



The Hon Niall Blair MLC

Minister for Primary Industries
Minister for Regional Water
Minister for Trade and Industry

Budget Estimates 2017-18 - Friday 1 September 2017

Portfolio Committee No.5 - Industry and Transport

Primary Industries, Regional Water, Trade and Industry

Questions Taken on Notice

Page 5 of Transcript *Secretary to respond*

The Hon. DANIEL MOOKHEY: The question was specific. I did not ask about how he was handling the investigation, I asked specifically whether or not he has interviewed Mr Smith, Mr Hansen, Mr Hanlon and other people involved in Department of Primary Industries—Water.

The Hon. NIALL BLAIR: The question is getting broader and broader.

The Hon. DANIEL MOOKHEY: You are the one going in this direction.

The Hon. NIALL BLAIR: As I said, I am happy to—

The Hon. DANIEL MOOKHEY: I am being very specific so that the secretary and the director general know precisely what I am asking.

The Hon. NIALL BLAIR: I am happy to invite the secretary to answer the question.

Mr SMITH: He has not sought to interview me. He has interviewed Mr Hansen and Mr Hanlon. He has also interviewed more than 30 people, but I do not know who they are.

The Hon. DANIEL MOOKHEY: Is one of those 30 people Mr Kevin Humphries?

Mr SMITH: I do not know.

The Hon. DANIEL MOOKHEY: Is one of the 30 people a member of the Harris family?

The Hon. NIALL BLAIR: I think Mr Smith just said that he does not know who the other 30 people are.

The Hon. DANIEL MOOKHEY: Would you like the opportunity to take that question on notice?

Mr SMITH: Yes, we will take it on notice.

The Hon. NIALL BLAIR: Happy to.

The Hon. DANIEL MOOKHEY: Thank you.

ANSWER:

This is an interim report and it is not appropriate to comment on individuals or other specifics of the investigation while it is ongoing.

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The Hon. DANIEL MOOKHEY: How many reports of water theft, meter tampering, logbook falsification or the failure to maintain logbooks relating to the Barwon-Darling have been received by the department in the past five years?

The Hon. NIALL BLAIR: I would not have that information with me. If we do not have that information here—

The Hon. DANIEL MOOKHEY: Feel free to give us a range.

The Hon. NIALL BLAIR: I am happy to pass that to Mr Hansen to see if he has any record of that. If not, we are happy to take it on notice.

Mr HANSEN: We can give you a range and the fact that across the State there are over 500 allegations that are looked into by our compliance teams—that averages over the last five years and the time frame you have asked about. I do not have the breakdown in front of me as to those by valley, but that is something we can certainly pull up.

The Hon. DANIEL MOOKHEY: Minister, when did you first become aware—

The Hon. GREG PEARCE: Mr Chair, have we resolved to change the time for questions? We are well over 20 minutes for the Opposition. We started at two minutes to the hour.

The CHAIR: No, we are not. I have a time clock sitting here before me.

The Hon. DANIEL MOOKHEY: Can I have extra time?

The CHAIR: No, but you have one minute, so please proceed.

The Hon. DANIEL MOOKHEY: In respect of the figure of approximately 500 which has just been described—I think you just took on notice the valley aspect of it—

Mr HANSEN: Yes. I do not have the numbers in front of me for the individual valleys, but we can certainly pull up those.

The Hon. DANIEL MOOKHEY: Minister, would you describe that level and that volume of allegations of wrongdoing to do with that river system as industrial level water theft?

The Hon. NIALL BLAIR: I think Mr Hansen quite clearly said that that number is the number of reports that we get across the State in a whole range of matters that may be potential breaches of the Water Management Act. I do not think that that clearly relates to or draws the conclusion that you have just made in that question. That is across the State—

The Hon. DANIEL MOOKHEY: Do you believe that there is industrial level water theft taking place today in the Barwon-Darling?

The Hon. NIALL BLAIR: We are happy to take the question on notice to have a look at the numbers for that particular valley. Once we have those individual breakdowns for that valley it will guide a detailed response to the question.

