



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

## **BUDGET ESTIMATES 2022-2023**

### **Supplementary Questions**

**Portfolio Committee No. 4 – Customer Service and Natural Resources**

**LANDS AND WATER, HOSPITALITY AND RACING**

Hearing: Friday 2 September 2022

**Answers due by: Thursday 29 September 2022**

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## LANDS AND WATER, HOSPITALITY AND RACING

### Questions from Hon Mark Pearson MLC

#### Horse Racing

1. Findings from a 2021 poll of attitudes towards the Melbourne Cup Thoroughbred horse race, gambling and animal cruelty showed that nearly 30 percent of those polled agreed or strongly agreed that they had become less interested in the Melbourne Cup because of concerns about animal cruelty. *“The race that segments a nation: Findings from a convenience poll of attitudes toward the Melbourne Cup Thoroughbred horse race, gambling and animal cruelty.” Bethany J. Wilson, Kirrilly R. Thompson, Paul D. McGreevy Published: March 24, 2021 <https://doi.org/10.1371/journal.pone.0248945>*
  - (a) Minister, would you agree that 30% is a significant number and points towards a terminal decline in the social acceptance of horse racing as a form of entertainment?
  - (b) Minister, would you agree that the Everest race is also at risk of declining interest if animal welfare concerns in the industry are not appropriately addressed?

#### Answer

- (a) No.
  - (b) The Everest and NSW Racing is going from strength to strength.
2. Thoroughbreds are now so closely genetically related, only DNA testing can tell how much inbreeding will arise from a mating. Research conducted by scientists at University College Dublin examined DNA samples from more than 6,000 thoroughbred horses from Europe and Australia. Results were released in June 2022 and it was found that for every ten per cent increase in DNA-measured inbreeding there was a 48 per cent predicted decrease in the odds of a horse ever racing. Minister this has very grave implications for race horse welfare and may be one explanation for the high levels of wastage in the breeding industry. *“Inbreeding depression and the probability of racing in the Thoroughbred horse” E. Hill, Martin A. Stoffel, Beatrice A. McGivney, David E. MacHugh and Josephine M. Pemberton*  
*Published:29 June 2022 <https://doi.org/10.1098/rspb.2022.0487>*
    - (a) Has this report been brought to your attention?
    - (b) Have you been made aware of any concerns about inbreeding within the industry and the consequent link with the large number of foals that are not found suitable for racing?
    - (c) Is this a matter that you would consider raising with Racing NSW?

#### Answer

- (a) No.
  - (b) No.
  - (c) No.
3. Jo Mackinnon, race horse owner and racing journalist who has worked with race horses and in the industry for decades, wrote in a June 2021 article for the ‘Racing Post’:  
“In recent years Racing NSW has been buying up huge parcels of land to house unwanted racehorses. There are hundreds of them now scattered in paddocks. To a real horse person this is not the answer to re-purposing the thousands of thoroughbreds that are bred annually because we all know that eventually space and funds will become limited.” Mackinnon asks “What about the breeders”?

- (a) Minister that is my question- what is Racing NSW doing to reduce the numbers of foals born each season when we know that less than 40% of foals will go on to race and only 14% will be commercially successful for their owners.
- (b) Breeders are making serious money producing far more thoroughbred horses than will ever race and pocketing the profits. What is being done to make breeders accountable for their excess breeding, especially when inbreeding is part of the problem?
- (c) Minister, do you agree that public attitudes concerning foal wastage is a real concern for racing's social licence, and that if the industry does not limit breeding the govt should look to reducing its financial support for the industry?

**Answer**

**(a)–(b)** The control and regulation of the NSW thoroughbred racing industry is a matter for Racing NSW, with the information requested not held by the Department of Enterprise, Investment and Trade.

**(c)** No.

- 4. On the 28 August 2020, at the Murwillumbah track, Saxton Rock was beaten around the head with a whip 14 times by a rival jockey, Belinda Hodder. To be clear, there was no suggestion that the Saxton Rock was putting the rival jockey at risk of harm or that Saxton Rock's jockey had lost control. Hodder received a 14-day suspension before being allowed to return to racing. The RSPCA has not charged the jockey with animal cruelty.
  - (a) Minister given that the Stewards penalty was not appealed, we can assume that the facts were not contested. Are you satisfied with NSW Racing's treatment of what appears to be a clear case of egregious animal cruelty?
  - (b) Is it not the case that if a member of the public was caught hitting a horse about the head with a whip, they would be investigated for animal cruelty under POCTA and a potential criminal sanction imposed?

**Answer**

**(a)** The control and regulation of the NSW thoroughbred racing industry is a matter for Racing NSW.

**(b)** RSPCA NSW's enforcement of animal welfare legislation is a matter for that organisation.

- 5. One of the biggest challenges for the racing industry is the shortage of staff to care for the horses and the reluctance of younger generations to get involved. It's been a mounting issue for years and now it is reaching a critical point.

Another quote from Jo Mackinnon: "From my perspective, there are some pretty obvious reasons why staffing is challenging. The image of racing has been on the nose for a while now and many of the younger generations in particular view the sport as a dim dark world with little or no concern for the welfare of the horse. They see racing as a sport and industry that is driven entirely by the quest to get to the winning post first. They question the morality of it all and don't harbour desires to get involved, on any level." (Jo McKinnon – racing insider article)

<https://www.anzbloodstocknews.com/its-been-a-mounting-issue-for-years-and-now-its-reaching-a-critical-point/6>

- (a) Minister, is the horse racing industry going the same way as the greyhound industry?
- (b) Government subsidies keep pouring in to keep the animals racing and the gamblers betting, but is the industry's end in sight as young people refuse to take up a career in animal exploitation and cruelty?

**Answer**

**(a)** No.

(b) No.

<b>Questions from Hon Emma Hurst MLC</b>
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### Rehoming Greyhounds

6. During FY20-21 (or the most recent year data is available for), how many greyhounds were rehomed in NSW?

#### Answer

The Greyhound Welfare & Integrity Commission (Commission) advises that this information is published in the Commission's 2020-21 annual report.

7. In respect to the question above, please provide a breakdown as to whether the dog was rehomed:

- by Greyhounds as Pets
- by community-run rehoming groups
- to industry participants
- by industry participants to third parties
- to other organisations (such as labs, research facilities, blood banks, etc.)? If so, which organisations.

#### Answer

The Commission advises that:

(a) - (e) This information is published in the Commission's 2020-21 annual report.

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8. GRNSW's latest annual report states that 'GRNSW assisted in rehoming 1,880 greyhounds in FY20-21.' How many greyhounds who were 'retired' from racing or otherwise taken out of the industry in that same reporting period?

#### Answer

This information is published in The Greyhound Welfare & Integrity Commission's 2020-21 annual report.

9. During FY20-21 (or the most recent year data is available for):

- How many "GREYHOUND DETAILS – GREYHOUNDS AS PETS (GAP) INTAKE" forms did Greyhounds as Pets receive?
- How many greyhounds were successful at pre-assessment and taken in on the same day?
- Conversely, how many were not successful?
- How many greyhounds in the last reporting period were successful at pre-assessment but were not taken into Greyhounds as Pets straight away?
- What is the average wait time from being accepted into Greyhounds as Pets at pre- assessment or taken in some other way, and being rehomed to new permanent keepers?
- On average, how many places does Greyhound as Pets have for greyhounds accepted for rehoming?

#### Answer

The information requested is Greyhound Racing NSW operational information that is not held by the Department of Enterprise, Investment and Trade.

## Greyhounds Care Scheme

10. What is the budget for the Greyhound Care Scheme for this financial year?

**Answer**

See response to Question 9.

11. Where is the roll-out of the Greyhound Care Scheme up to?

**Answer**

See response to Question 9.

12. How many dogs have received care under the Scheme, and were they all for post-operative rehabilitation?

**Answer**

See response to Question 9.

13. How many dogs who have been through the Scheme have been rehomed through GAP?

**Answer**

See response to Question 9.

14. What was the total expenditure by Greyhound Racing NSW for the Greyhound Care Scheme trial in Southern NSW?

**Answer**

See response to Question 9.

15. Under GRNSW's Race Injury Rebate Scheme, GRNSW will pay 'all reasonable off-track veterinary costs for treatment of a greyhound admitted into the scheme, up to a maximum of \$2,500'. For the last reporting period:

- (a) how much money was paid out under the Scheme?
- (b) how many individual greyhounds were involved in the Scheme?

**Answer**

See response to Question 9.

16. What were the outcomes for dogs admitted into the Scheme? Please provide a breakdown of how many dogs have been:

- (a) Returned to racing
- (b) Rehomed
- (c) Died or euthanised

**Answer**

See response to Question 9.

## Government Spending

17. How much betting revenue did the NSW Government receive from the greyhound racing industry in FY 2019-20, 2020-21 and 2021-22?

**Answer**

Revenue and tax data collected by the Government under the *Betting Tax Act 2001* is aggregated, according, the requested information is not held by the Department of Enterprise, Investment and Trade.

