

Questions on Notice

BUDGET ESTIMATES 2016-2017

General Purpose Standing Committee No. 6

Primary Industries, Lands and Water

Friday 2 September 2016

(Transcript page 2)

The Hon. MICK VEITCH: I have a series of questions here that will probably require short answers, or you can take them on notice. You will see where they are leading as I go. What is the current 2016-17 budget for Cemeteries and Crematoria NSW?

The Hon. NIALL BLAIR I might ask Ms Stone if she has the exact figure in front of her.

Mr SCOT MACDONALD: Dead end?

The CHAIR: Poor jokes are out of order at all times.

The Hon. MICK VEITCH: You just cannot help being arrogant at times, can you, Scot?

Ms STONE: I will need to give the exact figure as a question on notice, but I will say that it comes from a combination of internal funding and consolidated revenue.

QUESTION (as interpreted, where required)

What is the current 2016-17 budget for Cemeteries and Crematoria NSW?

ANSWER

The 2016-17 budget for Cemeteries and Crematoria NSW is \$2.3 million.

(Transcript page 2)

The Hon. MICK VEITCH: Minister, is it true that the budget for Cemeteries and Crematoria NSW has quadrupled under your Government?

The Hon. NIALL BLAIR: Quadrupled? There would have been a change to the way that we manage cemeteries with the previous Minister putting the changes through for Cemeteries and Crematoria. As for the actual figures and whether they have quadrupled or not, I would have to take that on notice.

The Hon. MICK VEITCH: How many potential cemetery sites have been identified and purchased or set aside by your Government? I am not talking about private individual cemeteries or cemetery trusts; I am talking about by the Government since 2011.

The Hon. NIALL BLAIR: Again, I would have to take that on notice, unless Ms Stone has the number of how many have been set aside.

QUESTION (as interpreted, where required)

1. Is it true that the budget for Cemeteries and Crematoria NSW has quadrupled under your Government?
2. How many potential cemetery sites have been identified and purchased or set aside by your Government?

ANSWER

1. No

- 2. The NSW Government through Cemeteries and Crematoria NSW works with planning authorities and with cemetery operators to encourage and facilitate strategic planning to meet future capacity needs.**

(Transcript pages 2-3)

The Hon. NIALL BLAIR: One of the things that Cemeteries and Crematoria NSW is tasked with doing, whether it is the trusts that they have or the organisation itself, is planning for future needs, particularly of metropolitan Sydney. Prior to the creation of Cemeteries and Crematoria NSW there was an ad hoc approach to how we moved forward with planning for the future of Sydney. The 2016-17 budget for Cemeteries and Crematoria NSW, including board remuneration, is \$1.31 million. As I said, it is all well and good to have infrastructure built and other planning proposals put in place, but one of the limiting factors that can be stifling is what we do with our cemeteries, and that is one of the things that it is looking at.

The Hon. MICK VEITCH: I am glad you mentioned that, Minister. How many burial plots are left in Sydney?

The Hon. NIALL BLAIR: Again, I will have to come back to you on that—and again there are private cemeteries as well, so I just want to clarify whether you are asking about—

The Hon. MICK VEITCH: If you could break them down into who has the plots, the private ones and the government ones.

QUESTION (as interpreted, where required)

How many burial plots are left in Sydney? What is the breakdown between the private ones and the government ones?

ANSWER

Research undertaken by Cemeteries and Crematoria NSW indicates that cemetery land area remaining in Sydney as at 1 January 2015 would realise around 300,000 burial plots. Crown cemeteries hold around one third of that capacity.

(Transcript page 3)

The Hon. MICK VEITCH: Do Crown cemetery trusts pre-sell burial sites?

Ms STONE: I would have to confirm that.

The Hon. MICK VEITCH: When you confirm it, can you confirm how far in advance they pre-sell them?

Ms STONE: Yes.

QUESTION (as interpreted, where required)

Do Crown cemetery trusts pre-sell burial sites, and how far in advance do they pre-sell them?

ANSWER

Yes, Crown cemetery trusts do pre-sell burial sites. How far in advance trusts sell burial sites is a commercial and operational decision for each trust.

(Transcript page 3)

The Hon. MICK VEITCH: I am advised, again reliably, that the Treasury is now saying that the unit needs to be self-financing. How would you self-finance the unit?

The Hon. NIALL BLAIR: Again, that is something I said we will take on notice. We will look at it, confirm the numbers that you have asked for and come back to the Committee.

QUESTION (as interpreted, where required)

I am advised, again reliably, that the Treasury is now saying that the unit needs to be self-financing. How would you self-finance the unit?