ANSWER:

CIRAM (Compliance, Investigation Reporting and Management) activities for the Water Sharing Plan areas across the Barwon - Darling (including the *Water Management Act 2000* and *Water Act 1912*)

Summary of all WSP areas

<i>Action on breach reports</i>	<i>Total</i>
Allocated for investigation	333
Investigations finalised	270
No action	199
Advisory letters	115
Warning letters	108
Statutory notices	28
Penalty notices	32
Prosecutions	1

CIRAM Compliance activities breakdown for all Water Sharing Plan areas across the Barwon - Darling (including the *Water Management Act 2000* and *Water Act 1912*)

<i>WSP</i>	<i>Investigat.</i>	<i>Invest. Final</i>	<i>No Action</i>	<i>Advisory</i>	<i>Warning Letters</i>	<i>Statutory Notice</i>	<i>Penalty Notices</i>	<i>Prosecut.</i>

<i>Barwon-Darling Unreg. & Alluvial</i>	14	8	7	2	6	7		
<i>Gwydir Reg. Rr.</i>	29	25	9	7	10	2		
<i>Gwydir Unreg. Rr. & Alluvial</i>	32	18	12	10	2	2		
<i>Lower Gwydir Groundwater</i>	15	15	11	5	9		1	
<i>Lower Macquarie Groundwater</i>	42	41	21	15	22	6	4	
<i>Macquarie Bogan Unreg. & Alluvial</i>	20	11	9	2	2			
<i>Macquarie & Cudgegong Reg. Rrs.</i>	20	18	10	10	1			
<i>NSW Border Rrs. Reg. Rr.</i>	13	7	10	1	3	6	12	
<i>NSW Borders Rivers Unreg. & Alluvial</i>	20	17	11	8	1			
<i>NSW Great Artesian Basin Groundwater</i>	20	18	5	4	17	2	5	
<i>NSW Great Artesian Basin Shallow Groundwater</i>	2	2	2	3	2	1	1	
<i>NSW Murray Darling Basin Fractured Rock</i>	20	16	20	10	4	1	1	
<i>NSW Murray Darling Basin Porous Rock Groundwater</i>	14	13	8		14		2	
<i>Peel Valley Reg., Unreg., Alluvium & Fractured Rock</i>	19	17	10	10	5		4	
<i>Phillips Ck., Mooki Rr., Quirindi Ck. & Warrah Ck.</i>								
<i>Tenterfield Ck.</i>	1	1	1		1			
<i>Upper & Lower Namoi Groundwater</i>	20	13	11	9	3		1	

<i>Upper & Lower Namoi Reg. Rr.</i>	32	30	42	19	6	1	1	1
<i>Totals</i>	333	270	199	115	108	28	32	1

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The Hon. DANIEL MOOKHEY: Minister, through you to the secretary, was Mr Humphries' office ever informed of any complaints in relation to that list of companies that I gave?

The Hon. NIALL BLAIR: Again, I cannot answer what people did before I got the job.

The Hon. DANIEL MOOKHEY: I am asking whether or not the department ever provided such advice to Mr Humphries' office when he was Minister.

The Hon. NIALL BLAIR: I am happy to pass that to the secretary.

Mr SMITH: We would need to take that on notice as it also precedes my time as secretary.

ANSWER:

This matter falls within the remit of various investigation. It is not appropriate to comment on individuals or other specifics of these investigations while they are ongoing.

Page 13 - 14 of Transcript *Minister to respond*

The Hon. DANIEL MOOKHEY: What was that function at the restaurant?

The Hon. NIALL BLAIR: It was a dinner.

The Hon. DANIEL MOOKHEY: What was the purpose of the dinner?

The Hon. NIALL BLAIR: The purpose of the dinner was to get a good piece of Chinese food in Moree and meet some locals when I was visiting.

The Hon. DANIEL MOOKHEY: Were you accompanied by any department officials?

The Hon. NIALL BLAIR: No.

The Hon. DANIEL MOOKHEY: Was it department business?

Mr HANSEN: Yes.

The Hon. NIALL BLAIR: Was it department business?

Mr HANSEN: Yes, I was a late invitee.

The Hon. NIALL BLAIR: Sorry, yes. Mr Hansen was there.

The Hon. DANIEL MOOKHEY: You were at the dinner?

Mr HANSEN: Yes, that is right.

The Hon. DANIEL MOOKHEY: What is the date of this dinner?

