

# Lands and Water, Hospitality and Racing Portfolio

Wednesday 9 March 2022

## Responses to Questions taken on Notice

### Question

The Hon. ROSE JACKSON: When I asked the former Minister about this at the last budget estimates, the answer that I received about the planning status of the dam was that it is now the prerogative of the planning Minister to declare the projects critical State significant infrastructure, as the Water Supply (Critical Needs) Act has expired. Where is that up to?

Mr KEVIN ANDERSON: I will ask Dr Bentley if he would like to provide further detail on that particular issue.

JIM BENTLEY: That remains the case. It is a decision that will be made by the planning Minister.

The Hon. ROSE JACKSON: When I asked Ms Levy, who was then from Water Infrastructure NSW, she said that they had spoken to the planning Minister about it, who was then obviously Minister Stokes. That has not progressed at all. There has been no progress on whether or not these projects are going to get critical State significant infrastructure designation. It is the same answer that I got last time; that is the issue.

JIM BENTLEY: I have not got an answer to whether the decision has been made. I can take it on notice.

### ANSWER

Endorsement from the Minister for Planning for a Critical State Significant Infrastructure declaration is being sought and no decision has yet been made. Following expiry of the *Water Supply (Critical Needs) Act 2019* on 21 November 2021, the projects are currently deemed State Significant Infrastructure.

Mr JUSTIN FIELD: I will direct a question now to Dr Bentley, if I could. How many policy and operational guidance documents have been reviewed and updated to ensure alignment with section 5 of the Act?

JIM BENTLEY: I do not have the number of documents to hand, Mr Field. If you really want us to, we can take that on notice. I do not carry round with me the number of documents that I have reviewed, sorry.

Mr JUSTIN FIELD: It was actually the Government's response to the ICAC report. The primary recommendation in the Government's response included that: The Department will review other policy and operational guidance documents— And— All relevant policy and operational guidance documents will be identified, prioritised, reviewed and updated ... with all reviews and updates to be complete within 12 months (by March 2022). Dr Bentley, has this been completed?

JIM BENTLEY: As the Minister said, seven out of 15 of the recommendations have been completed and we are on track to complete them all by March 2022. The updated report on that will be published shortly, but I do not have the number that you have just asked for to hand.

Mr JUSTIN FIELD: It is March 2022. I realise we are at the start of it. I am asking if that particular element of the Government's response has been finalised?

JIM BENTLEY: Sorry, I misspoke when I said March. I should have said May. Thank you, Minister, for the correction.

Mr KEVIN ANDERSON: You are welcome, Dr Bentley.

JIM BENTLEY: Mr Field, the fact that I do not have the number of policy documents that we have reviewed to hand does not mean that we have not been getting on with the work. We have been getting on with the work. We are on track to complete all actions in the time line that we have committed to, and that includes any documents that needed to be reviewed. As you know, since that ICAC investigation started—that is why five of the things were completed by the time they had written their recommendations—we have done a lot of things including reviews of water sharing plans, including the introduction of first-flush rules, including the A-class licence changes that we made in the Barwon-Darling as you are aware, a whole host of policy changes that we have made with some degree of success. We are learning from those things that we are also applying. It is many policies that we have changed and implemented and reviewed and learnt from.

Mr JUSTIN FIELD: Dr Bentley, I am asking you explicitly about the Government's response, which said these documents would be reviewed and updated by March 2022. I am now not asking you for the number of documents. I would appreciate it if you could provide that on notice.

**ANSWER**

A detailed progress report will be provided to ICAC by 12 May 2022. This report will be publicly available and will provide the details of the recommendations that have been fully implemented and progress to date to implement the remaining recommendations.

To improve transparency and deliver actions from the NSW Water Strategy, DPE-Water will commence regularly publishing its status against implementation of inquiry and review recommendations, including those from the ICAC report, on the departmental website from July 2022

The Hon. ROSE JACKSON: Are you aware that EES, within DPIE, suggested that WaterNSW had used incorrect assumptions in the development of the environmental impact statement?

