

Question 1 (Page 7)

The CHAIR: Can you explain why the free chemical program for landholders has ceased, given it is a fairly expensive chemical to spray: I think 800 bucks for a 20-litre drum? Obviously, if farmers have significant Hudson pear on their property, it is costing them tens of thousands of dollars. Can you explain why that free chemical program has ceased?

Mr DUGALD SAUNDERS: When did that cease?

The CHAIR: I am not too sure. I have just been informed by farmers that it actually has ceased. You could seek advice.

Mr DUGALD SAUNDERS: I am not sure when it ceased. Have you got any information about that?

SCOTT HANSEN: No.

The CHAIR: Perhaps take it on notice to find out when it was ceased and why?

Mr DUGALD SAUNDERS: Yes.

ANSWER

The program ceased on 30 June 2022 following a review that identified the free chemical program was no longer meeting the priority needs of landholders in managing Hudson Pear and Harrisia Cactus.

Question 2 (Page 12)

The Hon. MICK VEITCH: I am glad you mentioned deer—that is a good segue. Minister, the Illawarra Deer Management Program—how much has been spent, do you know, on that in the last couple of years? Has there been any increase in the deer-culling programs in the Illawarra?

Mr DUGALD SAUNDERS: I am not sure specifically about the Illawarra.

The Hon. MICK VEITCH: Happy for you to take that on notice and I can come back to you this afternoon, if you want, Mr Orr?

STEVE ORR: Yes, we will take that on notice, Mr Veitch, and come back to you this afternoon.

ANSWER

Additionally, expenditure on the Illawarra Wild Deer Management Program:

- 2019/20 - \$271,077 plus 0.6 FTE Co-ordinator
- 2020/21 - \$216,314 plus 0.6 FTE Co-ordinator
- 2021/22 - \$296,662 plus 0.6 FTE Co-ordinator.

The program has achieved the following:

- 2019/20 - 114 operational nights 788 culled (drought year)
- 2020/21 - 92 operational nights 607 culled
- 2021/22 - 106 operational nights 677 culled (very wet and windy year).

See page 77 of Transcript.

STEVE ORR: Just in relation to the Illawarra deer program. Mr Veitch, you asked some questions earlier on. The program and its predecessor, the Northern Illawarra Wild Deer Management Program had been operating since 2011. In this time, over 5,300 feral deer have been removed from the Illawarra Escarpment. For the 2022-23 financial year, the costs for the program are around about \$114,000. In that, there is 45,000 from LLS to assist with a coordinator.

Question 3 (Page 12)

The Hon. MICK VEITCH: Minister, I asked this last time and I know Mr Hansen is pretty good at reading what I did last time—he is usually prepared. Prosecutions by LLS of public land managers—now, the question was taken on notice last time and we came back with a response as it relates to weeds but not pests. Can I just ask, particularly since the 2016 Act came into operation—where, as you say, biosecurity is everyone's responsibility—how many prosecutions of public land managers have there been since 2016 for pests?

Mr DUGALD SAUNDERS: How many, Steve, any idea?

STEVE ORR: Is this in relation to weeds or is it in relation to—

The Hon. MICK VEITCH: No, pests. Animal pests.

STEVE ORR: Animal pests. Again, I'll come back to you, Mr Veitch, in relation to the numbers of prosecutions in relation to public land managers, if that's your question.

The Hon. MICK VEITCH: Yes, public land managers.

STEVE ORR: I'll come back to you this afternoon on that, Mr Veitch.

ANSWER

There have been no prosecutions of public land managers since 2016 for animal pests.

Question 4 (Page 20)

Mr JUSTIN FIELD: Since the land management code came into effect in 2018, your Government has approved over half a million hectares of land clearing, 150,000 hectares of which is woody vegetation and native grasses; non-invasive native species. That's an area over 500 times the size of the Sydney CBD. Do you think that's acceptable?

Mr DUGALD SAUNDERS: To be clear, authorised clearing is clearing that has been given approval. Of that authorised—that figure you're quoting, the 500 and something, includes invasive native species.

Mr JUSTIN FIELD: I acknowledge that. So 150,000 hectares, 500 times the size of the Sydney CBD, is non-invasive native species. That's a huge area. Is that acceptable?

Mr DUGALD SAUNDERS: Not as far as land scale in New South Wales; it's a very small area. And 4 per cent of that that was approved has actually been cleared in any way, shape or form.

Mr JUSTIN FIELD: I agree. I'm glad that you mention that.

Mr DUGALD SAUNDERS: Misguided figures don't help anyone.

Mr JUSTIN FIELD: You would acknowledge then that three-quarters of the actual clearing doesn't have the requisite approvals. That's concerning, isn't it?

Mr DUGALD SAUNDERS: No, 4 per cent of the authorised approvals is done.

Mr JUSTIN FIELD: All you're describing is a ticking timebomb for land clearing approvals which haven't been acted on.

Mr DUGALD SAUNDERS: Not at all. What you're suggesting is that land managers—

Mr JUSTIN FIELD: Then let's talk about the clearing that's actually occurred. Three-quarters of it doesn't even have the requisite approvals. How do you explain that?

Mr DUGALD SAUNDERS: Well, that's not true.

Mr JUSTIN FIELD: It is; it's in the report.

Mr DUGALD SAUNDERS: I disagree.

Mr JUSTIN FIELD: Unexplained clearing: 74 per cent for the last three years.

Mr DUGALD SAUNDERS: It's not unexplained, it's unallocated.

Mr JUSTIN FIELD: Unallocated; you've changed the name.

Mr DUGALD SAUNDERS: There is a difference between—

Mr JUSTIN FIELD: But most of that is either—

Mr DUGALD SAUNDERS: Do you understand—

Mr JUSTIN FIELD: —without the requisite approvals or illegal, right?

Mr DUGALD SAUNDERS: Do you understand what unallocated clearing is?

Mr JUSTIN FIELD: I do. More so than you, I suspect, because I've been asking questions about this for three years. Changing the name of it doesn't change what it is. It doesn't have the requisite approvals, does it?

Mr DUGALD SAUNDERS: It does have the—it's taken on notice and the landowner, for example, can assess a pasture, a paddock, and say, "If it is less than 50 per cent native pasture then I might put that paddock back into cropping."

Mr JUSTIN FIELD: Okay. **How much of the unexplained clearing has been that?**

Mr DUGALD SAUNDERS: Hang on. And if I choose to go back into cropping, then you would suggest that I have engaged in an illegal activity, which I completely disagree with and it is completely non-factual.

Mr JUSTIN FIELD: I look forward to you reporting on how you explain the 74 per cent of unexplained clearing, because I've asked your officials and the environment Minister's officials and what I get is, "We're still talking about how to describe it."

Mr DUGALD SAUNDERS: There are different land classifications, as you know, and unallocated clearing falls into—it can be clearing for a fence line. It can be for—

Mr JUSTIN FIELD: How much is for fence lines?

Mr DUGALD SAUNDERS: —power poles.

Mr JUSTIN FIELD: How much is for power poles?

The Hon. SCOTT BARRETT: Let him finish.

Mr DUGALD SAUNDERS: It can be for putting back into pasture. So it can be a range of things.

Mr JUSTIN FIELD: I'll put all those on notice and I look forward to hearing the percentage of the unexplained clearing that's been allocated to each of those. That would be useful for the public to be aware of

ANSWER

Monitoring and reporting on unallocated clearing is the responsibility of the Environment and Heritage Group in the Department of Planning and Environment.

The *Woody and non woody landcover change on rural regulated land Summary report 2020*, published by the Department of Planning and Environment, states on page 10 that of unallocated woody vegetation loss:

- 49% of unallocated clearing was attributed to agriculture;
- 30% of unallocated clearing is associated with farm infrastructure which will include allowable activities;
- 21% of unallocated clearing could be authorised under other Acts or regulations.

