

Final Report: Environmental Governance in the ACT

Acknowledgement of Country

GreenLaw recognises that Aboriginal and Torres Strait Islander Nations are the first sovereigns of this continent. This sovereignty was never ceded and continues to this day, informing Indigenous connection to land, waters and community.

GreenLaw acknowledges we meet on Indigenous land and, in working towards environmental justice, we stand beside the traditional guardians of these lands. We recognise that during the research and drafting of this report we met on Ngunnawal Country. We pay our respects to Elders past and present.

Introduction

Robust and science-based environmental laws and policies are essential to achieving strong environmental outcomes in the ACT, that is, the continual protection and restoration of ACT environmental values. Environmental laws contribute to limiting environmental degradation by prohibiting certain activities and set out procedures to ensure environmental decision-making and funding for environmental activities are based upon sound scientific information and First Nations knowledge.

How environmental laws and policies are administered by the ACT government and environmental statutory office holders, known as the executive branch of government, is also critical to achieving substantive environmental outcomes. The ACT government [manages](#) the environment on both public and private lands, through the administration of environmental licences and controls, as well as the funding and management of the ACT's [extensive nature reserves](#). As with many areas of modern government administration, there is a concentration of power within the executive branch of government in respect of environmental management in the ACT.

It is therefore essential that there are **best practice environmental governance arrangements** in place to ensure that fundamental democratic and accountability principles are upheld in relation to environmental management. The most robust environmental governance arrangements involve [multiple layers of accountability and oversight](#) for environmental decision-making, to safeguard the proper execution of environmental laws.

The first layer of accountability involves the implementation of [oversight or integrity entities](#), independent statutory office holders that are mandated to oversee and/or provide expert advice to the primary environmental decision-maker in the ACT, the [Environment, Planning and Sustainable Development Directorate](#) (EPSDD). The ACT has three primary independent environmental statutory office holders, the [Commissioner for Sustainability and the Environment](#) (CSE), the [Conservator of Flora and Fauna](#) (CFF) and the [Environmental Protection Authority](#) (EPA).

However, it is also critical that these independent statutory office holders are accountable to the Legislative Assembly, to ensure that the principles of [Parliamentary democracy](#), and the [separation of powers](#) are maintained. This is the second layer of accountability, and it is essential to establishing a chain of accountability from individual government decision-makers to the democratically elected Legislative Assembly.

This report will explore whether the CSE, CFF and EPA are appropriately independent and constituted in a manner that is accountable to the Legislative Assembly.

The ACT Environmental Governance Entities Assessed in this Review

The **CSE** is an independent statutory position (Officer of the Parliament) established by the [Commissioner for Sustainability and the Environment Act 1993 \(ACT\)](#) (CSE Act), with the purpose of independently monitoring and reporting on matters relating to the environment and progress towards ecologically sustainable development (ESD) in the ACT. The CSE possesses both reporting and investigatory functions under the CSE Act, including the preparation of the four yearly State of the Environment Report (SOER). In relation to its investigatory functions, the CSE operates as an environmental ombudsman overseeing other ACT government agencies. The CSE is empowered to investigate on its own initiative, or as directed by the Environment Minister, matters relating to ESD or the management of the environment by territory authorities.

The Executive Group Manager of Environment, Heritage and Water at the EPSDD (EGM) also holds the statutory position of **CFF**, pursuant to the [Nature Conservation Act 2014 \(ACT\)](#) (NC Act). The CFF has responsibilities for protecting and conserving threatened species and ecological systems, including the administration of the licencing system for native flora and fauna and managing the nature reserve system.

The CFF also has specified roles in relation to the *Planning and Development Act 2007* (ACT), the *Fisheries Act 2000* (ACT) and the *Tree Protection Act 2005* (ACT).

While the CFF is a public servant, the statutory position of the CFF serves a critical integrity and oversight function for the administration of ACT environmental laws. Notably, the NC Act sets out that a ‘core function’ of the CFF is to ‘develop and **oversee** policies, programs and plans for the effective management of nature conservation in the ACT’ and to ‘**monitor** the state of nature conservation in the ACT’ ([s 21\(1\)](#)). The oversight function of the CFF was similarly emphasised in a [2010 independent review of the role](#). The CFF can be conceived of as an environmental commissioner, tasked with advocating for conservation matters in government decision-making and monitoring the implementation of environmental policies.

