examine the overall governance arrangements in place between the Office and other agencies which provide purchasing and financial reporting services on its behalf, with a view to recommending options to apply under any new arrangements with the Department.

The results of this internal audit indicated that:

- an appropriate framework is in place for procurement, invoices and petty cash;
- the procedures that are in place are up-to-date, accessible by all staff, and are compliant with the requirements of the ACT Government and relevant legislation;
- transactions for procurement, invoices and petty cash are compliant with the Officer's procedures; and
- no examples of non-compliance with 2008/09 financial year transactions were identified.

Three recommendations for improvement for the Office were to:

1. formally document procedures for the use of corporate credit cards;
2. formally document procedures for the preparation of the budget and monitoring of expenditure; and

3. establish a Memorandum of Understanding or a Service Level Agreement with the Department of the Environment, Climate Change, Energy and Water and with ACT Shared Services defining the integrity of the data provided, reporting requirements and timeframes.

Recommendation 1 was completed on 21 May 2009. Recommendations 2 and 3 are progressing.

Our Office produced a Procedures Manual which documents our process for a range of office activities including file management, procurement, inquiries and complaints. Our Procedures Manual was peer reviewed by an Office Manager in the Department of Territory and Municipal Services in November 2008. The Manual will be reviewed annually.

## **A.6 Financial Report**

The ACT Government appropriation for the Office in the 2008-09 financial year is \$1,437,000.

The 17 councils of the Australian Capital Region have provided the Office with \$347,000 for the *Regional State of the Environment Report 2008*.

The financial transactions for the Office are formally reported in the consolidated financial statements of both the Department of Territory and Municipal Services for the period 1 July 2008 to 10 November 2008 and the Department of the Environment, Climate Change, Energy and Water for 2008-09 for the period 11 November 2008 to 30 June 2009 Annual

Reports as part of the 'Expenses on Behalf of the Territory'.

Water Annual Report as 'Expenses on Behalf of the Territory'.

## A.7 Statement of Performance

The statement of performance for our Office is included in the Department of the Environment, Climate Change, Energy and

The Commissioner reports outputs against accountability indicators in the Department of the Environment, Climate Change, Energy and Water portfolio report. The report for 2008-09 is set out in Table 1.

**Table 1: Accountability Indicators for the Office of the Commissioner for Sustainability and the Environment**

Description: Publication of the State of the Environment Report, investigation of complaints by Ministerial direction, or where a Territory agency's actions would have a substantial impact on the environment.

Accountability Indicators	Original Target 2008-09 <sup>4</sup>	Amended Target 2008-09	Actual Result 2008-09 <sup>5</sup>	Variance from Amended target	
Total Cost (\$'000)	\$0	\$1,107	\$1,028	-7%	The variance largely reflects the funding rolled over to 2009-10 for the State of the Environment Report.
Expenses on behalf of the Territory	\$0	\$1,107	\$750	-32%	The variance largely reflects the funding rolled over to 2009-10 for the State of the Environment Report.
The Australian Capital Region State of the Environment Report 2008	0	November 2008	December 2008	1 month	The Report was scheduled to be available on the website by the end of November 2008; however, it was loaded onto the website on 12 December 2008.

<sup>4</sup> There are no budget numbers in the Original Target column as the Department was created after the publication of the 2008-09 Budget.

<sup>5</sup> The target for this measure was met prior to the transfer from the Department of Territory and Municipal Services.

Accountability Indicators	Original Target 2008-09 <sup>4</sup>	Amended Target 2008-09	Actual Result 2008-09 <sup>5</sup>	Variance from Amended target	
Report on the uptake of recommendations on the ACT State of the Environment and special reports	0	September 2008	September 2008	0%	
Completion of Ministerial initiated investigations in accordance with the Minister's direction	0	100%	N/A	0%	
Completion of Commissioner initiated investigations in accordance with the Terms of Reference	0	100%	N/A	N/A	There were no Commissioner initiated investigations.
Completion of complaints generated investigations in accordance with the Terms of Reference	0	100%	N/A	N/A	There were no complaint generated investigations.
Report on complaints about management of the environment by the Territory or a Territory agency	0	September 2008	September 2008	0%	

The above Accountability Indicators were examined by the ACT Auditor-General's Office in accordance with the *Financial Management Act 1996* and the *Financial Management (Statement of Performance Scrutiny) Guidelines 2008*.

## A.8 Strategic Indicators

Our Office is not required to present Strategic Indicators.

## A.9 Analysis of Agency Performance

This section of the report complies with the *Commissioner for the Environment Act 1993* specifically:

- Section 14 (8) which requires reporting of complaints that were received which did not proceed to a full investigation, and the reason for their not doing so;
- Section 20 (a) any special factor that the commissioner believes had a significant impact on the environment during the year;
- Section 20 (b) measures taken during the year by or for the Territory in relation to the implementation of any recommendations in a state of the environment report under section 19 or special report under section 21; and
- Section 23 information to be included in agency annual reports.

A summary of inquiries, complaints and investigations can be found in Table 4.

### **Commissioner for the Environment Act 1993 Section 14(8) Requirements**

#### **General inquiries and complaints**

During 2008-09, the Office received 219 general inquiries and complaints by telephone or email. This number represents a decrease of approximately 11 per cent from the previous year's total of 240.

This decrease is attributable to the fact that previously the Office was the only 'Environment' contact in the Government section of the *White Pages*. In 2007-08, almost 90 per cent of inquiries were redirected to the appropriate authorities. A general 'All Environment Enquiries' number has been placed in the 2008 *White Pages* directing people to Canberra Connect.

#### **Formal complaints from 2007-08**

The number of formal complaints increased from six in 2007-08 to 14 in 2008-09 which is a 230 per cent increase. During 2008-09, the Office closed 14 complaints, four of which were lodged in 2007-08 and 10 lodged in 2008-09. The office has four unresolved complaints.

#### **Complaints lodged in 2007-08 and closed 2008-09**

##### ***Chifley - Gum tree (complaint 1: lodged December 2007 - closed April 2008; complaint 2: lodged 17 March 2009 - closed June 2009)***

*Nature of complaint:* The affect of a gum tree on the mobility of a disabled resident in Chifley.

*Process:* The Department of Territory and Municipal Services, the Department of Housing and Community Services and the ACT Planning and Land Authority were involved with the initial complaint. An agreement was reached on 9 April 2008 that the Department of Housing and Community Services would design and build an awning structure. However, as the awning had not been constructed, this catalysed a second complaint to our Office on 17 March 2009. In handling this complaint, the Commissioner recommended that the Department of Territory and Municipal Services:

- remove the tree and plant a replacement tree of a different species in a more appropriate location;
- provide training in Human Rights to staff who are involved in tree management decisions;
- consider the context of a tree and not just focus on its health when making decisions regarding tree removal; and
- adopt a more flexible approach in special circumstances where a tree adversely affects people, particularly those with a disability.

*Implementation of recommendations:* Parks, Conservation and Lands advise that the eucalyptus tree was removed from the verge of the residence in Chifley as agreed and arrangements have been made to plant a suitable replacement tree in September 2009.

***Aranda Bushland weeds (lodged February 2008 – closed January 2009)***

*Nature of complaint:* A community group regarding weeds in the land abutting the Aranda Nature Reserve.

*Process:* The Parks, Conservation and Lands Unit in the Department of Territory and Municipal Services were contacted and provided advice on the weed spraying program for the Aranda Nature Reserve. Parks, Conservation and Lands also advised that due to both the resourcing available at the time and the passing of the seasonal window available for the effective control of St John's Wort, no further control was planned for this site until spring/summer of 2009. During this coming season Parks, Conservation and Lands plans to undertake follow-up control on the areas recently sprayed and also undertake control on additional areas of the reserve surrounding the Snow Gums.

***Block 12 Section 2 Belconnen, dead tree (lodged February 2008 – closed November 2008)***

*Nature of complaint:* A dead endemic *Eucalyptus melliodora* (Yellow Box) tree on Block 12 Section 2 Belconnen, at the corner of Nettlefold Street and Coulter Drive.

*Process:* the Office contacted the Department of Territory and Municipal Services seeking information and requesting that the owner be contacted to determine what actions were proposed with respect to removing the dead tree and if there is to be a replacement replanting. As the Commissioner was the Conservator of Flora and Fauna in 2002-03, and therefore involved in aspects of the decision-making process, an arborist was engaged to provide independent advice. The *Report on Block 12 Section 2 Belconnen by Mr Mark Carmody with comments and recommendations regarding tree protection by Dr Maxine Cooper Commissioner for Sustainability and the Environment 25 November 2008* contains nine recommendations. A copy of this Report was provided to the complainant, the Department of Territory and Municipal Services and the Minister for the Environment, Climate Change and Water.

*Implementation of recommendations:* The Department of Territory and Municipal Services have provided the information in Table 2 regarding progress on the eight recommendations in the Report.

