



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2019-2020 Supplementary Questions

Portfolio Committee No. 4 – Industry

AGRICULTURE AND WESTERN NSW

Hearing: Monday 2 March 2020

Answers due by: 5.00 pm Friday 27 March 2020

Budget Estimates secretariat

Phone 9230 2303

BudgetEstimates@parliament.nsw.gov.au

AGRICULTURE AND WESTERN NEW SOUTH WALES

Questions from the Hon Mark Banasiak MLC

Maintenance of TSR boundary fences

1. Considering that Travelling Stock Routes, or TSRs, are often used to graze stock by permit on payment of fees, will consideration be given to directing proceeds generated by Local Lands Services into maintaining property boundary fences adjoining the TSRs, which are subject to damage sustained through contact from animals grazing along the TSRs and therefore causing landholders to maintain the fence, which at present is, unfairly, the responsibility of the landholder?

Recreational Fishing Advisory Council

2. Why are there 3 anglers with commercial fishing business on the Recreational Fishing Advisory Council, being Charter / Guides – is this representative in your view?
3. Did you as Minister meet your RFNSW Representatives at their first meeting last week and what did you tell them as part your introduction?
4. What direction did you give them with regards to the Cockle Issues at Lake Illawarra as you indicated you would?
5. What rules / guidelines and charter do all these representatives have to follow and are they classed as NSW Government employees?
6. How and what are they paid?
7. How do you deal with complaints against their behavior, say on social media and their comments that may or may not fit within the rules / guidelines or charter?

Commercial octopus

8. Can you advise exactly how consultation with the Recreational sector occurred and how they were advised as part of the Octopus consultative process ?

Cruise ship terminal

9. Recreational anglers stand to lose a huge amount of safe fishing access in Yarra Bay, especially families with small boats. What alternatives can you suggest if and when a new Cruise Ship Terminal is built?

10. What processes are in place if and when the Cruise Ship Terminal is built to compensate the recreational fishers of the Botany Bay Recreational Fishing Haven.
11. Are these Havens protected under Legislation?

Data sharing of trust funded projects

12. Recent comments overheard at boat ramps by anglers indicate that some anglers are not willing to hand over tagging data with regards to billfish in the fear of it being misused by NSW DPI.
 - (a) What guarantees do anglers have that their data is being shared in a sensible manner?
 - (b) Do recreational fishermen have any oversight on where data paid for by the Trust Fund can be used and shared?

Mulloway Recovery Plan

13. Mulloway has been classified as Overfished in NSW since 2004/05 and a Recovery Program (RP) to assist the stock to rebuild was implemented on the 1 November 2013. The goal of the mulloway recovery program was to increase the spawning stock size of mulloway by reducing fishing mortality on both the adult and juvenile parts of the stock.
 - (a) Can you provide the most current update that determines if the spawning stock of the Mulloway is improving?
 - (b) Can you advise of all the current research projects undertaken or underway with regards to Mulloway in NSW since the reduction of the bag limit down to 1 fish over 70cm ?(excluding the Research Angler Program)
 - (c) How do you, as Minister gauge if bag and size limits changes work with regards to Mulloway in NSW?
 - (d) In general, how do you, as Minister gauge if bag and size limits changes work with regards to all recreationally caught species in NSW?

Kingfish in NSW

14. Can you advise all the current research projects underway with regards to Kingfish in NSW and who is completing them and who is funding? (excluding the Research Angler Program)
15. Can you list all the recreational bag and size limit changes with regards to Kingfish over the past 20 years in NSW?
16. How do you, as Minister gauge if bag and size limits changes have worked with regards to Kingfish in NSW?