Finally, the **EPA** is an independent statutory position holder created under the [Environment Protection Act 1997 \(ACT\)](#) (EPA Act), with the purpose of protecting and enhancing of the quality of the ACT environment. It is responsible for the administration and enforcement of the EPA Act, including management of environmental and pollution licences, as well as enforcement powers under other environmental legislation. The EPA is assisted by the Office of the EPA (EPA Office). Both the EPA and EPA Office [sit within Access Canberra](#), as a sub-unit tasked with environmental quality, environment protection and water regulation.

These three statutory officer holders serve different functions within the ACT government, contributing to the oversight of the EPSDD and other agencies, as well as the provision of expert advice. It is noted that the EPA has a unique enforcement function with respect to ACT environmental law. It can be considered a [government oversight mechanism](#) as the EPA is empowered to enforce environmental laws against ACT government entities, and to the extent that the EPA serves as a critical avenue for the public to make complaints and seek remedial action for environmental harms occasioned by the ACT government.

Assessing whether the ACT’s Environmental Statutory Position Holders Achieve Best Practice Environmental Governance

Environmental statutory position holders, especially those that are Officers of the ACT Legislative Assembly (like the CSE), are appointed and imbued with legislatively enshrined powers to oversee, monitor, report and enforce environmental laws in the

Territory. Collectively these entities should operate as an [‘integrity oversight network’](#), ensuring environmental decisions are made according to law, and that environmental management is undertaken with [‘fidelity to public values’](#), that is, [free from mismanagement and maladministration](#), and in alignment with the [best available scientific evidence](#).

In the ACT and other common law jurisdictions, such statutory position holders [implicitly](#) possess a particular relationship of ‘independen[ce] from the executive’ and ‘accountability to Parliament’. For statutory position holders to ensure [government integrity](#) in environmental management and to be positioned to give [frank and free expert advice](#), the CSE, CFF and EPA should be independent of the ACT government. In this regard, Professor Stuhmcke [emphasises](#) that:

Ombudsmen investigate a split executive — a political and elected government and an un-elected and ‘ongoing’ civil administration — the latter being relatively unaccountable to the people. It is here that the ombudsman renders the unaccountable accountable. For this to work citizens’ must share belief in the independence of the Ombudsman. Citizens must trust ombudsmen...the credibility of ombudsmen therefore is related to an ability to be perceived as separate from the state.

The concept of holding government bureaucracies accountable is also relevant to roles of the CFF and EPA, which are positioned to engage with environmental decision-making within the machinery of the ACT government.

However, statutory position holders themselves must abide by the rule of law and be held accountable. It is an essential aspect of the [supremacy of the democratically elected Parliament](#) that the ACT Legislative Assembly retains a level of oversight over statutory position holders that exercise legislated powers. As set out by the [NSW Ombudsman](#) in 2019:

As creatures of statute they [independent oversight bodies] are subject to legal limits as circumscribed by the terms of their governing legislation and, ultimately, they are accountable to Parliament (as the source of that legislation) and, through Parliament, to the people.

Independence is therefore the first criteria of evaluation in this review, referring to the extent that the appointment process and functions of each of the ACT's environmental statutory position holders are independent from the executive branch of government, which includes the EPSDD and other ACT government agencies. Independence ensures that statutory position holders achieve, and are perceived to achieve, [impartial and legitimate decision-making in the public interest](#), limiting the risk of conflicts of interest or bias. Several studies have proposed [measures](#) for assessing the independence of statutory position holders from the government. From these studies emerge [themes](#) regarding the appointment, tenure and removal of a statutory position holders; the processes for budgeting and staff arrangements; whether the entity has discretion in the exercise of its functions; and what reporting/oversight mechanisms monitor the entity.

The extent that the ACT's environmental statutory position holders are **accountable to the Legislative Assembly** is the second criteria for determining whether the regulatory schemes that constitute them are aligned with best practice environmental governance. The [OECD](#) outlines that entities should be either 'directly' accountable to the legislature or 'through [the relevant] minister' that has responsibilities for the portfolio the regulator falls within (in this report, the relevant minister is the [Environment Minister](#)). The powers and appointment process of statutory position holders should be set out [explicitly and comprehensively in statute](#), allowing for legislative oversight and review. Statutory positions holders should be designed with ['integrity of purpose'](#) such that the role is [not bound or impacted by competing regulatory objectives](#), also known as appropriate role separation. Adequate role separation ensures that statutory position holders are, to the extent that their appointment and functions are reviewable by an individual minister, accountable to the minister that has oversight over the same portfolio that the statutory position holder falls within.

