



LEGISLATIVE COUNCIL

BUDGET ESTIMATES 2019-2020
Supplementary Questions

Portfolio Committee No. 4 – Industry

AGRICULTURE AND WESTERN NEW SOUTH WALES

Hearing: Thursday 31 October 2019

Answers due by: Tuesday 26 November 2019

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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?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

2. How many employees does AOC now have?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

3. How many oyster farms did AOC own prior to receiving their Jobs for NSW funding?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

4. How many oyster Famers are there in NSW?

ANSWER:

As of 30 Sept 2019 there were 269 Class A permit holders.

5. How many oyster farms have AOC since purchased?

ANSWER:

AOC have 101 leases as at Friday 8 November.

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?

ANSWER:

Yes, policies and procedures were met.

- (a) The new lessee takes responsibility for the condition of the lease at the time of transfer and is therefore not inspected by the department as part of a transfer.
- (b) No. It is no longer a requirement as part of transfer.
- (c) The new lessee takes responsibility for the condition of the lease at the time of transfer and is therefore not inspected by the department as part of a transfer.

- (i) N/A
- (ii) N/A
- (d) This is no longer a requirement.
- (i) N/A

7. What happened to the existing staff at the farms that AOC purchased?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

8. Has AOC reached its job creation targets?

- (a) If not why not
- (b) When will their targets be reached?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

9. Does AOC have KPI's to meet their funding agreement?

- (a) What are the KPI's?
- (b) How are they measured?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

10. Why was the 2018 Chairman's Report removed from AOC's website?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

11. Why did the Government choose to provide funding to one particular oyster grower rather than give it to the industry directly?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

12. What support has the government provided to small family farms under threat?

ANSWER:

Oyster farmers, like other farmers in NSW, have access to natural disaster assistance funding, Seafood Innovation Fund, State and Commonwealth grants and debt management assistance from DPI.

13. How many small-time farmers have been unable to compete and forced out of business?

ANSWER:

DPI does not collect business data.

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?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

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?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

16. How can the Government make informed decision in an unbiased manner with a company they actually have part ownership in?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

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.)

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

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?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

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?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

20. Has money been handed back to the Government? If so, how much was handed back?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

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?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

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?

ANSWER:

The NSW Agriculture Commissioner will be appointed in due course, following the recent passage of the historic Right to Farm Bill 2019.

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?

ANSWER:

The NSW Agriculture Commissioner will be appointed in due course, following the recent passage of the historic Right to Farm Bill 2019.

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?

ANSWER:

The NSW Agriculture Commissioner's initial priorities will be addressing land use conflict issues and protecting the right to farm. Other matters may be considered if they are raised by stakeholders and farmers.

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?

ANSWER:

The NSW Agriculture Commissioner will be appointed in due course, following the recent passage of the historic Right to Farm Bill 2019.

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 EOP's were received?
 - (d) Who processed the EOP's?
 - (e) Was there a panel formed to process the EOP'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?

ANSWER:

The NSW Agriculture Commissioner will be appointed in due course, following the recent passage of the historic Right to Farm Bill 2019.

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?

ANSWER:

This is a matter for the former Minister.

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?

ANSWER:

A draft position description for the NSW Agriculture Commissioner is being developed.

29. Where will the Agriculture Commissioner's primary workplace be?

ANSWER:

This will be determined during discussions with the successful candidate.

30. Will the Agriculture Commissioner be visiting farmers?
- (a) If so, which locations?

ANSWER:

Part of the Commissioner's role will be to engage with primary producers across NSW.

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?

ANSWER:

The NSW Agriculture Commissioner's initial priorities will be addressing land use conflict issues and protecting the right to farm.

32. How many meetings has the Agriculture Commissioner had with the Minister since commencing the role?

ANSWER:

The NSW Agriculture Commissioner has not been appointed.

33. How many meetings has the Agriculture Commissioner had with the Parliamentary Secretary for Agriculture since commencing the role?

ANSWER:

The NSW Agriculture Commissioner has not been appointed.

34. How many meetings has the Agriculture Commissioner had with the Department of Primary Industries since commencing?

ANSWER:

The NSW Agriculture Commissioner has not been appointed.

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?

ANSWER:

The NSW Agriculture Commissioner will be supported using existing NSW DPI resources.

36. Will the Agriculture Commissioner be a Statutory Role or another public servant like the Dairy Commissioner?

ANSWER:

These matters are under consideration.

37. How will the Agriculture Commissioner interact with other stakeholder organisations such as the NSW Farmers?

ANSWER:

The NSW Agriculture Commissioner will work closely with stakeholders.

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?

ANSWER:

The NSW Agriculture Commissioner's initial priorities will be addressing land use conflict issues and protecting the right to farm.

39. Will the Agriculture Commissioner consult with the Office of the Small Business Commissioner on competition issues?

ANSWER:

The NSW Agriculture Commissioner will collaborate with relevant government agencies to address issues as needed.

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

ANSWER:

The NSW Agriculture Commissioner will collaborate with relevant government agencies to address issues as needed.

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?

ANSWER:

The proposed penalties are proportionate and appropriate.

42. Your original bill added the word 'hinder' to the definition of trespass. Why was that?

- (a) Why did you amend it?

ANSWER:

The word 'hinder' was included to provide clarity around the existing scope of the aggravating factor related to interfering with a business. It was removed as it was deemed unnecessary.

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?

ANSWER:

The amendments to the *Inclosed Lands Protection Act 1901* contained within the Right to Farm Bill 2019 apply irrespective of the motivations of the trespasser or person inciting trespass. Farmers wishing to protest on their own land for whatever purpose would not be committing trespass and therefore would not be caught within the scope of the changes to the *Inclosed Lands Protection Act 1901*.

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?

ANSWER:

The *Right to Farm Bill 2019* was designed to provide increased protections against farm trespass as well as nonsense nuisance claims. Work to address land conflict issues is ongoing.

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?

ANSWER:

These issues are covered under the *Surveillance Devices Act 2007*.

46. Your bill did not add any take down orders for digital publishing – why was that?

ANSWER:

That is a matter for the Commonwealth.

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?

ANSWER:

That is a matter for the Commonwealth.

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-gazettement of national parks. Do you think that people might be concerned that you are trying to limit protests against government policies?

ANSWER:

This Bill is not about limiting protest, it is about deterring trespass on agricultural lands. The definition of trespass and protest are not changed by the bill.

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?

ANSWER:

Schedule 2 of the Right to Farm Bill 2019 will not affect the statutory rights of union officials to enter workplaces.

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?

ANSWER:

The Government's view is that neither draft of the Bill is open to challenge in the High Court.

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?

ANSWER:

This Bill is not about limiting protest, it is about ensuring protection and security for farmers. The definition of trespass and protest are not changed by the bill.

- (a) Only if they commit an aggravated trespass.
- (b) That is a matter for the Minister responsible for forestry.
- (c) Nil.
- (d) When it falls outside the definition in the Bill.

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?

