

**SUPPLEMENTARY QUESTIONS: Budget Estimates 2017-18, Portfolio
Committee No. 5 – Industry and Transport, Wednesday 6 September 2017**

LANDS AND FORESTRY

Questions from Ms Dawn Walker MLC

Native Forestry

1. What percentage of timber harvested by Forestry Corporation comes from native forests and what percentage from plantations?

Answer:

78 per cent of the timber Forestry Corporation harvests comes from plantations and 22 per cent from native forests.

2. How much money did Forestry Corp make from native forest operations in the 2016/17 financial year?
 - (a) In the 2015/16 financial year?
 - (b) In the 2014/15 financial year?

Answer:

2016-17 figures will be published in the 2016-17 Annual Report, which will be tabled in Parliament later this year. Revenue and profits from the Hardwood Forests Division for the 2016-17 financial year is expected to be higher than previous years.

- (a) The Hardwood Forests Division recorded revenue of \$102 million and Earnings Before Interest and Taxes (EBIT) of \$1.2 million from its operations during 2015-16.
 - (b) The Hardwood Forests Division recorded revenue of \$99 million and EBIT of \$2.0 million from its operations during 2014-15.
3. In the 2016/17 financial year, what percentage of Forestry Corporation's total profits came from native forestry operations?
 - (a) In the 2015/16 financial year?
 - (b) In the 2014/15 financial year?

Answer:

2016-17 figures will be published in the 2016-17 Annual Report, which will be tabled in Parliament later this year. The Hardwood Forests Division is expected to contribute a higher percentage of Forestry Corporation's total EBIT in 2016-17 than in previous years.

- (a) The Hardwood Forests Division made up 2% of Forestry Corporation's total EBIT in 2015-16.

(b) The Hardwood Forests Division made up 4% of Forestry Corporation's total EBIT in 2014-15.

4. How much native timber is Forestry Corp contracted to supply under the current Integrated Forestry Operations Approval (IFOA)?

Answer:

The IFOA does not contain timber supply contracts.

5. Can you tell us how much native timber is Forestry Corp contracted to supply under the proposed IFOA?

(a) How many years will the proposed IFOA be valid for?

Answer:

The IFOA does not contain timber supply contracts.

(a) This question should be referred to the Minister for the Environment.

Matters concerning the lifespan of the proposed IFOA will be canvassed in the draft IFOA, which will be released in the coming months.

6. Where will this native timber go?

(a) What is the product being used for?

Answer:

Forestry Corporation sells native timber to customers throughout NSW on long-term wood supply agreements and short-term parcel sales. The products produced by Forestry Corporation customers are determined by those customers and include high-value flooring and appearance timbers used in furniture, houses and commercial buildings, structural timbers for both housing and construction, marine applications such as timber wharfs, power poles, veneers and fibre board products and high-end paper products.

7. Does the Minister agree with the statement by NSW Forestry Corporation that: *"Forestry Corporation's current timber harvesting operations have been carefully planned to supply renewable timber"*, which was made on 31st August in relation to logging operations on the NSW South Coast [specifically re: Mogo State Forest]?

Answer:

I have no reason to doubt the veracity of this statement.

8. Is the Minister aware of the Report by the NSW Department of Primary Industries titled "*Review of Coastal Hardwood Wood Supply Agreements*" that was published in March 2017?
- (a) Does the Minister agree with any of the following findings from the report:
- i. the industry in Southern NSW "*will face adjustment to a reduction in timber supply beyond 2018*"?
 - ii. "*that [logging] equipment would have to be refitted to deal with "super-small log sizes*"?
 - iii. that Forestry Corp "*are tending to harvest the easier coastal areas at rates above long-term sustainability*"?
- (b) If so you agree with any of the above findings, then how can the logging operations of Forestry Corp be 'sustainable' or 'renewable'?

Answer:

Yes

- (a) (i) This statement is based on Forestry Corporation modelling. While I have no reason to question the veracity of Forestry Corporation modelling, it is not a "finding" as such, but a forecast.
- (ii) Again, this is not a finding but a forecast. Further, the question misrepresents the contents of the Review. The actual statement from the report is '*The Eden sawmill, in particular, faces major challenges in transitioning to a smaller log size with redevelopment of one of its two processing lines required to process the 'super small' log class*'. This does not relate to logging equipment, but to processing at the sawmill of a single log size class from the expected mix which includes larger log sizes.
- (iii) This question misrepresents the contents of the Review. This was a stakeholder comment and not a finding of the report.
- (b) As stated in the NSW Forestry Industry Roadmap, for the South Coast (Eden Management Area) the industry is transitioning from a multi-age resource towards a total reliance on smaller regrowth beyond 2018. While there may be a short term reduction in timber supply, modelling indicates that future sawlog supply will exceed current levels. This clearly indicates a sustainable renewable resource.
9. Does the Minister agree with the general statement that "clear felling eliminates arboreal mammals from the logged area", which was the findings of a report written by scientists from the then NSW Forestry Commission in 1980?

Answer:

Clear felling is not practised in any NSW native forests, only plantations may be legally clear-felled. This report, which has not been identified but presumably is now 37 years old, has no relevance to forestry activity undertaken under the Lands and Forestry portfolio.

10. In which forests is the “clearfell” harvesting method currently being used on the NSW South Coast?

Answer:

Clearfell is a plantation harvesting method that is not used in any of Forestry Corporation of NSW’s native forest operations.

11. What are the numbers of koalas in State Forests that supply the Eden Chipmill?

(a) What species protection measures are being employed?

Answer:

There is no reliable estimate of koala numbers in the area.

(a) The largest known koala population on the south coast is found within newly declared flora reserves in the Bermagui, Murrah, Mumbulla and Tanja State Forests, which are now no longer available for timber harvesting. Seventy-three per cent of the forests in the Eden region are set aside for conservation and beyond that, in forests where timber harvesting is allowed, there are strict rules applied under the Integrated Forestry Operations Approvals.

12. What are the numbers of greater gliders in State Forests that supply the Eden Chipmill?

(a) What species protection measures are being employed?

Answer:

There is no reliable estimate of greater glider numbers in the area. Forestry Corporation only surveys the compartments it is planning to harvest and ecological surveys record evidence of greater gliders in a specific area, not the population numbers in the whole forest. Details of all greater glider records found during Forestry Corporation ecology surveys are provided to BioNet, the NSW Atlas of Wildlife managed by the Office of Environment and Heritage.

(a) In the Eden area, 73 per cent of public forests are reserved and this forms the main species protection measure for greater gliders. In addition, in forests where timber harvesting is allowed, there are strict rules applied under the Integrated Forestry Operations Approvals, which ensures that hollow bearing trees are retained through successive harvesting cycles.

Forestry Corporation

13. How many Forestry Corporation staff are employed in:

- (a) Bega Valley Shire
- (b) Eurobodalla Shire
- (c) Shoalhaven Shire

Answer:

(a-c) Forestry Corporation does not organise its operations by local government area and staff work across multiple local government areas. Currently, 60.75 full time equivalent staff are based in Forestry Corporation offices in these local government areas. However, many additional staff based in other offices around NSW directly work in these shires as part of their state-wide responsibilities or remotely provide support services that are critical to local operations. Additional casual and temporary staff are also engaged to work across these areas each fire season.

14. How many staff does Forestry Corp employ in each of these Shires:
- (a) In total in the timber industry
 - (b) as logging crews
 - (c) in haulage
 - (d) in timber processing

Answer:

(a-d) Forestry Corporation does not organise its operations by local government area and does not directly employ staff to carry out any of these activities. The timber industry is made up of many businesses and Forestry Corporation does not represent these businesses, employ their staff or retain information on their behalf. The Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) publishes information about timber industry employment.

15. Does the Forestry Corp have supply forecasts for each major category of logs in Eden RFA and Southern Region RFA regions?
- (a) If so, what are the details of these forecasts?
 - (b) Please supply details of any modeling undertaken for the period beyond the terms of the current Wood Supply Agreements

Answer:

Yes.

(a-b) This information is published on the Forestry Corporation website.

Breaches

16. How many audits and investigations was Forestry Corp subject to last financial year?

Answer:

Forestry Corporation's operations are independently regulated by the Environment Protection Authority (EPA), the Department of Primary Industries –

Forestry Plantations Assessment Unit, and the Department of Primary Industries – Fisheries (DPI Fisheries).

EPA falls within the portfolio responsibilities of the Minister for the Environment. DPI Fisheries falls within the portfolio responsibilities of the Minister for Primary Industries.

Information about the outcome of audits and investigations carried out by the Environment Protection Authority is published on its website. EPA undertook 71 investigations into Forestry Corporation in the 2016-17 financial year.

The Forestry Plantations Assessment Unit undertook 25 audits into Forestry Corporation in the 2016 calendar year.

In addition, Forestry Corporation undertakes hundreds of internal and external audits and ongoing compliance monitoring every year.

17. How many of these resulted in:

- (a) Advisory letters?
- (b) Formal warnings?
- (c) Show cause notices?
- (d) Clean up notices?
- (e) Remedial action?
- (f) Official cautions?
- (g) Penalty notices?
- (h) Other?

Answer:

Information about the outcome of audits and investigations carried out by the Environment Protection Authority is published on their website. Forestry Corporation was not served with any penalty notices during the last financial year.

18. What did each of the above compliance matters relate to?

Answer:

Information about the outcome of audits and investigations carried out by the Environment Protection Authority is published on their website.

IFOA remake

19. What is the status of the IFOA remake and when will the draft be open for consultation?

Answer:

The Government expects to release a draft IFOA in the coming months.

20. Has the Natural Resources Commission been requested to provide advice on the draft IFOA?
(a) If so, will the report be made public before consultation?

Answer:

Yes.

- (a) The Natural Resources Commission's report will be made public when the draft IFOA is released for public consultation.
21. Will the IFOA deliver both no erosion of environmental values with no change in wood supply as committed to by the Government?

Answer:

The Government is considering the Natural Resource Commission's advice and will release a draft IFOA for public comment in the coming months.

Reform

22. When is the Private Native Forestry Code expected to be reviewed and finalised?

Answer:

As stated in the NSW Forestry Industry Roadmap, the review of the Private Native Forestry Codes of Practice will commence in 2017-2018.

23. When will the draft Coastal IFOA be open for consultation?

Answer:

Refer to the answer to Question 19.

24. How much money did the Government invest in the Predictive Koala Habitat Model?

Answer:

The Department of Industry contributed \$162,494 over the period 2014-15 to 2016-17. This was fully funded from its service level agreement with Forestry Corporation NSW.

25. How much has the Government invested in Koala mapping, including the trial four state forests in Northern NSW?
(a) Please provide the spending on koala mapping for:
i. 2014-15;

- ii. 2015-16;
- iii. 2016-17?

Answer:

(a)

- i. Department of Industry contributed: \$70,942
- ii. Department of Industry contributed: \$65,287
- iii. Department of Industry contributed: \$26,265

Koalas

26. Will the Government's proposed native forest bill intensify logging in our public native forests?

Answer:

The proposed bill does not consider operational matters such as silviculture and harvesting intensity. These are set out in the IFOA.

27. Is the 2015 EPA report that logging in public native forests is intensifying correct?

Answer:

Silvicultural techniques are determined by the IFOA. These have been in place since 1999. Forestry Corporation understands that its silvicultural practices meet the requirements of the IFOA.

28. Is habitat clearing a significant contributor to the destruction of koala populations?

Answer:

I will take your question to be: "Is habitat clearing a significant contributor to the destruction of koala populations?"