Mr HANSEN: It was 2015.

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

ANSWER:

29 October, 2015

Page 17 of Transcript *Minister to respond*

The Hon. DANIEL MOOKHEY: Since you became Minister, how many times have you met with, phoned, emailed, had your office email, had briefed or attended events with, Gavin Hanlon?

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

ANSWER:

In order to carry out my ministerial duties on behalf of the people of NSW, I have regular interactions with officials from my own and other agencies. Matters raised in the Four Corners program, including the conduct of NSW officials, are covered by the Matthews and other inquiries.

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The Hon. JEREMY BUCKINGHAM: In terms of the Strategic Investigations Unit, has there been a net increase or decrease in compliance officers in New South Wales over the last four years?

The Hon. NIALL BLAIR: I am happy to hand that to Mr Hansen and maybe Mr Harris to look at some numbers.

The Hon. JEREMY BUCKINGHAM: In terms of across the whole—

The Hon. NIALL BLAIR: We understand the question.

Mr HANSEN: Equally, I might get some advice from Mr Harris, given the fact that as of mid last year as part of that transformation trend, compliance activities moved across to Water NSW. However, over the last four-year period, what we did have was increases in numbers that were project driven, funded by a national water compliance enforcement framework project, which allocated additional resources for the State to increase both legal and compliance activities to ensure that all States, all jurisdictions, were able to align their work processes and practices. That came to a conclusion and, with the ceasing of that funding, so did the revenue and funding for a number of those compliance and legal staff. However, I would have to take on notice the difference over the last four years of total compliance numbers from the base level.

The Hon. JEREMY BUCKINGHAM: You cannot say whether there are more or less in terms of base figures?

The Hon. NIALL BLAIR: Rather than have a stab, we will take the question on notice and come back with the complete breakdown of the last four years for you.

ANSWER:

In 2013, the department had 40 compliance staff (including the Strategic Investigations Unit). DPI Water currently has 41 compliance staff. These numbers do not include compliance staff currently employed by WaterNSW.

The change in these numbers through time has been influenced by a number of organisational restructures including the WaterNSW transformation; and a move for all DPI Water regulatory staff to undertake compliance and enforcement activities.

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The Hon. JEREMY BUCKINGHAM: Take it on notice. I have limited time. Minister, 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, and are these measures always followed?

The Hon. NIALL BLAIR: I would have to refer that to maybe Mr Hansen or take it on notice.

Mr HANSEN: Sorry, could I have the question again?

The Hon. JEREMY BUCKINGHAM: It is in relation to the H2OX, the water trading. I will give you a preamble. Following the conclusion of the \$425 million Water for Rivers program 2015, 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 former chief executive officer of Water for Rivers, Neville Smith, in August 2015. H2OX was launched by Kevin Humphries at New South Wales Parliament House. When was this data made available to H2OX, and are you comfortable that it was made available to it?

The Hon. NIALL BLAIR: Sorry, that is a different question. Do you want us to answer the first question about—

The Hon. JEREMY BUCKINGHAM: No, I want you to answer that one.

The Hon. NIALL BLAIR: Okay. I will have to take that on notice, because—

The Hon. JEREMY BUCKINGHAM: Was the data that was made available to H2OX sold or given to it?

Mr HANSEN: Sorry, I will have to take that on notice. I do not have those details.

The Hon. JEREMY BUCKINGHAM: You do not know whether or not all that data was given or sold to this private company?

Mr HANSEN: I would have to take it on notice and come back to you on what the process was.

The Hon. JEREMY BUCKINGHAM: You are not familiar with it at all?

The Hon. NIALL BLAIR: That is the reason we are taking it on notice.

ANSWER:

We have no knowledge of, and there is no formal record of data being provided specifically to H2OX by DPI Water in 2015, 2016 or 2017.

DPI Water makes water entitlement, allocation and trading information, excluding private (personal) details, publicly available on the NSW Water Register. This information is also available via the BOM website. DPI Water maintains public registers of water information and encourages a 'self-service' approach generally for public and business entities. DPI Water does not typically apply a fee for such data requests.