ANSWER:

The Right to Farm Bill 2019 did not introduce the definition of inclosed lands.

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?

ANSWER:

No.

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?

ANSWER:

This is a matter for the independent Share Management Fisheries Appeal Panel (the Panel). Section 86 of the *Fisberies Management Act 1994* provides for the Panel to 'inform itself on any matter in any way it thinks appropriate' and requires the 'proceedings...to be conducted with as little formality and technicality, and as quickly, as the requirements of this Act and the proper consideration of the matter permit.'

55. Do you think that the cost of the access to the share appeals has been a barrier to people applying for them?

ANSWER:

This has not been raised with DPI.

56. Are you aware that some fishers have left the industry because they were not aware there were waivers?

ANSWER:

There were no 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?

ANSWER:

There were no waivers.

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?

ANSWER:

Appellants received regular updates from the Department of Primary Industries on the progress of the Share Management Fisheries Appeals process from early 2019 - prior to the NSW Government elections in March. The Panel has also written to appellants on a number of occasions since it was established.

- (a) 40 appeals have been lodged by 23 shareholders. Some shareholders have lodged multiple appeals.

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?

ANSWER:

- (a) The Panel is progressing through the hearings in line with its timetable.
- (b) There were six appeals heard in Ballina and three in Coffs Harbour with a fourth hearing in Coffs Harbour adjourned.
- (c) Nine (one was adjourned).
- (d) No decisions have been made yet.
- (e) No decisions have been made yet.
- (f) Statements are submitted to the Panel. The Department is not aware of the full amount of communications with the Panel.
- (g) Ballina 22 October 9:00 am; Ballina 22 October 11:00 am; Ballina 22 October 1:30 pm; Ballina 23 October 9:00 am; Ballina 23 October 11:00 am; Ballina 23 October 1:30 pm; Coffs Harbour 25 October 8:00 am; Coffs Harbour 25 October 10:00 am (adjourned); Coffs Harbour 25 October 11:30 am; Coffs Harbour 25 October 2:00 pm.

- (h) No. The hearings are recorded.
- (i) Arrangements for accessing recordings is a matter for the Panel.
- (j) The Panel wrote to each appellant with the time, date and place of their hearing. The Panel's Secretariat also contacted each appellant by phone to confirm the time, date and place of their hearings.
- (k) At least one month. For example, appellants scheduled for hearings in Ballina on 22 October 2019 were sent letters on 9 September 2019, one month and 13 days prior to the date of the hearing.
- (l) None to date.
- (m) None to date.

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?

ANSWER:

The Department is aware of one component of an appeal being withdrawn.

- (a) The Department is not aware of the full reasons for the withdrawal of the component.

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?

ANSWER:

The timing of the hearings is a matter between the Panel and each appellant.

62. Will there be additional hearings after the one scheduled in Nowra on 26 November 2019?

ANSWER:

This is a matter for the Panel.

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?

ANSWER:

There are three members of the Panel and a Deputy Chairperson who fills the role of the Chairperson if the Chairperson is unavailable. The Chairperson is Dr Dianna Day, the industry nominee is Mr Peter Dundas-Smith AM, the Secretary's nominee is Mr Mika Malkki, and the Deputy Chairperson is Ms Donna Rygate. It is not expected that additional members will need to be appointed.

64. Is there more than one Share Appeals Panel?

ANSWER:

No.

65. Why did it take 4 months from when the panel was appointed to when the first Share Appeals Hearing was held?

ANSWER:

The Panel required time to develop its procedures and hearing arrangements.

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?

ANSWER:

The website will be updated to reflect the current status as soon as possible.

67. Are panel members paid remuneration?

(a) If so, how much does each member receive for sitting fees?

ANSWER:

Yes. The Chairperson and Deputy Chairperson (if needed) receive a daily sitting fee of \$1,000. The industry nominee receives a daily sitting fee of \$500 per day. The Secretary's nominee is not paid remuneration for duties on the Panel.

68. How much money was received in appeal application fees?

ANSWER:

\$15,440.00

69. Is the applicant's money refunded when an application is withdrawn?

ANSWER:

No.

70. Have all the Share Management Plans been made?

ANSWER:

Yes.

71. Have there been any changes to the panel since the appointment in June 2019?

ANSWER:

No.

72. How many witnesses have been summonsed to appear?

ANSWER:

This is a matter for the Panel.

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?

ANSWER:

The application fee is a contribution towards the cost of the process. No decision to waive fees has been made.

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?

ANSWER:

There was no specific communications that the *Fisheries Management Act 1994* (the Act) has a provision under section 288B for fees to be waived.

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?

ANSWER:

Applicants could write to the Department to seek a waiver during the application process.

- (a) 2.
- (b) No waivers were provided.
- (c) No.

Commercial Fishing Advisory Council

76. Have the 7 vacant positions on the Commercial Fishing Advisory Council been filled?

- (a) If not why not?

ANSWER:

No. Appointments are currently being finalised

77. How many Expressions of Interest were received for these positions?

ANSWER:

28.

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?

ANSWER:

11 submissions

- (a) They were considered by the Department, consistent with a process agreed with CommFish.
- (b) See a) above.

79. Why does the Department of Primary Industries list 21-22 November 2018 as the future date for the next Council meeting?

ANSWER:

Meeting 9 held on 21-22 November 2018 is shown on the DPI website as being held with a Chairs summary and Minutes available for viewing.

80. When will CommFish NSW meet again?

- (a) Where will the meeting be held?

ANSWER:

The details of the next meeting will be determined following the new appointments being finalised.

- (a) As per above.

Recreational Fishing NSW Advisory Council

81. Why has there been such a long delay in establishing a new Advisory Council?

ANSWER:

It was important to reflect on the operation of the previous Advisory Council and consider what, if any, changes needed to be made to the representative nature of the 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?

ANSWER:

Yes.

- a) 29.
- b) The NSW Public Service Commission's Appointment Standards for Boards and Committees outlines how assessment panels should be used to make recommendations to the respective Minister for membership appointments to boards and committees. An assessment panel is being used for appointments to the Recreational Fishing NSW Advisory Council.

83. Are these members representing the interest of licensed rec-fishers or the DPI Fisheries?

ANSWER:

The Recreational Fishing NSW Advisory Council provides advice to the Minister on matters relevant to the recreational fishing sector, including priorities for expenditure from the Recreational Fishing Trusts.

84. How long are members of these working groups allowed to remain in these positions?

ANSWER:

Members are usually appointed for up to 3 years from the date of appointment and members are eligible to re-apply when future vacancies are advertised.

85. How have expenditure and funding allocations been approved without a functioning Advisory Council?

ANSWER:

The Recreational Fishing NSW Advisory Council made recommendations on expenditure priorities from the Recreational Fishing Trusts in February 2019, which were subsequently approved by the Minister at that time.

86. What was the total revenue collected from Recreational Fishing Licence fees for the last financial year (2018/19)?

ANSWER:

The 2018/19 audit report is still pending finalisation with the NSW Audit Office. It is estimated the revenue is just over \$15 million.