18. How much was spent by the Government during that period on or for gambling harm reduction and minimisation in relation to the racing industry in FY 2019-20, 2020-21 and 2021-22

**Answer**

Expenditure on gambling harm reduction and minimisation cannot be broken down for specific types of wagering. Total expenditure from the Responsible Gambling Fund in NSW on initiatives related to gambling harm reduction and minimisation is as follows:

- 2019-20: \$27,366,000
- 2020-21: \$34,430,000
- 2021-22: \$26,316,000.

**Deaths and Injuries**

19. For the years FY2019/20, FY2020/21 and FY2021/22, please advise the number of dogs that a) died and b) were killed by euthanasia, following an injury at a race meeting in NSW, both:

- (a) at the track,
- (b) in the days after the injury was sustained.

**Answer**

The commission publishes data on injuries quarterly on their website.

20. The Commission publishes data on injuries quarterly on their website. For greyhounds injured or killed at trials during FY2021/22, please advise:

- (a) number of dogs that died or were killed by euthanasia at the track,
- (b) the number of dogs that were injured and then euthanased in the days following the injury,
- (c) a breakdown of injuries and deaths per track at which they occurred,
- (d) the total number of dogs that were injured with a breakdown by GWIC injury categories,
- (e) for each major injury, please list the greyhound's name and unique ID number, and advise whether they have raced since the injury,
- (f) for each greyhound who has suffered a major injury and is no longer racing, please advise the last time the dog raced and whether the dog is still alive,
- (g) the names of the dogs injured or killed,
- (h) Please also advise:
  - i. whether such tracks are required to keep records and if so list which rule requires this and provide a URL link to that rule,
  - ii. what kind of vet service each of these tracks has available at meetings (if any).

**Answer**

The commission publishes data on injuries quarterly on their website.

(h) i. Trials are conducted at public trial tracks that are registered with the Commission and Racing Clubs licensed by GRNSW. The Greyhound Racing Rules (Rules) do not require clubs or trial track proprietors to keep records of injuries. However, the Commission's Trial Track policy requires trial track proprietors to keep records and provide these to the Commission upon request.

ii. Registered Trial tracks are required to have a relationship with a veterinarian located in close proximity to the trial track and provide this information to participants utilising the trial track. Clubs conducting trials are similarly required under their licensing arrangements with GRNSW to have provide the details of a veterinarian located close to the track to participants.

21. For each greyhound registered in NSW which is listed in a steward's report as having been stood down for 90 days during FY2019/20, FY2020/21 and FY2021/22 and is no longer racing, please advise whether:

- (a) the dog is still alive (and if so, whether the dog was adopted by an industry participant or by a non-industry participant),
- (b) the dog is not still alive (and if so, what is the reason recorded for their death, and who holds this information e.g. where is it recorded?)

**Answer**

The commission publishes data on injuries quarterly on their website.

**Greyhound Industry Rebate Scheme**

22. Please provide a list of all greyhound industry rebate schemes operating in NSW

**Answer**

The information requested is GRNSW operational information that is not held by the Department of Enterprise, Investment and Trade.

23. In respect to each of these schemes identified above, please advise how many greyhounds with injuries were treated under each of those schemes during:
- (a) FY2018-19
  - (b) FY2019-20
  - (c) FY2020-21
  - (d) FY2021-22

**Answer**

See response to Question 22.

24. In respect to the greyhounds identified in response to the question above, please advise (for each financial year):
- (a) What percentage were returned to racing?
  - (b) What percentage were adopted?
  - (c) What percentage died and/or were euthanased?

**Answer**

See response to Question 22.

**Greyhound Transfers**

25. How many racing or ex-racing greyhounds were transferred interstate during FY 2019, 2020 and 2021?

**Answer**

The Commission advises that it does not maintain data for greyhounds that have been retired to non-participants and cannot therefore provide an accurate answer.

26. In respect to each dog identified above, please advise:
- (a) who was the transferred dog owned by in NSW?
  - (b) which state/territory did each dog go to?
  - (c) who is the dog owned by in the state/territory to which the dog was transferred?
  - (d) if the dog is no longer alive, what was the cause of death?
  - (e) if the cause of death is not known, why not?
  - (f) where are these records held?

**Answer**

See answer to Question 25.

27. How many racing or ex-racing greyhounds were transferred into NSW during 2019, 2020 and 2021?

**Answer**

See answer to Question 25.

28. For each greyhound identified in the question above, please advise:

- (a) Which state/territory did the dog come from?
- (b) Who owned the dog in that state/territory?
- (c) Who owns the dog in NSW?
- (d) If not currently racing, is the dog still alive?
- (e) If not alive now, what was the cause of death?

**Answer**

See answer to Question 25.

**Penalties**

29. What percentage of penalties given by GWIC in the past 5 years were for the maximum allowable penalty?

**Answer**

On 1 January 2022 GWIC introduced new Penalty Guidelines, which provide for minimum penalties. Previously the penalty guidelines adopted by GWIC only referred to prohibited substance matters. GWIC's new Penalty Guidelines were developed to include penalties for animal welfare offences. Under these Guidelines, all animal welfare breaches receive a penalty of disqualification as a minimum.

30. What percentage of penalties given by GWIC over the past 5 years were for:

- (a) drug-related offences?
- (b) cruelty offences?

**Answer**

All information on disciplinary matters can be found on the GWIC website.

<b>Questions from Ms Cate Faehrmann MLC</b>
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**Wyangala**

31. What is the current status of the final business case for the Wyangala Dam wall raising project?

**Answer**

Water Infrastructure NSW is still working on the Final Business Case.

32. What is the current status of the EIS assessment process for the Wyangala Dam wall raising project?

**Answer**

Water Infrastructure NSW has completed most of the environmental surveys and technical studies to be used as part of the EIS.

33. When will Water Infrastructure NSW conduct community consultation sessions to provide



updates on the assessment process for the Wyangala Dam wall raising project?

**Answer**

Water Infrastructure NSW continues to engage with stakeholders on the Wyangala Dam Wall Raising project. Over the life of the project (up to the end of August 2022), the project has held:

- 80 community consultation events and engaged 627 attendees at those events.
- 138 stakeholder briefings
- 104 landowner meetings

**Dungowan**

34. What studies have been conducted to demonstrate that the Peel River alluvium is recharged by rainfall rather than by river flows?

**Answer**

Monitoring bores have been collecting groundwater data in the Peel River alluvium since 1972. The data demonstrates multiple sources of recharge of the alluvium, with infiltration from rainfall and side slope run-on at the edge of the floodplain and leakage from creeks and rivers all contributing to recharge.

35. What independent peer review has been conducted on the Dungowan Dam surface and groundwater hydrological models?

**Answer**

The Peel River Valley SOURCE hydrological model was used to assess the Dungowan Dam and Pipeline project, with HunterH20 completing the hydrological assessment of the project. Barma Water Resources Consulting Pty Ltd was engaged by the Department of Planning and Environment to conduct an independent review of the Peel River Valley SOURCE model. The findings of the review were issued in November 2021 and informed the Final Business Case.

HunterH20's hydrological assessment included considering the project using the new climate data and modelling approaches, including paleoclimate data, stochastic modelling approaches and climate change projections, developed as part of the Regional Water Strategies program. This new method was developed by the Department of Planning and Environment, with advice from the University of Newcastle and the University of Adelaide. A review of the climate method and its application in hydrological models was completed by an independent panel of experts coordinated by the Office of the Chief Scientist and Engineer in 2020. This review found that the method is 'fit for purpose' in providing the best available knowledge of climate risk, is consistent with best practice in the field and a major advance over using only historical records or only climate models.

**Natural Resources Access Regulator**

36. What investigations has NRAR undertaken since the March 2022 floods with local governments to investigate illegal dumping in rivers?

**Answer**

NRAR has not initiated any investigations into suspicious activities related to illegal dumping in rivers arising from the March 2022 floods.

37. Has NRAR conducted any investigations around illegal dumping of fill, riverbank erosion, illegal dwellings or project planning around the riparian zone of the Hawkesbury and Nepean Blue Mountains Local Government Areas?

**Answer**

No.

38. Has NRAR engaged with any regulatory services departments of the 6 flood affected LGA's with regards to illegal dumping of fill, riverbank erosion and /or replanting, maintenance of flood channels or illegal retaining wall or dwellings?

**Answer**

NRAR is not the lead agency with regards to illegal dumping of fill, riverbank erosion and /or replanting, maintenance of flood channels or illegal retaining walls or dwellings. Councils are primarily responsible for regulating these activities.

<b>Questions from Hon Mark Buttigieg MLC</b>
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**Harm Minimisation**

39. In 2019/2020, KPMG received \$249,067 to undertake a strategic assessment of global technology available for gambling harm minimisation and recommend investment in this area. Is that report publicly available?
- (a) If not currently publicly available, can the Minister make it available and provide a date it will be available?
  - (b) How many of the recommendations have been adopted by the Responsible Gambling Fund Trustees, Office of Responsible Gambling (ORG) or ILGA?
  - (c) Do any of the recommendations require legislative changes and if so, what is the status of them?

**Answer**

- (a) The report is located on the website of the Office of Responsible Gambling.
- (b) (b-c)The report did not make recommendations.

**Community Benefit Fund**

40. What is the basis for the set of calculations made by ILGA when determining the community benefit payment by a venue when an application for additional or new poker machines is approved?
- (a) In particular, what lies behind the calculation of new losses, the percentage of losses in relation to perceived harm to the community, and the period of 5 years over which these contributions are calculated.