The Scope of this Review

This report is solely based upon a desk-top review of the relevant legislative and regulatory schemes that constitute and govern the ACT's environmental statutory office holders and assesses the governance of those entities solely against the administrative law principles set out above.

The evaluation and recommendations set out in this review are directed at the legal frameworks that govern these environmental statutory office holders and should not be interpreted as a critique of any individuals who hold, or have held, those positions or their actions.

There has been no consideration or evaluation as to whether the CSE, CFF and EPA are contributing to substantive environmental outcomes across the Territory. The EPA's enforcement and prosecution of environmental laws has also not been considered, and all issues relating to environmental crime are beyond the scope of this review. Finally, this review has not evaluated all aspects of best practice environmental governance, and this report is not intended to replace the detailed review and community consultation that should precede any major reforms to these environmental statutory office holders.

Below the major findings of the review are summarised.

Improving the Independence of the ACT's Environmental Statutory Position Holders

The appointment and funding of the ACT's environmental statutory position holders are concentrated within the EPSDD, undermining the independence of those entities and their capacity to oversee environmental management by the ACT government. Significant reforms are necessary to ensure that the CSE, CFF and EPA are sufficiently independent to safeguard their [objectivity and impartiality](#).

The **CSE** is appointed by the Environment Minister for a fixed term ([s 4 of the CSE Act](#)), and suspension or removal of the CSE requires ACT Legislative Assembly oversight ([s 9 of the CSE Act](#)). While the Minister may direct the CSE to investigate a matter ([s 12\(1\)\(b\) of the CSE Act](#)), the CSE retains a level of independence in undertaking its reporting and investigatory functions.

Nonetheless, the CSE's independence is undermined by the current framework for budgeting and staff arrangements and due to legislated constraints upon the CSE's discretion in the exercise of its investigatory functions. This is a concern because the CSE's [perceived and actual independence](#) from the ACT government is essential to maintaining the legitimacy of all its environmental investigations and reporting.

In relation to budgeting and staffing arrangements, CSE staff, who perform [delegated investigatory and reporting functions](#), are employees of the EPSDD, a government agency that falls within the jurisdiction of the CSE's investigatory powers ([ss 12 and 13 of the CSE Act](#)). Similarly, CSE budgets and funding arrangements are managed by the EPSDD on behalf of the CSE. The EPSDD [reports on the funding of the CSE in its annual report](#). This is in contrast to other ACT integrity entities, including the ACT Integrity Commission which directly and independently hires its staff ([ss 41 and 48 of the Integrity Commission Act 2018 \(ACT\)](#)).

The CSE Act also imposes constraints upon the exercise of the CSE's discretion to investigate environmental matters, as follows:

- the CSE is required to 'inform' the relevant ACT government agency of the CSE's intention to investigate a matter **prior** to commencing the investigation ([s 15\(1\) of the CSE Act](#)). Government agencies should have the opportunity to respond to adverse findings as a matter of procedural fairness, but the current legislative scheme implies that the CSE is not neutral and may empower government agencies to pressure the CSE to not investigate certain matters; and
- the CSE is required to conduct investigations in 'private' ([s 15\(3\) of the CSE Act](#)). Ombudsman investigations are typically conducted in private. However, the CSE's [investigatory mandate](#) extends to environmental matters that may raise [significant public interest issues or impact upon the public's right to a healthy environment](#). In those circumstances, public hearings may be appropriate, and it should be at the discretion of the CSE to determine the manner in which an investigation should proceed.

The current constraints upon the CSE's investigatory functions are in contrast with other environmental ombudsmen. For example, [New Zealand's Parliamentary Commissioner for the Environment](#) has broad investigatory powers to initiate reviews without prior notification to environmental agencies and 'such powers as may be necessary' to complete those reviews ([ss 16 and 18 of the Environmental Act 1986 \(NZ\)](#)).

The **CFF** is appointed by the Director-General of the EPSDD ([s 20 of the NC Act](#)). The Director-General of the EPSDD also [exercises](#) the role of Chief Planning Executive,

which resides within the [planning and development portfolio](#) and reports to the Minister for Planning and Land Management. There are no legislative guidelines for the tenure and removal of the CFF. The independence of the CFF would be improved if the role was appointed by the Environment Minister, and the CFF's tenure and removal was explicated in the NC Act and overseen by the ACT Legislative Assembly.