**Table 2: Progress on recommendations regarding Block 12 Section 2 Belconnen**

Recommendations	Progress
<b>Specific Recommendations</b>	
1. The dead tree should be removed for public safety purposes.	On a site visit on 8 March 2009, the lease holders indicated they intended to remove the tree. The tree is situated on a private lease and as such is the responsibility of the lessee.
2. The Conservator, as a matter of priority, should assess the endemic trees, as a group, on	The group of trees has been presented to the Conservator for consideration for Provisional

Recommendations	Progress
Block 12 Section 2 Belconnen to determine if they should be on the Tree Register.	Registration and recommendations of additional trees.
3. The Conservator, in liaising with the lessee, should recommend that the dead tree be replaced by a grove.	A recommendation to plant a grove has been suggested to the lessee of the site. However, as the land is leased no enforcement of the recommendation can be made.
<b>General Recommendations</b>	
4. A formal system of tree monitoring and auditing should be developed.	The Tree Protection Unit is in the process of developing the audit program so that tree inspections are programmed rather than random and reportable for external audit of the process.
5. The Conservator should audit/assess the cumulative effects of the ACT Planning and Land Authority's implementation of the Conservator's recommendations.	Implementation of the proposal is under consideration by the Department and is to be incorporated into the role of the Department's Conservator Liaison role.
6. The Tree Register should be populated by the Conservator/Department undertaking administrative processes in a timely manner, and current nominations should be resolved in the first quarter of 2009.	The Tree Protection Unit is working towards populating the Tree Register and a system that will encompass regular monitoring of all 'registered trees'. Approximately 40 sites listed on the Heritage Register have been inspected and assessed for trees suitable for entry onto the Significant Tree Register. Approximately 13 trees have now been provisionally registered and advertised as required in the Canberra Times.
7. The effectiveness and value of the Conservator's/Department support to lessees with a registered tree on their property should be monitored.	
8. Principles for managing a site with a Registered Tree that has died should be developed by the Conservator/Department. Lessees should be informed of these principles before a tree is registered. In developing these principles the community and key stakeholders should be consulted.	

***Tuggeranong Canberra Technology Centre - proposed development (lodged June 2008 - closed October 2008)***

*Nature of complaint:* A community member was concerned with the ecological assessment of the proposed Canberra Technology Centre site.

*Process:* The Office requested information from the ACT Planning and Land Authority and ActewAGL. The complainant was advised of the assessment process for a development application lodged with the ACT Planning and Land Authority, how it is assessed against the requirements of the Territory Plan and relevant guidelines and any issues raised in the Environmental Impact Statement.

**Complaints lodged and closed in 2008-09**

***ACT State of the Environment Report 2007/08 - school closures (lodged September 2008 - closed November 2008).***

*Nature of complaint:* That the Towards 2020 education policy and its effectiveness in reducing greenhouse gas emissions should have been reported on in detail in the ACT State of the Environment Report 2007/08.

*Process:* The Office advised that the next State of the Environment Report will address sustainable transport.

***Noise from an Air Conditioner in O'Connor (lodged September 2008 - closed November 2008)***

*Nature of complaint:* The complainant contacted the Environment Protection Authority about noise from a neighbour's air conditioner but felt the Authority was not acting quickly enough.

*Process:* The Environment Protection Authority was contacted and advised that the residents required a third validated complaint so that the Environment Protection Authority was able to issue an Environment Protection Order or Infringement Notice. The Environment Protection Authority issued an infringement notice in April 2009.

***Proposed development of Miowera, Block 241 Paddy's River (lodged September 2008- closed November 2008)***

*Nature of Complaint:* The assessment process in regards to the proposed development of Miowera, Block 241 Paddy's River.

*Process:* The Office contacted the ACT Planning and Land Authority who advised that:

- the proposed development is an adjunct use, so does not require a variation to the Territory Plan;
- no development application has been lodged for the proposed use, therefore no consideration has been given to the potential for environment impacts resulting from such a proposal; and
- development applications are publicly notifiable and are subject to appeal.

When the development application is lodged, this Office has requested that the Terms of Reference for the environmental impact statement be made available to the community.

*Implementation of recommendation:* ACT Planning and Land Authority advise that a development application had not been lodged as at 30 June 2009.

***Removal of a bore in O'Malley (lodged July 2008 – closed October 2008)***

*Nature of complaint:* A resident was notified by the Environment Protection Authority that as a result of changes to the *Water Resources Act 2007* the resident would no longer be eligible for a licence and as such the groundwater bore would be shut off.

*Process:* The Office sought advice from the Government Solicitors Office and the Environment Protection Authority. The advice provided to the complainant was correct and in accordance with section 76(2) (a) of the new Act.

***Poor management of Canberra's Southside Nature Parks (lodged August 2008 – closed September 2008)***

*Nature of complaint:* A parkcare volunteer contacted our Office regarding the poor management of Canberra's Southside Nature Parks, in particular, Mt Wanniasa, Farrer Ridge and Mt Taylor. The complaint mainly concerns weeds management including mowing regimes, spraying and coordination across sections of the organisation; and allowing children to chop down small Red and Yellow box trees, light fires and build mountain bike trails which displace native flora and mossy rocks.

*Process:* The Office contacted the Department of Territory and Municipal Services. A ranger from Department of Territory and Municipal Services contacted the complainant.

***Removal of a large gum tree in Calwell (lodged August 2008 – closed September 2008).***

*Nature of complaint:* The complainant had lodged three separate 'Applications to Undertake a Tree Damaging Activity' and Annual Report 2008-09

each one was rejected based on the advice of two different independent assessors. The applicant, on each occasion, also sought a Reconsideration of Decision from the Conservator of Flora and Fauna. All applications were refused.

*Process:* The Office sought advice from the relevant agencies. The Office suggested that the complainant contact the Administrative Appeals Tribunal.

***Wanniasa Loud music (lodged November 2008 – closed January 2009)***

*Nature of complaint:* Loud music from a neighbour in Wanniasa.

*Process:* The Office contacted the Environment Protection Authority who advised that under the *Environment Protection Act 1997*, the Environment Protection Authority require three validated complaints so that they are able to issue an Environment Protection Order or Infringement Notice to the residents generating the noise. The Environment Protection Authority advised that as of 30 June 2009, the complainant had not contacted them again.

***Kangaroo Cull Permit (lodged November 2008 – closed May 2009)***

*Nature of complaint:* Changes to the process of notification of the accreditation test for a Kangaroo Cull Permit in 2008 that disadvantaged the complainant seeking a licence.

*Process:* The Office consulted with the staff of the Department of Territory and Municipal Services and the Australian Federal Police. This resulted in the Department of Territory and Municipal



Services agreeing to include the complainant in the next accreditation test provided that a rural lessee offers to sponsor him, in writing, and that the Australian Federal Police agree.

*Implementation of Recommendations:* Parks, Conservation and Lands advise that an additional firearms proficiency test will be conducted in September 2009, specifically for the 2010 cull season. The participants of this test will also have to undertake a proficiency test in 2010 (with other previously accredited shooters), in preparation for the 2011 and 2012 cull seasons. The complainant was supplied with the relevant information and has been nominated by a rural lessee as their shooter.

***Retrofitting buildings to reduce greenhouse gas emissions (lodged March 2009 – closed June 2009)***

*Nature of complaint:* lack of progress in retrofitting buildings to reduce greenhouse gas emissions, in particular, from buildings and in relation to the Government's 'Weathering the Change' document to describe its Climate Change Strategy 2007-2025.

*Process:* The Office met with officers from both the Department for the Environment, Climate Change, Energy and Water and the Secretary of the Standing Committees in the Legislative Assembly. The Office also meet with the CSIRO's Climate Adaptation Flagship staff to develop a project to progress adaptation and behavioural changes in the ACT in response to climate change. The office held a meeting with relevant stakeholders on 25 June to progress this issue.

*Implementation of recommendations:* A community paper on the topic will be developed by our Office in 2009-10.

***Recyclable Milk Crates (lodged May 2009 – closed May 2009)***

*Nature of complaint:* Recyclable milk crates not being recycled at a shopping centre and ending up in landfill via large commercial waste containers.

*Process:* The relevant people were contacted and made aware of the situation.

***Complaints lodged in 2008-09 and yet to be closed***

***Mugga Lane Tip and Parkwood Landfill Sites (lodged August 2008<sup>6</sup>)***

*Nature of complaint:* The management of fluid waste and leachate at the Mugga Lane Tip and atmospheric contaminants at the old Parkwood Landfill Site.

*Process:* Our Office contacted ACT NOWaste, ACT Health and the Department of Territory and Municipal Services to source information relevant to the complaint. The Office is waiting on a response from the agencies.

***Rural landholder concerns about kangaroos (lodged March 2009<sup>7</sup>)***

*Nature of complaint:* A community group raised three issues about kangaroo culling:

- Kangaroo Cull Allocations (Licence to Cull) for 2009;

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<sup>6</sup> The matter was closed on 1 July 2009.

<sup>7</sup> The matter was closed on 9 July 2009.

- the process for accreditation for a Kangaroo Cull Permit (Shooter) for the 2009-10 season; and
- excessive kangaroo numbers in reserves.

*Process:* The Office contacted the Department of Territory and Municipal Services and is awaiting their response. This matter is yet to be closed.

***Tuggeranong Canberra Technology City - Proposed development (lodged March 2009)***

*Nature of complaint:* The complainant has raised issues relating to both environment and health, in particular the potential greenhouse gas emissions and air quality issues associated with the proposed development. The complainant does not believe that either the government or the proponent has taken the full impact of the proposal on the environment into account and that the data used to predict levels of air particulates (PM2.5) was not the most currently available (at that time).

*Process:* The Office is awaiting information from the relevant agencies.

***Water re-use innovation – (lodged June 2009)***

*Nature of complaint:* Industry complaint regarding constraints on water re-use innovation.

*Process:* The Office is awaiting information from the relevant agencies.

***Commissioner for the Environment Act 1993 Section 20(a) Requirements***

During 2008-09 a number of natural and human factors had a significant impact on our environment. In response to these impacts, both in the last and previous Annual Report 2008-09

years, a number of initiatives have been progressed and introduced by the Commonwealth and ACT governments, non-government organisations and our community.