Local Land Services (LLS) and the Environment and Heritage Group (EHG) have agreed on priority actions to reduce the reported levels of unallocated clearing including investigating the potential to identify and categorise clearing under the Rural Boundary Clearing Code, and including an additional SLATS category called 'Assumed Allowable Activities'. Allowable activities are areas of detected lawful clearing that don't require an approval such as:

- Clearing for farm infrastructure
- Clearing under allowable activities related to public works and private powerlines

Question 5 (Page 22)

The Hon. MICK VEITCH: Minister, I just wanted to ask some questions around commercial fishing. Some of these may actually relate to the Rural Assistance Authority as well so, if you have to, feel free to throw to the erudite and learned CEO of the Rural Assistance Authority. Minister, I put a question on notice— I'll take the Chair's lead: It's number 217; I'm certain you'll know what that is—relating to fees and levies received by DPI from commercial fishers over the last few years. One of the things I note out of your response—I'm wondering, are the commercial fishers paying their fees and levies?

Mr DUGALD SAUNDERS: Sean? Sorry, I don't have that exact answer.

SEAN SLOAN: I would have to take it on notice to get the exact details of every single licence holder. We have about 1,000 commercial fishing businesses. From time to time we have individual businesses that, for whatever business reason individual to them, are not paying their fees and instalments. But, by and large, the fees are being paid as a general rule.

The Hon. MICK VEITCH: Mr Sloan, if you could maybe provide those figures for this afternoon, that would be good. Depending on your answer this afternoon, I may explore this a bit further. Essentially, what I'm after is what the non-payment rate is and what the length that they stay in arrears for is. I'm looking at if there is a cohort of people that may need support. That leads me to the business adjustment package, Minister, that then Minister Blair rolled out as a part of the commercial fishing reforms a few years ago. A part of that business adjustment package included a loan or loan arrangements which, I think, was operated through the RAA. Are people paying those loans or are they seeking to defer payment of those loans at this point in time?

Mr DUGALD SAUNDERS: I might have to defer to Sean O'Connell on that one.

SEAN O'CONNELL: Mr Veitch, I might come back to you. I can get the figures through our monthly arrears report. If I can, I will come back this afternoon.

The Hon. MICK VEITCH: Yes, come back to me

ANSWER

Loan Arrears for NSW Fisheries Adjustment loan as at 31 August 2022:

- Number of accounts: 37
- Total balance of all accounts: \$1,137,000
- Accounts in arrears: 8
- Total arrears: \$78,000
- Arrears as a % of the total balance of all accounts: 6.84%

There are 1055 commercial fishing businesses with 812 owners, of which around 30% have debt with varying arrears periods due to individual business circumstances.

Please refer to page 44

The Hon. MICK VEITCH: With regard to loans, this morning I was talking about the commercial fishing business adjustment package from a few years ago, which you are probably very conversant with. The capacity for people to seek a stay of payment or whatever because of circumstance, I think you took that on notice. You were going to—

SEAN O'CONNELL: Yes. Thanks to the team in Orange who are watching on, 70 loans were issued at the time, and they were two years interest only and then 10 years to pay the

interest and principal. We issued 70 loans to a value of \$2.437 million. As at 31 August, 38 loans remain on our books. The value of those is about \$1.2 million. In my view, this is quite a pleasing result, Mr Veitch, but nine of those are in arrears and, when you say "arrears"—one of those, for example, is less than \$2. That's the system—the computer says arrears. The total value is \$80,000.

The Hon. MICK VEITCH: Eight zero?

SEAN O'CONNELL: Yes, \$80,000. Bearing in mind where we are and these customers have been through COVID and things like that, that's probably a little bit higher than what we would look for across the Farm Innovation Fund portfolio, for example, but in the scheme of things I think that's okay

Question 6 (Page 23)

The Hon. MICK VEITCH: I think we can explore that this afternoon because there are a number of factors or elements to the capacity to pay which arise from those reports I spoke about earlier. I will go to cultural fishing, if I may, Minister. Last year in November the Legislative Council passed a resolution that essentially asked that the secretary of the department be asked to review cultural fishing compliance—issues around commercial fishing breaches—to determine whether or not they actually related to commercial fishing or whether they related to something else. Minister, has that taken place? Did you direct Mr Hansen to do so?

Mr DUGALD SAUNDERS: I can't remember if I specifically directed him to do that piece of work. There has been a fair bit of work done in that cultural fishing space. Scott?

SCOTT HANSEN: We did, Mr Veitch, and we conducted a review of all compliance matters at hand and provided a report back to the Minister and to our general council to get advice with regards to actions going forward.

The Hon. MICK VEITCH: Has that advice been returned?

SCOTT HANSEN: Yes.

The Hon. MICK VEITCH: Are you able to enlighten the Committee at all around whether or not we had to withdraw from any proceedings because of that advice?

SCOTT HANSEN: We did.

The Hon. MICK VEITCH: More than one?

SCOTT HANSEN: Yes. It's a difficult area to go too much further into because we don't want to give an indication as to what is free range.

The Hon. MICK VEITCH: Does that involve costs?

SCOTT HANSEN: I might take that on notice and come back to you in this afternoon's session on that. We did a review and we looked at all matters before us at the moment. We looked at those matters in which we thought that there was marginal benefit in proceeding with versus those that were a severe enough circumstance in which to proceed, and we have moved forward accordingly.

ANSWER

No matters were dropped due to the review on prosecutions.

Question 7 (Page 29)

The Hon. EMMA HURST: But we just heard from Mr Hansen that there was community concern about arming children with weapons. I understand it's not firearms, but there were proposals to arm any child under the age of 12 with a weapon. I imagine it could obviously put children in potentially very dangerous situations with pig dog hunting, for example, which was one of the proposals, with a boar and a dog fighting for their lives. A child could be in a very difficult situation. You don't think that there are child protection concerns that should have been addressed?

Mr DUGALD SAUNDERS: With consultation like this, every single possible group and individual has the ability to make submissions. I'm not sure if there were any from those groups that you are talking about—I don't recall whether that occurred or not—but every single group has the opportunity. If child protection groups thought there was a need to do that, I'm sure they would have made submissions.

The Hon. EMMA HURST: But your department wasn't prepared to actually reach out to those organisations to be able to make sure that there were no child protection concerns?

Mr DUGALD SAUNDERS: Did we reach out specifically to child protection agencies, do you know?

SCOTT HANSEN: No, we reached out to government agencies to get their thoughts and views. I'd have to take on notice which agencies. Obviously the NSW Police Force was one of those agencies that we did reach out to, to get their views.

The Hon. EMMA HURST: Thank you. If you could take on notice whether there were any other child protection agencies that were reached out to, that would be appreciated. Mr Hansen just mentioned that there were other Government members that were consulted on this. Was this something that was taken to Cabinet or consulted on broadly within the Liberal-Nationals Government? Or was it something that was quite isolated within the DPI?

ANSWER

Child protection agencies were not consulted individually but were able to provide feedback during the public consultation period.

Between Tuesday 14 June and Tuesday 12 July 2022, DPI consulted the public on the draft Game and Feral Animal Control (GFAC) Regulation via the Have Your Say online engagement platform. The draft Regulation was accompanied by a Regulatory Impact Statement, responses to frequently asked questions and a summary of regulatory changes and context. Details of the consultation were published in the NSW Government Gazette on Friday 10 June 2022. The consultation was also advertised in print and online versions of The Land (16 June 2022), The Sydney Morning Herald and The Daily Telegraph (both 17 June 2022).

Awareness/advisory content was released via the DPI website and DPI Hunting Facebook page, and via emails to DPI Hunting online subscribers, NSW hunting licence holders and Approved Hunting Organisations.

Question 8 (Page 35)

SEAN SLOAN: Thanks, Minister. Trout cod is listed as an endangered species. It is a species that we have a recovery program in place, and we are conducting restocking activities. We have done some recent work to look at the recovery of that population and it is still sitting in an endangered situation, and that is largely because the breeding population hasn't recovered to a point where it can replenish itself. Our activities of restocking and keeping an area of the river where the last remnant population of this species exists—is closed to fishing for the breeding period. So that species is one of the species that we continue to have to do work on.

