



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

## **BUDGET ESTIMATES 2017-2018 Supplementary Questions**

**Portfolio Committee No. 5 – Industry and Transport**

**PRIMARY INDUSTRIES, REGIONAL WATER, TRADE AND INDUSTRY**

Hearing: Friday 1 September 2017

**Answers due by: Wednesday 27 September 2017**

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## PRIMARY INDUSTRIES

### Questions from Dr Mehreen Faruqi MLC

#### Farm Trespass Policy

1. Have there been any further workshops or meetings since the August 2015 meeting?
2. The August 2015 considered stripping animal welfare organisations of their charitable status, has that occurred?
3. Will the Minister rule that out?
4. The August 2015 meeting canvassed asking police to train farmers in surveillance tactics to monitor potential animal rights activists. It stated they will “work with industry and police to facilitate training on best practice on-farm surveillance methods”; Is that happening?

#### Dolphin Marine Magic

5. Dolphin Marine Magic’s current animal display establishment licence expired on 30 June 2017. Has the NSW Department of Primary Industries issued, or does it intend to issue, a new operating licence for Dolphin Marine Magic?
6. The seal enclosure at Dolphin Marine Magic is too small to comply with the Standards for Exhibiting Seals in NSW.
  - (a) You stated in Parliament on 30 May 2017 that your department is “satisfied with plans that have been put into place” to rectify this. Please outline how the seal enclosure will be rectified such that it complies.
7. Has a formal written undertaking been entered into between NSW DPI and Dolphin Marine Magic to achieve compliance with relation to its seals?
8. The park’s seal enclosure has been non-compliant since at least 2008.
  - (a) How much longer will NSW DPI allow Dolphin Marine Magic to exhibit seals without a compliant seal enclosure? Why?
9. Dolphin captivity is being phased out around the world with countries such as France, Finland, the UK, Switzerland, the US and Canada taking steps to phase out dolphin captivity. NSW and Queensland are the only states in Australia with captive dolphins.

These global and national moves to end dolphin captivity reflect scientific warnings that highly intelligent, migratory dolphins suffer in captivity. It also reflects the Australian Senate Committee

on Animal Welfare which recommended in 1985 that cetacean captivity be phased out in Australia.

- (a) Is it appropriate for NSW to continue to exhibit captive dolphins in 2017?

### **Shark Fishing**

10. How many tonnes of shark were caught in the Ocean Trap and Line Fishery in:

- (a) 2012/2013
- (b) 2013/2014
- (c) 2014/2015
- (d) 2015/2016
- (e) 2016/2017

11. How many tonnes of shark were caught in the Ocean Trawl Fishery in:

- (a) 2012/2013
- (b) 2013/2014
- (c) 2014/2015
- (d) 2015/2016
- (e) 2016/2017

12. The Ocean Trap and Line Fishery is subject to a list of conditions:

- (a) What measures has the NSW DPI implemented to protect grey nurse sharks?
- (b) Has the NSW DPI monitored and reviewed the adequacy of mitigation measures? and/or implemented any actions?
  - i. If yes, what are the results and what actions has the NSW DPI implemented?
- (c) What measures has the NSW DPI implemented to protect grey nurse sharks?
- (d) How many interactions has the Ocean Trap and Line Fishery had with grey nurse sharks in 2014, 2015 and 2016?
  - i. How many grey nurse sharks have died due to the Ocean Trap and Line Fishery in 2014, 2015, 2016?

13. How many non-target shark species of shark have been caught as a result of bycatch due to the Ocean Trap and Line Fishery in 2014, 2015, 2016?

14. How many white sharks (*Carcharodon carcharias*) have died as a result of fishing in the Ocean Trap and Line Fishery in 2014, 2015, 2016?
15. How many non-target species of shark have been caught as a result of bycatch due to the Ocean Trap and Line Fishery in 2014, 2015, 2016? Please list the different types of species and individual statistics.
16. As per the conditions of implementation set out on 'Attachment 3' in the letter between the Hon Greg Hunt and Hon Katrina Hodgkinson on 6 May 2014:  
Has the NSW DPI implemented any of the recommendations?
  - (a) If so, please provide the reports and data.
17. The last review for the Ocean Trawl Fishery was done in 2007, when is another review going to be done?
18. The last review for the Ocean Trap and Line Fishery was done in 2010, when is the next one?
19. How many tonnes of edible shark were exported from NSW: 2014, 2015, 2016? Please list species and destination. If unable to list by species, please list by shark species total.
  - (a) How many tonnes of shark were exported in 2014, 2015, 2016? Please list by destination.
  - (b) How many tonnes of shark were used for the Australian/NSW\* pet food industry?
  - (c) How many tonnes of shark were used for the agriculture feed/aquaculture in NSW?
20. According to the Australian Fisheries Management Initiatives (AFMA), fishing has re-opened for Gulper Sharks.
  - (a) What was the scientific advice?
  - (b) What is the status of the gulper shark?
  - (c) Is there a current quota for the gulper shark?
  - (d) Are there any current initiatives in place by the AFMA to rebuild the stocks of gummy and school shark to remove their current 'over-fished' status?

### **Use of artificial intelligence**

21. What current uses of artificial intelligence does the department undertake?

Note: Please include all uses of AI including uses for resource allocation and administrative support, big data analysis, replacement and assistance of experts and researchers, procedural matters, or summarising diverse data – for reference this might include:

- Chatbots for customer service or advice
- Customer management systems
- Scanning legal documents to find relevant case law
- Categorising and searching documents
- Directing petitions efficiently
- Translation
- Document drafting

22. What planned uses does the department have for artificial intelligence?
23. What policy guidelines, if any, guide the exploration and use of artificial intelligence by the department?
24. What research, if any, has the department undertaken regarding the use of AI in Government services?

### Questions from Mr Justin Field MLC

#### Timeline for MEMA program of work

25. What is the current expected date/s for the following elements of the MEMA [schedule of works](#):
  - (a) MEMA 2016 annual progress report public released
  - (b) Hawkesbury Shelf Marine Bioregion Assessment outcome announcement
  - (c) Ocean Beaches and Headlands Assessment (Amendment to the Marine Estate Management (Management Rules) Regulation 1999) outcome announcement
  - (d) Final State-wide Threat and Risk Assessment public release
  - (e) Marine Estate Management Strategy public consultation start
  - (f) Regulations public consultation start
  - (g) Pilot programs for Batemans and Solitary Islands Marine Parks public consultation start

#### Threat and Risk Assessment

26. The State-wide Threat and Risk Assessment identified climate change as a significantly higher threat to social and economic benefits than any other stressor. Given that Marine Protected Areas, and especially fully protected Sanctuary Zones, are recognised as one of the only mitigating tools to build resilience against the impacts of climate change, will the Minister rule out

any reduction in sanctuary zones across the NSW marine protected areas network as a result of the pilot programs or any of the other processes on the MEMA schedule of works?

#### **PEP11**

27. Has the NSW Government made a submission to the current Environmental Plan for additional seismic testing submitted by Asset Energy to NOPSEMA?
  - (a) If not, why not?
  - (b) If yes, will the Minister make that document public?
28. Have any assessments been completed by DPI about the potential impact of seismic testing on fish stocks or the marine environment?
  - (a) If yes, will the Minister make these public?
29. A new international study led by University of Queensland has found the response of Humpback Whales to seismic testing is larger than previously thought and raises questions about whether current exclusion zones are adequate to protect them from harm. Will this new evidence be part of the assessment for oil and gas exploration proposed off the Newcastle coast?

#### **Bow Fishing for Carp**

30. Has the assessment/review of the trial been completed?
  - (a) If no, when will it be completed?
  - (b) If yes, will the Minister make the assessment/review public?
31. What has been the total cost of the 'Bowfishing for Carp trial'?
32. What has been the cost of installing and maintaining signage to identify the waterway areas that were open for the trial?
33. As the Government indicated that the implementation of the 'Bowfishing for Carp trial' was linked to the Department of Primary Industries Strategic Plan and its priorities to enable job creation and opportunities for economic development and to create a positive business environment:
  - (a) What economic benefits were created by the trial?
  - (b) How many jobs were created by the trial?
  - (c) How did the trial create a positive business environment?

## **North Coast Trials**

34. How much did the 2016/17 North Coast shark net trial cost?
35. What were the breakdown of costs for the following elements of the trial:
  - (a) cost of nets,
  - (b) other equipment,
  - (c) Contractor costs for deployment and checking
  - (d) scientific assessment
  - (e) in kind support from existing DPI resources/staff
  - (f) Other costs
36. How much did the 2016/17 North Coast SMART Drumline trial cost?
37. What were the breakdown of costs for the following elements of the trial:
  - (a) cost of SMART drumlines,
  - (b) other equipment,
  - (c) Contractor costs for monitoring and response
  - (d) scientific assessment
  - (e) in kind support from existing DPI resources/staff
  - (f) Other costs
38. What reporting will be done on the outcome of the North Coast SMART drumline and nets trials and when will these reports be made public?
39. When will the results of the community consultation in the North Coast be released?