**Ecological Footprint<sup>8</sup>**

Pressures on our environment are evident from our ecological footprint of 8.5 global hectares<sup>9</sup>, which is nearly four times higher than the global average, and a 15 per cent increase per person since 1998-99<sup>10</sup>. This tells us that in Canberra we are consuming at an unsustainable rate. Our Office intends to update the ecological footprint during 2009-10 as it is considered to be an important measure of our overall progress towards sustainability and our Office's vision of 'Living Sustainably'.

Following are some of the natural and human impacts which guide our Office to advance sustainability and environmental security through advocacy, independent scrutiny, reporting and advice.

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<sup>8</sup> An ecological footprint is a measure of the area of land needed to support the lifestyles of urban residents; it includes raw materials for food, building, energy and so on, as well as the area required to absorb the carbon dioxide emitted from our consumption of resources.

<sup>9</sup> A global hectare is where one hectare of biologically productive space with 'world average productivity' is equal to one unit.

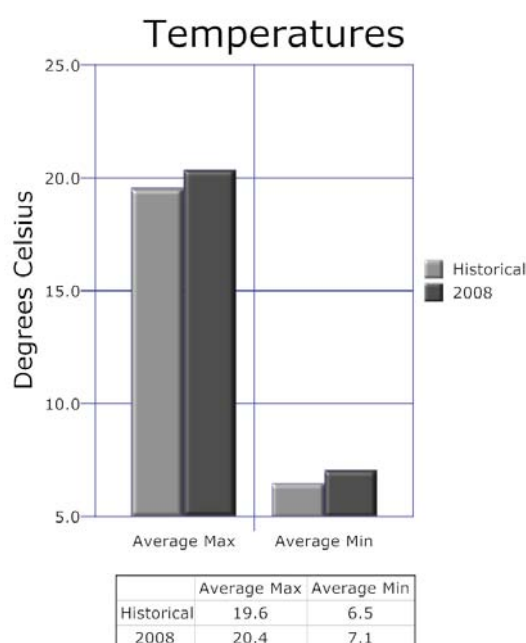
<sup>10</sup> Centre of Integrated Sustainability Analysis (The University of Sydney) 2008, *The 2003-04 Ecological Footprint of the population of the Australian Capital Territory* as reported in the ACT State of the Environment Report 2007/08.

### Weather and Climate Change

Climate change and climate variability are increasingly important issues which will continue to present challenges and opportunities for the ACT.

During 2008, the day-time (maximum) temperatures were above average for the 12th consecutive year.

**Figure 1: Maximum and minimum temperatures**



The year 2008 was the 17th warmest year since records commenced in 1939.

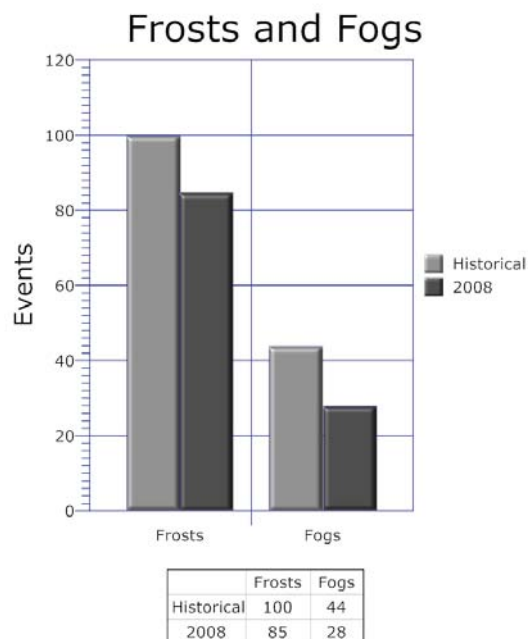
Canberra also experienced another year of above average annual minimum temperatures during 2008 ranking 13th warmest out of 69 years of records as shown in Figure 1.

Canberra recorded 22 thunderstorms during 2008 compared to the historical average of 26.

The time of sunshine for Canberra during 2008 averaged 8.1 hours per day which is slightly above the historical average of 7.7 hours per day.

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**Figure 2: Occurrence of frost and fog**

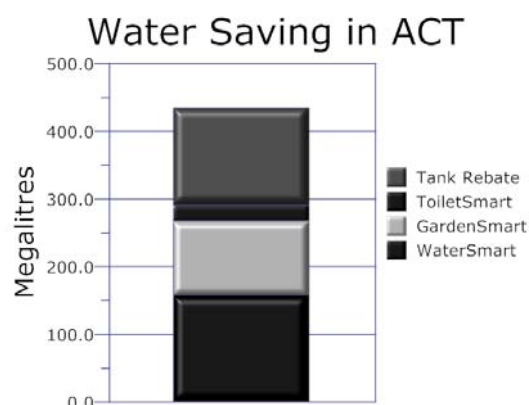


There were a total of 85 frosts during 2008, below the annual average of 100. Only 28 fogs occurred at the airport, below the annual average of 44 as shown in Figure 2.

In response to the challenge of climate change, the Government released *Weathering the Change* – the ACT Climate Change Strategy 2007-25 in July 2007. This Strategy is designed to be implemented through a series of Action Plans to be undertaken throughout the life of the Strategy. The Actions under *Weathering the Change* are being undertaken by various departments. Within the context of *Weathering the Change* Action 2, the Commissioner will conduct an environmental performance audit/assessment of ACT Government reporting on its use of some key environmental resources in 2009-10.

The Australia National University Climate Change Institute is conducting a *Climate Vulnerability and Adaptation in the Australia Capital Region* project which is funded by

**Figure 3: Water savings by initiative**



### Energy Demand

With both increasing population and energy costs now and into the future, energy demand is a significant issue. Within the ACT there are a number of initiatives being undertaken such as exploiting landfill gas in both the Belconnen and Mugga Lane landfills to create energy, a proposed solar farm and planning processes to encourage passive solar design and uptake of solar panels. The ACT Government has introduced the following initiatives to reduce greenhouse gas emissions and move towards reducing our impacts on the environment and our ecological footprint.

### **Greenhouse Gas Emissions**

The ACT Government's policy of zero net emissions<sup>13</sup>, otherwise known as carbon neutrality, provides a clear target. As

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<sup>13</sup> Mr Simon Corbell, MLA, Minister for the Environment, Climate Change and Water and Minister for Energy, ACT Legislative Assembly Standing Committee on Climate Change, Environment and Water, 13 May 2009.

reported in the *ACT State of the Environment Report 2007/08*, greenhouse gas emissions in the ACT (in 2005) include:

- 72.2 per cent from stationary sources such as heating, cooling and lighting such as urban building and form. Our *per capita* use of both electricity and gas continues to increase;
- 22.8 per cent from transport; and
- 4.7 per cent from waste.

There are around 117,000 buildings in the ACT<sup>14</sup> and there are a number of Commonwealth and ACT government programs and incentives available to Canberrans to reduce energy demand and combat green house gas emissions including:

- The Energy Efficient Homes Package which includes incentives for installing ceiling insulation and solar hot water systems.
- The Green Loans Program which assists Australian families to install solar, water saving, and energy efficient products.
- Solar Credits under the Renewable Energy Target will be provided in the form of Renewable Energy Certificates for people who have installed a new solar photovoltaic system from 9 June 2009. For example, based on a \$50 Renewable Energy Certificate price in 2009: a solar photovoltaic system in Canberra will receive \$5,150 for a 1 kilowatt system; and \$7,750 for a 1.5

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<sup>14</sup> ABS 2006 Census.

kilowatt system. The number of Solar Credits created for a system will depend on the amount of renewable energy the system generates.

The ACT Government provides energy efficiency programs and rebates for residents as incentives for undertaking improvements in energy efficiency in and around their home including:

- Feed-in Tariff Scheme which commenced on 1 March 2009 rewards households and small commercial renewable energy generators of up to 30 kilowatts in capacity (about 180 standard photovoltaic panels) that install renewable energy generation technology by paying a premium price for the electricity they generate.

In the period up to 30 June 2009, 163 new solar connections were established in the ACT bringing the total number of installations to 731 (an increase of 28.7 per cent over that period). It is estimated that the Scheme will lead to a reduction of 102,000 tonnes of greenhouse gas emissions over its first 5 years of operation. As part of launching the Scheme, the Government also undertook to examine in detail the appropriateness and possible basis on which larger scale generators (greater than 30 kilowatts in capacity) may be able to participate in the Scheme.

- Home Energy Advice Team and ACT Energy Wise Audit provides a free Advisory Service to help ACT residents identify ways to save money and reduce green house gas emissions by reducing their energy consumption in and around the home. The ACT Government also provides a \$500

rebate for expenditure of \$2,000 or more on the priority recommendations in your home audit report. For those claiming the rebate, the \$30 audit fee is also refunded.

From November 2004 to the end of May 2009 there were 13,741 enquiries from residents and small business on energy efficiency related issues. Also during this period, there have been 2,808 residential energy audits, of which 2,807 have qualified for the rebate. About 50 per cent of these audits resulted in an energy upgrade involving expenditure of \$2,000. This suggests that around 1 per cent of the ACT's buildings have been made more energy efficient as a result of support from this program. In 2008-09, 30 rebates were made.

- Home Energy Action Kits to audit homes and develop a Home Energy Action Plan.