The Hon. MICK VEITCH: When you say "continue to do work on", what does that work look like, Mr Sloan? As I understand it, things are pretty dire for this particular species.

SEAN SLOAN: We have a captive breeding program for trout cod, and that has involved breeding the species in captivity and releasing fingerlings into the river and also having a stretch of the river where the last remnant population of that species exists closed to all fishing for a period of time during the annual spawning period for that species. They are the major activities that we undertake specifically for that species but, in addition, we have a major piece of work underway working with other government agencies like WaterNSW to restore connectivity right across the river because that benefits all native fish populations, including trout cod. And we have other habitat restoration pieces of work underway across the river system as well. There are various broader pieces, but specific to trout cod it is the captive breeding program and the spawn enclosure.

The Hon. MICK VEITCH: Mr Sloan, what is the survival rate of fingerlings? Do we do that work?

SEAN SLOAN: Yes, we do, and that varies. Obviously, it varies in relation to the success of the annual breeding run that we have, but also with the receiving environment for those fish. Over time those techniques for breeding fish have improved. The survivability is good but, obviously, when you are returning fish into their natural environment, there is going to be—as there is with all fish stocking activities—quite high levels of mortality. To give you the specific figures that have come from our monitoring program, I would have to take that on notice.

The Hon. MICK VEITCH: You can take it on notice. The reason I ask is I believe we have had a couple of goes at restocking; we've dropped some fingerlings, I think, into the Macquarie River. Do you know what is the survival rate of the fingerlings that went into the Macquarie?

SEAN SLOAN: I would have to take that on notice, but we restocked over five million fish in the last financial period right across New South Wales. Most of those were in the freshwater environment but some in the marine and coastal, and some of those were non-native species like rainbow and brown trout. But there's a high proportion of those fish that were native freshwater species. I'll have to take it on notice to get the specifics about Macquarie but I can do that.

ANSWER

We do not have specific information regarding the survival rate of trout cod fingerlings. Previous work on the survival rates of other native species informs our understanding of the likely rates of survival.

Freshwater database records indicate that trout cod have not been sampled in electrofishing surveys in the Macquarie River since 2016. Recreational angler catch reports indicate that there have been Trout cod caught and released in both stocked sections of the Macquarie

River in 2018 and 2022. The data suggests they persist within the catchment in low numbers.

Question 9 (Page 35)

The Hon. MICK VEITCH: I was down the far south a couple of weeks ago. An angler down there pulled me aside, and I said to him that I would use his line. He referred to the trout cod as the koala of the waterways. **How much money have we spent trying to save trout cod, and will we save trout cod?**

SEAN SLOAN: I'd have to take it on notice to give you the exact figure.

The Hon. MICK VEITCH: Can we do that, thanks?

SEAN SLOAN: We certainly can. You're quite correct that they are one of those species that is quite sensitive to fishing, and that's why the spawn enclosure that we have in place is not just for trout cod but for all species. That's because the catch and release process affects different species in different ways, and trout cod is one of those species that can suffer mortality after being handled when they are caught, which is why that seasonal spawn enclosure protects them from being handled at all.

The Hon. MICK VEITCH: Can I ask, then, Mr Sloan, **what would be deemed a success for the trout cod recovery program?**

SEAN SLOAN: The key success measure would be the spawning stock being able to replenish itself—having annual breeding pairs get to a certain threshold level where we don't have to keep intervening in the natural environment to boost that spawning potential. Again, I'd have to take it on notice to give you the specific sort of metrics that we would apply to that, but essentially the key measure that we have for managing any fish stock is the ability of the natural adult population to spawn and replenish stocks naturally.

ANSWER

The captive breeding and stocking program costs approximately \$40,000pa. Over the last two years, \$160,000 has been spent on specific Trout Cod actions via captive breeding programs and Habitat Action Grants and LLS projects specifically targeting Trout Cod habitats.

Outside of the last two years, there have been habitat restoration projects in the Macquarie through the NSW Environmental Trust and the DPI Habitat Action Grants totalling \$288,000

There are a range of other habitat protection and enhancement programs that are focusing on improving native species more generally that will benefit Trout cod recovery. These include the overarching NSW Fish Passage Strategy, the NSW Government's \$13.5million Macquarie Fish Screening project and delivery of environmental water during Trout Cod breeding season to support the establishment and inundation of nesting habitat.

The establishment of self-sustaining populations and an upward trajectory in both the abundance and the geographic spread of populations would be considered a success. A recent Audit and Review of the Trout Cod Recovery Plan (2022) highlighted the significant work that was being implemented in terms of captive breeding and stocking, habitat restoration, environmental flow management and community engagement, however recent catch data did not suggest any changes to the protection of the species was warranted. The Audit cited the 2017-2020 drought as having a significant impact on the outcomes of current recovery actions.

Question 10 (Page 37)

The CHAIR: Were you or Mr Sloan aware of Mr Harnwell's extensive experience in the Jervis Bay Marine Park when you saw those answers come back?

SCOTT HANSEN: I've got to say, this is for a penalty infringement notice of a staff member fishing. No, I didn't ask for more at that stage, the same way I wouldn't necessarily ask for more information with regards to a staff member who might be caught speeding on their way home on a road that they drive every single day of the year and answer to the officer, "Sorry, I didn't realise I was speeding."

The CHAIR: I appreciate that, but one of the core answers to that question was that he didn't know that he was in the sanctuary zone. I'm asking whether you were aware of his extensive experience in the Jervis Bay Marine Park in fishing in that area. When you saw that answer, did that not raise flags? First of all, were you aware of his experience and, if you were aware of his experience, did that not raise flags that the answer he gave to the compliance officers may have been misleading?

SCOTT HANSEN: It didn't raise any flags with me. The answer that he gave to the Fisheries officers was followed up by him paying his penalty infringement notice like any member of the public would.

The CHAIR: Mr Sloan, did it raise any concerns with you? I know you've only been recently new in the position—a couple of years.

SEAN SLOAN: No, it didn't. The individual involved described the incident as a mistake, so it was an unintended mistake.

The CHAIR: Did this level of inquiry with these questions pass through the hands of Mr Turnell? I know he has a role in this space. Did it go through his hands?

SEAN SLOAN: Any sort of question on notice like this one would go to the relevant directors involved for those activities.

The CHAIR: Is he one of the relevant directors?

SEAN SLOAN: Peter Turnell is the Director for Fisheries and Aquaculture Management and Jim Harnwell is one of his staff who looks after fish stocking programs for DPI, so he's not involved in marine park management, he's not involved in Fisheries compliance. But the substance of the response to the question on notice was put together by the director for Fisheries compliance, which is where our Fisheries compliance activities occur.

The CHAIR: Who was in control of the vessel when it was approached by DPI compliance? Was it Mr Harnwell or someone else?

SEAN SLOAN: I would have to check the facts on that. To my knowledge, it wasn't Mr Harnwell, but I'd need to check that.

ANSWER

It is not appropriate to provide personal details in relation to compliance matters.

Question 11 (Page 40)

Ms SUE HIGGINSON: Minister, I would like to table a report. You won't have seen this because I only saw this yesterday. It is really quite concerning. That one person, whoever you may be talking about, is not this person. This is quite a significant review of how we may have got a few things wrong over the past couple of decades and how we're categorising forests. What would be really good, Minister, is if you could commit to a proper review of what we are referring to as plantation forest because only last month there was a complaint made about quite a significant area that resulted in DPI and Forestry admitting that there were some pretty significant errors in mapping. Minister, at the moment we work on what is an authorised plantation, an accredited plantation, a defined forestry areas map, an indicative map—it's a bit all over the shop. It's your portfolio and it's our public forests. There's an enormous concern at the moment that we may be stuffing some things up.

Mr DUGALD SAUNDERS: I am more than happy to take that on board, look at that report and work with DPI and Forestry if there are some concerning things to look at.