87. What is the total annual cost of administrating the Recreational Fishing Licence Fee and Recreational Fishing Trust?

(a) Have these figure been audited?

ANSWER:

As outlined in the Recreational Fishing Trusts Investment Plan 2018/19 – 2020/21 on the Department’s website, the approved available budget for the Recreational Fishing Licensing (Fee) project in 2018/19 was \$2,164,900. Other associated recreational fishing fee projects include the Recreational Fisher Research Database project (\$70,000) and the Recreational Fishing Fee Renewal Notice System project (\$122,850).

Similarly, the total approved available budget for the 4 projects listed below, which are involved in the administration, coordination and oversight of the Recreational Fishing Trusts and DPI and external projects receiving funding from the Recreational Fishing Trusts, (e.g. allocation and monitoring of payments and milestones for all projects) was \$666,855. These projects also deliver on Trust communication, provision of advice to applicants, project management activities and the necessary consultation processes related to the running of the trusts and grants program,

- Recreational Fishing Trust Executive Officer project
- Recreational Fishing Trust grants administration project
- Fisheries Manager (inland recreational fisheries) project
- Recreational Fishing Infrastructure Coordination project

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?

ANSWER:

As outlined in the Recreational Fishing Trusts Investment Plan 2018/19 – 2020/21 on the Department’s website, the approved available budget for the Recreational Fishing Licensing (Fee) project in 2018/19 was \$2,164,900. This budget was comprised of 2 components:

- 1) Government Licensing Service (GLS) Fees - this provides for transaction fees payable to Department of Customer Service for electronic fee payment and management platform services for the recreational fishing fee. This component facilitates angler fee payments by BPAY, internet, phone, EFTPOS as well as licence renewals. DPI is charged a set rate per GLS transaction. The budget for this component was \$700,000.
- 2) Recreational fishing fee agents and fee management and support - this component facilitates manual fishing fee payments through a statewide network of 700 agents (tackle stores). Agents receive fees from fishers, issue paper licences and submit monthly returns to DPI. The Department undertakes financial reconciliations for all agent returns and provides a support system for agents and fishers. This component also includes other services such as facilitating issue of plastic licences, licence renewals, changes of address, replacement licences, licence refunds, agent and fisher audits, telephone and email support and accountable banking and transfer of licence revenue to the Trusts. Provision of recreational fishing information to recreational fishers via agents is also facilitated and promotion of the need to have a licence. The budget for this component was \$1,464,900.

89. In the latest Trust Fund Report (2017/18) there is a cost of almost \$2.5 million for the Recreational Fishing Fee Administration project. Is this for the Government licensing service? What does the \$700,000 actually relates to?

ANSWER:

Partly. The 2017/18 Trust Fund Report states actual expenses of \$2.46 million incurred by the Recreational Fishing Fee Administration project, which is comprised of 2 components: 1)

Government Licensing Service Fees and 2) Recreational fishing fee agents and fee management and support. See question 88 for more detail.

90. Can you provide the detail of the costs relating to the Recreational Fishing Fee Administration project?

ANSWER:

Expenses cover activities such as maintaining a licence agent system, issuing licence books, undertaking financial reconciliations for agent returns, providing a support system for agents and fishers, performing various fisher transactions such as licence renewals, change of addresses, replacement licences, licence refunds, agent and fisher audits, banking processes, provision of recreational fishing information as well as Government Licensing Service Fees.

91. The Agencies own Recreational Fishing Trust investment plan has a figure of \$2.165 million allocated for OneGov, a Government service licensing fee. Is this the correct figure?

ANSWER:

No. The Recreational Fishing Trusts Investment Plan 2018/19 – 2020/21 on the Department's website states the approved available budget for the Recreational Fishing Licensing (Fee) project in 2018/19 was \$2,164,900. This project comprises two components: 1) Government Licensing Service Fees and 2) Recreational fishing fee agents and fee management and support.

92. Based on the Agencies own Investment Plan 2018/19, combined administration costs are well in excess of \$3 million. 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?

ANSWER:

When the all water recreational fishing fee was introduced in 2001, the Government implemented a manual licence payment system using a statewide network of agents to keep administration costs at around 10%. Over time, fishers requested improved service delivery, including issuing of plastic licences (rather than just paper receipts), more payment options and a fee renewal system (rather than fishers providing personal details each time their fishing licence expired). This was achieved by inclusion of the Government Licensing Service facilities to complement the existing manual system. Administration costs have proportionally increased with the delivery of additional, stakeholder desired services, such as plastic licences and renewal notices. The amount in excess of \$3 million provides much more than administration.

93. Why have these administration costs been allowed to blow out and who is responsible for administrating these funds?

ANSWER:

Current administration costs reflect stakeholder desired services. The department has applied administration processes drawing on best available technology and external service provision in line with procurement policy. Money in the trust fund is under the control of the Minister and the Minister is to consult the advisory council on priorities of expenditure from that fund, including expenditure on administration.

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 remunerated from the Recreational Fishing Trust?
- (c) If not, where is he remunerated?

ANSWER:

Manager, Recreational Fisheries Programs.

- a) The Manager provides coordination, leadership and communication for the wide range of programs funded from the Recreational Fishing Trusts. A key component of this is to manage the interactions and relationships with other recreational fishing programs operating across the State, to ensure synergies and efficiencies are realised.
- b) Mostly. DPI projects which receive funding from the Recreational Fishing Trusts have their own Work Breakdown Structure (cost centre), which staff can timesheet and assign costs to, for work undertaken under each specific project. When other priority work is undertaken on other projects, then staff timesheet to the relevant cost centres for those projects.
- c) See b) above.

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?

ANSWER:

The Manager Recreational Fisheries Programs provides coordination, leadership and communication for the wide range of programs funded from the Recreational Fishing Trusts.

- a) There are a variety of processes contributing to good governance of the Recreational Fishing Trusts, including financial delegations, reporting and auditing. No funds can be attributed without the Minister's approval. All employees are subject to abiding by the department's Code of Ethics and Conduct outlining the conduct, use of resources, management of information and responsibilities to the public.

96. Does Mr Van Der Walt also coordinate the Advisory Council meetings where council members are required to approve funding allocations?

ANSWER:

The Manager, Recreational Fisheries Programs is involved in the necessary consultation processes related to the running of the Recreational Fishing Trusts and associated grants program, which includes the Recreational Fishing NSW Advisory Council.

97. What other working groups does Mr Van Der Walt coordinate?

ANSWER:

The Manager, Recreational Fisheries Programs participates in the coordination of the Recreational Fishing NSW Advisory Council and the Recreational Fishing Trust Expenditure Committees and provides input as relevant to other recreational fishing aligned programs and their groups.

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?

ANSWER:

Yes.