**Answer**

In settling the calculation and overall quantum, ILGA gave consideration to what would be sustainable for industry, whilst also providing for a meaningful contribution to be made to the Responsible Gambling Fund in support of relevant local communities.

41. Is the process by which grants are made from the Community Development Fund to organisations in the same LGA as the contributing venue similar to other grant processes operated by NSW agencies or departments?
- (a) Is this an open grant application process?
  - (b) If not, why is it not an open process?

**Answer**

Grants made from the Community Development Fund are similar to other grant processes operated by NSW agencies or departments.

- a) There is an open grant application process.

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b) N/A.

42. Can the RGF Trustees report grants awarded, grants acquitted and funds unspent against each venue contribution?

(a) If so, where is this reported?

(b) If it has not been reported, can those figures be supplied for the last four financial years (ie FY2019, FY2020, FY2021 and FY2022)

**Answer**

All grants made from the Community Development Fund are reported on the NSW Government Grants and Funding webpage at: [www.nsw.gov.au/grants-and-funding/responsible-gambling-grants/community-development-fund](http://www.nsw.gov.au/grants-and-funding/responsible-gambling-grants/community-development-fund)

43. What happens to funds contributed by a venue which are not then given out as community development fund grants?

**Answer**

Grants from the Community Development Fund are unrelated to Community Benefit Payments. Revenue is received into the Community Development Fund on a rolling basis and grant rounds held when an adequate level of revenue has been received into the fund.

44. Have any community development fund grants been made to any organisation which is not active in the area of the venue which made the original community benefit payment to which the grant is linked?

**Answer**

Grants from the Community Development Fund are unrelated to Community Benefit Payments.

45. How does the Minister determine if the community has benefited from the expenditure of the funds from a grant under this scheme, and how that ameliorates any harm caused by the poker machines in the venue which made the community benefit payment?

**Answer**

The Secretary, Department of Enterprise Investment and Trade is responsible for the Community Development Fund.

**Redundancies within the Hospitality and Racing Group**

46. As you are the lead Minister, how many redundancies have been finalised at the Office of the Greyhound Welfare and Integrity Commission in the 2021-22 financial year?

(a) Which departmental areas were these affected position/s previously allocated to?

(b) Which geographical area/s were these affected position/s previously located within?

(c) What date/s were these redundancies finalised?

(d) What is the full monetary value of these redundancies in savings per annum?

**Answer**

Relevant employee information is provided in the relevant annual report.

47. As you are the lead Minister, how many redundancies have been proposed and/or announced but not yet finalised at the Office of the Greyhound Welfare and Integrity Commission?

(a) Which departmental area/s are these affected position/s currently allocated to?

(b) Which geographical area/s are these affected position/s currently located within?

(c) What date/s are these redundancies proposed to be finalised?

(d) What date/s were these redundancies proposed and/or announced?

- (e) What is the full projected monetary value of these redundancies in savings per annum?

**Answer**

Relevant employee information is provided in the relevant annual report.

48. As you are the lead Minister, how many redundancies have been finalised at the Independent Liquor and Gaming Authority in the 2021-22 financial year?

- (a) Which departmental areas were these affected position/s previously allocated to?
- (b) Which geographical area/s were these affected position/s previously located within?
- (c) What date/s were these redundancies finalised?
- (d) What is the full monetary value of these redundancies in savings per annum?

**Answer**

The Independent Liquor and Gaming Authority does not have employees.

49. As you are the lead Minister, how many redundancies have been proposed and/or announced but not yet finalised at Independent Liquor and Gaming Authority?

- (a) Which departmental area/s are these affected position/s currently allocated to?
- (b) Which geographical area/s are these affected position/s currently located within?
- (c) What date/s are these redundancies proposed to be finalised?
- (d) What date/s were these redundancies proposed and/or announced?
- (e) What is the full projected monetary value of these redundancies in savings per annum?

**Answer**

See answer to Question 48.

50. As you are the lead Minister, how many redundancies have been finalised at Liquor and Gaming NSW in the 2021-22 financial year?

- (a) Which departmental areas were these affected position/s previously allocated to?
- (b) Which geographical area/s were these affected position/s previously located within?
- (c) What date/s were these redundancies finalised?
- (d) What is the full monetary value of these redundancies in savings per annum?

**Answer**

Relevant employee information will be provided in the relevant annual report.

51. As you are the lead Minister, how many redundancies have been proposed and/or announced but not yet finalised at Liquor and Gaming NSW?

- (a) Which departmental area/s are these affected position/s currently allocated to?
- (b) Which geographical area/s are these affected position/s currently located within?
- (c) What date/s are these redundancies proposed to be finalised?
- (d) What date/s were these redundancies proposed and/or announced?
- (e) What is the full projected monetary value of these redundancies in savings per annum?

**Answer**

Relevant employee information will be provided in the relevant annual report.

52. As you are the lead Minister, how many redundancies have been finalised at the Office of Responsible Gambling in the 2021-22 financial year?

- (a) Which departmental areas were these affected position/s previously allocated to?
- (b) Which geographical area/s were these affected position/s previously located within?
- (c) What date/s were these redundancies finalised?
- (d) What is the full monetary value of these redundancies in savings per annum?

**Answer**

Relevant employee information will be provided in the relevant 2021-22 annual report.

53. As you are the lead Minister, how many redundancies have been proposed and/or announced but not yet finalised at the Office of Responsible Gambling?

- (a) Which departmental area/s are these affected position/s currently allocated to?
- (b) Which geographical area/s are these affected position/s currently located within?
- (c) What date/s are these redundancies proposed to be finalised?
- (d) What date/s were these redundancies proposed and/or announced?
- (e) What is the full projected monetary value of these redundancies in savings per annum?

**Answer**

Relevant employee information will be provided in the relevant 2021-22 annual report.

**Employees**

54. Minister, for each department, agency, State-owned corporation or other body, and for each division of those bodies, if any, in your portfolio:

- a. What is the gender pay gap, both generally and across those employees in SEB or SEB-equivalent bands?
- b. What is the highest remuneration for female employees— both generally and for SEB/SEB-equivalent employees?
- c. What is the lowest pay received by female employees – both generally and for SEB/SEB-equivalent employees?
- d. What is the average remuneration received by female employees – both generally and for SEB/SEB-equivalent employees?
- e. What is the highest remuneration for male employees— both generally and for SEB/SEB-equivalent employees?
- f. What is the lowest pay received by male employees – both generally and for SEB/SEB-equivalent employees?
- g. What is the average remuneration received by male employees – both generally and for SEB/SEB-equivalent employees?
- h. How many female and how many male SEB or SEB-equivalent employees are there?
- i. What is the highest number of direct reports to female SEB or SEB-equivalent employees?
- j. What is the lowest number of direct reports to female SEB or SEB-equivalent employees?
- k. What is the average number of direct reports to female SEB or SEB-equivalent employees?
- l. What is the highest number of direct reports to male SEB or SEB-equivalent employees?
- m. What is the lowest number of direct reports to male SEB or SEB-equivalent employees?
- n. What is the average number of direct reports to male SEB or SEB-equivalent employees?

- o. What is the highest number of staff managed by female SEB or SEB-equivalent employees?
- p. What is the lowest number of staff managed by female SEB or SEB-equivalent employees?
- q. What is the average number of staff managed by female SEB or SEB-equivalent employees?
- r. What is the highest number of staff managed by male SEB or SEB-equivalent employees?
- s. What is the lowest number of staff managed by male SEB or SEB-equivalent employees?
- t. What is the average number of staff managed by male SEB or SEB-equivalent employees?
- u. In providing answers to questions (a) to (t), please provide the information for each SEB band or band equivalent?
- v. What steps are you taking to eliminate the gender pay gap?
- w. What timeframe have you set to eliminate the gender pay gap?

**Answer**

For Department of Planning and Environment and the Department of Enterprise, Investment and Trade information on staffing may be found in the Department's annual report.

Sydney Water

Sydney Water's workforce data and KPIs, including gender equity data, are published in its Annual Report.

Hunter Water

Detailed EEO benchmarking information is published annually in Hunter Water's Annual Report

WaterNSW

Further information on WaterNSW workforce diversity is included in the WaterNSW Annual Report available at [www.watarnsw.com.au](http://www.watarnsw.com.au).

55. Cluster Secretary- for each department, agency, State-owned corporation or other body, and for each division of those bodies, if any, in your Cluster:
- a. What is the gender pay gap, both generally and across those employees in SEB or SEB-equivalent bands?
  - b. What is the highest remuneration for female employees– both generally and for SEB/SEB-equivalent employees?
  - c. What is the lowest pay received by female employees – both generally and for SEB/SEB-equivalent employees?