Ms SUE HIGGINSON: And perhaps get back to me about—

Mr DUGALD SAUNDERS: Sure.

ANSWER

DPI, as the regulator for authorised plantations, will review the document furnished and provide advice to the Minister.

Question 12 (Page 43)

The Hon. MICK VEITCH: You've been a chief of staff to a Minister. This is the chance for you to push for extra money, Mr O'Connell. You shouldn't let opportunities move away. Can you just give us a list of the disaster grants that you're actually currently rolling out?

SEAN O'CONNELL: I can probably find those.

The Hon. MICK VEITCH: You can take that on notice and give it to us.

SEAN O'CONNELL: Yes.

ANSWER

The RAA's Natural Disaster Programs are summarised on, and accessible from, the RAA website at www.raa.nsw.gov.au/disaster-assistance/storm-and-flood-programs

Programs that are currently open are:

Natural Disaster Programs:

- Special Disaster Grant for Feb-March 2021, Nov 21, Feb-March 22 and 27 June 2022 declared natural disasters
- Rural Landholders Grant for Feb-March 2021 Feb-March 22 and 27 June 2022
- Supply Chain Support Grant for Feb-March 2021,
- Natural Disaster Transport Subsidies
- Donated Fodder Transport Subsidies
- Natural Disaster Relief Loans for all declared natural disasters.

Other programs:

- Varroa Mite Emergency Response Owner Reimbursement Costs (ORCs)
- Concessional loans
- Farm Innovation Fund
- Seafood Innovation Fund
- Drought Assistance Fund (closed to new applications)
- Forest Industry Innovation Fund (closed to new applications)
- Various Commonwealth drought loan programs.

Question 13 (Page 46)

SEAN SLOAN: When it comes to the prawn draw, the reason I was going down that path was just to explain that if you are a fisher in this fishery and you hold more shares, the whole intent of the reform process was that you would have greater access to the fishery. In essence, if you hold more shares you would hold more balls in this prawn draw. That was the intended purpose. The question is really how that trading is occurring and that is something we are going to look more closely at.

The CHAIR: Closing the loop on this prawn draw issue for the moment, who in the department actually appoints the commercial fishermen to run the draw, or was that a self-appointed position based on they were the person that put their hand up on the day and said "I'm happy to run it"? Was it appointed by you, or whoever was in your role at the time? How does that work?

SEAN SLOAN: There's a process set out in an order that is set up under the Fisheries Act. That was actually set up before my time so I am not aware of the specific details. I would have to take it on notice.

The CHAIR: Someone within Fisheries would have appointed each of these commercial fishermen to run the draws? They wouldn't have appointed themselves?

SEAN SLOAN: I have to have a close look at how it is set up, but I don't think there is a formal appointment process, I think there is just a process that is set up for the draw.

SCOTT HANSEN: We might take that on notice and come back to you, Chair, on that.

ANSWER

At present, the person or people required to run a prawn draw are decided by industry and then notified in writing by the local Fisheries Compliance Officer.

For the Myall Lakes prawn draw, industry had previously identified four fishers that may run a draw and that a draw must be run by at least two of these fishers.

The current process provides that local prawning shareholders may re-determine who runs a prawn draw. If this was to occur, the local Fisheries Compliance Officer would notify in writing the new person or people required to run that draw.

Question 14 (Page 47)

The Hon. EMMA HURST: Do we know how many facilities in New South Wales are actually housing and experimenting on the animals within the facility itself? I'm happy for you to take that on notice.

KIM FILMER: Yes, I will take that on notice.

ANSWER

See page 74 of Transcript.

KIM FILMER: We've engaged an external independent group to undertake some social research one-on-one interviews with all different stakeholders right across the spectrum. Once we've got that information back, that will hopefully give us some really good insights into what areas we should target in terms of education.

The Hon. EMMA HURST: Yes, please.

KIM FILMER: Dogs in research, there are 20 establishments that have dogs. There are seven that supply dogs that have an animal supply licence. For cats, there are 14 establishments that have cats and there are seven that are suppliers of cats. You need to note that some of them have cats and dogs. So if you add those numbers up, you will get a bigger number than what the reality is.

The Hon. EMMA HURST: And you don't have that data as to which have both?

KIM FILMER: No, I don't have that. Sorry.

The Hon. EMMA HURST: That's all right. Thank you.

Question 15 (Page 47)

The Hon. EMMA HURST: Sorry, what I'm trying to understand is that the statistics are saying around 1,000 dogs are being held in facilities. The Australian Veterinary Association is saying 100 per cent of the dogs are rehomed, but the ARR data says that in 2020 no dogs were rehomed. Is it that those dogs are still being used in research and are just being recycled through further projects, and that's why we had zero dogs rehomed while the Australian Veterinary Association is saying 100 per cent are rehomed? I'm trying to understand what that data is saying.

KIM FILMER: I think I'd better take that on notice to get that right for you.

ANSWER

In NSW, information on the use of animals in research is collected by animal research establishments on a calendar-year basis. It is a requirement under the *Animal Research Act 1985* that this information is submitted to NSW DPI.

In 2020, 2,553 domestic dogs were used in research in NSW of which 1,575 (62%) were Privately (non-research) owned and remained with the owner (Fate category). The 2020 statistics show no domestic dogs used in research in 2020 were rehomed in that reporting year.

Domestic dogs kept by research establishments but not used in research in the reporting calendar year (e.g. those that were retired from research in a previous year) are not included in the submitted statistics.

The Australian Veterinary Association NSW Division letter states on pages 2-3 that one clinical research organisation (CRO), "along with other CROs, consistently rehome 100% of the retired dogs and cats year on year". This is referencing a retired population of animals (i.e. dogs and cats no longer used in research) held at certain CROs.

The NSW Government is committed to protecting the welfare of animals used in research and safeguarding the future of these animals so that, where possible, they are able to find lifelong homes. In 2020, rehoming guidelines were published on the Animal Ethics Infolink website as a resource to facilitate successful rehoming of research animals. In 2022, 15 additional species-specific rehoming factsheets will be published, adding to the education material available.

Question 16 (Page 51)

The Hon. MICK VEITCH: A GIPAA request from one of my colleagues has been rejected by DPI-Fisheries on the basis that each individual staff member would have to search their computer for documents, which then raises questions about how they back up their data. If this information is searchable, as you just said, Mr Hansen, why would each individual staff member at DPI-Fisheries have to do that? Why would that be the basis for rejecting a GIPAA request?

SCOTT HANSEN: I will go to the first part first, which is, if they haven't gone and put the data into the online management system yet, then it would still be sitting on desktops and littering C drives across their laptops and as such would need to be individually searched. But I'm not aware of the GIPAA in question. That might give me some context as to what kind of data it was.

The Hon. MICK VEITCH: It was to do with the Mannering Park fish kill.

SCOTT HANSEN: Okay, in which case it could well be that those officers had not had a chance to load it back in yet.

The Hon. MICK VEITCH: How long does it take? As part of the operating procedures for the department, is there a time frame for that information to be loaded onto the record management system?

SCOTT HANSEN: Yes, there is a requirement under the official records requirements in terms of making sure that that information is loaded into our online records system.

The Hon. MICK VEITCH: Within what time frame?

SCOTT HANSEN: I would have to take that on notice. I don't know off the top of my head, unless someone else does?

ANSWER

DPI has no record of an application under GIPA being submitted related to the Mannering Park fish kill.

See page 71 of Transcript.

SEAN SLOAN: Mr Veitch, I actually had a couple of responses for you, if there's time to come back to you. The first one was in relation to the matter that you raised around a GIPAA for the Mannering Point fish kill. We've checked and we don't have any records of having received such a GIPAA.

Question 17 (Page 52)

The Hon. MICK VEITCH: I want to go back to my trout cod questions. I have a couple of issues for you to take on notice, Mr Sloan, if you haven't already. Essentially, how long has this trout cod recovery program been in place?