- a) The Investment plan outlines the officer is responsible for the overall coordination and financial management of the Recreational Fishing Trusts to facilitate a transparent and accountable Trust system, on behalf of the recreational fishing community. This includes implementation of good governance processes to ensure collection and transfer

of licence revenue to the Trusts, disbursement of funds to Trust projects and ensuring quality delivery of project outcomes to improve recreational fishing. Mr van der Walt also operates under a role description which outlines his responsibilities.

b) The investment plan is available on the Department's website.

99. What are the other "Trusts" administrated by DPI Fisheries and who is responsible for managing/coordinating these?

ANSWER:

DPI coordinates and administers 7 fisheries Trusts:

- Recreational Fishing (Freshwater) Trust Fund
- Recreational Fishing (Saltwater) Trust Fund
- Commercial Fishing Trust Fund
- Charter Fishing Trust Fund
- Fish Conservation Trust Fund
- Aboriginal Fishing Trust Fund
- Aquaculture Trust Fund.

DPI staff manage and coordinate those trusts, however for most of them there is no designated individual person. The arrangements for the recreational trusts are different given the large number of active projects and the extensive number of recreational fishing licence holders.

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?

ANSWER:

Under Section 233 of the *Fisheries Management Act 1994*, the trust funds are established in the Special Deposit Account. The money in a trust fund is under the control of the Minister and can be expended by the Minister only for the purposes authorised.

(a) No, it is not required

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?

ANSWER:

The Recreational Fishing Trust funds are established as accounts in a Special Deposit Account with separate reporting requirements to consolidated revenue. The Special Deposit Account is held in the financial system as its own company separate to the Departments company operations. Following approval by the Minister for Agriculture, funds are transferred from the respective Special Deposit Account to relevant work breakdown structures (cost centres) for the various approved projects.

(a) See above.

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?

ANSWER:

As at 2019, an investment plan has not been prepared for the Commercial Fishing Trust.

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?

ANSWER:

This is a matter for the Minister for Finance and Small Business.

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

ANSWER:

This is a matter for the Minister for Finance and Small Business.

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?

ANSWER:

- (a) Yes 26th September 2019
- (b) N/A
- (c) Mr Zandstra is the NSW Dairy Advocate. He has not been engaged as a Commissioner.

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

ANSWER:

The Dairy Advocate commenced on 26 September 2019

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

ANSWER:

Mr Zandstra is based in Nowra but can work from wherever is most functional to fulfilling his duties.

108. Has the Dairy Commissioner been visiting dairy farmers?

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

ANSWER:

The Dairy Advocate has been speaking with numerous dairy farmers from across NSW, along with other dairy industry stakeholders.

109. What recommendations has Mr Zandstra made so far?

- (a) Have any of these recommendations been implemented?
- (b) Which ones?

ANSWER:

Mr Zandstra is currently developing a work plan and progressing the formation of the Dairy Industry Advisory Panel.

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

- (a) Please table them?

ANSWER:

Mr Zandstra has been involved in a number of media appearances. Most recently he was involved in the media release on opening the EOI for Dairy Industry Advisory Panel membership.

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?

ANSWER:

The EOI for the Dairy Industry Advisory Panel opened on 7 November and closes on 30 November. Mr Zandra's consultation with industry is ongoing.

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?

ANSWER:

See response to question 111.

- (a) The EOI is on the DPI website. It was announced via a Ministerial Media Release.
- (b) The following skills and experience will be considered important in selecting members for the NSW Dairy Industry Advisory Panel:
 - Experience and/or expertise relevant to the NSW Dairy Industry
 - Excellent understanding of the threats, challenges and opportunities facing the NSW dairy industry
 - Willingness to engage in constructive discussion with other panel members in an objective and impartial manner
 - Capacity to participate in up to 6 panel meetings per year and undertake required preparation for meetings (This includes not being over-burdened with positions on other groups and committees. Every effort will be made to provide flexible options for members to participate in meetings such as phone or video conferences.)
 - It is anticipated that the Panel will be active up to September 2021

Ideally, the NSW Dairy Industry Advisory Panel would have representation covering: dairy farmers, retailers, processors, service providers, and researchers. In particular young farmers are encouraged to apply to bring a future thinking perspective to the table.

- (c) TBA - dependent on the number and breadth of skills brought forward by the EOI.
- (d) The Selection Committee will be made up of Mr Zandstra, and Alex Russell DPI Agriculture Manager Intensive Livestock Industries, with oversight from an independent probity advisor.
- (e) The NSW Dairy Industry Advisory Panel is a non-statutory advisory panel and as such does not offer remuneration to members. Consideration will be given to paying a daily rate and/or covering the expenses relating to attending meetings on a case by case basis.

113. How many meetings has the Dairy Commissioner had with the Minister since he commenced in his role?

ANSWER:

The Minister has met with Mr Zandstra since his appointment. Mr Zandstra meets regularly with the Minister's office.

114. How many meetings has the Dairy Commissioner had with the Parliamentary Secretary for Dairy since commencing?

ANSWER:

There is no Parliamentary Secretary for Dairy.

115. How many meetings has the Dairy Commissioner had with Mr Hanson since commencing?

ANSWER:

The Dairy Advocate is scheduled to meet with Mr Hansen on November 18th. Mr Zandstra meets regularly with Mr Hansen's Deputy Kate Lorimer-Ward and her staff in DPI Agriculture branch.

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?

ANSWER:

There is no 'dairy commissioner unit'. The NSW Government has established a Dairy Business Advisory Unit within DPI Agriculture. The Dairy Business Advisory Unit reports to the Manager Intensive Livestock, not to the Dairy Advocate.

This unit comprises staff in the DPI Agriculture dairy team and the DPI Insights and Industry Analysis team, with an additional staff member being recruited (Development Officer Dairy Farm Business Management). In addition, a budget exists to engage private service providers to deliver dairy farm business support services as part of the Dairy Business Advisory Unit service offering.

- (a) The dairy advocate has not been involved in establishing this unit
- (b) The new position will be advertised through the usual channels, such as 'Seek' and 'I Work for NSW'
- (c) The unit has commenced work
- (d) Staff are currently located at Tocal, Orange, Camden and Wagga Wagga.
- (e) Staff of the Dairy Business Advisory Unit are able to provide the Dairy Advocate with industry information and analysis. For example, they will brief him on the latest Dairy Farm Monitor Project results as soon as they are available. They are available to meet with the Dairy Advocate and farmers.
- (f) They are employees of the NSW Government. One role is Professional Officer Grade 5 (\$128,000 p.a.) with other roles being Professional Officer Grade 1-4 (\$64,779 - \$124,413 p.a.).
- (g) The unit is funded through the DPI Agriculture budget, with sufficient budget for travel.
- (h) Staff members have been on farms over the length and breadth of the state, as well as participating in farmer meetings to discuss dairy farm business management.

- (i) All over NSW

117. How many media statements has the Dairy Commissioner made?

ANSWER:

The Dairy Advocate has engaged with the media on a number of occasions.

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?