Habitat clearing is acknowledged as one of the key threats to koalas however, as, acknowledged in the recent independent review that led to the new biodiversity conservation legislation, forestry operations do not constitute 'clearing' as a permanent, spatially dynamic forest structure is maintained across the landscape.

29. Is intensive logging a threat to koalas?

Answer:

There is no evidence to suggest that sustainable timber harvesting as practised in NSW is a threat to koalas.

30. Is logging is good for koalas?

Answer:

Refer to answer to Question 29.

31. How many koalas were killed or maimed as a result of native forestry operations in NSW in each of the past 4 years?

Answer:

Forestry Corporation has advised me it is not aware of any koalas having been killed or maimed as a result of native forestry operations in State forests in the past four years.

32. What is the acceptable number of koala deaths tolerated by this Government as a result of native forestry operations?

Answer:

Forestry Corporation is not aware of any koalas having been killed or maimed as a result of native forestry operations in State forests in the past four years. Native forest timber harvesting in NSW is managed to ensure that impacts on koalas are minimised.

33. Does the NSW Government believe that more protected areas, such as National Parks will improve koala populations in NSW?

Answer:

The Government believes that changes to tenure are not specifically important in achieving conservation outcomes. Maintaining the existing land tenure balance, underpinned by risk-based industry regulations and investment in conservation initiatives, provide the optimal framework for supporting healthy and viable koala populations in NSW.

34. The office of Environment and Heritage is currently developing their koala strategy in NSW- how many meetings have you had with the Environment Minister regarding this strategy?

Answer:

I meet regularly with Minister Upton and our staff meet regularly to discuss issues relevant to forestry and the environment.

35. As the Minister for state forests, do you support converting state forests into national parks, for the creation of a Great Koala National Park?

Answer:

Refer to the answer to Question 33.

State Forests

36. What is the financial value of recreation and tourism activities in state forests?

Answer:

The wider economic impact of recreation and tourism in State Forests has not been ascertained by Forestry Corporation or the Department of Industry – Lands & Forestry. It is not the role of either of these agencies to undertake studies on the economic impact of recreation and tourism.

The financial value of recreation and tourism to local communities and the state's economy has not been calculated.

Forestry Corp structure

37. In documents obtained by Fairfax Media, the EPA stated that in regards to Forestry Corp's structure there is an 'inherent conflict of interest for a corporation in having a concurrency role for negotiating, revoking or changing the terms of their own licence on behalf of Minister for Primary Industries' [now you as the Minister for Forestry]. Do you agree with the EPA?

Answer:

Forestry Corporation does not have a concurrency role for negotiating, revoking or changing the terms of their licence.

38. The EPA also state that 'the removal of third party legal rights exists nowhere else in NSW legislation or regulation'. Why are there no third part appeal rights relating to Forestry?

Answer:

I will take that question to read "The EPA also state that 'the removal of third party legal rights exists nowhere else in NSW legislation or regulation'. Why are there no third party appeal rights relating to Forestry?"

The *Forestry and National Park Estate Act 1998* removed third party appeal rights to provide certainty to the process and in recognition that extensive environmental, social, economic and timber assessments had been undertaken and that extensive areas were reserved. This is reflected in the second reading speech for the Forestry and National Park Estate Bill. This is also consistent with the Commonwealth regulatory framework underpinning Regional Forestry Agreements.

Questions from Mr David Shoebridge MLC

Public register

39. When will the government release a public register of all Crown Land in NSW that includes clear mapping and is freely available to all members of the public?

Answer:

The Department of Industry is scoping technology solutions to provide a spatial view of Crown land in NSW. This project is in the planning stages and timing for public release is not able to be confirmed at this stage

Auditor General's report on the Sale and lease of Crown land

40. What steps have been taken to implement the recommendations of the Auditor General's 2016 report into Sale and lease of Crown land?

Answer:

Since the release of the report in September 2016, the department has been working on projects to implement the recommendations.

The department will provide a submission to the Legislative Assembly's Parliamentary Accounts Committee on 16 October 2017 in response to the Committee's request for a report about progress on the Auditor General's report recommendations.

41. What percentage of commercial Crown land leases were directly negotiated in:
- a) 2014/15?
 - b) 2015/16?
 - c) 2016/17?

Answer:

- (a) 100 per cent of finalised leases.
- (b) 50 per cent of finalised leases.
- (c) 50 per cent of finalised leases.

42. How much debt currently exists on Crown Land leases?
- (a) How many organisations have debt over \$100,000?

Answer:

As at 31 August 2017, there is \$7.2 million debt on Crown Land leases.

(a) 12

43. Has a debt collection policy been implemented?

Answer:

The Department of Industry is currently finalising its debt management policy.

Council administration of Crown Lands

44. What was the number of Crown lands for the period 1 July 2016 - 30 June 2017 that were administered by Councils on behalf of the Crown as listed below:

- (a) within the former Wyong Shire Council area, and
- (b) within the former Gosford City Council area, and
- (c) within the Central Coast Council area, and
- (d) in all Councils in New South Wales, and
- (e) within the administrative territory of Norfolk Island?

Answer:

As at 19 September 2017

- (a) 96 reserves
- (b) 128 reserves
- (c) 223 reserves
- (d) 8,125 reserves
- (e) The *Crown Lands Act 1989* does not extend to the territory of Norfolk Island

Notes:

- i. The use of historic data sets for former Wyong and Gosford Councils and reservation actions since amalgamation explain the minor variation in the figures.

45. What is the value of the income derived from Crown lands administered by Councils on behalf of the Crown in the periods 1 July 2015 - 30 June 2016 and 1 July 2016 - 30 June 2017 as listed below:

- (a) within the former Wyong Shire Council area, and
- (b) within the former Gosford City Council area, and
- (c) within the Central Coast Council area, and
- (d) in all Councils in New South Wales, and
- (e) within the administrative territory of Norfolk Island?

Answer:

	Financial year	Gross Income to Department/State ²	Gross Income as Reported by Councils via CRRS ^{6,7,8}
(a) Wyong	2015/16 ¹	\$53,093.00	Not Reported ³
	2016/17 ¹	\$53,942.00	N/A ⁴
(b) Gosford	2015/16 ¹	\$107,040.00	\$2,460,212.00
	2016/17 ¹	\$109,572.00	N/A ⁴
(c) Central Coast	2015/16 ¹	\$160,133.00	\$2,460,212.00
	2016/17 ¹	\$163,514.00	Not Yet Reported ⁵
(d) All NSW	2015/16 ¹	\$4,034,000.00	\$487,133,283.00
	2016/17 ¹	\$4,274,152.80	\$13,162,548.00 ⁵
(e) Norfolk Island	Refer to question 44 (e)		

Notes:

1. Gross rent value, due to method used to derive previous council details, some minor differences may result from the use of historical information
 2. These totals exclude land under Commons Trusts managed by council.
 3. Wyong did not report in 2015-2016. There was only one return which is now linked to Central Coast Council and the report related to Gosford City Council.
 4. Amalgamated to form Central Coast Council on 12 May 2016.
 5. Reporting period is still open.
 6. The Crown Reserve Reporting System (CRRS) is an online facility which allows trusts to lodge annual reports electronically. All reserve trusts are required to submit an annual report to the Minister as prescribed in section 122 of the *Crown Lands Act 1989* and section 37 of the *Commons Management Act 1989* by 31 October each year.
 7. These figures are as reported by councils and have not been audited and/or verified.
 8. These figures do not include reserves that devolve to Council, as councils are not required to report on these within the CRRS system
46. In relation to question 45: for the categories (a)-(e) what is the corresponding projected income from Crown lands administered by Councils on behalf of the Crown for the period 1 July 2017 - 30 June 2018?

Answer:

Income projections are not provided by Councils.

47. How many Crown lands did the minister vest in Councils and other entities for the period 1 July 2016 - 30 June 2017 as listed below:
- (a) within the former Wyong Shire Council area, and
 - (b) within the former Gosford City Council area, and
 - (c) within the Central Coast Council area, and
 - (d) in all Councils in New South Wales, and
 - (e) within the administrative territory of Norfolk Island?

Answer:

- (a) Nil
 - (b) Nil
 - (c) Nil
 - (d) The following land was vested under the *Crown Lands Act 1989* to councils or other entities across NSW:
 - One parcel vested to Tamworth Regional Council
 - 23 parcels vested in Cobar Shire Council as 'road' as part of the Western Division Legal Roads Network Project.
 - (e) Refer to question 44 (e)
48. Which reports for public reserve trusts did the minister receive from Councils and other entities under Section 122 3a) of the Crown Lands Act and under Part 5, Section 32 of the Crown Lands Regulation as listed below:
- (a) within the former Wyong Shire Council area, and
 - (b) within the former Gosford City Council area, and
 - (c) within the Central Coast Council area, and
 - (d) in all Councils in New South Wales, and
 - (e) within the administrative territory of Norfolk Island?
 - (f) what information pursuant to Part 5, Section 32 Clauses 2(a)- 2(o) of the Crown Lands Regulations was received in these reports?

Answer:

For the financial years 2015/16 and 2016/17, the Minister received the following reports from Councils and other entities:

- (a) – (d) Under section 122(3)(a) of the Crown Lands Act, the Minister received Nil reports.
 - (e) Refer to question 44 (e)
 - (f) Not applicable
49. Which reports for Crown land and public reserve trusts did the minister or director-general request from Councils and other entities in the period 1 July

2016 - 30 June 2017 as listed below:

- (a) within the former Wyong Shire Council area, and
- (b) within the former Gosford City Council area, and
- (c) within the Central Coast Council area, and
- (d) in all Councils in New South Wales, and
- (e) within the administrative territory of Norfolk Island?

Answer:

(a) - (d) Under section 122(1) of the *Crown Lands Act 1989* and Cl. 32 *Crown Lands Regulation 2006*, all reserve trust managers are required to furnish to the Minister each year, within 3 months of the close of the trust's financial year, a report on its activities. Further, any reserve trust manager that is provided funding via the Public Reserve Management Fund is required to submit a report on the expenditure and outcomes of the funding provided.

(e) Refer to question 44 (e)

Central Coast Council

50. Why has Central Coast Council not been required to publish a comprehensive register of Crown land, recreational and operational land?

Answer:

There is no requirement under the *Crown Lands Act 1989* for Councils to maintain or publish a register of Crown land.

51. Why has the Council been allowed to operate without plans of management for its Crown land?

Answer:

There is no requirement under the *Crown Lands Act 1989* for councils to prepare and adopt plans of management for Crown land.

There is a requirement for a Plan of Management under the *Local Government Act 1993* to be prepared for all 'community land' under section 36 the *Local Government Act 1993*.

'Community land' does not include Crown land under the *Crown Lands Act 1989*.

Talus

52. Is there an Aboriginal Land claim on Talus, Crown Land, Naremburn (occupied by tennis courts)?

Answer:

Yes.

53. What has the Minister done to expedite the Supreme Court proceedings in

respect to the land if the Land Title claim has been lodged and received?

Answer:

The Minister has no authority to expedite the process.

54. Does the Minister acknowledge there has been a convention or policy that no dealings will occur with any Crown Land where a land claim has been lodged?

Answer:

Dealings in the form of new leases or licences may be considered in respect of Crown reserves which are the subject of an undetermined Aboriginal Land Claim in very limited circumstances. This occurs with the prior consent of the claimant Aboriginal Land Council.

Use of artificial intelligence

55. 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

Answer:

As outlined in the Digital Government Strategy, the NSW Government will continue to explore the use of cognitive and machine learning, and related Artificial Intelligence technologies, to simplify processes, eliminate duplication, and improve customer experience.