17. If we see a reduction in the recreational take of Kingfish via bag limits in NSW as previously advised by RFNSW, would you as Minister support the same rules applying to the Commercial sector, that's is a reduction in take for all sectors?
18. If we see an increase in the legal size of Kingfish for recreational anglers in NSW as previously advised by RFNSW, would you as Minister support the same rules apply to the Commercial sector, that's is one size for all sectors?
19. Does NSW have a Harvest Strategy for NSW with regards to Kingfish and if so how long has it been going for?
20. In a FRDC "Report on the Status of Australian Fish Stocks 2018 – NSW Stock status summary- Yellowtail Kingfish (*Seriola Lalandi*)" there are scientific assumptions / quotes attributed NSW DPI and followed with (NSW DPI unpublished) data in this report, Do you consider this acceptable science or research?
21. Can you provide the status of the DPI unpublished data, when it was commenced and expected completion?
22. Do you agree that unpublished data cannot be critiqued, and no weight should be given to the claims made in the publication until such critique has been allowed for?

Marine Parks in NSW

23. With no announcement of any new marine parks in NSW after the disastrous announcement by your predecessor Niall Blair
 - (a) what is the position of the NSW Nationals,
 - (b) The NSW Liberals
 - (c) The Coalition in entirety with regards to the Hawkesbury Bioregion?

NSW Recreational Fishing Trust

24. Can you advise of the total billable NSW DPI staff effort (that is the total amount attributed with daily timesheetings in total dollars) attributed to NSW Recreational Fishing Trust Funded Projects in 2017/2018 (Fresh and Salt)?
25. Can you advise the overall salary costs for NSW DPI staff attributed to NSW Recreational Fishing Trust Funded Projects in 2017/2018 (Fresh and Salt)?

26. Can you advise the total number of DPI employees who were paid for from Recreational Fishing Trust Funded Projects in 2017/2018 as determined from daily time sheeting amounts (Fresh and Salt)?
27. With regards to the Saltwater Trust Access Project can you advise who was / were the DPI staffers employed to oversee the project in 2015/2016, 2016/2017, 2018/2019, 2019/2020?

Commercial Fishing

28. Why did Minister Niall Blair state to GPSC5 that “ the government has also appointed a probity auditor to assess the entire subsidised share trading market and target assistance measures” when the probity report indicates that no probity was conducted on the targeted assistance, only the share market?
 - (a) Do you consider that this constitutes as misleading the committee?
 - (b) If not, why not?
29. Why was no probity conducted on targeted assistance offered after the share trading scheme had been completed?
30. Why in a question by Hon Mick Veitch on the 13th March 2018 regarding the number of buyouts which Niall Blair responded to on 17th April 2018 did he state that 235 buy outs had occurred?, and then in October 2018 state 177 buyouts?
 - (a) Given the evidence tabled in budget estimates on the 2/3/2020 from Mr Hansen states there was 216 buyouts? Why did the former Minister Niall Blair mislead the house?
31. Given that evidence taken in estimates this year stated that who received targeted assistance was the decision of the minister of the day, who did the former minister Niall Blair seek consultation with before offering the targeted assistance?
32. Why were policies and procedures regarding probity not followed with regards to the Business adjustment program in particular
 - (a) Engagement of the same probity practitioner on an ongoing basis?
 - (b) Appontment of APAC probity advisory and auditor consultants at the same time owner Jason Masters was engaged as administrator of the Wentworth Park sporting complex, and administrator of Rookwood cemetery?
33. Why when asked in budget estimates in September 2017 by the Hon Mick Veitch about all probity advisors and auditors the department had engaged and appointed in the last 5 years did

O'Connor Marsden not appear has being appointed either probity advisor or auditor for business adjustment program when decisions regarding appointments were announced in 2016.