ANSWER:

The NSW Dairy Advocate has had a number of conversations with key stakeholder organisations. NSW DPI provides administrative and logistical support to the Dairy Advocate but does not manage his diary or appointments.

119. What solutions in the supply chain has the Dairy Commissioner identified?

ANSWER:

Mr Zandstra is currently developing a work plan and progressing the formation of the Dairy Industry Advisory Panel. Work in relation to supply chain issues is ongoing.

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?

ANSWER:

Mr Zandstra is currently developing a work plan and progressing the formation of the Dairy Industry Advisory Panel. Work in the area of supporting industry profitability is ongoing.

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?

ANSWER:

Mr Zandstra has been engaged as a contractor and not as an employee. NSW DPI provides administrative and logistical support to the Dairy Advocate but does not manage his communications or his diary.

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

ANSWER:

The Dairy Advocate is developing a work plan to deliver on his responsibilities. The Dairy Industry Advisory Panel will play an important part in providing advice on how to achieve the best outcomes within his remit.

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?

ANSWER:

June 2019: 575

- (a) June 2018: 626
- (b) June 2017: 661

124. How many licenced dairy production businesses are there in NSW at the current time?

ANSWER:

575

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?

ANSWER:

The updated licensing numbers were not available at the time of the Minister's hearing, as clarified by Director General Scott Hansen later in the day.

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?

ANSWER:

Section 239 of the *Fisheries Management Act 1994* prescribes that a report on the application of money in the Recreational Fishing Trusts (and other Trust Funds) during each reporting year must be included in the Department of Planning, Industry and Environment's Annual Report. These relevant reports are published in the Department's annual report each year.

Each year, the Department of Industry also prepares a special purpose financial report for the Recreational Fishing Trusts which is provided to Treasury and audited by the NSW Audit Office.

- (a) See above.

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?

ANSWER:

The audits included some aspects relating to the Recreational Fishing Trusts.

- (a) No
(b) The audits examined the NSW Department of Industry Grants Administration (2015) and the NSW Department of Primary Industries (DPI) Licence Revenue Management (2017/18).

There was also an earlier audit done in 2011 undertaken by Deloitte titled NSW Recreational Fishing Trust Internal Audit (November 2011). This audit focussed on the Recreational Fishing Trusts.

128. Has the Agency undertaken performance audits of the investments made with Trust Funds?

ANSWER:

DPI is responsible for the administration of grants from the Recreational Fishing Trusts Funds and tracks the progress and delivery of outcomes for all projects that receive funding from the Trusts. The department monitors the performance and delivery of programs by internal and external groups.

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?

ANSWER:

Recreational Fishing Licence Fee Surveys have been carried out in 2008, 2013 and 2017 to get an up to date understanding from fishers on their views on the expenditure of licence fees to improve recreational fishing in NSW. The results show that the majority of fishers believe the projects that receive funds from the Recreational Fishing Trust are of benefit.

Summary information on Trust projects is also provided through social media and the Department's website, Fisheries Officers, Fishcare Volunteers, licence renewal notices and fishing guides.

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?

ANSWER:

The Recreational Fishing Trusts Investment Plan 2018/19 – 2020/21 on the Department’s website outlines a vision for the Trust, associated objectives, priority areas for funding opportunities along with partnership and linkage opportunities.

- (a) N/A
- (b) See above answer to question 130.

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?

ANSWER:

Mr Bruce Scumacher OAM was the former Chairperson of the NSW Advisory Council on Recreational Fishing and is the current Chairperson of the Recreational Fishing Trust Expenditure Committees. Mr Schumacher was named in the Queen’s Birthday 2019 Honours List as a Member in the General Division of the Order of Australia for his significant service to recreational fishing.

132. Would you consider that amount of long tenure to be good governance?

ANSWER:

That would depend upon the individual and on the governance arrangements in place for that committee/board.

133. Would you consider long tenure adds value and maintains the independence of these Trust committees and Advisory Council?

ANSWER:

Yes. Long tenure can benefit board and committee outcomes.

134. The Recreational Fishing Licence fee has generated over \$230 million 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?

ANSWER:

The Recreational Fishing Trusts Investment Plan 2018/19 – 2020/21 on the Department’s website outlines the approved budgets for DPI and external projects. DPI is the applicant for many of these projects, mostly because DPI has the primary capacity to undertake these projects. Often there is a community expectation for DPI to undertake large projects such as artificial reefs, fish aggregating devices, fish stocking, Fishcare Volunteers and schools fishing education while local Councils and clubs generally undertake fishing platform and cleaning table projects as well as other smaller projects.

With a number of these DPI projects, the Department manages the project, with all or a major part of the funding being paid to third parties for services. For example, the majority of funds for DPI artificial reef projects are paid to tenderers for design, construction and deployment of the reefs, while DPI facilitates project approvals and environmental assessment.

In many cases, DPI is the most suitable applicant for projects as the Department has the necessary infrastructure, governance systems, insurances and expertise to deliver the projects.

135. Is an asset register maintained for the Recreational Fishing Trusts?

- (a) If not, why not?
- (b) If so where can it be viewed?

ANSWER:

No.

- (a) All Departmental assets that have a useful life of more than one year, including those purchased using funds from the Recreational Fishing Trust, are recognised in the Department's asset register. Annual stocktakes are undertaken at Department sites to track and monitor these assets and to control assets purchased using public monies.
- (b) the assets register is an internal document and does not relate specifically to the recreational fishing trust.

136. How much does the Agency contribute to Recreational Fishing funding annually?

- (a) Does it match stakeholder contributions?

ANSWER:

\$3.6 million direct contribution to recreational fisheries, however this does not include funding of programs that benefit recreational fisheries including fisheries compliance operations, research and aquatic habitat programs and the overall management and conservation of fisheries resources and fish habitat.

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?

ANSWER:

The NSW Government has committed \$1.8 billion to help mitigate the impacts of drought since 2015 to date, including:

- \$1 billion for the popular Farm Innovation Fund (FIF) which, from 1 July 2019, farmers are now able to apply for loans of up to \$1 million, fixed at 2.5 per cent for up to 20 years.
- Introducing interest free Drought Assistance Fund loans, for up to \$50,000 per applicant in each of the 2018/19 and 2019/20 financial years, to transport stock, fodder and water, genetic banking of breeding herds and installing on-farm fodder and water infrastructure, and to facilitate on farm efficiency and productivity. The loan term is seven years and there are no repayments required in the first two years.
- \$156 million for Emergency Drought Transport Subsidy (EDTS) whereby eligible farmers can receive up to a maximum of \$40,000. This subsidy pays up to 50 per cent of costs for the transport of fodder and/or water to a property, stock to/from agistment and stock to sale or slaughter. From July 2019, the subsidy can also be used for transport of farm chemicals, fertiliser and seed to farms.