- d. What is the average remuneration received by female employees – both generally and for SEB/SEB-equivalent employees?
- e. What is the highest remuneration for male employees– both generally and for SEB/SEB-equivalent employees?
- f. What is the lowest pay received by male employees – both generally and for SEB/SEB-equivalent employees?
- g. What is the average remuneration received by male employees – both generally and for SEB/SEB-equivalent employees?
- h. How many female and how many male SEB or SEB-equivalent employees are there?
- i. What is the highest number of direct reports to female SEB or SEB-equivalent employees?
- j. What is the lowest number of direct reports to female SEB or SEB-equivalent employees?
- k. What is the average number of direct reports to female SEB or SEB-equivalent employees?
- l. What is the highest number of direct reports to male SEB or SEB-equivalent employees?
- m. What is the lowest number of direct reports to male SEB or SEB-equivalent employees?
- n. What is the average number of direct reports to male SEB or SEB-equivalent employees?
- o. What is the highest number of staff managed by female SEB or SEB-equivalent employees?
- p. What is the lowest number of staff managed by female SEB or SEB-equivalent employees?
- q. What is the average number of staff managed by female SEB or SEB-equivalent employees?
- r. What is the highest number of staff managed by male SEB or SEB-equivalent employees?
- s. What is the lowest number of staff managed by male SEB or SEB-equivalent employees?
- t. What is the average number of staff managed by male SEB or SEB-equivalent employees?
- u. In providing answers to questions (a) to (t), please provide the information for each SEB band or band equivalent
- v. What steps are you taking to eliminate the gender pay gap?
- w. What timeframe have you set to eliminate the gender pay gap?

**Answer**

See 54.

**Floodplain harvesting**

56. How were NSW's obligations under the 2020 National Closing the Gap report considered before floodplain harvesting licences were issued in the Border Rivers and Gwydir water sources?

**Answer**

There was no obligation for NSW to consider National Closing the Gap targets when determining the floodplain harvesting licences for the Gwydir and Border Rivers valleys.

57. How will NSW obligations under the 2020 National Closing the Gap report be considered before any more floodplain harvesting access licences are handed out?

**Answer**

NSW has indicated its support for the adoption of a National aggregate target of 3% of inland waters in the control of Aboriginal corporations. The mechanisms and sources that NSW will use in meeting the target will be set out in a jurisdictional implementation plan.

58. The previous Water Minister advised that the number of 'eligible' floodplain harvesting storages that are 'unapproved' and lie within identified 'hotspot' areas (that is areas where flood works impede critical flood paths) in the Barwon/Darling is 1 and in the Macquarie is 6. Will floodplain harvesting licences still be considered for these flood works?

**Answer**

The Improving Floodplain Connections (IFC) program (previously known as Hotspots) is an accelerated compliance program for 'priority unapproved works' in the northern Basin. 'Priority unapproved works' that are within one of the following categories:

- Do not have a flood work approval under the Water Management Act 2000
- Did not need an approval at the time of construction, but now needs an approval under a floodplain management plan
- Have a flood work approval but are being used outside of the approval conditions

Licences are determined in accordance with the Regulations and unapproved flood works will not be authorised to take water under a floodplain harvesting licence. The department will not include unapproved works that are both water supply works and flood works, on water supply work approvals for floodplain harvesting, until such time as a flood work approval is obtained.

## **Hunter Valley Water**

59. What plans are there presently for the capture of water to drought proof the Upper Hunter Valley for agriculture, tourism, renewable energy, jobs and the future of the Upper Hunter Valley and for Northern NSW?

**Answer**

The Department of Planning and Environment is working with agencies, local councils, stakeholders and communities to develop 12, 20-year regional water strategies across NSW to plan for and manage the medium and long-term water needs of our regions, and to support environmental, social and economic outcomes. The strategies consider how much water a region will need to meet future demand and recommend the most effective ways to manage risks to water security, reliability and resilience.

The strategies have invested in state-of-the-art new modelling which is providing a much better understanding of the likelihood and severity of future droughts. This new information is critical to help inform business planning and industry development and enable towns to be better prepared for future droughts.



The Greater Hunter Regional Water Strategy was released in November 2018 and is being implemented. The Strategy identified water security as the primary economic risk facing the Upper Hunter Region. As the region transitions away from mining and coal fired power stations, access to reliable water is required to soften the economic impacts and support existing and new diversified industry.

60. Over the last 2 years NSW and in particular the Hunter Valley have experienced significant flooding, how much water has been captured over the last 2 years in the Hunter Valley to secure water availability for the future?

**Answer**

The Hunter is regulated by two major headwater storages (Glenbawn Dam and Glennies Creek Dam) and one smaller headwater storage (Lostock Dam). Glenbawn Dam on the upper Hunter River and Glennies Creek Dam on Glennies Creek are operated to supply water for irrigation, town water, Domestic and Stock supplies, as far downstream as Maitland. Lostock Dam on the Paterson River (a major tributary of the Hunter) also supplies water for irrigation, town water, and Domestic and Stock needs.

All three storages reached their lowest levels during the 2017-2020 drought in early February 2020—Glenbawn Dam fell to 291,761 ML (39%) on 9 February 2020, Glennies Creek Dam to 104,072 ML (37%) on 6 February 2020 and Lostock Dam to 8,624 ML (43%) on 5 February 2020. All three dams have captured significant inflows since February 2020 (in excess of 648 GL) and are all at full capacity as of 16 September 2022:

- Glenbawn Dam – 100.3%
- Glennies Creek Dam – 103.2%
- Lostock Dam – 100.5%

An additional 59GL of supplementary water was captured and stored by water users (primarily AGL Macquarie) in the Hunter Regulated River system during the 2020-21 and 2021-22 water years (July to June).

Hunter Water's total water storage (comprising Grahamstown Dam, Chichester Dam, Tomago Sandbeds and Anna Bay Sandbeds) also fell to its lowest level in the 2017-2020 drought (52.5%) on 6 February 2020. All Hunter Water storages are full as of 16 September 2022.

61. What plans, if any, are there for a co-ordinated response to climate change in the Upper Hunter Valley to deal with extreme weather conditions such as droughts and flooding?

**Answer**

[This](#) question should be directed to the Treasurer in his capacity as Minister for Climate Change.

**Climate Change Modelling**

62. Has the revised set of climate modelling on NSW and Sydney water availability and reliability been completed?
- a. Who was commissioned to complete this body of work?
  - b. Could the Minister please attach a copy of this report?

- c. What were the key findings in relation to the changing climate on drought?
- d. Has the minister been briefed on this modelling?

**Answer**

A number of separate pieces of work have been commissioned as part of the development of the Regional Water Strategies and to inform the Greater Sydney Water Strategy. As a result, climate modelling is now available across nearly all of NSW, and where necessary, across borders (to capture inflows to shared systems). Further work will continue to improve these datasets as improved science becomes available (such as updates to the NSW and ACT Regional Climate Modelling (NARClIM) program)

- a) The preparation of 10,000 year Paleoclimate informed rainfall and evaporation datasets were completed by University of Adelaide (for all of inland NSW, Hunter, North Coast and Far North Coast), and by University of Newcastle (Sydney Metro and South Coast). This data was then utilised by the DPE water modelling team to incorporate climate change consideration (using NARClIM) and used to develop streamflow datasets which can be used in the DPE owned Source and IQQM river system models.
- b) An overview of the climate data is provided on the DPIE website:  
<https://www.dpie.nsw.gov.au/water/plans-and-programs/regional-water-strategies>
- c) An overview of the climate data is provided on the DPIE website:  
<https://www.dpie.nsw.gov.au/water/plans-and-programs/regional-water-strategies>
- d) Yes

**Cooks River**

- 72. Regarding the Cooks River sheet metal piling, will the Minister commit to removing the sheet metal piling which has caused significant pollution to the Cooks River?

**Answer**

The Department of Planning and Environment – Crown Lands (Department) is working with the Cooks River Alliance (CRA) to manage the issues associated with the presence of sheet metal piling. The focus is on understanding and addressing immediate public safety risks, whilst the Cooks River Catchment Coastal Management Plan (CMP) is developed and finalised to set the strategic direction for managing this area over the longer term.

- 73. What role does your Department play in maintaining the Cooks River which falls on state-owned land?

**Answer**

The Cooks River and adjacent foreshore has been highly modified in the past throughout the Strathfield LGA. It is a complex as it involves a number of land tenures, including Crown waterway, public land owned by Inner West and Canterbury Bankstown Council, and Crown reserves managed by several councils. It largely comprises a concrete open stormwater channel which is owned and managed by Sydney Water. The Department is working with the CRA on the CMP which will provide the strategic direction for maintaining the Cooks River foreshore area going forward.

- 74. What role does your Department play in naturalising the Cooks River, particularly the sheet metal piling along the river's banks?

- a. Do you have any plans to remove the sheet metal piling along the Cooks River?

**Answer**

The Department is working with the CRA on developing the CMP, which will set the strategy for mitigating risks associated with the presence of sheet metal piling

75. Does the Minister accept that the responsibility of maintaining the Cooks River waterway is the responsibility of the Minister for Lands and Water and their department?
- a. Why has the Minister not done this in his capacity as the Minister for Lands and Water?

**Answer**

As outlined in the response to question 72, the Cooks River involves a number of land tenures and overall management is the shared responsibility of several councils and public authorities.

76. Will the Minister commit to working with other levels of Government and departments to address the need for naturalisation of the Cooks River waterway and banks?

**Answer**

See response to question 74 and 75.

77. Will the Minister finally take responsibility for the Cooks River which falls within his jurisdiction as the Minister for Lands and Water?