56. When did the department implement AI technologies and which technologies were these?
57. What planned uses does the department have for artificial intelligence?
58. What is the anticipated timeline for the expansion of existing AI uses or implementation of new technologies?

59. What policy guidelines, if any, guide the exploration and use of artificial intelligence by the department?
60. What research, if any, has the department undertaken regarding the use of AI in Government services?

Answer 55-60:

Refer to answer to question 55.

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

Crown Land – illegal clearing

61. How many referrals to other Government agencies have occurred regarding illegal clearing of Crown Land each year since 2011?

Answer:

2011/12	4
2012/13	2
2013/14	1
2014/15	4
2015/16	5
2016/17	7

62. How many successful prosecutions of persons engaging in illegal clearing of Crown Land have been made each year in the Crown Lands' Western Division since 2011?

Answer:

The Office of Environment and Heritage, which falls under the portfolio responsibility of the Minister for the Environment, the Hon Gabrielle Upton MP, is responsible for the prosecution of persons engaged in illegal clearing.

63. How many successful prosecutions of persons engaging in illegal clearing of Crown Land have been made each year in the Crown Lands' Central Division since 2011?

Answer:

Refer to the answer to Question 62.

64. How many successful prosecutions of persons engaging in illegal clearing of Crown Land have been made each year in the Crown Lands' Eastern Division since 2011?

Answer:

Refer to the answer to Question 62.

Native title – Western Bundjalung People v Attorney General of New South Wales [2017]

65. How many staff are now engaged in Native Title matters in Crown Lands?

Answer:

Approximately 38.5 full time equivalent staff in the Department of Industry from Lands and Forestry and Legal Branch were engaged in native title matters for the 2016/17 financial year.

66. Why did DPI - Land fail to brief the Attorney General on time in relation to the Native Title determination, which the judge noted "*In no other kind of case where parties are legally represented would such conduct occur or be tolerated.*"?

Answer:

This is a matter for the Attorney General.

67. Do you agree with the judge's conclusion, and I quote, "*I am not satisfied that the overarching purpose of the civil procedure rules in the Court Act has been met in this case, indeed I believe it has not, and I currently have no confidence that we can continue down our present path and comply with the duties to which are all subject for the many matters which remain to be resolved **unless there is a change of approach within the State of New South Wales to dealing with native title claims**, particularly claims which are prima facie cogent and thus call for a timely, fair and sensible resolution by agreement.*"

Answer:

The Indigenous Land Use Agreement negotiated in Western Bundjalung was resolved six months earlier than the national average.

There have been more native title determinations in NSW in the past four years than in the 20 years preceding, noting that of the 11 determinations recognising native title in NSW since 1993, nine have been determined since 2013.

The Department of Industry – Lands is aware of the matter and is assessing the court's judgment. It is not appropriate for the Minister to engage in commentary on the judicial process.

Wentworth Park

68. Have you met with the Administrator of Wentworth Park?

Answer:

In accordance with Memorandum M2015-05, all of my meetings are disclosed via www.dpc.nsw.gov.au.

69. Do you know what his remuneration package is? What is the remuneration package?

Answer:

The remuneration is confidential

70. Is there still a CEO also managing the affairs of the Trust?

Answer:

Yes.

71. Why is there still an administrator? When will the administrators tenure expire?

Answer:

The administrator was appointed for a two year term that expires on 26 August 2018.

72. Have you or your held any discussions with Urban Growth over the future of Wentworth Park?

Answer:

I will take your questions to be: Have you or your office held any discussions with Urban Growth over the future of Wentworth Park?

No.

73. Have you received a report from the Administrator on his activities since being appointed just before the former Premier decided to ban greyhound racing?

Answer:

No. The department receives regular reports from the administrator.

Greyhounds

74. Can you guarantee that any greyhound track on crown land will not be sold off or transferred to another Government agency?

Answer:

There are no sales, or developments planned, or expected, for Crown land currently used for greyhound racing.

Crown Holiday Parks Trust

75. Have you met with the Crown Holiday Park Trust?

Answer:

In accordance with Memorandum M2015-05, all of my meetings are disclosed via www.dpc.nsw.gov.au.

76. Can you explain why the operating budget for the Crown Holiday Park Trust board has gone from \$30M in 2014 to \$47.5 million in 2016?

Answer:

The annual operating cost of the Trust in 2013/14 reflects the establishment phase. The increase since the Trust was established is accounted for by the consolidation of three separate entities into the single Trust over two years. Additional caravan parks were also consolidated into the Trust over that time.

77. Why has the budget for the Trust Board almost doubled from \$187,000 in 2014 to \$403,000 in 2016 (even a 22% increase from 2015)?

Answer:

The inaugural Board comprised of three members. The current Board was appointed in 2015 and comprises seven members. Trust Board expenses include remuneration, travel and costs associated with an Advisory Committee.

78. Do you think the Board meeting 4 times a year is good value for money? Does this justify a \$60,000 salary for the Chair and \$30,000 for each Board member?

Answer:

Remuneration is consistent with the NSW Government guidelines.

79. Have you heard concerns within industry that the Trust is crowding out investment?

Answer:

The Minister is aware of a range of issues involving Crown holiday parks, from users and other stakeholders.

Crown Land sales and vesting

80. What is the value of land vested or transferred to other Government agencies for each financial year since 2011-12?

Answer:

The information provided excludes

- Land granted to an Aboriginal Land Council in accordance with s 36 of the *Aboriginal Land Rights Act 1983 Act*.

The information provided includes the number and value of

- Roads transferred to council
- Roads transferred to National Parks.
- Land transferred to State Forests
- Land acquired by agencies under the *Just Terms Acquisitions Act*
- Land vested in agencies such as Property NSW

Due to the nature of transactions, the value is the greater of book value or transfer value. The data in this table is at a point in time.

Financial Year	Count	Value
11/12	162	\$ 12,893,411
12/13	176	\$ 31,067,144
13/14	178	\$ 9,114,120
14/15	173	\$ 11,929,344
15/16	145	\$ 13,778,908
16/17	165	\$ 6,630,126
Grand Total	999	\$ 85,413,053

81. What is the value of land vested or transferred to Property NSW for each financial year since 2011-12?

Answer:

Financial Year	Count	Value
11/12	2	\$ 3,776,578
12/13	2	\$ 755,659
13/14	Nil	Nil
14/15	Nil	Nil
15/16	2	\$ 2,436,388
16/17	2	\$ 33,534
Grand Total	8	\$ 7,002,159

Aboriginal Land Claims

82. What resources have been expended on the survey of Aboriginal Land Claims in the 2016/17 financial year (including amounts expended and/or staff resources used)?

Answer:

Approximately \$800,000 was expended on Aboriginal Land Claim (ALCs) surveys in 2016/17 and seven staff were involved in the survey of ALCs, with the resource effort of five full time equivalents.

83. How many Aboriginal Land Claims were surveyed in the 2016-17 financial year?

Answer:

37.

84. How much money has been budgeted to process Aboriginal land claims in 2017/18?

Answer:

Approximately \$860,000 has been budgeted for in 2017/18 for the processing of individual Aboriginal Land Claims under s.36(1) of the *Aboriginal Land Rights Act 1983*.

85. Has the Office of Crown Lands allocated any new additional resources to assist with the determination of land claims in the 2016/17 Budget?

Answer:

Yes - One additional staff member has been recruited to the Aboriginal Land Claims Unit.

86. According to Table A5.1 in Budget Paper No. 1, the Department of Industry, Skills and Regional Development was allocated a budget of \$877 million in 2015-16. However, it only spent \$737 million in that financial year. The reason given for the \$140 million shortfall was as follows: "*Lower expenditures relating to uncommitted Aboriginal land claims and Commonwealth funded State Priority Plan and Basin Plan projects*". Can you clarify what is meant by "*uncommitted Aboriginal land claims*"?

Answer:

Expenditure on Aboriginal Land Claims does not occur nor is it recognised until the Minister approves a claim. Up until this point the budget provided for

Aboriginal Land Claims is not committed, and the variation analysis endeavoured to communicate this position.

Crown Lands staff

87. How many staff (in FTE) are currently employed within the Crown Land section of Industry – Lands and Forestry?

Answer:

391.9 FTE (as at 24 August 2017)

88. How many staff (in FTE) are currently employed within each regional office of the Crown Lands section of Industry – Lands and Forestry?

Answer:

Regional Location	FTE
Armidale	4.0
Ballina	8.0
Bega	1.0
Bourke	1.0
Broken Hill	1.0
Buronga	2.0
Cobar	1.0
Coffs Harbour	3.0
Dubbo	64.5
Goulburn	4.0
Grafton	38.4
Griffith	3.0
Maitland	22.2
Moree	2.0
Newcastle	133.7
Nowra	17.0
Orange	8.4
Tamworth	14.0
Taree	9.0
Wagga Wagga	14.0
Walgett	1.0
Grand Total	352.2

89. How many unfilled positions are there currently within the Crown Land section of Industry – Lands and Forestry?

Answer:

31 roles as at 24 August 2017

Crown Land general

90. Has negotiations commenced for a new Lease over Talus Reserve? If so please provide details of where the negotiations are currently at and a proposed date for signing of a new lease?

Answer:

No.

91. What is the current rent paid by the NSW Golf course? How much Crown Land do they occupy?

Answer:

Current rent paid is \$40,000 per annum, excluding GST. The Club occupies 58.9 ha of Crown land.

92. What is the current rent paid by Juvenile Justice for their occupation of part of Yasmarr Reserve?

Answer:

Nil.

93. How many Aboriginal Land Agreements were finalised in 2016-17?

Answer:

In mid 2016 the Department commenced comprehensive ALAs in Tamworth, Tweed, Northern Beaches and Federation LGAs, and a number of limited and unique ALAs in Griffith, Brewarrina, Wyong and Eden. The ALA negotiations which bring together the Local Aboriginal Land Council, NSW Aboriginal Land Council, the local Council and Crown Lands in a collaborative way are well progressed, but have not been finalised to date.

94. How many Aboriginal Land Agreements have been finalised to date?

Answer:

Refer to answer to question 93.

Forests

95. The Hardwood Forests Division of the Forestry Corporation has not made an operating profit in the last five years. Is this correct?

Answer:

This is not correct. The Hardwood Forests Division has returned a positive Earnings Before Interest and Tax since 2014-15. Information about financial performance is included in Forestry Corporation's audited Annual Reports and financial statements tabled annually in Parliament.

96. Over the last five years the Hardwood Forests Division appears to have lost more than \$30 million. Is this correct?

Answer:

That is not correct. Forestry Corporation's Hardwood Forests Division returned a profit in terms of Earnings Before Interest and Tax in 2014-2015 and 2015-16 and the audited financial statements that will be tabled in Parliament later this year will show the division returned an operating profit in 2016-17.

97. How many native trees would the Hardwood Forests Division harvest each year?

Answer:

Forestry Corporation reports harvesting by timber volume. Volumes of timber harvested each year are reported in the annual sustainability snapshot published on Forestry Corporation's website.

98. Overall, State Forests reports a return of equity of 4.1 and a return on assets of 2.5. What would the figures be for the Hardwood Forests Division as a stand-alone business?

Answer:

An accurate estimate cannot be made for a return on asset or equity for the Hardwood Forests Division alone, as assets and equity are consolidated at the corporate level.

99. How many staff are employed in the Hardwoods Forests Division?

Answer:

At July 2017, the Hardwood Forests Division employed 248.51 Full Time Equivalent staff. This figure does not include staff employed in functions such as information technology, finance, human resources, payroll, GIS, other corporate

services that support the division or other contract staff. It also does not include the up to 100 additional temporary and casual staff are engaged by the division during each fire season.