The CFF is a public servant that sits within the EPSDD and carries out its functions within the management structure of the EPSDD. The CFF's staffing and budget are set by the EPSDD and are [not separately identified in the ACT budget](#). This is a particular concern for the CFF's independence, as the head of the EPSDD also performs planning functions.

The CFF's [functions](#) are solely directed towards environmental protection, whereas the Chief Planning Executive's [objects](#) are multi-centric, incorporating economic, social and environmental factors. To achieve best practice environmental governance, the CFF should operate independently of the Chief Planning Executive. Notably, the CFF should be positioned to independently and impartially provide expert advice to the Chief Planning Executive on matters relating to the [Nature Conservation Strategy 2013-23](#), to ensure targets in that strategy are progressed through the administration of planning and development laws in the territory. However, the current organisational structure of the EPSDD means that the CFF reports indirectly to the Chief Planning Executive, undermining the CFF's [independence and perceived capacity to provide impartial and expert advice](#).

The legislative and administrative arrangements of the CFF do not safeguard its independence, limiting the capacity of the CFF to monitor environmental policies and provide free and frank advice to the ACT government. The CFF is established pursuant to the NC Act, which will be reviewed in 2024 as part of the legislated statutory review cycle ([s 371 of the NC Act](#)). It is recommended that an explicit term of reference of that review include consideration of alternative organisational structures for the CFF, and whether the CFF should operate within or external to the EPSDD.

The **EPA** is appointed by the Director-General of the EPSDD ([s 11 of the EPA Act](#)), although that function has been [delegated to the Head of Access Canberra](#) (such a delegation can be revoked without ACT Legislative Assembly oversight, pursuant to [s 237 of the Legislation Act 2001 \(ACT\)](#)). The Director-General also has the statutory

power to appoint the EPA Office, which has similarly been [delegated to the Head of Access Canberra](#). This appointment process is not appropriately independent of the executive branch of government, given the potential influence of the Director-General of the EPSDD, who also serves as the Chief Planning Executive within the [planning and development Ministerial portfolio](#), and Access Canberra, which is split between the [planning and development, and business and better regulation Ministerial portfolios](#).

The EPA is also not positioned to function independently, as the EPA and EPA Office sit within Access Canberra. The EPA Act also confers broad powers upon the Environment Minister to direct the EPA in carrying out its functions ([s 93 of the EPA Act](#)). This is in contrast to other Australian jurisdictions, for example the Northern Territory EPA's 'independence' from Ministerial 'direction or control' is explicitly protected under s 9 of the [Northern Territory Environment Protection Authority Act 2012 \(NT\)](#).

The [Environmental Defenders Office](#) recommends that:

An EPA should be formally established as an independent statutory authority, free from Ministerial influence. This includes implementation of a Board to provide strategic direction and oversight, made up of independent expert specialists in environmental regulation and science with strict legislated restrictions around conflicts of interest that are enforceable.

The EPA requires significant reforms to achieve an appropriate level of independence that reflects the EPA's enforcement and oversight powers. The EPA should be constituted as a separate entity governed by an independent board, which in turn has the power to appoint executive EPA staff. This model has been adopted in both [NSW](#) and [Victoria](#), to safeguard the actual and perceived integrity and independence of their respective EPAs. Implementing a board model of governance for the EPA also [strengthens the scientific and First Nations expertise](#) of the EPA.

Further reforms to the EPA Act that limit the Environment Minister's broad powers to direct and oversee EPA functions, are [appropriate](#). In particular, there should be review of which EPA functions should be [overseen by a board](#), rather than requiring Ministerial approval.

In summary, all three environmental statutory position holders require reforms to be established as standalone and independent entities, both in their appointment and in carrying out their functions. The ACT is a small jurisdiction, and it is recognised that multiple independent environmental governance entities would increase the financial and logistical burden of their administration. Nonetheless, these increased costs must be weighed against the [importance of independent oversight of environmental management](#) in the Territory to underpin environmental restoration and conservation, as well as the ongoing achievement of the [human right to a healthy environment](#).

Improving Accountability to the ACT Legislative Assembly

The legislative and administrative arrangements of the ACT's environmental statutory position holders do not establish those roles with appropriate accountability arrangements. Only the CSE is directly accountable to the ACT Legislative Assembly, whereas neither the CFF nor EPA meet best practice accountability standards.