Mr KEVIN ANDERSON: I cannot answer that in relation to that, Ms Jackson. I am happy to take that question on notice.

**ANSWER**

This was answered during the hearing by Mr Andrew George. See pages 55-56 of the transcript.

JIM BENTLEY: We did ask WaterNSW to review whether we should bring forward arrangements to enable them to operate the dam as a flood mitigation dam before construction started. WaterNSW and my department undertook a lot of work into that. What they found is that, if you were to drop the operating level of the dam—obviously not during an instant like this but if you were to say, "We are going to operate it lower so that we create some airspace"—if you drop it by five metres, which is about eight months' worth of water for Sydney, in last March's flood event it would have made a 0.6 metre difference. I have details from the modelling of what particular impacts that may have had but, compared with the size of that, it is almost nothing. The decision was made and it was put to me. I chair a group of the other heads of the SOCs and Treasury and whatever. It was agreed between us that the benefits would not outweigh the costs of bringing forward that work, but we did look at it. It just did not make sense.

The Hon. ROSE JACKSON: Would you be able, Dr Bentley, to table that report? I do not know exactly what documentation was prepared for that purpose, but that would be useful if we could have a look at the Government's conclusions in relation to operating it currently for flood mitigation, if that is something you could table.

JIM BENTLEY: I can certainly table the analysis that demonstrates that.

**ANSWER**

The INSW report is available on the infrastructure NSW website

The Hon. ROSE JACKSON: Is the business case on the Mole River dam complete?

Mr KEVIN ANDERSON: I will ask Dr Bentley to provide detailed information in relation to Mole River.

JIM BENTLEY: The commitment on Mole River was only to do a strategic business case. The strategic business case is complete and is being—

The Hon. ROSE JACKSON: When was that completed?

JIM BENTLEY: I will take that on notice.

**ANSWER**

The Strategic Business Case for Mole River Dam was completed in September 2021 and submitted to Infrastructure NSW for its review. The NSW Government is currently considering the Strategic Business Case

The Hon. ROSE JACKSON: When did you receive the strategic business case on the Mole River dam?

Mr KEVIN ANDERSON: I will ask Dr Bentley if he has that information.

The Hon. ROSE JACKSON: When did you give it to the Government?

JIM BENTLEY: I will take that on notice. We will definitely be able to clarify this afternoon.

**ANSWER**

The Strategic Business Case for Mole River Dam was completed in September 2021 and submitted to Infrastructure NSW for its review. The NSW Government is currently considering the Strategic Business Case.

The CHAIR: We finished off with you giving a disclaimer that it might be different with IIOs in terms of the process of buying and selling water, or trading water. What is your understanding of the process in terms of a similar application form with IIOs or are you unaware?

JIM BENTLEY: I do not have the detail of that process. We can get that detail and make it available to you, but I do not have it to hand, sorry.

**ANSWER**

Dr Bentley confirmed later in the hearing that the irrigation corporations' forms required the details of both parties (refer to page 35 of hearing transcript).

The CHAIR: The member for Barwon has asked me to raise with you whether the public good of the work that they are doing can be considered in assessing the sale price, noting that they are willing and prepared to pay fair commercial value. Where are we up to in terms of that sale? Is it something that WaterNSW is entering into negotiations about or is prepared to?

Mr KEVIN ANDERSON: I will have to take that question on notice, Mr Banasiak.

**ANSWER**

This was answered during the hearing by Mr Andrew George. See page 74 of the transcript.

The CHAIR: The previous Minister implemented a review of the operation of the Yarrie Lake trust because of failures to lodge returns and produce accounts for around a decade, all of which I raised in budget estimates. She committed to that review. Is the review continuing? Are you prepared to table the terms of reference, to start off with?

Mr KEVIN ANDERSON: Mr Banasiak, I will ask Dr Bentley if he can provide some further information in relation to that.

JIM BENTLEY: Thank you, Minister. I am afraid that I have to take that on notice, Chair.

**ANSWER**

Refer to page 57 of the transcript.