100. How many staff worked in the Hardwood Forests Divisions for each of the last five years?

Answer:

Year	FTE (Full Time Equivalent)
Jul 17	248.51
Jul 16	241.78
Jul 15	223.64
Jul 14	223.46
Jul 13	253.17

These figures do not include staff employed in functions such as information technology, finance, human resources, payroll, GIS, other corporate services that support the division or other contract staff. They also do not include the up to 100 additional temporary and casual staff engaged by the division during each fire season.

101. Are hardwood plantations any more profitable than native forests?

Answer:

No.

102. How many hectares of new hardwood plantations did the Forestry Corporation have in 2012 and how many hectares does it have now?

Answer:

Plantation establishment is reported by calendar year. Forestry Corporation did not establish any new first-rotation hardwood plantations in 2012 or 2016. Forestry Corporation established 470 hectares of second rotation hardwood plantations in the 2012 calendar year and 275 hectares of second rotation hardwood plantations in the 2016 calendar year.

103. Does the Corporation have a plan to grow its hardwood plantations business? If so, to how many hectares?

Answer:

Forestry Corporation invests about \$1 million a year re-establishing high quality hardwood plantations on second rotation sites to contribute towards future timber needs. Forestry Corporation does not have any current plans to expand the hardwood plantation estate.

104. Why was a Deed of Agreement for Forest Materials Licence (FML) entered into between FC NSW and CTKNR without a transparent tender process over crown lands?

Answer:

A probity review determined that direct negotiations were appropriate in this instance.

105. Given that the DOA for FML was entered into via Direct Negotiations and not as the result of a competitive tender process:

106. Was the written approval of the Deputy Director General, Lands and Natural Resources obtained for Crown land to be allocated by Direct Negotiations with a proponent?

Answer:

No. The Direct Negotiation Policy for the sale or lease of Crown Land applies only to the allocation of Crown land by sale or lease under s 34 and s.34A of the Crown Lands Act and ss.28A and 35C of the Western Leases Act.

107. Has the \$500 holding fee plus GST been paid in advance by direct deposit from CTKNR to FCNSW from the date of the DOA for FML being 11 May 2015?

Answer:

The conditions of the Deed of Agreement in relation to payments have been met.

108. Has a FML over Broken Bago State Forest been signed between CTKNR and FCNSW?

Answer:

Yes.

109. If a FML over Broken Bago State Forest has been entered into:

- (a) who were the signatories;
- (b) on what date was it executed; and,
- (c) under what specific instrument has the FML been granted?

Answer:

- (a) Kathryn Lyons as the duly authorised delegate of Forestry Corporation

of NSW and CTK Natural Resources Pty Ltd Directors Thomas Cassegrain and Graham Lockett.

(b) 29 June 2017

(c) *Forestry Act 2012*

110. If no FML exists, how has CTKNR been allowed to conduct any works at the proposed Lookout Road quarry site in Broken Bago State Forest?

Answer:

N/A

111. Was the machine operated by CTKNR in Broken Bago State Forest over the period 10-25 August 2017, compliant with the specifications set out in section 14 of the Forestry Act? If so who regulated the compliance?

Answer:

Section 14 of the Forestry Act has no relevance to machinery.

Soil Conservation Service

112. How many staff (in FTE) are currently employed within the Soil Conservation Service?

Answer:

135.5 FTE (as at 24 August 2017)

113. How many staff (in FTE) are currently employed within each regional office of the Soil Conservation Service?

Answer:

Regional Location	FTE
Albury	5.00
Bathurst	2.00
Coffs Harbour	2.64
Cooma	2.00
Cowra	2.00
Dubbo	1.00
Goulbur	6.40
Grafton	3.60
Henty	0.40
Howlong	3.00
Inverell	8.16
Maitland East	9.60
Morpeth	9.01
Moss Vale	4.80
Narrabri	2.00
Newcastle	2.00
Nowra	5.65
Orange	3.60
Parkes	3.05
Queanbeyan	1.00
Quirindi	4.61
Scone	10.47
Singleton	2.00
Tamworth	3.00
Taree	1.00
Temora	1.00
Tumut	1.00
Wagga Wagga	1.00
Wellington	1.00
Total	101.99

114. How many unfilled positions are there currently within the Crown Land section of Industry – Lands and Forestry?

Answer:

Refer to answer to Question 89.

Property Asset Sales – Lands and Forestry

115. How many property assets, within the Lands and Forestry portfolio, were sold in financial year 2011/12 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Lands and Forestry and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

40 properties were sold in financial year 2011/12. Revenue is returned to Treasury as consolidated revenue consistent with normal government accounting practices. Consistent with most Government Agencies, Crown Lands operating and program budget is established through Treasury coordinated budget processes

State Forests - 6 properties sold. Nil directed back into capital works and nil to Restart NSW. Value \$274,629

116. How many property assets, within the Lands and Forestry portfolio, were sold in financial year 2012/13 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Lands and Forestry and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

78 properties were sold in financial year 2012/13. Revenue is returned to Treasury as consolidated revenue consistent with normal government accounting practices. Consistent with most Government Agencies, Crown Lands operating and program budget is established through Treasury coordinated budget processes

State Forests - 6 properties sold. Nil directed back into capital works and nil to Restart NSW. Value \$5,386,515

117. How many property assets, within the Lands and Forestry portfolio, were sold in financial year 2013/14 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Lands and Forestry and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

53 properties were sold in financial year 2013/14. Revenue is returned to Treasury as consolidated revenue consistent with normal government accounting practices. Consistent with most Government Agencies, Crown Lands operating

and program budget is established through Treasury coordinated budget processes

State Forests - 4 properties sold. Nil directed back into capital works and nil to Restart NSW. Value \$4,548, 765

118. How many property assets, within the Lands and Forestry portfolio, were sold in financial year 2014/15 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Lands and Forestry and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

47 properties were sold in financial year 2014/15. Revenue is returned to Treasury as consolidated revenue consistent with normal government accounting practices. Consistent with most Government Agencies, Crown Lands operating and program budget is established through Treasury coordinated budget processes

State Forests – 3.5 properties sold. Nil directed back into capital works and nil to Restart NSW. Value \$154,645

119. How many property assets, within the Lands and Forestry portfolio, were sold in financial year 2015/16 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Lands and Forestry and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

30 Properties were sold in financial year 2015/16. Revenue is returned to Treasury as consolidated revenue consistent with normal government accounting practices. Consistent with most Government Agencies, Crown Lands operating and program budget is established through Treasury coordinated budget processes

Nil for State Forests

120. How many property assets, within the Lands and Forestry portfolio, were sold in financial year 2016/17 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Lands and Forestry and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

37 Properties were sold in financial year 2016/17. Revenue is returned to Treasury as consolidated revenue consistent with normal government accounting practices. Consistent with most Government Agencies, Crown Lands operating and program budget is established through Treasury coordinated budget processes.

State Forests – 4.5 properties sold. Nil directed back into capital works and nil to Restart NSW. Value \$4,465,586

121. For each of the Financial Years, 11/12 through to 16/17 inclusive, can you provide the breakdown, within the Lands and Forestry portfolio, as to which departments/agencies sold what volume of properties and at what value, for each of the financial years?

Answer:

Properties were sold through Crown Property Services' Sales & Disposals Unit, within Lands and Forestry, who are responsible for all sales and disposals (excluding roads). See answer to q122 for valuations.

122. Since July 1, 2011, with regard to the total sales of assets and properties across the Land and Forestry portfolio, are you able to provide a breakdown of the total number and total value of assets sold, by Electorate?

Answer:

Electorate	Count	Value
ALBURY	2	\$ 515,000
BALLINA	2	\$ 32,475
BARWON	23	\$ 993,667
BATHURST	11	\$ 698,328
BEGA	1	\$ 243,000
CANTERBURY	1	\$ 569,091
CESSNOCK	1	\$ 36,500
CLARENCE	4	\$ 7,689
COFFSHARBOUR	4	\$ 1,197,409
COOTAMUNDRA	11	\$ 562,137
DUBBO	11	\$ 386,019
GOSFORD	1	\$ 35,300
GOULBURN	10	\$ 902,227
HAWKESBURY	3	\$ 2,209,591
HORNSBY	2	\$ 692,727
LAKE MACQUARIE	1	\$ 640,555
LANE COVE	1	\$ 118,182
LISMORE	3	\$ 30,050
MAROUBRA	1	\$ 246,364
MONARO	3	\$ 174,780
MURRAY	13	\$ 1,440,033
MYALL LAKES	28	\$ 3,790,501
NORTHERN TABLELANDS	51	\$ 1,360,738
ORANGE	14	\$ 954,847
OXLEY	1	\$ 750,000
PORT MACQUARIE	8	\$ 2,248,522
PORT STEPHENS	1	\$ 85,000
SOUTH COAST	1	\$ 455,000
SWANSEA	1	\$ 868,296
SYDNEY	1	\$ 60,501
TAMWORTH	56	\$ 6,788,505
UPPER HUNTER	10	\$ 757,055
WAGGA WAGGA	4	\$ 37,336
Grand Total	285	\$29,887,424

Property Asset Sales – Racing

123. How many property assets, within the Racing portfolio, were sold in financial year 2011/12 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Racing and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

The three controlling bodies (Racing NSW, Harness Racing NSW and Greyhound Racing NSW) are independent body corporates that are not subject to direction or control by the Government. Accordingly, the Minister does not have any direct control of the property assets of the three controlling bodies.

Financial details concerning property assets are contained in the financial statements of the controlling bodies' annual reports.

The sale of any racing related property on Crown land is included in the answers to Questions 115-121.

124. How many property assets, within the Racing portfolio, were sold in financial year 2012/13 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Racing and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

Refer to answer to Question 123.

125. How many property assets, within the Racing portfolio, were sold in financial year 2013/14 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Racing and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

Refer to answer to Question 123.

126. How many property assets, within the Racing portfolio, were sold in financial year 2014/15 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Racing and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

Refer to answer to Question 123.

127. How many property assets, within the Racing portfolio, were sold in financial year 2015/16 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Racing and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

Refer to answer to Question 123.

128. How many property assets, within the Racing portfolio, were sold in financial year 2016/17 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Racing and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

Refer to answer to Question 123.

129. For each of the Financial Years, 11/12 through to 16/17 inclusive, can you provide the breakdown, within the Racing portfolio, as to which departments/agencies sold what volume of properties and at what value, for each of the financial years?

Answer:

Refer to answer to Question 123.

130. (No question provided in original committee request)

131. Since July 1, 2011, with regard to the total sales of assets and properties across the Racing portfolio, are you able to provide a breakdown of the total number and total value of assets sold, by Electorate?

Answer:

Refer to answer to Question 123.

Regeneration Harvesting

132. Has the Minister had discussions with the Minister for the Environment in relation to concerns of the Environment Protection Authority with regeneration harvesting?
- (a) If so, when did this occur and what was the nature and outcome(s) of these discussions?

Answer:

The Ministers and their staff meet regularly and discuss issues relevant to forestry and the environment.

133. Has the Minister received representations from the Minister for the Environment regarding regeneration harvesting?
- (a) If so, what matters were raised by the representations and what was the Minister's response to the representations?

Answer:

The Ministers and their staff meet regularly and discuss issues relevant to forestry and the environment.

Independent Review of Coastal Integrated Forestry Operations Approvals

134. When will the Natural Resources Commission's 'Independent Review of Coastal Integrated Forestry Operations Approvals', as referred to in the Forest Industry Roadmap, be released publicly?

Answer:

The Natural Resources Commission's 'Independent Review of Coastal Integrated Forestry Operations Approvals' will be made public when the draft Integrated Forestry Operations Approval (IFOA) is released for public consultation.