SEAN SLOAN: The species has been listed as endangered for, I think, close to three decades. It's a species that's been under pressure for a long time. In terms of the recovery program, I will have to take that on notice and come back to you with specific information.

ANSWER

The first national recovery plan was written in 1994, with revisions and updates in 1998 and 2008. NSW published a Trout cod recovery plan in 2006. Work with breeding trout cod at Narrandera Fisheries Centre began in 1986 with small numbers stocked into waterways the following four years until consistent numbers of 20,000 per year or greater were stocked from 1990 onwards. Total trout cod produced and stocked into waterways in NSW since 1986 is 1,262,020.

Question 18 (Page 53)

The Hon. MICK VEITCH: Has there been any evaluation on the impact of the trout cod population at Talbingo Dam of the Snowy 2.0 project?

SEAN SLOAN: I have to take that on notice, Mr Veitch.

The CHAIR: To assist Mr Veitch, when you do take it on notice, I'd be particularly interested in the impact of redfin being introduced, because that is the real risk being expressed by our fishermen—the impact of redfin on trout cod populations.

SEAN SLOAN: I'll add that as well.

ANSWER

See page 71 of Transcript.

SEAN SLOAN: The other one was around trout cod. You asked some questions there. The recovery plan for trout cod has been in place since 2006, but we have been stocking trout cod in New South Wales for about 30 years. In relation to the impacts at Talbingo Reservoir, redfin already exist in Talbingo Reservoir, so we don't have any concerns about the implications for trout cod in Talbingo Reservoir. But we do have concerns about the impacts at Tantangara Reservoir, where the redfin does not exist.

Question 19 (Page 56)

The Hon. EMMA HURST: I'm asking hypothetically, but I have had complaints come to my office that animals have been wild-captured in another State and then brought to exhibited licence holders. I don't know if there's any evidence of it, but what I'm trying to understand is, is that even possible? Or is the system set up to make sure that that can't happen? If somebody was, say, a licensed animal holder in one State and they went and wild-captured an animal and sold them to another licence holder, is that a loophole that could bypass the whole system?

JOHN TRACEY: I'm not sure of that.

SCOTT HANSEN: We might take that on notice.

JOHN TRACEY: We can take that on notice.

ANSWER

See page 67 of Transcript.

SCOTT HANSEN: Can I give you an answer to your other question? Our compliance team has told us that, as part of the process of acquiring animals, compliance officers check to ensure the person supplying the animal is permitted to possess the animal in the first place. What they require is to cite evidence from the interstate authority about the legitimacy of the ownership of that animal.

The Hon. EMMA HURST: But couldn't somebody still potentially have a licence to have animals? One thing that I hear—and I've heard this from people that are in authorities as well—is that often when people go out to inspect an exhibited animals facility there are suddenly more animals than they were licensed to have and they said, "Sorry, whoops, some of them bred and we ended up with more than we had." If somebody was to have koalas and they have a licence to have koalas but essentially then rescued a koala that was injured and rehabilitated that koala, they could still potentially sell that koala on to another exhibited facility and that animal could somehow get lost in the process. They're not legally allowed to do that but I am wondering how we would track that and make sure that's not happening in the system.

SCOTT HANSEN: I don't know if we're able to track that but what I do know is that we undertake a verification by sighting the evidence that the person who is transferring a koala actually has a permit to have a koala in the first place.

SUZANNE ROBINSON: The other thing is that the rehab of wildlife is a separate licensing system—

The Hon. EMMA HURST: Yes, I was going to ask that as well.

SUZANNE ROBINSON: —under the Biodiversity Conservation Act.

The Hon. EMMA HURST: But could someone have both?

SUZANNE ROBINSON: Anyone doing rehab has to be licensed and it's monitored through that agency process.

The Hon. EMMA HURST: But could somebody be licensed for both? I'm assuming a lot of places would have both licences.

SUZANNE ROBINSON: That's right, but they generally have to keep their rehab animals separate from their exhibited animals.

The Hon. EMMA HURST: Okay, thank you. Mr Hansen, I have further questions about the draft Animal Welfare Bill. I wanted to know if the intention was to wait for the draft regulations to be published before it goes any further, and whether those draft legislations will be going to the inquiry anytime soon. Do you have any idea around the time frame?

Question 20 (Page 58)

The Hon. PETER PRIMROSE: I will direct my questions to Mr Hansen. Please feel free to send them wherever you wish. They are about forestry. In May the Government announced a \$10 million Hardwood Timber Haulage Subsidy Program to subsidise the freight of logs to flood-affected mills in the north of the State. That's correct, isn't it?

SCOTT HANSEN: Yes, it is. Sorry, we are just getting the appropriate officer up to the table to help you with that, Mr Primrose.

The Hon. PETER PRIMROSE: That's fine. I presume that's correct because I'm reading it out of your document. How much of the \$10 million transport subsidy—and I think it amounts to \$30 per tonne of timber—has actually been expended, please?

DAVID McPHERSON: Thanks for the question. We will get back to you on the exact numbers that have been spent but, I think, to date, we have had 10 applications under that program. The average funding spent so far is around \$400,000—approved, sorry.

ANSWER

See page 72 of Transcript (with correction)

DAVID McPHERSON: Mr Primrose, I've just got an update on the Hardwood Timber Haulage Subsidy Program. It's \$1.215 million as of last week approved.

Question 21 (Page 59)

The Hon. PETER PRIMROSE: How many mills so far have actually applied under the program? Is it 10? Is that correct?

DAVID McPHERSON: We will try and get that detail to you as well. DPI doesn't actually administer the program; it's managed through Regional Programs in the Department of Regional NSW. But we can still try and get that information for you.

The Hon. PETER PRIMROSE: I was assuming you guys were doing it. You may wish to also, then, refer these questions. Have costings been undertaken to provide the same assistance to areas impacted by bushfires, for example?

DAVID McPHERSON: Correct.

The Hon. PETER PRIMROSE: Yes, they were?

DAVID McPHERSON: Yes, it was a similar amount of money.

The Hon. PETER PRIMROSE: When did that program operate?

DAVID McPHERSON: In terms of the bushfire assistance and transport subsidy?

The Hon. PETER PRIMROSE: Yes.

DAVID McPHERSON: Straight after the bushfires that program ran. I think it ran for 12 months, but I will get back to you on that.

The Hon. PETER PRIMROSE: Please. Thank you. I would appreciate the same sort of statistics. I'm just looking at how successful or otherwise it has been.

ANSWER

See Page 61 and 72 of Transcript.

Page 61:

DAVID McPHERSON: Absolutely. No worries. If I can just clarify a point there, the information I have now is that there are six applications approved under the hardwood haulage program and another four being assessed at the moment. I will get you the actual amounts on notice.

Page 72 (with correction):

DAVID McPHERSON: Mr Primrose, I've just got an update on the Hardwood Timber Haulage Subsidy Program. It's \$1.215 million as of last week approved

Question 22 (Page 60)

The Hon. PETER PRIMROSE: This is a straight statistical question—it's more arithmetic, actually—so please take it on notice. How many of the new plantations that Forestry Corporation established in the past 20 years were for hardwood sawlogs and how many of those plantations were for softwood sawlogs and what percentage were for pulpwood exclusively? We are looking at five, 10, 15 and 20 years. Is it possible for you to have a look at that and come back?

ANSHUL CHAUDHARY: Sure. Absolutely. Just to note on that, we don't produce plantations just for the purpose of pulp log. It is mainly or all for sawlog, really.

The Hon. PETER PRIMROSE: The next question is: What is the primary forum for coordinating forestry industry stakeholder feedback to the Government? What would I call that body?

DAVID McPHERSON: I can probably answer that one. We have two forums: There is a hardwood industry advisory group and there is a softwood industry advisory group.

The Hon. PETER PRIMROSE: Could you please take on notice who is on that body?

DAVID McPHERSON: Yes.

The Hon. PETER PRIMROSE: I'm not interested in the individuals but who they represent. I would also be interested to know, for instance, if there is any worker representation on those.