In addition, the ACT Government is providing funding for:

- existing office buildings through the *Tune Up Canberra* program, a two year program which will provide incentives for commercial property owners to improve energy efficiency in existing buildings by matching funds for retrofitting to achieve a reduction in energy use and emissions;
- energy efficiency improvements in government housing. By March 2009, improvements had been made to 744 properties with a focus on efficient hot water systems, draught sealing, upgrading

ceiling insulation and installing wall insulation;

- schools to become carbon neutral by the introduction of energy efficiency retrofits to existing school buildings and infrastructure. This includes heating ventilation and cooling, shading, glazing, lighting upgrades, air locks and insulation. The Department of Environment, Climate Change, Energy and Water advised our Office that as at 30 June 2009, 104 of 127 ACT schools (80 per cent) are involved in the Australian Sustainable Schools Initiative. Eight schools have completed energy audits and have school environmental management plans in place. All school upgrades are being made with energy and water savings in mind.

### ***Sustainable Transport***

Canberra is a city that is too dependent on cars, 81 per cent of us use cars to get to and from work. In addition as highlighted previously, transport makes up 23 per cent of greenhouse gas emissions (in 2005) and is another significant source of energy consumption. This also contributes to our ecological footprint. Achieving sustainable transport is a key challenge for the ACT and must be explored in an integrated, innovative way by examining, for example, alternative forms of public transport, greater use of car pooling, parking pricing, vehicle technology as well as greater use of cycling and walking.

The ACT Government is developing a *Sustainable Transport Action Plan* to implement its *Sustainable Transport Plan* over the next six years. This will consist of

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strategies for parking, public transport, walking and cycling and is going through extensive consultation on these key strategies. As part of this consultation, the Commissioner was asked by the Chief Minister on 11 June 2009 to chair a 'Transport Roundtable' to be held on 27 July 2009, the first community engagement activity during the development of a Canberra Transport Plan in 2009-2010.

In October 2009, our Office will launch the 'What Can I Do in My Travels?' campaign which encourages participation in Energy Awareness Month, World Walk to Work Day and National Ride to Work Day and increases awareness about transport and greenhouse gas emissions.

### ***Waste***

Our Office was advised that a new waste strategy will be developed by the Department of the Environment, Climate Change, Energy and Water to replace the current ACT waste strategy, *No Waste by 2010*. *No Waste by 2010* achieved an improvement in recycling rates in the ACT from 42 per cent in 1996 to 74 per cent in 2008. However, total waste produced in 2006-07 compared to 1994-95 was 87 per cent more, yet population growth was around 10 per cent.

Reducing waste to landfill from the commercial sector is a priority because this sector generates:

- over half of all waste to landfill (110,000 tonnes in 2007-08);
- significant food waste creating opportunities for compostable recycling collection and processing in the ACT; and

- specific waste items that are a growing problem such as electronic waste including computers and televisions.

Another significant waste issue is that of electronic waste being electric and electronic equipment that have ceased to be of any use to their owners. A major problem associated with electronic waste is the speed with which it is generated being one of the fastest growing areas of the international waste stream and increasing at a much higher rate than all other waste streams<sup>15</sup>. Since January 2004, the ACT's policy has been to divert computers from landfill to be recycled<sup>16</sup>.

The Canberra Environment and Sustainability Resource Centre with the support of the Australian National University and our Office organised an E-Waste Think Tank in May 2008 to help establish a more strategic response to the growing problem of electronic waste in Australia. Some of our recommendations in our *ACT State of the Environment Report 2007/08* relating to waste are: to increase community education and promotion to further reduce recyclables in potential landfill; to raise awareness about electronic waste and to promote waste minimisation as a practical way to advance sustainability. In August 2009, the Office

will launch its 'What Can I Do?' media campaign with a key focus on waste especially during the festive season in 2009-2010.

### **Urban Development and Nature Conservation**

A challenge for Canberra's planners and developers which was highlighted during the ACT Lowland Native Grassland Investigation, is to simultaneously maintain an effective balance between providing for urban development and protecting the environmental values of the urban open space and natural areas.

### **Urban Development**

There have been a number of development proposals during 2008-09 by both the Commonwealth and ACT governments including:

- A northern access road to link the Fairbairn precinct of the airport to Majura Road, immediately north of the airport. Under this proposal, the Australian Government would excise 38 hectares of land adjoining the northern boundary of the airport from the Majura Training Area to the Department of Transport and Regional Services for incorporation into the lease area of Canberra International Airport. The Canberra Airport Group intends constructing a dual carriageway (four lanes) including a median strip and cycle path. The planned route for this road is through a Category 1: Core Conservation Site containing the largest remaining patch of endangered Natural Temperate Grassland in the ACT. These grasslands provide habitat for a

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<sup>15</sup> Herat, S. (2007) Sustainable Management of E-Waste. *Clean*, 35 (4), 305 – 310.

<sup>16</sup> Territory and Municipal Services (2006) Computer Recycling.  
[http://www.tams.act.gov.au/live/Recycling\\_and\\_Waste/factsheets/computers](http://www.tams.act.gov.au/live/Recycling_and_Waste/factsheets/computers)

number of threatened species, including the Grassland Earless Dragon. As the approval for the excision of land resides with the Prime Minister, the Commissioner wrote to him on 16 October 2008 seeking reassessment of the proposal; taking into account the need for the road against the potential extinction of a species, the availability of more recent data and the increased pressures on the land since the department undertook its assessment in December 2007. The Minister for Environment, Heritage and the Arts, the Hon Peter Garrett AM MP, responded on 20 January 2009 indicating that the department is currently reviewing the result of recent monitoring of the apparent decline in the population of Grassland Earless Dragon and the Natural Temperate Grassland in the Majura Valley and will consider that information if a referral to build a road through the site is made under the *Environment Protection and Biodiversity Conservation Act 1999*.

- The Majura Parkway Project. ACT Roads proposes to construct a four lane dual carriage way road approximately 11.5 kilometres in length through the Majura Valley on the east side of Canberra. Given the potential significant impact such a development could have on the grasslands in the Majura Valley, the Commissioner wrote to the Director Roads ACT on 16 October 2008 asking that road access to the proposed Kowen development be located outside areas of Natural Temperate Grassland, to not adversely impact these areas of high conservation value in the Majura Valley. At a

meeting about the Majura Parkway Environmental Impact Assessment on 19 December 2008, we were informed that the east-west Kowen road had been removed from the options.<sup>17</sup>

- Lawson South includes the Lawson Territory lowland native grassland site which is a Category 3: Landscape and Urban Site comprising mainly native pasture. In the Report on the ACT Lowland Native Grassland Investigation the Commissioner made two recommendations pertaining to this site being: the inclusion of an adequate buffer to provide habitat and an asset protection zone and a long term grasslands management plan covering the Belconnen Naval Transmission Station site.

The *ACT State of the Environment Report 2007/08* included two recommendations aimed at fostering sustainable development:

- to continue to implement the Canberra Spatial Plan, particularly focusing on achieving higher densities and maintaining ecological corridors; and
- maintain and enhance connectivity between core conservation areas. This needs to be given a high priority in planning greenfield and urban renewal developments and major infrastructure projects and is highlighted by the above proposals.

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<sup>17</sup> This does not mean that this option will not be re-investigated at some future time.



## Other Initiatives

### ***Review of the Nature Conservation Act 1980 and the Nature Conservation Strategy 1997***

The Department of the Environment, Climate Change, Energy and Water progressed its review of the *Nature Conservation Act 1980* and decided to concurrently review the *Nature Conservation Strategy (1997)*. This review should address two of the recommendations in the *Report on the ACT Lowland Native Grassland Investigation* which related to the review of the *Nature Conservation Act 1980* being to: 'streamline ACT Government planning and nature conservation legislation to ensure all land management matters are covered, and to ensure that lowland native grassland, in particular Natural Temperate Grassland ecosystems are protected by the Conservator of Flora and Fauna having powers to direct, when necessary, that land management actions be undertaken'.

### ***ACT Biodiversity Offsets Policy Framework***

The Department of the Environment, Climate Change, Energy and Water is developing an ACT Biodiversity Offsets Policy. Recommendation 5 in the *Report on ACT Lowland Native Grassland Investigation* is to; 'ensure that lowland native grassland, in particular Natural Temperate Grassland, ecosystems are protected by innovative mechanisms such as conservation leases, voluntary agreements, bio-banking and offset are investigated and progressed'.

Our Office is pleased to see that work on an offset policy is being advanced and encourages the development of a policy that is tailored to the needs and context of the ACT, targeted in its approach in order

to achieve its objectives, integrated with existing processes and making its administration is as simple as possible.

### ***Community Involvement***

The Canberra community has great capacity to embrace sustainability. This is exemplified by the range of community groups working on sustainability and environmental related projects including Go Zero CO2 Farrer, a community group dedicated to achieving carbon neutrality for every household in that area. Canberra residents in general are very supportive of, and involved in, sustainability actions such as Earth Hour, World Environment Day and the Sustainable Careers Expo.

There are also a number of groups actively addressing sustainability and environmental issues such as ACT Otherwise, Green Steps, Conservation Council, SEE- Change groups, and numerous Landcare and Catchment Groups. A recommendation in our State of the Environment Report 2007/08 is for the Commissioner, to work with the ACT Government and key environmental and business groups, advocating climate change actions and community involvement.

In August 2009, our Office will launch the 'What Can I Do?' Campaign with a focus on what individuals can do to promote a better environment and work towards sustainability.

We all need to take personal responsibility to reduce our ecological footprint.....'the future is not somewhere we are going, it is something we are creating' (Professor Ian Lowe).