135. What are the findings and recommendations of the Natural Resources Commission's 'Independent Review of Coastal Integrated Forestry Operations Approvals' in relation to:
- (a) What baseline the NRC used when making a decision on the area of available forest for harvest and how this baseline was derived;
- (b) Whether wood supply commitments and environmental protection commitments are mutually achievable, or whether trade-offs must be made;
- (c) If trade-offs must be made, what environmental or wood supply trade-offs were recommended by the NRC;
- (d) What recommendations the NRC made in regards the maximum allowable coupe size and the minimum allowable return time to harvest an adjacent coupe for intensive regeneration harvesting;

- (e) What basal area limit the NRC recommended for selective logging;
- (f) What percentage of each harvest area the NRC recommended should be retained as tree retention clumps;
- (g) What percentage of each harvest area the NRC recommended should be retained as habitat clumps; and
- (h) Definitions the NRC used to define large trees, rocky outcrops or other key habitat features?

Answer:

The findings and recommendations of the Natural Resources Commission's review will be made public when the draft IFOA is released for public consultation.

Light Detecting and Ranging dataset

136. What is the current status of the development of a Light Detecting and Ranging (LIDAR) dataset being developed for use in forestry planning and management? In particular:
- (a) What areas of the State have been surveyed?
 - (b) What forestry decision-making will the LIDAR dataset inform and what, if any, current management processes will LIDAR replace?
 - (c) How much has the dataset cost?
 - (d) Where can the dataset be accessed?

Answer:

- (a) Forestry Corporation of NSW has purchased LiDAR data for approximately two million hectares and also accesses LiDAR data purchased by the NSW Government (Land and Property Information).
- (b) Forestry Corporation has been using LiDAR to inform forestry operations for around ten years. It is currently used to inform many aspects of hardwood and softwood forest operations, including assessing inventory and informing yield estimates, planning for harvesting or roadworks, planning plantation site preparation and establishment, researching habitat features, evaluating vegetation or weed cover, identifying safety risks such as difficult or impenetrable terrain, assessing forest fuels and fire hazard and identifying terrain information and containment lines during active firefighting.
- (c) Forestry Corporation has invested more than \$3.5 million in purchasing LiDAR data.
- (d) LiDAR data purchased by Forestry Corporation of NSW informs all Forestry Corporation mapping, including harvest plan maps and recreational maps published online or via the Visit Forests app. Data has also been provided to the NSW Government's Spatial Services, who are completing a state-wide project to provide elevation data through the Elevation Information System Portal.

Integrated Forestry Operations Approvals changes

137. Regarding the Government's proposed changes to the Integrated Forestry Operations Approvals and Threatened Species Licence for the coastal forests of NSW:
- (a) Will the requirement for pre-logging surveys of all or some threatened plant species be removed or amended, and if so, what are the details of any changes?
 - (b) Will some species of threatened plants have their current level of legal protection removed, and if so, which plants?
 - (c) Will some species of threatened plants have their protection areas reduced or downgraded, and if so, which plants and what is the nature of each reduction or downgrade?
 - (d) Which species and populations of threatened plants will retain their current protections?
 - (e) Will the requirement for pre-logging surveys of all or some threatened animal species be removed or amended, and if so, what are the details of any changes?
 - (f) Will some species of threatened animals have their current level of legal protection removed, and if so, which animals?
 - (g) Will some species of threatened animals have their protection areas reduced or downgraded, and if so, which animals and what is the nature of each reduction or downgrade?
 - (h) Which species and populations of threatened animals will retain their current protections?
 - (i) What changes are proposed to stream/streamside protections?
 - (j) Will streamside protection in the upper catchment headwaters and other stream protections be reduced, and if so, by how much?
 - i. If so, what is the scientific evidence and reasoning for this decision?
 - (k) Will the current requirement for streamside logging exclusion buffers be amended, and if so, what is the nature of the changes?
 - (l) Will the current requirement for streamside logging exclusion buffers be amended to be measured from the middle of the stream instead of the top of the stream bank?
 - (m) Will logging be allowed to take place up to or near to the edge of the stream bank in any cases? Please provide details.
 - (n) Will the requirement to search or survey for koalas prior to logging operations and/or the subsequent disallowance of logging in any such identified koala areas be removed or amended, and if so, what are the details of any changes?

Answer:

(a)-(n) Any proposed changes will be made public when the draft IFOA is released for public consultation.

Office Administration

138. 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?

Answer:

Ministers' staff numbers and salary bands are available on the DPC website.

Refer to:

http://www.dpc.nsw.gov.au/about/publications/premiers_and_ministers_staff_numbers.

139. 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?

Answer:

There were 240 smart phones allocated across the Ministerial Offices in 2016-17. The total usage cost of these smart phones and other mobile devices (including iPads) was \$269,644, a 53.4% per cent reduction on the 2008-09 expenditure of \$578,691. The cost of replacing any lost or stolen devices is claimed through the NSW Treasury Managed Fund. Repairs are funded by the Department of Premier and Cabinet, Corporate and Ministerial Services.

140. 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?

Answer:

There were 139 iPads in use across the Ministers' IT network in 2016-17. The cost of replacing any lost or stolen devices is claimed through the NSW Treasury Managed Fund. Repairs are funded by the Department of Premier and Cabinet, Corporate and Ministerial Services.

141. Has any artwork been purchased or leased for display in your ministerial office in 2016-17?

(a) What is the cost of this?

Answer:

Artwork in the Minister's office includes art donated at no cost and artwork on loan from the Art Gallery of NSW for which the Gallery charges a nominal subscription fee.

142. 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?

143. 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?

Answer 142-143:

Floral arrangements purchased by the Ministry are managed within the office's budget.

144. 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?

Answer:

The Minister's office subscribes to a modest number of publications, the cost of which is managed within the office's budget.

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

Answer:

Expenditure on stationery in 2016-17 across the Ministry was \$146,596. This includes the cost of printed stationery (business cards and letterheads).

146. 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?

Answer:

Gifts are presented to dignitaries during overseas missions and to dignitaries visiting NSW.

147. Do you purchase bottled water or provide water coolers for your office?
(a) What is the monthly cost of this?

Answer:

No.

148. What non-standard features are fitted to your ministerial vehicle?
(a) What is the cost of each non-standard feature?

Answer:

Ministers, the Leader of the Opposition, other nominated public office holders and certain former office holders are provided with official cars and drivers. During 2016-17 all costs associated with these vehicles were paid from the relevant office's budget.

149. What are 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

Answer:

Expenditure on taxis, hire cars and ride share services in 2016-17 across the Ministry was \$82,771, down from \$99,463 last year. This compares with 2009-10 expenditure of \$175,776.

150. 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?

Answer:

Expenditure on charter flights for the Ministry totalled \$6,921 in 2016-17, down from \$28,706 last year. This compares with expenditure in 2009-10 of \$281,567.

Hospitality

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

Answer:

Expenditure on hospitality across the Ministry totalled \$32,021 in 2016-17- which includes catering for stakeholder meetings and courtesy calls with visiting dignitaries.

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

Answer:

Costs are managed within each agency's recurrent budget.

Labour Hire Firms

153. 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

Answer:

The Department of Industry – Lands & Forestry and Liquor & Gaming NSW uses Labour Hire firms, in accordance with NSW Public Service policies to cover temporary vacancies as required. There are no central records maintained, with operations authorised to make such arrangements, subject to their overall labour expense cap.

Media and Public Relations

154. 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?

Answer:

The Department of Industry – Lands & Forestry and Liquor & Gaming NSW staff numbers are included in the Annual Report.

155. 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?

Answer:

The Department of Industry – Lands & Forestry and Liquor & Gaming NSW staff numbers undertaking media or public relations activities are commensurate with need and can go down or up as required.

156. What is the total cost of media monitoring services used by Departments/agencies within your portfolio responsibilities?

Answer:

The NSW Government purchases all commercial media monitoring centrally through the Department of Premier and Cabinet which delivers significant savings through aggregated procurement.

157. 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?

Answer:

A centralised media function was established for the Department of Industry in 2015. Liquor & Gaming NSW (L&GNSW) joined the Industry cluster as a result of machinery of government changes, effective from 1 April 2017. There has been no increase in L&GNSW media staff in the period referred to.

158. 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?

Answer:

Refer to the answer to Question 157.

159. 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?

Answer:

No.

Facebook

160. How much did your ministerial office spend on Facebook advertising or sponsored posts in 2016-17?

Answer:

No taxpayer money has been spent on Facebook advertising or sponsored posts.

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

Answer:

Where appropriate social media is used by agencies alongside other forms of advertising as a cost effective medium of communication.

Overseas Trips

162. 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?

163. 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?

Answer 162-163:

Details of overseas travel including costs are published on the Department of Premier and Cabinet's website.

Department/Agency Travel

164. 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

Answer:

Travel in 2016-17 was in accordance with NSW Treasury and Finance Circular OFS-2014-07 and Department of Industry internal travel policies. Within Industry, travel costs for 2016-17 were:

- (a) \$746,761
- (b) \$2,216
- (c) \$303,267
- (d) \$2,216

165. 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?

Answer:

No.

- (a) N/A

Consulting

166. How much did the Department/agencies under your portfolio responsibility spend in legal costs in 2016-17?
- (a) For what specific purposes or matter was legal advice sought?
167. 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

Answer 166-167:

Financial statements, including expenditure on consultants, are available in agency annual reports.

Department/Agency Staffing

168. 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?

169. 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?

Answer 168-169:

Public Service Senior Executive (PSSE) remuneration is reported in the Annual Reports of each agency within the Premier and Cabinet Cluster.

170. 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?

171. 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?

Answer 170-171:

Staff numbers and their cost are managed within the agency's Labour Expense Cap, as part of the sector's Budget Controls.

172. How many redundancies were processed by Departments/agencies within your portfolio responsibilities during 2016-17?

(a) Of these redundancies, how many were:

ii. Voluntary

iii. Forced

(b) What was the total cost of all redundancies?

Answer:

Voluntary redundancies are a component for agencies to achieve their efficiency dividends. Redundancy figures across the sector for 2016/17 are anticipated to be in the order of 1,222, totalling 12,999 since July 2011. The Labour Expenses Cap introduced in the 2012-13 Budget also continues to give Secretaries as much flexibility as possible to achieve these savings in the most appropriate ways to meet the service requirements of their agencies. Nurses, police officers and teachers in schools have been quarantined from this measure.

173. 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?

Answer:

Refer to response at Question 172

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

Answer:

No

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

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

Answer:

Staffing decisions made within individual agencies are a matter for that agency.

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

Answer:

Stationery expenses are accounted for in agencies' recurrent budgets.

Smart Phone Accounts

177. 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?

178. 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?

Answer 177-178:

IT costs are managed within each agency's budget and are guided by NSW Government's ICT and procurement policies and frameworks.

Websites Visited

179. What were the top 20 most utilised (by data sent and received) unique domain

names accessed by your Ministerial office this year?

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

Answer 179-180:

The configuration of the Ministers' IT network infrastructure by our third party service providers does not allow the determination of such data.

Merchant fees

181. 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.

Answer:

All NSW Government agencies are required to impose surcharges to recoup their merchant interchange fees, pursuant to Treasury Circular TC12/13.

The Department of Industry charged customers a surcharge on payments made via credit and debit cards through the Visa, Mastercard, American Express and Diners Club schemes, when a payment was made using the Department of Industry's internet payment pages, via the phone using the 1300 number listed on invoices and where payment were made at counters with physical merchant terminals.

The Department of Industry invoices include alternative payment options of Bpay and cheque, which don't have a surcharge for customers.