The role of the **CSE** and its functions are set out explicitly and comprehensively in statute. As noted above, the CSE is appointed by the Environment Minister for a fixed term ([s 4 of the CSE Act](#)), and suspension or removal of the CSE requires ACT Legislative Assembly oversight ([s 9 of the CSE Act](#)). The CSE reports to the ACT Legislative Assembly, namely, through the periodic SOER ([s 19\(3\) of the CSE Act](#)), any special reports required by the Environment Minister ([s 21\(2\) of the CSE Act](#)) and any CSE initiated special reports ([s 21\(3\) of the CSE Act](#)). It is appropriate that the Environment Minister appoints the CSE, as the CSE's mandate falls within the [environment portfolio](#), and is subject to ACT Legislative Assembly scrutiny.

In respect of the first two types of reports, the Environment Minister is [required](#) to table a government response with the ACT Legislative Assembly. However, the CSE Act lacks clarity regarding whether the Environment Minister must table a government response to a CSE initiated report (see [s 21 of the CSE Act](#)). A minor amendment to [s 21\(2\) of the CSE Act](#) that broadens the scope of that sub-provision to include s 21(1)(a) and (b), would resolve this potential discrepancy and ensure CSE initiated investigations are given due weight before the ACT Legislative Assembly.

Both the **CFF** and **EPA** are constituted by their respective statutes, although their functions are set out across a range of regulations. This allows for ACT Legislative Assembly oversight of those roles.

However, the appointment and tenure of the CFF and EPA are not directly overseen by the ACT Legislative Assembly, or members of the Assembly. The appointment and conditions of appointment of both the CFF and EPA are determined by senior public servants, the Director-General of the EPSDD and the Head of Access Canberra respectively. The Director-General of the EPSDD also [exercises](#) the role of Chief Planning Executive, which resides within the [planning and development portfolio](#) and reports to the Minister for Planning and Land Management. Similarly, the EPA and EPA Office are [managed by Access Canberra](#) which is split between the [planning and development, and business and better regulation Ministerial portfolios](#).

It is a significant concern that the CFF and EPA, [despite administering environmental statutes within the portfolio of the Environment Minister](#), are not appointed by that minister and have no direct relationship with that minister. The administrative arrangements for the appointment and management of these statutory position holders means that the Environment Minister is not substantially accountable for the activities of the CFF and EPA, despite the central role those entities play in the administration of the NC Act and EPA Act. This undermines the capacity of the ACT Legislative Assembly to scrutinise those appointments and ensure the Environment Minister is properly administering their portfolio.

Strengthening Role Separation Across the ACT's Environmental Statutory Position Holders

A related governance concern that arose in this review, is the extent that the ACT's environmental statutory positions holders are bound by competing legislative objectives or hold dual roles that undermine the capacity of the ACT Legislative Assembly to oversee their activities.

The **CSE** performs two distinct functions under the CSE Act – reporting and investigatory functions. In some ways these functions are complementary, drafting the SOER and other major reports may assist the CSE in identifying environmental matters that require investigation. However, the two functions require different levels of co-ordination with, or independence from, ACT government agencies. According to the [UNECE](#), the preparation of major environmental reports, like the SOER, requires significant coordination and cooperation with other government agencies. By contrast, a [high level of independence and perceived separation from government agencies](#) is

essential for the CSE to undertake its investigatory functions. This makes it difficult for the ACT Legislative Assembly to oversee the CSE and identify if the CSE has compromised its independence.

The current legislative and administrative arrangements for the CSE may have contributed to the CSE prioritising its reporting functions, at the expense of performing as an environmental ombudsman in the Territory. Notably, the CSE has a broader discretion to include matters in the SOER ([s 19\(2\)\(e\)\(ii\) of the CSE Act](#)) compared to its discretion to initiate and conduct an investigation ([s 15 of the CSE Act](#)). Indeed, in the thirty years that the ACT has had a CSE, the CSE has self-initiated an investigation only once ([reported in 2023](#)). In other jurisdictions, such as [New Zealand](#) and [Ontario, Canada](#), environmental ombudsmen engage solely in environmental investigations, and other government agencies have responsibility for SOERs and equivalent reports.

Whether the CSE's two functions should be split across two entities requires further review and consultation. If the CSE's independence is strengthened, it may be sufficient to [delegate the CSE's coordinating functions](#) to a CSE staff member to strengthen perceptions of independence in relation to the CSE's investigatory functions.