## **NSW Government Shark Management Strategy**

40. How many DPI staff are involved full-time in the development and implementation of the Government's shark management strategy?
41. Have any new staff been employed by DPI to contribute specifically to the Government shark management strategy?
  - (a) If yes, how many staff and what are their roles?
42. How much has been allocated to spend on contractors to deliver the Government's shark management strategy for the 17/18 financial year in the following areas:

- (a) Existing shark meshing program?
- (b) North Coast shark net trial?
- (c) North Coast SMART drumline trial?

**Historical SMART drumline data**

43. As available, please provide a single data sheet incorporating the following information on animal captures that have occurred on all SMART drumlines that have been used in NSW since their introduction:

- (a) Watchlist no
- (b) Shark Number
- (c) Shark ID code
- (d) Species
- (e) Hooking location
- (f) Latitude/Longitude (decimal)
- (g) Distance Offshore (m)
- (h) Release location
- (i) Distance offshore
- (j) Latitude/Longitude (decimal)
- (k) Date tagged
- (l) Time hooked
- (m) Time boat arrived
- (n) Time secured at boat
- (o) Time released
- (p) Time between hooking and release
- (q) Time between secured at boat and release
- (r) Hook timer and number
- (s) Colour
- (t) Internal/External tagging



- (u) If no tag, reason why
  - (v) If recorded, pre-caudal length, fork length and total length
  - (w) Sex
  - (x) Anatomical hooking location
  - (y) Hooked removed
  - (z) Smart buoy no
  - (aa) Barbed or barbless hook
  - (bb) Jaw width (cm)
  - (cc) Damage on shark
44. Will the minister commit to providing this data on a monthly basis online on the NSW Department of Primary Industries website ongoing?
45. How many times has a shark tagged in the SMART drumline program be re-captured on a SMART drumline or caught in a shark net?
46. The majority of sharks tagged and registered on the NSW Department of Primary Industries website at <http://www.dpi.nsw.gov.au/fishing/sharks/management/shark-tagging-project> are no longer being tracked:
- (a) Please provide a reason why the tags are no longer operating
  - (b) Please provide a reason why there are tags numbered over 100 when there are only 50 tagged sharks listed on the site
  - (c) Have some of these sharks died as a result of being tagged?
  - (d) Please explain why some of these tags only lasted 4 days
  - (e) Why are only White Sharks being tagged?
47. There have been social media reports of a humpback whale being entangled in a SMART drumline off Lennox Head this year – can you confirm if any whales were entangled in any SMART drumlines across NSW?

### **Ongoing SMART drumline program**

48. Please provide a list of:
- (a) all SMART drumlines currently deployed in NSW

- (b) the location of relevant response teams
- 49. Does the Government purchase or construct SMART drumlines?
- 50. How much does one SMART drumline cost to purchase/construct, maintain, deploy and monitor for 12 months?
- 51. On average, how often are the SMART drumlines required to be replaced, i.e. what is their usual lifespan?
- 52. How many individuals (DPI staff and/or contractor staff) form part of a response to a SMART drumline alarm and tagging operation?
- 53. Who conducts this tagging? (ie. DPI staff or contractors)
- 54. What are the types of shark tags being used?
- 55. How much does one shark tag cost for each type?
- 56. How many of each type of tag has been used to date?
- 57. How many people are trained within DPI to tag and release sharks?
- 58. Approximately how much does it cost to train one person to tag and release sharks?
- 59. If non-DPI staff conducts the tagging, what training/educational experiences are they required to have to undertake this work?
- 60. Does the Government intend to tag all sharks caught on SMART drumlines?
  - (a) If no, how many sharks does the Government intend to tag?
  - (b) What type of sharks does the Government intend to tag?
- 61. How much does the Government spend on insurance for NSW Department of Primary Industries staff and contractors to engage in tagging and releasing sharks?
- 62. Under the SMART drumline program protocols, what is the time for a response team to reach a shark after an alert?
  - (a) Are there any exemptions for this?
- 63. What are the protocols/trigger for determining when a SMART drumline is to be removed from the water or not be deployed (ie related to bad weather, large swells, difficulties crossing river bars)
- 64. How will the Government minimise the risk of whale entanglements in SMART drumlines given they are intended to remain in place during the Southern whale migration period.

65. Official figures for the NSW SMART Drumline program claim the lines have not caught a single non-shark marine animal. Yet figures from the Qld Govt's SMART lethal drumline program shows marine animals such as the Common Dolphin and Loggerhead Turtle being caught (found at [https://www.daf.qld.gov.au/\\_data/assets/file/0012/357978/shark-catch-statistics-2016-non-target-species.csv](https://www.daf.qld.gov.au/_data/assets/file/0012/357978/shark-catch-statistics-2016-non-target-species.csv))  
Can you explain the reason for the difference in by-catch between the two programs? And how confident are you about your data given the markedly different results in our neighbouring state?
66. What evidence exists to suggest that sharks do not return to SMART drumline location after being tagged?
67. Is the primary purpose of the tagging program to collect data on shark population sizes or for bather protection?

#### **Shark Meshing Program 2016/17**

68. The 2016-17 Annual Report for the Shark Meshing (Bather Protection) Program provides that observers were present for 34 per cent of all net inspections by contractors:
  - (a) How many hours per region did this amount to?
  - (b) Was an observer present for every net haul or run as required under the Joint Management Agreement?
69. The 2016-17 Annual Report for the Shark Meshing (Bather Protection) Program listed the following sharks as target sharks. Please provide advice on the current scientific justification for each being listed as a target shark:
  - (a) Broadnose Sevengill Sharks
  - (b) Bronze Whalers
  - (c) Dusky Whalers
  - (d) Shortfin Makos
  - (e) Silky Sharks
  - (f) Spinner Sharks
  - (g) Common Blacktips.

#### **Other elements of the Government Shark Management Strategy**

70. Will helicopter flights be curtailed at the end of the current five year program?

71. What measures is the Government considering for unpatrolled beaches?
72. Will research into balloons and drones include estimates of the percentage of sharks that these techniques can see?
  - (a) What measures are you taking to ensure whales are not impacted by the drumlines?
73. In reference to the grant allocation for the Observation Tower Grant Program:
  - (a) How much money has been allocated from the available \$200,000?
  - (b) Who were the recipients of the grant money?
  - (c) How much money did each recipient receive?
  - (d) What was the money for each applicant used to purchase?
  - (e) What application timeframe will be provided for the 2017 Observation Tower Grant Program?
  - (f) Why was the 2016 application period 6 days, rather than a more reasonable 30 day application period?

#### **CSIRO report**

74. In light of the Government not ruling out a cull on white sharks after the CSIRO releases their report later this year, what does the Government consider is a 'safe' white shark population?

#### **Fish kills on south coast**

75. In a response to a Question Without Notice on 28 March 2017, concerning fish kills on the South Coast, Minister Blair responded to say 'DPI Fisheries staff will continue to monitor the situation and work with local government and Victorian authorities to investigate the reported fish kills':
  - (a) Please advise if any further monitoring occurred
  - (b) Please advise of any results from this monitoring, including identifying likely causes of fish kill
76. Please advise of any other major fish kill incidents reported to DPI Fisheries on the South Coast and in other coastal locations across NSW over the past year.

### **Yabby Tourism on the Terranora Lakes**

77. In regards to the current scientific analysis being conducted into the impact on the Terranora lakes from trampling by 'eco-tourism' ventures taking large groups onto sand bars to pump yabbies:
- (a) When will the report be finalised?
  - (b) When will the report be released to the public?
78. What enforcement patrols/inspections have been taken since 1 July 2016 to ensure compliance of the operators with DPI set boundaries? Please provide dates of inspections conducted?
79. Have any warnings, fines or other penalties been issued as a result of non-compliance?

### **Questions from the Hon Shaoquett Moselmane MLC (on behalf of the NSW Labor Opposition)**

#### **Clearing of TSR by Peter Harris**

80. Minister – A travelling stock reserve is public land?
81. Are you aware of clearing by Peter Harris of native vegetation on a Travelling Stock Reserve adjoining his property at Carinda?
82. Are you aware that in or before 2014 the Harris' were forced to peg the boundary of the TSR that they cleared to allow the area to recover?
83. What is the current situation?
84. If there has not been satisfactory progress – are the Harris' actively revegetating the Crown Land?
85. If not, have you or your office spoken to the local LLS about a more "direct solution?"
86. Is this particular TSR part of the TSR's the announced last year?
87. Can you rule out this TSR will not be converted to freehold as part of the Government's rationalisation process?
88. Are you aware of allegation that complaints to the North West Local Land Service end up being communicated to third parties?
89. Will you investigate the handling of complaints and privacy within the LLS?
90. Are you aware of any relationship between the current Chair of North West LLS and the Member or Barwon that may raise concerns over the impartiality of the North West LLS?

91. Have you investigated concerns that the Member for Barwon interfered with investigations on illegal land clearing by OEH?
92. Is it true now that any investigations into illegal land clearing will be carried out by LLS, not OEH?

