



The Hon. Melinda Pavey MP
Minister for Water, Property and Housing

Budget Estimates 2019-20 – Friday 6 September 2019

Portfolio Committee No. 4 – Industry

Water, Property and Housing

Questions Taken on Notice

Question 1 (Page 10 of transcript)

The Hon. EMMA HURST: Sorry to interrupt, but are you doing any specific acoustic monitoring surveys for koalas in the valleys that are slated to be flooded by the raising of the dam wall as part of that EIS or other processes?

Mr BETTS: I will defer to Mr Harris in a moment on that because his organisation is preparing the EIS. However, the modelling by Infrastructure NSW suggests that the upstream inundation associated with a one in 100-year flood event with a 14 metre raising of the dam wall would affect no more than 0.064 per cent of the national park area.

The Hon. EMMA HURST: How many is that?

Mr HARRIS: As the Secretary has pointed out, we are currently completing or carrying out an environmental impact assessment for the Warragamba Dam wall raising, which will go on public release once that is completed—towards the end of this year or early next year. If I may, I will take on notice the question around the acoustic monitors for koalas and I will be able to come back to you on that today.

ANSWER:

As part of the Environment Impact Assessment, WaterNSW is assessing for a range of native fauna and flora. Surveys for koalas have been carried out as part of the EIS.

Question 2 (Page 15 of transcript)

The Hon. JOHN GRAHAM: Minister, the contract duration was 3 November 2018 to 1 September 2019. Under the Government Information (Public Access) Act [GIPAA], the contract must have been disclosed on a contract register within 45 working days of coming into effect. That should have meant this was published in January, right in the middle of the election. It was not. It was not disclosed until when?

Mrs MELINDA PAVEY: I am not sure. Quite honestly, Mr Graham, I think that is going to be a question that we need to take on notice because I was not in the role, and neither was Dr Bentley, at that point.

ANSWER:

The contract disclosure notice was completed by the business unit (Lands & Water) within the required timeframe and according to procurement process.

Unfortunately, due to human error within the centralised procurement function the notice was overlooked for publication within the required 45-business day time period. On 11 July 2019, procurement staff detected the unpublished notice as part of the end of financial year internal review conducted within the procurement function, and immediately published the notice on eTenders. The procedure for publication was updated and is available to all procurement support staff with responsibility for publication of contract disclosure notices under GIPA.

Question 3 (Page 15 of transcript)

The Hon. JOHN GRAHAM: My question is: Do you accept it was politically convenient that the news that there were 25 overdue audits was not published in the middle of the election while there were millions of fish dying? That is my question.

Mrs MELINDA PAVEY: As I said, Mr Graham, I will take the question on notice.

ANSWER:

This was a decision made by the previous Minister for Water.

Question 4 (Page 16 of transcript)

The Hon. MICK VEITCH: And the work is now underway to conduct the audits on these 25 water sharing plans?

Mr BETTS: By the end of the year, correct.

Dr BENTLEY: Yes.

The Hon. MICK VEITCH: Is there a hierarchy upon which they are going to be conducted, or are they all being done at the same time?

Mr BETTS: Being done in parallel with a view to concluding all of them by the end of 2019.

The Hon. MICK VEITCH: Sorry, I missed that.

Mr BETTS: They are being done in parallel with a view to concluding all of them by the end of 2019.

The Hon. MICK VEITCH: Why were they late?

Mrs MELINDA PAVEY: Again, I will have to take that on notice.

The Hon. JOHN GRAHAM: Minister, will you commit to publicly releasing the audits when they are available?

Mrs MELINDA PAVEY: I will take that on notice. I will have to seek advice on whatever contractual arrangements may have been in place with writing the audits, but I will take that on notice, Mr Graham.

ANSWER:

The backlog of audits arose from 2015 due to the substantive workload over the last few years relating to Basin Plan implementation and resourcing constraints. In early 2018, the former Minister for Regional Water Niall Blair MLC appointed an independent water panel to oversee the work to clear this backlog. The audits are well progressed and due to be completed by the end of 2019.

There are no penalties for not conducting the audits, as they are part of the NSW framework under the *Water Management Act 2000* rather than a Basin Plan requirement.

Question 5 (Page 16 of transcript)

The Hon. MICK VEITCH: Is the State in any way penalised for having these audits as a part of the Murray-Darling Basin Plan?

Dr BENTLEY: I would have to take that on notice.

ANSWER:

There are no penalties for not conducting the audits, as they are part of the NSW framework under the *Water Management Act 2000* rather than a Basin Plan requirement.

Question 6 (Page 17 of transcript)

The Hon. JOHN GRAHAM: Under the Water Management Act, these water audits are now required to be conducted by the Natural Resources Commission. But these particular audits are being conducted by private companies. Why not just get the Natural Resources Commission to conduct these audits?

Mrs MELINDA PAVEY: Again, Mr Graham, these decisions were made before my time and I have not had a brief on that, so I will take that on notice. There could be a very simple reason for that, maybe the commission was not in a position to do it—

The Hon. JOHN GRAHAM: That is why I asked.

Mrs MELINDA PAVEY: —or they had other work. We will get back to you.

ANSWER:

The former Minister convened an audit panel in early 2018 to urgently progress the outstanding audits as a priority. At that time, it was a requirement under the Water Management Act 2000 that this was undertaken by an audit panel. Subsequently, the Minister progressed amendments to the Water Management Act 2000 that included a transfer of this responsibility to the Natural Resources Commission. The audit panel was already progressing the outstanding audits and it was agreed that the NRC would assume responsibility for subsequent audits.

Question 7 (Page 20 of transcript)

The CHAIR: Just for a bit of context, in 1995 the Murray-Darling Basin Ministerial Council introduced the Murray-Darling Basin cap on surface water divisions, which became known as "the cap". Minister, is it true that the Barwon-Darling water sharing plan was provisionally accredited with that capping model but then that was removed in 2014?

Mrs MELINDA PAVEY: I am not sure of 100 per cent of the detail of that but if that is what you say it was, I will take your word for it.

The CHAIR: Does the actual sharing plan have an accredited cap model now?

Mrs MELINDA PAVEY: I will take that one on notice.

ANSWER:

The *Water Act 2007* requires the Water Resource Plan to be accredited including the water-sharing plan. This is yet to occur for the Barwon Darling. When this happens, NSW will be assessed against the accredited Sustainable Diversion Limit (SDL) model.

The model used to audit compliance with the Cap under Schedule E of the Murray Darling Basin Agreement, which is itself Schedule 1 to the Commonwealth Water Act 2007, had provisional accreditation to 2014. There are no current arrangements available in the MDBA to re-assess this model accreditation.

The MDBA has accepted that the existing model will continue to be used for Cap compliance.

When the Water Resource Plan is accredited, this will also be the model used for SDL compliance until we have completed a new planning and compliance model for use in 2021.

Question 8 (Page 22 of transcript)

The CHAIR: Is any money being allocated from the \$93 billion capital works program for greater water supplies for country towns? Or are we just relying on those other two figures?

Mrs MELINDA PAVEY: Sorry, we have got \$1.4 billion in the dam infrastructure fund, water in the Snowy Hydro and there is also around \$1 billion, which I think would fall into that \$93 billion, for town water supply and security project funding across the State.

The CHAIR: Do you think or do you want to take that on notice and check?

Mr BETTS: I assume the \$93 billion—is that over the forward estimates period?

The CHAIR: Yes.

Mrs MELINDA PAVEY: Yes.

Mr BETTS: Okay, well we would be happy to take on notice the investments that will occur in the next four-year period, some of which will correspond to the funds that the Minister has identified; others will come from other sources.

ANSWER:

Since its launch in June 2017, the Safe and Secure Water Program has approved funding to 111 projects across regional NSW with a NSW Government contribution of more than \$680 million. This program provides funding to projects that improve water security, water quality and sewerage services for communities in regional NSW.

This funding comes on top of \$366 million allocated between 2014 and 2017 to water infrastructure projects through the NSW Government's Water Security for Regions fund.

Question 9 (Page 23 of transcript)

The Hon. JOHN GRAHAM: Mr Betts, why was this document not provided then? If ICAC had this document in front of it, it may have reached a different conclusion.

Mr BETTS: That is speculation on that your part. As far as ICAC is concerned the matter is closed.

The Hon. JOHN GRAHAM: Was this document provided? You provided one document. I am providing you a second document that has not gone to ICAC. Why is that the case?

Mr BETTS: You are confronting us with documentation that we are not across the detail of—presumably by design. We will take it on notice.

ANSWER:

This document was not provided to ICAC in April 2019 due to an administrative oversight.

The documents provided to ICAC were based on earlier GIPPA applications which had a specified time frame from 2014-2019.

Documentation provided to ICAC covered the period from 2014, when Tim Andrews was engaged as a leasing agent by the then Sydney Harbour Foreshore Authority. The Department has advised ICAC of the administrative oversight regarding the identification of the additional document dated 29 April 2013, and provided ICAC with a copy on 6th September 2019.

Place Management NSW highlighted in its response to ICAC that Mr Andrews had been appointed by Tallawoladah as a Leasing Agent.

Question 10 (Page 24 of transcript)

The Hon. JOHN GRAHAM: I am happy to move on, Chair. Minister, will you urgently review the information that has been provided by your agency and make sure that the information that has been provided to ICAC is complete?

Mrs MELINDA PAVEY: I am sure the secretary and I will review this information.

The Hon. JOHN GRAHAM: Will you give the Committee an assurance that you will go back—I have given you one document; I have a second document that is earlier and does not appear to have been provided. Will you review this, go back and look at what has been provided and make sure it is complete?

Mr BETTS: I will do that on behalf the Minister, yes.

The Hon. JOHN GRAHAM: Thank you. Minister, will you update the Committee on notice to let us know if extra documents are provided to ICAC?

The Hon. TREVOR KHAN: Point of order: I do not really know if that is actually in order. There are some obligations on the secretaries of departments with regards to what they are to do.

The Hon. JOHN GRAHAM: Except if there is some legal barrier to doing so. I would be comfortable with that assurance.

Mr BETTS: You should ensure that you are fulfilling your obligations under the law if you do have information that you suspect should have been provided to ICAC and has not—

The Hon. JOHN GRAHAM: These are publicly available documents provided by the department.

Mr BETTS: I will ensure that the department has fulfilled its responsibility. I have no reason to believe otherwise at this stage, but I will confirm that. As to what we report back to the Committee, that will be consistent with the relevant legislation.

ANSWER:

Refer to answer in Question on Notice #9.

Question 11 (Page 24 of transcript)

The Hon. TARA MORIARTY: I want to ask a couple of quick questions on Crown lands. How many Crown land reserves are councils currently managing and paying maintenance on?

Mrs MELINDA PAVEY: Mr Reynolds, do we have an accurate figure on that here, or do we need to take that on notice?

Mr REYNOLDS: I will just go through my notes. I believe I have those figures at hand. I will just need to find them. In the Crown reserve network there are over 35,000 reserves across the State. They are managed by 1,100 Crown land managers. As you can see, that is a very large reserve system across the State. There is a total of 3,700 board members for community-based land managers. I know your question was specifically about local government. I am still trying to find that figure but I will be able to find that for you shortly.

Mrs MELINDA PAVEY: We will take it notice.

The Hon. TARA MORIARTY: That is fine. While you are looking for that could you also look for what percentage of the overall Crown land is managed by councils?

Mr REYNOLDS: Could you clarify that question?

The Hon. TARA MORIARTY: I am interested in how many Crown land reserves councils currently manage and are paying maintenance on and what percentage of that is overall Crown land in New South Wales.

Mr REYNOLDS: Yes, certainly.

The Hon. TARA MORIARTY: You can take that on notice, if you like.

Mr REYNOLDS: Yes, I would. Thank you.

ANSWER:

As at 6 September 2019, there are 34,693 Crown reserves in NSW. Councils have care and control for 8,483 of those reserves. This equates to Council managing approximately 24 per cent of all Crown reserves. As at 6 September 2019, there is 33,118,835 hectares of Crown land of which councils have care and control for 99,901 hectares, being 0.30 per cent of Crown land.

Question 12 (Page 26 of transcript)

Mr JUSTIN FIELD: I understand that information about who holds these licences is supposed to be publicly available on the NSW Water Register. I have had a look but it seems impossible to find the details of who or what properties hold the licences. Can you provide information on notice about who holds these licences?

Mrs MELINDA PAVEY: I will refer to my deputy secretary Mr Harris in terms of that water register and the information that is there.

Mr HARRIS: We maintain that water register. There are privacy considerations. Water access licences are certainly there. I will take on notice inclusion of names on those licences. I will come back to you.

ANSWER:

Refer to Question on Notice #8

Question 13 (Page 26 of transcript)

Mr JUSTIN FIELD: I think it led on from the last question. Have you or your office had any direct meetings or conversations with any of those water licence holders in the Barwon-Darling since the release of the NRC review draft?

Mrs MELINDA PAVEY: Not that I know of because I do not have conversations with people based on, "Do you own water?" I talk to farmers, I talk to communities all the time. If you are asking if I have had someone that may have a licence raise an issue with me post the NRC report I can say no to that.

Mr JUSTIN FIELD: The question was have you or your office had any meetings or conversations with water licence holders in the Barwon-Darling since the release of the NRC review draft?