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The Hon. MARK PEARSON: Minister, has Chief Rabbi Moshe Gutnick of the New South Wales Jewish community written to you at any stage stating that it is no longer required to have an exemption of the Prevention of Cruelty to Animals Act to slaughter animals in accordance with the precepts of the Jewish religion?

The Hon. NIALL BLAIR: I think roughly 6,000 pieces of correspondence are addressed to my office. I am happy to take that on notice. It is not something that rings a bell. I am happy to take that on notice and come back to you.

The Hon. MARK PEARSON: Are you aware that the only slaughterhouse in New South Wales, Hawkesbury Valley Meats, was shut down by the police and the NSW Food Authority about six years ago because cameras depicted brutal and unacceptable practices in ritual slaughter?

The Hon. NIALL BLAIR: Six years ago I was only just in this Parliament. It is not something that I am right across.

The Hon. MARK PEARSON: My question goes to the issue that, if an animal which is not being slaughtered by a rabbi in a way that does not use pre-stunning or immediate post-stunning anywhere except in an abattoir, that would be a breach of the Act, because it would be considered to be killing an animal in an inhumane way. This is not an issue about religions: It would not matter which religion had this requirement as a precept to its practices. Minister, can you continue to allow animals to be slaughtered in a manner purely for a religious purpose which would otherwise be considered to be an act of cruelty under the statute?

The Hon. NIALL BLAIR: I think there is legal interpretation mixed in with that question. As a gardener and not a lawyer, I will take that question on notice and get our people to have a good look at that, and come back to the interpretation that you have presented, for a fulsome response.

The Hon. MARK PEARSON: The reason I ask whether Rabbi Gutnick has written to you is that, in a meeting with him when we talked about this issue, he stated that he and the Jewish community formed a view that the killing of cattle without immediate post-stick stunning—percussive stunning—clearly has the cattle extremely distressed and suffering a great deal while they are being exsanguinated. In the case of sheep and goats, he was of the view that they do not require any post-stick stunning. I asked him would he write to the Minister and say if he believed that this method of killing sheep and goats is the most humane, equally as humane as if they were post-stick stunned, and he does not need this exemption. This is why I have asked

The Hon. GREG PEARCE: Why don't you ring the rabbi and ask him whether he has written the letter?

The CHAIR: Order!

The Hon. MARK PEARSON: Here we have a situation where there is one set of rules for animals that are killed under a religious precept and one set of rules for animals that are killed normally. Can we tolerate that anomaly or that indifference to those particular animals?

The Hon. NIALL BLAIR: If we go back two questions, whether the rabbi has or has not written the letter is something that we are happy to have a look at. I am not aware of it. The Director General, who would also potentially see a letter like that, is not aware. We will take that on notice. As to the previous question in relation to the interpretation of that part of the legislation and how it intersects with the religious practices that you described for the different types of livestock, again, it is something that I am happy to take on notice and have a look and see whether your interpretation is accurate—not that I am suggesting it would not be, but we may be looking at legal interpretation. I am happy to take it on notice.

The Hon. MARK PEARSON: If it were to be shown that—

The Hon. NIALL BLAIR: We are now into hypotheticals. I have agreed to take it on notice and let us have a look at what it says.

The Hon. MARK PEARSON: If the Minister was convinced that it is in fact an act of cruelty that is unacceptable under the Prevention of Cruelty to Animals Act, will the Minister move to remove the exemption?

The Hon. NIALL BLAIR: Let us have a look and see what the interpretation is. I will take that on notice. I do not get to run away from more questions because members get to see me in question time all the time. I will take the question on notice and the member will get a response.

ANSWER:

No.

The Prevention of Cruelty to Animals Act provides for the destruction of an animal for the purpose of producing food in a manner that inflicts no unnecessary pain upon the animal. It also specifically provides for this to occur in accordance with the precepts of the Jewish religion.

The NSW Government respects religious freedom and the rights of religious groups to follow religious practices, within the confines of the law.

Page 23 – 24 of Transcript *Mr Harris to respond*

The Hon. DANIEL MOOKHEY: How many applications have you received so far?

The Hon. NIALL BLAIR: I do not receive applications.

The Hon. DANIEL MOOKHEY: How many has the department received?

The Hon. NIALL BLAIR: I am happy to refer that to Mr Harris, who is the chief executive officer [CEO] of the agency that receives those applications.