**Answer**

See response to question 75.

78. Regarding the Cooks River Coastal Management Plan, has the Minister's department granted any funding for the creation or implementation of the Plan?
- a. If so, how much?

**Answer**

The NSW Government's Coastal and Estuary Grants program, administered by Department of Planning and Environment - Environment and Heritage.

Question 78 (a) should be referred to the Minister for Local Government.

79. Have you consulted with the Cooks River Alliance about the need to maintain the Cooks River?
- a. When was the last time this consultation took place?
- b. What was the outcome of this?

**Answer**

See response to questions 75.

**Third-party contractors or consultancies**

80. For every agency, department, or state-owned corporation within your portfolio, please provide the following:
- a. A list of all third-party contractor or consultancies engaged in communications services, including:
    - i. Contractor name,
    - ii. Contractor ABN,
    - iii. Service provided,
    - iv. Total cost paid
  - b. A list of all third-party contractor or consultancies engaged in PR services, including:
    - i. Contractor name,
    - ii. Contractor ABN,
    - iii. Service provided,
    - iv. Total cost paid
  - c. A list of all third-party contractor or consultancies engaged in marketing services, including:
    - i. Contractor name,
    - ii. Contractor ABN,
    - iii. Service provided,
    - iv. Total cost paid
  - d. A list of all third-party contractor or consultancies engaged in Government relations or lobbying services, including:
    - i. Contractor name,
    - ii. Contractor ABN,
    - iii. Service provided,
    - iv. Total cost paid
  - e. A list of all third-party contractor or consultancies engaged in industry or peak body membership, including:
    - i. Contractor name,
    - ii. Contractor ABN,
    - iii. Service provided,

- iv. Total cost paid
- f. A list of all third-party contractor or consultancies engaged in policy or strategy development, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided,
  - iv. Total cost paid
- g. A list of all third-party contractor or consultancies engaged in project management, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided,
  - iv. Total cost paid
- h. A list of all third-party contractor or consultancies engaged in accounting and audit, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided,
  - iv. Total cost paid
- i. A list of all third-party contractor or consultancies engaged in legal services, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided,
  - iv. Total cost paid
- j. A list of all third-party contractor or consultancies engaged in any other services, including:
  - i. Contractor name,
  - ii. Contractor ABN,
  - iii. Service provided,
  - iv. Total cost paid

## **Answer**

Consultancy details are disclosed in the Department of Planning and Environment's Annual Report and Contract Award notices are available on the NSW eTendering site - <https://www.tenders.nsw.gov.au/>

## Hunter Water

A summary of consultancies is published in Hunter Water's Annual Report and included on the Hunter Water Contract Register. Both are available on Hunter Water's website. The engagement of contractors and consultancies follows Hunter Water's Commercial and Procurement Policy and Procedures, which can be found on its website.

## WaterNSW

Contract details are published on the WaterNSW web page in line with the relevant requirements under the Government Information (Public Access) Act. Information on Consultancy expenses is disclosed in WaterNSW's Annual Report.

## **Questions from Mr Justin Field MLC**

### **Floodplain harvesting legality**

81. In reference to the Minister's comment on page 11 of the transcript that he was given "advice from the Department" regarding the lawfulness and consistency with the water management principles of recent amendments to water sharing plans to enable floodplain harvesting.
- a. When was the advice requested?
  - b. When was the advice received?
  - c. Who prepared the advice?
  - d. Was it formal legal advice?
  - e. Will you make the advice public?
    - i. If not, why not?
    - ii. If yes, please provide the advice.

## **Answer**

- (a) When a water sharing plan is amended, advice is provided to the Minister regarding the consistency of the amendments with the principles of the *Water Management Act 2000* as part of the amendment package. This is standard practice for water sharing plan amendments and remakes.
- (b) The Minister received the advice when the amendment packages for the Border Rivers, Gwydir and Macquarie – Castlereagh regulated water sharing plans were presented to him.
- (c) (c-e) The advice was prepared by the Department of Planning and Environment and was published on the department's website when the amendments are gazetted.

### **Natural Resources Commission Border Rivers Water Sharing Plan Review**

*Lands and Water, Hospitality and Racing*

83. In regards to the NRC review into the Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012 published June 2022,
- a. When will the government respond to the specific recommendations contained in this review?
  - b. Will the response be made public?

**Answer**

- (a) The Government responds to the NRC review as part of the process of remaking the water sharing plans. This is the standard procedure for all water sharing plan remakes.
- (b) Yes, a background document addressing the recommendations is published on the department's website when the plan is placed on public exhibition for the remake. A final fact sheet is also published after the plan is remade.

**Water resource plan submission**

84. In reference to the response by Mr Jim Bentley on page 29 of the transcript that eight water resource plans have been resubmitted to the Murray-Darling Basin Authority, please name each of these eight water resource plans.

**Answer**

1. NSW Border Rivers Alluvial Water Resource Plan
2. Lachlan Surface Water Resource Plan
3. Intersecting Streams Water Resource Plan
4. NSW MDB Fractured Rock Water Resource Plan
5. NSW MDB Porous Rock Water Resource Plan
6. Macquarie-Castlereagh Water Resource Plan
7. NSW Great Artesian Basin Shallow Water Resource Plan
8. Murrumbidgee Alluvial Water Resource Plan

85. When will the resubmitted WRPs be made public?

**Answer**

The resubmitted WRPs are made public by the MDBA.

86. In each of the water resource plans resubmitted, please describe how Planned Environmental Water has been defined?

On page 29 of the transcript, evidence was provided of concern by the NSW Environment and Heritage Group (EHG) regarding the definition of Planned Environmental Water in the resubmitted Lachlan Water Resource Plan:

- a. What was the response of DPIE Water to EHG regarding the definition of Planned Environmental Water?
- b. Were any changes made to the submitted water resource plans as a result of EHG concern?

**Answer**

*Lands and Water, Hospitality and Racing*

(a-b) Planned Environmental Water as defined under the Commonwealth Water Act 2007.

Minister Anderson stated in his evidence (transcript of Portfolio Committee No. 4, page 30) that discussion is underway in regard to the environmental water definition. Natural Resources Access Regulator prosecutions

87. In reference to the seven live prosecutions being pursued by NRAR, as referred to by Mr Grant Barnes on page 52 of the transcript, please provide the following:
- a. The type of the alleged breach,
  - b. the relevant provision in the *Water Management Act 2000*, and
  - c. The water source where the alleged breach occurred?

**Answer**

Please refer to NRARs published quarterly compliance report.

88. In regards to withdrawn prosecutions, as referred to by Mr Grant Barnes on page 53, please provide the following details, separately for each withdrawn prosecution:
- a. The date of the investigation commencing
  - b. The date of withdrawal.
  - c. The reasons for withdrawal
  - d. The type of breach, i.e. the relevant provision in the *Water Management Act 2000*
  - e. The name of the relevant water source
  - f. Where possible, the name of the individual/s or company being prosecuted
  - g. Whether the prosecution was related to, or as a result of, the *ABC Four Corners 'Pumped'* program.

**Answer**

See 87.

89. In reference to evidence given by Mr Grant Barnes on page 53 of the transcript, regarding a judgment made in the Land and Environment Court, please provide details on the judgment and what implications it had, or has, on NRAR prosecutions.

**Answer**

The Land and Environment Court ruled on 9 May 2022 that certain evidence relied on by the prosecutor was inadmissible because it was unlawfully obtained by a WaterNSW customer field officer.

This ruling has required NRAR to carefully consider evidence obtained by WaterNSW customer field officers in a similar position. Any further details would require disclosure of confidential and privileged legal advice

**Natural Resources Access Regulator floodplain harvesting investigations**

90. In reference to the 26 investigations by NRAR, as referred to by Mr Grant Barnes on page 62 of the transcript, relating to floodplain harvesting, please provide the following:

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- a. The nature of the alleged breach,
- b. The relevant provision in the *Water Management Act 2000*, and
- c. The water source where the alleged breach occurred?
- d. Where relevant, the volume of water in question.

**Answer**

NRAR does not comment on the specific details of current matters so as not to prejudice the ongoing investigation.

**Duly Qualified Persons**

91. NRAR refers to Duly Qualified Persons (DQP) as a priority in NRAR's regulatory priorities for 2022-23. Please provide the following details:
  - a. What circumstances or concerns led to DQPs becoming a regulatory priority?
  - b. Has NRAR received specific complaints relating to actions of DQPs?
  - c. If so, how many have been received?
  - d. Have any investigations or other enforcement actions been undertaken as a result of the actions of DQPs?
  - e. If so, how many and what are the details?
  - f. Has NRAR raised concerns about the training, certification or actions of DQPs with DPE (Water)? If so, what has been the nature of the concerns raised?