Mrs MELINDA PAVEY: What I am saying is I have not had any conversations about that report with any licence holders.

Mr JUSTIN FIELD: That is a very small proportion of the question that I asked. I am happy for you to take it on notice, whether or not you or your office has had any direct meetings or conversations with water licence holders in that river system since that report came out. Are you prepared to take that on notice?

Mrs MELINDA PAVEY: As I have just answered, in respect of any conversations that I have had with any licence holders—

Mr JUSTIN FIELD: You or your office, Minister, was the question.

Mrs MELINDA PAVEY: To the best of my knowledge, I have not had any conversations with people around the NRC report.

Mr JUSTIN FIELD: Will you take on notice to get back to the Committee about whether anyone from your office has had direct conversations or meetings with licence holders since that report came out?

Mrs MELINDA PAVEY: Yes.

ANSWER:

No

Question 14 (Page 28 of transcript)

The CHAIR: Minister, it is a requirement of the Water Act 2007 that all water sharing plans have a Cap-accredited model. Given my previous question that you took on notice around the Barwon-Darling plan that we are unsure whether it is accredited or not, if it had its accreditation knocked back in 2014—and it is now 2019—would it be fair to say that sharing plan is running contrary to a Commonwealth Act and for five years we have lost control of the water supply in the Barwon-Darling river?

Mrs MELINDA PAVEY: I will take that question on notice; there was quite a bit of detail in that.

ANSWER:

Refer to Question on Notice #7.

Question 15 (Page 32 of transcript)

The Hon. MICK VEITCH: Okay; I accept that. Across the term of this water sharing plan there has been public discourse around modelling since 2016 or across the full time frame. I guess where I want to go with this is: How far back are you modelling this water use for potential compensation? Are you looking at the class A licence extractions back to 2017, when there was a good flow, or are you looking at going back to the beginning of this water sharing plan, in 2012?

Dr BENTLEY: I do not know the answer to that question. I am hoping that my colleagues can help me clear that up during this session, but I do not know the answer.

The Hon. MICK VEITCH: If there is no-one who knows you can take it on notice. Mr Harris, do you know?

Mr HARRIS: No.

ANSWER:

As a revised water-sharing plan is currently on public exhibition, it is too early to consider potential compensation risks. Division 9 of Part 2 of Chapter 3 of the Water Management Act 2000 sets out the compensation provisions relating to access licences.

Question 16 (Page 39 of transcript)

Mr JUSTIN FIELD: Mr Barnes, this is a question to you. I wrote to you in December last year about illegal works at Bushells Lagoon. You wrote back to me in February saying investigations were underway; there had been a bunch of inspections, site visits and I think some interviews. You indicated investigations into those illegal works would be completed in the next few months. Can you give us the status of those investigations at Bushells Lagoon?

Mr BARNES: If I may, I would take that on notice. My intention would be to come back to you with the answer while we are in session. If it has reached a conclusion I am in a position to give you what the conclusion is. If the matter is still under investigation I would defer.

ANSWER:

Mr Barnes addressed this question on page 46 of the transcript.

The National Resources Access Regulator is investigating alleged illegal water take and alleged illegal activities at that site. It is with respect to the operation of a market garden. I can confirm that the investigation is ongoing. I can advise you that we have issued orders to stop work and that we have officers that are actively monitoring compliance against those stop work orders and we will take action if it is detected that those orders are breached. I can also advise we have issued legal notices to obtain information, that we have commissioned our own expert advice and that we have interviewed witnesses and persons employed by the water user. We will inform all interested parties at the completion of the investigation and after we have taken the appropriate regulatory action.

Question 17 (Page 39 of transcript)

The Hon. JOHN GRAHAM: I might return to the question of the 25 overdue audits at this point. Which audits are overdue?

Mr BETTS: Let me source that information.

ANSWER:

The outstanding audits are for the following plans:

- Murrah-Wallaga Area Unregulated and Alluvial Water Sources 2010
- Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010
- Towamba River Unregulated and Alluvial Water Sources 2010
- Tweed River Area Unregulated and Alluvial Water Sources 2010
- Bega and Brogo Rivers Area Regulated, Unregulated and Alluvial Water Sources 2011
- Greater Metropolitan Region Groundwater Sources 2011
- Greater Metropolitan Region Unregulated River Water Sources 2011
- Castlereagh River Unregulated and Alluvial Water Sources 2011
- North Western Unregulated and Fractured Rock Water Sources 2011
- Intersecting Streams Unregulated and Alluvial Water Sources 2011
- NSW Great Artesian Basin Shallow Groundwater Sources 2011
- NSW Murray Darling Basin Fractured Rock Groundwater Sources 2011
- NSW Murray Darling Basin Porous Rock Groundwater Sources 2011
- Lower Murray-Darling Unregulated and Alluvial Water Sources 2011
- Murray Unregulated and Alluvial Water Sources 2011
- Lower Murray Shallow Groundwater Source 2012
- NSW Border Rivers Unregulated and Alluvial Water Sources 2012
- Gwydir Unregulated and Alluvial Water Sources 2012
- Lachlan Unregulated and Alluvial Water Sources 2012
- Barwon-Darling Unregulated and Alluvial Water Sources 2012
- Belubula Regulated River Water Source 2012
- Macquarie Bogan Unregulated and Alluvial Water Sources 2012
- Murrumbidgee Unregulated and Alluvial Water Sources 2012
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- Namoi Unregulated and Alluvial Water Sources 2012

Question 18 (Page 39 of transcript)

Mr BETTS: Having clarified that, I might ask Dr Bentley whether he can provide further information on the 25 audits.

Dr BENTLEY: The information I have is that in 2018 it was determined that 25 water sharing plans required auditing—those are the 25 that we were referring to.

The Hon. JOHN GRAHAM: Where are those 25?

Dr BENTLEY: Where are they now?

The Hon. JOHN GRAHAM: No, which 25 plans need auditing?

Dr BENTLEY: We can provide a list.

ANSWER:

Refer to Question on Notice #17.

Question 19 (Page 40 of transcript)

The Hon. MICK VEITCH: When the new water Minister came in, was there a briefing provided to the Minister about the status of these water sharing plan audits?

Mr BETTS: I do not know the answer to that question.

Dr BENTLEY: I do not know, but I am sure my colleagues will—

The Hon. MICK VEITCH: Can you just check? It is of such a nature that you would expect that an incoming Minister would receive a briefing.

ANSWER:

A brief on the outstanding audits was included in the incoming Minister's briefing material.

Question 20 (Page 42 of transcript)

The Hon. MICK VEITCH: How many infringements are currently afoot? How many legal actions are you currently progressing?

Mr BARNES: I will just start by noting that we have received 1,144 cases since we came to be and have closed just over 1,000. Of those cases, 647 have resulted in us taking some form of compliance action. Of those cases, 432 of them resulted in the form of an advisory notice. Those notices are issued where non-compliances are of a minor nature, the culpability is low, the harm that is evident is low and there is a real propensity on the part of the landholder or the water user to do the right thing. So it is appropriate for us to give guidance and to help them get it to compliance. We have done that in 432 of those 647 occasions. Sometimes though the harm that we see, the transgression that we observe warrants a more formal and sanctioned outcome. So, directly to your question, 68 infringement notices have been issued. That is in the form of \$750 for an individual or \$1,500 for a company. We have issued 137 statutory notices. That is a formal obligation on a landholder or water user to do things, of which there are consequences, quite severe, if they don't. I am getting right to the point of the regulator's triangle where I describe now that there are 10 prosecutions that the independent regulator has commenced since we came into being. Three of those cases were a direct result of the Four Corners program.

The Hon. MICK VEITCH: The "Pumped" program.

Mr BARNES: Yes. They are still progressing through the Land and Environment Court. Three of the 10 prosecutions have been finalised and have resulted in convictions. I can advise the Committee that there are two cases where guilty pleas have been lodged but the cases have not yet been finalised by the magistrate. There are five cases that are ongoing. My final point is that there are a further eight cases that we are briefing with the Crown Solicitor's Office [CSO] and that we are likely to commence separate prosecutions for.

The Hon. JOHN GRAHAM: Do any of the finalised or guilty plea cases relate to the three prosecutions initiated as a result of Four Corners?

Mr BARNES: There is one that was concluded that was in relation to a farm manager who was convicted of providing false information to a warranted officer. The broader case remains before the court.

The Hon. JOHN GRAHAM: And the other two matters driven by that report are still ongoing?

Mr BARNES: They remain before the court.

The Hon. JOHN GRAHAM: Could you provide the details of those 10 prosecutions on notice— whatever it is appropriate to provide?

Mr BARNES: I can, yes.

ANSWER:

Since NRAR's establishment it has commenced ten prosecutions, three in the Land and Environment Court and seven in the Local Court (see Background for details). Three of these cases relate to the allegations aired in the Four Corners program "Pumped". NRAR has also dealt with one legacy appeal matter.

LAND AND ENVIRONMENT COURT CASES

- **BARWON-DARLING:** Individuals from Mallowa and Walgett
 - Commenced on Friday 3 August 2018
 - Where: Walgett
 - Allegation: Three charges for each individual for contraventions of section 91I(2) of the *Water Management Act 2000* for taking water while metering equipment was not working in August 2015.
 - These cases will be listed for hearing in late 2019.
- **BARWON-DARLING:** Company from Moree and individual from Carinda
 - Commenced on Friday 27 July 2018
 - Where: Walgett/Brewarrina area
 - Allegations:
 - One charge against section 91I(2) of the *Water Management Act 2000* and taking water while metering equipment was not working in August 2015.
 - Two charges against section 91B or in alternative s91L of the *Water Management Act 2000* and constructed and used a channel to convey water without approval in early August 2015.
 - These cases will be listed for hearing in late 2019
- Individual from Euston
 - Commenced on 14 December 2018
 - Where: Euston
 - Allegation: Eight charges of taking water from water source otherwise than in accordance with the water allocation for the access licence in contravention of s60C of *Water Management Act 2000* between April 2016 and March 2019 (zero share allocation and no orders made before take)
 - The landowner has pleaded guilty to all charges. The case is listed for hearing on sentence on 19 and 20 November 2019.

LOCAL COURT CASES

- **COMPLETED:** Albury Local Court (two matters) - Richard Maxwell-landowner and Rodney Lane-contractor
 - Commenced- 24 July 2018
 - Where: Corowa, NSW
 - Allegations (respectively):
 - Three offences against 91E of the *Water Management Act 2000*, and
 - Two offences against 91E of the *Water Management Act 2000* for controlled activities on waterfront land on Murray River without a controlled activity approval between 1 May 2015 and 31 August 2016.
 - On 11 December 2018, the Albury Local Court found the landowner guilty of three offences and fined him \$15,000, and the contractor \$7,500 for one offence. Both were also ordered to pay \$5,000 court costs and publish notices in the Border mail detailing their offences and penalty.
- **BARWON-DARLING: COMPLETED:** Walgett Local Court -Coert Pretorius

- Commenced: 27 July 2018
- Where: Carinda, NSW
- Allegation: an offence against s340A of the *Water Management Act 2000* - furnished information in purported compliance with a requirement under *Water Management Act 2000*, knowing it was false and misleading in a material respect on 19 August 2015 (that logbook existed when it did not).
- On 15 October 2018, Carinda man was convicted and fined \$1000 and ordered to pay \$5,500 court costs. He was also ordered to publish a notice about the court outcome in the Moree Champion which was published in late October 2018.
- COMPLETED: Raymond Terrace Local Court Tea Gardens Farms Pty Ltd
 - Commenced 18 October 2018
 - Where: Company operating at Bundabah near Tea Gardens
 - Allegation: an offence against s91E of the *Water Management Act 2000* for unlawful activities on waterfront land for removing vegetation and depositing rock and turf at three sites in Nanabah Creek without approval.
 - On 22 August 2019, Tea Gardens Farms Pty Ltd was convicted of 4 offences under s91E and fined \$22,000 for each offence, totalling \$88,000 and \$20 professional/legal costs, and publish notices in Newcastle Herald and Great Lakes Advocate.
- Bathurst Local Court
 - Commenced: 10 April 2019
 - Where: Two individuals in relation to property Ilford in Central West.
 - Allegation: Alleged breaches of 91E of *Water Management Act 2000* by carrying out controlled activities without approval by removal of material namely stockpiled soil, vegetation and other material from Rocky Waterhole Creek between February 2017 and deposition of material namely soil vegetation and other material at Rocky Waterhouse Creek between February 2017 and June 2017.
 - The matter is listed for hearing before the Bathurst Local Court on 4 December 2019.
- Moree Local Court
 - Commenced: 10 April 2019
 - Where: Moree
 - Allegation: The offences are as follows:
 - constructing a flood work without a flood work approval in May 2017 allegedly in breach of s91D of *Water Management Act 2000* ;
 - constructing and using a flood work without approval a flood work approval between May 2018 and October 2018 allegedly in breach of s91D of *Water Management Act 2000*;
 - failure to comply with a direction issued under part 7 of the *Water Management Act 2000* allegedly in breach of 336C(1) in May 2017
 - failure to comply with a direction issued under part 7 of the *Water Management Act 2000* allegedly in breach of 336C(1) in July 2018.