ANSWER

I am unaware of any such direction from Treasury.

(Transcript page 3)

The Hon. MICK VEITCH: My sources claim that the Cemeteries and Crematoria unit is seeking a \$2.7 million budget this year. Is that true?

Ms STONE: I will have to confirm that.

QUESTION (as interpreted, where required)

The Cemeteries and Crematoria unit is seeking a \$2.7 million budget this year. Is that true?

ANSWER

No.

(Transcript page 4)

The Hon. MICK VEITCH: Ms Stone, you said earlier that the trust was doing the work that you just said the bureaucrats were doing. I am confused.

Ms STONE: The staff employed by the department assist the board in its work. The trusts are single and separate entities, so they are also then responsible for running the land over which they have management responsibility, including any additions to those sites.

The Hon. MICK VEITCH: Are there additional costs that need to be recovered from the industry by the Government?

The Hon. NIALL BLAIR: What do you mean?

The Hon. MICK VEITCH: Do you impose a levy?

The Hon. NIALL BLAIR: I have explained that a general levy already exists.

The Hon. MICK VEITCH: How much is it?

The Hon. NIALL BLAIR: I will have to take that question on notice.

The Hon. MICK VEITCH: Is the levy struck per burial site or plot?

The Hon. NIALL BLAIR: Again, I will take that question on notice. I can provide a full breakdown of how that levy is applied. However, no change will be made to the current levy arrangements without broad industry and community consultation. If you are asking about future changes—

The Hon. MICK VEITCH: The levy is currently struck on Crown cemetery trusts?

The Hon. NIALL BLAIR: Yes.

The Hon. MICK VEITCH: Is it struck on local government administered cemeteries?

Ms STONE: I would need to confirm that to be absolutely sure.

The Hon. MICK VEITCH: Is it struck on private cemeteries?

Ms STONE: Again, I will need to confirm that.

QUESTION (as interpreted, where required)

1. How much is [the general levy]?
2. Is the levy struck per burial site or plot?
3. Is it struck on local government administered cemeteries?
4. Is it struck on private cemeteries?

ANSWER

- 1. Levy revenue contributed 38 per cent of the 2015/16 budget for Cemeteries & Crematoria NSW.**
- 2. The levy is not struck on either a per burial site or per plot basis.**
- 3. No.**
- 4. No.**

(Transcript page 5)

The Hon. MICK VEITCH: So you can categorically rule out imposing the levy on private cemeteries or local government cemeteries?

The Hon. NIALL BLAIR: I said that if there were there to be any change it would go through—

The Hon. MICK VEITCH: So there is going to be a change?

The Hon. NIALL BLAIR: I did not say that. I said that if there were to be it would go through the normal consultation process. Would we rule out anything changing in the future? That is why we have Cemeteries and Crematoria NSW, and the strategic plans enable us to examine what will happen in the future. If changes are proposed, they will go through the consultation process.

The Hon. MICK VEITCH: Is the levy passed on to the end user? How is it collected?

Ms STONE: We will need to provide on notice a full explanation of how it is collected and then distributed.

The Hon. MICK VEITCH: What do people get in return for the levy?

The Hon. NIALL BLAIR: Again, we have said that we will take questions in relation to the levy on notice and come back with a full breakdown.

QUESTION (as interpreted, where required)

Is the levy passed on to the end user? How is it collected? What do people get in return for the levy?

ANSWER

The former Labor Government introduced the general levy in 2010. The levy contributes to covering the cost of the administration of the *Cemeteries and Crematoria Act 2013* and is paid by Crown cemeteries trusts.

(Transcript page 5)

The Hon. MICK VEITCH: I refer back to the levy. You said there would be consultation about going forward if it were to be expanded. My sources say that the department has had conversations with InvoCare about imposing the levy. What do you say to that?

The Hon. NIALL BLAIR: I will take that question on notice.

The Hon. MICK VEITCH: Has that not happened?

The Hon. NIALL BLAIR: I will take the question on notice.

The Hon. MICK VEITCH: Would someone in the department know?

The Hon. NIALL BLAIR: As I said, I am happy to take questions on notice in relation to the levy and come back with a full breakdown.

QUESTION (as interpreted, where required)

Has the department had conversations with InvoCare about imposing the levy.

ANSWER

InvoCare is a member of the Industry Consultative Committee established by Cemeteries and Crematoria NSW to provide a forum to consult with industry on a range of issues. The NSW Government has no plans to change the current arrangements, which were introduced by and commenced under the former Labor Government in 2010.