### **LLS**

93. Minister – changes to the budget have concealed any information about LLS asset sales? Did the LLS meet its target of \$18.8 million in asset sales?
94. Where have the proceeds gone?
95. Can you explain the cost explosions within the corporate services network which has gone from \$1.3 million in 2013 to now \$3.9 million last year?
96. What was the corporate service costs last year?
97. Has former National Party MLC Richard Bull been formally appointed as Chair of Chairs for LLS?
98. What is his remuneration package?
99. Are you concerned about the number of National Party operatives within the Department of Industry?
100. Regarding the vegetation maps - do you agree the maps are, according to NSW Farmers – “anywhere near accurate” and a major problem” (ABC New England, 22/8/17)

### **Scott Barrett**

101. When did Scott Barrett commence work at Orange DPI?
102. How many applications were received for the role?
103. Who was on the interview panel?
104. Minister, did you have any conversation with anyone within DPI or LLS about Scott Barrett’s application for this role?
105. What is his role?
106. Is this full time permanent? Contract?
107. When did he start?
108. Are you aware that it took Mr Barrett more than 3 weeks to respond to an email from an energy provider wishing to understand the implications of the Biodiversity Act?

109. Are you even more concerned that Mr Barrett finally responded just 2 days before the legislation was to come into affect?
110. Minister – as a National Party power broker, can you rule out Scott Barrett putting his hand up again for the 2019 Orange election?
111. Are you concerned that public service positions are being seen as rewards for National Party operatives?

### **Commercial Fishing reforms**

112. Minister – can you guarantee that no further small fishing businesses will go under as a result of your reforms – yes or no?
113. Minister – can you guarantee that no fishing co-op will cease trading as a result of your reforms? Yes or no?

### **Sharks**

114. Minister – has the funding for the \$16 million shark strategy been fully allocated and/or spent?
115. Will there be additional funding for shark deterrent measures?

### **APVMA**

116. Do you support the relocation of the Australian Pesticide and Veterinarian Medicines Authority to Armidale?
117. Are you concerned with the loss of corporate and expert knowledge form within this organisation?
118. Are you taking any action yourself to fill the breach from the departure of key Canberra based bureaucrats?
119. Has your Department picked up any staff from the APVMA?

### **Deer Management**

120. How much did the NSW Government spend on wild deer management across the state in:
- (a) 2016-17
  - (b) 2015-16
  - (c) 2014-15
  - (d) 2013-14

121. How much did the NSW Government spend on wild deer management in the Illawarra as part of the Northern Illawarra Deer Management Program in:
- (a) 2016-17
  - (b) 2015-16
  - (c) 2014-15
  - (d) 2013-14
122. How much money will the NSW Government spend on wild deer management across the state in:
- (a) 2017-18
  - (b) 2018-19
  - (c) 2019-20
123. How will the Minister determine the amount of funding available to each Regional Pest Management Committees for wild deer management under the new Biosecurity reforms?
- (a) Will this amount be an increase to the funding currently available for deer management in each Region?
  - (b) By how much will the funding increase?
124. Will the Minister commit to the Government increasing funding to the Northern Illawarra Wild Deer Management Program in recognition of its underperformance due to lack of resources in:
- (a) 2017-18?
  - (b) 2018-19?
125. Can the Minister explain how the Government will address the rapidly increasing populations of wild deer across the state over the coming years while we await the development and establishment of the new Invasive Species Plans, Local Land Services Strategic Plans, Regional Pest Management Committees, Regional Pest Animal Management Plans and Local Management Plans, as part of the Biosecurity reforms announced this year?

#### **Land clearing and native vegetation**

126. Given the Native Vegetation Regulatory Map is not available to allow landholders to confirm the category of land they wish to clear, what will be the penalty if vegetation is cleared without the required approval?



127. How many Local Government Areas (LGAs) have identified core Koala habitat that will show up on the current regulatory map as category 2 sensitive lands?
- (a) What will protect other koala habitat outside of these LGAs being open to potential clearing under the Land Management Codes?
128. How does the new regime provide protection for *Environment Protection and Biodiversity Conservation Act 1999*-listed threatened and migratory species and communities and how will a landholder know whether they need federal approval under the Act for the clearing they wish to undertake?
129. Has the Government conducted a cost benefit analysis into the Biodiversity Offsetting Scheme?
- (a) If so, what were the key findings in relation to whether the new scheme would be a positive or negative impact on the NSW community?
130. Given the regulations and codes under the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* were not released until 25 August 2017, the date they came in to force, what training have LLS and OEH compliance staff had in the details of the new regime? Please outline the length of training, the number of staff who undertook such training from each agency and the dates of the training.
131. Has there been an assessment of the extent of clearing that could occur using each of the codes?
- (a) If so, when will this be released publicly?
- (b) Has there been an impact assessment done to quantify the impact those extents will have on threatened species and endangered ecological communities?
132. Is the Government committed to protecting in perpetuity the equivalent biodiversity values that will be cleared by landholders under this new regime?
133. Can the Government confirm how regularly and within what time period satellite data will be made publically available which outlines the extent of native vegetation clearing?
134. Will there be interim core habitat layer produced for the regulatory map, based on expert knowledge of Koala distribution and preferred food trees at the local scale, until comprehensive statewide mapping is completed?
135. Will the set asides and offsets be monitored regularly by an independent auditor?
136. How is the application of the Biodiversity Assessment Method to determine offsets and credits going to be audited?

137. How will the Government ensure that the carbon emissions from all clearing which takes place is counted in the Government's pledge to reach net zero emissions by 2050?
138. What model of private landowner support and compliance will the new Biodiversity Conservation Trust (BCT) adopt under its stewardship program and what resources will be allocated to this function?
139. How will the BCT be able to move quickly enough to secure, sell and protect high conservation value land at acceptable commercial rates as a government entity?
140. How does the Government or the BCT plan to fund the BCT in the long term?
141. As NSW will be the only State without an NGO covenanting entity, have the experiences in other States been fully assessed regarding this change in NSW?
  - (a) If so, what were the outcomes of this assessment?
142. How will landholders know what money is available to them for stewardship payments, as an alternative to clearing, if there is no private conservation investment strategy in place to identify the price per hectare?
143. How is the Government addressing concerns that once the new laws are implemented, significant cultural heritage sites, such as scar trees could be destroyed?
  - (a) What resources has the Government allocated to ensuring compliance with the new laws?
144. Has the Government allocated funds for awareness and education about the new laws to ensure that landholders properly understand them?
  - (a) If so, how much?
  - (b) How are the funds being targeted across NSW?
145. Of the \$240 million announced for the new Biodiversity Conservation Trust:
  - (a) How much will be made available in 2017/18?
  - (b) When will funds become available?
  - (c) Will all land holders be able to access the funds or only landholders who meet a certain threshold or criteria, and if so what is the criteria?
146. Of the \$100 million announced for the Saving our Species program
  - (a) Are these funds are quarantined for government spending or whether there will be any specific streams of funding that land holders will be able to access or apply for?

- (b) How much will be made available in 2017/18?
147. Will the Government publicly release all submissions to the consultation on the draft Regulations and other key products supporting the *Biodiversity Conservation Act 2016* and *Local Land Services Amendment Act 2016*?
- (a) If so, when?
- (b) If not, why not, considering all submissions to the original draft bill were made public?
148. Has the Government considered or reviewed the impact of the new land clearing and native vegetation laws to threatened and migratory species and endangered ecological communities listed in the federal *Environment Protection and Biodiversity Conservation Act 1999*?
- (a) If so, what were the findings?
- (b) If not, why not?
149. Does the current Native Vegetation Regulatory Map include coastal and Ramsar wetlands, littoral rainforest, core koala habitat, critically endangered ecological communities, old growth forests and high conservation value grasslands?
150. How will the loss of biodiversity at the property level be mitigated at the regional level?
151. How will the objective to address biodiversity decline be achieved by the increased dependence on offsetting in the proposed system?
152. How do the regulations apply the principles of ecologically sustainable development?
153. Will the Biodiversity Assessment Method be applied for most rural clearing?
- (a) If not, how are the regulations a scientifically robust way of assessing and conserving biodiversity?
154. Will there be special considerations and limitations based on the regional extent of native vegetation, such as the over-cleared North West floodplains and lower slopes east of Moree?
155. How will Koala habitat be protected in over-cleared landscapes considering that two of their main preferred food trees Bimble box and River Red gum have the least protection as paddock trees and can be cleared as invasive species?
156. Can Koala habitat be cleared using the Biodiversity Assessment Method and the use of offsets?
157. Will the LLS be able to refuse clearing applications in over cleared landscapes when the application is consistent with the codes?

158. Will the equity code enable broadscale clearing of woodlands, open forests and grasslands previously not cleared?
159. Can the Equity Code still clear up to 625ha or down to 10% category 2 remnant vegetation per property?
160. Can Invasive Native Species thinning clear up to 900ha, including trees up to 30cm dbh, and retain just 20 trees per ha?
161. Can pasture expansion activities thin trees up to 90cm dbh, providing the area does not to exceed 30% of total property?
162. Can farm plan code clearing remove up to 25% of category 2 remnant vegetation on a property?
163. Will determining serious and irreversible impacts be at the Minister's discretion?
164. Will the loss from clearing be balanced by gains from plantings, set asides, offsets and stewardship agreements?
  - (a) If so, over what timeframe are such gains estimated be achieved?
165. For category 1 land, how will property vegetation planning be incorporated to consider the landscape significance of the vegetation and factors such as soil erosion, salinity recharge and discharge areas, protected lands, stream buffers, landscape corridors, and protection of hollow trees?
166. Will all clearing be considered according to the 'maintain or improve' standard for both the property and region levels?
167. Does the principle of no net loss apply?
168. How do people nominate areas of Outstanding Biodiversity Value?
169. What is included in vulnerable regulated land and how have they been identified and mapped?
170. What is included in sensitive regulated land and how have they been identified and mapped?
171. What scientific evidence underpins the assumption that offsetting is successful in the timeframe necessary to conserve threatened species?
172. What will be the acceptable minimum standard for offsets in terms of age classes and time to regenerate mature habitats for threatened species?
173. Is protection of existing remnant vegetation not under threat considered a conservation gain if it offsets the loss of an area of habitat that was a larger total area?