182. 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.

Answer:

The Department of Industry's charges are as follows:

Visa	0.4 per cent
Mastercard	0.4 per cent
American Express	1.5 per cent
Diners	2.4 per cent

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

Answer:

The Department of Industry received \$25,124 in surcharge from payments paid by customers. Westpac applied merchant fee charges totalling \$19,317 for

facilities administered directly by the Department of Industry. This does not include TAFE NSW and Office of Sport.

Probity Auditor

184. 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.”

Answer:

In accordance with the NSW Procurement Board’s Direction (PBD-2013-05) the Department of Industry has internal mechanisms in place to ensure that probity considerations are routinely taken into account in their procurement decisions, and the use of external probity advisers and auditors is the exception rather than the rule. The Department’s Annual Report includes all consultancies, including those involving probity advisors valued more than \$50,000.

Questions from the Mr Jeremy Buckingham MLC
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Compliance Breaches

185. In terms of compliance breaches on Crown Lands:

- (a) How many investigations into compliance breaches related to activities on crown lands were undertaken in each of the past 4 years?
 - i. How many of these investigations related to illegal clearing in each of the past 4 years?
- (b) How many compliance breaches related to activities on crown lands were identified in each of the past 4 years?
 - i. What action did the department take for each of these breaches? (a summary of total numbers of different actions is sufficient e.g. 12 show cause notices, 6 penalty notices etc.)
- (c) How many of these compliance breaches were for illegal clearing in each of the past 4 years?
 - i. What action did the department take for each of these breaches? (a summary of total numbers of different actions is sufficient e.g. 12 show cause notices, 6 penalty notices etc.)
- (d) How many of these compliance breaches for illegal clearing in each of the past 4 years were on Travelling Stock Reserves?
 - i. What action did the department take for each of these breaches? (a summary of total numbers of different actions is sufficient e.g. 12 show cause notices, 6 penalty notices etc.)
- (e) How many compliance breaches related to illegal clearing were reported in each of the Local Land Service regions in the past 4 years?

- (f) How many penalty notices and prosecutions did the Department of Lands secure in each of the last 4 years?
- i. How many of these penalty notices and prosecutions related to illegal clearing in each of the last 4 years?

Answer:

- (a) 2013/14 – 61
 2014/15 – 134
 2015/16 – 185
 2016/17 – 144
- i. 2013/14 – 13
 2014/15 – 18
 2015/16 – 20
 2016/17 – 31

- (b) 2013/14 – 61
 2014/15 – 134
 2015/16 – 185
 2016/17 – 241
- i.

	Referral	No Action	Signage	Advice / Warning	Remediation	Cautio n	PIN
2013-14	5	11	2	31	21	2	5
2014-15	25	30	8	33	23	6	13
2015-16	12	36	13	70	32	5	20
2016-17	15	16	5	157	29	9	15

- (c) 2013/14 – 13
 2014/15 – 18
 2015/16 – 20
 2016/17 – 31
- i.

	Referral	No Action	Signage	Advice / Warning	Remediation	Cautio n	PIN
2013-14	5	0	0	4	3	0	1
2014-15	5	5	0	4	0	1	3
2015-16	5	2	0	9	0	2	2
2016-17	7	7	2	8	2	5	0

- (d) 2013/14 – 2
- 2014/15 – 1
- 2015/16 – 0
- 2016/17 – 0

- i. Breaches on TSRs are generally referred to LLS and/or OEH

(e) Please refer to (d) i above

(f)

	PIN	Prosecutions
2013/14	5	0
2014/15	13	0
2015/16	20	0
2016/17	15	0

- i.

	PIN	Prosecutions
2013/14	1	0
2014/15	3	0
2015/16	2	0
2016/17	0	0

Penalties

186. Is the current maximum penalty notice penalty of \$2,200 a sufficient deterrent for breaches?

Answer:

The current maximum penalty notice penalty is what is allowed for in the legislation.

187. Is the current maximum penalty for prosecutions a sufficient deterrent for breaches?

Answer:

The current maximum penalty notice penalty is what is allowed for in the legislation.

188. Has the Department provided any advice or submission to the Minister or to any previous Ministers since 2011 which seeks higher maximum fines for penalty notices and/or prosecutions?

Answer:

Under the *Crown Lands Act 1989* maximum penalties under penalty notices are \$220. The draft *Crown Land Management Regulations 2017* (which went out for public consultation on September 4) proposes to increase the maximum penalty notice penalty to \$2,200 and the new *Crown Land Management Act 2016* proposes to increase the maximum penalties to up to 2,000 penalty units for a corporation (\$220,000) and 1,000 penalty units (\$110,000) for an individual. This is in line with best practice guidance that penalty notices be 5 to 10% of maximum penalty amounts.

Compliance Officers

189. How many compliance staff does the department currently employ?
(a) How many compliance staff did the department employ in each of the last 4 years?

Answer:

For Crown Lands, the department has nine dedicated compliance staff working with approximately 50 regional staff who are trained as authorised officers to undertake compliance activities as part of their normal duties.

- (a) 2016/17 - there were 9 dedicated officers plus approximately 50 trained authorised officers
2015/16 – there were 3 dedicated officers plus approximately 50 trained authorised officers
2014/15 – there were 3 dedicated officers plus approximately 50 trained authorised officers
2013/14 – there were 3 dedicated officers. The department's records do not provide sufficient information on the number of authorised officers at this time.

190. How many compliance staff are currently based in each of the Local Land Service regions?
(a) For each of the last 4 years, how many compliance staff were based in each of the Local Land Service regions?

Answer:

This matter falls within the portfolio responsibility of the Minister for Primary Industries, the Hon Niall Blair MLC.

RACING

Questions from the Hon Mark Pearson MLC

Horse Racing

191. What is being done to ensure complete lifecycle tractability of thoroughbred racehorses?

Answer:

I will take your question to be: What is being done to ensure complete lifecycle traceability of thoroughbred racehorses?

Racing NSW has advised the following:

On 1 July 2014, Racing Australia (RA) introduced new national regulations to capture enhanced information about a horse's transition to a life after racing, making it compulsory for owners to report the retirement of their racehorse within 30 days.

On 4 July 2016, RA introduced new rules for the registration of thoroughbred foals and their owners, to strengthen ownership transparency and traceability and lead to improved integrity and animal welfare in the thoroughbred racing industry.

On 6 September 2016, Racing NSW established the Horse Welfare Fund, allocating \$2 million annually to horse welfare. This assists in ensuring the welfare of thoroughbred horses from birth, during their racing careers and on retirement. The funding includes provision for administration and systems for lifecycle traceability.

On 7 August 2017, Racing NSW approved new local Rules (LR 114) to further enhance lifecycle traceability requirements and ensure the welfare of thoroughbred horses across their lifecycle.

192. What are the numbers of two year old racehorses that suffered career ending injuries in 2015/2016?

(a) Has this number increased from the previous three years?

Answer:

Racing NSW has advised that nine out of a total of 77 reported fatalities that occurred in a race, official trial or trackwork in 2015/16 were two year olds, including three accidents not associated with racing or training.

(a) Racing NSW has advised of the following for the previous three years:

2012/2013 – six out of a total of 53 reported fatalities that occurred in a race, official trial or trackwork.

2013/2014 – six out of a total of 55 reported fatalities that occurred in a race, official trial or trackwork.

2014/2015 – eight out of a total of 59 reported fatalities that occurred in a race, official trial or trackwork.

Fatalities include those due to musculoskeletal injury, collapse and sudden death, or death due to non-training accidents.

193. What is the percentage of injuries to two year old horses in relation to all horses injured?

Answer:

Racing NSW advised that as per the response to Q192, the percentages are:

2012/2013 – 11.3 per cent

2013/2014 – 10.9 per cent

2014/2015 – 13.6 per cent

2015/2016 – 11.7 per cent

194. If these numbers are not recorded, why not?

Answer:

See response to Q192.

195. Has your department or Racing NSW referred any complaint of animal cruelty in relation to the use of the whip to the relevant authorities?

Answer:

No referrals have been made by my department or Racing NSW.

196. How many breaches of the NSW whip rules have been recorded year on year since 2011?

Answer:

Racing NSW has advised of the following annual number of whip rule breaches since 2011:

2011 – 168 from 52,544 race rides (starters)

2012 – 89 from 53,506 race rides (starters)
2013 – 80 from 54,302 race rides (starters)
2014 – 61 from 55,446 race rides (starters)
2015 – 61 from 52,374 race rides (starters)
2016 – 348 from 51,874 race rides (starters)
2017 – 132 from 52,544 race rides (starters)

Note:

On 1 December 2015, AR137A(5) was amended to not differentiate between backhand and forehand whip strikes, which has resulted in an increased number of suspensions.

On 1 February 2017, AR137A(5) was amended to provide the Stewards with discretion to take into account the totality of whip use over the whole race.

197. How many fines were served for breeches of the NSW whip rules year on year since 2011?

Answer:

Racing NSW has advised of the following annual number of fines for whip rule breaches since 2011:

2011 – 147 from 52,544 race rides (starters)
2012 – 76 from 53,506 race rides (starters)
2013 – 70 from 54,302 race rides (starters)
2014 – 54 from 55,446 race rides (starters)
2015 – 51 from 52,374 race rides (starters)
2016 – 318 from 51,874 race rides (starters)
2017 – 104 from 52,544 race rides (starters)

Note:

On 1 December 2015, AR137A(5) was amended to not differentiate between backhand and forehand whip strikes, which has resulted in an increased number of suspensions.

On 1 February 2017, AR137A(5) was amended to provide the Stewards with discretion to take into account the totality of whip use over the whole race.

198. Has there been any complaint or information come to your department of instances where an owner or trainer has offered to pay the jockey's whip fine so as to promote a direct breach of the NSW whip rules?

Answer:

No.

Questions from Dr Mehreen Faruqi MLC

Greyhound Racing

199. Please provide a breakdown of the \$30 million that will be spent on implementing the recommendations of the Greyhound Industry Reform Panel?
- (a) Please advise which, if any, greyhound racing tracks will be altered as part of this funding?

Answer:

Of the \$41 million allocated by the Government in relation to the reform of the NSW greyhound racing industry, \$30 million is for conditional capital grants to upgrade track facilities to make them safer for greyhounds.

Decisions about the allocation of the \$30 million in conditional capital grants are contingent on Greyhound Racing NSW (GRNSW) progressing additional work.

The UTS track design study report will assist GRNSW develop the required minimum standards for racecourse design, construction and maintenance. GRNSW is required to conduct an audit of its existing race track infrastructure against this minimum standard to identify gaps and inform remediation priorities. GRNSW is also required to prepare a strategic plan which will articulate its strategic direction and approach to its race club footprint.

Decisions about priority of allocation of the conditional capital grants and the nature and extent of any refurbishments required will be made by GRNSW once the necessary work and related information is available.

200. When is the NSW Greyhound Racing Industry expected to fully fund the Greyhound Welfare and Integrity Commission?

Answer:

Greyhound Racing NSW will be responsible for all of the operating costs of the Greyhound Welfare & Integrity Commission from July 2022.

Use of artificial intelligence

201. 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

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

Answer 201-204:

Refer to the response to Question 55.

<p>Questions from the Hon Shaoquett Moselmane MLC (on behalf of the NSW Labor Opposition)</p>
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Property Asset Sales – Racing

205. How many property assets, within the Racing portfolio, were sold in financial year 2011/12 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Racing and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

Refer to the answer at question 123.

206. How many property assets, within the Racing portfolio, were sold in financial year 2012/13 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Racing and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

Refer to the answer at question 124.