(Transcript pages 6-7)

The Hon. MICK VEITCH: Is your department looking at imposing a levy on every burial in New South Wales?

The Hon. NIALL BLAIR: As I said, we will take on notice about the levy. If a change is proposed, we would go through a consultation process. The Catholic Metropolitan Cemeteries Trust is a Crown trust. To be clear, when I said earlier that the levy that was imposed by the Labor Government—

The Hon. MICK VEITCH: We did not impose it on private cemeteries.

The Hon. NIALL BLAIR: This is a Crown trust.

The Hon. MICK VEITCH: Have you had discussions with the department about this?

The Hon. NIALL BLAIR: As I said, we will take questions on notice about the levy on notice.

The Hon. MICK VEITCH: Have you had any discussions with the department about the levy?

The Hon. NIALL BLAIR: I have not had any discussions specifically in relation to that. We will take questions on notice in relation to the levy and provide a full breakdown.

The Hon. MICK VEITCH: Have you been briefed about options?

The Hon. NIALL BLAIR: As I said, we will provide answers on notice in relation to levies. The member may be forgetting that there are other interment arrangements that people can access. For example, people may want to be cremated. The member is trying to focus on a levy that his Government imposed.

ANSWER

The NSW Government has no plans to change the levy arrangements which were introduced by the former Labor Government in 2010.

The Hon. MICK VEITCH: Are you aware of the Elton report? The reason I flag this is that I want to know why names were left unredacted in the recent inquiry into the management of the general cemeteries trust at Rookwood, which was released on 1 July 2016—the Elton report.

The Hon. NIALL BLAIR: I would have to take on notice the question around names in the report.

The Hon. MICK VEITCH: In this report, which I downloaded as soon as it went up, why has a reference to the chief executive officer as having been "dismissed" subsequently been changed to "suspended" in later versions?

The Hon. NIALL BLAIR: There could have been an alteration to or a correction of the report. Again I will take that on notice.

The Hon. MICK VEITCH: Who was responsible for allowing it to go public with the names in it?

Ms STONE: The decision was always to put the report up for public disclosure. As the Minister said, we will take that on notice.

The Hon. MICK VEITCH: Minister, the report was changed that very day. It must have been a very senior person within the department, given the time taken for Crown Lands to process the need to change that. It had to be someone senior in the department that changed this report after it went public.

The Hon. NIALL BLAIR: Are you suggesting that if an error was identified that it should not have been redacted and changed?

The Hon. MICK VEITCH: No. I want to know who made the change and when.

The Hon. NIALL BLAIR: We will take that on notice.

QUESTION (as interpreted, where required)

1. Why names were left unredacted in the recent inquiry into the management of the general cemeteries trust at Rookwood, which was released on 1 July 2016—the Elton report?
2. Why has a reference to the chief executive officer as having been "dismissed" subsequently been changed to "suspended" in later versions?
3. Who was responsible for allowing it to go public with the names in it?
4. Who made the change and when?

ANSWER

1. **Redactions to the report were undertaken (or not) based on professional advice provided from within the Department. Where considered appropriate, some redactions were made to the published report to protect privacy and confidentiality. Some concerns have been expressed that there were names of some persons included in the published report. These were names that were already readily discoverable on the public record.**
2. **The word "dismissed" was factually inaccurate. The Chief Executive Officer was at the time, and currently remains, suspended.**
3. **I approved release of the redacted report. Redactions were undertaken (or not) based on professional advice provided from within the Department.**
4. **The Department made the change, on 1 July 2016, the same day the report was initially released.**

(Transcript page 7)

The Hon. MICK VEITCH: Are you aware of any legal action being taken against the department because of these errors?

The Hon. NIALL BLAIR: Any action would be a matter for private citizens in relation to that. That would be a question you would need to ask them.

The Hon. MICK VEITCH: Do these mistakes expose the department and the New South Wales taxpayer to claims for damages?

The Hon. NIALL BLAIR: I would have to take that on notice.

QUESTION (as interpreted, where required)

1. Are you aware of any legal action being taken against the Department because of these errors?
2. Do these mistakes expose the department and the New South Wales taxpayer to claims for damages?

ANSWER

1. **No legal action has been taken against the Department.**
2. **There has been no claim for damages.**

(Transcript page 16)

The Hon. PENNY SHARPE: Minister, under the terms of the desalination contract with Sydney Water, are the owners forbidden from moving parts from the facility to another facility owned or managed by the operator?

The Hon. NIALL BLAIR: I will have to take that on notice and check.