174. Do the regulations allow offsets across a species range and swapping between species?
- (a) If so, what is the scientific evidence that this will lead to positive biodiversity outcomes?
175. What scientific evidence underpins the use of flexible and indirect offsets?
176. What assurance or security is there to guarantee that an offset will achieve a biodiversity gain?

### **Office Administration**

177. How many staff are in your ministerial office?
- (a) What was the average salary for staff members in your office during 2016-17?
- (b) What is the estimated average salary for a ministerial staffer in your office in 2017-18 based on current appointments?
178. How many blackberries/iphones/smart phones are assigned to your staff?
- (a) For each phone, how much was each bill in 2016-17?
- (b) How many phones have been lost or replaced due to damage in your office?
- i. What is the cost of replacing those phones?
179. How many iPads or tablets has DPC assigned to your Ministerial office and to whom have they been issued?
- (a) What was the cost of providing iPads or tablets to your Ministerial Office in 2016-17?
- (b) How many iPads or tablets have been replaced due to lost or damage in 2016-17?
- i. What was the cost of replacing these devices?
180. Has any artwork been purchased or leased for display in your ministerial office in 2016-17?
- (a) What is the cost of this?
181. Have any floral displays or indoor plants or potplants been hired or leased for display in your ministerial office in 2016-17?
- (a) If so, what was the cost of these items?
182. Have any floral displays or indoor plants or potplants been purchased for display in your ministerial office in 2016-17?
- (a) If so, what was the cost of these items?
183. What was the total cost of all subscriptions by you and your staff to online news services, newspapers, magazines, journals and periodicals in 2016-17?

(a) What are these services/newspapers/magazines/journals/periodicals?

i. Who is the subscriber for each of these?

184. What was the total amount your office spent on stationery?

185. What was the total value of all gifts purchased for use by you and your office in 2016-17?

(a) What were the gifts purchased?

i. Who were they gifted to?

186. Do you purchase bottled water or provide water coolers for your office?

(a) What is the monthly cost of this?

187. What non-standard features are fitted to your ministerial vehicle?

(a) What is the cost of each non-standard feature?

188. What was the total bill for your office in 2016-17 for:

(a) Taxi hire

(b) Limousine hire

(c) Private hire care

(d) Hire car rental

(e) Ridesharing services

189. Were any planes or helicopters chartered by you or your office and paid for with public money in 2016-17?

(a) If yes, will you please detail each trip, the method of transport and the cost?

### **Hospitality**

190. How much did your ministerial office spend on hospitality, including catering and beverages, in 2016-17?

191. How much did your Department/agency spend on hospitality, including catering and beverages, in 2016-17?

### **Labour Hire Firms**

192. Do any Departments/agencies within your portfolio responsibilities utilise the services of Labour Hire Firms? If yes, please advise in table form for 2016-17:

(a) The names of the firms utilised

- (b) The total amount paid to each firm engaged
- (c) The average tenure period for an employee provided by a labour hire company
- (d) The longest tenure for an employee provided by a labour hire company
- (e) The duties conducted by employees engaged through a labour hire company
- (f) The office locations of employees engaged through a labour hire company
- (g) The highest hourly or daily rate paid to an employee provided by a labour hire company

### **Media and Public Relations**

- 193. How many media or public relations advisers are employed for each of your portfolio agencies and what is the total cost to employ these advisers?
- 194. What is the forecast for the current financial year for the number of media or public relations advisers to be employed and their total cost?
- 195. What is the total cost of media monitoring services used by Departments/agencies within your portfolio responsibilities?
- 196. By how much has the number of media or public relations advisers employed for each of your portfolio agencies increased since 2011-12 to the current date?
- 197. By how much has the expenditure on media or public relations advisers employed for each of your portfolio agencies increased since 2011-12 to the current date?
- 198. Have you had media training or speech training?
  - (a) If yes, who paid for it?
  - (b) If paid by taxpayers, what was the amount paid in 2016-17?

### **Facebook**

- 199. How much did your ministerial office spend on Facebook advertising or sponsored posts in 2016-17?
- 200. How much did your Department/agency spend on Facebook advertising or sponsored posts in 2016-17?

### **Overseas Trips**

- 201. Were any of your overseas trips in the last financial year paid for in part or in full by using public money?

(a) If so, did any of your relatives or friends accompany you on these trips?

202. Have you undertaken any official overseas travel that was privately funded?

(a) If so, what was the nature of these trips?

(b) Who paid for these trips?

### **Department/Agency Travel**

203. What was the total expenditure in 2016-17 by Departments/agencies within your portfolio on:

(a) Taxi hire

(b) Limousine/private car hire

(c) Hire car rental

(d) Ridesharing services

204. Do any senior executive service employees in your Departments/agencies have a driver that is paid for by the Departments/agencies? If so, what is the number of senior executive service employees that have a driver and which senior executive service employees have a driver?

(a) How much was spent on these drivers in 2016-17?

### **Consulting**

205. How much did the Department/agencies under your portfolio responsibility spend in legal costs in 2016-17?

(a) For what specific purposes or matters was legal advice sought?

206. Have Department/agencies under your portfolio engaged any consultants to provide the following services or advice in 2016-17:

(a) Social media

i. And the cost of these services

(b) Photography

i. And the cost of these services

(c) Acting training

i. And the cost of these services

(d) Ergonomics

i. And the cost of these services



## **Department/Agency Staffing**

207. What was the number of senior executive service employees employed by Departments/agencies within your portfolio in 2016-17?
- (a) How much was this number in 2011-12?
208. What was the expenditure on senior executive service employees employed by Departments/agencies within your portfolio in 2016-17?
- (a) How much was this number in 2011-12?
209. What was the number of internal legal counsel employees employed by Departments/agencies within your portfolio in 2016-17?
- (a) How much was this number in 2011-12?
210. What was the expenditure on internal legal counsel employees employed by Departments/agencies within your portfolio in 2016-17?
- (a) How much was this number in 2011-12?
211. How many redundancies were processed by Departments/agencies within your portfolio responsibilities during 2016-17?
- (a) Of these redundancies, how many were:
- i. Voluntary
  - ii. Forced
- (b) What was the total cost of all redundancies?
212. Have any staff who received a redundancy in the last two years undertaken any paid work or provided any paid services for the agency with which they were formerly employed?
- (a) What was the nature of these works/services?
- (b) What was the total cost of these works or services?
213. Are any staff formerly employed by your ministerial office now employed by Departments/agencies under your portfolio responsibility?
214. How many staff were dismissed from Departments/agencies under your portfolio responsibilities in 2016-17?
- (a) What were the reason/s for each dismissal?
215. What was the total amount your Departments/agencies spent on stationery?

### **Smart Phone Accounts**

216. Do the Departments/agencies within your portfolio have an iTunes account?
- (a) What was the total expenditure in 2016-17 on iTunes?
    - i. What applications/subscriptions/services were purchased through iTunes?
217. Do the Departments/agencies within your portfolio have an Android account?
- (a) What was the total expenditure in 2016-17 on Android?
    - i. What applications/subscriptions/services were purchased through Android?

### **Websites Visited**

218. What were the top 20 most utilised (by data sent and received) unique domain names accessed by your Ministerial office this year?
219. What were the top 20 most accessed (by number of times accessed) unique domain names accessed by your Ministerial office this year?

### **Merchant fees**

220. Please provide a list of all transactions where customers need to pay a merchant fee on credit and/or debit card payments in your Department/agency.
221. Please provide the percentage and/or amount of the merchant fees applied to all credit and/or debit card payments/transactions in your Department/agency.
222. What was the total amount paid in merchant fees on credit and/or debit card payments in your Department/agency in 2016-17?

### **Probity Auditor**

223. Has your office or department used a Probity Auditor or Probity Advisors, or similar, in the past five years? If so please list the company and/or individual, the project, the engagement dates, and their total remuneration in tabular format.”

<b>Questions from the Hon Mark Pearson MLC</b>
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### **Animal Cruelty Inspection in Pounds**

224. What measures are in place when a complaint, or many, are lodged to her/his department in respect to how a council operates and manages its impounding facility? I note that initial responsibility may reside with the Office of Local Government, but issues over animal welfare are her department’s responsibility.