- The landowner has pleaded guilty to two charges (on the basis the above charges are consolidated to one offence against both s.91D and s336C). The matter is listed for sentencing before the Moree Local Court on 23 September 2019.
- Dubbo Local Court
 - Commenced: 17 April 2019
 - Where: Dubbo
 - Allegation: An alleged unlawful dam including the following two charges:
 - constructing a dam between 1 November 2015 and 28 February 2016 (water supply work) without a water supply work approval in breach of s91B of *Water Management Act 2000*
 - taking water between 1 November 2015 and 21 September 2016 through the dam without a water access licence in breach of section 60A of the *Water Management Act 2000*
 - taking water between 14 December 2017 to 14 June 2018 from 12 mile creek without water access licence in breach of section 60A of the *Water Management Act 2000*.
 - failure to comply with notice under section 338A issued in April 2019 in breach of section 340A of *Water Management Act 2000*.
 - failure to comply with direction issued in April 2019 under section 329(2) in breach of section 336C of *Water Management Act 2000*.
 - The landowner has pleaded not guilty to the charges. The case is returnable on 18 September 2019 at Dubbo Local Court.
- Bateman's Bay Local Court
 - Commenced: 27 August 2019
 - Where: Benandarah
 - Allegation: Four charges of alleged offences under 91E of *Water Management Act 2000* by carrying out controlled activities without approval between 22 June 2016 and 21 February 2018 by
 - Constructing an access path and boat ramp;
 - removal of material, consisting of soil, sand, gravel and dredged materials, in connection with the construction of an access path and concrete boat ramp
 - removal of vegetation, in connection with the construction of an access path and concrete boat ramp
 - Deposition of material consisting of soil, sand, gravel, dredged materials, slump concrete, concrete blocks, turf and topsoil in connection with the construction of an access path and concrete boat ramp.
 - The case is returnable on 14 October at Bateman's Bay Local Court.
- HAPPY FAMILY APPEAL –Hongzhi Sun
 - On 30 October 2018, on appeal to the Land and Environment Court, Justice Moore reduced the penalty from \$40,000 to \$24,000
 - The original case was heard in local court in March 2018 (the case was lodged in 2015 by DPI Water) and related to market garden in Greendale. As it was not commenced by NRAR is it not treated as

NRAR case, although on appeal NRAR was named as the Prosecutor as DPI Water no longer held those functions

- The convictions related to the following offences:
 - Use of water otherwise than as authorised by water use approval being a breach of s91A(2) of WM Act;
 - Use of water supply work without holding a water supply work approval being an offence against s91B(1) of WM Act
 - Meter tampering being an offence against 91K(2) of WM Act;
 - Failure to comply with a direction issued under s327 of WM Act, constituting a breach of s336C(1).

Question 21 (Page 45 of transcript)

Mr JUSTIN FIELD: The NRC report—just to go back to the main topic of the day—recommended that an updated natural model run be conducted to allow for the assessment of plan rules on natural flow hydrology. The Vertessy report calls for a similar natural flows model to be done. Everyone has been talking about modelling today. It seems that the last natural model run data is 2009. We have seen pretty significant impacts of inflows that are unprecedented, so it seems like there are some question marks around whether the assumptions around natural flows, models, inflows—all of that—are actually useful in terms of using the operational models that we have got. Why has there not been a new natural model run done? Has this been a deliberate decision? Is it just an expensive piece of work? How is it that you are doing your operational modelling when you do not have this basic data?

Dr BENTLEY: I am afraid I cannot help you with the detailed modelling.

Mr JUSTIN FIELD: That might be one for Mr Harris.

Mr HARRIS: No, it is not one for me. To be clear, we have operational models because that is our function. The predevelopment model that you are talking about is a rules-type model and those models are run by the department.

Dr BENTLEY: I will have to come back to you on your question.

ANSWER:

We continue to collect data to update our models. The pre-development model run was used to inform natural flow patterns for environmental water planning, and was available using climate data over a 114-year period, which was sufficient for this purpose. There was no ongoing requirement to routinely update model runs, and modelling resources are limited. This could not be updated on short notice as pre-development models for all NSW and Queensland tributaries first needed to be updated. We have now scheduled annual pre-development model updates at the same time as our diversion compliance assessment, and results from a model run to June 2019 will be available soon.

Question 22 (Page 45 of transcript)

Mr JUSTIN FIELD: This is a recommendation in the draft report. It was raised in the Vertessy report as a result of the response to the massive fish kills. We know that the data stopped at 2009. We are now having a big public debate about models. Yet the basic data has not been done. Is there a reason?

Mr BETTS: That is something we will respond to once we have the final report.

Mr JUSTIN FIELD: Could I ask, Mr Betts, if you could take it on notice as to whether or not there was a specific decision taken at some point not to do this or to do it?

ANSWER:

Please refer to response in Question on Notice #21.

Question 23 (Page 45 of transcript)

Mr JUSTIN FIELD: The Vertessy report recommended the same. Has there been a Government response to that report?

Mr BETTS: Let me just check that.

Mr JUSTIN FIELD: I am happy for you to take that on notice, Mr Betts. I have got limited time. I just wanted to come back to this graph which has been widely circulated. It talks about annual volumes of A class licence water extraction and you can see a massive explosion from 2014 onwards. Everyone understands that has happened— because there are a limited number of property owners who have the majority of these licences— because of changes in the rules, particularly changes in the available pump sizes. Does anyone contest that basic assumption?

The Hon. TREVOR KHAN: Assertion.

ANSWER:

Please refer to response in Question on Notice #21.

Question 24 (Page 46 of transcript)

Mr JUSTIN FIELD: Assertion. There is water in, there is water out, and there are a whole heap of constraints. They were previously around pump sizes but the pump size rules have changed. Some of these licence holders now operate much bigger pumps. When the 2012 water-sharing plan was developed, it was the intention for individual daily extraction limits [IDELs] to be put in place. The report said that administrative and management systems required to successfully implement the IDELS were not currently in place and would be expected to be in place within the first few years of the plan. The Matthews inquiry recommended they be implemented by 2017, some five years later. The Department of Industry document Better management of environmental water—Interim solutions package from June 2018 said IDELS should be implemented by July 1 this year. Have IDELS been implemented?

Dr BENTLEY: I am going to have to look that question up.

ANSWER:

No.

The department released a report outlining the progress towards implementing solutions for better management of environmental water - see

https://www.industry.nsw.gov.au/_data/assets/pdf_file/0020/235271/better-management-of-environmental-water-progress-report-june-2019.pdf

Revised milestones and progress for implementing individual daily extraction limits in the Barwon-Darling can be found on page 19 - 20.

Question 25 (Page 47 of transcript)

Mr HARRIS: Off the top of my head, I think we spend roughly in the order of \$15 million from a number of those programs. The dairy program that I referred to before—again, without reference to my notes— is in the order of between \$4 million and \$5 million. That program is a cooperative program—that is, we incentivise dairy farmers by providing them with funds to do things on their farms that are good to do but they may not necessarily have the money to be able to invest in best practice. Obviously the take-up of that right at the moment—you would be aware of the drought, but also the issues within the dairy industry more generally and the prices they are getting for milk from supermarkets and so on—has been slower than we would like, but we are persisting with that program.

The Hon. EMMA HURST: Do you have an indication, as a percentage, of what the take-up is?

Mr HARRIS: No, but I can get that information for you fairly quickly

ANSWER:

WaterNSW has Source Water Protection initiatives totalling \$13.68M (over 4 years or \$3.42M per year). The Dairy Program is one of the included programs for which \$1.536M (plus GST) has been allocated for 4 years and follows a 3-stage process to completion:

1. Preliminary Analysis and Costing – this stage is to engage with interested dairy farmers and identify water quality projects and budget costs. The projects are then assessed for value as a water quality initiatives and the budget cost shared with the farmer to inform decision to proceed.
2. Detailed design – Once a project is determined to be a value add water quality project and the farmer commits to proceed, a detailed design is completed.
3. Construct – the project is constructed and commissioned.

Twelve of the 17 (71%) dairy farmers in the declared catchment participated in Stage 1 of the Dairy Program. All 12 are enthusiastic about the proposed works; however, due to the drought none have the financial resources to participate at the current rate of assistance offered (50%). WaterNSW is currently analysing options to improve participation rates.

Question 26 (Page 47 of transcript)

The Hon. EMMA HURST: What are those best practices, though, within this dairy program? What are the best practices that you are encouraging?

Mr HARRIS: The two key elements of that program are, firstly, adequate fencing of those dairies so that the cattle cannot wander off and into the stream. That is a big element of it. The second element of it is treatment and proper disposal of effluent from those facilities—that is, minimising contaminated run-off. They are the two key elements of that particular protection program.

The Hon. EMMA HURST: What is the proper disposal of effluent? What is your preferred method?

Mr HARRIS: A combination of better treatment on site. They may be looking, as well, at offsite disposal. I would have to come back to you on that one and take that on notice, as well.

ANSWER:

There are four critical areas of water quality risk from dairy farming:

- untreated runoff of effluent from feed pads and dairy sheds,
- uncontrolled stock access to waterways,
- untreated runoff from young stock enclosures close to waterways, and
- concentrated polluted runoff from laneways.

WaterNSW is encouraging two key practices to address these risks:

1. Control and treatment of effluent runoff - WaterNSW is providing financial assistance to dairy farmers to divert effluent from high risk and high accumulation areas away from natural waterways for treatment and reuse. This includes effluent from juvenile cattle enclosures (less than 6 weeks old), feed pads, dairy sheds, and laneways. The effluent is diverted through a solids trap (where the heavy solids are trapped) into a settlement pond, which captures finer solids and digests organics. The trapped solids are periodically extracted for drying/composting and later reapplied along with the decanted liquid from the settlement pond to the property as fertiliser.

WaterNSW assists in the design and construction of the effluent treatment systems to ensure they are of contemporary standard and capable of capturing and treating (without overflow) runoff events of up to a 1 in 10-year intensity. This is consistent with the Effluent Management Guidelines from NSW DPI (2008) and Dairy Australia (2008). Diversion of clean stormwater around the waste capture systems is a key design objective to protect source water quality, minimise the volume of water to be treated.

2. Exclusion of stock from waterways - Exclusion of stock from waterways and prevents erosion caused by damage to the waterway by hard hooves and encourages the regrowth of native vegetation which provides a natural filter for water running off paddocks. It also improves natural ecosystems, provides stream shading (natural water temperature control) and improves

stock health. The Program also encourages rotational grazing on properties to improve the ground cover on farms to reduce the risk of polluted runoff entering streams.

WaterNSW assists the farmers to design and construct stock fencing along waterways and to build alternative watering systems so stock can continue to drink without the need to access the waterway. Proper disposal of dairy effluent is to capture, treat and reuse on paddocks as fertiliser.

Question 27 (Page 48 of transcript)

The Hon. JOHN GRAHAM: I just want to return to the questions I was asking earlier about Campbell's Stores in The Rocks, Mr Betts, if you have had a chance to examine that material. I first want to ask if there is anything you want to add to the evidence this morning, just to give you the opportunity to clarify anything?

Mr BETTS: No, I undertook this morning that we would follow up and check the completeness of the documentation that we have provided to ICAC, and we are following up as we speak.

The Hon. JOHN GRAHAM: I appreciate that. Do you still have those documents there?

Mr BETTS: I personally do not, but I think Ms Frame may have them.

The Hon. JOHN GRAHAM: Great. I firstly want to ask about the dates in the documents. The advice from the agency to the ICAC says, "Mr Tim Andrews was appointed as a leasing agent for Tallawoladah Pty Ltd in mid-2015." Could you be more specific about that date? Is there any advice about precisely when?

Ms FRAME: No, I am sorry. I will have to take that on notice.

ANSWER:

I am advised this is a matter for the Hon. Rob Stokes, Minister for Planning and Public Spaces

Question 28 (Page 49 of transcript)

Ms FRAME: There were over 2,000 pages of documents that were provided to ICAC in the response from Property NSW, and that did highlight that there was knowledge of his previous employment.

The Hon. JOHN GRAHAM: So what is the document that contains that, because that is clearly the opposite of what you—the agency—has set out in this document.

Ms FRAME: As I said, there were thousands of documents that were provided to ICAC. We will have to take that on notice.

ANSWER:

I am advised this is a matter for the Hon. Rob Stokes, Minister for Planning and Public Spaces

Question 29 (Page 49 of transcript)

The Hon. JOHN GRAHAM: In the advice to the ICAC, Mr Tim Andrews was not involved in the process in any way that led to the agreement for lease with Tallawoladah. That is the information that is provided. This second document clearly sets out in relation to the agreement for lease negotiations the team that will be actively engaged includes six individuals, of whom Tim Andrews is clearly one. Do you want to provide any other context to this?

Mr BETTS: No. I want to take it on notice, as we have discussed extensively and as was agreed this morning.

ANSWER:

I am advised this is a matter for the Hon. Rob Stokes, Minister for Planning and Public Spaces

Question 30 (Page 50 of transcript)

The Hon. JOHN GRAHAM: Do you agree that the sequence here—this is the final issue that gets created by this—is totally reversed in the information that is presented that Mr Andrews is appointed in mid-2015—

The Hon. TREVOR KHAN: I think he will take it on notice.

