



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2019-2020 Supplementary Questions

Portfolio Committee No. 4 – Industry

AGRICULTURE AND WESTERN NEW SOUTH WALES

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Answers due by: Tuesday 26 November 2019

Budget Estimates secretariat

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Agriculture

Questions from the Hon Mark Buttigieg MLC (on behalf of the NSW Labor Opposition)
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Australian Oyster Coast

1. How many employees did AOC have prior to receiving their Jobs for NSW funding?
2. How many employees does AOC now have?
3. How many oyster farms did AOC own prior to receiving their Jobs for NSW funding?
4. How many oyster Farmers are there in NSW?
5. How many oyster farms have AOC since purchased?
6. Did the Minister receive a Transfer of Oyster Lease from both parties for each transfer of ownership?
 - (a) Were all leases in an acceptable clean and tidy state when they were transferred?
 - (b) Were photos attached of each lease as part of the Aquaculture Lease Area Condition (ALAC) statement.
 - (c) Were any conditions put on lessee's to clean and tidy up leases?
 - i. It so, have these conditions now been met?
 - ii. Has each area been surveyed to confirm this?
 - (d) Was Stamp Duty paid for each transfer?
 - i. If so, how much?
7. What happened to the existing staff at the farms that AOC purchased?
8. Has AOC reached its job creation targets?
 - (a) If not why not
 - (b) When will their targets be reached?
9. Does AOC have KPI's to meet their funding agreement?
 - (a) What are the KPI's?
 - (b) How are they measured?
10. Why was the 2018 Chairman's Report removed from AOC's website?

11. Why did the Government choose to provide funding to one particular oyster grower rather than give it to the industry directly?
12. What support has the government provided to small family farms under threat?
13. How many small-time farmers have been unable to compete and forced out of business?
14. How did the Government advise other oyster farms that Jobs for NSW funding was available?
 - (a) Were there funding rounds?
 - (b) Did it involve farmers submitting applications?
 - (c) How was the decision made to fund AOC and who was involved in that process?
 - (d) How long did the process take?
15. How many letters were received from various members of the oyster industry raising concerns about the Go NSW Equity Fund investment in AOC and whether it breaches the NSW Competitive Neutrality policy?
 - (a) What was the outcome of the complaints?
16. How can the Government make informed decision in an unbiased manner with a company they actually have part ownership in?
17. Has AOC built/ purchased a processing facility on the North Coast?
 - (a) If not, when does it plan to? (The capital was to acquire oyster leases, increase productivity, improve existing infrastructure, build/buy a north coast processing facility and invest in marketing, both domestically and internationally.)
18. Who conducted the review into the Jobs for NSW Fund?
 - (a) Why was a review conducted?
 - (b) How long did the review take?
 - (c) What was the cost of this review?
 - (d) Are the findings publically available?
 - (e) When will the fund report?
19. Have the Government exited the current investments?
 - (a) If so, how did the Government do that?
 - (b) If not, is there an intention to exit them?

- (c) How will the Government exit the current investments?
- 20. Has money been handed back to the Government? If so, how much was handed back?
- 21. It's estimated that approximately \$70 million from the \$190 million Jobs for NSW Fund remains uncommitted. Will the Minister be advocating for the remaining funds to be allocated to primary industries?
 - (a) If so, what kind of grant program has been proposed?
 - (b) If not, where will the funds be redirected to?

Agriculture Commissioner

- 22. On 5 February 2019 Minister Blair announced the creation of a NSW Agriculture Commissioner to be appointed by the end of the year. Why hasn't the new Agriculture Commissioner been appointed?
- 23. On 6 February 2019 Minister Blair was quoted in the [Weekly Times](#) saying “ that while it is an election commitment — and therefore no one had been appointed — if the NSW Nationals were elected they would “get on to it straight away”. Why haven't you acted?
- 24. When asked about issues of competition in the NSW Farmers Poultry Meat Forum in the Hunter Valley in September, the Parliamentary Secretary for Agriculture, said that the Agriculture Commissioner would have a role in managing Competition issues. That wasn't anticipated in the original role as announced by the former Agriculture Minister. Who decided that the Agriculture Commissioner would be involved in sorting out competition issues?
- 25. On that night in September, the Parliamentary Secretary also said the position would be appointed “shortly”. It's now over a month since then, so how is the recruitment process going?
- 26. Have Expressions of Interest (EOI) gone out for the Agriculture Commissioner role?
 - (a) If so, when did EOI's go out?
 - (b) When did EOI's close?
 - (c) How many EOI's were received?
 - (d) Who processed the EOI's?
 - (e) Was there a panel formed to process the EOI's?
 - (f) If so, who was on the panel?
 - (g) How were the panel selected?

- (h) Were panel remunerated?
 - (i) If so, how much were they paid?
27. Has the Consultative Committee that was foreshadowed by the former Minister for Agriculture been considered yet?
- (a) If not, why not?
 - (b) Will there be an EOI process?
 - (c) How will it work?
 - (d) Will a panel be formed to select the Committee?
 - (e) Who will be on the committee?
28. Have you established a selection criteria/position description for the role of Agriculture Commissioner?
- (a) Will the Agriculture Commissioner have KPI's?
 - (b) If so, how will they be measured?
 - (c) By whom?
 - (d) How often will they be measured?
29. Where will the Agriculture Commissioner's primary workplace be?
30. Will the Agriculture Commissioner be visiting farmers?
- (a) If so, which locations?
31. Minister Blair said part of the Agriculture Commissioner's role will be to "work with the Department of Primary Industries to implement the recommendations in the review of the NSW Government's Right to Farm Policy."
- (a) Has the government reviewed the Right to Farm policy?
 - i. When?
 - ii. Who reviewed the policy?
 - iii. What were they paid?
 - (b) If not, why did the Government not wait until they had the Agriculture Commissioner in place before they tried to review the Right to Farm Bill?

- (c) If not, why did the Government not wait for the review of the Right to Farm Policy before they tried to implement the recommendations?
 - (d) If not, why did the Government not wait for the review of the Right to Farm Policy before they tried to legislate the Right to Farm Bill?
32. How many meetings has the Agriculture Commissioner had with the Minister since commencing the role?
 33. How many meetings has the Agriculture Commissioner had with the Parliamentary Secretary for Agriculture since commencing the role?
 34. How many meetings has the Agriculture Commissioner had with the Department of Primary Industries since commencing?
 35. Will there be additional employees attached to support the Agriculture Commissioner's role?
 - (a) What selection process will the Agriculture Commissioner go through?
 - (b) Will these be new or existing positions?
 - (c) Will they accompany the Agriculture Commissioner on site visits?
 - (d) How much will they be paid?
 - (e) How will they be funded to travel the state?
 - (f) Will they be travelling the state?
 - (g) Where will they go?
 36. Will the Agriculture Commissioner be a Statutory Role or another public servant like the Dairy Commissioner?
 37. How will the Agriculture Commissioner interact with other stakeholder organisations such as the NSW Farmers?
 38. Will the Agriculture Commissioner consult with the planning authorities to strengthen standard development and zoning methods?
 - (a) If not why not?
 - (b) If so, on how many occasions?
 - (c) What were the outcomes?
 39. Will the Agriculture Commissioner consult with the Office of the Small Business Commissioner on competition issues?

40. Will the Agriculture Commissioner consult with the Dairy Commissioner?

Right to Farm

41. Your Right to Farm Bill Significantly increased maximum penalties and introduced jail terms of up to 3 years for the offence of aggravated trespass. Do you think this is appropriate given that breach of an ADVO has a maximum sentence of 2 years?
42. Your original bill added the word “hinder” to the definition of trespass. Why was that?
- (a) Why did you amend it?
43. Your bill added offences of inciting, and was obviously targeted at organisations such as Aussie farms. Did you consider the implications for farmers who wanted to organise protests against CSG, water sharing plans, or inland rail?
44. Your bill did not address land conflict issues in planning other than providing a nuisance shield which may not even be effective. Why was that?
- (a) Isn't that what Right to Farm legislation is primarily targeted at?
45. Your bill did not add any offences around surveillance of farms. Why was that?
- (a) Farmers have indicated that they were surprised this was missing from the bill. Did you consult with them about the detail of the bill?
- (b) How?
- (c) Did you show them an exposure draft?
46. Your bill did not add any take down orders for digital publishing – why was that?
47. In the area of take down orders for so-called “revenge porn” or intimate images, there have been many difficulties with achieving this outcome. Why have you not persisted with trying to address this from a state perspective when the Attorney General has done so on intimate images?
48. Your amended bill included forests in the revised definition of agricultural land while the state government is scoping privatisation of state forests and the Deputy Premier is threatening de-gazettal of national parks. Do you think that people might be concerned that you are trying to limit protests against government policies?
49. Your bill has a likely unresolvable conflict with the Fair Work Act and the proposed amendments Schedule 2 regarding Industrial action have already been amended once before they were debated, and may be again. Why do you think the Inclosed Lands Protection Act was the correct place to do this, given the obvious issues raised for unions?

50. In your Speech in reply, you indicated that you didn't believe that your bill was open to challenge in the high court. Was that the first bill you read in or the one after your second reading speech?
- (a) What legal advice did you have about that?
51. There was an article in the Northern Star about Aboriginal people protesting the development of land on the North Lismore Plateau which raises a few questions:
- (a) Are Aboriginal people who are protesting on land that is about to be developed captured by the bill?
- (b) Would the North Lismore Plateau be classified as forest?
- (c) What are the ramifications of native title claims on agricultural land?
- (d) In relation to agricultural land that has been slated for development, when does it stop being agricultural land? When it is developed or when it is approved for development or when agricultural activity ceases?
52. Your bill initially applied to all inclosed lands including shopping centres, schools, hospitals. One lawyer said the original bill could potentially see people charged for leaving a door open at their shopping centre. Is that why you introduced the definition of inclosed lands into the bill?
53. In drafting the bill, the Government never mentioned amending the Inclosed Lands Protection Act and failed to provide an exposure draft. Do you regret that?

Share Appeals Panel

54. With the Act saying that there is no rule of evidence and that witnesses can give their evidence in private, how will the government ensure that the Share Appeals Process delivers natural justice?
55. Do you think that the cost of the access to the share appeals has been a barrier to people applying for them?
56. Are you aware that some fishers have left the industry because they were not aware there were waivers?
57. One of these fishers wrote to the former Minister and was not informed about the waiver. Was there a policy of not telling fishers about the waiver?
58. Do you think it is appropriate that people who have been waiting since the 28th of November had to wait until last month to receive an update from the Government?
- (a) How many appeals have been lodged?

59. You've had some meetings up and down the coast this month, since the last estimates hearing, in your supplementary answers, you indicated that the Share Appeal Panel will hold hearings at the locations and on a number of dates:
- (a) How are they going?
 - (b) How many appeals were heard in Ballina and Coffs Harbour?
 - (c) How many appeals has the panel considered to date?
 - (d) How many have been upheld?
 - (e) How many have been varied?
 - (f) How many written statements have been made?
 - (g) What times, dates and places have hearings been held?
 - (h) Are minutes taken from the hearings?
 - (i) If so, are these minutes publicly available?
 - i. If not, why not?
 - ii. If so, where are they published?
 - (j) How did commercial fishers know that the appeal panels hearings were on?
 - (k) How much notice were they given?
 - (l) How many appeals have been determined?
 - (m) How many have been withdrawn?
60. If an appeal was withdrawn, what was the period of time between the appeal submission and withdrawal date for each application?
- (a) What were the reasons for withdrawal?
61. In your answers to supplementary questions, you said that information about the Share Appeal Panel is available on the FAQs on the website. Why is there no listing of the panel meeting dates?
62. Will there be additional hearings after the one scheduled in Nowra on 26 November 2019?
63. In your supplementary questions, you provided the names of three members of the Share Appeal Panel who were appointed in June 2019.
- (a) Will any additional members be appointed?
64. Is there more than one Share Appeals Panel?

65. Why did it take 4 months from when the panel was appointed to when the first Share Appeals Hearing was held?
66. According to the DPI website as at 1 November 2019, the DPI is still in the process of setting up the panel, so the chairperson and members haven't been appointed. When will this be updated?
67. Are panel members paid remuneration?
 - (a) If so, how much does each member receive for sitting fees?
68. How much money was received in appeal application fees?
69. Is the applicant's money refunded when an application is withdrawn?
70. Have all the Share Management Plans been made?
71. Have there been any changes to the panel since the appointment in June 2019?
72. How many witnesses have been summonsed to appear?
73. During the recent Budget Estimates a question in relation to waiver of share appeals application fees was taken on notice and we were later advised that the Minister has the ability to waive application fees (as per the legislation). Are you concerned that this was not communicated to commercial fishers?
74. Were any commercial fishers advised that the Minister had the ability to waive share appeal application fees, or did they just have to read it in the legislation for themselves?
75. What was the process for seeking a waiver of fees?
 - (a) How many applications were received?
 - (b) How many were successful?
 - (c) Were there specific guidelines for the applicant to meet to be considered for an application fee waiver?

Commercial Fishing Advisory Council

76. Have the 7 vacant positions on the Commercial Fishing Advisory Council been filled?
 - (a) If not why not?
77. How many Expressions of Interest were received for these positions?
78. How many submissions to CommFish have been received since the last board meetings on 6 March 2019?

- (a) Have these submissions been considered by anyone else in the absence of the Commfish meeting?
 - i. If so, by whom?
- 79. Why does the Department of Primary Industries list 21-22 November 2018 as the future date for the next Council meeting?
- 80. When will CommFish NSW meet again?
 - (a) Where will the meeting be held?

Recreational Fishing NSW Advisory Council

- 81. Why has there been such a long delay in establishing a new Advisory Council?
- 82. Have nominations closed for the next RFNSW membership?
 - (a) How many nominations were received?
 - (b) How are the members selected and by who?
- 83. Are these members representing the interest of licensed rec-fishers or the DPI Fisheries?
- 84. How long are members of these working groups allowed to remain in these positions?
- 85. How have expenditure and funding allocations been approved without a functioning Advisory Council?
- 86. What was the total revenue collected from Recreational Fishing Licence fees for the last financial year (2018/19)?
- 87. What is the total annual cost of administrating the Recreational Fishing Licence Fee and Recreational Fishing Trust?
 - (a) Have these figure been audited?
- 88. You previously claimed about \$1.5 million was spent on a lot of things relating to licensing and that about \$700,000 was spent on a Government licensing service fee. Can you please provide the detail of those “things” related to licensing cost?
- 89. In the latest Trust Fund Report (2017/18) there is a cost of almost \$2.5million for the Recreational Fishing Fee Administration project. Is this for the Government licensing service? What does the \$700,000 actually relates to?
- 90. Can you provide the detail of the costs relating to the Recreational Fishing Fee Administration project?

91. The Agencies own Recreational Fishing Trust investment plan has a figure of \$2.165million allocated for OneGov, a Government service licensing fee. Is this the correct figure?
92. Based on the Agencies own Investment Plan 2018/19, combined administration costs are well in excess of \$3million. That would put the administration costs in excess of 30% based on the last report sales of RFL fees Do you think a 10% cap on administration cost is unrealistic?
93. Why have these administration costs been allowed to blow out and who is responsible for administrating these funds?
94. What is Mr Van Der Walt's official position and title?
 - (a) What are Mr Van Der Walt's roles and responsibilities?
 - (b) Are all his duties renumerated from the Recreational Fishing Trust?
 - (c) If not, where is he renumerated?
95. Is Mr Van Der Walt responsible for the administration of Trust funds and the delivery of projects receiving those funds.
 - (a) Is this the standard of governance within the Agency?
96. Does Mr Van Der Walt also coordinate the Advisory Council meetings where council members are required to approve funding allocations?
97. What other working groups does Mr Van Der Walt coordinate?
98. Is there a document or the like that informs Mr Van Der Walt of his responsibilities and obligations as the Executive Officer of the Recreational Fishing Trust?
 - (a) If so, what's the document called?
 - (b) Is it publically available?
99. What are the other "Trusts" administrated by DPI Fisheries and who is responsible for managing/coordinating these?
100. What is the actual legal framework with these Trust accounts? Are they regarded as Trusts or Funds?
 - (a) Is there a Trustee or Board of Trustees as we have most NSW Trusts?
101. What accounts have been established to secure and expend the funds?
 - (a) Are they special-purpose Trust accounts or special deposit accounts for consolidated revenue?

102. Why isn't the Agency publishing reports for the Commercial Fishing Trust Fund, similar to how the Recreational Fishing Trust Fund are produced in a table format?

CWA Funding

103. The CWA asked your government to provide more assistance to small businesses in September, and now they've called on the Federal Government for \$10 million for drought assistance. What have you done in response to the CWA's request?

104. Do you support their call for additional funding from the \$10 million?

Dairy Commissioner

105. Has the new Dairy Commissioner signed a contract?

(a) If so, when was his contract signed?

(b) If not, why not?

(c) Is Mr Zandstra the new Dairy Commissioner?

106. When did the Dairy Commissioner's contract commence?

107. Where is the Dairy Commissioner's primary workplace?

108. Has the Dairy Commissioner been visiting dairy farmers?

(a) If so, which locations has he visited?

109. What recommendations has Mr Zandstra made so far?

(a) Have any of these recommendations been implemented?

(b) Which ones?

110. What media releases has the Dairy Commissioner put out?

(a) Please table them?

111. The Dairy Commissioner said part of his role will be to develop an advisory panel, which he said would be established after consultation with the industry. Has he undertaken this consultation yet?

112. Is the composition of the advisory panel determined?

(a) How will the Advisory Panel be advertised so people can make expressions of interest?

(b) What will the selection criteria be?

(c) How many people will be on the Advisory Panel?

- (d) Who will make the decision as to who is appointed to the Advisory Panel?
 - (e) Will members of the Advisory Panel be paid?
113. How many meetings has the Dairy Commissioner had with the Minister since he commenced in his role?
114. How many meetings has the Dairy Commissioner had with the Parliamentary Secretary for Dairy since commencing?
115. How many meetings has the Dairy Commissioner had with Mr Hanson since commencing?
116. Have the four employees attached to the Dairy Commissioner unit been selected yet (two internal and two external)?
- (a) What selection process did the Dairy Commissioner go through?
 - (b) Were these advertised positions?
 - (c) Have they commenced work yet?
 - (d) Where will these staff work from?
 - (e) Will they accompany the Dairy Commissioner on site visits?
 - (f) How much are they being paid?
 - (g) How are they funded to travel the state?
 - (h) Have they been travelling the state?
 - (i) Where have they gone?
117. How many media statements has the Dairy Commissioner made?
118. How is the Dairy Commissioner interacting with other stakeholder organisations such as:
- (a) NSW Farmers Dairy Committee?
 - (b) Dairy Farmers Milk Co-operative?
 - (c) Dairy Connect?
 - (d) Dairy Industry Association of Australia?
 - (e) Dairy NSW
 - (f) Others?
119. What solutions in the supply chain has the Dairy Commissioner identified?

120. What advice has the Dairy Commissioner provided to the Minister or the Parliamentary Secretary regarding supporting the dairy industry and returning it to profitability as promised shortly after his appointment?
121. Mr Zandstra was appointed to the role after almost four decade's experience in the role, including time as Chair of the Dairy Farmers Milk Co-Operative from 2004-2013, and said on his appointment (but prior to his contract signing: "I will be independent of government – I think that's so important. I have to be credible." Do you think the appointment process of the Dairy Commissioner and the fact that he is answerable to the Government of the day for his comments undermines the independence and credibility of the role?
122. How is the Dairy Commissioner going in meeting the selection criteria/position descriptions of his role as articulated in the Minister's Answers on Notice:
- (a) The Advocate will gather industry input and feedback on the delivery of key NSW Government initiatives to support the dairy industry, including:
 - i. Establishing a NSW DPI dairy business advisory unit
 - ii. A campaign to encourage consumption of local fresh milk
 - iii. Investment in research and development
 - iv. Extension support services
 - v. The NSW Cattle Underpass Scheme
 - (b) Collaborate with and support the NSW Agriculture Commissioner and ACCC Dairy Specialist to bring processors, retailers and farmers together to discuss the issues affecting the industry, and explore possible solutions.
 - (c) Act as the chair of the NSW dairy industry advisory panel, to develop a NSW dairy industry action plan with recommendations for industry and government.
 - (d) Support implementation of the mandatory dairy code and evaluate its effectiveness.
 - (e) Gather information regarding dairy related matters and their impacts on NSW industry participants to inform decision making.
 - (f) Represent the NSW Government at industry, regional and community meetings to provide information and identify issues to inform decision making

Dairy Farming

123. How many licenced dairy production businesses are there in NSW as at 30 June 2019?

- (a) How many licenced dairy production businesses are there in NSW as at 30 June 2018?
 - (b) How many licenced dairy production businesses are there in NSW as at 30 June 2017?
124. How many licenced dairy production businesses are there in NSW at the current time?
125. Why wasn't the Minister aware of correct number of licenced dairy production businesses (especially as he had just announced the appointment of the new Dairy Commissioner less than a week before the hearing)?
- (a) Was the number of dairy farmers, and the 25% drop under this government, and 15% in the last three years of any concern to the Minister?
 - (b) Was this information included in any briefing to the Dairy Commissioner?

Recreational Trust Fund

126. Your representative previously claimed that the Recreational Fishing Trusts are audited annually by the Auditor-Generals Office, yet no Auditor-Generals Office stamp appears on any of the published Trust Fund Reports by DPI Fisheries. Are the Trust Fund reports audited separately or only in summary form as part of the Department of Industry's Annual Report?
- (a) Is there a requirement for the Trust Fund Accounts to be independently audited?
127. At the Budget Estimates hearing on 10 September 2019, we were advised that at least 2 "independent" external audits have been undertaken. Did they include the Recreational Fishing Trusts?
- (a) If yes, were they published or available for public viewing?
 - (b) What were these external audits examining?
128. Has the Agency undertaken performance audits of the investments made with Trust Funds?
129. What evidence is provided to the states 500,000 financial stakeholders that their licence fees are delivering value for money and meeting the criteria of trust fund expenditure?
130. Is there an Investment Strategy developed for the Recreational Fishing Trust?
- (a) If not, why not?
 - (b) If so, where can it be viewed?
131. Is it true that Bruce Shumacher has held numerous positions on DPI Fisheries committees including Chairman of numerous Expenditure Committees and Advisory Councils continuously for over 20 years?

132. Would you consider that amount of long tenure to be good governance?
133. Would you consider long tenure adds value and maintains the independence of these Trust committees and Advisory Council?
134. The Recreational Fishing Licence fee has generated over \$230million since 2001. Are you aware of the portion of Trust funds being allocated back to DPI Fisheries own projects annually?
 - (a) Would approximately 95% be correct?
135. Is an asset register maintained for the Recreational Fishing Trusts?
 - (a) If not, why not?
 - (b) If so where can it be viewed?
136. How much does the Agency contribute to Recreational Fishing funding annually?
 - (a) Does it match stakeholder contributions?

Drought

137. According to James Jackson, President of NSW Farmers in The Land today, the Bureau of Meteorology is modelling at least a 50% chance of a continuation of drought conditions well into 2020. What is your department doing to assist farmers, particularly intensive livestock farmers?
138. According to Mr Jackson, “Water supplies for intensive dairy, poultry, feedlot and horticulture production are likely to be exhausted by the end of this year in the Peel, Macquarie, Namoi, Border Rivers and Darling River systems for production.” What plans does the Government have to deal with this crisis?
 - (a) What has DPI been communicating to farmers about the impending crisis?
 - (b) How have they communicated that information?
139. How many expert advisers are there within DPIE Water and Water NSW to manage the crisis?
140. Has the Government done any modelling on the impact of widespread de-stocking or moving of stock on the NSW Farming industry and the families that rely on it?
 - (a) If so, what has that modelling shown?
141. If so, what strategies have been developed to deal with it?
142. Agriculture is a \$15 billion industry in NSW, what will the impact on the state’s economy of a complete destocking or removal of intensive livestock farming in NSW be?

143. Given the length of time to approve, build and fill dams has the Government considered Aquifer Replenishment or additional pipelines in any areas?
- (a) If so, which areas?
 - (b) What have been the other initiatives?
 - (c) How have these been prioritised in terms of agricultural industries that rely on water?
 - (d) Has your department been consulted on this?
144. Last sitting week, your Government put forward the Right to Farm Bill and the Water Supply (Critical Needs) Bill. In your bill, you had to insert a definition of agricultural lands, and the Premier and the Minister for Water both had to make amendments to their bill to differentiate between water and land. Why is the National Party so bad at making legislation around water and agricultural land?

AGMIN and NSW response to Drought

145. At the AGMIN last week, the drought was only reported as the third item in the communique of the meeting, after Climate Change and the Prime Minister's "Australian Food and Fibre Plan 2030". While both are important, surely the most severe drought in our nation's recent history is more urgent to discuss?
- (a) Is the Commonwealth not aware of the urgency of the situation faced by NSW Farmers?
146. What programs are other states and territories undertaking to deal with the ongoing and severe drought?
- (a) How many of these are applicable to NSW?
 - (b) How many of these have been implemented in NSW?
147. What other actions could the NSW government be taking to deal with the drought?
148. The Communique said that the Ministers agreed to invite to National Farmers Federation and request they present their drought strategy at the meeting. Why was this?
- (a) Does the Commonwealth have a drought strategy
 - (b) If so, is the Commonwealth strategy separate to the NFF?
 - (c) If so, how does it differ from that of the NFF?
 - (d) Does the NSW Government have a drought strategy?
 - (e) If so, is the NSW Govt strategy separate to NSW Farmers?

(f) If so, how does it differ?

Inland rail & water usage during construction

149. How much water will be used in NSW in construction if the Inland Rail?
150. How has the water usage figure been estimated?
151. How much water will be used in the boring tunnels?
152. Where will the water come from?
153. What impacts does the ARTC envisage on bores from blasting?
154. What long term impacts have been identified on bores?
155. If farmer allocations are being cut, how will ARTC source water?
156. Who will be responsible to provide water to those properties/businesses/residents who lose their water because of the greenfield project – Federal or State?
157. Have these issues been raised with the Minister for Agriculture?
158. If so, has he discussed them at AGMIN?
159. Has he obtained briefings from ARTC or the Federal Government?

Broken Hill Foundation & Outback Destination Outback & Central NSW

160. Are you aware that people are calling tourism operators in Broken Hill and asking them if they need to bring their own water if they visit?
161. When you were Tourism Minister you cut the tourism budget by \$30 million, and the current Tourism Minister has cut it by \$35 million. Do you think the middle of a drought is an appropriate time to cut the budget to tourism when it is such an important driver of regional economies?
162. Broken Hill's Destination NSW Network has three paid employees who cover half of the state and work from Dubbo. Do you think this is sufficient for a tourism sector which is struggling?
163. It takes a day to drive from Dubbo to Broken Hill. How well do you think they can service the Hill?
 - (a) How frequently should they be visiting Broken Hill?
 - (b) How frequently are they visiting Broken Hill?

164. Tourism and business operators have reported that lack of good internet connectivity in Broken Hill is hurting their business development as an increasing number of people are booking online. The Tourism Minister doesn't seem to think that is a concern. What do you think?

Regional Tourism & Environment Fund Acquittal

165. Are you aware that people are calling tourism operators in Broken Hill
166. Former CEO— Sandra Chipchase took some questions on notice in relation to the Regional Tourism Fund, and it appears to have not been fully spent even though it ended in June 2019. Can you confirm that all funding was spent?
167. The Website lists around half of the promised \$13 million. Why has the Government not listed the rest of it?
168. Ms Chipchase said in the previous hearings it was because the funding had not all been spent. Isn't it usual for government to announce the funding before it is spent?
169. Ms Chipchase undertook to table the list of the successful projects but has not done so. Are you able to do that?
170. Why is the Government hiding the list of successful tourism operators?
171. We have had regional tourism operators say that they have been told the fund is still active. Is it still active?
172. If so, why did Ms Chipchase say the funds had been fully allocated?
173. How much has been allocated to date?

Animal Welfare

174. What steps has the NSW Government taken to prevent NSW thoroughbred race horses being sent interstate to abattoirs or knackereries?
175. Is the Department aware of similar instances of animal cruelty in the Standardbred horses (trotters) industry?
176. Is the DPI aware of similar instance of animal cruelty for horses that are not bred for racing?
177. On 19 October 2019 the Deputy Premier said "the Government would look into the allegations." What investigations has the NSW Government undertaken to date?
178. Was the Deputy Premier correct on 18 October when he said he had no evidence of illegal practices occurring in NSW?

179. What action has the DPI taken to investigate claims that two NSW Knackeries are selling racehorses as pet food?
180. How many inspections have been carried out in relation to horses being transported from Victoria to the Meramin abattoir?
- (a) Whose responsibility is it to ensure that horses are adequately prepared for long distance trips?
 - (b) Are there guidelines?
 - (c) Are they published and if so, where?
 - (d) What are the frequency of rest periods?
 - (e) Is consideration given to climatic conditions?
 - (f) Are horses provided with a large intestinal reservoir of fluid and electrolytes to prevent dehydration and assist with thermoregulation?
 - (g) How are horses monitored during the trip?
181. When was the Department advised that Racing NSW bought back five retired racehorses from a buyer at a Hunter Valley horse sale?
- (a) How was the Department informed?
 - (b) When did the buyback take place?
 - (c) How much was each horse bought back for?
 - (d) Was that the same amount that the buyer bought the horses for?
 - (e) What actions have been taken to ensure that this buyer is unable to purchase racehorses again?
 - (f) Does the Department have a register of prohibited buyers?
 - i. If so, it is publically available?
 - ii. Are sale yards able to access the register?
182. Do sale yards have guidelines that they need to adhere to?
- (a) Who is responsible for monitoring compliance?
 - (b) Are there penalties when sale yards are in breach of their guidelines?
 - i. If so, what penalties are enforced?

- (c) Do sale yards require regular inspections/audits?
 - i. If so, at what intervals are they required?
 - ii. Who conducts the inspections/audits?
 - iii. How many inspections have taken place in the last 12 months?
 - iv. How many have been found non-compliant?
183. Has the Department of Primary Industries undertaken any investigations into animal cruelty at any NSW abattoirs or knackeries in the last 12 months?
- (a) What is the status of those investigations?
 - (b) Have any charges been laid?
 - (c) Have there been any other sanctions?
 - (d) Have there been any other penalties applied?
184. Is the DPI aware of allegations about two NSW Knackeries having accepted multiple NSW-linked horses at their sites?
185. Burns pet Food at Riverstone pleaded guilty in Blacktown Local Court on 19 September 2019 to four counts of aggravated animal cruelty and one of failing to provide vet treatment, relating to 85 cattle and an injured sheep after inspections by the RSPCA (<https://www.abc.net.au/news/2019-10-23/western-sydney-horse-knackery-guilty-animal-cruelty/11627696>). How was DPI notified of this breach?
- (a) Are you aware of whether or not the RSPCA saw any horses as part of their investigations?
 - (b) If so, were any of these horses identified to check that they were not racehorses?
 - (c) Do animal cruelty inspectors have guidelines about what to check for in relation to investigations of animal cruelty?
 - (d) If so, do such guidelines alert inspectors to the rules saying that Racehorses cannot be sent to knackeries or abattoirs?
186. Did DPI provide any advice to NSW knackeries and abattoirs about the Racing NSW rules of racing banning the sale and slaughter of racehorses in 2016 when the rule commenced?
- (a) If not, how did the DPI expect them to find out about it?
 - (b) If the sale and slaughter of racehorses is not illegal, but it is against the regulator's rules of racing, what is DPI doing to support the regulator's rules for abattoirs and knackeries?

(c) What is DPI doing to stop the sale and slaughter of racehorses?

187. What discussions has the NSW DPI had with Racing NSW on the issues of horse health and welfare?

188. At the AGMIN meeting in Melbourne last week, the issue of the Welfare of retired racehorses was canvassed, and according to the communique:

Ministers noted the Queensland and Australian Government investigations of alleged animal cruelty at a Queensland horse slaughtering facility and discussed a national approach to the management of retired race horses.

Ministers agreed to advise Racing Ministers on animal welfare. Ministers further agreed to AGSOC reviewing the implementation of the Australian Land Transport Standards and Guidelines in respect of horses.

In light of this communique, has the Minister or Department of Primary Industries had conversations with the Deputy Premier or the Minister for Innovation and Better Regulation about implementing a nationwide welfare standard and register to protect the welfare of the horse industry?

189. What funding does the NSW Government provide to the Office of Racing to develop and manage racing governance frameworks and support the growth and economic viability of racing in New South Wales.

(a) Does the Office of Racing have KPI's to meet?

(b) How are they measured?

190. What body has the authority and power to oversee the adherence by abattoirs and knackereries to humane practices in the slaughter of equines (horses, ponies, donkeys and mules) on their premises?

191. What body/bodies monitor/s compliance by abattoirs and knackereries with their operating licence conditions?

192. Is there a system of random audit of these knackereries and abattoirs?

193. Who is the responsible entity charged with supervising the National Livestock Transport Guidelines?

194. The [NLIS Guidelines for NSW Knackereries states](#):

This publication provides guidelines to knackery operators about complying with the requirements for the National Livestock Identification System (NLIS) whenever cattle, sheep or goats are slaughtered at knackereries in NSW. These requirements are prescribed under the

Biosecurity (NLIS) Regulation 2017 (the NLIS Regulation). In summary:

- All cattle, sheep and goats must be identified with an NLIS device or tag before they are sent to a knackery and slaughtered
- All stock must be accompanied by a completed NVD, TSS or other approved document
- Kill data must be uploaded to the NLIS database within 7 days.

Are there similar guidelines for horses, ponies, donkeys and mules or other equines?

(a) If so, where are they located on the DPI website?

195. The horses section of the DPI website doesn't appear to have any information about the euthanasing of horses or other equine animals, or their disposal after death? Is there any such information on the website?

(a) If so, where?

196. The horses section of the DPI website doesn't appear to have any information about the NSW Racing rules regarding the euthanasing or disposal of horses or the transfer of horses between states. Is there any such information on the website?

(a) If so, where?

197. The only information on the DPI website about moving horses from Queensland and NSW is a link which says: The Do's and Don'ts of moving horses from QLD and NSW – don't spread cattle ticks. When you click on the link, it goes back to the main menu. What is on that fact sheet?

(a) Does it mention that NSW Racing regulations prohibit the sale and slaughter of horses?

(b) If not, why not?

198. Are other animals processed at NSW knackeries (eg: buffalo, deer)?

(a) If so, what guidelines are in place to ensure humane operations?

(b) If so, where are such guidelines published?

Red Meat Abattoirs

199. Given that one of the knackeries found in the ABC coverage, Burns Pet Food at Riverstone, pleaded guilty in Blacktown Local Court on 19 September 2019 to four counts of aggravated animal cruelty and one of failing to provide vet treatment, relating to 85 cattle and an injured sheep after inspections by the RSPCA. How was DPI notified of this breach?

200. How many red meat abattoirs currently operate in NSW?

201. How many red meat abattoirs currently hold a Food Authority licence?
202. How many red meat abattoirs have been inspected/audited by the Food Authority for compliance with requirements in the last 12 months?
203. How often are red meat abattoirs inspected/audited?
204. How many red meat abattoirs have failed an inspection/audited in the last 12 months?
205. How much has the NSW Food Authority received in inspection/audit fees?
206. How many red meat abattoirs have been audited and received the following rating?
 - (a) A - Acceptable with 0-15 points
 - (b) B - Acceptable with 16 - 31 points
 - (c) C - Marginal with 32 - 47 points
 - (d) D - Unacceptable 48 - 63 points
 - (e) E - Unacceptable 64 and above

RMS Registrations

207. How much was the total amount of refunds provided to primary producers for registered eligible operators of heavy vehicles (>4.5 tonnes) with usage code PPG or PPGN for registration for each of the following periods:
 - (a) 1 July 2015 – 30 June 2016
 - (b) 1 July 2016 – 30 June 2017
 - (c) 1 July 2017 – 30 June 2018
 - (d) 1 July 2018 – 31 October 2018
208. What was the average length of time that the registrations were held for PPG or PPGN vehicles for each of the following periods:
 - (a) 1 July 2015 – 30 June 2016
 - (b) 1 July 2016 – 30 June 2017
 - (c) 1 July 2017 – 30 June 2018
 - (d) 1 July 2018 – 31 October 2018
209. What was the average length of time that the registrations were held for PPG or PPGN vehicles for each of the following periods:

- (a) 1 July 2018 – 31 October 2018
 - (b) 1 November 2018 - 30 June 2019
 - (c) 1 July 2019 – 31 October 2019
210. How many of the refund cheques which were issued have not been cashed?
211. What was the total value of refunds that were not paid to eligible primary producers (eg: cheque returned due to being unable to locate the payee, the payee entity no longer existing, the cheque not being cashed, etc)?
212. How much was the total amount of rebates provided to primary producers for registered eligible operators of heavy vehicles (>4.5 tonnes) with usage code PPG or PPGN for each of the following periods:
- (a) 1 July 2018 – 31 October 2018
 - (b) 1 November 2018 - 30 June 2019
 - (c) 1 July 2019 – 31 October 2019
213. How many primary producers who let or hired their primary producer (PPG or PPGN) vehicle were refused and/or denied a refund and/or rebate for each of the following periods:
- (a) 1 July 2015 – 30 June 2016
 - (b) 1 July 2016 – 30 June 2017
 - (c) 1 July 2017 – 30 June 2018
 - (d) 1 July 2018 – 31 October 2018
 - (e) 1 November 2018 - 30 June 2019
 - (f) 1 July 2019 – 31 October 2019

Agriculture and Western New South Wales

Questions from the Hon Emma Hurst MLC

Penalty Infringement Notices (PINs)

214. During the hearing, Mr Hansen stated that “37 PINs were issued by the RSPCA”.

- (a) During what time period were those 37 PINs issued by the RSPCA?
- (b) How many PINs were issued by the RSPCA for the financial years ending 2016, 2017, 2018 and 2019?
- (c) In respect of each of the PINs issued by the RSPCA in 2016, 2017, 2018 and 2019:
 - i. What was the amount of the PIN; and
 - ii. What offence did the PIN relate to?

215. During the hearing, Mr Hansen stated that the Animal Welfare League issued 18 PINs for the financial year ending 2018.

- (a) How many PINs were issued by the Animal Welfare League for the financial years ending 2016, 2017 and 2019?
- (b) In respect of each of the PINs issued by the Animal Welfare League in 2016, 2017, 2018 and 2019:
 - i. What was the amount of the PIN; and
 - ii. What offence did the PIN relate to?

216. During the hearing, Mr Hansen stated that that 4 penalty notices had been issued to Picton Meatworx by the NSW Food Authority for “breaching licence conditions”.

- (a) What was the amount of each of the PINs?
- (b) What breach of licence conditions did each PIN relate to?
- (c) Does the prohibition stopping Picton Meatworx from “slaughtering certain categories of pigs and calves” have an end-date, or is it an indefinite prohibition?
- (d) Which “categories of pigs and calves” are Picton Meatworx prohibited from slaughtering?

Circus and Other Exhibited Animals

217. The Department of Primary Industries approved 473 temporary removals of animals from a fixed or associated off display establishment in the 2018-19 financial year. What was the purpose

of each of these removals (e.g. were they for community, educational, fundraiser, media or private events)?

218. Between 1 July 2017 and 30 June 2019, the Department of Primary Industries conducted 191 audits and inspections at licensed display establishments. How many of these audits and inspections were carried out as part of the regular DPI audit program, and how many were complaint-driven investigations?
219. Between the period of 1 July 2017 and 30 June 2019, 323 corrective action requests were issued by the Department of Primary Industries to licensed display establishments. How many of those related to:
- (a) Enclosures, Exhibits and Housing;
 - (b) Husbandry; and
 - (c) Nutrition, Hygiene and Health?

Rabbit Calcivirus

220. Does a vaccine exist for The Rabbit Haemorrhagic Disease Virus (RHDV) strains:
- (a) RHDV1A - Variant of type 1 isolated in Sydney in 2014; and
 - (b) RHDV2 - First recorded in 2015 in Australia?
221. If not, are there plans to make a vaccine effective against these strains available in NSW?

Cage Farmed Rabbit Meat

222. How many cage rabbit meat farms are currently operating in NSW?
223. For each cage rabbit meat farm identified:
- (a) What is the name of the business?
 - (b) What area of NSW is the farm operating?
 - (c) How many rabbits are slaughtered on the farm each year?
 - (d) Is the production system 'wet' or 'dry'?
224. What percentage of cage farmed rabbits in NSW die before the time of slaughter, including due to injuries and infection?
225. What is the percentage of "wastage" of cage farmed rabbits in NSW (that is, rabbits killed but not used for meat), and how many rabbits would that equate to for the year 2018?

226. What funding or grants are available from the NSW Government to owners of cage-rabbit-meat farms?
227. What amount of funding or grants were paid to owners of cage-rabbit-meat farms in:
- (a) 2016;
 - (b) 2017;
 - (c) 2018; and
 - (d) 2019 (to date)?