The NSW Government has also made a conscious effort to cut the cost of farming for primary producers in NSW. In addition to targeted assistance and capital stimulus projects, the Government has waived the following fixed charges and levies:

- \$100 million to waive Local Land Services rates
- \$60 million to waive Fixed Water charges,
- \$22 million to waive Farm Innovation Fund interest
- \$20 million for Donated Fodder transportation
- \$7 million to waive Class 1 Ag Vehicle Registration fees
- \$5 million for emergency water

- \$5 million to waive interest and two year repayment free period for the Drought Assistance Fund loans
- \$ 3.1 million to waive apiary site permit fees
- \$3.5 million to waive wild dog border fence fees; and
- \$2 million to waive Western Land leases.

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?

ANSWER:

This is a matter for the Minister for Water, Property and Housing

139. How many expert advisers are there within DPIE Water and Water NSW to manage the crisis?

ANSWER:

This is a matter for the Minister for Water, Property and Housing.

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?

ANSWER:

The Department of Premier and Cabinet has commissioned economic modelling from Victoria University on the impact of drought across all primary industries which, whilst not specifically focused on the impact of destocking, did take into account the impact of destocking activities. From this modelling, the drought is estimated to cost the NSW economy \$5.7 billion or 1 per cent of Gross State Product (GSP) in 2018/19. With only small areas of the State receiving average rainfall so far this year, further losses in GSP are expected in 2019/20 and 2020/21 of \$6.3 billion (1.1 per cent of GSP) and \$4.8 billion (0.78 per cent), respectively. Total employment across NSW is estimated to be 0.6 per cent (20,200 FTE jobs) lower in 2019/20 and 0.3 per cent (11,200 FTE jobs) lower in 2020/21.

141. If so, what strategies have been developed to deal with it?

ANSWER:

To assist livestock producers maintain core breeding stock the government has introduced the Emergency Drought Transport subsidy as well as the Drought Assistance Fund and expanded both the funding and eligibility criteria for the existing Farm Innovation Fund. Refer above to question 137 for all other measures.

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?

ANSWER:

See response at question 140.

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?

ANSWER:

This is a matter for the Minister for Water, Property and Housing.

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?

ANSWER:

Both bills achieved the objectives of Government.

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?

ANSWER:

That is a matter for the Commonwealth.

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?

ANSWER:

- (a) The majority of states provide drought assistance in the form of wellbeing and support services such as Rural Financial Counselling Service, mental health support, farm business planning and support services. All such services are provided in NSW, in addition to our Rural Resilience and Young Farmer Business Program. In addition to this some states including NSW offer concessional loans to farmers, such as our Farm innovation and Drought Assistance Fund loans. In terms of what we would call direct subsidies, NSW and Queensland, although Queensland are moving away from transport subsidies, subsidies in the form of transport and other measures such as fee waivers, including \$50 million per years for LLS rates in NSW.
- (b) A full list of programs offered by NSW can be found at Drought Hub. NSW offers a greater number of support programs and funding for farmers than any other state to better manage in Drought.

147. What other actions could the NSW government be taking to deal with the drought?

ANSWER:

Despite having already committed over \$1.8 billion, the NSW Government continues to be agile in adopting programs that are fit for the current needs of farmers and rural communities and will continue to do so going forward.

Increasing the popular loan value of the Farm Innovation fund from \$250,000 to \$1 million and the introduction of interest free Drought Assistance Fund loans, for up to \$50,000 are just two examples.

The NSW Government has also listened to farmers' needs and amended the operation of the Drought Transport Subsidies to include a separate rate for B-Doubles, scaping the kilometre rates and expanding the eligible expenditure criteria to include the cost of transporting of farm chemicals, fertiliser and seed to farms.

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?

ANSWER:

- (a)-(c) These are matters for the Commonwealth.
- (d) The NSW Government has an existing drought policy and strategy, The NSW Drought Strategy encourages primary producers to plan ahead in normal conditions to prepare and build in flexibility to deal with adverse conditions. The NSW Government works with industry and stakeholders to enhance farmers' drought preparedness through a suite of assistance measures.
- (e) Yes - see f) below
- (f) NSW Farmers works primarily to an overarching statement that was developed in 2016. This allows for the development of specific initiatives as each situation requires. This statement is:

NSW Farmers supports comprehensive, integrated, consistent and effective national drought policy that:

- ensures that farm businesses are best prepared for, able to respond to, and able to recover from any drought event
- ensures that farm businesses are able to return as quickly as possible to contributing to the economic prosperity of both their local communities and the nation
- promotes preparedness and self-reliance, both of which are critical elements of good farm business planning
- recognises that there are fundamental limits to what even the best farm businesses will be able to prepare for, and supports provision of 'in drought' government support for farm businesses when these limits are exceeded
- recognises drought not just as an issue for agriculture, but as an issue for regional development
- recognises drought assistance as co-investment in farm businesses and communities.

Inland rail & water usage during construction

149. How much water will be used in NSW in construction if the Inland Rail?

ANSWER:

This is a matter for the Commonwealth.

150. How has the water usage figure been estimated?

ANSWER:

This is a matter for the Commonwealth.

151. How much water will be used in the boring tunnels?

ANSWER:

This is a matter for the Commonwealth.

152. Where will the water come from?

ANSWER:

This is a matter for the Commonwealth.

153. What impacts does the ARTC envisage on bores from blasting?

ANSWER:

This is a matter for the Minister for Planning.

154. What long term impacts have been identified on bores?

ANSWER:

This is a matter for the Minister for Planning.

155. If farmer allocations are being cut, how will ARTC source water?

ANSWER:

This is a matter for the Minister for Planning.

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?

ANSWER:

This is a matter for the Minister for Planning.

157. Have these issues been raised with the Minister for Agriculture?

ANSWER:

These issues if raised are referred to the Minister for Water, Property and Housing for appropriate response.

158. If so, has he discussed them at AGMIN?

ANSWER:

Many matters are raised at AGMIN.

159. Has he obtained briefings from ARTC or the Federal Government?

ANSWER:

ARTC has had a meeting with the Minister.

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?

ANSWER:

I am not aware of private conversations nor has any correspondence been received by my office in relation to the question posed.

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?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

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?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

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?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

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?

ANSWER:

This is a matter for the Deputy Premier.

Regional Tourism & Environment Fund Acquittal

165. Are you aware that people are calling tourism operators in Broken Hill

NOTE:

[DUPLICATE OF Q160]

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?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

167. The Website lists around half of the promised \$13 million. Why has the Government not listed the rest of it?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

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?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

169. Ms Chipchase undertook to table the list of the successful projects but has not done so. Are you able to do that?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

170. Why is the Government hiding the list of successful tourism operators?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

171. We have had regional tourism operators say that they have been told the fund is still active. Is it still active?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

172. If so, why did Ms Chipchase say the funds had been fully allocated?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

173. How much has been allocated to date?

ANSWER:

This is a matter for the Minister for Jobs, Investment, Tourism and Western Sydney.

Animal Welfare

174. What steps has the NSW Government taken to prevent NSW thoroughbred race horses being sent interstate to abattoirs or knackereries?

ANSWER:

This is a matter for the Minister for Better Regulation and Innovation.