The Hon. JOHN GRAHAM: —after he has been employed by the agency? That is quite a different situation to him already working with the developer, already potentially on the negotiating team with the developer, and then becoming employed by the government. You accept it is a very different sequence?

Mr BETTS: If today's events and you providing me with this document has highlighted some kind of administrative oversight or something worse than that in terms of our provision of information to ICAC, I have given an undertaking that I will take it on notice and investigate and I will act to rectify it. You have your own legal obligations to ICAC created by this and no doubt you will fulfil those too, as I said this morning.

ANSWER:

I am advised this is a matter for the Hon. Rob Stokes, Minister for Planning and Public Spaces

Question 31 (Page 50 of transcript)

The Hon. JOHN GRAHAM: Understood. These are all public documents that I am referring to. I ask about the value of this deal. It has been reported that the income coming in from this lease might be worth \$4 million a year. What is your advice about how much?

Mr BETTS: I do not know whether Ms Frame has that information.

Ms FRAME: No, I will have to take that on notice.

ANSWER:

I am advised this is a matter for the Hon. Rob Stokes, Minister for Planning and Public Spaces

Question 32 (Page 50 of transcript)

The Hon. JOHN GRAHAM: I ask a final question, it certainly will not be accompanied by a statement. Mr Betts, is there a reason why the agency—that is, at the time, I understand, the Sydney Harbour Foreshore Authority [SHFA]—provided a concession in allowing the developer's legal firm to draft the agreement for lease?

Mr BETTS: This is something that would date back to around 2013 or 2014?

The Hon. JOHN GRAHAM: Yes. I agree it is historic.

Mr BETTS: I will take that on notice.

ANSWER:

I am advised this is a matter for the Hon. Rob Stokes, Minister for Planning and Public Spaces

Question 33 (Page 51 of transcript)

The Hon. MICK VEITCH: There may well be some questions next week about this. Earlier in an answer to Ms Hurst WaterNSW indicated that it would outsource to Local Land Services its weeds obligations. Did I hear correctly?

Mr HARRIS: Mr Veitch, we have a couple of sources of obligations. First of all, as a landholder we own a lot of land across the State and we have obviously got the usual obligations there. We have got fire obligations, that has just been referred to before, and we also take measures within the Greater Sydney drinking water catchment as well from a water quality perspective. More than happy to take on notice and provide you with the dollars that we spend in each of those categories across all of those areas.

ANSWER:

WaterNSW undertakes land management activities including Pest and Weed management and Bushfire management.

Actual expenditure is dependent on environmental conditions in any year ie more resources are allocated to weed management in warmer, wetter years when weed growth is greater.

WaterNSW allocates greater resources to land management activities in the Declared catchment due to having both land holder and source water protection responsibilities. WaterNSW contracts NPWS to carry out additional land management works for source water protection reasons in the Special Areas owned by NPWS.

WaterNSW discharges its land management activities through a combination of delivery mechanisms including in-house staff, private contractors, relationships with other government organisations (Local land Services, Rural Fires Service and National Parks and Wildlife Service) and leasing and licencing arrangements for non-operational lands.

The figures in the table for the declared catchment include that component of the NPWS contract attributable to pest and weeds and fire activities.

Annual expenditure for FY19 was:

	Pest and weed management	Fire management	Total
Declared Catchment	\$1,349k	\$4,002k	\$5,351k
Rural lands	\$839k	\$200k	\$1,039k

Question 34 (Page 53 of transcript)

The CHAIR: The Federal Government has a \$1.3 billion National Water Infrastructure Development Fund that apparently is accessible by State and local governments. In the last 12 months has the State Government made any applications or requests for any of those funds at all?

Mr HARRIS: Yes. Certainly last year the State Government made applications under that fund for a number of projects. As I think the Minister made clear this morning, more recently she has been having conversations with the Deputy Prime Minister about further projects and the availability of Commonwealth funding for those.

The CHAIR: Have any of those projects been actioned at all or are they on the way to completion, do we know?

Mr HARRIS: Certainly we had a couple of projects in that bucket that did not get through the Commonwealth process, but there are quite a few others. I would need to head over to the department for that one.

The CHAIR: I know there might be some specific detail in that. If you want to take it on notice and provide it back, I accept that.

Mr BETTS: Okay. We will take it on notice.

ANSWER:

Yes. Applications have been made to the National Water Infrastructure Development Fund in the last 12 months.

The following NSW applications to the National Water Infrastructure Development

Fund capital (drought round) 2019 component were unsuccessful:

- Lake Rowlands to Carcoar Dam pipeline project (\$8.6 m)
- Re-regulating weir on the Macquarie River (\$20 m)
- Yenda and Roaches en-route surge reservoirs (\$22.725 m)
- Mandamah rural water supply scheme (\$4.5 m)
- Scone to Murrurundi pipeline upsizing to Cressfield Road (\$665,000)
- Central Tablelands water security project (\$4.23 m)
- Tamworth raw water harvesting efficiency and security project (\$2.4 m)

Two NSW applications made in 2019 to the National Water Infrastructure Development Fund capital component are under consideration:

- Boorowa water supply project (2019 application for \$25.37 m)
- Eurobodalla Southern Storage project (2019 application for \$51.2 m)

An additional request was made in 2019 under the National Water Infrastructure Development Fund feasibility component for additional options assessment for the Peel (one third of \$550,000).

In addition, the Minister for Water, Property and Housing wrote to the Deputy Prime Minister on 6 August 2019 requesting that National Water Infrastructure Development funding already committed for Dungowan Dam (\$75 m) be made available to progress a final business case on a new Dungowan Dam, including geotechnical studies, and for the construction of a new pipeline between Chaffey Dam and Dungowan Village.

Question 35 (Initial question on page 48, Question on Notice on page 54 of transcript)

Can you provide further information about that toxicology testing that would have occurred if a representative of Sydney Water had found a dead animal near the site? What consequences or next steps would have been taken if it was found to be caused by Sydney Water?

ANSWER:

The below response was provided by Mr Kevin Jones per pages 68 to 69 of the uncorrected transcript.

We do have a process for responding to dead wildlife found at the site of a sewage incident. We undertake testing on macroinvertebrates in our Sydney Water laboratories, which tell us about the potential impacts of our activities on the environment, and we monitor streams, estuaries and marine environments to assess their overall health. When it comes to bigger things like a fish or a bird, we will send it to a third-party laboratory for testing — which is a Department of Primary Industries laboratory at Menangle — and we have done this. To date, we have not had an incident where we have needed to undertake testing of any terrestrial animals associated with a sewage incident. However, we would undertake this testing if we found an animal at the site that was impacted by sewage, allowing for the fact that the animal would have to be tested soon after its death.

Question 36 (Initial question on page 48, Question on Notice on page 54 of transcript)

So you do not have any procedure if something like that was to happen in the future that you can outline to me?

ANSWER:

Refer to Question on Notice #35.

Question 37 (page 54 of transcript)

There has been no indication from the University of New South Wales as to when such technology could possibly be implemented by Sydney Water? If we remove the hypothetical situation of an animal dying, do you know what the procedure is or can you take it on notice if you are not sure what the procedure is if an animal was to be found?

ANSWER:

The below response was provided by Mr Kevin Jones per page 63 of the uncorrected transcript.

Sydney Water is undertaking a project along with the Office of the NSW Chief Scientist and Engineer and the NSW Smart Sensing Network. The project is expected to take 12 months. It has a number of contributors that have provided funding to complete five separate projects and funds have been pooled from those different contributors. Sydney Water would contribute in the order of \$75,000 to \$100,000 for that project with University of New South Wales.

Question 38 (Page 54 of transcript)

The Hon. EMMA HURST: Thank you. I was hoping to ask somebody about the Sydney Desalination Plant. Particularly I was wondering how seawater was brought into the desalination plant and if there is potential for marine life of any kind to get sucked into the desalination plant.

The Hon. TREVOR KHAN: There is. I saw a fish on the screens.

The CHAIR: Scaremongering by Mr Khan.

Dr BENTLEY: I am afraid I do not have that information.

The Hon. EMMA HURST: You do not have that information?

Dr BENTLEY: We can certainly provide it.

The Hon. EMMA HURST: If you could take it on notice that would be fantastic

ANSWER:

Seawater is brought in through an intake tunnel. The velocity of the seawater draw-in rate is less than normal seawater currents

Question 39 (page 54 of transcript)

The Hon. EMMA HURST: Do you also know if the density of marine life around the desalination plant is subject to ongoing monitoring to check if there is any effect of the plant on the surrounding sea life?

Dr BENTLEY: What we know is that a study was done into the effects of the brine discharge back into the ocean. That study showed that concerns about potential impacts were not realised. I believe that was a UNSW piece of work.

The Hon. TREVOR KHAN: It was, a good piece of work.

The Hon. EMMA HURST: Do you know if there is any ongoing monitoring that is taking place?

Dr BENTLEY: I will confirm what monitoring we do on an ongoing basis.

ANSWER:

None of the environmental and project approvals for the desalination plant requires ongoing monitoring of marine life.

Question 40 (Page 55 of transcript)

Ms CATE FAEHRMANN: I want to ask a couple of questions about the water supply for the towns of Dubbo, Wellington, Nyngan and Cobar. I understand the Government has announced \$10.89 million for the staged delivery of four critical projects that are supposed to extend limited available supplies for those towns. What are those four critical projects, as quickly as you can tell me?

Mr McTAVISH: There is actually substantially more money that has been committed by Government in relation to water security projects in the Macquarie Valley. There is around about \$52 million. I can provide you with some details of that on notice.

Ms CATE FAEHRMANN: Yes, please. That would be great

ANSWER:

Minister Pavey announced a range of funding on 29 August, including the following:

- \$10.89 million for the staged delivery of four critical projects that extend limited available supplies for Dubbo, Wellington, Nyngan and Cobar
- \$270,000 for Gilgandra Shire Council's Tooraweenah New Bore project
- Up to \$5.5 million to partner with Orange City Council to plan for and deliver critical drought initiatives for their community such as pumping stations to enable the use of the Cowra to Orange pipeline
- Up to \$2 million to partner with Bathurst Regional Council plan for alternate water supplies
- Further funding to partner with Councils in the region, such as Parkes Shire Council, to review drought management plans and assist Councils with water efficiency projects and other initiatives required to help their community
- \$30 million already allocated to Dubbo Regional Council to enhance their access to groundwater
- \$2 million to already allocated to Narromine Shire Council improve Narromine's access to deeper groundwater
- \$2 million already allocated to Bogan Shire Council for critical maintenance of the Albert Priest Channel, and,
- \$8.24 million to Bogan Shire Council from the Safe and Secure Water Program to design and construct a second water storage in Nyngan.

Question 41 (Page 58 of transcript)

The Hon. JOHN GRAHAM: Can you give us any information about the largest single sale that makes up that \$952 million?

Ms FRAME: I do not have that with me. I will have to take that on notice

ANSWER:

As at 13 September 2019, the largest sale is the sale of 2 Figtree Drive, Homebush for \$ 19,595,626.

Question 42 (Page 58 of transcript)

The Hon. JOHN GRAHAM: Thank you. That is really helpful. I also want to ask about which department in the previous financial year had the greatest value of assets sold via Property NSW?

Mr BETTS: I will check but generally speaking Transport accounts for the lion's share of property sales.

The Hon. JOHN GRAHAM: If you would like to expand on that on notice I would welcome that.

Mr BETTS: We will check that, yes.

ANSWER:

Property NSW sold real property on behalf of the Department of Finance, Services and Innovation with an aggregate value of \$128,322,500 in FY19.

Question 43 (Page 59 of transcript)

The Hon. MICK VEITCH: My series of questions relate to Peat Island. What is the progress of the Peat Island planning proposal?

Ms FRAME: I am sorry, we do not have that information with us. We will have to take that on notice.

Mr BETTS: That may be a matter for the Minister for Planning and Public Spaces.

The Hon. MICK VEITCH: It is Crown land.

Mr REYNOLDS: If I could seek some clarity, who is the proponent of the planning proposal you are referring to?

The Hon. MICK VEITCH: The locals up there have been told that it is in the process of being rezoned and there is a public exhibition period. Property NSW has slated a public exhibition period in 2019. This is Peat Island.

Mr REYNOLDS: If I could take that on notice, I do not have those details in front of me.

ANSWER:

As responded to Supplementary Questions 258-261, PNSW submitted a Planning Proposal Addendum to Central Coast Council in December 2018. In March 2019, Central Coast Council provided substantial feedback on the Planning Proposal Addendum. Since that time, PNSW has been working with its technical consultants to address the comments raised by Council and other stakeholders.

Please also refer to the responses provided for Supplementary Questions 258-261.

Question 44 (Pages 59 to 60 of transcript)

The Hon. MICK VEITCH: What was the number and cost of properties that were acquired by the LAHC in 2018-19? Did you undertake any acquisitions?

Ms SKEWES: Acquisitions as opposed to properties that we built? Is your question specifically around acquisitions?

The Hon. MICK VEITCH: Yes, acquisitions.

Ms SKEWES: I will take that on notice.

The Hon. MICK VEITCH: I suppose you would have some properties slated for sale in this financial year?