The **CFF** is a statutory position held by the EGM, which raises significant concerns in relation to role separation. The EGM's role is broader than the functions of the CFF, with [additional managerial and engagement responsibilities](#). Splitting these two roles would improve the efficacy of both the CFF and EGM, by ensuring that the CFF's activities were solely directed to the achievement of the objects of the *Nature Conservation Act 2014* (ACT). This aligns with the most recent review of the CFF, a 2010 independent assessment that [recommended](#) the 'creation of a dedicated position of Conservator'. Furthermore, separating these roles facilitates ACT Legislative Assembly oversight of the CFF, by improving clarity regarding what actions have been taken by the CFF as opposed to the EGM.

The CFF should also not be managed by entities within the EPSDD that are bound by competing responsibilities or regulatory objects. In particular, it is a concern that the CFF is subordinate to the Chief Planning Executive in the [current management hierarchy of the EPSDD](#). In addition to raising independence concerns, this management hierarchy undermines ACT Legislative Assembly oversight of the CFF,

because the Environment Minister is not solely responsible for the CFF despite the NC Act falling within their [portfolio](#). Reforms to the CFF that establish it as a standalone and independent role are more aligned with other environmental commissioner roles in Australia. For example, the [Western Australian Conservation and Parks Commission](#) provides independent advice to the Western Australian Environment Minister on the development and review of environmental policies and management plans. The Commission is [independent](#) of the Western Australian Department of Water and Environmental Regulation and was established as a body corporate comprised of seven appointed members ([ss 18 and 21 of Conservation and Land Management Act 1984 \(WA\)](#)).

In contrast to the CSE and CFF, this review found that the scope of the **EPA's** role meets '[integrity of purpose](#)' standards, with the EPA's functions solely directed towards the protection and enhancement of the quality of the environment ([s 3C of the EPA Act](#)). However, as part of reforms to the EPA to improve its independence, there should be consideration of extending any review's scope to include an assessment as to whether the EPA's functions and objects could be amended to reflect community standards and expectations. For example, the EPA is not currently bound by a [duty to protect all aspects of the human right to a healthy environment](#), nor a [duty to contribute to the achievement of environmental justice](#).

Conclusion

Environmental restoration and protection in the ACT is a shared responsibility across the community, government and businesses; but it is not necessarily an equal responsibility. The ACT government has primary control over the conservation and restoration of public reserves, and significant powers to determine how environmental values are managed on private lands. As such, it is critical that that there are robust accountability mechanisms in place to ensure that the ACT government's administration of environmental matters is [free from mismanagement and maladministration](#), and in alignment with the [best available scientific evidence](#).

This review has found that while the ACT has established important environmental statutory position holders that can play this accountability role, their independence and accountability to the ACT Legislative Assembly is not aligned with best practice governance. The CSE, CFF and EPA require major reform to meet best practice

standards, to ensure that they are independent as well as empowered to hold the ACT government accountable and to provide government decision-makers with frank and free expert advice.

While this review has identified governance issues, any major reform should be precipitated by appropriate community and expert consultation. In this regard, the [statutory review of the NC Act](#), due in 2024 is an important opportunity to investigate reforms to establish the CFF as a standalone and independent role. Unfortunately, neither of the constituting acts of the CSE or EPA contain statutory review clauses. As such, the ACT Legislative Assembly should instigate review of the independence of the CSE; and whether the EPA should be reformed from a [singular regulator governance model to a board governance model](#).

However, there are also immediate reforms that would improve the independence of the ACT's environmental statutory position holders. In particular, reforms to the appointment processes for the CFF and EPA, so that those appointments are made by the Environment Minister rather than senior public servants, is recommended.

Therefore, this review makes the following recommendations:

- 1: The Commissioner for Sustainability and the Environment be reformed to enable the office to independently manage its administrative matters and to improve the Commissioner's powers to initiate and conduct investigations at their discretion.*
- 2: The Conservator of Flora and Fauna be established as a standalone and independent role.*
- 3: The ACT Government commit to reforms to ensure that the Conservator of Flora and Fauna and the Environment Protection Authority are appointed by the Environment Minister and reviewable by the ACT Legislative Assembly.*
- 4: The ACT Legislative Assembly commit to reviewing the constitution, appointment and functions of the ACT's environmental statutory position holders, with a view of improving the independence of those entities and their accountability to the ACT Legislative Assembly.*