34. Why did the probity auditor report fail to make mention that over 400 fishermen who attended training sessions in September 2016 were provided wrong and misleading information, with Department Senior Manager Doug Ferrell later blaming the trainer to fishermen stating “ I do not know where she got the information from”
35. Why did the probity auditor report fail to mention that the majority of mud crab shares sold before the market?
36. Why in the supreme court case of Elliott v Minister administering Fisheries Management Act 1994 [2018] was information pertaining to the share register redacted that showed that a significant portion of mud crab shares had been largely shifted to multiple fishing business owned by a small group of people hence artificially driving market prices up?
 - (a) Why did NSW DPI and Rural Assistance Authority refuse to make documents available to the court for the above case?
 - (b) Why was the court in the above case informed by Senior counsel for NSW Government that “the court didn’t need to be concerned about the market after the market”?
37. Why were the recommendations by Professor Barclay and Dr Tania King for a Socio-economic impact study to be completed prior to the reform ignored?
38. Why wasn’t the activities of the Commercial fishing advisory council suspended during the share trading scheme?
39. Why was the Ministers office still communicating with the Commercial fishing advisory council during the share trading scheme who had commercial fishermen that were participating in the market at the time?
40. Excluding the letter tabled in budget estimates from the Ministers office, what other correspondence was sent during the share trading scheme to the Commercial Fishing advisory council?
41. In 2017 inquiry into the commercial fishing reforms in response to Justin Fields questions of how insider trading could occur given minutes of the Seafood industry advisory council were public, a Mr Braithwaite submitted testimony that “ *Many of the meetings that were held by sub committees were held under Parliamentary privilege (or that was what we were told). At one meeting that I attended we were told it*

was under parliamentary privilege and if we could not keep it that way we were told to leave the meeting, and at the end of the meeting even all the paperwork that was given to us taken back”

- (a) Where the claims of insider trading made by Mr Braithwaite investigated?
 - (b) If so by who?
 - (c) What were the results of that investigation?
 - (d) If claims were not investigated can you advise why not?
 - (e) Will you undertake an investigation into these claims to provide certainty that insider trading did not occur?
42. What percentage of the Total Allowable Catch has been utilised for every share class in the last 2 years?
43. Minister Adam Marshall stated in his speech during the recent debate on the commercial fishing reforms and I quote below.
44. “Before the Government had even developed the subsidised share trading market, the New South Wales Department of Primary Industries engaged an independent probity adviser to oversee the process.”
- (a) Did the development of the SSTM software start before the Fisheries Management ACT 1994 Amendment bill November 2015 ?
 - (b) If not, exactly what date did the development of the SSTM "winners determination software" start?,
 - (c) What exact date did the probity advisor Howard Elliott commence work on probity on SSTM?
45. Minister Marshall stated in his speech during the debate and I quote
46. “The Government took the industry reforms incredibly seriously and the “process had been tried and tested on multiple occasions.”
- (a) in what environment did these tests take place?
 - (b) What dates and year did all these tried tested multiple occasions take place ?
 - (c) What Department or departments of the DPI tried and tested the "Winners determination software" named by the DPI staff and managers as the “GAME”.?
 - (d) Over how many days weeks or months did the “Game" take place?

- (e) Were there any minutes or reports of these multiple tests?
- (f) If not, why not?
- (g) Please list the probity consultants and firms who attended during all the multiple tests.
- (h) Can you explain in detail the "GAME" used within the department testing the "winners determination software" .?
- (i) Did the department get the permission from Fishing Business owners to use their information in this way ?
- (j) if not why not?
- (k) How many DPI staff participated in the "GAME "
- (l) Was any of the DPI staff who participated in the "Game " also responsible for taking calls during the Commercial fishing adjustment programme and during the SSTM?
- (m) Was any conflicts of Interests declaration forms signed by DPI staff who participated in the test of what is now well known as the "Game " within the department?
- (n) If so, how many?

Rural Assistance Authority Loans

- 47. Are older high interest loans including water infrastructure loans allowed to be converted to a modern low interest loan?
- 48. If not, why is a refinance facility offered widely in the private banking sector not considered suitable for these loans?
- 49. When farmers are seeking approval for new loans, why is a lack of income attributed to drought used against them to deny approval?
- 50. Are you aware that farmers requesting a delayed repayment on a current loan while a new loan facility is being negotiated this request for a delay is being used to deny the new loan facility?
- 51. What steps will you take to ensure that such unfair practices being administered by the RAA desist?

