



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 3

BUDGET ESTIMATES 2009-2010

QUESTIONS ON NOTICE

General Purpose Standing Committee No. 3

Lands

Friday 18 September 2009

Answers to be lodged by: Wednesday 14 October 2009

Budget Estimates Secretariat
Telephone 9230 3528
Fax 9230 2981
budget.estimated@parliament.nsw.gov.au

Hearing date	Portfolio	Answer to be lodged by
15 September 2009	Local Government	9 October 2009 [21 days]
15 September 2009	Mental Health	9 October 2009 [21 days]
15 September 2009	Attorney General, Industrial Relations	9 October 2009 [21 days]
15 September 2009	Corrective Services, Public Sector Reform, Special Minister of State	9 October 2009 [21 days]
18 September 2009	Lands, Rural Affairs	14 October 2009 [21 days]
18 September 2009	Police	14 October 2009 [21 days]
18 September 2009	Gaming and Racing, Sport and Recreations	14 October 2009 [21 days]
18 September 2009	Juvenile Justice, Volunteering, Youth, Veterans' Affairs	14 October 2009 [21 days]

Questions relating to the portfolio of Lands

18 September 2009, 9.15 am – 10.15 am

Questions from Mr Pearce

1. The Mini-Budget required a 20% reduction in SES employees.
 - a. How many SES employees were responsible to the Minister for Lands at the time of the Mini-Budget?
 - b. How many SES positions were removed?
 - c. What were the SES positions removed?
2. The organisational chart for the Department of Lands from its website showed under the Office of the Director General separate units for corporate governance, finance and corporate support, legal services, communication solutions group, information communication and technology and emergency information co-ordination unit – can you please indicate how many people are employed in each of these units and why each of these units is maintained within the Department or Ministry rather than using shared corporate services through Businesslink or other options?
3. What progress has been made in the Mini-Budget measure for accelerated sale of perpetual leases and crown lands which is meant to provide \$18 million of revenue this financial year?
4. Where is this \$18 million in the Budget Papers, in particular in revenues on page 18 – 50 of BP3 volume 2?
5. Budget Paper No. 3 page 18-53 shows that expenses for the Department have increased from last year's Budget figure by \$9 million or 9.2%. This is way in excess of the Budget expenses growth figure for the entire State, why has it occurred?
6. Employee expenses are also shown to have increased by 9.32% which is well in excess of the 2.5% wages policy, what is the reason for this?
7. Could you please explain what the ticks mean on the chart page 18-48 of BP No. 3?
8. On that same chart, what is meant by the reference to “expenses excluding losses” – what are these losses?
9. Could you please outline the purpose and outcomes in relation to Rural Community Forums referred to on page 18-50 of BP No. 3 and why there is a significant increase in these forums?

Questions from Ms Hale

10. Processing of land claims
 - a. What is the budget for the 'Land Claim Investigation Unit' of the Department of Lands for 2009-10?
 - b. What was the actual expenditure for the 'Land Claim Investigation Unit' in the years:
 - i. 2006-07
 - ii. 2007-08
 - iii. 2008-09
 - c. How many full time staff (or equivalent) will be employed in the Land Claim Investigation Unit in 2009-10?

- d. How many full time staff (or equivalent) were actually employed in the Land Claim Investigation Unit in the years:
 - i. 2006-07
 - ii. 2007-08
 - iii. 2008-09
- e. How many regionally based full time staff (or equivalent) will be employed within the Department of Lands in processing Land Claims in 2009-10?
- f. How many regionally based full time staff (or equivalent) were actually employed within the Department of Lands in processing Land Claims in the years:
 - i. 2006-07
 - ii. 2007-08
 - iii. 2008-09
- g. How many Aboriginal persons were employed in the Department of Lands in the years:
 - i. 2006-07
 - ii. 2007-08
 - iii. 2008-09
- h. How many Aboriginal persons were employed in the Land Claim Investigation Unit in the years:
 - i. 2006-07
 - ii. 2007-08
 - iii. 2008-09

11. Killalea

- a. Minister, are you aware that 'tourist facilities' are only permissible at Killalea State Park due to a request from Department of Planning (or DUAP as it was known) to look at inconsistencies and overlaps in Shellharbour Council's land use document, which resulted in Shellharbour Council deleting 'caravan parks' and replacing it with 'tourist facilities' for the zone that controls most of the park?
- b. Did this change to definitions unintentional consequences, which may now lead to excessive development in Killalea State Park?
- c. Was the Minister aware that Shellharbour Council and at least two other government departments had concerns with 'tourist facilities' being proposed in the plan of management prior to it reaching you?
- d. Is the Minister aware that concerns in relation to the Plan of Management were raised in relation to the location, roof line, and philosophical shift to commercialism?
- e. Was the Minister aware of political donations made to your party by Babcock and Brown?
- f. Is the Minister concerned about a possible 'reasonable apprehension of bias' in this case, similar to the recent Land and Environment Court judgment found in relation to Catherine Hill Bay?

12. Martin Tebbutt lease - In regards to Martin Tebbutt's lease and the ongoing dispute with your Department:

- a. Do you concede that the inquiry (announced by the Minister on 29 August 2003) by PriceWaterhouseCooper (and concluded in February 2004) found that the Crown only had 3% equity in perpetual leases such as Mr. Tebbutt's?
- b. Do you concede that your Corporate Governance Unit believes the Minister made an announcement on 6 April 2004 stating that the Government proposed to allow applications for conversion of perpetual leases at 3% of market value?

- c. Do you concede that Mr Tebbutt paid close to 100% of the market value for my land in 1972 and again on 24 February 2004?
- d. And do you also concede that Mr Tebbutt paid your department \$396,000, plus stamp duties bringing the total purchase price to \$409,854.20 on 24 February 2004 and that he was not invoiced by your department until 21 June 2004?
- e. Do you concede that as at 18 June 2004 your department had not formally approved his application to purchase?
- f. Do you concede that following discussions between the Office of the Director General (your office) and the Metropolitan District Office that the Senior Policy Officer (Ministerial Liaison) and the Regional Manager, Sydney/Hunter decided that “a refund was payable” and gave Mr. Tebbutt written advice to that effect?
- g. Is it the case that until recently your website was still offering applicants the option of withdrawing their applications (lodged before July 2004) and re-applying under the 3% amendment?
- h. Do you concede that the Act contains the clause “An applicant may withdraw an application: before it is granted.”?
- i. Can any contract between any parties be varied or cancelled, at any time, if both parties agree?
- j. Was Mr. Tebbutt’s application the only one authorized by your department in the last 2 ½ months before the 3% amendment became law?
- k. Why did you not acknowledge a letter to you from Mr Tebbutt dated 22 February 2008 for over 12 months?
- l. Is your refusal to answer questions, and your refusal to grant the Tebbutts an interview, a breach of the standards of your published Code of Conduct?

Questions from Ms Pavey

13. Ethanol Mandate

- a. What are the current NSW targets for ethanol & biofuels? Is NSW on track to achieve these targets?
- b. How many companies have reached the 2008 targets (broken down by quarter)?
- c. Have the Government/Minister for Lands/Office of Ethanol & Biofuels revised these targets?
- d. What action is the Minister for Lands/Department/Office of Ethanol & Biofuels taking against companies who have not met the target?
- e. Have you served any penalty notices or conducted any investigations into this matter?
- f. If so, what are the details of these penalty notices/investigations into these matters?