The Hon. DANIEL MOOKHEY: Mr Harris, how many have been received?

Mr HARRIS: This provision operates in a number of water sharing plans.

The Hon. DANIEL MOOKHEY: How many?

Mr HARRIS: Three. I will have to take on notice the total number of applications made.

The Hon. DANIEL MOOKHEY: Who were the three from?

The Hon. NIALL BLAIR: He said three water sharing plans.

Mr HARRIS: Three water sharing plans. I can confirm that there have been three applications in respect of Barwon-Darling.

The Hon. DANIEL MOOKHEY: Who from?

Mr HARRIS: We have already provided on notice an answer as to who at least one of those—

The Hon. DANIEL MOOKHEY: Who?

Mr HARRIS: Peter Harris was one of those applicants.

The Hon. DANIEL MOOKHEY: When did Peter Harris lodge his application?

Mr HARRIS: If you give me a moment I will tell you.

Mr JEREMY BUCKINGHAM: Zing! You did not want to say it in the House.

The Hon. DANIEL MOOKHEY: By the way, was he the first person to apply?

Mr HARRIS: I do not believe so, but just give me a moment.

Mr JEREMY BUCKINGHAM: How many hours after it went through did he apply?

The Hon. DANIEL MOOKHEY: Perhaps while Mr Harris is getting the paperwork I might ask the Minister: Were you informed that Mr Harris had made the application—was one of the three?

The Hon. NIALL BLAIR: No.

The Hon. DANIEL MOOKHEY: Did you consent to it?

The Hon. NIALL BLAIR: I do not consent to applications that people make.

The Hon. DANIEL MOOKHEY: Were you notified?

The Hon. NIALL BLAIR: No, I do not get notified when people make applications to government agencies.

The Hon. DANIEL MOOKHEY: Did you inquire?

The Hon. NIALL BLAIR: No.

The Hon. DANIEL MOOKHEY: At the same time you were proclaiming this in regulation—when was it, June 30, or just before—you never bothered to ask when or who would be seeking this?

The Hon. NIALL BLAIR: No. Neither did I do it for any other water sharing plans that it is applicable for as well.

The Hon. DANIEL MOOKHEY: Do you not think it is a bit derelict?

The Hon. NIALL BLAIR: We make the rules that are available to everyone within the water sharing plans. Who applies is up to the individuals. That is not something that the Minister should inform himself of.

The Hon. DANIEL MOOKHEY: The water sharing plan for the Barwon-Darling I think, from memory, was gazetted around 30 June 2017.

The Hon. NIALL BLAIR: The water sharing plan came in in 2012.

The Hon. DANIEL MOOKHEY: Sure, the regulation. We then had a disallowance debate—you and I participated; it was fun. When did Mr Harris put the application in?

The Hon. NIALL BLAIR: I do not know.

The Hon. DANIEL MOOKHEY: Mr Harris is checking.

Mr HARRIS: I have to take that on notice. I am sorry, I do not have that detail.

ANSWER:

Two Flood Plain Management Plans (Barwon-Darling and Gwydir) have been made under the *Water Management Act*. These plans have provisions which allow for applications regarding new or existing works to be approved.

The Barwon-Darling FMP commenced on 29 June 2017. WaterNSW has received two applications since that date, both of which are still being assessed.

Those applications are:

1. An application received on 27 July 2017 from GA Murray of the Milrea Pastoral Company for the *Milrea* property; and
2. An application received on 7 August 2017 from C Brown for the *Riversleigh* property; and

In addition, WaterNSW is assessing a third application which was lodged before 29 June 2017 – when the draft FMP was in place – and which remained to be determined when the Barwon-Darling FMP commenced. That application is:

3. An application received on 9 September 2015 from Budvalt Pty Ltd (of which Peter Harris is a director) for the *Miralwyn* property.

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The Hon. DANIEL MOOKHEY: Was Monica Morona involved in the phone calls?

The Hon. NIALL BLAIR: Mr Matthews is looking into that as part of the terms of reference.

The Hon. DANIEL MOOKHEY: She is the DPI Water director of stakeholder relations. Is that correct?

The Hon. NIALL BLAIR: I am not sure.

Mr SMITH: That is correct.