207. How many property assets, within the Racing portfolio, were sold in financial year 2013/14 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Racing and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

Refer to the answer at question 125.

208. How many property assets, within the Racing portfolio, were sold in financial year 2014/15 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Racing and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

Refer to the answer at question 126.

209. How many property assets, within the Racing portfolio, were sold in financial year 2015/16 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Racing and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

Refer to the answer at question 127.

210. How many property assets, within the Racing portfolio, were sold in financial year 2016/17 and what portion, percentage or dollar value, of the funds from the assets sales were directed back into capital works for Racing and what portion, percentage or dollar value, of the funds from the asset sales were transferred across to Restart NSW?

Answer:

Refer to the answer at question 128.

211. For each of the Financial Years, 11/12 through to 16/17 inclusive, can you provide the breakdown, within the Racing portfolio, as to which departments/agencies sold what volume of properties and at what value, for each of the financial years?

Answer:

Refer to the answer at question 129.

212. Since July 1, 2011, with regard to the total sales of assets and properties across the Racing portfolio, are you able to provide a breakdown of the total number and total value of assets sold, by Electorate?

Answer:

Refer to the answer at question 131.

Office Administration

213. 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?

Answer:

Refer to the answer at question 138.

214. 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?

Answer:

Refer to the answer at question 139.

215. 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?

Answer:

Refer to the answer at question 140.

216. Has any artwork been purchased or leased for display in your ministerial office in 2016-17?
- (a) What is the cost of this?

Answer:

Refer to the answer at question 141.

217. 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?

Answer:

Refer to the answer at question 142.

218. 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?

Answer:

Refer to the answer at question 142.

219. 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?
What are these services/newspapers/magazines/journals/periodicals?
(a) Who is the subscriber for each of these?

Answer:

Refer to the answer at question 144.

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

Answer:

Refer to the answer at question 145.

221. 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?

Answer:

Refer to the answer at question 146.

222. Do you purchase bottled water or provide water coolers for your office?
(a) What is the monthly cost of this?

Answer:

Refer to the answer at question 147.

223. What non-standard features are fitted to your ministerial vehicle?
(a) What is the cost of each non-standard feature?

Answer:

Refer to the answer at question 148.

224. 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

Answer:

Refer to the answer at question 149.

225. 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?

Answer:

Refer to the answer at question 150.

Hospitality

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

Answer:

Refer to the answer at question 151.

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

Answer:

Refer to the answer at question 152.

Labour Hire Firms

228. 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

Answer:

Refer to the answer at question 153.

Media and Public Relations

229. 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?

Answer:

Refer to the answer at question 154.

230. 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?

Answer:

Refer to the answer at question 155.

231. What is the total cost of media monitoring services used by Departments/agencies within your portfolio responsibilities?

Answer:

Refer to the answer at question 156.

232. 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?

Answer:

Refer to the answer at question 157.

233. 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?

Answer:

Refer to the answer at question 158.

234. Have you had media training or speech training?
(a) If yes, who paid for it?
(b) If paid by taxpayers, what was the amount in 2016-17?

Answer:

Refer to the answer at question 159.

Facebook

235. How much did your ministerial office spend on Facebook advertising or sponsored posts in 2016-17?

Answer:

Refer to the answer at question 160.

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

Answer:

Refer to the answer at question 161.

Overseas Trips

237. 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?

Answer:

Refer to the answer at question 162.

238. 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?

Answer:

Refer to the answer at question 162.

Department/Agency Travel

239. 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

Answer:

Refer to the answer at question 164.

240. 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?

Answer:

Refer to the answer at question 165.

Consulting

241. 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?

Answer:

Refer to the answer at question 166.

242. 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

Answer:

Refer to the answer at question 166.

Department/Agency Staffing

243. 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?

Answer:

Refer to the answer at question 168.

244. 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?

Answer:

Refer to the answer at question 169.

245. 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?

Answer:

Refer to the answer at question 170.

246. 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?

Answer:

Refer to the answer at question 171.

247. 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?

Answer:

Refer to the answer at question 172.

248. 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?

Answer:

Refer to the answer at question 172.

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

Answer:

Refer to the answer at question 174.

250. How many staff were dismissed from Departments/agencies under your portfolio responsibilities in 2016-17?
- (a) What were the reason/s for each dismissal?

Answer:

Refer to the answer at question 175.

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

Answer:

Refer to the answer at question 176.

Smart Phone Accounts

252. 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?

Answer:

Refer to the answer at question 177.

253. 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?

Answer:

Refer to the answer at question 178.

Websites Visited

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

Answer:

Refer to the answer at question 179.

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

Answer:

Refer to the answer at question 179.

Merchant fees

256. 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.

Answer:

Refer to the answer at question 181.

257. 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.

Answer:

Refer to the answer at question 182.

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

Answer:

Refer to the answer at question 183.

Probity Auditor

259. 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.”

Answer:

Refer to the answer at question 184.

Questions from Mr Justin Field MLC

Gambling Participation

260. In the budget estimates hearing the Minister remarked that 65% of people in NSW gamble. What research or report is this figure drawn from?
- (a) Please provide a breakdown of the percentage of the NSW population who engage in various types of gambling?
 - (b) Please provide a breakdown, as a percentage of population, of how many people in NSW engage in one or more forms of gambling:
 - i. daily
 - ii. weekly
 - iii. monthly
 - (c) What is the 0.8% of people who are considered problem gamblers, as described by the Minister, referring to? (ie. is it 0.8% of the entire population, or 0.8% of anyone who identifies as a gambler)
 - i. Where was this figure drawn from?
 - ii. What were the methods used to determine this figure?
 - iii. What is the percentage of total losses attributed to this 0.8% of problem gamblers?

Answer:

Sproston, K, Hing, N. & Palankay, C. (2012). Prevalence of Gambling and Problem Gambling in New South Wales, Ogilvy Illumination, Sydney, Australia. April 2012.

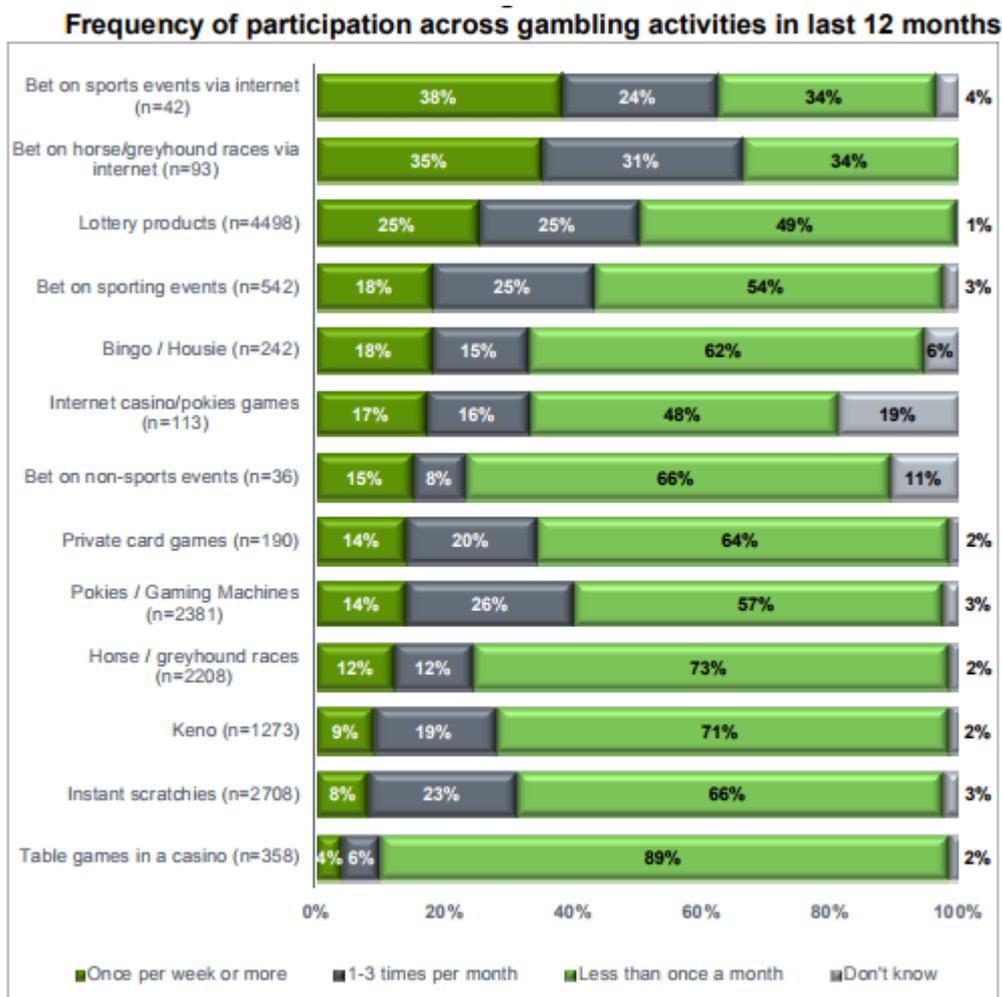
(a) *The Prevalence of Gambling and Problem Gambling in New South Wales (2012)* identified that 65% of the NSW population had participated in at least one gambling activity in the previous 12 months. The most popular gambling activity was lotteries (41%), followed by instant scratch tickets (28%), gaming machines (27%), horse-greyhound races (24%), Keno (14%), sports betting (8%), table games in a casino (7%) and casino or pokies-style games on the Internet (2%).

(b) i. To the best of our knowledge, there is no data available to identify gambling participation on a daily basis in NSW.

ii. *The Prevalence of Gambling and Problem Gambling in New South Wales* (2012) identified frequency of participation in gambling activities of those who had gambled within the last 12 months (65% of the population). Respondents were asked to indicate participation at the following intervals:

- less than once per month
- 1-3 times per month
- once per week or more

The chart below presents frequency of participation according to gambling activity. This data will be updated in the next NSW gambling prevalence study in 2017/18.



Base: Residents who participated in each activity in last 12 months (incl. screeners) Q9, Q10, Q13, Q14, Q15, Q16, Q17, Q18, Q21, Q24 & Q25 In the last 12 months, on how many days per week OR days per month OR days per year have you....

iii. See above table

(c) It is 0.8% of the adult population of NSW.

i. Sproston, K., Hing, N. & Palankay, C. (2012). Prevalence of Gambling and Problem Gambling in New South Wales, Ogilivy Illumination, Sydney, Australia. April 2012.

ii. A survey involving 10,000 computer-assisted telephone interviews (CATI) with adults aged 18 and over living in NSW. The prevalence of problem gambling was measured through a standard screening inventory, the Problem Gambling Severity Index, from the Canadian Problem Gambling Index (Ferris and Wynne 2001).

iii. The Productivity Commission (2010) Gambling report highlighted the complexities relating to estimating the share of total gambling expenditure accounted for by problem gamblers. Estimates of loss as detailed in various studies across Australian jurisdictions vary widely, and there is no agreement regarding the most appropriate methodology for accurately identifying expenditure according to risk. Therefore, there is no contemporary NSW data which attributes percentage loss to problem gamblers.

261. How does the Government define 'responsible gambling'?

Answer:

Responsible gambling refers to individual behaviour that is recreational and not associated with harm to the individual gambler, those close to them or the wider community. Such behaviour usually involves not spending more time and money than can be afforded, setting appropriate budgets and limits and prioritising other important life commitments ahead of gambling.

Changes to the Category 3 ClubGrants Scheme

262. In recent changes to the ClubGrants Guidelines, the ClubGrants Fund Committee has been abolished. What is the reason for the changes in process and the abolition of the Fund Committee?