225. Is the Minister also aware that complaints have been lodged, over the years, about the lack of enforcement of the various animal welfare codes of practice along with the Prevention of Cruelty to Animals Act?
226. Similarly is the Minister aware that many complaints involve breaches of this Act by numerous New South Wales Council pounds including, but not limited to, Cowra and Griffith councils?
- (a) Furthermore, as a sign of the lack of enforcement, is the Minister aware that complaints have also been lodged to her/his department about the RSPCA NSW where, it has been claimed, that the RSPCA have whitewashed various reports when prosecutions against such councils should have been conducted instead?
  - (b) Can the Minister reassure this Parliament, as well as the People of New South Wales, that her/his department is not only ensuring compliance with the above Act but also its associated Codes of Practice?
  - (c) Can she/he also explain what steps are being made to ensure that councils, who are in breach of the Act and the respective Codes of Practice, are being forced to comply with them as is their legal duty?
  - (d) Why have none been prosecuted to date when clear breaches have occurred for years?
  - (e) And if these breaches continue, what measures will be taken against those councils who continue to break the law?
227. Given your department is geared towards supporting primary industries, including the likes of puppy farmers, how can the department justify a clear conflict of interest in both supporting the industry whilst also being responsible for animal welfare?
228. Given the continuing pathetic stories of animal abuse, not to mention it being a consumer matter, surely the Office of Fair Trading or another body, such as an independent office of animal welfare, is in a far better position to handle animal welfare matters, in a non-biased fashion, than the Department of Primary Industries?

### **Animal Welfare at Saleyards**

229. Can the Minister advise whether your department has received any complaints about animal cruelty at saleyards in the last 3 years?
- (a) If so, what were the outcomes of any investigations?
230. Has the Minister or his department referred any animal cruelty complaints at saleyards to the RSPCA for investigation?

- (a) If so, were the details or outcome of the investigation sent to the Minister or his department?
- (b) Has your department assisted with any advice or support to the RSPCA on any investigations of animal cruelty at saleyards?

231. Has the Minister or his department been notified of any instances of horses being left to suffer and die with no veterinary treatment at saleyards?

## REGIONAL WATER

### Questions from the Hon Robert Brown MLC

232. What is the current pensioner rebates for water and sewerage services from Sydney Water?
233. What is the current pensioner rebates for water and sewerage services for residents living in New South Wales rural, regional and coastal communities?
234. Is the Minister aware that the pensioner rebates for water and sewerage services from Sydney Water are substantially higher than the rebates received by pensioners in rural, regional and coastal New South Wales?
235. What is the Government doing to address this inequity to give our regional, rural and coastal pensioners a fair go and equal rebates?

### Questions from Mr Jeremy Buckingham MLC

#### Water extraction rates

236. What was the total annual extraction of water from the following water sharing plans in each year since 2010:
- (a) Barwon-Darling Unregulated and Alluvial
  - (b) North-Western Unregulated Water Sources and the North-Western Fractured Rock Groundwater
  - (c) Gwydir Regulated River
  - (d) Gwydir Unregulated and Alluvial
  - (e) NSW Border Rivers Regulated River
  - (f) NSW Great Artesian Basin Groundwater
  - (g) NSW Great Artesian Basin Shallow Groundwater
  - (h) NSW Murray-Darling Basin Fractured Rock Groundwater
  - (i) NSW Murray-Darling Basin Porous Rock Groundwater
  - (j) Intersecting Streams Unregulated and Alluvial
  - (k) Lower Gwydir Groundwater
  - (l) Rocky Creek, Cobbadah, Upper Horton and Lower Horton

- (m) Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock
- (n) Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek
- (o) Upper and Lower Namoi Groundwater
- (p) Upper Namoi and Lower Namoi Regulated River
- (q) Namoi Unregulated and Alluvial Water
- (r) Lower Macquarie Groundwater
- (s) Macquarie Bogan Unregulated and Alluvial
- (t) Macquarie and Cudgegong Regulated Rivers
- (u) Castlereagh River above Binnaway
- (v) Castlereagh River (below Binnaway) Unregulated and Alluvial

**Whitehaven coal**

237. What are the license numbers and total allowable extraction amounts for each water license held by Whitehaven coal and/or its related companies?
238. How much High Security water did Whitehaven Coal and/or its related companies take under licence in:
- (a) 2014
  - (b) 2015
  - (c) 2016
  - (d) 2017
239. How much did Whitehaven Coal and/or its related companies pay for High Security water in:
- (a) 2014
  - (b) 2015
  - (c) 2016
  - (d) 2017
240. On what dates did any High Security water purchases by Whitehaven Coal and/or its related companies take place during:
- (a) 2014

(b) 2015

(c) 2016

(d) 2017

241. How much General Security water did Whitehaven Coal and/or its related companies take under licence in:

(a) 2014

(b) 2015

(c) 2016

(d) 2017

242. How much did Whitehaven Coal and/or its related companies pay for General Security water in:

(a) 2014

(b) 2015

(c) 2016

(d) 2017

243. On what dates did any General Security water purchases by Whitehaven Coal and/or its related companies take place during:

(a) 2014

(b) 2015

(c) 2016

(d) 2017

244. Is there a current ban on pumping of Zone 11 groundwater, if so, what is the nature of this restriction?

### **Maules Creek Coal mine**

245. Does the Maules Creek Coal Mine hold enough groundwater entitlement to offset the continuous pumping of water that is happening on a daily basis out of the pit?

246. Is the water that is pumped out of the pit classified as groundwater?

247. How much of groundwater was pumped at the Maules Creek coal mine in 2014, 2015, 2016 and 2017?

248. How much surface water was pumped at the Maules Creek coal mine in 2014, 2015, 2016 and 2017?
249. Is there a requirement for water meters to be installed on these pumps?
- (a) If so, are they installed?
  - (b) When were they last audited?
250. Is WAL 13050 on the Lower Namoi Regulated River for 3,000 Megalitres an entitlement purely for the use of Maules Creek coal mine or is it also used for other Whitehaven Coal mines?
- (a) If so which mines share the water from this license?
251. Why was Licence Number 90SL101060, issued in 1995 as “Description – Overshot Dam 150mm Centrifugal Pump” updated to be named: “Catchment: Unnamed Water Source – Purpose: irrigation and Mining”?
- (a) Who made the decision to change the name?
  - (b) What is the significance of the name change?
  - (c) Is this licence metered?
    - i. If yes, is the water meter installed, serviced and audited by the DPI ?
  - (d) Is this water licence classified as an Unregulated Water Entitlement?
  - (e) How much can be pumped from this water source?

### **Climate Change**

252. How much money has the DPI budgeted for each of the next 4 years on research into the impacts and responses to climate change for agriculture?
253. How much money has the DPI spent for each of the past 4 years on research into the impacts and responses to climate change for agriculture?

### **Probity**

254. What are the procedures and probity measures used by the Office of Water for the sale or grant of public assets to private companies or individuals?
- (a) Are these measures always followed?



## **H2OX**

255. Following the conclusion of the \$425 million Water for Rivers program in 2013, all the data which had been gathered by the program relating to water use and trading was given to private water trading platform H2OX, established by the ex-CEO of Water for Rivers, Neville Smith, in August 2015.

- (a) When was this data made available to H2OX?
- (b) Who made the decision to grant the data to H2OX?
- (c) Was this data granted to H2OX or was it sold?
  - i. If sold, how much for?
- (d) Who owns the data now?
- (e) How was the decision to give this proprietary data collected using tax payers money to H2OX made?
- (f) Did it follow the normal probity measures and procedures?
- (g) Was the value of the data ever independently assessed?
- (h) Was the intended use of the data by H2OX ever formally analysed?
- (i) Were any other businesses offered this data?

## **NSW Ombudsman's report**

256. In 2014, the NSW Ombudsman conducted an investigation into the NSW Office of Water and the Ombudsman's recommendations included "That a review be conducted of policies related to investigations of alleged breaches to the Water management Act 200 or the Water Act 1912" and "That a comprehensive review of the water regulatory system be conducted".

- (a) Were these reviews ever carried out?
  - i. If so, what were the findings and will you make the results of these reviews public?
  - ii. If not, why not?
- (b) What was the full list of recommendations from the Ombudsman's 2014 report?
  - i. Have each of these been implemented in full?
    - I. If not, why not?
- (c) Will you make the full 2014 Ombudsman's report public?
  - i. If not, why not?

### **Menindee Lakes**

257. The NSW Government has submitted to the MDBA that ‘Structural and operational changes at Menindee Lakes’ are a supply measure and says that “a package of operational changes and infrastructure works” will be undertaken to “deliver greater water efficiency savings”

- (a) What are the new works and measures proposed in this project?
- (b) Is the business case for this project publicly available?
- (c) How much water will this project save?
- (d) How will this project provide improved benefits for environmental outcomes?
- (e) What transparent governance arrangements have been set out and how is the NSW Government consulting with communities?

### **Old data**

258. Under the current Water Management Act, Water Sharing Plans only use data created before when the plans commenced, meaning that they exclude the use of post-2004 data, which excludes the millennium drought and the past 13 years of data, to inform decisions about water releases.

- (a) Why are you not using up-to-date flow information held by the New South Wales Office of Water to make decisions about water retention for high security water users?
- (b) If up-to-date data had been used how much extra water would have been retained in storages in 2016/17?
- (c) Will the Government commit to amending the Water Sharing Plans to ensure that up-to-date data is used, even if it results in less water being allocated to irrigators?

### **Mathews Report**

259. In your evidence to the committee you said that the report was delayed a week so that it “does not prejudice any other investigation”. What investigations specifically are you concerned that releasing it on time would have prejudiced?

260. How many people were interviewed for the report?

261. Was Kevin Humphries interview for the report?

### **Jamie Morgan**

262. When did Jamie Morgan request that a major redeployment of resources for an investigation into non-compliance in the Barwon-Darling?