ANSWER

Plantations across the hardwood and softwood estate are all established to produce sawlogs as well as other lower value products. The area planted each year is reported in the annual Sustainability Report available on Forestry Corporation's website.

See Page 61 of Transcript

DAVID McPHERSON: In terms of the hardwood one, Forestry Corporation, Hurford Wholesale, Timber NSW, Notaras, Grants Sawmilling, Boral/Pentarch, NSW Farmers, Australian Forest Contractors Association and the Australian Forest Products Association. For the softwoods, we have Visy, Mangan Haulage, Hyne Timber, Hume Forests, Forestry Corporation, AKD Softwoods, Softwoods Working Group, Australian Forest Products Association and, again, the Australian Forest Contractors Association

Question 23 (Page 61)

The Hon. PETER PRIMROSE: I have three brief questions relating to skills. **What funding is currently available to recognise on-the-job learning in the timber industry?**

DAVID McPHERSON: I would have to take that on notice in terms of the actual funding, but the New South Wales Government recently developed a program called ForestFit, in partnership with the Australian Forest Contractors Association. The program is built around the idea to improve contractor compliance on the job out in the field. There is significant effort going in. It is going to be an industry-led program. It is all about helping them to understand the complex rules around the Integrated Forestry Operations Approvals—I FOAs—and also the private native forestry codes and the plantation requirements.

The Hon. PETER PRIMROSE: If you could please just take on notice the funding issue and maybe also just give us a reference to where we can go and have a look at the details of that.

DAVID McPHERSON: Absolutely. No worries. If I can just clarify a point there, the information I have now is that there are six applications approved under the hardwood haulage program and another four being assessed at the moment. I will get you the actual amounts on notice.

The Hon. PETER PRIMROSE: Thank you. **What is the current industry assistance package called for the timber industry?**

DAVID McPHERSON: From the bushfires or from the—

The Hon. PETER PRIMROSE: Both.

DAVID McPHERSON: At the moment the hardwood haulage subsidy program is the one related to the recent floods and the bushfire assistance program is the one that went through recently after the bushfires.

The Hon. PETER PRIMROSE: How much was that? That was also for \$10 million?

DAVID McPHERSON: No. There was a range of funding under that program, which also includes some funding of the Forestry Corp to upgrade nurseries and replant the estate after the bushfires, and then there was the softwood haulage program as well.

The Hon. PETER PRIMROSE: **Could you give us a disaggregated amount? Please take it on notice.**

DAVID McPHERSON: No problem.

The Hon. PETER PRIMROSE: Thank you. Was the money spent at Blue Ridge Hardwoods a part of that package?

DAVID McPHERSON: No. It wasn't a part of that, no. That's another one that's been managed through regional programs, so we'd have to get that one on notice too.

The Hon. PETER PRIMROSE: Please take that on notice for me. Thank you.

ANSWER

DRNSW does not provide funding for recognition of prior learning in the forestry sector.

The NSW Government provided \$4.6 million for a 4-year program to develop a forestry contractor training and certification scheme. The ForestFit scheme was developed by the NSW Government in partnership with the Australian Forest Contractors Association (AFCA). Other NSW Government partner agencies were Local Land Services, Training Services NSW, the Forestry Corporation and the Environment Protection Authority.

It is intended the scheme will be industry-led and available nationally. The certification framework and underpinning standards and training modules are now complete and were launched nationally in June 2022.

In relation to bushfire assistance, details on the supply chain support grants program were provided later in the hearing (see page 77 of Transcript).

DAVID McPHERSON: Just one additional piece of information on the supply chain support grants after the bushfires for softwood. There was \$15 million made available for the salvage of burnt timber. There was 15 for the salvage of timber and 10 for storage

In addition to this funding, the NSW Government funded 16 successful forest industry development projects (with a total value of \$41.8million) under Stream Two of the \$140million Bushfire Industry Recovery Package. The package was rolled out from April 2020, with varying closing dates for the two streams. Further details are available at: <https://www.nsw.gov.au/regional-nsw/regional-recovery-programs/bushfire-recovery/bushfire-industry-recovery-package>

Other bushfire assistance included:

- Special Disaster Grants of up to \$75,000 to help pay for repair costs;
- Grants of up to \$10,000 for small businesses that experienced a significant decline in revenue because of the NSW 2019-2020 bushfires; and
- Special Disaster loans for small businesses and primary producers in bushfire impacted Local Council Areas – this program included a Bushfire Working Capital Loan of up to \$50,000 and low interest loans of up to \$500,000

Question 24 (Page 61)

The Hon. MICK VEITCH: Mr Hansen, probably to you—but, again, if you want to show your halfback five-eighth skills and throw the ball round—as I understand it, incident and emergency staff in other areas of the State Government get standdown days when they're involved in incidents. Is that arrangement available for your biosecurity staff as well?

SCOTT HANSEN: There are arrangements that we put in place to make sure that the roster allows people time off at the end of their period in the emergency response. I probably should just say that, actually, our response at the moment has got staff well broader than just biosecurity teams responding. As you can imagine, our ag teams are very heavily involved in responses around varroa. In fact, the whole business is sort of hands to the wheel for varroa, white spot, Japanese encephalitis, or preparing for FMD or lumpy skin disease. So we do have systems in place to ensure the rotations enable breaks and enable people to sort of refresh and have a break away from the response before they come back in. We do operate under a series of different awards across the cluster and across DPI itself and we obviously have to meet the requirements of all of those awards as well

The Hon. MICK VEITCH: Maybe you can explain it to me, then. Are standdown days like personal leave days? Is that what happens—you have to clear some of your own leave to get that? Clearly the RFS would have a different arrangement, but their incident controllers get standdown days. Is that what happens?

SCOTT HANSEN: I might take that on notice and come back with the different awards in terms of what we have to do, if that's okay.

ANSWER

Emergency Management working arrangements including fatigue management plans are detailed in page 6 of the Regional NSW Logistics Emergency Response Guide found here https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0010/1266967/Logistics-emergency-response-guide.pdf. This guide encourages all staff and response leadership to apply key principles in fatigue management including the number of consecutive workdays. Since March 2022, response personnel are able to claim a standard workday (7,7.6 or 8 hrs) for stand down days that fall on their normal workday. The cost of stand-down days is carried as a response cost and is not taken from any personal leave.

Question 25 (Page 63)

The CHAIR: Just quickly, Mr Hansen, with the Game and Feral Animal Control Regulation there was an introduction of a fit and proper person test. Are you able to, on notice, provide the guidelines that will be used to determine what a fit and proper person is, given that it is a test that is abused in other areas, like the Firearms Registry? I am just concerned what guidelines will be used to determine what a fit and proper person is.

SCOTT HANSEN: We can certainly provide that on notice too, Chair. We have it across a number of our Acts that we administer as well.

The CHAIR: Yes. I have just seen it, I guess, taken liberty with the registry ping-pong people because they have a veteran's pension and silly parking fines and stuff like that, that are totally unrelated to the actual Act that they are administering. I just want some guidelines on that. Maybe, Mr Sloan, you might be able to help. What is the total remuneration of DPI-Fisheries in terms of what are the total salaries that are tied to DPI-Fisheries?

SEAN SLOAN: I would have to take it on notice, Chair.

The CHAIR: Sure, I expected you would. From previous orders for papers and GIPAs we know there are a significant number of employees that receive some sort of funding from the trust account, or some of their salary is equated to projects from the trust account. Perhaps on notice, can you advise how many employees have, I dare say, maybe 70 per cent and above in terms of their salary being paid out of the trust accounts?

SEAN SLOAN: Certainly can take that on notice, Chair.

The CHAIR: Who audits the trust?

SEAN SLOAN: The Auditor-General conducts an annual audit of expenditure against the trust. That forms part of the annual DPI audit process.

The CHAIR: To my understanding there is also an external—is that the external audit?

SCOTT HANSEN: Did you say Audit Office or Auditor-General?