175. Is the Department aware of similar instances of animal cruelty in the Standardbred horses (trotters) industry?

ANSWER:

This is a matter for the Minister for Better Regulation and Innovation.

176. Is the DPI aware of similar instance of animal cruelty for horses that are not bred for racing?

ANSWER:

The Department of Primary Industries is not aware of any instances of animal cruelty of horses not bred for racing. The *Prevention of Cruelty to Animals Act 1901* is administered by DPI and enforced by NSW Police, RSPCA NSW and Animal Welfare League NSW.

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?

ANSWER:

Within the Department of Planning, Industry and Environment, the Department of Primary Industries is conducting inspections of knackeries to ensure they are operating in compliance with legislative requirements outlined in the *Food Act 2003* and the Food Regulation 2015.

The *Prevention of Cruelty to Animals Act 1979* is enforced by RSPCA NSW, Animal Welfare League NSW and NSW Police. Two reports related to horse consignments from a property in NSW were investigated by the RSPCA NSW.

178. Was the Deputy Premier correct on 18 October when he said he had no evidence of illegal practices occurring in NSW?

ANSWER:

This is a matter for the Deputy Premier.

179. What action has the DPI taken to investigate claims that two NSW Knackeries are selling racehorses as pet food?

ANSWER:

Processing horses at knackeries is not an offence under the *Food Act 2003* or the Food Regulation 2015, administered by the Department of Primary Industries.

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?

ANSWER:

Investigations relating to animals which originated from Victoria are the responsibility of the Victorian Government.

- (a) The person in charge of livestock being loaded must ensure it is fit for the intended journey. The person must not load an animal that is assessed to be not fit for the intended journey except in accordance with advice from a veterinary practitioner. These requirements are set out in the Australian Animal Welfare Standards and Guidelines for the Land Transport of Livestock (which includes horses). These standards are mandated in NSW in the *Prevention of Cruelty to Animals (Land Transport of Livestock)*

Standards 2013 No 2, under the *Prevention of Cruelty to Animals Act 1979*. They are also enforced in Victoria and Queensland.

- (b) The Australian Animal Welfare Standards and Guidelines for the Land Transport of Livestock includes requirements for horses.
- (c) The Standards and Guidelines are available here <http://www.animalwelfarestandards.net.au/files/2015/12/Land-transport-of-livestock-Standards-and-Guidelines-Version-1.-1-21-September-2012.pdf>.
- (d) Spelling requirements for horses are detailed in clause 66 of the Standards and are summarised in the attached table.
- (e) Yes.
- (f) The Standards set requirements for time off water, but do not require that horses are provided with electrolytes prior to transportation.
- (g) A person in charge of livestock on a vehicle (other than a train) must inspect the livestock at each of the following times:
 - (i) before departure,
 - (ii) within the first hour of the journey and then at least every 3 hours or at every driver rest stop, whichever comes first,
 - (iii) each time the vehicle stops for a change of driver or vehicle, and
 - (iv) at unloading.

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?

ANSWER:

Department of Primary Industries was not advised of this transaction, which was a decision of Racing NSW.

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?

ANSWER:

Animal welfare is supported in NSW by the *Prevention of Cruelty to Animals Act 1979* (POCTA), Regulation and underpinning codes and standards. The Model Code of Practice for the Welfare of Animals: Animals at Saleyards is prescribed as a guideline under POCTA. The Code of Practice is not mandatory but can be used as evidence in proceedings under the Act.

- (a) POCTA is enforced by RSPCA NSW, Animal Welfare League NSW and the NSW Police.
- (b) There are penalties under the Act of up to \$110,000 for a corporation and \$22,000 or 2 years imprisonment, or both, for an individual.
- (c) POCTA does not require that audits be undertaken. RSPCA NSW conducted 36 inspections of saleyards in 2018/19.

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?

ANSWER:

Animal cruelty investigations are carried about by the RSPCA NSW, Animal Welfare League NSW, and the NSW Police, who are the POCTA enforcement agencies.

184. Is the DPI aware of allegations about two NSW Knackeries having accepted multiple NSW-linked horses at their sites?

ANSWER:

Department of Primary Industries is aware of these allegations. No offences have been committed under the *Food Act 2003* or the Food Regulation 2015.

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?

ANSWER:

RSPCA NSW advised DPI of their investigation of Burns Pet Food.

- (a) RSPCA NSW advised that there were cattle, sheep and horses at the facility, and that the welfare issues related to cattle only.
- (b) No.
- (c) and (d) It is the responsibility of the enforcement agency to train its inspectors.

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?

ANSWER:

Department of Primary Industries is responsible for enforcing legislative requirements at abattoirs and knackeries in NSW as outlined in the *Food Act 2003* and the Food Regulation 2015.

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

ANSWER:

NSW Department of Primary Industries has not been involved in any discussions with Racing NSW regarding the issues of horse health and welfare. NSW DPI works with the Office of Racing on animal welfare policy issues.

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?

ANSWER:

Discussions within Government are ongoing.

The Federal Minister for Agriculture as Chair of AGMIN wrote to the Chair of the Australasian Racing Ministers Conference, regarding the establishment of a national racehorse register, reflecting the desirability of a national approach to the management of retired racehorses.

The Senate Standing Committee on Rural and Regional Affairs and Transport is currently conducting an inquiry into the feasibility of a national horse traceability register. The Committee is due to report by 5 December 2019.

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?

ANSWER:

This is a matter for the Minister for Better Regulation and Innovation.

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

ANSWER:

These activities are covered by the *Food Act 2003* and the Food Regulation 2015. The NSW Food Authority/DPI Compliance has the legislative oversight for these activities.

Abattoirs and knackeries must also comply with the *Prevention of Cruelty to Animals Act 1979*.

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

ANSWER:

These activities are covered by the *Food Act 2003* and the Food Regulation 2015. The NSW Food Authority/DPI Compliance has the legislative oversight for these activities.

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

ANSWER:

Yes. Abattoirs and knackeries are audited and inspected on an unannounced basis under the *Food Act 2003* and Food Regulation 2015.

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

ANSWER:

The Prevention of Cruelty to Animals (Land Transport of Livestock) Standards 2013 No 2 are mandated under POCTA. The POCTA enforcement agencies are RSPCA NSW, Animal Welfare League NSW, and the NSW Police.

194. The [NLIS Guidelines for NSW Knackeries 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 knackeries 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?

ANSWER:

There are no similar NLIS guidelines for horses, ponies, donkeys and mules or other equines for NSW knackeries.

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

(a) If so, where?

ANSWER:

A link to the Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock, which provide guidelines for horse euthanasia, is available at - www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/codes-of-practice/land-transport-standards.

The NSW Animal Welfare Code of Practice No 3 - Horses in riding centres and boarding stables, which recommend that horses be humanely destroyed by a veterinary surgeon, or if this is not possible, by a person experienced in these procedures, are available at - www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/welfare-of-horses/aw-code-3

A NSW DPI Primefact Animal Carcass Disposal is available at - www.dpi.nsw.gov.au/data/assets/pdf_file/0005/798089/Primefact-Animal-carcass-disposal.pdf

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?