Advocacy for Farmers - Coal Seam Gas

- 52. On 2 March 2020, you could not recall a letter from farmers that has been emailed twice to your Electorate Office, twice to your Ministerial Office, a hard copy placed in the mailroom at NSW

Parliament and a Google Document link sent via SMS to your mobile phone over a 10-day period in the middle of February.

53. Given all these attempts to communicate with you by farmers have failed how can you maintain the view that you are a very strong advocate for the agricultural sector?
54. Now that you are finally aware of this correspondence, what day and time in the next two weeks have yet set aside to meet with farmers?

Rural Assistance Authority loans

55. Why aren't older high interest loans including water infrastructure loans allowed to be converted to the new loans on offer that have lower interest rates?
56. When farmers are applying for new loan measures why is lack of income, which is arguably driven by drought, used as a reason to reject the loan application?
57. Is the Minister aware that when a farmer has requested a delayed repayment on a current loan while the new loan facility is being negotiated, the request for a delay is being used to deny the new loan?

Questions from the Hon Mark Buttigieg MLC (on behalf of the NSW Labor Opposition)
--

58. How many FTE positions in your office look after the Western NSW portfolio?
59. How many FTE positions in the Planning, Industry and Environment Cluster look after the Western NSW portfolio?
60. How many press releases have you issued in your capacity as the Minister for Western NSW (not as Agriculture Minister)? Please list the date and subject of each release.
61. How many meetings have you had that directly relate to the Western NSW Portfolio, excluding drought? Please list the date and location of each meeting.

Debt relief for small western land mining leaseholds

62. Will you commit to maintaining the freeze on western land mining leaseholds and not implementing the higher statutory minimum rent in the Lightning Ridge Mineral Claim District?
 - (a) Have you conducted any community consultation about this through your Western NSW portfolio? If yes, please provide the dates and locations for each meeting

Jobs in Bourke

63. The NSW Government's Bourke Shire Aboriginal Employment Prosperity Strategy aims to increase the number of Aboriginal people taking up training and apprenticeships. How many apprenticeships have been created and taken up through this program?

Western NSW Goat Herd

64. Are you aware that industry want funds from the goat transaction levy to be allocated to on the ground wild dog programs, such as the NSW wild dog coordinator position?
- (a) Have you spoken to your federal counterpart about this issue?

Far West Regional Plan 2036

65. Can you provide a status report on all the goals and actions listed in the Far West Regional Plan 2036?
66. What is the role for the Minister for Western NSW in the implementation of the Far West Regional Plan 2036? Please provide a list of responsibilities.

Water Embargo Debacle

67. What was the Minister's involvement in the February 2020 water embargo debacle on the Darling River system?
- (a) Was he consulted and if so when?
- (b) Was he advised and if so when?
- (c) Did the Chair of National Farmers Federation, Fiona Simpson, ring him or contact him? If so, what was the basis of those discussions and did he pass this information onto the Minister for Water?

Wild Dog Fence

68. What is the Minister for Western NSW role in the construction of the wild dog fence extension?
- (a) Has the Minister inspected the fence? If so, please provide the date of inspection/s.
- (b) How is the extension progressing? Please provide a timeline of progression.
- (c) Is the extension on budget?

Racist Dubbo Email

69. Is the Minister aware of the contents of a racist email circulated by Dubbo Regional Councillor and National Party Member Kevin Parker?
- (a) Did the Minister's office receive the email?

- (b) If yes, to whom was the email sent and what actions have been taken?

Localised recessions in regional NSW

70. Can the Minister provide a list of economic issues faced by communities in Western NSW?

Please provide a list of locations and issues faced.

- (a) Has there been any analysis undertaken by the Minister or the Department regarding the risk of these communities slipping into localised economic recessions?
- i. Is so, is this information publically available?
 - ii. If not, why has this analysis/research not been undertaken?
 - iii. If not, is it something the Department will analyse/research in the future? Please provide a timeframe of any proposed work on this issue?

Feral animal control on the South Coast and in the Illawarra

71. What feral animal pest control strategies will the Government implement in the Illawarra and on the South Coast to prevent further damage to the environment during the recovery from the recent bush fire crisis?

- (a) How much will the Government spend in 2019/20?
- (b) How much will the Government spend in 2020/21?

Questions from Mr Justin Field MLC

NSW Marine Park Advisory Committees

72. Please provide a list of the current members of all NSW Marine Park Advisory Committees and the position against which they were appointed?
73. Please provide the biographical or background information provided for each appointed candidate to support the Expression of Interest and appointment process for each of the NSW Marine Park Advisory Committees
74. Were any formal or informal representations made by the Member for Bega Andrew Constance or staff of the Member for Bega to local marine park, fisheries or DPIE staff or staff in the Minister for Agriculture's office in relation to the Bateman Marine Park Advisory Committee appointments?
75. Were any letters of appointment to the Batemans Marine Park Advisory Committee made to individuals who had not responded to the Expression of Interest process?
- (a) If yes, who were these people and on what basis were they appointed?

76. In regards to recent appointments to the Batemans Marine Park Advisory Committee, were there any positions that did not attract a nomination from the initial EOI process that were filled by a nominee for another position (as mentioned in evidence in the hearing)?
- (a) If yes, which positions were filled by persons who did not nominate for that position in the initial EOI process?
 - (b) Was any effort made to identify individuals to fill any positions without a nomination through the initial EOI process other than by looking at nominees for other positions?
 - i. If yes, what were these efforts?

Enforcement of amnesty changes in Batemans Marine Park

77. During the hearings it was confirmed that marine park and fisheries staff were informed of the sanctuary zone changes on the same day as the announcement. With regards to the notification of staff:
- (a) At what time were staff notified?
 - (b) How were the staff notified? Was it by phone, email or another means?
 - i. If in writing, please provide a copy of the notice provided to staff
 - (c) Was a direction provided to staff in regards to enforcement/compliance actions relating to the new regime since the announcement?
 - i. Please provide a copy of that notice
 - (d) Were any other directions provided to staff in regards to enforcement of other marine park or fisheries or threatened species laws/regulations in the Batemans Marine Park since 12 December 2019?
 - i. Please provide a copy of that notice or direction
 - (e) What compliance actions have been taken in the Batemans Marine Park since the decision?

MEMA Fire Related Work and Coordination

78. During the hearings, the Chair of the Marine Estate Management Authority mentioned (hearing transcript p70) that there had been activity within MEMA, prompted by the bushfires, to accelerate work in the catchments and engagement with councils. Can more detail about this work be provided?
79. What actions have been taken by NSW Fisheries, DPIE or MEMA agencies to mitigate water quality impacts from fires in the Bega, Eurobodalla and Shoalhaven Council areas?

80. The Eurobodalla Shire Council has identified Whittakers Creek in the South Brou sanctuary zone (one of those subject to the sanctuary zone roll-back) as a place where a fish kill has occurred as a result of bushfire and flood impacts.
- (a) Has any action been taken in regard to these impacts?
 - (b) Will this event and other impacts from the fires be considered as part of the public consultation process for the rezoning of this marine sanctuary?

Advice and Impacts of Sanctuary Zone Changes

81. Was the Australian Department of Environment and Energy consulted with regards to the Amnesty on fishing in the Montague Island Sanctuary Zones given the Island's listing on the IUCN Green List?
- (a) If yes, what information was provided by the Department of Environment and Energy?
 - (b) If not, why not?
82. Given Grey Nurse Sharks are regularly observed at Montague Island outside of the 1 November to 30 April window as it relates to new fishing restrictions in the now open Montague Island South and East Marine Sanctuaries, what action will be taken to ensure Grey Nurse Sharks will not be negatively impacted by the changes?
83. On how many days have compliance actions been undertaken on water inside the Montague Island South and East Marine Sanctuaries since the 12 December 2019 announcement to open these areas to fishing?
- (a) How many warnings have been issued to fishers not complying with the fishing restrictions in these areas over the period since the announcement?
 - (b) Is DPIE aware of any Grey Nurse Sharks being caught by fishers fishing in these zones since the announcement?
 - (c) Is DPIE aware of any Black Rock Cod being caught by fishers in these zones since the announcement?
84. Please provide the scientific advice relevant to the sanctuary zone changes the Minister considered before taking the decision with regards to the following potential impacts of the changes:
- (a) Impact on threatened grey nurse sharks and black rock cod at Montague Island
 - (b) Risk of exacerbating the urchin barren problem at Montague Island

- (c) Impact on trophic relationships among marine life, including seals and seabirds
- (d) Impact on benthic communities
- (e) Impact on shorebirds
- (f) Impact on seagrasses and other macrophytes

Private Native Forestry

85. For the Northern NSW forestry region, please provide a breakdown of how many hectares of native forestry logging was/is approved under Private Native Forestry Plans in the following years:
- (a) 2017/18
 - (b) 2018/19
 - (c) 2019/20
 - (d) 2020/21
86. For the Southern NSW forestry region, please provide a breakdown of how many hectares of native forestry logging was/is approved under Private Native Forestry Plans in the following years:
- (a) 2017/18
 - (b) 2018/19
 - (c) 2019/20
 - (d) 2020/21
87. For the River red gum forestry region, please provide a breakdown of how many hectares of native forestry logging was/is approved under Private Native Forestry Plans in the following years:
- (a) 2017/18
 - (b) 2018/19
 - (c) 2019/20
 - (d) 2020/21

88. For the Cypress and Western Hardwood forestry region, please provide a breakdown of how many hectares of native forestry logging was/is approved under Private Native Forestry Plans in the following years:
- (a) 2017/18
 - (b) 2018/19
 - (c) 2019/20
 - (d) 2020/21
89. In regards to the recent bushfires:
- (a) Has the Government undertaken any assessment of fire impacts and/or wildlife loss across land subject to Private Native Forestry Plans? If not, why not?
 - (b) If so, what is the extent of damage (in hectares) to land covered by Private Native Forestry Plans? Please provide a breakdown in the following forest regions:
 - i. Northern NSW
 - ii. Southern NSW
 - iii. River red gum forests
 - iv. Cypress and western hardwood forests
 - (c) Are any private native forestry operations currently underway in areas impacted by the fires?
 - i. If so, where and in which forestry regions listed above?
90. What controls is the Government applying to reduce the impact of private native forestry on wildlife and habitat that has been affected by the bushfires?
- (a) Does the Government consider that current approvals under Private Native Forestry Plans need to be reassessed in light of the loss of habitat and species from the fires?

Land clearing - North West NSW pilot

91. Evidence was given in the hearing from Mr David Witherdin regarding a pilot study in North West NSW related to controls around native vegetation clearing (page 78 of the transcript).
- (a) What were the primary concerns of landowners that initiated this pilot?
 - (b) What outcomes are being considered by the Government as a result of this pilot?

- (c) If regulatory changes are required, what level of public consultation will the Government engage in?
- i. Will the Government commit to engaging environmental groups in this consultation process?

Land clearing data

92. Evidence was given in the hearing from Mr David Witherdin when he stated “in terms of the actual statistics around land clearing, those are updated daily on our website to ensure transparency” (page 79 of the transcript). What is the full web address for these land clearing figures that are updated daily?