**Commissioner for the Environment Act 1993  
Section 20(b) Requirements**

***Implementation of recommendations in a State  
of the Environment Report***

The *ACT State of the Environment Report 2007/08* was tabled in the Legislative Assembly on 7 August 2008. The Report covers the period from 1 July 2003 to 30 June 2007 and contains 59 recommendations. The Government tabled

its response in June 2009. The ACT Government's response is positive. It agrees or agrees in principle with all of the Commissioner's recommendations.

The Government's response to the recommendations is summarised in Table 3.

**Table 3: Government response to recommendations in the *ACT State of the Environment Report 2007/08***

Recommendation
<p><b>Climate Change</b></p> <p>1. Ensure an effective response to climate change by:</p> <ul style="list-style-type: none"> <li>a. Giving a high priority to implementing the ACT Government's <i>Weathering the Change</i> strategy and action plan.</li> <li>b. The Commissioner's Office annually assessing the progress made in implementing <i>Weathering the Change</i>, in particular the ACT Government's progress towards carbon neutrality.</li> <li>c. The Commissioner, working with the ACT Government and key environmental and business groups, advocating climate change actions and community involvement.</li> <li>d. Asking the Australian Government to establish a new weather station in the ACT and ensuring data is adequately correlated with previous data from the weather station at Canberra International Airport.</li> </ul> <p><b>Government response: Agree</b></p>
<p><b>Air quality</b></p> <p>1. Make outdoor air quality data and information available to the public through an annual air quality report prepared by the Environment Protection Agency.</p> <p><b>Government response: Agree</b></p> <p>2. Gain a better understanding of indoor air quality to inform building design, maintenance and use by:</p> <ul style="list-style-type: none"> <li>a. Monitoring selected public and private buildings with the results being made public and used to inform management of the buildings.</li> </ul>

#### Recommendation

- b. Providing information to the community on the importance of regularly introducing fresh air into buildings.
- c. Advising occupants of new or renovated buildings and those with new furniture and fittings (such as carpet and underlay) to air the house as much as possible in the first few days following installation.

**Government response: Agree**

#### Conserving biodiversity

1. Strengthen the nature conservation estate by:

- a. Completing the Territory's nature conservation estate by protecting the few remaining areas of high conservation value including natural temperate grasslands (in the Majura and Jerrabomberra valleys), Yellow Box-Red Gum Grassy Woodlands (at Kinlyside, Kama-Molonglo Valley) and the Snow Gum-Candlebark Tableland Woodland. This must include full assessment and recording of the location and condition of remaining examples of Snow Gum-Candlebark Tableland Woodland.
- b. Protecting lands identified for nature conservation under the Territory Plan in a timely manner. Priority should be given to Jerrabomberra East native grassland nature reserves.
- c. Considering Goorooyaroo and Mulligan's Flat nature reserves (Yellow Box-Red Gum Grassy Woodlands) for designation as a national park. It may be that Goorooyaroo-Mulligan's Flat should be part of a network of areas considered for designation as a national park or be given additional protection and recognition by some other overarching designation.

**Government response: Agree in principle**

2. Strengthen partnerships by:

- a. ACT Government agencies working with qualified community groups (such as the Canberra Ornithologists Group) to ensure data collected are made available for use in planning and managing the Territory's natural resources.
- b. ACT Government and Australian Government agencies, and private landholders responsible for managing native grasslands cooperating with the scientific community and community groups in developing management actions that will ensure survival of threatened grassland communities and the species they support.

**Government response: Agree**

### Recommendation

#### 3. Achieve effective nature conservation management by:

- a. Finalising, implementing and monitoring management plans, with all stakeholders participating and progress being publicly reported, particularly for:
  - (i) Jerrabomberra Wetlands Nature Reserve Management Plan,
  - (ii) Lower Cotter Catchment,
  - (iii) Namadgi National Park,
  - (iv) Googong Foreshores.
- b. Finalising, implementing and monitoring the ACT Weeds Strategy.
- c. Maintaining and enhancing connectivity between core nature conservation areas. This needs to be given a high priority in planning greenfield and urban renewal developments and major infrastructure projects.
- d. Developing and implementing an interim policy to allow for limited commercial seed collection on selected unleased sites, pending completion of the review of the Nature Conservation Act.
- e. Assessing and implementing mitigation actions on the potential impact of illegal fishing on the remnant population of the threatened Macquarie Perch (*Macquaria australasica*) in the Cotter Reservoir and the Cotter River between the reservoir and Pierces Creek junction.
- f. Finalising, implementing and monitoring the kangaroo management plan for the whole Territory. Consultation with the community is to occur at the planning stage.

#### Government response: Agree

#### 4. Improve the scientific knowledge of managers and custodians of the ACT nature conservation estate by:

- a. Continuing existing research, monitoring and evaluation programs.
- b. Ensuring threatened species and communities, and river biodiversity are the subject of research and monitoring programs, with results from these informing management actions.
- c. Monitoring and evaluating fire fuel management effectiveness and its effects on ecological and catchment conditions. A central and uniform source of information on all ACT fuel reduction activities, research, monitoring and evaluations should be created.

Recommendation
<b>Government response: Agree</b>
<p>5. Effectively control pest plants and animals to minimise adverse affects on nature conservation by:</p> <ul style="list-style-type: none"> <li>a. Continuing existing programs to manage known pest animals (foxes, dingoes/ wild dogs, pigs, rabbits, feral horses) and plants (Serrated Tussock, St John's Wort, Chilean Needlegrass, African Lovegrass). Given the significant increase in rabbits, existing rabbit control programs may need to be enhanced.</li> <li>b. Monitoring and controlling emerging pests, such as European wasps and deer. Given that European wasps affect humans as well as biodiversity there is a need to give priority to this species.</li> <li>c. Evaluating the effectiveness of pest animal and weed control programs in achieving pest control, biodiversity conservation and catchment management objectives. This information should be used in the ongoing management of such programs, and be made public.</li> </ul> <p><b>Government response: Agree</b></p>
<p><b>Catchment quality</b></p> <p>1. Improve catchment management by:</p> <ul style="list-style-type: none"> <li>a. Developing an ACT integrated water supply catchment management policy and strategy to guide, among other things, coordination of: <ul style="list-style-type: none"> <li>(i) scientific research,</li> <li>(ii) data collection,</li> <li>(iii) monitoring and reporting (including public information).</li> </ul> </li> <li>b. Monitoring the effects of urbanisation on the ACT region's water catchment and using the information in developing and implementing strategies in response to specific issues (for example, development of greenfield sites).</li> <li>c. Monitoring the effectiveness of the Gross Pollutant Trap network (including its supporting maintenance program) to identify ways to improve its overall effectiveness in protecting surface water quality.</li> <li>d. Determining the sources and loads of salts entering the wastewater treatment networks and using the information to develop strategies to reduce salt discharges to the Molonglo and Murrumbidgee Rivers.</li> <li>e. Ensuring the key indicators in the <i>State of the Environment Report</i>, <i>Natural Resource Management Plan</i> and other relevant ACT Government reports are reviewed and</li> </ul>

## Recommendation

aligned.

### Government response: Agree

#### 2. Further progress restoration efforts in the Lower Cotter Catchment by:

- a. Continuing the science-based approach to management with an emphasis given to monitoring and publicly reporting on recovery of this catchment.
- b. Further reducing water turbidity in streams through targeting areas of greatest vulnerability that have high rehabilitation potential.
- c. Clearly defining recreational activities, with protection of water being the highest priority.

### Government response: Agree

## Resource use

#### 1. Use resources more wisely by:

- a. Developing and implementing a sustainability community awareness program(s) on:
  - (i) waste minimisation and/or avoidance that emphasises this as the fundamental first step (before re-use, recycling or disposal) in effective waste management,
  - (ii) prudent and smart use of water and energy,
  - (iii) better building design, particularly for energy and water efficiency,
  - (iv) the relationship between i., ii. and iii, climate change and sustainability including the effect on the natural environment.
- b. Requiring all ACT Government agencies to report annually on their use of water, energy consumption, waste generation, and actions they propose undertaking to use resources more efficiently.
- c. Ensuring sustainability criteria are used to guide the assessment, planning and management of new uses for buildings no longer needed for school purposes (as per the *Towards 2020: Renewing Our Schools* program) and any other buildings disposed of as surplus to Government requirements.

### Government response: Agree

#### 2. Progress sustainable transport by:

- a. Continuing to implement and support the Territory's *Sustainable Transport Plan* by:
  - (i) finalising and implementing a Territory parking strategy (with supporting actions) for ACT lands and those in the parliamentary triangle (it will be important to ensure that the Australian Government supports this strategy),

## Recommendation

- (ii) developing a pedestrian action plan, in consultation with the community, to foster walking, particularly for commuter trips.
- b. Amending the Territory's *Sustainable Transport Plan* to include greenhouse gas emissions, energy efficiency and/or carbon neutrality targets for the transport sector, and specific efficiency targets, such as energy efficiency per person or persons per kilometre travelled.
- c. Developing and discussing with the community a paper on long-term innovative sustainable transport options for the Territory. Pending the results of this work, update the Territory's *Sustainable Transport Plan* to include any government-adopted options. An independently chaired, multidisciplinary taskforce should be charged with developing the options, consulting the community and reporting to government.
- d. The Commissioner's Office annually assessing the progress made in implementing the *Sustainable Transport Plan*.
- e. The Commissioner working with the ACT Government and key environmental and business groups to advocate that the community travel in a sustainable manner.