ANSWER:

Racing NSW is responsible for the rules of racing in NSW. The Rules of Racing are available on the Racing NSW website.

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?

ANSWER:

The fact sheet provides information on the movement requirements in regards to livestock entering NSW and moving within NSW. It provides information on cattle tick movement requirements for stock including horses entering NSW. It also discusses some of the considerations managers of stock should consider when moving stock within NSW. This includes Property identification Codes which are used in traceability systems.

(a) No

(b) The Rules of Racing are published on the Racing NSW website.

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?

ANSWER:

Knackeries are permitted to process all abattoir animals including buffalo and deer.

(a) Knackeries in NSW licensed under the *Food Act 2003* must meet the requirements in the *Food Act 2003*, Food Regulation 2015 and the Standard for the Hygienic Production of Pest Meat: PISC Technical Report 88 (published by the CSIRO).

(b) The Standard for the Hygienic Production of Pest Meat: PISC Technical Report 88 is available at: www.publish.csiro.au/book/6180.

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?

ANSWER:

DPI was advised by the RSPCA NSW

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

ANSWER:

31.

201. How many red meat abattoirs currently hold a Food Authority licence?

ANSWER:

31 licenses issued for red meat export and domestic abattoirs under the *Food Act 2003*.

202. How many red meat abattoirs have been inspected/audited by the Food Authority for compliance with requirements in the last 12 months?

ANSWER:

13 inspections and 13 audits have been conducted at domestic abattoirs for monitoring compliance with the *Food Act 2003* and Food Regulation 2015 during 2018/19.

203. How often are red meat abattoirs inspected/audited?

ANSWER:

Audits are conducted on at least an annual basis. Inspections are carried out on an as needs basis for licensing purposes or in relation to complaint investigations.

204. How many red meat abattoirs have failed an inspection/audited in the last 12 months?

ANSWER:

There have been 0 failed audits and 5 failed inspections noted during compliance monitoring under the *Food Act 2003* during 2018/19.

205. How much has the NSW Food Authority received in inspection/audit fees?

ANSWER:

During 2018/19, the NSW Food Authority received \$29,347.19 in inspection/audit fees from Red Meat Abattoirs.

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

ANSWER:

During compliance monitoring under the *Food Act 2003* of red meat abattoirs audited during 2018/19, the following were the audit ratings:

- (a) 10
- (b) 3
- (c) 0
- (d) 0
- (e) 0

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

ANSWER:

This is a matter for the Minister for Transport and Roads.

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

ANSWER:

This is a matter for the Minister for Transport and Roads.

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

ANSWER:

This is a matter for the Minister for Transport and Roads.

210. How many of the refund cheques which were issued have not been cashed?

ANSWER:

This is a matter for the Minister for Transport and Roads.

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)?

ANSWER:

This is a matter for the Minister for Transport and Roads.

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

ANSWER:

This is a matter for the Minister for Transport and Roads.

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

ANSWER:

This is a matter for the Minister for Transport and Roads.

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?

ANSWER:

- (a) From 1 July 2018 to 30 June 2019.
- (b) 2015/16 = 64
2016/17 = 87
2017/18 = 35
2018/19 = 37
- (c) The Department does not require approved charitable organisations to provide a breakdown of PINS issued. Clause 34(2)(e) of the POCTA Regulation only requires an approved charitable organisation to report the ‘number of penalty notices issued by the organisation’.

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?

ANSWER:

- (a) 2015/16 - 19
2016/17 - 34
2018/19 - 11
- (b) The Department does not require approved charitable organisations to provide a breakdown of PINS issued. Clause 34(2)(e) of the POCTA Regulation only requires an approved charitable organisation to report the ‘number of penalty notices issued by the organisation’

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?

ANSWER:

- (a) \$1320.00 each
- (b) PINs related to the following 4 breaches;
 - 1. Employees engaging in stunning activity without completing the relevant training.
 - 2. Goats were not used in a way which minimised risk of injury, pain, suffering, and caused the least practical disturbance of animals.
 - 3. The business failed to separate animals in the knocking box.
 - 4. The business failed to use the appropriate restraining equipment.
- (c) The business is prohibited until a Certificate of Clearance is issued by the Food Authority. The business must comply with the conditions outlined in the Prohibition Order before assessment of the compliance with the Prohibition Order is conducted and the Certificate of Clearance issued. To date, a Certificate of Clearance has not been issued.
- (d) The prohibition relates to 'backfatter' pigs and calves under 120kg.

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)?

ANSWER:

The Standards for Exhibiting Animals during Temporary Removals in New South Wales require exhibitors to list one of the following purposes:

- educational institution
- party entertainment
- shopping centre
- fair
- agricultural show or field days
- filming
- radio
- television
- photo shoot
- promotion
- trained performance
- other (provide description).
 - private event
 - fundraiser

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?

ANSWER:

76 regular DPI audits were conducted during this period - 15 complaint-driven investigations were conducted during this period.

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?

ANSWER:

- (a) 94
- (b) 67
- (c) 72

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?

ANSWER:

The current RHDV vaccine available in Australia is considered effective against the two approved strains of RHDV. A broad spectrum RHDV vaccine is currently being investigated which is intended to be effective against multiple strains of RHDV.

221. If not, are there plans to make a vaccine effective against these strains available in NSW?

ANSWER:

N/A.

Cage Farmed Rabbit Meat

222. How many cage rabbit meat farms are currently operating in NSW?

ANSWER:

National data collection agencies do not provide details of the rabbit farming industry, however the then Rural Industries Research and Development Corporation (RIRDC) published a report in September 2014 which listed some data for the rabbit industry for 2011-12. The report said that in 2011-12:

- There were 22 farms in Australia, down from 44 farms in 2006-07.
- Industry gross value or production was \$3.2 million, up from \$2.6 million in 2006-07.
- 265 tonnes of rabbit meat was produced, down from 325 tonnes in 2006-07.

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'?

ANSWER:

- (a) We are unable to provide the business names of cage rabbit farm facilities.
- (b) Records indicate that farms are located across the State.
- (c) There is no data available on the number of rabbits slaughtered on the farm each year.
- (d) This level of information is not captured.

224. What percentage of cage farmed rabbits in NSW die before the time of slaughter, including due to injuries and infection?

ANSWER:

Mortality rates prior to slaughter are not captured in data reporting or official statistics.

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?

ANSWER:

Data for rabbits slaughtered but not consumed (wastage) is not captured in data reporting or official statistics.

226. What funding or grants are available from the NSW Government to owners of cage-rabbit-meat farms?

ANSWER:

Cage rabbit meat farmers would be able to access grants for which they would be eligible, should they meet the specifications, requirements and guidelines stipulated for a grant scheme.

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)?

ANSWER:

As there is no information as to which grants in question, no response can be provided.