Ms ABIGAIL BOYD: How many greyhound tracks are 100 per cent compliant with the New South Wales greyhound track minimum standards? And how many are not 100 per cent compliant?

The CHAIR: Thank you, Ms Boyd. I will ask Mr O'Brien if he could elaborate, please.

TERRY O'BRIEN: We need to seek advice from Greyhound Racing NSW in terms of the number that are compliant at the moment.

**ANSWER**

The Department of Customer Service does not hold information from Greyhound Racing NSW (GRNSW) on the number of compliant tracks.

The Hon. PETER PRIMROSE: Can you advise which stakeholders are being consulted in establishing the independent casino commission?

NATASHA MANN: Mr Primrose, as you will appreciate, the Bergin inquiry caught up very many stakeholders who were consulted as part of that process. I think we have the consultation through Bergin. The drafting of the bill will be a confined, targeted consultation. It will not be a general public consultation process, but it will be targeted consultation.

The Hon. PETER PRIMROSE: Who are you targeting?

NATASHA MANN: In consulting on that bill, we will be targeting obviously Mr Crawford, the head of the Independent Liquor & Gaming Authority, and he is here this afternoon so you might want to talk to him a little bit about it as well. We will also be speaking to our government colleagues, Premier and Cabinet, Treasury, and so forth, but also the other regulators, so the AUSTRAC, the police and the Crime Commission.

The Hon. PETER PRIMROSE: Any employer groups?

NATASHA MANN: Not that I am aware of, but I can take that on notice.

**ANSWER**

The Department of Premier and Cabinet, NSW Treasury, AUSTRAC and NSW Police have been consulted in relation to interim implementation arrangements and design of proposed ongoing reforms to implement recommendations from the Bergin Report.

Under the *Casino Control Act 1992* the casino regulator does not have an objective relating to workplace relations at the casino. It is not anticipated that this will change, noting no recommendations from the Bergin Report relate to workplace relations at the casinos.

The Hon. PETER PRIMROSE : What about employee organisations?

NATASHA MANN: With reference to?

The Hon. PETER PRIMROSE: The people who will actually be involved, like the United Workers Union.

NATASHA MANN: I will take that on notice, if I could.

**ANSWER**

Refer to the answer to the previous question above.

The Hon. PETER PRIMROSE: So, Minister, you do not think there is a need for any additional consultation with employers and employee organisations, for example, and key stakeholders?

Mr KEVIN ANDERSON: Consultation is ongoing, and no doubt as this process—

The Hon. PETER PRIMROSE: Yes, but with who?

Mr KEVIN ANDERSON: The process will continue, Mr Primrose—

The Hon. PETER PRIMROSE: With who?

Mr KEVIN ANDERSON: Go ahead.

The Hon. PETER PRIMROSE: You cannot tell me who has been consulted in relation to the preparation of the bill.

Mr KEVIN ANDERSON: We can come back to you, Mr Primrose, if you would like specifics—

The Hon. PETER PRIMROSE: Yes, I would. Thank you, Minister.

**ANSWER**

Refer to the answer to previous question above.

The Hon. PETER PRIMROSE: How many venues will be participating in the current trial that we were hearing about?

Mr KEVIN ANDERSON: That trial is being run at Wests Newcastle in association with Aristocrat. There are four other applications from Utopia Gaming, IGT, Konami and Scientific Games. I am not trying to be difficult, Mr Primrose, but there are a number of options that are being brought forward by the industry because they too want to protect and make sure that those in our community that would like to take up exclusion or harm minimisation—in terms of limits, there are so many options coming forward that the industry is providing us with the answers, and we will continue to work toward where we need to be.

The Hon. PETER PRIMROSE: Would you please take on notice which particular venues are involved?

**ANSWER**

Wests New Lambton is confirmed as a venue for the first trial.

It is up to individual proponents of cashless gaming products to determine suitable venues to trial their products.

The Hon. PETER PRIMROSE: How much has been paid into the Responsible Gambling Fund, the controlled community benefit fund, in the 2021-22 financial year?