263. Who did he make this request to?

264. Why was his request denied?

### **Strategic Investigations Unit**

265. How many personnel were in the Strategic Investigations Unit inside the NSW Department of Primary Industries?

266. On what date was the Strategic Investigations Unit disbanded?

267. Was the decision to disband the Strategic Investigations Unit inside the NSW Department of Primary Industries in any way related to safety concerns, following the murder of EPA compliance officer Glen Turner?

268. In his evidence to the Committee, Mr Hansen said that the decision to disband the Strategic Investigations Unit was made by “the leader of our regulatory group”. Who is this person?

269. How many staff did not make the transition across to water regulatory units in DPI Water or Water NSW after the Strategic Investigations Unit was disbanded?

270. How many staff from the Strategic Investigations Unit, no longer work for the Department?

### **Compliance staff**

271. Was the decision to restructure compliance staff in any way related to safety concerns, following the murder of EPA compliance officer Glen Turner?

272. How many compliance staff for DPI Water or WaterNSW are currently working in each of the following regions:

(a) Central Tablelands

(b) Central West

(c) Greater Sydney

(d) Hunter

(e) Murray

(f) North Coast

(g) North West

(h) Northern Tablelands

(i) Riverina

(j) South East

(k) Western

273. How many compliance staff for DPI Water or WaterNSW were working in each of the following regions before the “water transformation in relation to personnel” referred to in the Minister’s evidence:

(a) Central Tablelands

(b) Central West

(c) Greater Sydney

(d) Hunter

(e) Murray

(f) North Coast

(g) North West

(h) Northern Tablelands

(i) Riverina

(j) South East

(k) Western

274. How many compliance staff for DPI Water or WaterNSW were working in each of the following regions in each of the years since 2011/12:

(a) Central Tablelands

(b) Central West

(c) Greater Sydney

(d) Hunter

(e) Murray

(f) North Coast

(g) North West

(h) Northern Tablelands

(i) Riverina

- (j) South East
- (k) Western

### **Broken Hill Pipeline**

- 275. On what basis did the Minister give evidence to the Committee that “the majority of people of Broken Hill do support the pipeline”?
- 276. Why did Gavin Hanlon lie state at a Community Round Table meeting in Broken Hill on March 30th that the Murray-Broken Hill Pipeline Business Case was already uploaded to Water NSW Website and if it wasn't he would make available as soon as possible?
- 277. Will you guarantee the public release of the assessment of 19 possible project options undertaken by water, engineering and infrastructure experts that led to the decision to construct a new pipeline from the Murray River to Broken Hill once the tender process for the construction of the pipeline is completed?
- 278. Will you guarantee the public release of the business case for the pipeline once the tender process for the construction of the pipeline is completed?
- 279. Where is the tender process for the construction of the pipeline up to?
  - (a) When is it expected to be concluded?
  - (b) How many tender bids has the government received?

### **Illegal flood works**

- 280. Has the Department conducted an assessment of the extent of flood works currently constructed in the Barwon-Darling area that do not have approval?
  - (a) How many kilometres of flood works are there which do not have approval?
  - (b) How much water do these unapproved flood works hold?
  - (c) How many of them are on properties owned by Peter Harris?
    - i. What quantity of water do the unapproved works on properties owned by Peter Harris hold?
- 281. Are there any ongoing investigations into flood works currently constructed that do not have approval?
  - (a) If so, how many?

282. What regulatory tools does the Department have to deal with the construction of flood works without approval?
283. What will happen if an application made for retrospective approval for a flood work is declined?
- (a) Will the person who built the illegal work be prosecuted?
  - (b) Will there be a direction to remove the work?
  - (c) Will there be an attempt to recover the costs of any water stolen?

#### **Phone call with irrigators**

284. Who was on the phone call reported on the ABC's 4 Corners between Gavin Hanlon and Irrigators in which he said: "in terms of having structure and detail and discussions in confidence, I only do it here"?
285. Have any other staff members of from the DPI faced any action, disciplinary or otherwise, following the 4 Corners report?
- (a) If so, who and what?

#### **Wilcannia Weir**

286. For how long have the people of Wilcannia been asking for a new weir?
287. How many investigations have been conducted by the NSW Government into the construction of a new weir for Wilcannia?
288. In the investigation into options referred to by the Minister in his evidence to the committee:
- (a) What were the options that were presented?
  - (b) What was the option that was calculated at \$10 million?
  - (c) What was the cost-benefit ratio determined for the option calculated at \$10 million?
  - (d) What was considered in the cost-benefit analysis?
  - (e) Were the amenity values of a new weir considered as part of the cost-benefit ratio?
  - (f) Were the cultural values of a new weir considered as part of the cost-benefit ratio?

<b>Questions from Dr Mehreen Faruqi MLC</b>
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#### **Use of artificial intelligence**

289. What current uses of artificial intelligence does the department undertake?

Note: Please include all uses of AI including uses for resource allocation and administrative support, big data analysis, replacement and assistance of experts and researchers, procedural matters, or summarising diverse data – for reference this might include:

- Chatbots for customer service or advice
- Customer management systems
- Scanning legal documents to find relevant case law
- Categorising and searching documents
- Directing petitions efficiently
- Translation
- Document drafting

290. What planned uses does the department have for artificial intelligence?
291. What policy guidelines, if any, guide the exploration and use of artificial intelligence by the department?
292. What research, if any, has the department undertaken regarding the use of AI in Government services?

<b>Questions from the Hon Shaoquett Moselmane MLC (on behalf of the NSW Labor Opposition)</b>
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**Water Sharing Plan**

293. With respect to licences within the Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources
- (a) What are the total number of A class licences?
  - (b) What are the total number of B class licences?
  - (c) What are the total number of C class licences?
  - (d) What are the total number of active A class licences?
  - (e) What are the total number of active B class licences?
  - (f) What are the total number of active C class licences?
  - (g) What are the total number of inactive A class licences?
  - (h) What are the total number of inactive B class licences?
  - (i) What are the total number of inactive C class licences?

294. With respect to licence holders within the Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources
- (a) What are the number of holders of each of A, B and C class licences (i.e if a person holds three A class licences – that is counted as 1 person)?
  - (b) What is the number of holders of active licences of each of A, B and C class licences?
  - (c) What is the number of holders of active licences irrespective of class (i. if a person holds 3 A class and 2 B class that is counter as one person)?
  - (d) What is the number of holders of inactive licences of each of A, B and C class?
  - (e) What is the breakdown of other licence holders, including number of licences in each category and volumes of entitlements (for example, town water supplies, joint stock and domestic schemes)
  - (f) What is the cumulative total volume of annual water entitlement in A, B and C class held by the two largest licence holders?
  - (g) What is the total volume of annual water entitlement in each class held by the Commonwealth Water holder?
295. With respect to the account water balances in the Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources
- (a) What are the total volumes of water in each of A, B and C class accounts as at 1 July 2016?
  - (b) What are the actual or estimated total volumes of water of each of A, B and C class accounts as a 1 July 2017?
296. With respect to the concessional conversions allowed under the Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources
- (a) What were the total volumes of water converted from B class to A class during the period that Concessional Conversions were allowable?
  - (b) What were the total volumes of water converted from C class to A class during the period that Concessional Conversions were allowable?
  - (c) What were the total volumes of water converted from C class to B class during the period that Concessional Conversions were allowable?



- (d) What were the total volumes of B and C Class water that had not accessed the Concessional Conversion option prior to 30 June 2017, being the date this concessional opportunity is understood to have ceased?

297. With respect basin right holders

- (a) What is the estimated number of stock and domestic users?
- (b) What is the estimated number of other basin right users?

298. Please provide the length of the river in each reach within the Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources

### **Nature of the investigation**

- 299. Why did the Minister change his mind and move the investigation away from the Secretary and appoint Mr Ken Matthews?
- 300. How much work had been undertaken by the Secretary or his office prior to Mr Matthews appointment?
- 301. Was this your decision, or were you instructed to move the investigation to someone outside your Department?
- 302. Did the Secretary undertake any investigative work prior to the appointment of Mr Matthews?

### **Ken Matthews team**

- 303. Can you advise who is on Ken Matthews team?
- 304. Did you or your office have any contact with Ken Matthews since his appointment?
- 305. Did you or your office have any contact with any member of the team?
- 306. When did you receive any iteration of the Ken Matthews report?

### **Monica Marona**

- 307. Where there other DPI Water officers on the conference call Hanlon had with irrigator lobbyists?
- 308. Who were they?
- 309. What action did they take following the call?
- 310. Was Monica Morona, the Director of Stakeholder Relations on the call?
- 311. Does Monica Morona's career involve experience in working for irrigators and as a staffer to Liberal and Nationals MPs?

312. If she was on the call, she would be fully aware of what was going on - why hasn't she been stood down?

**Tara Black**

313. What role has the Secretary's office played in the Matthews inquiry?

314. Was any member of the Secretary's office privy to any aspect of the Mathews investigation? If so - in what way?

315. Is it true that the Director of the Office of the Secretary is Ms Tara Black – who spent almost a decade working as a political staffer in Andrew Stoner's office?

316. Have you or your office had any conversations with Ms Black since the Four Corners program on the Barwon Darling was aired?

**Gavin Hanlon meeting**

317. Were you or your staff aware that Mr Hanlon was offering debadged information to certain irrigators or their representatives?