ANSWER

The water supply agreement between Sydney Desalination Plant Pty Ltd and Sydney Water is commercial in confidence.

(Transcript page 17)

The Hon. PENNY SHARPE: What estimates have been made of the additional area of land which will be needed to be added to the Warragamba Dam special area, if the dam wall is lifted?

The Hon. NIALL BLAIR: I might have to ask Mr Harris.

Mr SMITH: The project looking at the possibility of raising the dam wall is something that is being led by Infrastructure NSW. We have been a member of the task force preparing the work and have seconded staff across to Infrastructure NSW to do that work. I think we would be better to take that question on notice, because it is not a project that our department has led.

ANSWER

This matter falls under the portfolio responsibilities of the Minister for Transport and Infrastructure, the Hon, Mr Andrew Constance MP.

(Transcript page 17)

The Hon. PENNY SHARPE: Can you take on notice the list of sponsorships that you have and the amounts and provide that to the Committee?

Mr YOUNG: Sure, it is a small list and it is not that expensive.

ANSWER

Sydney Water's sponsorships are listed in its Annual Report each year, available on the Sydney Water website.

The Hon. PENNY SHARPE: Does Sydney Water employ consultants to advise on social media strategies?

Mr YOUNG: I would have to take that on notice.

ANSWER

No.

(Transcript page 19)

Mr JEREMY BUCKINGHAM: Yes. Minister, has the New South Wales Government reduced the funding to the Aboriginal Water Initiative?

Mr HANSEN: Not to my knowledge, but we can check that and take it on notice.

ANSWER
No.

(Transcript page 19)

Mr JEREMY BUCKINGHAM: Minister, what is the budget for DPI's climate unit and how does this compare to last year's budget?

Mr HANSEN: We do not actually have a standalone climate unit. Within a number of our divisions we have work groups that work on climate-based activities, but we do not have a standalone climate unit within DPI.

Mr JEREMY BUCKINGHAM: Do those groups have an allocated budget?

Mr HANSEN: They obviously have budgets allocated within their particular stream, so within that in agriculture, in water, in biosecurity.

Mr JEREMY BUCKINGHAM: Are they getting more money or less?

Mr HANSEN: I would have to take that on notice. What was the base year?

The Hon. NIALL BLAIR: The question was compared to last year.

ANSWER
NSW DPI Agriculture spent \$4.06 million on climate research in 2015-16.
The level of investment in climate research within DPI Agriculture has been stable in recent years.

(Transcript Page 19)

Mr JEREMY BUCKINGHAM: Did you not commit last year to visit the Wilcannia weir?

The Hon. NIALL BLAIR: I am not sure that I did, but I can take that on notice, if you like.

ANSWER
Information relating to evidence provided at the 2015-16 Budget Estimates hearings is available at the NSW Parliament website.

(Transcript page 20)

The Hon. MARK PEARSON: Ducks are semiaquatic birds, and in intensive farming they have no access to water apart from for drinking. There is a substantial body of veterinary science that says that these animals suffer a great deal of musculoskeletal and foot problems as a consequence of not being able to access water when naturally they would spend 30 to 40 per cent or more of their time in it. It is a very important part of their wellbeing. They also use the water to keep themselves clean, to remove disease and for other factors. In the intensive duck farming industry there is no provision of water for this purpose. Is the Minister aware of this, and is it not time for the codes of practice and legislation to be amended to ensure that the ducks should have access to a natural part of their wellbeing, behaviour and health—water—to move and swim in?

The Hon. NIALL BLAIR: I might refer to Mr Hansen for this information.

Mr HANSEN: While I am not specifically aware of what the code for intensive duck production includes, all of our codes of practice are built and based on knowledge and a scientific basis. I am happy to take notice of what it includes and what it should include with regard to access to water—

ANSWER

The current Australian Model Code of Practice for the Welfare of Animals - Domestic Poultry (the Poultry Code) covers all poultry including ducks and makes no recommendations regarding surface water for ducks.

(Transcript page 23)

The Hon. MICK VEITCH: Minister, will you be the lead Minister for the biodiversity conservation Acts when they come through the Parliament?

The Hon. NIALL BLAIR: I will be taking it through the upper House.

The Hon. MICK VEITCH: So you will be the lead in the upper House.

The Hon. NIALL BLAIR: Yes. I am not in the lower House. I am in the upper House.

The Hon. MICK VEITCH: I just want to know who the lead Minister is. So is Speakman the lead Minister?

The Hon. NIALL BLAIR: I would imagine so, but I will be taking it through the upper House I hope.