Ms SKEWES: Yes. In effectively managing the property portfolio that we have we are constantly reviewing those properties in terms of whether they are fit for purpose for housing. As you know, a very large part of the stock is older properties. We also from time to time have properties that get burned out or are damaged. We do have a constant program of renewing and reviewing our stock. The question you are probably seeking from me is what is the number for 2019-20. Is that right?

The Hon. MICK VEITCH: That is correct.

Ms SKEWES: Sorry, I do not have those numbers on me. But I am happy to take that on notice

ANSWER:

Of the 390 dwellings completed during 2018/19, 38 fit for purpose dwellings were acquired.

In 2019/20, 429 residential dwellings are forecast to be sold. All funds are reinvested to fund maintenance and build new fit-for-purpose contemporary social housing.

Dwelling commitments are completions for the 2019-20 FY as per the 2019-20 SBI are:

- Commitments 718 dwellings
- Completions 210 dwellings

Question 45 (Pages 60 to 61 of transcript)

The Hon. JOHN GRAHAM: Understood. Returning to the asset sales issue, I can understand why that might mean the last year is reviewed. But the figures are different for each of the years compared to the information supplied by Property NSW on estimates, including back in, say, 2011-12, which would be unlikely to be the result of a recent update. For example, in 2011-12, we were advised last year they were \$997 million, I understand. I think you have just told us they are \$940 million.

The Hon. TREVOR KHAN: Why not provide them with the list?

The Hon. JOHN GRAHAM: Probably it is some adjustment. Could you describe, on notice, what is the reason for the discrepancy in the figures? What has changed?

Ms FRAME: Certainly we can do that. It may be that sales are attributed to one financial year and then actually are executed in another. We can get that information for you.

ANSWER:

Both sets of annual sales totals were compiled using data extracted from the Government Property Register (GPR). The main reason for the discrepancies in annual sale totals were that decision were made after 2017 to exclude intra-government transfers in the reporting of annual asset sales, including the reporting of historical annual totals.

As a result, the reporting year/s:

- FY2012/13 to FY2015/16 have been reduced from previous totals as a result

Question 46 (Page 62 of transcript)

The Hon. MICK VEITCH: How many cleaning contracts does Property NSW hold? How many cleaning contractors do you have?

Ms FRAME: I am going to have to take that question on notice.

The Hon. MICK VEITCH: Are you aware that the new ascendant to the New South Wales whole-of-government cleaning contract has had to write to its employees telling them it has been paying them incorrectly since the start of the contract in March this year?

Ms FRAME: No, I was not aware.

The Hon. MICK VEITCH: Are you aware that there is another contractor that is also ignoring its legal obligations to pay their employees, who transferred from a former contractor—Menzies?

Ms FRAME: I do not have information on cleaning contracts with me here. So I am happy to take these questions on notice and provide responses to you

ANSWER:

I am advised this is a matter for the Hon. Rob Stokes, Minister for Planning and Public Spaces

Question 47 (Page 62 of transcript)

The Hon. MICK VEITCH: There is a recommendation but, as Mr Betts was saying, it is around regularly reviewing and revising the probity policies, processes and systems. It also goes on to evaluate the probity practitioner performance against a specific scope. When the agencies engage a probity advisor or probity auditor, is there a particular scope that is in place to make sure they are actually working against a scope of performance?

Mr SMITH: I could not talk to each specific engagement of a probity auditor but what I can say is in general terms when we do engage consultants there is a clear scope of works that they have got to meet. I am happy to take the balance of whether we have specific guidelines on notice.

ANSWER:

Procurement Board Direction 2013-05 (PBD2013-05) directs Government agencies to clearly set out in writing the scope of the probity adviser's or auditor's proposed engagement, including terms of reference for the engagement covering the intended role of the adviser/auditor, how to deal with conflicts of interest and disputes. The former Department of Industry and former Department of Planning and environment specifically incorporated the PDB2013-05 into their procurement procedures, in addition to providing guidance regarding probity on their intranets. Procedures will be harmonised across the new cluster to ensure consistency and compliance with the Audit Office's recommendations and PBD 2013-05

Question 48 (Page 62 of transcript)

The Hon. EMMA HURST: Drought has caused creeks on Mount Gilead, Noorumba Reserve and Beulah to run dry. Why are nearly all dams on Mount Gilead allowed to be de-watered and filled in when they are required for native animals and birds on all of these properties?

Mr BETTS: Does anybody have information relevant to that question? We will take it on notice.

ANSWER:

The NSW Government does not regulate the decommissioning of farm dams on private property.

Question 49 (Page 64 of transcript)

Dr BENTLEY: The information that I have just received is that in 1995 surface water take was capped at 1993-94 levels.

The CHAIR: That is the cap. I am talking about high security licences. Was there an embargo on issuing any more of those licences?

Dr BENTLEY: There were not any in the Barwon Darling system.

The CHAIR: Then I followed up with a question: What about the Murray? Was there an embargo on issuing licences in the Murray?

Dr BENTLEY: I am afraid we are going to have to take that on notice. We are trying to find out.

ANSWER:

Applications for new high security or general security shares/access licences cannot be made by water users.

A small variation over time can be from entitlement created from water savings projects, outcome of court proceedings, licence conversions or cancellations.

Question 50 (Pages 64 to 65 of transcript)

Ms CATE FAEHRMANN: Why did WaterNSW give permission for 65,000 licence holders to extract environmental water flows from the Macquarie River?

Mr HARRIS: Sorry, could you give more detail there?

Ms CATE FAEHRMANN: The Sydney Morning Herald story that came out in February this year states that in 2018 licence holders were written to, to say that they could take water from the Macquarie River environmental flows.

Mr HARRIS: From memory, that article referred to a particular licence holder.

Ms CATE FAEHRMANN: It says that there were 65,000 licence holders who were informed.

Mr HARRIS: At that time as well, the department reset the mandatory conditions on licences across many valleys in the State. We are the agency that posted notifications of those out to—there are not 65,000 of them in the Macquarie—that would have been statewide.

Mr BETTS: We do not have this article in front of us. I do not know if you are able to provide it to us so we can provide you with further commentary.

Ms CATE FAEHRMANN: I cannot. It is on my iPad so that is unrealistic. It was on 16 February 2019 in The Sydney Morning Herald, an article by Peter Hannam and the headline is, "Anomaly lets farmer use environmental water for cotton crop". This is in relation to water that was earmarked for protecting the Macquarie Marshes. One of these farmers received a letter from WaterNSW, saying that he could access water that he was not previously entitled to. Are any of you familiar with that situation?

Mr HARRIS: Yes, I recall that. My recollection is that did not change that licence holder's condition but that he was unaware of a previous restriction on his licence. Perhaps I should take that on notice and get back to you. The bottom line is that notification did not change his licence conditions. He was unaware that, from recollection, about two years prior to that there were restrictions put on his licence which were not affected by that notification. He had not understood the effect of the previous notification. But I will follow that up and confirm that to you.

Ms CATE FAEHRMANN: The story says that documents obtained by The Sydney Morning Herald show farmers were alerted a year ago—so that would be February 2018—by the NSW Department of Industry's water division to changes to conditions of their unregulated water licences, which is what you are referring to. It prompted some people within the Office of Environment and Heritage to seek to nullify the impact of those changes. That was not successful. But according to the story, the change effectively gave permission to the licence holders to extract environmental water flows even though these water flows in the Macquarie Marshes had been paid for already by taxpayers in both New South Wales and the Commonwealth. Is that correct?

Mr HARRIS: Hopefully, during this session I will get the briefing note prepared at that time so that I can answer your question.

ANSWER:

- In 2018 WaterNSW communicated licence condition changes made by the then Department of Industry – Water for 32 Water Sharing Plans to approximately 65,000 water licence holders across the State, including those in the Macquarie Bogan Unregulated and Alluvial Plan.

- These condition changes did not change the amount of water available to licence holders.
- In at least one instance in the Macquarie, a pre-existing condition restricting the watering of cotton ceased to apply in 2012 when that licence was converted to be consistent with the Water Management Act (2000). That condition/restriction was therefore not removed under the 2018 conditions changes.
- In the case of that same licence, the landholder extracted water in an unregulated stretch of the river in late 2018 in accordance with the licence conditions which (relevantly) included permissible river height triggers.
- During the planned environmental flow in 2018 the Natural Resources Access Regulator ran a proactive campaign including on-ground monitoring and found high levels of compliance, including no breaches of the embargo.
- If annual sales data is extracted from GPR at a time too close to end of a reporting year, the annual data is susceptible to revisions due to time delays associated with asset transfers becoming registered with Land Registry Services and then recognised in GPR.

Question 51 (Pages 66 to 67 of transcript)

The Hon. JOHN GRAHAM: There are four groups taking part in the project but it is co-ordinated by Property NSW, is it not?

Mr SMITH: Yes, Property NSW is the overall manager for the development.

The Hon. JOHN GRAHAM: It is quite a significant amount out of your cluster. What are the numbers in each of the other three clusters?

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

The Hon. JOHN GRAHAM: Has that been communicated to staff? What staff communication has there been around the timing in particular?

Mr SMITH: There have been communications to staff throughout the project. It depends on which particular agency. We have been talking to our staff about moving out there, certainly on the former industry side, for a number of years. I am aware that the former planning side has been talking to staff about relocation for a number of years. The exact dates and communications we could get for you if you were interested.

The Hon. JOHN GRAHAM: Perhaps on notice. Finally, is one of the buildings that will be used for office space as a part of this project 47 Bridge Street? Sorry, let me rephrase that. What is the future of 47 Bridge Street, given the impact of this project?

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

ANSWER:

In 2018 the Treasurer, announced that the Chief Secretary's Building was not for sale by the Government and that it was to be included in a review of government owned buildings along and near to Macquarie Street being undertaken jointly by Paul Keating and Lucy Turnbull.

The review is being undertaken with reference to the Macquarie Street Strategic Framework published by the NSW Government Architect.

The framework establishes a vision for the Macquarie Street precinct and proposes future land uses consistent with the vision. Property NSW is not aware of any views or findings having been published generally or specifically in relation to Chief Secretary's Building. Property NSW will continue to investigate backfill options.

Question 52 (Page 67 of transcript)

Mr McTAVISH: There is guidance provided to the local water utilities in relation to the development of their drought management plan and their water carting plans. The local water utility on receipt of that guidance conducts their own internal consultation within council, for example, and with local stakeholders.

Ms CATE FAEHRMANN: Do you have all of those water carting plan approvals all in one place? Would you be able to provide those on notice for the Committee?

Mr McTAVISH: All of the approved water carting activity is available on the departmental website.

Ms CATE FAEHRMANN: Whereabouts?

Mr McTAVISH: I can send the link.

ANSWER:

<https://www.industry.nsw.gov.au/water/water-utilities/technical-assistance/emergency>

Question 53 (Page 68 of transcript)

Ms CATE FAEHRMANN: Excuse me if this question has been asked while I was not in the room, but what is the number of staff within NRAR? Would you be able to table a staffing structure of NRAR as well for the Committee?

Mr BARNES: I can table the staffing structure, indeed—yes, happy to. NRAR has a current staffing level of 146. We commenced operations with 69. Of those 146, 107 are frontline staff involved in compliance activities, monitoring and auditing, inspections, licensing and approvals. We also have a contingent of staff who are involved in the flood plain harvesting project. There are staff in a support role who provide back-office support as well.

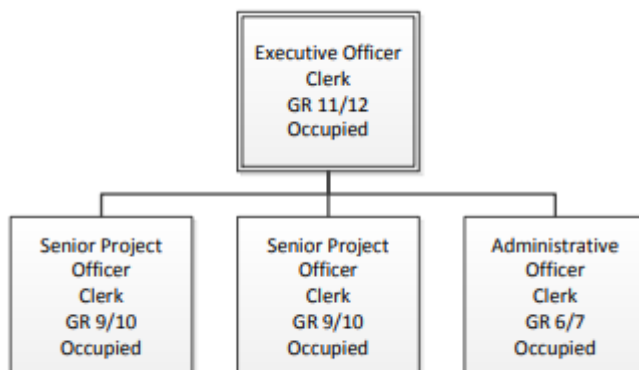
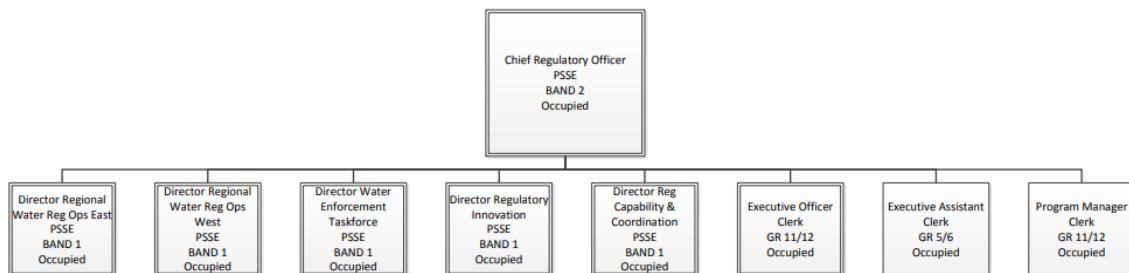
Ms CATE FAEHRMANN: Thank you.