The CHAIR: Auditor-General, I think he said.

SCOTT HANSEN: We will get an answer for you on that one and come back.

The CHAIR: Perhaps, as you are taking that on notice, can you also advise us whether this concept of on-costs, which I think we have discussed in previous estimates, is included in the audit of the trusts? I think we spoke before about how there are around 48 per cent on-costs being attributed to the trusts. I want to know whether that is also included as part of the audit, because it seems to sit as a separate account, or separate cost centre from my understanding.

SEAN SLOAN: We can certainly look into that as well.

ANSWER

A fit and proper assessment was part of the 2012 regulation and is not an addition to the 2022 regulation. The Game Hunting Licensing Policy includes the fit and proper person assessment guidelines. The current Fit and Proper Person assessment continues to apply. A review is being conducted to confirm if any changes are required and will be published on the DPI website once finalised.

Department of Regional NSW staff are paid from Departmental appropriations from consolidated revenue. Departmental staff are not remunerated directly by the Fisheries Trusts. Funding from the Trusts is provided to approved projects for operational and staffing

costs associated with the management and delivery of those projects. DPI Fisheries staff record time to the funded projects via a timesheet charging arrangement.

There are 97 staff in DPI Fisheries that are approved to timesheet to projects receiving funds from the various Fisheries Trusts in 2022/23.

Expenditure of Fisheries Trust funds on approved projects is audited annually by the NSW Auditor-General, and the results are published in the Department's Annual Report. A special purpose financial report on the Fisheries Trust Funds is also prepared annually by the Audit Office of New South Wales.

Overhead charges relate to indirect (non-salary) employee related costs, for example office accommodation and running costs, ICT services and support, Corporate and Human Resources support, Legal Services etc. This expense would be included in the audit undertaken by the Audit Office.

Question 26 (Page 64)

The CHAIR: Some residents around the Pilliga area have received a letter from Local Land Services advising them of walking and grazing along a particular stock reserve along Calrose Road. They are a little bit concerned about how this is going to be managed and the impact it is going to have on the spread of Hudson pear, because where this stock is travelling is going to go directly through a hotbed of Hudson pear, then invariably on the way out they will spread it out everywhere else. Have you received any concerns from farmers about—

STEVE ORR: On that, Mr Banasiak, we received some information today. I understand that all the Hudson pear on the travelling stock reserve has been treated. So it has all been sprayed, as I understand it. But if it is okay, we might take it on notice and come back to you in terms of some of the details on it. I know earlier, Mr Banasiak, you had some questions regarding the coordinator. We do have a coordinator, an ongoing coordinator called the cactus coordinator in the north-west, who does look after the Hudson pear program and we are in the process of doing a bit of evaluation in terms of its effectiveness, but it is funded through to June 2023.

The CHAIR: I think my concerns around that are not necessarily an overall coordinator, but people felt like there needed to be more boots on the ground actually applying the biocontrol and helping farmers apply the chemical.

STEVE ORR: On the TSR itself we will come back to you. But my understanding is that the Hudson pear itself has been treated.

ANSWER

LLS has directed the Drover to take an alternative route and avoid Colrose Road TSR due to concerns relating to flooding and accessibility for the livestock.

Ongoing, LLS will maintain biannual weed inspections of the area or otherwise guided by Castlereagh Macquarie County Council.

Question 27 (Page 64)

The CHAIR: Just to assist you, it is in that Come By Chance, Pilliga area. If you need further details I can provide that for you. In the minute I have got left I will go to the La Perouse to Kamay ferry project. Obviously, Fisheries had some concerns about that initially. When did your department first become aware that the project had been approved? Do you have an exact date as to when your department was notified?

SEAN SLOAN: I couldn't say exactly when we were notified off the top of my head, so I have to take that on notice. But we are aware that the project has been approved by the planning Minister.

The CHAIR: Your department obviously insisted on some certain extra protections. Why did we not insist on some protections for the cauliflower soft coral, which is an endangered species? It can only be found in five places in the world and one of them is pretty much right next to this proposed ferry. There are obviously concerns from people who know about cauliflower soft coral that the sedimentation and turbidity will impact that species. Was Fisheries aware that there was that endangered species there, and if they were aware, why didn't they insist as part of the EIS?

SEAN SLOAN: I am aware certainly that we identified concerns about Posidonia, the seagrass, as well as White's seahorse. I have to take on notice the question around cauliflower coral so we can come back to you on that.

ANSWER

DPI Fisheries sought advice from Department of Planning and Environment (DPE)-Planning on the approval status of the project and were advised by DPE-Planning on the 27 July 2022 that it had been approved.

DPI Fisheries reviewed the DPE-Planning's advice on Matters of National Environmental Significance (MNES) under the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999* and advised DPE-Planning that the Department generally agrees that no significant impact from the Kamay Ferry project is expected on Cauliflower Soft Coral as there are no records to indicate that this sessile species is present at the site of the proposed development.

DPI Fisheries is aware that the Cauliflower Soft Coral is found in several estuaries, including Botany Bay, but is only found sporadically in this estuary. DPI Fisheries is aware that a large aggregation of the Cauliflower Soft Coral is known to occur on rocky reef on the southern side of Bare Island approximately 500m away from the development site, as well as some numbers of colonies along the southern headland near Inscription Point.

To ensure a full and proper assessment is undertaken and that any future impacts are avoided, mitigated and offset, DPI Fisheries recommended including a review condition to undertake an assessment (including before and after monitoring) of impacts to aquatic biodiversity following 12 months of the full operation and use of the proposed ferry wharf and associated infrastructure. This will ensure any design improvements and additional impacts can be fully addressed, considered and are able to be mitigated, managed or offset via the Marine Biodiversity Offsets Strategy, if required. This requirement is reflected in DPE-Planning's condition of approval E20.

Question 28 (Page 68)

The Hon. MICK VEITCH: Mr Hansen, people with disabilities' participation rate in DPI?

SCOTT HANSEN: I would have to take that on notice.

ANSWER

2.1 per cent of DPI employees identify as having a disability as at 31 August 2022.

Note that 65 per cent of DPI employees have provided a response about their disability status. The proportion provided above is therefore likely to understate the number of people with a disability employed by DPI.

Question 29 (Page 72)

The Hon. EMMA HURST: Great. I've got one last question. Maybe this is for Mr Sloan. Going back to the draft regulations, there was a proposal to remove an exemption that would allow hunters to light a fire and hunt an animal while the animal is actually attempting to flee from the fire and the smoke. It was stated in their proposal that the purpose for that change was to improve animal welfare outcomes. However, the exemption still exists in the final regulations, so that was also a proposal that was dropped. I'm wondering if there is any sort of information from the submissions that were received within the DPI as to why that proposal didn't make it through into the new regulations?

SEAN SLOAN: I would have to take that on notice, Ms Hurst, to give you the detail that you've requested.

ANSWER

There has never been the provision or proposal to allow a hunter to light a fire to be able to hunt the fleeing animals. Any person (including a hunter) is prohibited from lighting a fire in a forestry area unless under certain circumstances as specified in Section 13 Forestry Regulation 2022.

The proposal was to remove the exemption for professional hunters which would mean they would have been unable to hunt game animals fleeing fire and smoke.

NSW DPI received three submissions in support of this change (1 x hunting organisation, 2 x members of the public) and two submissions opposed (1 x animal welfare organisation, 1 x professional association). There was 61.9% support for this proposal through the online consultation survey. The Vertebrate Pest Animal Controllers Association Inc (VPACA) opposed the exemption removal and noted "the opportunity to control feral pest animals during times whilst they are fleeing fire or smoke, has been found to be beneficial in the control of feral pest species. This has been corroborated by various regions of the Local Land Services (LLS) and National Parks and Wildlife Service (NPWS) undertaking activities to target feral pest species during and shortly after the 2019-2020 Bushfire Disaster".