318. Are you confident Mr Hanlon's other bosses, - the Director General of Primary Industries – or the Secretary of Industry – or their offices – knew of Mr Hanlon's activities prior to the Four Corners report.

319. Minister – was anyone associated with your office involved in that meeting?

320. When did you first become aware of the secret meetings held by Mr Hanlon?

**Water Theft Allegations**

321. On what date did the Minister first become aware that Peter Harris, an associate of Peter Harris, or a business that Peter Harris or associates own or operate had applied to WaterNSW for approval of works?

322. During your time as Minister, how many times have you met with:

(a) Jack Harris?

(b) Ron Harris?

(c) Anthony Barlow?

(d) representatives of Miralwyn?

(e) representatives of Burren Downs?

(f) representatives of Rumleigh?

- (g) representatives of Clyde Cotton?
- (h) representatives of Webster Limited?

323. During your time as Minister, how many times have you communicated with:

- (a) Jack Harris?
- (b) Ron Harris?
- (c) Anthony Barlow?
- (d) representatives of Miralwyn?
- (e) representatives of Burren Downs?
- (f) representatives of Rumleigh?
- (g) representatives of Clyde Cotton?
- (h) representatives of Webster Limited?

324. Do you believe Kevin Humphries behaved ethically in his time as the Minister for Water?

325. Did you or your Minister's office ever receive allegations regarding Mr Humphries conduct as Water Minister?

### **Gavin Hanlon**

326. Since July 1 2016, how many meetings have you attended with Gavin Hanlon?

327. Since July 1 2016, how many functions have you attended with Gavin Hanlon?

328. Since July 1 2016, how many letters have you received from Gavin Hanlon?

329. Since July 1 2016, how many letters have you sent Gavin Hanlon?

330. Since July 1 2016, how many emails have you received from Gavin Hanlon?

331. Since July 1 2016, how many emails have you sent Gavin Hanlon?

332. Since July 1 2016, how many briefings have you received from Gavin Hanlon?

333. Did you or your office receive/send any communication from/ to Gavin Hanlon, between July 25 2017 and the establishment of the Matthews inquiry?

### **Meeting and Function with Peter Harris**

334. With regard to the dinner at a Chinese restaurant on 29 October 2015 in Moree in which Peter Harris attended:

- (a) What time did the dinner start?
- (b) What time did the dinner end?
- (c) What time did you arrive?
- (d) What time did you depart?
- (e) What were the names of the attendees seated either side of you at the table?
- (f) What were the names of the attendees seated at your table?
- (g) What was the total cost of this function for your Ministerial office?
- (h) How many Departmental personnel attended?
- (i) What is the position title of each Departmental attendee?
- (j) How many staff from your Ministerial office attended?
- (k) What is the name and position title of each Ministerial Office attendee?
- (l) In what capacity did Peter Harris attend?
- (m) Which stakeholder group did Peter Harris represent?
- (n) Was an agenda prepared for this dinner?
- (o) Will you release the agenda and any draft agendas prepared for this dinner?

335. With regard to the meeting in the Crown Lands office in May 2015, in which Peter Harris attended:

- (a) What date and time did the meeting take place?
- (b) What time did the meeting finish?
- (c) What was the total cost of this function for the Department?
- (d) What was the total cost of this function for your Ministerial office?
- (e) How many Departmental personnel attended?
- (f) What is the position title of each Departmental attendee?
- (g) How many staff from the your Ministerial office attended?
- (h) What is the name and position title of each Ministerial Office attendee?
- (i) In what capacity did Peter Harris attend?
- (j) Which stakeholder group did Peter Harris represent?

- (k) Who else was in attendance and what organisations, corporations or lobby groups did they represent?
- (l) What food or drinks were provided?
- (m) Were minutes or notes of this meeting taken?
- (n) Will you release the minutes or notes of this meeting?
- (o) Was a draft agenda of this meeting prepared?
- (p) Will you release the agenda and any draft agendas prepared for this meeting?

### **Matthews Inquiry**

- 336. What is total cost of the inquiry to date for the Department?
- 337. What is the total estimated cost of the inquiry?
- 338. What monies has the Department set aside for costs incurred in relation to the inquiry?

### **Public Interest Disclosures**

- 339. What training does your Department provide to staff, whose responsibilities involve compliance, regarding Public Interest Disclosures? Please provide as much detail as possible.
- 340. How many public interest disclosures were made by employees of the Department of Primary Industry in 2016-2017?
  - (a) How many were primarily about corrupt conduct?
- 341. How many public interest disclosures were made by employees of Water NSW in 2016-2017?
- 342. How many public interest disclosures have been made since 1 July 2017 by employees of the Department of Primary Industry?
  - (a) How many were primarily about corrupt conduct?
- 343. How many public interest disclosures have been made since 1 July 2017 by employees of WaterNSW?

### **Water Theft**

- 344. Of the 500 allegations that have been “looked into” by your compliance teams over the last five years:
  - (a) How many resulted in no further action?
  - (b) How many resulted in warnings?

- (c) How many resulted in penalty notices being issued?
  - (d) How many resulted in prosecutions?
  - (e) How many resulted in fines?
  - (f) How much has actually been paid in fines?
345. What is the maximum penalty available for water theft or breaches of water licences?
- (a) On how many occasions in the last five years has the maximum penalty been imposed?
346. Can a breach of a water licenses result in the cancellation of water licences?
347. Are irrigators in the southern valleys required to use government water meters?
348. Are irrigators in the northern valleys required to use government water meters?
349. Will you release to the public all the documents that Gavin Hanlon released to the irrigators' lobbyists, including documents that were "de-badged" and legal advice?
350. Apart from Gavin Hanlon, how many DPI Water staff were on the teleconference with irrigator lobbyists?
- (a) What positions did these people hold at the time of the teleconference?
  - (b) Have any of these people been stood aside or stood down?
  - (c) Do they still hold the same positions? If so, why?
351. Who were the participants on the Hanlon teleconference and what organisations did they represent?
352. How many stakeholder engagement sessions did Gavin Hanlon participate in during 2015, 2016 and 2017?
- (a) Will you release the minutes, file notes and records of these stakeholder engagement sessions?
353. Will you reveal the names of the irrigators who have applied for exoneration under the Government's new regulation to retrospectively approve illegal works?
- (a) If so, who?
354. How many of the irrigators who have applied for approval for illegal works are donors to the National Party?

355. Have you ever been lobbied by an MP to drop enforcement action by DPI Water against an irrigator?
356. Were you aware of the widespread theft of water and a lack of compliance with existing water rules when you abolished the special investigations unit?
357. Why do the Terms of Reference provided to Ken Matthews not require him to investigate whether Minister Humphries had “given a room full of irrigators permission to pump” during an embargo, as reported on Four Corners?
358. Why do the Terms of Reference restrict Matthews’s investigation to only the four alleged cases of water theft highlighted on Four Corners?
- (a) Should there be other instances of water theft reported to Matthews, how will these be investigated?
359. Does the Public Interest Disclosure Act apply to the Matthews investigation?
360. Are any of the four investigative officers engaged to support the Matthews investigation currently employed in DPI?
361. Have any of the investigative officers engaged to support the Matthews investigation previously been employed in the NSW public sector?
- (a) If so, when did their employment in the NSW public sector cease?
362. Are any of the staff engaged to support the Matthews investigation currently employed by DPI or elsewhere in the NSW public sector?
- (a) If so, where have they previously been employed?

### **Murray Pipeline**

363. What will be the annual recurrent cost of running the \$500 million Murray to Broken Hill pipeline?
364. Who will meet the ongoing recurrent costs of running the Murray to Broken Hill pipeline?
365. Will you release the business case before signing the final contracts on the Murray to Broken Hill pipeline?
366. Will you reveal to the community who will pay the ongoing annual costs of the Murray to Broken Hill pipeline before contracts are signed?

## **Stakeholder Engagement**

367. With regard to the stakeholder dinner held in a Chinese restaurant in Moree in October 2015 with irrigators:

- (a) What was the name of the restaurant?
- (b) What was the total cost of this function for the Department?
- (c) What dishes were served?
- (d) How much was spent in total on drinks?
- (e) How much was spent on beer?
- (f) How much was spent on wine?
- (g) How much was spent on spirits and liqueurs?
- (h) Who was in attendance and what organisations, corporations or lobby groups did they represent?
- (i) As a Departmental function, were any photographs taken to record the dinner?
- (j) As a Departmental function, were any notes or minutes taken of the discussion?
- (k) Who issued the invitations to the dinner?
- (l) Who drew up and approved the invitation list?
- (m) Who made the booking with the restaurant?

368. During your time as Minister, how many dinners in Chinese restaurants have you hosted for representatives of indigenous communities with an interest in the health of our river systems?

369. During your time as Minister, how many dinners in Chinese restaurants have you hosted for representatives of environmental groups with an interest in the health of our river systems?

370. During your time as Minister, how many other lunches, breakfasts, brunches, dinners, cocktail parties and soirees have you hosted for irrigators?

## **Warragamba Dam wall**

371. What estimates have been made of the additional area of land which will need to be added to the Warragamba Special Area if the dam wall is lifted?

372. Given the raising of the dam will flood World Heritage-listed Blue Mountains national parks and destroy large areas of wild rivers and native vegetation, will the dam wall project's environmental assessment consider these environmental impacts?