Mr KEVIN ANDERSON: I will ask Ms Mann if she has those numbers handy.

NATASHA MANN: I am afraid I will have to take that on notice.

...

The Hon. PETER PRIMROSE: Can you also give me some figures for the 2020-21 and 2019-20 years? Please take that on notice again. Also take on notice how much money has been granted from the fund in the 2021-22 financial year. Do you have those figures to hand?

NATASHA MANN: It might be best if I take those on notice, Mr Primrose.

The Hon. PETER PRIMROSE: Okay. Also, again, the allocation from the 2020-21 and 2019-20 financial years. Finally, how much of the granted money from the period between 2019 and 2021 has been expended, knowing that in many cases COVID or other factors prevented projects from going ahead?

NATASHA MANN: What I will say, to give you a sense of the overall spend, is that approximately \$30 million per year is paid out by the IGF. But I can obviously get you the details that you have asked for.

#### ANSWER

Responsible Gambling Fund	FY2019 \$'000s	FY2020 \$'000s	FY2021 \$'000s	FY2022 Feb-YTD only \$'000s	TOTALs
Community Benefit Receipts (revenue)	1,207	831	3,503	2,705	8,246
Community Benefit Payments (expend)	327	1,066	1,592	790	3,775
Benefits LESS Payments (amount left to spend)					4,471

It is noted that money is paid into the Responsible Gambling Fund (RGF) when a venue secures an Electronic Gaming Machine (EGM) increase approval. At that point a community contribution panel is convened to consider funding.

From the time the money goes into the fund to the time money is paid out is usually about six months.

The COVID-19 pandemic has delayed payments to community organisations, as they were not in a position to expend the funds.

The Hon. MARK PEARSON: I will press that, if it is an offence under the Prevention of Cruelty to Animals Act to overwork an animal or cause unnecessary and unjustifiable pain, I would urge you to put to whoever is looking into this that we are looking at a potential offence under the Prevention of Cruelty to Animals Act happening routinely if people are over-racing or over-nominating their animals. But in relation to your reference to UTS, since 2014 the UTS Open Access Policy requires UTS researchers to deposit their research publications to OPUS to facilitate public access to the university's research. How many publications by UTS has Greyhound Racing NSW or GWIC funded and how many of these publications are available on the UTS OPUS website of open publications? You might need to take that on notice or you might be able to answer it.

STEVE GRIFFIN: Most assuredly, Mr Pearson, I will have to take that on notice. It is quite a detailed question and I would have to seek a lot of information from UTS and from our own staff in relation to that.

The Hon. MARK PEARSON: Taking it on notice, could you specifically look at research that has been done on catastrophic injuries and whether the research that has been done at this university and others has been published and been made available?

STEVE GRIFFIN: Certainly.

#### ANSWER

I am advised by the Greyhound Welfare & Integrity Commission (Commission):

the University of Technology Sydney (UTS) has advised that it has published 12 papers commissioned by either Greyhound Racing NSW or the Commission on the OPUS website and there are no publications specifically on catastrophic injuries.

The Hon. MARK PEARSON: In Taree there were three deaths in 2021, and those internal emails between GWIC and Greyhound Racing NSW spoke of significant concerns with this track—and this refers to my colleague Abigail Boyd's

questioning earlier—and that Greyhound Racing NSW stated, "Have earmarked to have some sections attended to when the commitments allow." Was racing suspended at Taree as a result of these deaths until the upgrade? Are you aware?

STEVE GRIFFIN: I cannot recall, Mr Pearson, but I know that Greyhound Racing NSW recently made an announcement that there is a significant upgrade to the Taree track that it is planning to do this calendar year.

The Hon. MARK PEARSON: If you could take that question on notice. Was racing suspended as a result of those deaths until the upgrade? If not, why not? And, as you were saying now, has the upgrade occurred or is it occurring?

STEVE GRIFFIN: I will take that on notice, Mr Pearson.