**Answer**

- (a) NRAR sets its regulatory priorities to identify and target activities, areas and industries that may have high levels of non-compliance with water laws or the potential to cause harm to the environment or surrounding community. These priorities focus on solving problems that may have the greatest impact on compliance and water management. DQPs are integral to ensuring water take is accurately measured and recorded, and that metering equipment has been installed and verified correctly. DQPs who do not install and validate metering equipment in accordance with requirements pose a significant risk to the success of the non-urban metering reform. NRAR included a specific focus on DQPs in its non-urban metering regulatory priority due to this risk and to put DQPs on notice to deter potential non-compliance.
- (b) NRAR has not received any specific complaints regarding DQPs and no investigations or enforcement actions have been undertaken as a result of the actions of DQPs.
- (c) See response (b)
- (d) See response (b)
- (e) See response (b)
- (f) NRAR has raised with DPE concerns about the training and certification of DQPs and general risks with the DQP framework, which includes:

- No 'fit and proper' person test to qualify and maintain DQP status
- A potential for conflict of interest between the certification body and its DQP members
- Reliance on private organisations to certify who is a DQP, and lack of government oversight of DQP certification and performance
- Limited enforcement options for NRAR
- No legislative sanction or mechanism to deter unknowing or reckless incompetence

92. In regards to the Memorandum of Understanding with Irrigation Australia referenced in NRAR's regulatory priorities for 2022-23:

- a. What was the reason for entering into this MOU?
- b. Is the MOU public?
- c. If so, please provide a link to the document?
- d. If not, why not?

**Answer**

- a) The MOU facilitates coordination between how Irrigation Australia Limited (IAL) administers its own certification program and how NRAR enforces obligations on Duly Qualified Persons (DQPs) under the Water Management (General) Regulation 2018. The MOU also includes an agreement to explore opportunities to improve DQP performance through training, review of audit results and review of emerging risks to the broader DQP program.
- b) No.
- c) N/A
- d) The MoU is administrative in nature and likely to be of low interest to the general public.

**Water reporting in mining operations**

93. NRAR's regulatory priorities for 2022-23 identify "inconsistencies in how water take is measured and reported across the state's mining operations and extractive industries". Please explain what these inconsistencies were and where they occurred.

**Answer**

NRAR conducted a preliminary review of current annual reporting by mines and extractive industries through assessment of planning and water licensing systems. Preliminary indications are:

- Water reporting is provided annually to NRAR and covers allocation of water take to water access licences
- This reporting does not provide information on some key areas of water use including exemptions
- The current reporting does not show the extent of measured or modelled water take that is allocated to water access licences.

NRAR will identify options to assist industry to increase transparency in water reporting to assist future audit and compliance activities by NRAR. NRAR is at an early stage of its examination of these inconsistencies and has not reviewed reporting practices at all mines and extractive sites in NSW and has not yet identified any patterns of poor reporting according to location, industry, or company.

**Metering program**

94. In reference to the evidence given by Mr Barnes on page 54 of the transcript regarding the roll *Lands and Water, Hospitality and Racing*

out of the metering program, please provide a breakdown of compliance numbers within each tranche of the metering program.

**Answer**

As of 1 September 2022 NRAR has identified 160 active works from Tranche 1 of the metering program with outstanding compliance issues:

- 74 have a Validation Certificate but are not transmitting to the Data Acquisition System (DAS)
- 86 do not have a Validation Certificate recorded and are not transmitting to the DAS. Of these:
  - 25 do not have a meter
  - 23 have a meter but not considered accurate
  - 38 have an accurate meter (but not validated/transmitting to DAS) or a 91i notification of faulty meter recorded on the Water Accounting System (3 works).

Given the significant increase in size of Tranche 2 over Tranche 1 (9500 works compared to 500 works respectively, a 1900% increase), NRAR has not collected sufficient data to create a representative sample that would accurately indicate average compliance rates across Tranche 2 at this stage.

**Floodplain harvesting investigations**

95. In reference to the evidence given by Mr Barnes on page 62 of the transcript regarding investigations into floodplain harvesting take of 200GL in 2020/21, please clarify:
- a. Was the 200GL referred to taken by floodplain harvesting only?
  - b. Approximately, what period of time did this event occur over?
  - c. What valleys did the 200GL take occur in?
  - d. Please provide a valley-by-valley breakdown of the 200GL
  - e. How many storages did this apply to?

**Answer**

- (a) No. The 200 GL referred to potential unmetered water take during the Fed-Apr 2021 flood event. Potential unmetered water take includes floodplain harvesting, water captured under harvestable rights, and water take by unmetered unregulated river water licences. All these aspects are considered in any investigation.
- (b) February to April 2021
- (c) Border Rivers, Gwydir, Namoi, Macquarie River and Barwon-Darling valleys.
- (d) The DPE Water published figures are available on the Department's website.
96. In reference to the evidence given by Mr Barnes on page 62 of the transcript regarding 26 live investigations into floodplain harvesting for a March-April period:
- a. Approximately how many GL was taken in excess of expectations over the event in these 26 instances?
  - b. How many storages do these investigations apply to?
  - c. In what valleys are these 26 investigations occurring in?

- d. Please provide a valley-by-valley breakdown.

**Answer**

NRAR does not comment on the specific details of current matters so as not to prejudice the ongoing investigations.

97. In reference to the evidence given by Mr Barnes on page 62 of the transcript regarding investigating “seven of the highest” takes of floodplain harvesting:
  - a. Approximately how many GL was taken in excess of expectations over the event in these seven instances?
  - b. How many storages do these investigations apply to?
  - c. In what valleys are these seven investigations occurring?
  - d. Please provide a valley-by-valley breakdown.

**Answer**

NRAR does not comment on the specific details of current matters so as not to prejudice the ongoing investigations.

**Floodplain harvesting review**

98. In regards to the “independent expert advice” to be sought on floodplain harvesting access licences before 1 July 2025, contained in recent amendments to water sharing plans, for example in section 70 of the Water Sharing Plan for the NSW Border Rivers Regulated River Water Source Amendment Order 2022:
  - a. Will this review be done by the Natural Resources Commission?
  - b. What is the impact of the following restriction contained in the review provision “must not substantially alter the long-term average annual total amount of water able to be extracted under floodplain harvesting (regulated river) access licences in the water source”?
  - c. Was legal advice sought on the implications of this restriction?
  - d. If so, when was this sought?

**Answer**

- (a) No decision has been made on who the independent expert will be.
- (b) This review provision is consistent with amendment provisions included for supplementary water access licences in the Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2021 (clause 73 (3)).
- (c) As above, the review provision is consistent with other amendment provisions. Legal review of the amendment order occurred as part of the departmental approval process.
- (d) Legal review occurs as part of the departmental approval process prior to the Minister for Water seeking concurrence from the Minister for the Environment.

**Licence numbers**

99. Please provide the number of licence holders, both individuals and corporations, in each of the following valleys:
- a. Barwon Darling
  - b. Namoi
  - c. Macquarie
  - d. Gwydir
  - e. Border Rivers

**Answer**

As at 14/09/2022:

- a. Barwon- Darling, 1574
- b. Namoi- Peel, 4735
- c. Macquarie-Cudgegong, 4114
- d. Gwydir, 1705
- e. Border Rivers, 6806

**Amendment of the Darling Alluvial Groundwater Sources 2020 Water Sharing Plan**

100. In regards to the amendment of the Darling Alluvial Groundwater Sources 2020 Water Sharing Plan gazetted on 26 August 2022, that removed the requirement that additional groundwater could only be used on perennial crops, please clarify:
- a. Will additional groundwater access licences be issued as a result of this amendment?
  - b. What measures are in place to ensure additional extraction that occurs under Section 37 (3)(a) is under the extraction limit?
  - c. Will this additional extraction be accounted for under the Long Term Annual Extraction Limit of the Darling Alluvial Groundwater Source?
  - d. Does the DPIE Water have an estimate of how much additional groundwater will be accessed as a result of this amendment?
  - e. What assessment of the condition of Groundwater Dependent Ecosystems was undertaken before this amendment was signed off?
  - f. How was the potential impact of this extra extraction on the risk of local aquifer drawdown considered?
  - g. How was the impact of increased groundwater extraction on the existing salinity targets quoted in the Water Quality Management Plan in the draft Water Resource Plan been considered?

**Answer**

- (a) No. Licence shares will remain the same.
- (b) The volume permitted to be extracted has not changed. Extractions cannot exceed limits as water requirements are less than the limits (the long-term average annual extraction limit or the Basin Plan

long-term sustainable diversion limit) and unused allocations cannot be carried over from one year to the next.

- (c) See response (b).
- (d) See response (b).
- (e) No assessment of the condition of groundwater-dependent ecosystems was undertaken as the access rules in the current plan that protect the Darling River and associated vegetation continue to apply. The Department considered risks to the Darling River and associated ecosystems. The presence of a clay veneer and mineral precipitation in the bed and banks of the river near Menindee (where most groundwater extraction occurs) means there will be minimal impact on the river (including pools if any) during low-flow conditions when access is permitted. This is because the clay veneer inhibits leakage from the river to the groundwater sources during times when pumping is permitted. Extracting from groundwater during dry times reduced risks from the same licence holders extracting directly from refuge pools in the Darling River.
- (f) The volume permitted to be extracted has not changed. This volume is not expected to cause any significant local drawdowns. If local drawdown is observed, temporary water restrictions under section 324 of the *Water Management Act 2000* can be imposed.
- (g) The volume permitted to be extracted has not changed. The extraction is not expected to impact on salinity targets as the volume permitted to be extracted has not changed and licence holders must cease pumping if water extracted exceeds 3000 microseimens per cm, consistent with rules (subclause 37(2)) in the plan prior to the amendment.