373. Will any additional land need to be acquired for the extension of the inundation zone or Special Areas?
- (a) What is the cost of the land to be acquired?
374. Has the Minister consulted the EPA about the environmental impacts of the proposed upgrade of the dam?
375. Will the government revoke any of the declaration of Blue Mountains national parks (for example, Blue Mountains, Kanagra Boyd and Nattai NPs and Yerranderie and Burragorang State Conservation Areas) if the Warragamba Dam wall is lifted?

### **Office Administration**

376. How many staff are in your ministerial office?
- (a) What was the average salary for staff members in your office during 2016-17?
- (b) What is the estimated average salary for a ministerial staffer in your office in 2017-18 based on current appointments?
377. How many blackberries/iphones/smart phones are assigned to your staff?
- (a) For each phone, how much was each bill in 2016-17?
- (b) How many phones have been lost or replaced due to damage in your office?
- i. What is the cost of replacing those phones?
378. How many iPads or tablets has DPC assigned to your Ministerial office and to whom have they been issued?
- (a) What was the cost of providing iPads or tablets to your Ministerial Office in 2016-17?
- (b) How many iPads or tablets have been replaced due to lost or damage in 2016-17?
- i. What was the cost of replacing these devices?
379. Has any artwork been purchased or leased for display in your ministerial office in 2016-17?
- (a) What is the cost of this?
380. Have any floral displays or indoor plants or potplants been hired or leased for display in your ministerial office in 2016-17?
- (a) If so, what was the cost of these items?

381. Have any floral displays or indoor plants or potplants been purchased for display in your ministerial office in 2016-17?
- (a) If so, what was the cost of these items?
382. What was the total cost of all subscriptions by you and your staff to online news services, newspapers, magazines, journals and periodicals in 2016-17?
- (a) What are these services/newspapers/magazines/journals/periodicals?
- i. Who is the subscriber for each of these?
383. What was the total amount your office spent on stationery?
384. What was the total value of all gifts purchased for use by you and your office in 2016-17?
- (a) What were the gifts purchased?
- i. Who were they gifted to?
385. Do you purchase bottled water or provide water coolers for your office?
- (a) What is the monthly cost of this?
386. What non-standard features are fitted to your ministerial vehicle?
- (a) What is the cost of each non-standard feature?
387. What was the total bill for your office in 2016-17 for:
- (a) Taxi hire
- (b) Limousine hire
- (c) Private hire care
- (d) Hire car rental
- (e) Ridesharing services
388. Were any planes or helicopters chartered by you or your office and paid for with public money in 2016-17?
- (a) If yes, will you please detail each trip, the method of transport and the cost?

### **Hospitality**

389. How much did your ministerial office spend on hospitality, including catering and beverages, in 2016-17?

390. How much did your Department/agency spend on hospitality, including catering and beverages, in 2016-17?

### **Labour Hire Firms**

391. Do any Departments/agencies within your portfolio responsibilities utilise the services of Labour Hire Firms? If yes, please advise in table form for 2016-17:
- (a) The names of the firms utilised
  - (b) The total amount paid to each firm engaged
  - (c) The average tenure period for an employee provided by a labour hire company
  - (d) The longest tenure for an employee provided by a labour hire company
  - (e) The duties conducted by employees engaged through a labour hire company
  - (f) The office locations of employees engaged through a labour hire company
  - (g) The highest hourly or daily rate paid to an employee provided by a labour hire company

### **Media and Public Relations**

392. How many media or public relations advisers are employed for each of your portfolio agencies and what is the total cost to employ these advisers?
393. What is the forecast for the current financial year for the number of media or public relations advisers to be employed and their total cost?
394. What is the total cost of media monitoring services used by Departments/agencies within your portfolio responsibilities?
395. By how much has the number of media or public relations advisers employed for each of your portfolio agencies increased since 2011-12 to the current date?
396. By how much has the expenditure on media or public relations advisers employed for each of your portfolio agencies increased since 2011-12 to the current date?
397. Have you had media training or speech training?
- (a) If yes, who paid for it?
  - (b) If paid by taxpayers, what was the amount paid in 2016-17?

## **Facebook**

398. How much did your ministerial office spend on Facebook advertising or sponsored posts in 2016-17?
399. How much did your Department/agency spend on Facebook advertising or sponsored posts in 2016-17?

## **Overseas Trips**

400. Were any of your overseas trips in the last financial year paid for in part or in full by using public money?
- (a) If so, did any of your relatives or friends accompany you on these trips?
401. Have you undertaken any official overseas travel that was privately funded?
- (a) If so, what was the nature of these trips?
- (b) Who paid for these trips?

## **Department/Agency Travel**

402. What was the total expenditure in 2016-17 by Departments/agencies within your portfolio on:
- (a) Taxi hire
- (b) Limousine/private car hire
- (c) Hire car rental
- (d) Ridesharing services
403. Do any senior executive service employees in your Departments/agencies have a driver that is paid for by the Departments/agencies? If so, what is the number of senior executive service employees that have a driver and which senior executive service employees have a driver?
- (a) How much was spent on these drivers in 2016-17?

## **Consulting**

404. How much did the Department/agencies under your portfolio responsibility spend in legal costs in 2016-17?
- (a) For what specific purposes or matters was legal advice sought?
405. Have Department/agencies under your portfolio engaged any consultants to provide the following services or advice in 2016-17:
- (a) Social media

- i. And the cost of these services
- (b) Photography
  - i. And the cost of these services
- (c) Acting training
  - i. And the cost of these services
- (d) Ergonomics
  - i. And the cost of these services

### **Department/Agency Staffing**

406. What was the number of senior executive service employees employed by Departments/agencies within your portfolio in 2016-17?
- (a) How much was this number in 2011-12?
407. What was the expenditure on senior executive service employees employed by Departments/agencies within your portfolio in 2016-17?
- (a) How much was this number in 2011-12?
408. What was the number of internal legal counsel employees employed by Departments/agencies within your portfolio in 2016-17?
- (a) How much was this number in 2011-12?
409. What was the expenditure on internal legal counsel employees employed by Departments/agencies within your portfolio in 2016-17?
- (a) How much was this number in 2011-12?
410. How many redundancies were processed by Departments/agencies within your portfolio responsibilities during 2016-17?
- (a) Of these redundancies, how many were:
- i. Voluntary
  - ii. Forced
- (b) What was the total cost of all redundancies?
411. Have any staff who received a redundancy in the last two years undertaken any paid work or provided any paid services for the agency with which they were formerly employed?

(a) What was the nature of these works/services?

(b) What was the total cost of these works or services?

412. Are any staff formerly employed by your ministerial office now employed by Departments/agencies under your portfolio responsibility?

413. How many staff were dismissed from Departments/agencies under your portfolio responsibilities in 2016-17?

(a) What were the reason/s for each dismissal?

414. What was the total amount your Departments/agencies spent on stationery?

### **Smart Phone Accounts**

415. Do the Departments/agencies within your portfolio have an iTunes account?

(a) What was the total expenditure in 2016-17 on iTunes?

i. What applications/subscriptions/services were purchased through iTunes?

416. Do the Departments/agencies within your portfolio have an Android account?

(a) What was the total expenditure in 2016-17 on Android?

i. What applications/subscriptions/services were purchased through Android?

### **Websites Visited**

417. What were the top 20 most utilised (by data sent and received) unique domain names accessed by your Ministerial office this year?

418. What were the top 20 most accessed (by number of times accessed) unique domain names accessed by your Ministerial office this year?

### **Merchant fees**

419. Please provide a list of all transactions where customers need to pay a merchant fee on credit and/or debit card payments in your Department/agency.

420. Please provide the percentage and/or amount of the merchant fees applied to all credit and/or debit card payments/transactions in your Department/agency.

421. What was the total amount paid in merchant fees on credit and/or debit card payments in your Department/agency in 2016-17?

**Probity Auditor**

422. Has your office or department used a Probity Auditor or Probity Advisors, or similar, in the past five years? If so please list the company and/or individual, the project, the engagement dates, and their total remuneration in tabular format.”

## TRADE AND INDUSTRY

### Questions from Dr Mehreen Faruqi MLC

#### Use of artificial intelligence

423. What current uses of artificial intelligence does the department undertake?

Note: Please include all uses of AI including uses for resource allocation and administrative support, big data analysis, replacement and assistance of experts and researchers, procedural matters, or summarising diverse data – for reference this might include:

- Chatbots for customer service or advice
- Customer management systems
- Scanning legal documents to find relevant case law
- Categorising and searching documents
- Directing petitions efficiently
- Translation
- Document drafting

424. What planned uses does the department have for artificial intelligence?

425. What policy guidelines, if any, guide the exploration and use of artificial intelligence by the department?

426. What research, if any, has the department undertaken regarding the use of AI in Government services?

### Questions from the Hon Shaoquett Moselmane MLC (on behalf of the NSW Labor Opposition)

#### Office Administration

427. How many staff are in your ministerial office?

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472. What was the total amount paid in merchant fees on credit and/or debit card payments in your Department/agency in 2016-17?

**Probity Auditor**

473. Has your office or department used a Probity Auditor or Probity Advisors, or similar, in the past five years? If so please list the company and/or individual, the project, the engagement dates, and their total remuneration in tabular format.