Answer:

To improve the assessment of Category 3 applications the Fund Committee has been replaced with independent panels of subject matter experts in the areas of arts and culture, emergency preparedness, sport and recreation, and infrastructure projects. These experts are better placed to assess applications than a generic committee.

263. Under the new guidelines an independent assessment panel may be established to provide advice on funding allocations. Has a panel been established?

(a) If yes, who is on the panel?

- (b) If no, will a permanent panel be established or will panels be established as needed?

Answer:

Independent panels are formed for each funding round, based on nominations from key Government agencies – Office of Sport, Create NSW and Office of Emergency Management. Assessors are then selected for each round based on the range of expertise needed to assess the project applications submitted in the round and to ensure assessors are free from conflict with applicants.

264. What are the anticipated Cat 3 funds that will be allocated in the 2017/18 Financial Year?

Answer:

\$12.5 million

Revenue projections

265. In this year's budget, the Government is estimating an increase in revenue from poker machines of \$60 million, or 3.9%. Given that the Government is committed to reducing the number of poker machines in NSW, why do revenue predictions continue to go up?

Answer:

The increase in revenue from poker machines of \$60 million in 2017/18 is from Table 5.4 (Page 5-7) of the NSW Budget Statement 2017-2018 (<https://www.budget.nsw.gov.au/nsw-budget-2017-18-budget-papers>). Further questions regarding the calculation of the forecasted increase should be directed to the Treasurer.

266. In the budget supplementary papers for this year, there is discrepancy between poker machine profit and revenue figures for the 2015 and 2016 financial years when compared to last year's budget supplementary papers. Why is there a difference in these figures when these figures should be fixed?

Answer:

This question should be directed to the Treasurer.

Data on poker machines

267. Why does the Government continue to restrict the data available freely to the public regarding poker machine profits and turnover?
- (a) What are the concerns they have with making the same data freely available as is in Victoria (venue name, licence number, number of poker machines, poker machine profits)?

Answer:

The NSW Government is committed to providing detailed and transparent data on gaming machines so the community can be kept well informed about gaming activity in NSW.

Traditionally, information has been provided annually in the Liquor & Gaming NSW annual report or available for purchase quarterly. Liquor & Gaming NSW is currently reviewing its publishing practices.

(a) Individual venue financial data is regarded as commercial-in-confidence, and reveals a level of detail of income and profit that is not revealed for other industries. This position is consistent with most other Australian jurisdictions which do not publish this data (only Victoria publishes venue specific financial gaming information).

268. Recently, the Independent Liquor and Gaming Authority reported that they had changed their internal reporting process for gaming machine data report. From 2017, the reports are based on finalised rather than preliminary financial data. Please explain this change and whether previous reports have been accurate.

Answer:

Recent improvements to internal data processing has facilitated the use of finalised data (rather than preliminary data) in published reports. While preliminary reports are technically accurate at a point in time, there can be small differences between preliminary and finalised data as a result of internal assessment processes. These differences would generally be below 1 per cent. It is also possible that data can vary after finalisation where re-assessments are necessary as a result of anomalies that are found as part of routine assessment checking. These changes involve very low venue numbers and amounts.

269. What is the cost incurred by Liquor and Gaming to compile, format and deliver Gaming Machine Quarterly Report by LGA for Hotels?

Answer:

Liquor & Gaming NSW has historically charged for Gaming Machine Quarterly Reports by LGA on a partial cost recovery basis. The amounts involved take into account software licence, data storage and administrative costs. A range of reports are prepared using gaming data, and it is not possible to isolate costs per report. Liquor & Gaming NSW is currently reviewing its publishing practices.

270. What is the cost incurred by Liquor and Gaming to compile, format and deliver

Gaming Machine Quarterly Report by LGA for Clubs?

Answer:

See response to Q269.

Responsible Gambling Fund

271. How is the Responsible Gambling Fund (RGF) currently being managed?
There was a call for Trustees in 2016, with applications closing on 19 August 2016. The positions for trustees and the chair are currently being advertised on iworkforNSW.com, and close on 1 September 2017.
- (a) Why are these positions being readvertised?
 - (b) Were the previous callouts unsuccessful?
 - i. Why?
 - (c) Has the RGF been short of trustees in this intervening period?
 - (d) Has there been an impact on the function of the RGF?

Answer:

Administration and governance of the Responsible Gambling Fund (RGF) is outlined by a Trust Deed. From January to June 2017 the RGF Trust Deed was reviewed to update the 2012 version and improve governance and representation on the Trust. Recruitment has been undertaken to address the new areas of skills and experience required for the RGF Trust. While the recruitment for a new Trust is underway, important projects and services to encourage responsible gambling and reduce the harms associated with problem gambling continue to be implemented across NSW in line with former Trust recommendations approved by the Minister. There has been no interruption to programs or services.

272. Why was the annual report for the RGF moved to the Department of Justice Annual Report in 2015-16, rather than the usual standalone annual report?
- (a) The 2014-14 RGF Annual report was 42 pages, excluding appendices. The most recent report in the Justice Department Annual report was only eight pages.

Answer:

As outlined in The RGF Policy Guidelines it is not a requirement for the Responsible Gambling Fund to have its own annual report and is now included in the Department's Annual Report.

TAB prosecution of Jelly Bean promotion

273. What was the final penalty paid by TAB as a result of regulatory/legal actions relating to their promotional activities that breached gambling advertising guidelines?
- (a) Has the penalty been paid?

Answer:

A prosecution has been commenced against Tab Limited in relation to promotional jellybeans and mints that did not contain the prescribed gambling warning notice as required by clause 12(2) of the Betting and Racing Regulation 2012. The matter is currently before the local court and is yet to be finalised.

274. What was the total of the Government's legal costs related to these actions?

Answer:

See above response to Question 273.

275. Were legal costs awarded against TAB as a result of the actions?

(a) Have these costs been paid by TAB?

Answer:

See above response to Question 273.

276. Where there any other regulatory actions taken in relation to breaches to gambling advertising laws in the 2016/17 financial year?

(a) If so, please provide:

- i. The organisation action was taken against
- ii. The date of the action
- iii. The reason for the action
- iv. The result of the action

Answer:

Liquor & Gaming NSW has successfully prosecuted three wagering operators for breaches of the Betting and Racing Regulation 2012 during the financial year 2016-17. There have been 11 successful prosecutions since 2015.

The below table summarises action taken against licensed wagering operators in 2016/17:

Wagering operator	Offence	Date of conviction	Result
UBet	Publish gambling advertising that offers inducement to gamble (1 count)	10/01/2017	Fined \$2,000
Tabcorp	Publish gambling advertising that offers inducement to gamble (3 counts)	07/02/2017	Fined \$16,500 (3 x max \$5,500) and ordered to pay \$100,000 in costs.
Ladbrokes	Publish gambling advertising that offers inducement to gamble (10 counts)	5/4/2017	Fined \$35,000 (10 x \$3,500) and ordered to pay \$50,000 in costs. <i>Note: This matter is currently subject to a District Court appeal.</i>

Community Impact Statement Review

277. Has every submission that was made to the evaluation of the Community Impact Statement been published on the Liquor and Gaming website?

Answer:

All submissions have been published on the Liquor & Gaming NSW website except for two where the submitter requested their submission not be published. The Discussion Paper for the evaluation indicated that submitters could request their submissions remain confidential.

278. Has the Government received any submissions outside of the formal process that have not been made public?

Answer:

No.

279. Did the Australian Hotels Association (AHA) make a submission to the CIS evaluation process?

Answer:

No.

280. When will the CIS review be completed?

Answer:

The evaluation is expected to be completed in the coming months.

281. Will the Government make the findings of the Community Impact Statement evaluation public?

Answer:

Yes.

282. In relation to the evaluation of the CIS requirement, Liquor & Gaming NSW has said that “the outcomes of the evaluation are expected to inform a broader review seeking to better align the planning and liquor approvals processes, which is proposed for later in 2017”:

- (a) What can the Government report on in terms of the purpose and scope of the proposed review of planning and liquor approvals processes?
- (b) Will the Government make any changes to the Community Impact Statement requirements before the proposed review of planning and liquor

approvals processes is finalised?

Answer:

(a) Liquor and Gaming NSW intends to undertake an investigation of the potential for better coordination of the liquor licensing and planning processes in line with the recommendations of the 2014 review of the *Liquor Act 2007*. The key objective of this investigation is to identify potential options for streamlining the existing processes and reduce costs, time and complexity for those engaging with the liquor licence application process. A focus of the investigation will be ensuring there is effective engagement of the local community in the licence process. The investigation is in its preliminary stages and will progress further after the completion of the evaluation of the CIS requirement.

(b) It is premature to speculate on possible changes given that the evaluation has not been completed.

Liquor Promotion Guidelines

283. Has the Government commenced the review of the Liquor Promotion Guidelines? If not why not?

Answer:

Liquor & Gaming NSW has commenced planning for the review, including the preparation of a discussion paper for public release in late 2017 or early 2018.

284. When does the Government intend to commence the review of the Liquor Promotion Guidelines that was supposed to occur in July 2016?

Answer:

The NSW Government committed to tasking the Office of Liquor, Gaming and Racing with reviewing the Guidelines every three years, in its 2014 response to the statutory review of the *Liquor Act 2007* and the *Gaming and Liquor Administration Act 2007*. The Government has tasked Liquor & Gaming NSW with that review and related planning is underway.

285. Provided the review of the Liquor Promotion Guidelines actually occurs, can the Government guarantee that this will be transparent and open consultation process?

Answer:

The review will include an open call for submissions from the public and consultation with relevant industry and community representatives, as well as key government agencies.

Liquor licence applications

286. In the past financial year, how many of the following has Liquor and Gaming NSW received:
- (a) liquor licensing complaints
 - (b) liquor licence applications
 - i. objections to applications

Answer:

(a) Licensing does not yet have a formal system for tracking and reporting on complaint numbers – although this is currently being established. Individual complaints relating to licence applications are handled by the relevant case officer as they are received and escalated as necessary. It is estimated that approximately 220 complaints were made in the last financial year in relation to pending liquor licence applications.

(b) The total number of new liquor licence applications lodged for the 2016-2017 financial year was 1,108.

i. All new applications for liquor licences are posted for comment/objection on the L&GNSW noticeboard for a period of 30 days prior to assessment.

Many licence applications require a statement of reasons be published to the website following determination of the application. The statement of reasons outlines the considerations of the decision maker in the context of the Liquor Act 2007, including statutory tests, community and overall social impact. The statement of reasons also refers to submissions received in response to the application, including objections.

Although it would be an unreasonable and substantial diversion of resources to undertake the searches necessary to respond to this question in full, to provide a partial response, in relation to the type and variety of comment and objections received, L&GNSW sampled four hotel applications. All applications received NSW Police submissions advising of no objection, but requesting that conditions be imposed. Two of the applications received submissions from the local consent authorities with no objections and one application received three public objections. The applicants were advised of all submissions and asked to comment on these. The submissions along with any responses submitted by the applicant formed part of the papers put forward to the ILGA Board for consideration.

Stakeholder meetings

287. Since 30 June 2017, which is the last disclosure date for Ministerial diaries:
- (a) Have you met with the AHA?
 - i. If yes, what was the purpose of the meeting or what issues were covered?

- ii. Were potential changes to the CIS process discussed?
- (b) Have you met with Clubs NSW?
 - i. If yes, what was the purpose of the meeting or what issues were covered?
 - ii. Were potential changes to the CIS process discussed?

Answer:

In accordance with Memorandum M2015-05, all of my meetings are disclosed one month after the end of each quarter via www.dpc.nsw.gov.au.