The Hon. MICK VEITCH: Can you detail which soil conservation depots have closed in the last couple of years and how many staff have been made redundant in the Soil Conservation Service?

The Hon. NIALL BLAIR: I will have to take that on notice.

ANSWER

No depots have been closed within the last couple of years.

Since 2011, two staff have been made redundant.

(Transcript Pages 24-25)

The Hon. MICK VEITCH: Minister, I want to move on because the clock is ticking. I want to talk about jobs in the Department of Primary Industries [DPI]. I recently asked the Parliamentary Library to do some research for me and to provide a background paper on jobs within the DPI.

The Hon. NIALL BLAIR: Yes.

The Hon. MICK VEITCH: The library apparently sought information from the department, which indicated that the Minister's office is the place to ask for that information. On that basis, Minister, can you provide me with specific jobs within the DPI since 2011?

The Hon. NIALL BLAIR: I will take it on notice and come back to you.

The Hon. MICK VEITCH: That will come from your office, though?

The Hon. NIALL BLAIR: Well, I am taking the question on notice.

The Hon. MICK VEITCH: I thought it was strange that the research facility in the library said it has to come from the Minister's office.

The Hon. NIALL BLAIR: You have asked me for the information. I said I will take it on notice and I will come back to you.

ANSWER

Number of staff who either retired or accepted redundancy within the Department of Primary Industries since 2011:

- **Retired - 104**
- **Accepted redundancy - 290**

(Transcript page 26)

The Hon. MICK VEITCH: The Food Authority has prepared a review. I want to know where that report on egg labelling or egg stamping is. It has either moved from the Minister's office up to DPC or it has not.

Mr HANSEN: I was not aware it was being held up. We can track that down.

The Hon. MICK VEITCH: Why was the New South Wales Food Authority unable to respond to the Productivity Commission report on egg stamping? This is the report you just mentioned, Mr Hansen.

Mr HANSEN: Sorry?

The Hon. MICK VEITCH: Why was the New South Wales Food Authority unable to respond to the Productivity Commission report that you have just mentioned on egg stamping?

Mr HANSEN: I am not aware as to what the restriction is or what the limitation is in their response.

The Hon. MICK VEITCH: Can someone take it on notice and find out why it was unable to respond or provide input to the Productivity Commission report?

The Hon. NIALL BLAIR: We will find out some further information for you and whether what you are suggesting is true or not will be part of that answer.

ANSWER

Egg Stamping Review Report

The NSW Food Authority is finalising a Review of Egg Stamping Implementation in NSW. Further comments on the draft review report have been provided, which are currently being reviewed.

Productivity Commission

DPI met informally with the Productivity Commission to discuss matters in relation to DPI arising in its report.

(Transcript page 27)

The Hon. MICK VEITCH: You spoke about the preview and the use of a probity auditor. Has that probity auditor been engaged or has a consultant been engaged, or are they about to be engaged?

Mr HANSEN: They have been engaged and they have been building the probity plan for the share trading.

The Hon. MICK VEITCH: Can I ask: Who are they?

Mr HANSEN: You can. I will have to take that on notice in respect of the name of the company.

ANSWER

The name of the company that has been engaged is APAC Probity Advisory and Auditing Consultants (a business trading name of Masters Le Mesurier (International) Pty Ltd).

(Transcript page 27)

The Hon. MICK VEITCH: Minister, in light of that—and I did ask you a similar question in the Chamber last week—was an independent probity officer appointed throughout the workings of the Structural Adjustment Review Committee [SARC]?

Mr HANSEN: I would have to take it on notice when they were first engaged. The company is Probity Advisory and Auditing Consultants, and they were appointed following a tender process. The date on which they commenced and when they stepped into this process, I will have to take on notice.

ANSWER

A probity officer was not engaged during the Structural Adjustment Review Committee process, because it was not necessary. The independent Structural Adjustment Review committee was appointed to provide advice to the NSW Government, which is now publicly available on the Department of Primary Industries' website. APAC Probity Advisory and Auditing Consultants were engaged on 6 June 2016 specifically to advise on probity issues associated with the \$16 million Adjustment Subsidy Program.

(Transcript page 32)

The Hon. MICK VEITCH: I will just go back to the probity auditor for the commercial fishing preview process. Is it Jason Masters, or Jason Masters Governance?

Mr HANSEN: No. I would have to take it on notice. The company name I have here is not that.

The Hon. MICK VEITCH: Thank you. Minister, when was the most recent population assessment for wild deer conducted?