### Government response: Agree

#### 3. Manage land effectively by:

- a. Continuing to implement the *Canberra Spatial Plan*, particularly focusing on achieving higher densities and maintaining ecological corridors.
- b. Undertaking a Territory-wide land degradation assessment of erosion and soil salinity, and mapping the results.
- c. Determining the long-term use of all forestry land burned in the 2003 bushfire. (Some significant areas have already had their long-term land uses defined.)

### Government response: Agree

#### 4. Further advance waste management by:

- a. Developing and implementing a waste minimisation/avoidance action plan with specific measurable performance measures; No Waste would be an appropriate inspirational goal rather than being used as a target (for example, No Waste by 2010).
- b. Progressing a domestic and business organic waste collection system.
- c. Developing and implementing a Business Waste Reduction Strategy that includes:
  - (i) reducing waste,

### Recommendation

- (ii) recycling and reusing waste,
- (iii) collecting and reporting on data,
- (iv) holding a business's waste forum to encourage innovative and cost-effective approaches for reducing waste.

d. Increasing community education and promotion to further reduce recyclables in potential landfill waste.

e. Providing more facilities for recycling in public places and at major events.

f. Establishing an ACT e-waste consortium, including Australian and ACT Government agencies, universities and CIT, CSIRO, businesses, industry and other major e-waste generators to:

- (i) provide data on e-waste,
- (ii) raise awareness about e-waste,
- (iii) develop e-waste minimisation and management strategies,
- (iv) promoting waste minimisation as a practical way to advance sustainability.

**Government response: Agree**

### Community wellbeing

1. The community is kept informed and engaged in progressing the implementation of key government community strategies including:

- a. Affordable Housing Action Plan
- b. A New Way – Aboriginal and Torres Strait Islander Health and Family Wellbeing Plan 2006–11
- c. *Towards 2020: Renewing Our Schools*. Associated environmental and social equity implications need to be monitored in the long-term.

**Government response: Agree**

2. Community wellbeing and safety is strengthened by:

- a. Encouraging community health programs, particularly those aimed at exercise, healthy eating, mental wellbeing and minimising excessive alcohol consumption.
- b. Implementing an ongoing awareness program aimed at preventing vehicular collisions with kangaroos.

**Government response: Agree**

3. Noise management is improved by:



## Recommendation

- a. Informing the community, at point of sale, of ways to mitigate the noise impacts from air conditioners with external fans. (Information on energy consumption should also be supplied at point of sale.)
- b. Ensuring entertainment venues provide appropriate noise attenuation. In so doing they will need to meet planning and environmental conditions. The effectiveness of conditions that the Planning and Environmental Protection agencies impose should be monitored.

### Government response: Agree

#### 4. The Territory's heritage is better protected by:

- a. Asking the Australian Government to take account of the need for adequate heritage protection in the ACT when making changes to National Capital Authority responsibilities, including requiring the Authority to observe and comply with ACT heritage legislation.
- b. Asking the Australian Government to ensure heritage places affected by changes to federal legislation (due to take effect in 2012) are given the appropriate level of protection (for example, the Yarralumla Woolshed).

### Government response: Agree

As the Government response to the State of the Environment report was only tabled in June 2009, progress on the implementation of these recommendations will begin in 2009-10.

#### **ACT Lowland Native Grassland Investigation (commenced November 2007 – closed March 2009)**

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*.

The first part of the inquiry focused on the Belconnen Naval Transmission Station 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 11

recommendations to conserve the natural temperate grasslands and threatened species that have the grasslands as their habitat. Some of these recommendations have already been implemented.

On 12 March 2009, pursuant to section 21(d) of the Act, the Commissioner provided a copy of her *Report on ACT Lowland Native Grassland Investigation* to the Minister for the Environment, Climate Change and Water, Mr Simon Corbell.

The Report contains 32 recommendations of which Recommendation 21 and 15 were given the highest priority of urgent. In September 2009, the Minister for

Environment, Climate Change and Water is due to report to the ACT Legislative Assembly on the Government's response to the *Report on ACT Lowland Native Grassland Investigation* including recommendations contained in the report on the Belconnen Naval Transmission Station Site.

**Commissioner for the Environment Act 1993  
Section 23 Requirements**  
Our Office has no additional information to include for the 2008-09 reporting period.

**Table 4: Summary of inquiries, complaints and investigations**

<b>General inquiries and complaints received</b>	<b>219</b>
Inquirer directed to appropriate contact (e.g. Canberra Connect, Environmental Protection Authority, ActewAGL)	213
Action facilitated by our Office	6
Matter closed	6
<b>Formal complaints received</b>	<b>18<sup>18</sup></b>
Complaints on hand at end 2007-08	4
Complaints received during 2008-09	14
Complaints closed during 2008-09	14
Complaints pending	4
<b>Investigations directed by the Minister</b>	<b>1</b>
Investigation on hand at end 2007-08	1
Investigations commenced in 2008-09	0
Investigations closed during 2008-09	1
<b>Investigations initiated by the Commissioner</b>	<b>0</b>
Investigations initiated in 2008-09	0

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<sup>18</sup> This is the number of formal complaints the office dealt with during 2008-09, it includes the four complaints received but not closed in 2007-08.



## SECTION B – CONSULTATION AND SCRUTINY REPORTING

### B.1 Community Engagement

Our Office undertook a number of community engagement activities involving Expert Groups, reference groups and roundtables. Our major community engagement activities related to:

- the Regional State of the Environment Report 2008,
- finalisation of the Lowland Native Grassland Investigation,
- Youth Ambassadors, and
- consultation on our expanded role.

The Commissioner participated in a number of major community events such as: the launch of E-Waste Think Tank; Earth Hour walk; Nature & Society Forum on ACT Waste, Business Leaders Sustainable Development Forum, Australian Institute of Architects ACT Chapter Sustainable City Forums and the ACT Planning and Land Authority Sustainability Forums.

#### **Regional State of the Environment Report 2008**

Our Office conducted two regional forums to provide an opportunity for a discussion on sustainability issues at a regional level:

- Queanbeyan. Progressing Sustainability in the Australian Capital Region; and
- Gunning. Renewable Energy in the Australian Capital Region.

These community workshops were well attended by Mayors, General Managers and staff from the local councils, staff from State and Commonwealth Government and members of the community.

#### **ACT Lowland Native Grassland Investigation**

During the ACT Lowland Native Grassland Investigation, our Office conducted:

- a roundtable discussion with all relevant stakeholders,
- meetings with stakeholder groups and individuals,
- meetings with the responsible land managers for all the sites, and
- a meeting of all relevant Australian Government departments about the proposed excision of the Majura Training Area (MA01) site from the Department of Defence.

In January 2009, a draft of this report was considered by an expert panel comprising:

- Dr Andrew Baird (CSIRO Veterinarian),
- Dr Ken Hodgkinson (CSIRO Ecologist),
- Dr Sue McIntyre (CSIRO Senior Principal Research Scientist), and
- Dr Will Osborne (University of Canberra).

Mr Darro Stinson, the ex-Commissioner for the Environment, was asked to facilitate the final expert panel meeting and Ms Sarah Sharp provided technical advice.

#### **Young People Ambassadors**

The major initiative of the Young People Ambassadors in 2008-09 was the Forum for Young People held on 18 June 2009 in partnership with the Children & Young People Commissioner. This Forum was designed to allow people aged under 25 to have their say about sustainability and environmental issues and was attended by 23 young people. Attendees came from a diverse range of backgrounds and ages, from primary school through to university, and government through to business and community organisations.

#### **Expanded role of the Office**

The Office commenced planning the consultation in June 2008 with three main components: discussion documents; meetings and presentations; and establishment of a Reference Group.

The discussion documents consisted of an outline for the Commissioner's website with proposed themes of the consultation and an invitation to contact the Office for two additional documents: the Stinson Review and the Government-endorsed consultation paper. The web document included contact details and requested comments by 17 November 2008.

The consultation was publicised by media release and the Commissioner also used some media opportunities to discuss the role of the Office. These included radio interviews on 1 October 2008 on 104.7 FM (mid-morning) and ABC 666 (mid-

afternoon) and on 2 October 2008 on 2CC drive program (early evening).

The consultation was publicised on the website Riot-ACT<sup>19</sup> at <http://the-riotact.com/?p=9259> which elicited comments.

A Reference Group was established with terms of reference and membership to assist through high-level advice to the Commissioner and her staff on aspects of consultation, and through providing views of the expanded role of the Commissioner.

The comments and submissions received from this consultation have been taken into account in developing recommendations.

#### **ACT State of the Environment Report Review**

Our Office is reviewing the ACT State of the Environment Report.

A small working group was established to assist in this Review and the Report is expected to be completed by September 2009. Following this, consultation will occur with stakeholders to determine priority reporting issues and indicators.

### **B.2 Internal and External Scrutiny**

Our Office has not been notified of any internal or external scrutiny during 2008-09.

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<sup>19</sup> Riot-ACT describes itself: 'The-RiotACT is an online Riot for News and Views in the Canberra (ACT) Region. It's an open forum, an ACT online soapbox. It is "right of reply".'

### B.3 Legislative Assembly Committee Inquires and Reports

#### **Standing Committee on Climate Change, Environment and Water - Report on Annual and Financial Reports 2007-2008.**

The Commissioner gave evidence to the Standing Committee on Climate Change, Environment and Water - Report on Annual and Financial Reports 2007-2008 on 18 February 2009. Following are the recommendations by the Standing Committee and the actions taken by our Office<sup>20</sup>:

#### *Recommendation 6*

4.17 The Committee recommends that staff in the Office of the ACT Commissioner for Sustainability and the Environment, and the ACT Planning and Land Authority, undertake training in the operation of the Human Rights Act 2004 (ACT) in particular, the potential role in the Act in relation to environmental issues, including tree management.