### Questions from Ms Abigail Boyd MLC

#### Animal agriculture

101. How many bore water licenses have been approved for intensive animal agriculture facilities in the following financial years:
- (a) 2019-2020?
  - (b) 2020-2021?
  - (c) 2021-2022?

#### Answer

WaterNSW does not capture information specific to industry type.

102. What is the total amount of groundwater extracted by animal agriculture facilities in:
- (d) 2019-2020?
  - (e) 2020-2021?
  - (f) 2021-2022?

#### Answer

*Lands and Water, Hospitality and Racing*

WaterNSW does not capture information specific to industry type.

### **Drink spiking**

103. How many times in total has drink spiking been recorded in an incident register in NSW licensed venues, in each of the past financial years from 2017 to current?

- (a) Of these, how many were:
- i. reported to NSW Police?
  - ii. dealt with internally by the venue, in the form of an investigation or similar?
  - iii. not dealt with beyond the act of being recorded within the incident register?

### **Answer**

This information is not held by the Department of Enterprise, Investment and Trade.

104. Is it mandatory, under the licensing conditions, for licensed venues to record incidents of drink spiking in an incident register when they become aware of such incidents?

- (a) Can you specify the licensing conditions regarding the obligations of licensed venues to record and respond to drink spiking incidents occurring on their premises?

### **Answer**

In accordance with NSW liquor laws, licensees that are required to keep incident registers must record:

- any incident that involves possession or use of a substance that the licensee suspects of being a prohibited plant or drug
- any incident that results in a patron requiring medical assistance
- any incident that results in a person being turned out of the licensed premises (for example, due to intoxication)

Crime scene preservation requirements apply to licensed premises in the Sydney CBD and Kings Cross precincts under clause 97 of the Liquor Regulation 2018, where there is an act of violence involving an injury to a person on the premises. These can also be imposed on other licensed premises by way of license condition.

105. What are the specific training requirements for staff working at licensed venues, in regards to drink and needle spiking?

### **Answer**

Responsible Service of Alcohol and Licensee training courses include reference to drink spiking.

106. Do staff at licensed venues undergo any training specifically related to how to identify perpetrators, such as behavior to look out for?

### **Answer**

Responsible Service of Alcohol and Licensee training courses are currently being updated.

107. Under Responsible Service of Alcohol (RSA) regulation, venues are advised to have a plan in place to minimise drink spiking or other predatory activities in and around the venue. What provisions are in place to ensure that venues have adequate plans in place?

- (a) What provisions are in place to ensure that all licensees are adhering to these plans?
- (b) Does the regulator conduct any inspections to ensure that licensees are adhering to harm reduction plans and protocol?

### **Answer**

There are no legislative provisions requiring the preparation of such plans, however conditions requiring a plan of management be prepared and adhered to may be imposed on a venue's liquor licence.

a) Licensed venues are required to comply with any conditions to which the licence is subject under *Lands and Water, Hospitality and Racing*

section 11(2) of the Liquor Act 2007.

b) Yes.

108. Considering that NSW Liquor & Gaming's "Think Safe to Drink Safe" campaign currently focuses on the responsibility of individuals to ensure their own safety and the safety of their friends, are there any plans to focus directly on addressing the harmful behaviour of perpetrators?

**Answer**

This question is a matter for the Minister for Police..

**Horse racing welfare**

109. In 2020 the SMH reported that Racing NSW was launching an investigation into NSW racehorses being sent to slaughter at knackeries and slaughterhouses in breach of racing rules. This investigation includes Gerry Harvey, who confirmed that as of October 2020 that "up to nine [of his] thoroughbreds had been sent to knackeries over the last three years".
- (a) Has Racing NSW concluded its investigation into Gerry Harvey and/or his horses?
- (b) Have any other racehorses been sent to slaughter at knackeries or slaughterhouses since the 2020 exposure?

**Answer**

The matter is Racing NSW operational information that is not held by the Department of Enterprise, Investment and Trade.

110. Of investigations against NSW Racing participants in each of the financial years 2019-2020, 2020-2021, 2021-2022, and 2022-2023 to date:
- (a) what is the total number of investigations?
- (b) what is the total number involving animal welfare matters?
- (c) what is the total number involving over-whipping?
- (d) how many participants have been charged?
- (e) how many resulted in penalties (financial or other) being applied?
- (f) please provide a breakdown of the types and frequency of penalties applied.

**Answer**

See response to Question 109.

111. Of Racing NSW participants charged in financial years 2019-2023 to date, how many have been charged more than once?

**Answer**

See response to Question 109.

112. What actions if any has the Minister or the Office of Racing taken to address over-whipping?

**Answer**

The control and regulation of the NSW thoroughbred racing industry is a matter for Racing NSW.

113. How is the over-whipping of racehorses monitored in routine track work?

**Answer**

See response to Question 112.

114. How is the use or non-use of electric shock devices (jiggers) monitored during:
- (a) races?
- (b) routine track work?



**Answer**

See response to Question 112.

**Former racing animals correctional facilities**

115. In each of the financial years 2019-2020, 2020-2021, 2021-2022, and 2022-2023 to date:
- (a) what is the total number of racehorses housed at NSW prisons or correctional facilities who have undergone or are undergoing care or rehabilitation?
  - (b) of racehorses housed in prisons or correctional facilities, how many have been rehomed or adopted out?
  - (c) of racehorses housed in prisons or correctional facilities, how many have been euthanased, for what reasons and who made the decision to euthanase?
  - (d) what is the total number of greyhounds housed at NSW prisons or correctional facilities who have undergone or are undergoing care or rehabilitation?
  - (e) of greyhounds housed in prisons or correctional facilities, how many have been rehomed or adopted out?
  - (f) of greyhounds housed in prisons or correctional facilities, how many have been euthanased, for what reasons and who made the decision to euthanase?

**Answer**

This information is not held by the Department of Enterprise, Investment and Trade and is a matter Racing NSW.

116. Please provide the names of all prisons and correctional facilities that house:

- (a) racehorses.
- (b) greyhounds.

**Answer**

This question is a matter for the Minister for Corrections and should be referred accordingly.

**Greyhound racing**

117. What percentage of penalties handed down in NSW for infractions by greyhound racing industry participants were for:
- (a) the maximum penalty allowable?
  - (b) drug-related offences?
  - (c) cruelty offences?
  - (d) failing to socialise greyhounds for which they are responsible?

**Answer**

The Commission advises:

- (a) The Greyhound Racing Rules do not provide for maximum penalties.
- (b-c) Disciplinary actions taken by the Commission are available on the GWIC website.
- (d) To date, the Commission has not penalised any participants for breaches of Standards in the Code of Practice relating to socialisation of greyhounds.

118. For each quarter of each of the financial years 2019-2020, 2020-2021, 2021-2022, and 2022-2023 to date:

- (a) how many greyhounds died (except by euthanasia) on the track or at associated racing facilities following an injury at a race meeting?
- (b) how many greyhounds were euthanased on the track or at associated racing facilities following an injury at a race meeting?

- (c) how many greyhounds died (except by euthanasia) within the week following an injury at a race meeting (excluding death on the track or at associated racing facilities)?
- (d) how many greyhounds were euthanased within the week following an injury at a race meeting (excluding death on the track or at associated racing facilities)?
- (e) how many greyhounds died (except by euthanasia) on the track or at associated racing facilities following an injury at a trial?
- (f) how many greyhounds were euthanased on the track or at associated racing facilities following an injury at a trial?
- (g) how many greyhounds died (except by euthanasia) within the week following an injury at a trial (excluding death on the track or at associated racing facilities)?
- (h) how many greyhounds were injured at a trial?

**Answer**

The Commission publishes reports on greyhound racing injuries, retirements, and end of life outcomes on its website.

119. For each greyhound registered in NSW which was injured in a trial between 1 July 2019 and 30 June 2022, please name the dog and advise at which track the injury occurred and whether the dog is alive or dead.

**Answer**

The Commission advises that providing the information requested would create an unreasonable administrative burden.

120. For each greyhound registered in NSW which received a 90 day incapacitation between 1 July 2019 and 31 December 2022 and has not raced since, please name the dog and advise whether the greyhound is alive or dead, and if alive whether it was adopted by an industry participant (including being kept as a pet by its owner) or a non-industry participant, and if dead what the reason recorded for its death is.

**Answer**

See answer to Question 21.

121. Where is information on the status of greyhounds which received a 90 day incapacitation held? If this information is not publicly available, would GWIC consider making available to the public a register of the basic status (for example, alive, dead, left the industry) of named racing greyhounds? If not, is there any legislative restriction which would prevent this?

**Answer**

The Commission advises:

- Information on the status of greyhounds which received a 90-day incapacitation is held on OneGov.
- Information regarding the status of greyhounds that have received incapacitation periods is held on the Greyhound Register. This information is not publicly available. Privacy legislation restricts the information that the Commission may publish in relation to individual greyhounds.

122. For each quarter of each of the financial years 2019-2020, 2020-2021, 2021-2022, and 2022-2023 to date, how many greyhounds were transferred interstate from NSW?