The Hon. DANIEL MOOKHEY: She has previously worked for irrigators and Nationals Ministers in both Victoria and New South Wales. Is that correct?

Mr HANSEN: I would have to take that question on notice. I am not sure of her previous employment.

ANSWER:

I will not be commenting further on individual staff members, current or former, nor on any matters that might be the subject of further investigations or separate actions.

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Mr JEREMY BUCKINGHAM: Is the Minister or the department aware of H2OX?

The Hon. NIALL BLAIR: Yes.

Mr JEREMY BUCKINGHAM: It is a big private water-sharing platform.

The Hon. NIALL BLAIR: You asked specific questions about the data and access to the data, which we have agreed to take on notice to give you a fulsome response.

Mr HANSEN: My understanding is that the specific question was: What was the process that was undertaken to enable them to get hold of government data in their establishment?

Mr JEREMY BUCKINGHAM: Yes.

Mr HANSEN: That is something I will have to come back to you on because I do not have that information available.

ANSWER:

All usage and trade data generated by the NSW Government remains the property of NSW Government. All trading information, except private detail, is available on the NSW Water Register and is also available via the BOM website.

This includes information on the Water for Rivers savings measures. A summary of the entitlements and allocations to the individual savings measures, the cumulative volumes that have been apportioned to the Snowy and Murray Rivers is publicly available at:
http://www.water.nsw.gov.au/__data/assets/pdf_file/0009/548307/snowy-savings-table-march-2017.pdf.

DPI Water has no knowledge of data being provided to H2Ox.

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The Hon. ADAM SEARLE: Minister, what assistance has your Government provided to the community of Lithgow to assist in responding to the closure of the Wallerawang power station?

The Hon. NIALL BLAIR: I will have to refer that to the secretary, if that is something that falls in his area.

Mr SMITH: I will have to take on notice the list of specific contributions that we have made in the Lithgow area.

The Hon. ADAM SEARLE: Okay. Can I ask you what plans your Government is making to respond to further closures or potential closures of coal-fired power stations, such as Liddell and Bayswater?

The Hon. NIALL BLAIR: That would be a matter of Government policy.

The Hon. ADAM SEARLE: You are the Minister. You get to answer.

The Hon. NIALL BLAIR: You were looking at the secretary. I am sorry, I thought you were directing the question to him.

The Hon. ADAM SEARLE: No, I am happy for you to answer, Minister.

The Hon. NIALL BLAIR: Again, that is something that the secretary will take on notice to answer. I am happy to come back with some further information, if there is some, in relation to that question as well.

ANSWER:

EnergyAustralia ran a voluntary redundancy scheme at the time of closure of Wallerawang Power Station and was able to successfully redeploy remaining staff across their nearby Mount Piper Power Station and the Wallerawang Decommissioning, Deconstruction and Rehabilitation (DDR) project.

This is in stark contrast to the Latrobe Valley situation, as the entire 700 person workforce of Hazelwood was made redundant due to the power station's closure.

In addition, the NSW Government is running a number of programs to support regional economies such as Lithgow, these include

- In early May, the Deputy Premier launched the \$1 million Regional Growth – Marketing and Promotion Fund to support regions attract more investment and skilled workers to their towns.
- The Government also has at least 30 per cent of the \$190 million Jobs for NSW Fund dedicated for regional job creation projects.
- Some specific examples for the Lithgow area using funding through the NSW Government's \$160 million Resources for Regions program include:
 - \$3.5 million for the redevelopment of Black Bridge in Wallerawang;
 - \$9.5M to upgrade the main access road from Mudgee and Gulgong to the Ulan-based mines;
 - \$10.1M to fund a new Waste Water Treatment Plant in Lithgow; and
 - \$48M for the Bells Line of Road corridor improvement program to link Sydney with the Central West.

The government will continue to support NSW rural and regional communities through funding initiatives that enhance jobs creation and growth and infrastructure development.

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The Hon. MICK VEITCH: Thank you. With regard to allegations of illegal clearing of a travelling stock reserve on the properties owned by Peter and Jane Harris, the North West Local Land Services wrote to the Harrises on 2 July requesting that, over a two-year period, they peg the boundary, allow the area to recover, and actively revegetate the area if natural recovery of the grassland does not occur within a two-year period. What is the status of those works, Minister?