#### **ANSWER**

I am advised by the Commission:

catastrophic injuries sustained by three greyhounds at Taree greyhound racetrack in 2021 were reviewed by the Commission's Race Injury Review Panel, which determined that all three incidents were the result of racing factors and that the racing surface did not contribute to these injuries

racing was not suspended at the venue as a result of these incidents.

Upgrades to the Taree racetrack, including renovation of the track camber and surface and an upgrade of the lure and other racing infrastructure, have been completed.

The Hon. PETER PRIMROSE: Are you likely to rename it given that it is "Action Plan 2021 -23"?

Mr KEVIN ANDERSON: That is a good question, Mr Primrose. At this point I had not considered a name change, but I am happy to take your views. But we are focused on what we have got to do to address some of the issues.

The Hon. PETER PRIMROSE: Maybe "Action Plan 2025", relating to a retrospective view of what happened?

Mr KEVIN ANDERSON: What we will be doing is looking long term as well, and part of that is repurposing some of that available land for regional housing, which looks at affordable and social housing.

The Hon. PETER PRIMROSE: So sometime in the future we may see an action plan for last year. Okay.

Mr KEVIN ANDERSON: What we will do is take it on notice in terms of renaming that plan.

#### **ANSWER**

The action plan has not been published.

The CHAIR: I turn to another matter, which is Crown lands. Under the Crown Land Management Regulation 2018, the interest rates are set at 8 per cent, which seems quite excessive in today's terms. Would you consider reviewing that interest rate being set at 8 per cent and bringing it into line with the RBA cash rate or how it is done with Regional Investment Corporation loans that are linked to 10-year bonds? I would hate for you to be accused of profiteering. At the rate of 8 per cent, the repayments are significantly higher, would you not—

Mr KEVIN ANDERSON: Mr Banasiak, if you could elaborate a little bit more in relation to that 8 per cent—where you got that number from and what that relates to in the line item of the budget of Crown lands—we would be happy to have that discussion. We just need a little bit of clarity in relation to that question.

The CHAIR: Okay. It relates to the Crown Land Management Regulation 2018, where the interest rates are set at 8 per cent. I have received correspondence from a constituent who currently has an offer from the Department of Planning and Environment to purchase western lands leases—convert it from leasehold to freehold—but at the current rate of 8 per cent it significantly impacts their ability to do that.

Mr KEVIN ANDERSON: I understand. What we would like to do for you, Mr Banasiak—if you like, please bring that forward. I am unfamiliar with that specific case. I am very happy to take that if you would like to bring that forward. Otherwise, I would ask Ms Hawyes to shed some light on that particular case.

MELANIE HAWYES: It may be helpful if you can bring forward the specifics. There are abilities for leaseholders to convert. I am not quite sure about the comment about interest because they are conversions, they can be purchases. It is not—

The CHAIR: It looks like it is going to be a purchase. They can either pay it in full in 28 days or pay it over a 20-year period at 8 per cent.

MELANIE HAWYES: We might take it on notice because it depends on the specifics: what kind of a lease or, if they are seeking to purchase, what it is that they are seeking to purchase. There are different categories and rules.

**ANSWER**

When a leaseholder purchases a Western Lands lease they elect to either pay the purchase monies in full within 28 days or enter into an instalment plan for a period of up to 20 years with an interest rate charge of eight percent as prescribed by the Regulations.

The purchaser also has the option of borrowing funds from a financial institution. The Crown Land Management Regulation 2018 prescribes the interest at eight percent for the purposes of clause 22 (2) of Schedule 2, and clause 11 (5) of Schedule 4, to the Act, being applicable to continued irrigation tenures and purchasable leases.

The statutory review of the Crown Land Management Act, due to commence in 2023, will provide an opportunity to consider and receive submissions on the legislation.

Ms CATE FAEHRMANN:

Minister, I go back to floodplain harvesting licences. Is it your understanding that these floodplain harvesting entitlements will be compensable?

Mr KEVIN ANDERSON: I will ask Dr Bentley if he would like to elaborate on that please. Thank you, Ms Faehrmann.

JIM BENTLEY: No.

Ms CATE FAEHRMANN: So, if they are not compensable, the changes to the Water Management Act 2000 back in 2014 that have explicitly put floodplain harvesting licences in there as compensable if changes are made to water-sharing plans or if water has to be bought back for environmental purposes—you are saying that that no longer applies, Dr Bentley or Minister?

Mr KEVIN ANDERSON: Dr Bentley?

JIM BENTLEY: I am saying that what has been set up for floodplain harvesting—where the modelling has been done that is determining those licensed amounts and the questions have been asked in particular about climate change impact, if climate change means that changes have to be made, that would not be compensable under these arrangements.

Ms CATE FAEHRMANN: My final question is: Dr Bentley, is there any situation then—Minister, you should get your head around this as you are referring to Dr Bentley because this is extremely serious. Is there any situation where a floodplain harvesting entitlement or licence would be eligible for compensation, Dr Bentley?

JIM BENTLEY: I might take advice on that, given that your question is "is there any situation", Ms Faehrmann. If you do not mind, I will take that on notice and seek specific advice as to whether there is any foreseeable instance.

**ANSWER**

No, there is no foreseeable instance where this will be the case. It is intended that the need for the amendment provisions that allow us to make changes without compensation to continue beyond the 10-year term of a water sharing plan will be informed by consultation and advice from the Natural Resources Commission when the relevant water sharing plans are due for replacement.

Mr DAVID SHOEBRIDGE: Have you got any advice about whether or not the use of funds by the Catholic Metropolitan Cemeteries Trust, which is all public funds, for the purchase of Bowraville Cemetery was lawful? Was it lawful? Was it a breach of trust?

Mr KEVIN ANDERSON: I do not have that information, Mr Shoebidge, but I am happy to take that on notice.

**ANSWER**

The Catholic Metropolitan Cemeteries Trust (CMCT) is a transitional reserve trust and a Crown land manager. Crown land managers are accountable for the use of trust funds under their control. Crown land managers are required to demonstrate that all use of trust funds is reasonable, acceptable, necessary, and incurred for the general purposes of the reserve trust.

Mr DAVID SHOEBRIDGE: Do you know how much the purchase was? Can you tell me how much the purchase was?

Mr KEVIN ANDERSON: I do not have that information in front of me, Mr Shoebridge

Mr DAVID SHOEBRIDGE: Will you take it on notice?

Mr KEVIN ANDERSON: Yes, of course.

**ANSWER**

The purchase price of Varroville was \$14.5 million.

Mr DAVID SHOEBRIDGE: Would it trouble you if, say, \$100 million from a trust was used for an unlawful purpose?

Mr KEVIN ANDERSON: Again, Mr Shoebridge, I will have to take that—

Mr DAVID SHOEBRIDGE: Would it trouble you?

Mr KEVIN ANDERSON: I will take that on notice.

Mr DAVID SHOEBRIDGE: You will take on notice whether it would trouble you?

Mr KEVIN ANDERSON: It is not the case of taking it on notice—

Mr DAVID SHOEBRIDGE: You will seek advice on whether or not the potential unlawful use of \$X million is troubling?

Mr KEVIN ANDERSON: Mr Shoebridge, they are your words, and I will take that on notice

**ANSWER**

The former Minister wrote to the NSW Auditor-General following these issues being raised in Parliament and requested an audit be undertaken of the CMCT. The Auditor General responded on 25 March 2022 to say that further clarification is required on the controlled entity status of CMCT. This work is underway.

Mr DAVID SHOEBRIDGE: So what horses did former police commissioner Mick Fuller own during the last six years of his work with the New South Wales police?

Mr KEVIN ANDERSON: Mr Shoebridge, I will have to take it on notice if you require that information.

**ANSWER**

The Department of Customer Service does not hold records on the horse ownership interests of current or former senior members of the NSW Police Force.

Mr DAVID SHOEBRIDGE: Minister, do you know if any other senior police have horseracing interests?

Mr KEVIN ANDERSON: No, I do not.

Mr DAVID SHOEBRIDGE: Will you undertake a review? You do not mind?