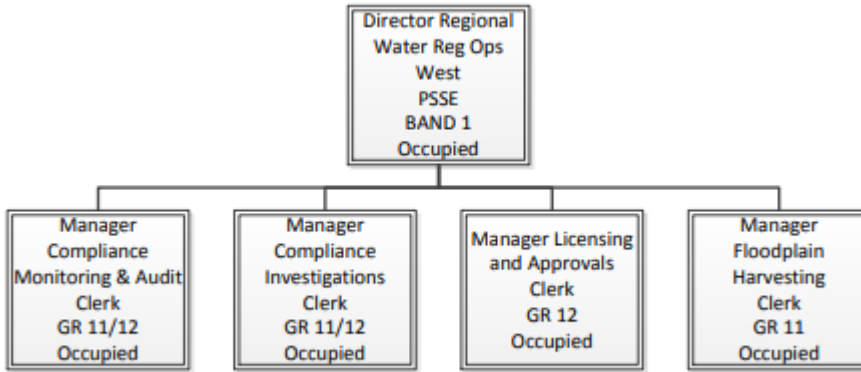
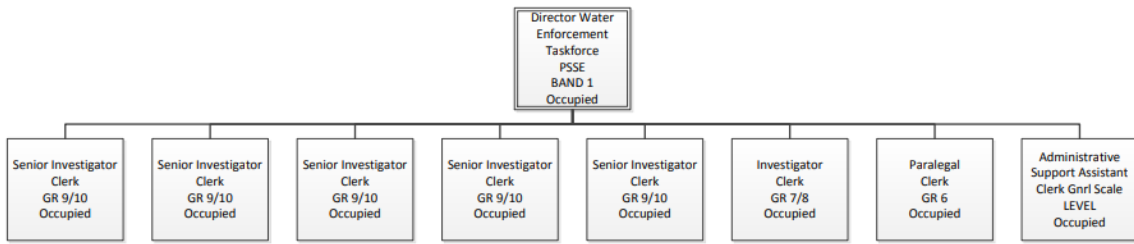
The CHAIR: Just to interrupt—and I will stop the timer—you said that you were going to table it. Do you mean you have it here to table it or that you are going to take it on notice and bring it? We just need to clarify that.

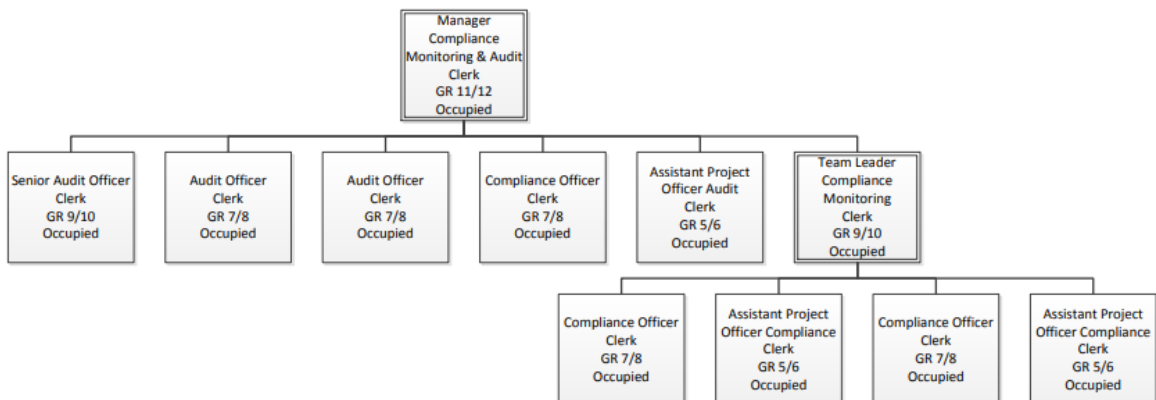
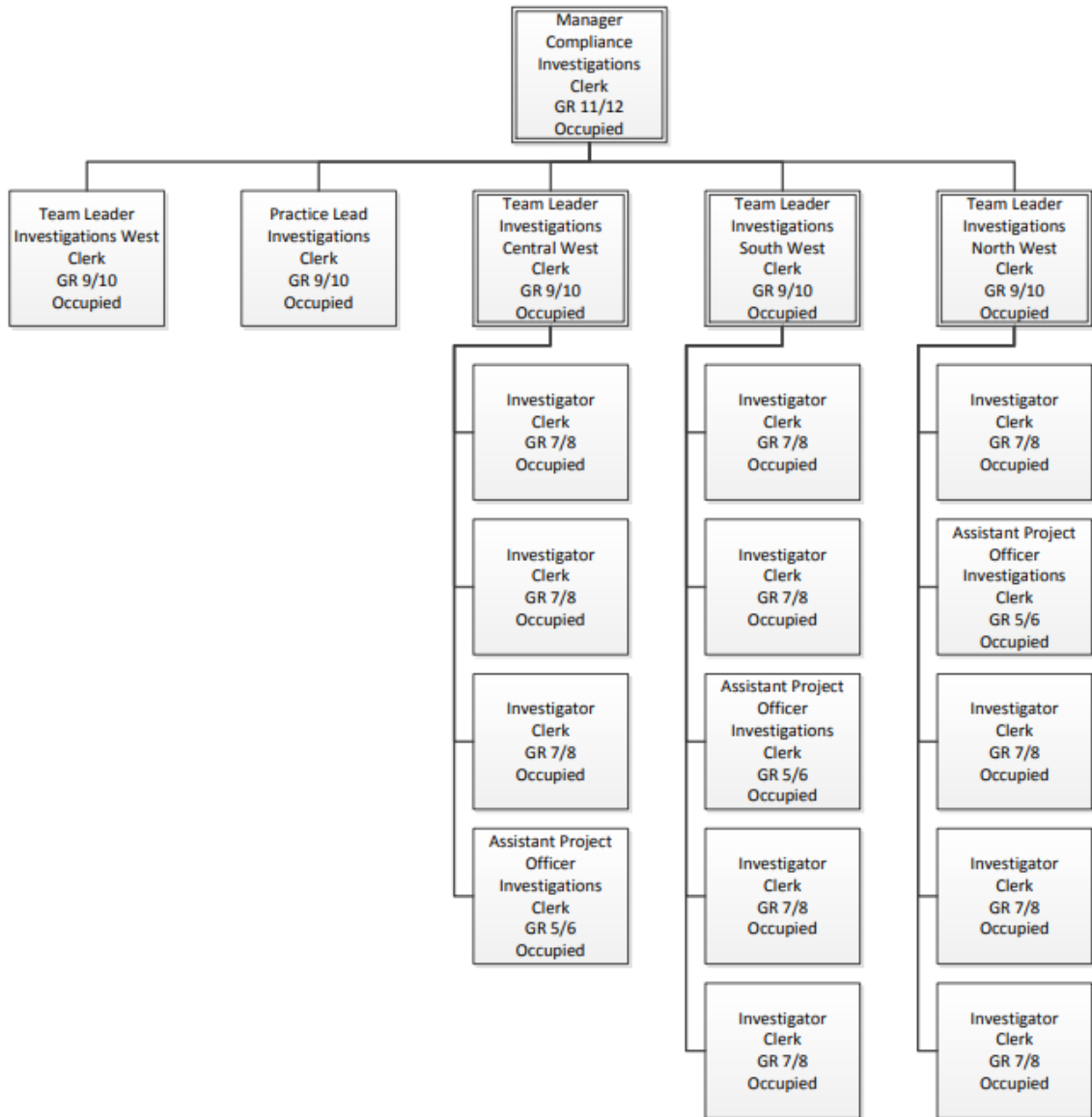
Mr BARNES: On notice, that I will table the organisational structure for NRAR as of today's date.

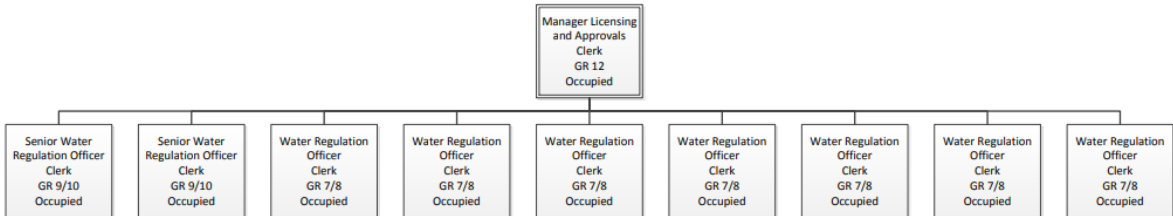
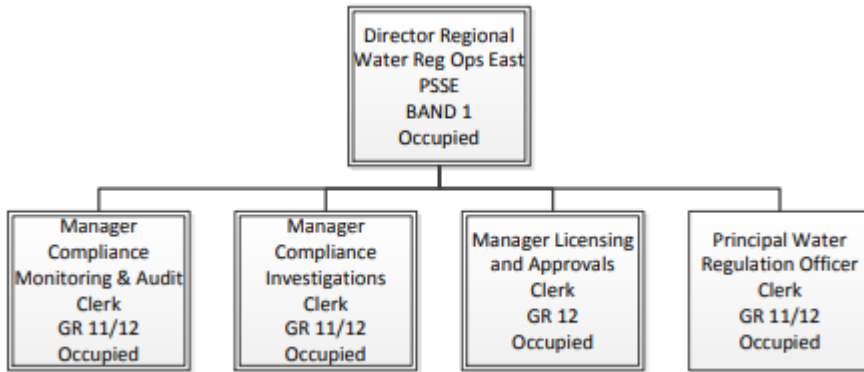
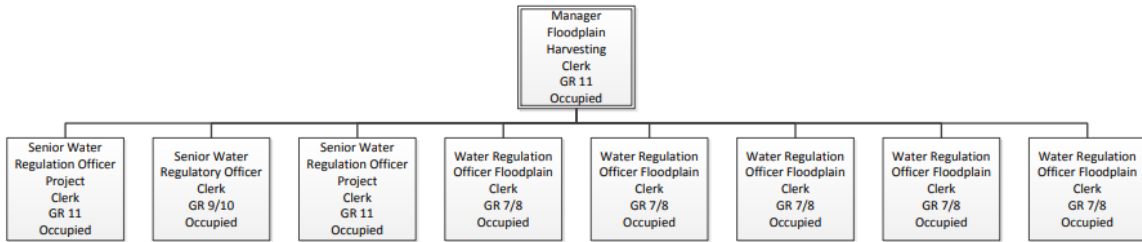
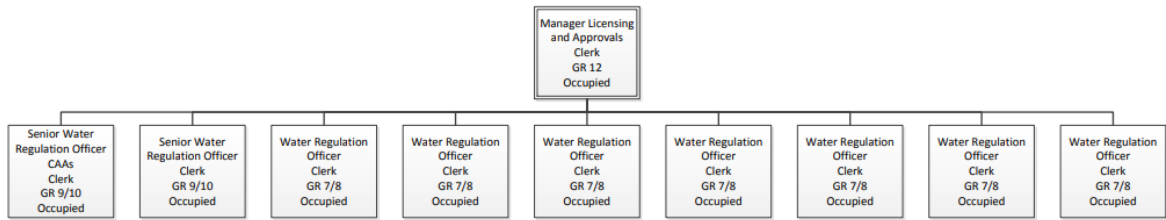
Mr BETTS: De-identified so as not to identify individual names.