The Hon. NIALL BLAIR: I think I would have to take that on notice. What was the date of that, sorry?

The Hon. MICK VEITCH: It was 2 July 2014 and it is a letter from the North West Local Land Services.

The Hon. NIALL BLAIR: Okay. We will take that on notice and come back to you. Obviously that was a period before I was the Minister. We are happy to take that on notice.

Answer:

The area has been inspected twice by North West LLS, in June 2016 and July 2017. No further farming activity has taken place since the original notification to Peter Harris in July 2014. At this stage, the TSR/property boundary has not yet been marked.

An LLS Agronomist assessed the area on the 30th August 2017 for progress of Mitchell grass recovery. There was very little difference between farmed and non-farmed site assessments and a recommendation was made to continue the natural recovery of the area and to reassess progress at a later date. This will be done after reasonable summer rainfall falls on the site to allow for grass growth.

North West LLS is satisfied on progress to date, given seasonal conditions.

Page 40 of Transcript *Mr Harris to respond*

Mr JEREMY BUCKINGHAM: In regard to the new provisions around approval of works in the Barwon-Darling water sharing plans, the evidence so far has been that there have been three applications.

The Hon. NIALL BLAIR: Are you putting the question through me?

Mr JEREMY BUCKINGHAM: Yes. There have been three applications.

The Hon. NIALL BLAIR: For the Barwon-Darling, that is what we have determined this morning, yes.

Mr JEREMY BUCKINGHAM: Are all of those from Peter Harris or associates of Peter Harris?

The Hon. NIALL BLAIR: Again, I am not familiar with who all of the applicants are. I will ask Mr David Harris if he has any of that information here, but I think he has agreed to take some questions on that.

Mr HARRIS: I have already confirmed that one of those applicants is an associate of Peter Harris. I will take on notice the identity of the other two.

Mr JEREMY BUCKINGHAM: One of them is directly related to the Harris family representative. How did the Government advertise these changes?

The Hon. NIALL BLAIR: I am happy to take on notice so that we can supply the full information on how the changes in relation to all of the sharing plans have been advertised.

ANSWER:

The draft Barwon-Darling Valley Floodplain Management Plan, which included a map of the proposed Barwon-Darling Valley Floodplain, was on public exhibition from 31 October to 9 December 2016.

The NSW Government issued a media release upon commencement of the plan, and made the plan and supporting information available on the internet.

The plan is also available in the NSW Government legislation website.

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Mr HANSEN: That floodplain management plan that went on exhibition also had targeted stakeholder engagement across local Indigenous communities, local councils, floodplain landholders, the Bourke Cotton Growers Association, NSW Farmers and so forth. Eight submissions were received from the public exhibition and reviewed by the inter-agency regional panel. As a point on that, it is actually the Office of Environment and Heritage whose responsibility it is for creation of the plan and we then take a role in the exhibition and implementation.

Mr JEREMY BUCKINGHAM: Were any of those submissions from the Harris family or their associates?

Mr HANSEN: I am not sure who the eight submissions were from.

Mr JEREMY BUCKINGHAM: Can you take that on notice?

Mr HANSEN: Yes.

ANSWER:

DPI Water did not receive any submissions during the public exhibition of the draft Barwon-Darling Valley FMP from the Harris family, nor to the department's knowledge, any of their associates.

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Mr JEREMY BUCKINGHAM: I know, and one of the first cabs off the rank is Peter Harris. Has the application from Peter Harris' associate been approved by the department?

Mr HARRIS: Again, it is not the department.

Mr JEREMY BUCKINGHAM: Or by WaterNSW?

Mr HARRIS: No, it has not. There were several objections received and we are currently waiting on Crown Lands consent before the application assessment can be finalised.

Mr JEREMY BUCKINGHAM: When do you think it will be finalised?

Mr HARRIS: I will have to take that on notice as well. I may be able to get back to you shortly on that.

ANSWER:

When the Budvalt application was advertised there were objections. WaterNSW is currently waiting on Crown Lands consent before the application assessment can be progressed. Once that consent is received, it may take WaterNSW around 6 months to assess the various objections.

There are no statutory time constraints on the review.