Question 30 (Page 74)

The CHAIR: Could we go back to the La Perouse ferry, particularly some of the conditions of approval that Fisheries insisted upon. One of them is condition E13, which states:

The Proponent must allow for an additional winter and summer season in which to monitor marine biodiversity within the construction footprint prior to commencement of construction.

Is it your understanding that, given that condition of approval, the project won't actually begin until July 2023, to allow for that monitoring to occur? And are you part of that monitoring?

SEAN SLOAN: I couldn't say for sure, Chair. I would have to take that on notice to make sure I give you an accurate answer.

The CHAIR: Sure.

ANSWER

That is DPI Fisheries understanding of the baseline monitoring condition included in DPE-Planning's approval conditions for the project. This requirement aligns with best practice standards for monitoring to assess environmental impacts. The density of seagrass can change greatly from summer to winter and from year to year. The intent of the condition is to capture this range of variability across at least two summers and two winters.

DPI Fisheries is a member of the Marine Biodiversity Offset Strategy - Implementation Reference Panel. One of the roles of the panel is to review and provide comment on all monitoring associated with the implementation of the Marine Biodiversity Offset Strategy.

Question 31 (Page 75)

The CHAIR: Given the serious state of the condition of black rockcod, as a species, why didn't Fisheries insist a little bit more firmly in terms of this project? I'd probably equate them with the saltwater version of the trout cod in terms of their status—and status for a long time. **Why did Fisheries not insist a little bit more firmly on this project and further protections?** I note there's one condition. But given the level of issues we have with black rockcod, why didn't DPI-Fisheries insist a little bit harder?

SEAN SLOAN: I'd have to take advice from my scientific team on the reasons for that, Chair, so I'll take that on notice. But what I could say is that every individual species has its own habitat preferences. Whether or not this particular area is a critical habitat area would've been one of the considerations. So I'll take that on notice and come back to you with some more detail. Just following on from that, your question earlier about cauliflower soft coral—our science team is aware that that species is found sporadically around Botany Bay but generally agreed with the advice from Planning that no significant impacts from the development would be expected to occur on cauliflower soft coral as the records indicate that this species is not present in the area where the direct impacts will occur from dredging.

The CHAIR: I have a question more generally around your conditions of approval. **Were they based on the original design of the wharf or were they based on the fact that the wharf has since grown by 130 per cent?** Originally the wharf was only going to be about 100 metres from shore, but now it is 230 metres from shore, which obviously then further exacerbates the impact on the biodiversity of some of those endangered species. What were the conditions of approval based on? Was it based on the 100-metre wharf or the revised 230-metre wharf?

SEAN SLOAN: I would assume it would be the revised because any conditions would have to be based on the actual wharf, but I could take that—

The CHAIR: It just seemed to gradually change. If you look at the planning department's and transport department's advice about the project, each time there was a new document, the project grew without any sort of accommodations and adjustments for it. If you could just take on notice as to whether the conditions were based on the final figure, that would be great.

SEAN SLOAN: I can take that on notice. The other thing to say, Chair, is that the department recommended a biodiversity offset strategy be developed, which essentially means that whatever impacts occur need to be offset by rehabilitation activities. That is specifically relevant to the Posidonia habitats as well as the White's seahorse that were identified at the outset.

ANSWER

DPI Fisheries reviewed DPE-Planning's advice on Matters of National Environmental Significance (MNES) under the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999* and advised DPE-Planning that the Department generally agrees that no significant impact from the Kamay Ferry project is expected on the Black Rockcod (*Epinephelus damemellii*) as no suitable habitat for this species is found within the project footprint.

Throughout pre-approval consultation with DPE-Planning regarding the Kamay Ferry Wharves project, DPI Fisheries sought further information about the ferry wharf design and operational aspects of the project. DPI Fisheries had the opportunity to view and assess an indicative scoping design, however final designs and operational aspects were not provided to DPI Fisheries prior to approval of the project.

To ensure a full and proper assessment is undertaken and that any future impacts are avoided, mitigated and offset, DPI Fisheries recommended that further impact assessment be addressed by including a review condition to undertake an assessment (including before and after monitoring) of impacts to aquatic biodiversity following 12 months of the full operation and use of the proposed ferry wharf and associated infrastructure. This will ensure any design improvements and additional impacts can be fully addressed, considered and are able to be mitigated, managed or offset via the Marine Biodiversity Offsets Strategy, if required. This requirement is reflected in DPE-Planning's condition of approval E20.

Question 32 (Page 76)

Ms SUE HIGGINSON: Absolutely. Mr Chaudhary, you mentioned the hollow bearing assessment that you have done. Is that something that you can provide on notice or is that somewhere where I can find it?

ANSHUL CHAUDHARY: Absolutely. We actually did publish this on our website as well and we shared this with EPA. It's an assessment of the impact of those major bushfires on the forest landscape and it talks about augmented conditions.

ANSWER

Forestry Corporation's 2019–20 Wildfires Environmental impacts and implications for timber harvesting in NSW State forests is available on the Forestry Corporation website. Forestry Corporation is currently working with the NRC and the ANU on hollow bearing tree modelling on the State forest estate and once this work is completed they intend to make it public.

Question 33 (Page 76)

Ms SUE HIGGINSON: How is the DPI currently managing the newer science around dogs being dingoes and dogs being dogs, and that there is an importance about them being a native animal and that we might need to recalibrate how we are managing them? Is that something that's happening internally?

SCOTT HANSEN: We do have a number of projects running that are tracking and trying to continue to learn about behaviours. I don't know whether we've—I'll throw to Dr Tracey in a moment. That hybridisation is actually the greatest threat to dingoes. It's not any of the controls or programs; it's actually that hybridisation and crossbreeding between dingoes and wild dogs that is continuing to be the biggest risk to that native animal. The more we can learn about their behaviours, interactions and where those dogs are coming from is something that we have teams actively researching out in the field. Dr Tracey.

JOHN TRACEY: I think you've pretty much covered what we've done. We do have some scientists working on some of that, in terms of the distribution of dingoes and wild dogs. It is a bit of a tricky science in terms of differentiating, because you've got to start more from metrics and what they look like and then try to revert back to genetics. That is a piece of work. The important thing in terms of what we do for wild dog management is focus on large-scale programs of work that do get that coordinated action happening. It's less about numbers and more about coordinated action. Through the regional plans, that's key to both managing the impacts of wild dogs as well as the hybridisation risk.

STEVE ORR: In terms of the program itself, each year LLS undertakes two aerial-baiting campaigns—one in autumn and one in spring. In the 2021-22 financial year, LLS wild dog control programs delivered 384,000 aerial baits, which were distributed over nearly 20,000 kilometres of bait lines. Landholder ground baiting comprised about half a million wild dog baits. Mr Kelly, do you want to add anything to that?

ROB KELLY: Nothing more to add. Generally, when we do coordinated pest control, it is coordinated. We do have specific targeted programs for wild dogs, from a trapping perspective, where they attack livestock. We will go out and have a specific program for that. Generally, our programs are aimed at all pest species. Particularly aerial-baiting programs, they will target wild dogs, but they'll also target foxes and pigs and things like that as well.

Ms SUE HIGGINSON: Is there a strategic goal to finish on in terms of where we're heading, what we call management and what we call success each year in terms of monitoring? Is that publicly available?

STEVE ORR: There is certainly follow-up monitoring, which we do as part of our programs. We can certainly take that on notice and provide information to you.

JOHN TRACEY: If I could just add to that, in terms of strategic outcomes, that's driven around the priority for the plans. It is not about reduced numbers on their own; it's about environmental benefits and increasing quoll numbers. It's about improved production and reduced wild dog impact. They're the key things that are worked through as a fundamental part of what we do for regional planning. That's key for getting all parts of the community involved—public and private stakeholders involved in that coordinated action. That happens, in terms of priority, at the region as well as at the State level. That's driven through the committee structures to get that strategic outcome.

ANSWER:

NSW has a Wild Dog Management Strategy, it is publicly available and can be found at: https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0004/445234/wild-dog-management-strategy-2022-2027.pdf