The Hon. NIALL BLAIR: I am just seeing whether I have the number.

The Hon. MICK VEITCH: You can take it on notice, if you want to be accurate.

The Hon. NIALL BLAIR: If you can bear with me—yes, we will take it on notice.

ANSWER

The company is Masters Le Mesurier (International) Pty Ltd, trading as APAC Probity Advisory and Auditing Consultants.

The NSW Government has been mapping the distribution and relative abundance of selected pest animals (including deer) since mid-2016 and it is expected that these updated maps will be available in 2017.

(Transcript pages 32-33)

The Hon. PENNY SHARPE: Minister, as part of implementing water reform for the Murray-Darling Basin National Partnership Agreement, New South Wales received around \$80 million from the Australian Government to assist with that process. Is that correct?

The Hon. NIALL BLAIR: I would have to check the figure.

The Hon. PENNY SHARPE: Yes, but do you think it is about right?

Mr HANSEN: There have been numerous contributions from the Commonwealth for various parts of implementation assistance for that plan.

The Hon. PENNY SHARPE: Would you be able to provide that to the Committee?

Mr HANSEN: Sure.

ANSWER

Yes – NSW is receiving \$82.9 million in funding from the Commonwealth until June 2020 to implement the requirements of the Basin Plan.

(Transcript page 33)

The Hon. PENNY SHARPE: There is a process through this that is supposed to be improving river policy. As I understand, it is broadly the prerequisite policy measures that deal with water shepherding. In relation to water shepherding, how will this significant New South Wales and Australian government investment in the purchase of water licences from sellers be protected from re-extraction under this arrangement?

Mr HANSEN: I cannot give you an answer at the moment.

The Hon. NIALL BLAIR: We will take that on notice.

ANSWER

The NSW Policy Pre-requisite Implementation Plan, developed by DPI Water in line with commitments under the Intergovernmental Agreement on Implementation Water Reform in the Murray Darling Basin, articulates a range of guiding principles to ensure that environmental outcomes are delivered whilst protecting the integrity of the water access and reliability.

NSW believe that there are a range of mechanisms for ensuring that environmental outcomes are delivered without the need for shepherding.

(Transcript page 33)

The Hon. MICK VEITCH: Minister, in relation to the Yasmar Juvenile Detention Centre and the non-payment of rent by Juvenile Justice, when did the department first contact Juvenile Justice to advise that it had no tenure over the western half of Yasmar and needed to pay a commercial rent?

Ms STONE: We have had a number of conversations with Juvenile Justice. I would have to take your question on notice for an exact answer in terms of the exact date on which we first contacted Juvenile Justice.

The Hon. MICK VEITCH: Was it this financial year, last financial year? Can you give me a ballpark?

Ms STONE: We have had a number of conversations with Juvenile Justice.

The Hon. MICK VEITCH: For three financial years?

Ms STONE: I will need to get the correct information for you.

QUESTION (as interpreted, where required)

When did the department first contact Juvenile Justice to advise that it had no tenure over the western half of Yasmar and needed to pay a commercial rent?

ANSWER

On 23 March 2007 the department issued a temporary licence for a period of 12 months to Juvenile Justice for nil rent, whilst a long term lease was negotiated.

On 28 May 2008 solicitors representing DoI – Lands issued a draft lease to Juvenile Justice for 40 years at minimum rent. This lease was never agreed to by Juvenile Justice.

On 21 November 2013, a further draft lease was sent to Juvenile Justice for a 10 year lease and an initial annual rent of \$120,000 per annum.

On 18 July 2014, the Executive General Manager wrote to Juvenile Justice to clarify the current position and re-iterate the need for a legal tenure agreement.

(Transcript pages 33-34)

The Hon. MICK VEITCH: I am advised that Juvenile Justice has refused to sign a lease or to pay rent. Is that the case?

Ms STONE: We continue to have conversations with them, and at this stage we are confirming that answer through the parliamentary inquiry. We have been asked the same question through the parliamentary inquiry.

The Hon. MICK VEITCH: Yes, we have the responses to the questions to the parliamentary inquiry. The reason I am asking this question is that the question to the inquiry was not answered. Has Juvenile Justice refused to sign a lease or to pay rent?

Ms STONE: At this stage they are not paying rent.

The Hon. MICK VEITCH: Do you know how much back rent they owe?

Ms STONE: I will take that on notice.

The Hon. MICK VEITCH: Minister, is it a priority for the department to collect rents?

The Hon. NIALL BLAIR: There are policies in place. I am happy, as part of the question that we have taken on notice, to provide that information as well if we have not already done so to the parliamentary inquiry.