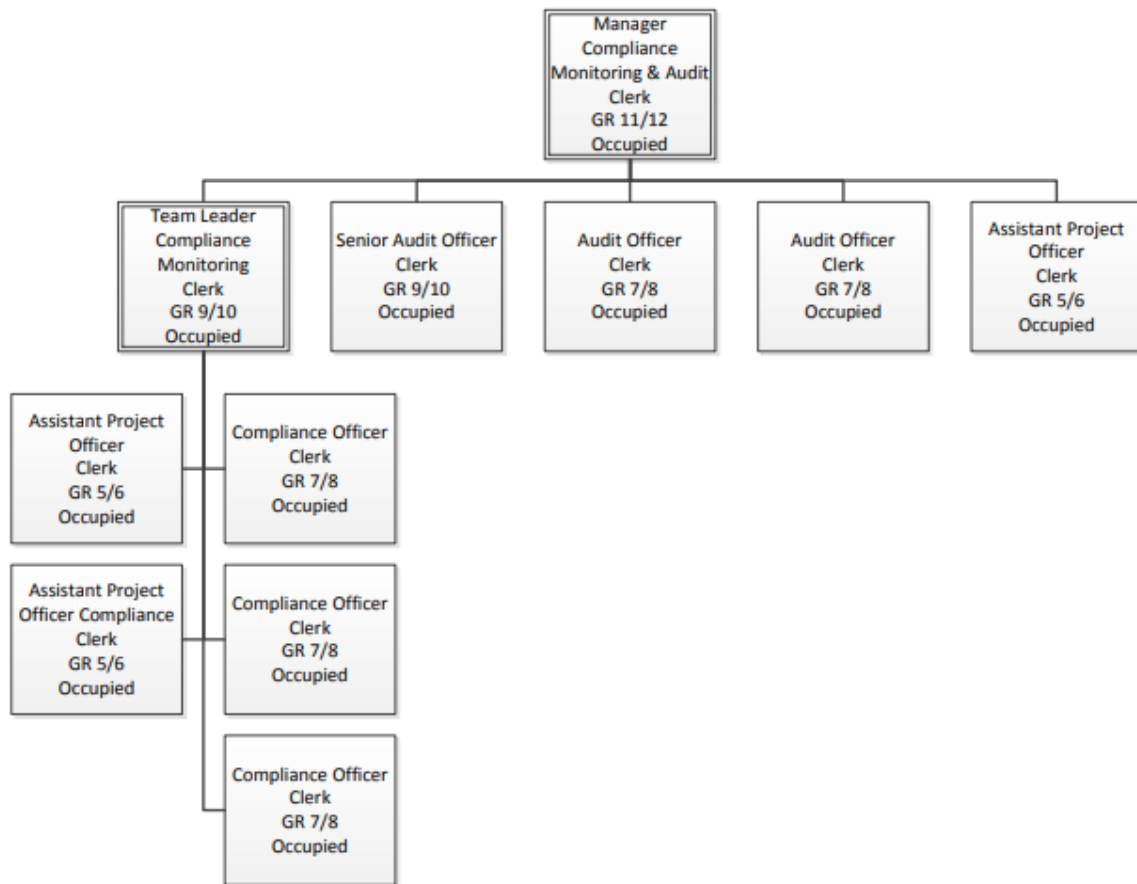
ANSWER:

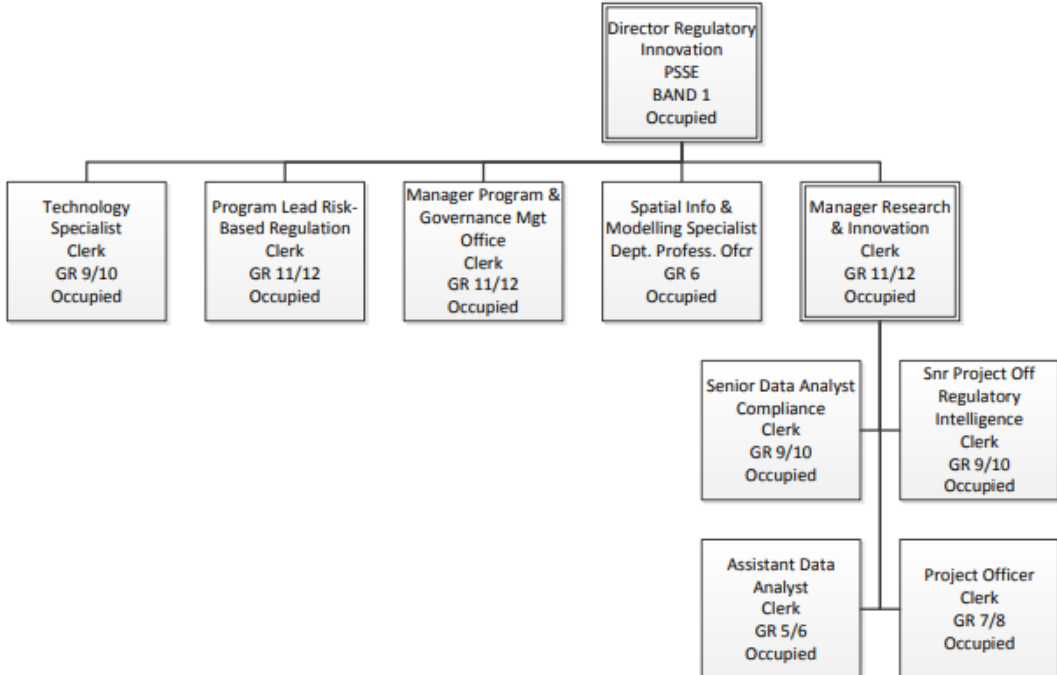
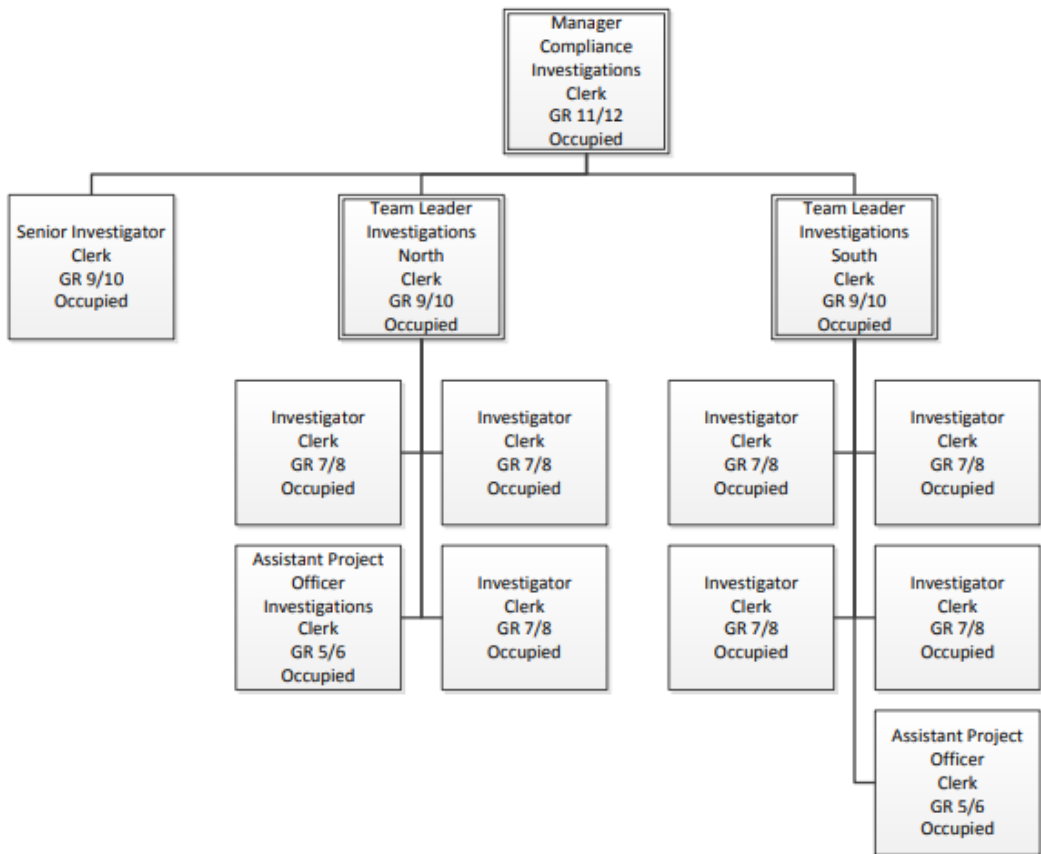


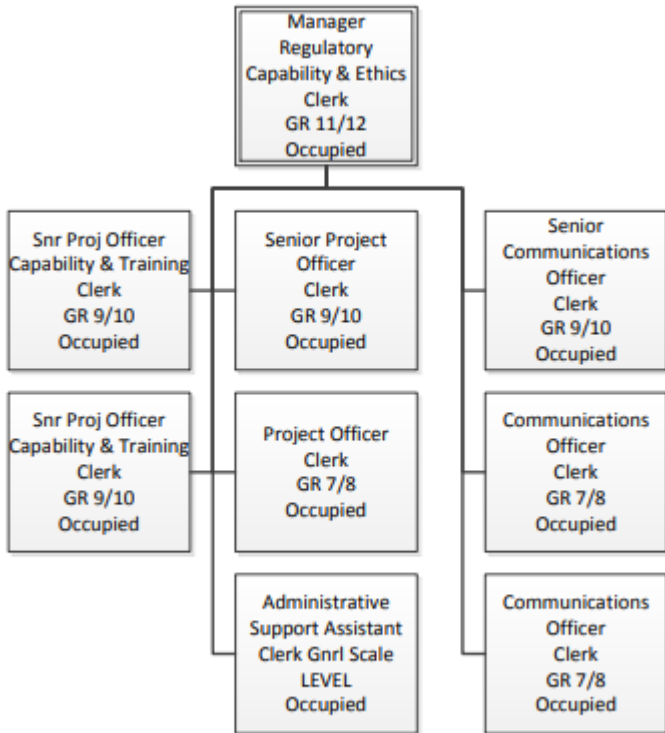
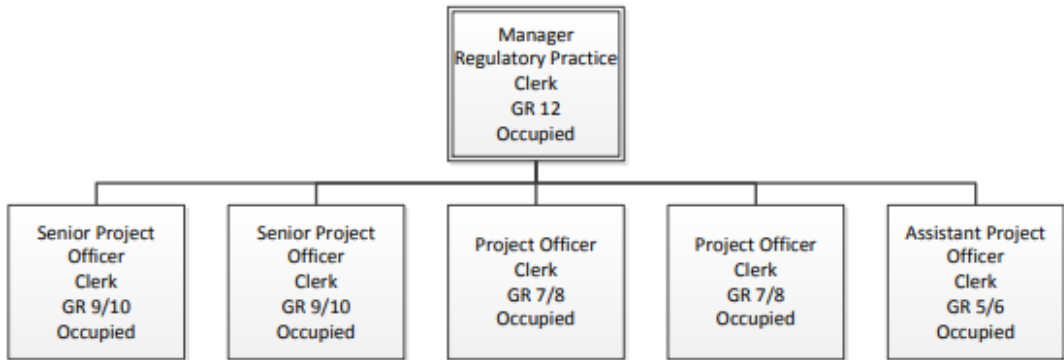
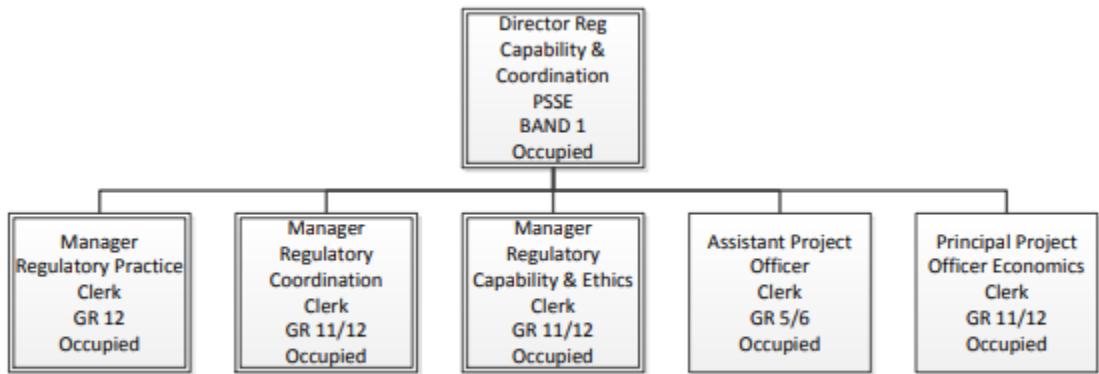


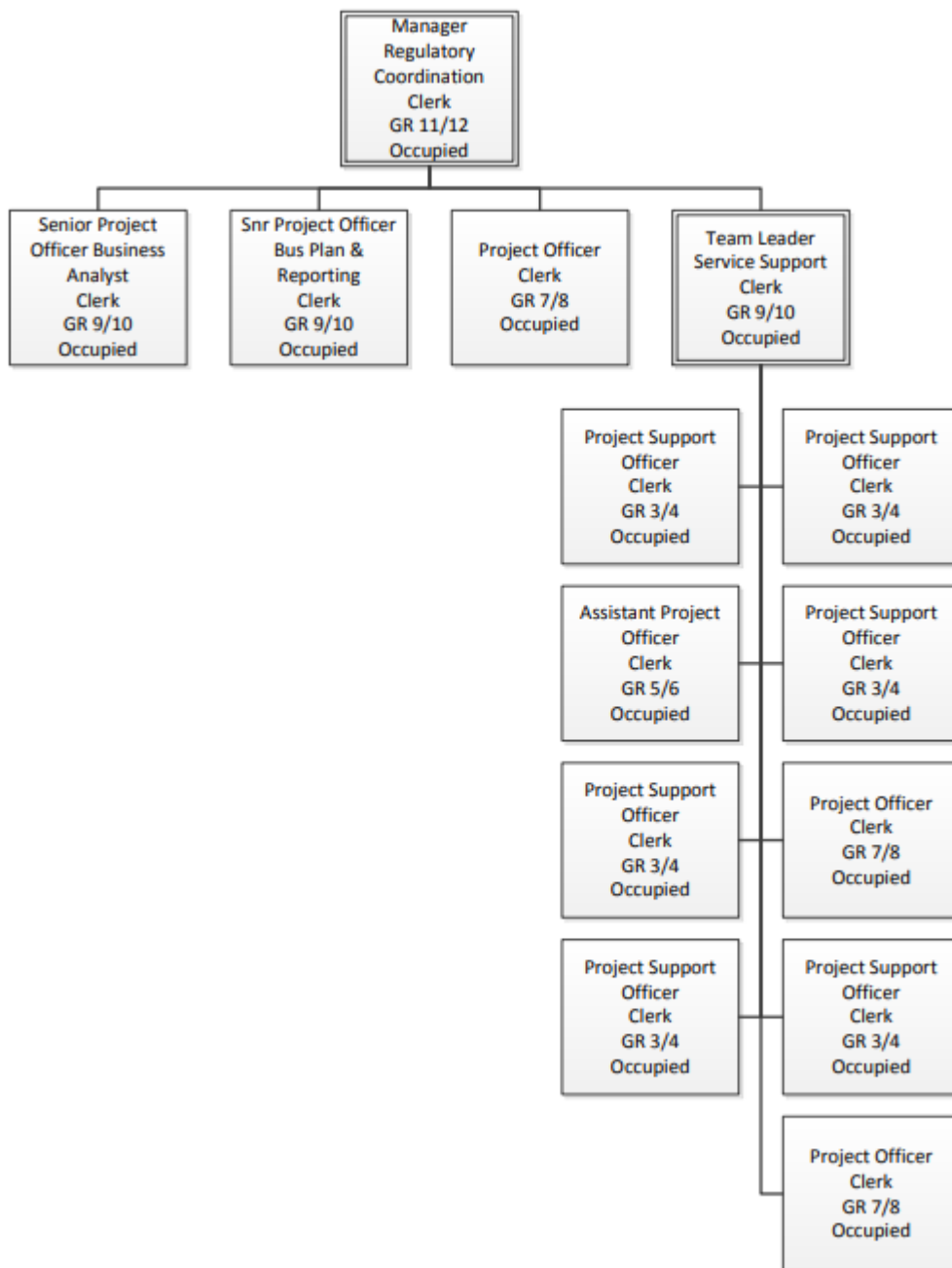












Question 54 (Page 69 of transcript)

The Hon. JOHN GRAHAM: I will note that it is slightly more detailed. It is a slightly longer report— 185 pages compared to 175 pages, I think, previously. I do not know whether you are in a position to confirm this, but it still makes reference to the details around three years in the report on page 8 of 185. Do you agree with that?