**Answer**

The Commission advised that it only maintains data on NSW greyhounds which are registered by the Commission and does not hold the data for all greyhounds in NSW.

123. For each greyhound registered in NSW which was transferred interstate from NSW between 1 July 2019 and 30 June 2022 please name the dog and advise who the transferred dog was owned by, which state/territory the dog was transferred to, who the dog is owned by in the state/territory to which it was transferred, if the dog is no longer alive what the cause of death was, and if the cause of death is not known why this is so.

**Answer**

See answer to Question 122.

124. Where are records relating to interstate transfers from NSW held?

**Answer**

The Commission advises that records are held by the racing controlling body in the receiving jurisdiction.

125. For each quarter of each of the financial years 2019-2020, 2020-2021, 2021-2022, and 2022-2023 to date, how many greyhounds were transferred into NSW from interstate?

**Answer**

See answer to Question 122.

126. For each greyhound registered in NSW which was transferred to NSW from interstate between 1 July 2019 and 30 June 2022 please name the dog and advise which state/territory the dog came from, and if the dog is not currently racing whether the dog is alive and if not what the cause of death was.

**Answer**

See answer to question 123 above.

127. What were the total funds expended by government in support of the greyhound racing industry (with a breakdown of expenditure type, eg. track upgrades, spectator infrastructure, government inquiries into the industry, breeding incentives, prize money contributions, advertising, sponsorship, etc) during each financial year 2018-2019, 2019-2020, 2020-2021, 2021-2022, and 2022-2023 to date?

**Answer**

Information on grants made to Greyhound Racing NSW can be found in the annual report.

128. How many greyhounds were rehomed in NSW during each financial year 2019-2020, 2020-2021 and 2021-2022 by:

- (a) Greyhounds as Pets (GRNSW)?
- (b) community-run rehoming groups?
- (c) industry participants directly?

**Answer**

This information for 2019-20 and 2020-21 is available in the Commission's annual reports.

129. How many greyhounds were rehomed in NSW during each financial year 2019-2020, 2020-2021 and 2021-2022 by:

- (a) industry participants other than the owner?
- (b) the industry participant owner, as a companion animal?
- (c) other organisations?
  - i. Please list these organisations by name.

**Answer**

- a) Industry participants who are not owners or trainers of greyhounds may not rehome greyhounds.
- b) This information is available in the Commission's annual reports.
- c) This information is available in the Commission's annual reports for 2019-20 and 2020-21, and at Question 6 (above) for 2021-22.

130. Has Greyhound Racing NSW commissioned any polling of either the general public or of greyhound racing industry participants since December 2021? If yes, please provide information on the subject of the polling and when it was undertaken, and a copy of the polling.

**Answer**

The matter is GRNSW operational information that is not held by the Department of Enterprise, Investment and Trade and should be asked to GRNSW directly.

This matter was again addressed via a call for papers showing that neither the Minister, nor his agencies have received any polling from Greyhound Racing NSW.

131. What is GRNSW's allocated budget to its rehoming body, Greyhounds as Pets?

**Answer**

See response to Question 130. It is noted that GRNSW financial information is detailed in its annual reports, which are tabled in Parliament.

132. What is the total revenue received by Greyhounds as Pets as a charity by way of public donations and fundraising, bequests and sponsorship each financial year 2019-2020, 2020-2021 and 2021-2022?

**Answer**

See response to Question 130.

133. What is the total number of greyhounds currently in the care of Greyhounds as Pets foster carers?

**Answer**

See response to Question 130.

134. What is the total number of greyhounds currently in Greyhounds as Pets' direct care (ie. not in foster care)?

**Answer**

See response to Question 130.

135. What is the total greyhound to staff and volunteer ratio at Greyhounds as Pets, i.e., how many greyhounds is each GAP staff member or volunteer responsible for?

**Answer**

See response to Question 130.

136. How many greyhounds were rejected or not accepted by Greyhounds as Pets during each quarter of each of the financial years 2019-2020, 2020-2021, 2021-2022, and 2022-2023 to date?

**Answer**

See response to Question 130.

137. How many greyhounds were euthanased by Greyhounds as Pets during each quarter of each of the financial years 2019-2020, 2020-2021, 2021-2022, and 2022-2023 to date?

**Answer**

See response to Question 130.

138. As part of the Greyhounds Australasia Greyhound Welfare Strategy, national breeding rules were introduced in Jul 2015, which have been adopted by all states. Please provide an information on how the following rules are enforced, and where NSW imposes a higher standard than the Greyhounds Australasia rules, please list the relevant standard and then explain how this is enforced:

- (a) the licensing of all breeders
- (b) registration of all dams
- (c) breeding females over the age of eight years must obtain a veterinary certificate of breeding soundness, and obtain permission from the relevant authority to breed the dog
- (d) a maximum of three litters can be bred from any one bitch and permission to breed a fourth litter must be obtained from the state racing authority. A certificate of breeding soundness must be obtained before the fourth breeding can occur
- (e) no breeding females may have more than two litters in any 18-month period
- (f) all pups have compulsory C3 and C5 vaccinations
- (g) all dogs must receive C5 vaccination prior to being named or commencing racing

**Answer**

- (a) Section 44 of the Greyhound Racing Act 2017 requires that a person conducting activities as a greyhound racing industry participant must be registered with the Commission: LR55 of the NSW Greyhound Racing Rules expresses the same requirement, and also defines the activities that constitute greyhound breeding for this purpose. Disciplinary action may be taken against a participant who is found to have breached the Rules.
- (b) R56 of the NSW Greyhound Racing Rules requires that a female greyhound must be registered as a breeding dam prior to being serviced. Pups whelped from an unregistered breeding dam are ineligible for registration, and a participant who breeds from an unregistered dam may be subject to disciplinary action.
- (c) The Commission administers applications for exemption under R57 and R58, which place restrictions on the age at which a breeding female can be served and the number of litters a breeding female may have, respectively. In May 2022, the Commission introduced Local Rule 58A, which provides that no application for exemption under R57 will be considered where the breeding female is 10 years or older, and no application for exemption under R58 will be considered where the breeding female has already whelped 5 litters.
- (d) A veterinary certificate certifying a dam's fitness to breed must be provided with any application for exemption under R57 or R58.
- (e) R59 provides that a breeding dam may have no more than two litters in any 18-month period. Pups born of a litter whelped in breach of R59 are ineligible for registration, and disciplinary action may be taken against the relevant breeder.
- (f) R25 of the Greyhound Racing Rules details minimum vaccination requirements for all greyhounds; standards in the NSW Greyhound Welfare Code of Practice also apply. R48 requires that greyhound pups must meet minimum vaccination requirements prior to registration. All pups are

inspected by GWIC Registration officers prior to registration and unvaccinated pups are ineligible for registration.

- (g) R25 of the Greyhound Racing Rules details minimum vaccination requirements for all greyhounds; standards in the NSW Greyhound Welfare Code of Practice also apply. R48 requires that greyhounds must meet minimum vaccination requirements prior to being named for racing, and evidence of vaccination must be provided with an application for naming.

The Greyhound Racing Rules and the NSW Greyhound Welfare Code of Practice are enforced by the Commission through its Stewards and Inspectors. Disciplinary action may be taken against a participant who is found to be in breach of the Rules or the Code of Practice.

## Gaming

139. Open Does the Government collect data on the subject of gambling (eg. greyhound racing, NRL games etc) from which it collects revenue?

### Answer

No.

140. If the Government does collect data on the subject of gambling from which it collects revenue, how much betting revenue did the NSW Government receive from:

- (a) the greyhound racing industry during financial year:

- i. 2018-2019?
- ii. 2019-2020?
- iii. 2020-2021?
- iv. 2021-2022?

- (b) the thoroughbred racing industry during financial year:

- i. 2018-2019?
- ii. 2019-2020?
- iii. 2020-2021?
- iv. 2021-2022?

- (c) the harness racing industry during financial year:

- i. 2018-2019?
- ii. 2019-2020?
- iii. 2020-2021?
- iv. 2021-2022?

### Answer

See response to Question 138.

141. If the Government does not collect data on the subject of gambling from which it collects revenue:

- (a) why not?
- (b) would it be possible to?
- (c) how much betting revenue did the NSW Government during financial year:
  - i. 2018-2019
  - ii. 2019-2020
  - iii. 2020-2021
  - iv. 2021-2022

### Answer

(a)-(b) The *Betting Tax Act 2001* does not require wagering operators to provide this level of details in the reporting their revenue and tax data.

(c) This question should be directed to the Treasurer.

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These figures include the Betting Tax and the Point of Consumption Tax imposed by the *Betting Tax Act 2001*.

142. What were the total funds expended by the government (or other agencies/ third parties on its behalf) on gambling harm reduction and minimisation during financial year:

- (a) 2018-2019?
- (b) 2019-2020?
- (c) 2020-2021?
- (d) 2021-2022?

**Answer**

The total expenditure from the Responsible Gambling Fund in NSW on initiatives related to gambling harm reduction and minimisation is as follows:

- FY2018-19: \$24,243,000
- FY 2019-20 : \$27,366,000
- FY 2020-21: \$34,430,000
- FY 2021-22: \$26,316,000