

Emissions from the fossil fuel sector inquiry hearing

Held on 25 May 2026

Question on Notice

1. Does that include reminding the planning department that you have powers under the climate change Act to provide advice on specific coal projects to the Independent Planning Commission?

Answer:

No. The Commission's letter to the Secretary of the Department of Planning, Housing and Infrastructure did not include this reference. The letter is available on the Commission's website here: <https://www.netzerocommission.nsw.gov.au/publications/letter-department-planning-housing-and-infrastructure-6-may-2026>

2. Regarding your latest Spotlight Report on Heat Stress and Finding 7 on Strengthening SafeWork NSW regulations. Could you expand on that area and finding seven?

Answer:

The Commission's Heat Stress Spotlight Report found that strengthening SafeWork NSW regulations to prevent heat stress in the workplace would minimise the health and economic impacts of extreme heat on workers and businesses. Mandatory Codes of Practice will be adopted from 1 July 2026 and are expected to establish minimum enforceable expectations for managing environmental conditions in workplaces, including heat and cold. The Commission suggests these regulatory changes can be further strengthened by:

- requiring high-risk industries to develop and implement heat stress prevention plans, with prescribed minimum elements
- providing industry-specific, defined safe heat thresholds
- ensuring protections capture independent contractors
- introducing key data reform actions to enable more effective monitoring of extreme heat impacts on NSW workplaces.

These additional reforms can build on NSW's existing policy and be delivered over time ensuring employers are supported in implementing required changes.

The Heat Stress Spotlight Report is available on the Commission's website here: <https://www.netzerocommission.nsw.gov.au/publications/heat-stress-spotlight-report>.

3. Regarding the paper by Justice Basten about the legal framework that currently exists in relation to assessing coal projects in New South Wales. It basically shows that the spotlight report; the current assessment framework; the net zero legislation; the letters that have gone between the Minister, IPC and planning Minister; and all these various things about what we should be doing as a State to meet our emissions reduction targets and our international obligations would perhaps suggest that we can't really approve new coalmine extensions because it just puts us in a conundrum of actually achieving our outcomes.

What it showed to me quite significantly is that there is this gap for the IPC in relation to their consideration. His advice tends to point to that gap. On that basis, I am putting to you that there is this call amongst civil society — people engaged, different organisations and institutions, and now pre-eminent lawyers — to say now is the time. The public interest would be served and the planning framework would be served by the Net Zero Commission exercising its functions under the climate change Act to provide some advice on a specific project. As you said, you've written another letter. That'll be provided to the IPC, but perhaps now on a specific project.

Perhaps that's something to take on notice and have a look at the Basten report. He has also prepared a supplementary report that addresses the Government's statement that they have released. It looks in detail at your spotlight report — the original report — but he has also now prepared a supplementary report. The way I read it is there is still this kind of public interest need. The timing would suggest that one of the big projects that is currently about to come into the framework is the HVO project. I'm just wondering if the commission would take notice of this submission to you, have a look at that advice and see whether this is an appropriate time to be using that particular power that you have.

Answer:

The Commission has statutory functions under the *Climate Change (Net Zero Future) Act 2023*, including the provision of independent advice on matters relevant to achieving the State's emissions reduction targets.

Consistent with these functions, the Commission reserves its right to provide advice on individual project applications where it considers it appropriate.