**Action:** The Office is progressing this recommendation with staff scheduled to undertake training in July and August 2009.

#### *Recommendation 13*

4.53 The Committee recommends that in future annual reports, the Office of the Commissioner for Sustainability and the

Environment comply with the Chief Minister's Annual Report Directions concerning the reporting of Legislative Assembly inquiries and reports.

**Action:** All relevant material is included in this Annual Report.

#### *Recommendation 16*

4.69 The Committee is of the view that it would be beneficial, in relation to further consideration of the proposed nomination of the At as a UNESCO Biosphere Reserve, for the Office of the ACT Commissioner for Sustainability and the Environment to hold a stakeholder forum on 5 June 22009 (World Environment Day), to further discuss with a wide range of stakeholders the proposed nomination of the ACT as a UNESCO Biosphere reserve.

**Action:** The Commissioner wrote to Mr Corbell, MLA, Minister for the Environment, Climate Change and Water on 9 and 16 April 2009 regarding this recommendation. The Minister's response dated 6 May 2009 was; '*The Government is still to finalise its response to the Standing Committee ...*'.

#### **Standing Committee on Climate Change, Environment and Water Inquiry on ACT Greenhouse Gas Reductions Targets**

Our Office made a submission to the Standing Committee for Climate Change, Environment and Water - Inquiry on ACT Greenhouse Gas Reduction Targets on 19 June 2009. Our submission summarised information presented in the State of the Environment Report and the Regional State of the Environment Report, along with some comments on specific issues including adaptation.

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<sup>20</sup> The Government is yet to respond to the Standing Committee on Climate Change, Environment and Water - Report on Annual and Financial Reports 2007-2008.

### Select Committee on Estimates

The Select Committee on Estimates presented its report on the Appropriations Bill 2009-2010 on 16 June 2009. Following are the Government Recommendations and response to recommendations which pertain to our Office:

#### *Recommendation 50*

5.53 The Committee recommends that the Commissioner for the *Environment Act 1993* (ACT) and the *Environment Protection Act 1997* (ACT) be amended to grant the Commissioner for Sustainability and the Environment the power to audit in relation to sections of annual reports prepared under section 158A of the *Environment Protection Act 1997*.

#### Government Response

Noted.

The Weathering the Change Action Plan, Action 2, commits the Government to developing resource management plans which will be the subject to scrutiny by the Commissioner for Sustainability and the Environment.

Under the existing *Commissioner for Environment Act 1993*, the Commissioner can undertake such an audit and she will be commencing an ACT Government Agencies Environmental Performance Audit/Assessment in the future.

**Action:** The Commissioner will submit the *Report on the expanded role of the Office of the Commissioner for Sustainability and the Environment* to the Minister for the Environment, Climate Change and Water in the next financial year.

### 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

Our Office is covered under the Department of the Environment, Climate Change, Energy and Water Annual Report.

### C.2 Fraud Prevention

Our Office is covered under the Department of the Environment, Climate Change, Energy and Water Annual Report.

### C.3 Public Interest Disclosure

Our Office is covered by the Department of the Environment, Climate Change, Energy and Water for the purposes of policies relating to the public interest disclosure. During 2008-09 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

#### Organisation Functions and Powers

Our enabling legislation is the *Commissioner for the Environment Act 1993*. The Act specifies that the Commissioner shall:

- produce State of the Environment reports for the ACT,
- investigate complaints from the community regarding the management of the Territory's environment by the ACT Government and/or its agencies,

- conduct investigations directed by the Minister,
- initiate investigations into actions of the ACT Government or its agencies, where those actions have a substantial impact on the Territory's environment, and
- make recommendations for consideration by the ACT Government, and include in our Annual Report the outcomes of those recommendations.

Our Office administers the *Commissioner for the Environment Act 1993*.

Our Office has extensively used consultation, and will continue to consult with community members and people with relevant expertise in the development of state of the environment reports and other key reports.

#### Facilities for Access

Documents produced by our Office are available to the public on our website [www.envcomm.act.gov.au](http://www.envcomm.act.gov.au) or in hard copy by request. Documents available on our 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.

People seeking information are encouraged to contact our Office before resorting to the more formal Freedom of Information procedure. In many cases it may be possible to access information quickly and efficiently without resorting to a formal Freedom of Information request.

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 Commissioner 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

Our Office did not receive any Freedom of Information requests in 2008-09.

## C.5 Internal Accountability

### Organisational Structure

During the reporting period the Commissioner was Dr Maxine Cooper.

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.

The organisation chart for our Office at 30 June 2009 is shown in Figure 4.

Figure 4: Organisation chart

### Organisation Chart



### Senior Committees

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

### Key Corporate Plans

Our Strategic Plan provides an overall picture of our vision, mission, values and objectives. The objectives in our Strategic Plan are provided in A.1 The Organisation.

## C.6 HR Performance

Our Office is committed to being an employer of choice. Our values of independence, caring, innovation, empathy, and collaboration guide our behaviours that support the achievement of our mission and vision.

All staff members have an Achievement Plan which is reviewed quarterly with their Reporting Officer. Achievement Plans contain a work-plan and an individual learning and development plan.

### **C.7 Staffing Profile**

Our Office is covered under the Department of the Environment, Climate Change, Energy and Water Annual Report.

### **C.8 Learning and Development**

Our Office has a commitment to strengthening workforce and organisational capacity through building skills and capabilities. During 2008-09 our staff participated in a number of learning and development activities focused on training opportunities related to our roles and functions.

This learning and development is guided by individual Achievement Plans and supported through our Strategic Plan. During 2008-09, all staff participated in Indigenous Cultural Awareness Training. A member of our staff participated in an Introduction to Risk Management Course.

Other learning and development activities undertaken by some of our staff during the year included: Driving Social Inclusion and Community Engagement for Government Agencies; Making Cities Liveable – Healthy Cities Conference; Sustainable Futures Seminars conducted by ACT Planning and Land Authority and the Business Leaders Sustainable Development Forum.

### **C.9 Workplace Health and Safety**

Our Office is committed to the provision of a safe and healthy workplace and  
Annual Report 2008-09

maintaining the health, safety and welfare of its employees. Occupational Health and Safety is managed in accordance with the statutory provisions of the *Occupational Health and Safety Act 1989* (as modified by the *Public Sector Management Act 1994*).

During 2008-09 the Office did not receive any notices under sections 146, 155 or 212 of the *Occupational Health and Safety Act 1989* and there were no section 204 notifiable incidents.

To ensure the provision of a safe and healthy workplace, a Work Station Assessment was conducted for all staff during the year.

The Office does not pay a first tier worker's compensation premium.

Our Office is covered by the Department of the Environment, Climate Change, Energy and Water for Annual Report workplace health and safety policy purposes.

### **C.10 Workplace Relations**

No staff members in our Office were covered by Australian Workplace Agreements or Special Employment Arrangements.

### **C.11 Strategic Bushfire Management Plan (SBMP)**

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

## C.12 Strategic Asset Management

### Assets Managed

Our Office does not own or manage any major assets.

### Office accommodation

During 2008-09 our Office was accommodated on Level 2 of the Dickson Motor Vehicle Registry Building at 13-15 Challis Street, Dickson. The Office occupies 1937 m<sup>2</sup> of office space.

Our Office has been working with the Dickson Motor Vehicle Registry Sustainability Working Group to create a more sustainable building and office space.

## C.13 Capital Works

Our Office has no capital works projects.

## C.14 Government Contracting

### Procurement Principles and Processes

Procurement selection and management processes for all contractors including consultants complied with the *Government Procurement Act 2001* and *Government*

*Procurement Regulation 2007*. Purchases over \$20,000 were reviewed by ACT Procurement Solutions, and if necessary, by the Government procurement Board consistent with the provisions of the *Government Procurement Regulation 2007*.

During 2008-09 our Office sought to improve its internal performance through an audit of its financial health related to procurement, budget management and governance arrangements. The audit indicated that our Office has an appropriate framework in place for procurement.

### External Sources of Labour and Services Individual Contracts Exceeding \$20,000

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 five contracts whose value exceeded \$20,000. These contracts are detailed in Table 5.

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

Contractor	Description and reason for contract	Financial year expenditure	Procurement type	Date Contract let
Mr Darro Stinson	Produce a paper on and identify sustainability indicators for drinking water catchments in the ACT.	\$30,000	single select	9 October 2008
Carolyn Brooks - Illustration	Communications package.	\$20,000	competitive	11 June 2009

Contractor	Description and reason for contract	Financial year expenditure	Procurement type	Date Contract let
and Design				
Halcrow Pacific Pty Ltd.	Review of the ACT State of the Environment Report.	\$29,557	competitive	18 June 2009
NGH Environmental	Regional State of the Environment Report: Biodiversity indicators.	\$32,967	single select	27 October 2008
Halcrow Pacific Pty Ltd	Regional State of the Environment Report: discharges to water, groundwater, land degradation, land use and surface water quality indicators.	\$30,000	RFQ	17 October 2008

### C.15 Community Grants/Assistance/Sponsorship

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

### C.16 Territory Records

Our Office is independent of government and administers its own records. During 2008-09 our Office produced a Procedures Manual which documents our internal processes in regards to a range of office activities including file management, procurement, inquiries and complaints.

### C.17 Human Rights Act 2004

Our 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 usually takes the form of a response to a submitted complaint from a member of the public about the management of the environment by Territory agencies.

In 2008-09 our staff did not undertake any formal course in relation to human rights principles. Staff members are scheduled for training in July and August 2009.