Mr BETTS: Honestly, I cannot comment. I do not have the report in front of me.

The Hon. TREVOR KHAN: He is really entitled to take this sort of thing on notice.

The Hon. JOHN GRAHAM: Absolutely. I invited him to take this on notice. I have no problem with that.

Mr BETTS: I appreciate that

ANSWER:

The NRC's final report was published online at the request of the Minister, and page 8 explains that a hypothesis put forward in the draft report has been amended. Unlike the draft report, the final report does not claim that extractions pushed the river below Bourke into hydrological drought three years earlier than the upstream section of the river.

Question 55 (Page 70 of transcript)

The Hon. MICK VEITCH: Okay, Thank you. This question is probably for Mr Reynolds. It is to do with Crown Lands. A couple of years ago the Auditor-General delivered a rather scathing report into the Department of Lands and the collection of rentals or lease fees. At the time, there was a heated debate in Parliament about that matter but there were a number of actions arising from that that the Minister of the day said the Government would put in place. Can you provide us with a detailed update on how those recommendations and implementation of those recommendations have gone?

Mr REYNOLDS: Yes. Thank you for the question. Obviously, that Auditor-General's report you are referring to was some years before my time. We have a very good governance framework that is being revamped and launched across Crown Lands following the new legislation that commenced last year, so we have a very clear register that tracks all recommendations coming out of their own internal audits and Auditor-General's reports through to the cluster that has its own audit risk committee also. I do not have the detail of the specific recommendations and where we are at with closing them, but the assurance I can give is that they are all being monitored and closed out. My understanding is that there are just a few left to close out. I am happy to take that on notice.

The Hon. MICK VEITCH: Can you take that on notice and provide us with an update?

Mr REYNOLDS: Absolutely.

ANSWER:

The Secretary of the former Department of Industry wrote to the Chair, Public Accounts Committee on 26 June 2018 advising all actions from the Auditor General's performance report Sale and Lease of Crown land will be completed as at 1 July 2018 when the Crown Land Management Act 2016 commences.

Specifically in relation to the collection of rents the Crown lands debt management policy came into effect on 1 July 2018. This policy defines the principles by which the Department provides an effective and equitable approach to debt management. Further, the policy establishes a framework to ensure the consistent, respectful and compassionate treatment of all Crown land account holders.

Question 56 (Page 71 of transcript)

The Hon. MICK VEITCH: How many ALAs have we put in place?

Mr REYNOLDS: There are 11 under negotiation at the moment. Over the prior financial year two have been issued.

The Hon. MICK VEITCH: In total since the amendment to the Act how many have been put in place?

Mr REYNOLDS: My understanding is since the Act was amended two. If I could take that on notice. The number I have is from last year..

The Hon. MICK VEITCH: I would appreciate that.

Mr BETTS: I think Nambucca and Griffith are the ones we agreed and Eden is close to resolution.

ANSWER:

Two Aboriginal Land Agreements have been agreed since the amendment of the Aboriginal Land Right Act 1983 in Nambucca and Griffith. An Aboriginal Land Agreement in Eden is in draft form and has been provided to stakeholders and the Department is awaiting feedback. There are a further ten Aboriginal Land Agreements being currently negotiated.

Question 57 (Page 72 of transcript)

The Hon. JOHN GRAHAM: When are those maintenance contracts up for renewal?

Ms SKEWES: The current contract is not until 2021.

The Hon. JOHN GRAHAM: When in 2021? Is it the end of the financial year?

Ms SKEWES: I will take that on notice. I could stab at a guess but I will not.

The Hon. JOHN GRAHAM: How many inquiries were logged with the members maintenance hotline in 2018 and then again so far this year?

Ms SKEWES: I will take the precise numbers. As you know, we have put in a members of Parliament call centre facility because of the number of requests to expedite matters that are brought to local members. I can make the observation that we are getting less activity through that and we are very diligent. Hopefully you have seen some benefits of that, being able to respond to those calls as they come in or those requests. Some are written requests from members' offices. We have seen more recently in the last six months a reduction in the volume coming through that. But I obviously do not have those numbers with me today.

ANSWER:

The Asset Maintenance Service contract is due for renewal on 1 July 2021.

In the year 2018 – the maintenance hotline received 1770 enquiries.

Year to date so far 2019 – the maintenance hotline has received 1510 enquiries

Question 58 (Page 72 of transcript)

The Hon. JOHN GRAHAM: You have answered my question. I want to ask about one other individual case and I do not know the circumstances with this but I understand it has been reported publicly. A social housing tenant suffering from cancer and living in Gateshead reported kitchen cabinetry falling apart, sewage overflowing in the rear yard and having trouble getting the house repaired. Can you give us any information on that?

Ms SKEWES: I don't think I have the Gateshead one with me.

ANSWER:

I am advised that the sewer blockage have been addressed. Other matters are being addressed by LAHC.

Question 59 (Page 73 of transcript)

The CHAIR: I went away and did a bit of reading. One of the documents talked about more opportunities in employment and education support. Can you delve a bit below the marketing spin and give a few details in terms of what that looks like on the ground in those communities? What does that education support and employment support look like in reality?

Ms FRAME: I can get you more specific information on notice. There are definitely housing-related apprenticeships associated with that program. Also, in its procurement programs the Aboriginal Housing Office well exceeds the target for Aboriginal procurement and involves an enormous number of Aboriginal providers in regional and rural areas in the procurement of its maintenance services. Specifically with Strong Family, Strong Communities there are apprenticeships involved in its program there. It is working very specifically with Aboriginal community housing providers to assist them with registration and with them building their capacity and their own employment opportunities through Aboriginal cultural heritage bodies and being able to increase their stock and, in turn, employ more Aboriginal people in the area. I can certainly get you more specific information about programs. You are asking about employment exclusively?

The CHAIR: And education. Are they looking to have greater partnerships with local schools in this process or is that not part of that purview?

Ms FRAME: There is certainly support provided to university students as well for university accommodation for Aboriginal students studying. I can get you an exact number for that on notice.

The CHAIR: Thank you for that. At the start of this year there was a University of Sydney study released on informal housing. Some of the statistics they cited were that over 14 per cent of households in Sydney spend 30 per cent or more of their income on rent. It says this is compounded by loss of traditional low-cost rentals and that 271,000 low-income households experience rental stress. There is a general consensus that there is an increase in what they call "informal housing" such as couch surfing and so-called illegal granny flats in people's backyards. Are you familiar with that study?

Ms FRAME: Not that study specifically, no.

The CHAIR: You might have to take it on notice; I was going to ask for a response in terms of whether you guys have actually seen it and whether you provided any informational briefings to the Minister about informal housing in Sydney.

Ms FRAME: Not that I am aware of. We will take it on notice and see if any information has been provided.

ANSWER:

The AHO is creating opportunities through its capital works, asset maintenance programs, corporate services expenditure and engagement of Aboriginal owned enterprises/businesses to generate employment, training and or apprenticeships for Aboriginal people. The AHO through its Aboriginal Procurement and Participation Policy has:

- set a target for the procurement of non-construction related goods and service.

- provided guidance on the engagement of non-Aboriginal owned businesses that can deliver employment and training opportunities to Aboriginal people in NSW.

In addition to the above, the AHO is also supporting Aboriginal people to stay engaged in tertiary education through Tertiary Accommodation Grants for eligible Aboriginal students enrolled in full time studies at Charles Sturt University, University of Newcastle, University of Sydney, Macquarie University and TAFE NSW. Funds have also been allocated over the next three years (2019/20-2021/22) to support at least 70 Aboriginal students with accommodation and living costs.

Furthermore, AHO is supporting Aboriginal people to gain trade qualifications through the Apprenticeship Program to increase the number of new Aboriginal apprentices within the building and construction sector, offer incentives to builders to take on apprentices; and incentives to apprentices to complete their trade apprenticeship. The grant is available to new apprentices in their first year and fully funded for the four-year apprenticeships

This year AHO continued the Tenant Support and Education Program (2019/20). This will provide education about housing rights and responsibilities to tenants and the community in 10 remote communities in Western NSW. Young people will also be educated about housing options, rights and responsibilities if they wish to rent in the future and what home ownership could mean for them in the future. The most at risk tenancies in these communities will also be able to receive culturally respectful case management support from an Aboriginal run service.

Finally, AHO in partnership with Department of Communities and Justice and Department of Education funded a metropolitan pilot of the Adult Literacy Program run by the Literacy for Life Foundation. So far more than 25 Aboriginal adults with very low literacy skills living in the South Western area of Campbelltown have enrolled and participated in the 'Yes, I can! Literacy lessons'. Following completion of the program, students are participating in post literacy activities including engaging with their local schools, volunteer work, applying for driver's license and engaging with their local Aboriginal medical service to address homelessness. 2 students have also gained part time employment as a result of participation in the campaign."

Question 60 (Page 75 of transcript)

Ms CATE FAEHRMANN: What percentage of housing in the Waterloo redevelopment project will be specifically for Aboriginal people?

Ms SKEWES: The Waterloo redevelopment project is still in a planning phase. In January this year, we released a preferred master plan. We are still completing very detailed planning studies around that estate. We have not yet lodged that with the department for consideration as a rezoning and a planning proposal. We have commenced some work in recent months looking at, particularly, the needs of Aboriginal families in and around that estate. We are very mindful of having a program and a process where we can consult closely with the Aboriginal community around housing needs as part of finalising that plan to lodge for the rezoning of the estate. There is a lot of work in progress to consider the sorts of housing needs of the Aboriginal community in and around Waterloo, and that work is on foot now.

Ms CATE FAEHRMANN: What has come out of the work you have just talked about in terms the percentage that is needed? Surely, you have been doing that work?

Ms SKEWES: I do not have any figures on percentage. But I know the feedback we have been getting is obviously the need to have accommodation that meets larger family types—extended families arrangements—and that will be part of the work that we are doing with this Aboriginal consultation program we have currently underway. I do not have statistics on just that component but I am very happy to consider that as a question on notice and to look at whether we are able to be specific about that proportion of housing which would be for Aboriginal families.

Ms CATE FAEHRMANN: Will you be meeting the demand that is there?

Ms SKEWES: I will take the question on notice because one of the aspects of Waterloo is that we are looking at a very comprehensive human services plan for Waterloo. We are looking at community facilities and infrastructure and part of that will be informed by the Aboriginal consultation program, both around housing needs as well as social support needs. I would expect that subject to the work that we do with the rezoning proposition, that we should be able to provide certainly more opportunities for Aboriginal specific housing than currently exist in Waterloo presently.

ANSWER:

LAHC is undertaking an Aboriginal housing and cultural needs study to inform the response to Aboriginal clients in the Waterloo area.

Question 61 (Page 75 of transcript)

Ms CATE FAEHRMANN: I understand that there have been issues with Spotless and Broadspectrum. Has any legal action been taken in relation to breaches of any part of contracts with those two companies since December 2015? Are you aware of what I am talking about?

Ms SKEWES: You have a very specific question and, given it is of a legal nature, I might take that on notice.

Ms CATE FAEHRMANN: How does the Land and Housing Corporation calculate the costs incurred by defending itself against claims brought by public and social housing tenants through the NSW Civil and Administrative Tribunal?

Ms SKEWES: I am trying to understand the first part of your question. I am happy to take the question on notice.

ANSWER:

No.

I am advised that the Department of Communities and Justice manage NCAT matters.

I am advised that this is a matter for the Minister for Families, Communities and Disability.

END: