



CM9 Ref.: OUT19/13197

The Hon. Mark Banasiak MLC
Chair
Legislative Council Portfolio Committee No.4 - Industry

Email: budget.estimatedes@parliament.nsw.gov.au

Dear Chair

Correction/clarification of Budget Estimates hearing transcript

I write to advise of a correction and a clarification that is required to evidence given by myself at the Budget Estimates hearing for Legislative Council Portfolio Committee No.4 – Industry, on 6 September 2019.

Correction of incorrectly transcribed statement

The following statement is recoded for Mr Barnes on page 42 of the uncorrected transcript:

Mr BARNES: *We are now past our first year of operations. Answering that question today, those services are provided entirely in-house. On day one of our operations on 31 April 2018 it was necessary for us to retain the services of an external firm as we built up our own capacity and recruited new investigators. That contractual relationship ended earlier this calendar year.*

The date of 31 April 2018 is incorrectly recorded and should be amended to 30 April 2018.

Correction of figure stated

The following question and answer is recorded on page 41 of the uncorrected transcript:

The Hon. MICK VEITCH: *You now have your full complement of investigators, as you said. Where are they located in New South Wales?*

Mr BARNES: *We operate through 13 offices throughout the State. That allows us to both react to complaints from the public and build our own proactive programs in close proximity to sources of allegations of breaches of water law.*

The statement that “we operate through 13 offices throughout the state” is factually incorrect. NRAR in fact has investigators based in 16 office locations.

Clarification of answer given

The following series of questions and answers that appear on pages 67 and 68 of the uncorrected transcript requires some clarification:

Ms CATE FAEHRMANN: *That would be excellent. Thank you. We have got 20 minutes for you to get that information. Are you aware of investigations that would have taken place either last year or early this year between the Department of Planning, Industry and Environment and the NSW Office of Water regarding groundwater used by the Maules Creek coalmine near Narrabri—investigations into groundwater and where that investigation is up to?*



Mr BARNES: *May I ask that you present the question again?*

Ms CATE FAEHRMANN: *I understand there has been an investigation—we are not sure whether it has been completed—that commenced probably last year into groundwater use by the Maules Creek coalmine in Narrabri. The question is: Are you aware of that investigation and where is that investigation up to?*

Mr BARNES: *I can confirm that the Natural Resource Access Regulator has received a complaint from Lock the Gate. We have commenced an investigation, which is ongoing.*

Ms CATE FAEHRMANN: *When did you commence the investigation?*

Mr BARNES: *Immediately upon receipt of the letter from the Environmental Defenders Office.*

Ms CATE FAEHRMANN: *Was that—*

Mr BARNES: *A rough date would have been May 2018.*

Ms CATE FAEHRMANN: *So May 2018. Recently landholders were asked to comment on the Murray-Darling Basin up in Namoi—water sharing plan, of course. Meanwhile, you have not determined whether the groundwater being used and accessed by Maules Creek coalmine is having an impact on groundwater in the area?*

Mr BARNES: *The investigation is well advanced. The matters we are investigating are extraordinarily complex. My staff presented findings to the August meeting of the NRAR board. The board has made resolutions and I am carrying out those at the moment. I believe I will be in a position to make public our findings shortly.*

Ms CATE FAEHRMANN: *Okay. So at the August board meeting there were reasonably final results of the investigation.*

Mr BARNES: *The investigation is well advanced and it is close to conclusion.*

Ms Faehrmann asked a question about an investigation into groundwater use by the Maules Creek coal mine. I misheard a portion of the question and subsequently my response was particular to the current Natural Resources Access Regulator (NRAR) investigation into surfacewater use at the Maules Creek coal mine – a public statement about which was released on 27 September.

NRAR is also engaged in a separate ongoing investigation into groundwater use at the Maules Creek mine initiated in response to a community complaint.

Yours sincerely

Grant Barnes
Chief Regulatory Officer
Natural Resources Access Regulator
26/9/2019