### C.18 Commissioner for the Environment

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

### C.19 ACT Multicultural Strategy

Our Office is covered under the Department of the Environment, Climate Change, Energy and Water Annual Report.

## **C.20 Aboriginal and Torres Strait Islander Reporting**

Our Office is covered under the Department of the Environment, Climate Change, Energy and Water Annual Report.

## **C.21 Ecologically Sustainable Development**

A draft Resource Management Plan has been developed for the building in which our Office is accommodated. This is the Dickson Motor Registry Building which also includes the Territory and Municipal Services Business Units (Canberra Connect, Road User Services, InTACT, RegoACT Development Team). This Plan has been prepared to assess and manage resources such as energy, water and waste in the building.

### **Transport**

Where possible, our Office uses sustainable forms of transport such as public transport, car pooling, cycling or walking. For longer trips, the Office uses a hybrid car. During 2008-09, our Office purchased two bicycles for use by any staff in the building.

### **Energy Use**

The Dickson Motor Vehicle Registry Building currently meets the ACT Government target for purchasing 23 per cent renewable energy.

ACT Property Group has recently engaged a contractor to upgrade the heating, ventilation, air-conditioning system ceiling grid and lighting to improve the building's energy efficiency. Solar hot water heaters will also be installed to meet the hot water requirements of the building. These

upgrades will lead to a significant reduction in the use of electricity.

ACT Property Group is also discussing the potential to increase the amount of renewable energy the building sources from 23 per cent to 30 per cent.

### **Greenhouse Emissions**

The Dickson Motor Vehicle Registry Sustainability Working Group are exploring the use of a system such as SmartMeters to build an accurate profile of greenhouse gas emission sources and continue to work with the Department of Territory and Municipal Services to create a more sustainable building and office space. This should reduce our greenhouse gas emissions in the next financial year.

### **Water Consumption**

During 2008-09, dual flush toilets were installed in all bathrooms in the building to reduce water consumption. The Dickson Motor Vehicle Registry Sustainability Working Group has begun analysing water consumption including an assessment of which appliances are consuming water and the identification of targeted resource efficiency measures.

During 2009-10, an underground rainwater tank will be installed to harness and store rainwater from the roof of the building. This water will be pumped back into the system to provide grey water to flush toilets and water the landscaped areas around the building.

### **Resource Efficiency and Waste**

In November 2008 a '*Sustainable Steps Survey*' was conducted to gauge the level of interest in sustainability issues from all

building tenants. The survey indicated that there was a high level of interest in and commitment to sustainability initiatives from all tenants. In early 2009, staff from the Department of Environment, Climate Change, Energy and Water Sustainability Programs provided support by outlining initiatives to increase the level of recycling in the building.

In May 2009 'Going Green in the Dickson Motor Vehicle Registry', an initiative which encourages greater recycling of paper, cardboard, co-mingled products and organic materials was launched. Part of this program provided the physical resources needed to recycle and education for all tenants in how to use the new systems effectively to reduce waste to landfill.

It is estimated that in 2008-09, from the Dickson Motor Vehicle Registry Building approximately: 5.4 tonnes of residual waste was sent to landfill; 7.155 tonnes of paper was recycled and 12,210 reams of paper used.

Our 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 is recycled to help reduce waste to landfill.

#### **Data Collection of Agency Resource Use**

Our Office is co-located with a number of Department of Territory and Municipal Services Business Units in the Dickson Motor Vehicle Registry Building. For 2008-09, data for energy, waste and water was collected for the building by the Department of Territory and Municipal Services. This data was disaggregated based on total building area. In some instances, data was unable to be collected, at either building or agency level, due to co-location difficulties and the nature of the activities conducted by the Business Units.

Data collection systems are currently being developed in consultation with the Department of Territory and Municipal Services, the building landlord and the Dickson Motor Vehicle Registry Sustainability Working Group. Our Office's resource use for 2008-09 is presented in Table 6.

**Table 6: Resource Use<sup>21</sup>**

Indicator as at 30 June 2009	Unit	2007-08	2008-09	% reduction
<b>General</b>				
Occupancy – office staff full-time equivalent (FTE)	Numeric (FTE)	4	5	Not applicable
Occupancy – total staff FTE	Numeric	5 <sup>22</sup>	0	Not

<sup>21</sup> Data supplied by the Department of Territory and Municipal Services ACT Property Group, except waste data which was supplied by the Department of Territory and Municipal Services Road User Services Group.

<sup>22</sup> Our Office had a number of contractors in 2007-08 working on the Regional State of the Environment Report.

Indicator as at 30 June 2009	Unit	2007-08	2008-09	% reduction
(including non-office)	(FTE)			applicable
Area office space – net lettable area	Square metres (m <sup>2</sup> )	1637	1637	0
Area non-office space – net lettable area	Square metres (m <sup>2</sup> )	295	295	0
Total area – net lettable area	Square metres (m <sup>2</sup> )	1937	1937	0
<b>Stationary Energy Use</b>				
Electricity use (total)	Kilowatt hours	No data	47 173	Not applicable
Renewable energy use	Kilowatt hours	No data	3172	Not applicable
Percentage of renewable energy used	Percentage	28	27 <sup>23</sup>	3.5
Gas use	Megajoules	No data	119 471	Not applicable
Total office energy use	Megajoules	No data	169 816	Not applicable
<b>Energy Intensities</b>				
Energy intensity per office FTE	Megajoules / FTE	No data	No data	Not applicable
Energy intensity per square metre	Megajoules / m <sup>2</sup>	235	88	62.5
<b>Transport Energy</b>				
Total number of vehicles	Numeric	1	1 <sup>24</sup>	0
Transport fuel (Petrol)	Kilolitres	Not applicable	Not applicable	Not applicable
Transport fuel (Diesel)	Kilolitres	Not applicable	Not applicable	Not applicable
Transport fuel (LPG)	Kilolitres	Not applicable	Not applicable	Not applicable
Transport fuel (CNG)	Kilolitres	Not applicable	Not applicable	Not applicable
Transport fuel (Aviation)	Kilolitres	Not applicable	Not applicable	Not applicable
Total transport energy use	Gigajoules	No data	No data	Not applicable
<b>Water Consumption</b>				

<sup>23</sup> This figure includes EDL Land Fill Gas Export Energy of 9440 kilowatt hours.

<sup>24</sup> This is the Commissioner's package vehicle which is available for use by our Office.

Indicator as at 30 June 2009	Unit	2007-08	2008-09	% reduction
Water use (total)	Kilolitres	113	181 <sup>25</sup>	-60
<b>Water Intensities</b>				
Water use per office FTE	Kilolitres / FTE	4.27	36.2	-748.8
Water use per square metre floor area	Kilolitres / m <sup>2</sup>	0.05	0.09	-80
<b>Waste<sup>26</sup></b>				
Estimate of waste to landfill	tonnes	No data	5.4	Not applicable
Estimate of Co-mingled recycling	tonnes	No data	No data	Not applicable
Estimate of recycled waste paper	tonnes	No data	7.2	Not applicable
Reams of paper used (carryover stock + total year order - remainder)	Reams	No data	12 210	Not applicable
Estimate putrescibles waste (food & organic matter)	Litres or cubic metres	No data	No data	Not applicable
Total waste greenhouse gas emissions	Tonnes CO <sub>2</sub> -e	No data	No data	Not applicable
<b>Resource Efficiency</b>				
Estimate of putrescibles waste per FTE	Litres or m <sup>3</sup> / FTE	No data	No data	Not applicable
Total office paper used per FTE	Reams / FTE	No data	No data	Not applicable
Percentage of paper recycled	Percentage	No data	No data	Not applicable
Estimate of total co-mingled office waste per FTE	Litres or m <sup>3</sup> / FTE	No data	No data	Not applicable
<b>Office Greenhouse Gas Emissions<sup>27</sup></b>				
Direct greenhouse gas emissions (Scope 1)	Tonnes CO <sub>2</sub> -e	No data	No data	Not applicable
Indirect greenhouse gas emissions (Scope 2)	Tonnes CO <sub>2</sub> -e	No data	No data	Not applicable

<sup>25</sup> This figure is higher than last year due to a broken water pipe.

<sup>26</sup> Waste data for 2008-09 is only available for the Dickson Motor Vehicle Registry Building, not for our Office.

<sup>27</sup> This can only be calculated using available data and is therefore not a true indication of the total office greenhouse gas emissions.



Indicator as at 30 June 2009	Unit	2007-08	2008-09	% reduction
Other indirect greenhouse gas emissions (Scope 3)	Tonnes CO <sub>2</sub> -e	No data	No data	Not applicable
Total office greenhouse gas emissions (All Scopes)	Tonnes CO <sub>2</sub> -e	126 374	47.74	99.9
<b>Transport Greenhouse Gas Emissions</b>				
Total transport greenhouse gas emissions (All Scopes)	Tonnes CO <sub>2</sub> -e	No data	No data	Not applicable
<b>Greenhouse Gas Intensities</b>				
Office greenhouse gas emissions per person	Tonnes CO <sub>2</sub> -e / FTE	4787	9.6	99.8
Office emissions per square metre	Tonnes CO <sub>2</sub> -e / m <sup>2</sup>	339.7	0.03	99.9
Transport greenhouse gas emissions per person	Tonnes CO <sub>2</sub> -e / FTE	No data	No data	Not applicable

## C.22 ACT Women's Plan 2004-2009

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 – through 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.

Our Office provides a supportive environment for women by encouraging leadership, providing training and development and fostering work-life balance.