The Hon. MICK VEITCH: I have read through the answers that arrived this week and I cannot find this answer. Minister, do you think that the arrangement with Yasmar and Juvenile Justice is acceptable?

The Hon. NIALL BLAIR: Again, this is a specific case. We have said that we will take your questions on notice. There have been numerous conversations. I am not aware of this, but there may be some extenuating circumstances. In relation to rents in general, there quite often are other considerations that are taken into account in determining rent levels et cetera. It is safer for me to take your question on notice and come back with all that information.

QUESTION (as interpreted, where required)
How much back rent is owed by Juvenile Justice?

ANSWER

Currently Juvenile Justice occupies the western portion of the site and pays no rent. As there has been no agreement on rent, there is no back rent owed.

(Transcript Page 34)

The Hon. MICK VEITCH: I return to the implementation of the SAP software program. I have been told it was a botched implementation.

The Hon. NIALL BLAIR: Can you shed light on what agency you are referring to?

The Hon. MICK VEITCH: The Department of Primary Industries, in particular. Is there a problem with implementation and has that cost your department or departments to correct the implementation issues?

The Hon. NIALL BLAIR: It is a shame that the secretary had to leave, because this is

more of a question that should be directed to the secretary.

The Hon. MICK VEITCH: Do you want to take that question on notice, Minister?

The Hon. NIALL BLAIR: Yes, if that is okay.

ANSWER

The Department of Industry inherited multiple payroll and finance systems as a result of the 2011 machinery of Government changes which transferred in NSW Office of Water, Crown Lands and Arts, Liquor, Gaming & Racing functions. A project was initiated to replace all the separate systems with a single solution, adopting a 'Software as a Service' approach, in order to minimise cost and implementation time frames. This allowed the Department to go live with the new system within six months of signing contracts and operate a single solution across most agencies in the Cluster, with four cultural institutions and Local Land Services being brought onto the solution in separate later phases.

Part of the Software as a Service approach was to adopt "out of the box" standard business processes wherever possible, rather than spending time and money customising a standard product. The system continues to support 97.6 per cent on-time supplier payment and reliable payroll services which are key indicators of success, and has positioned the Department well for Treasury's Financial Management Transformation by incorporating program reporting in its original design from go-live.

(Transcript page 35)

The Hon. MICK VEITCH: Was there an expression of interest process? How do you appoint an administrator to Rookwood cemetery? Was it the same process as was followed for Wentworth Park?

The Hon. NIALL BLAIR: Again, this is a standard practice. It is part of the Cabinet process.

The Hon. MICK VEITCH: Do you have a predetermined panel?

The Hon. NIALL BLAIR: Ms Stone might have some more information.

Ms STONE: We used an executive search company for the recent appointment of the administrator for Wentworth Park. That went through looking for suitably qualified people. They were interviewed and then somebody was selected in that process.

The Hon. MICK VEITCH: Which executive search company?

Ms STONE: I will have to take that on notice.

QUESTION (as interpreted, where required)

Which executive search company was used to appoint the Administrator for Wentworth Park?

ANSWER

Watermark Search International was engaged to conduct an executive search for the appointment of the administrator for the Wentworth Park Sporting Complex Trust.

(Transcript pages 35-36)

The Hon. MICK VEITCH: Minister, the previous appointments were for three months. The one for the new administrator is two years, which is quite a significant period of time. Why make this appointment two years? Or why not appoint the original administrator for that entire period?

The Hon. NIAL BLAIR: I have explained that the original appointment for the short term was because there were a lot of unknowns at that time, when the existing trust's term had expired. The decision was to make a short-term appointment. Since that time there has been a lot more information and legislation that has gone through, and it was decided that the next term would be up to two years, or the two-year term that we have appointed, to make sure that the racing component continues at Wentworth Park. Then we can move into the transition within the terms of reference that we have applied consistent with the Government's comments around maintaining the use of Wentworth Park as an open space and public recreation facility.

The Hon. MICK VEITCH: Did the first administrator appointment process go through Cabinet?

The Hon. NIAL BLAIR: Again, I am not going to talk about Cabinet processes.

The Hon. MICK VEITCH: No, I just want to know whether the Cabinet process for appointment was followed.

The Hon. NIAL BLAIR: I will check.

The Hon. MICK VEITCH: So you are not sure whether you went to Cabinet or not?

The Hon. NIAL BLAIR: You have seen my diary. You understand how much I have going on. There are a number of things that I get to take to Cabinet and—

The Hon. MICK VEITCH: I shadow you; I know how much you have going on.

The Hon. NIAL BLAIR: Again, for fear of misleading, I will take it on notice. If that information comes to me in the remaining time, I am happy to clarify that.

QUESTION (as interpreted, where required)

Did the first administrator appointment process go through Cabinet?

ANSWER

Approval of the three month appointment of an administrator to manage the affairs of the Wentworth Park Sporting Complex Trust was made by Minister Blair, in accordance with the Crown Lands Act 1989.

(Transcript page 36)

The Hon. MICK VEITCH: Minister, I have recently been advised that there is now a land claim over the Pelican Marina site. When were you made aware of that, and when was the department made aware of the land claim?

The Hon. NIALL BLAIR: I might ask Ms Stone.

Ms STONE: I can confirm that there is a land claim over the site. We are usually advised within two to three days of land claims being lodged through our normal processes. We will do the proper investigation for determining that in due course.

The Hon. MICK VEITCH: I am happy for you to take that on notice and get back to me.

The Hon. NIALL BLAIR: On 27 May 2016, Aboriginal land claim 40733 lodged over part of the former marina site 1988DP727681— [*Time expired.*]

ANSWER

The claim was lodged with the Registrar on 27 May 2016. The Department was advised of the claim on 30 May 2016. I was made aware of the claim soon after that.

(Transcript page 36)

The Hon. PENNY SHARPE: There is a process through this that is supposed to be improving river policy. As I understand, it is broadly the prerequisite policy measures that deal with water shepherding. In relation to water shepherding, how will this significant New South Wales and Australian government investment in the purchase of water licences from sellers be protected from re-extraction under this arrangement?

ANSWER

The NSW Policy Pre-requisite Implementation Plan has been developed by DPI Water, in line with commitments under the Intergovernmental Agreement on Implementation Water Reform in the Murray Darling Basin, articulates a range of guiding principles as to NSW intends to ensure that environmental outcomes are delivered, whilst protecting the integrity of the water access and third party reliability.

NSW believe that there are a range of mechanisms for ensuring that environmental outcomes are delivered without the need for shepherding.

(Transcript pages 40-41)

Dr MEHREEN FARUQI: In October 2015, as you know, a one-year-old dolphin called Ji-Ling died at Dolphin Marine Magic. The young dolphin had swallowed litter and a metal object with his food. The dolphin died when an untrained staff member who was not a vet attempted to manually remove the litter and the metal object by reaching into the dolphin's stomach through the throat. Does the Minister agree that the treatment of Ji-Ling, in being both kept in conditions where he could actually ingest litter and then subjected to a non-recommended procedure, was unacceptable?

Mr HANSEN: Both the reports we have from the independent vet on autopsy and from the facility suggest that while an untrained animal carer was the one who attempted the procedure, it was under the guidance and direction of a qualified veterinarian on-site. It

was a tragic outcome that the young dolphin died, but nothing would suggest that the facilities there have in any way, shape or form been detrimental to the overall welfare of the dolphins there. The fact that it still has in its care a 45-year-old dolphin would suggest that it has actually worked out how to provide adequate husbandry and care for the dolphins that are there and meet the standards—

Dr MEHREEN FARUQI: So you think that the facility did nothing wrong, even if there was litter in the pool.

Mr HANSEN: Leaf litter, yes.

Dr MEHREEN FARUQI: No action is being taken?

Mr HANSEN: Not that I am aware of.

Dr MEHREEN FARUQI: Have any procedures been implemented since then to ensure that the pool is clean and that vets treat dolphins?

Mr HANSEN: Yes.

The Hon. NIALL BLAIR: Clearly, vets have treated and continue to treat the dolphins at the site. That is what the director general clearly outlined.

Dr MEHREEN FARUQI: Not in this case. The treatment was done under the direction of the vet; the vet did not treat the dolphin.

Mr HANSEN: They have come back with measures they intend to implement to minimise those risks of ingestion of leaves and refuse.

Dr MEHREEN FARUQI: What are those measures?

Mr HANSEN: I will provide that information on notice.

ANSWER

The Department has been advised that Dolphin Marine Magic removed all leaf-dropping vegetation in the vicinity of the Dolphin Lagoon following Ji-Ling's death.

Golden Cane Palm trees have been planted along the fence line to create a barrier screen which will reduce the potential for leaves to blow in from land outside their boundaries.

An automatic skimmer removes floating leaves from the pool. Additional manual removal of floating leaves and debris from the pool is carried out daily, or more frequently if required.