Mr KEVIN ANDERSON: I am happy to take that question on notice.

**ANSWER**

Refer to the answer to the previous question above.

Mr DAVID SHOEBRIDGE: Minister, why did the Attorney extend the interim arrangements in relation to the Catholic Metropolitan Cemeteries Trust? Did he speak to your department about that before that decision was made?

Mr KEVIN ANDERSON: That was before my time, Mr Shoebridge, but I will ask Ms Hawyes if she has any further update on that.

MELANIE HAWYES: I think that is a question for the AG. It was a matter for Government. The cemeteries functions have only recently come back. The task force has recently come back into the Crown Lands portfolio. So I am not aware of any advice provided.

Mr DAVID SHOEBRIDGE: Can you take on notice whether or not the Attorney General sought advice and, if so, what advice was given to the Attorney before that decision was made?

MELANIE HAWYES: Yes.



**ANSWER**

The interim arrangements were extended by Regulation made by the Governor on 17 December 2021. The Attorney General was not involved in making the Regulation.

Mr JUSTIN FIELD: One. Thank you. In relation to that withdrawal, I assume there was some sort of advice provided by the MDBA to the New South Wales Government about the concerns that they had with those plans. Is that the case?

Mr KEVIN ANDERSON: Dr Bentley?

JIM BENTLEY: Certainly, we received feedback from the Murray-Darling Basin Authority and for some months have been in discussion with them. Naturally, it would be fair to assume we do not agree with some of the feedback that we have received.

Mr JUSTIN FIELD: Is it possible to make that feedback public?

JIM BENTLEY: Let me see what I have got that I can make available. I will take that on notice, Mr Field.

**ANSWER**

The advice referred to is the Notice of Grounds under the Commonwealth process and the request is best directed to the MDBA, as these assessment feedback reports to any state are not public documents.

However, DPE Water can confirm that the matters in the Notices of Grounds have been negotiated and resolved with the exception of 2 remaining specific areas, these being:

Planned Environmental Water – groundwater resolved and surface water interactions continue

First Nations consultation- agreement with First Nations groups on subsequent engagement

The CHAIR: Minister, you may need to take these questions on notice. The sustainable diversion limit adjustment mechanism projects, as they were referred to, now called "connecting rivers", what is the total we have received from the Commonwealth for those projects?

Mr KEVIN ANDERSON: In terms of that number, Mr Banasiak—and I will get that for you shortly—it is good news in relation to Better Baaka and Better Bidgee.

The CHAIR: Yes, I want to delve into that later with the public servants. For context, so I can craft my questions, how much has been given to us from the Commonwealth and how much have we actually spent? Just rough figures; if you have to take it on notice, that is fine.

Mr KEVIN ANDERSON: We will try and get those figures for you, if we can. But I can update you, Mr Banasiak. I know you have a very keen interest in those particular projects because they are significant water efficiency measures in and around that southern basin. Those two projects, Better Baaka and Better Bidgee, have been resubmitted back to the Federal Government. We look forward to the Federal Government processing those two particular significant projects quickly so that we can realise those efficiency benefits and the end-of-flow targets—if Ms Faehrmann is still online—that they talk about frequently, to be able to realise those numbers. I will ask Dr Bentley if he has those numbers there.

JIM BENTLEY: I do not have them to hand, but we can make sure we have them this afternoon.

The CHAIR: Thank you.

**ANSWER**

Figures as at 9 March 2022:

Total funding allocated: \$337,995,034

Total funding received: \$27,038,034

Total funding spent: \$23,977,862.46

Mr DAVID SHOEBRIDGE: Minister, an SO 52 was directed to your department, the Crown Land Commissioner and others, seeking all documents about how the sale formula of 3 per cent of the unimproved market value of western pastoral leases was determined. No documents were produced. Is this because someone just made the figure up? Or is it because those documents are held by another department?

Mr KEVIN ANDERSON: If I have responded in that regard, Mr Shoebidge, then that would be the answer.

Mr DAVID SHOEBRIDGE: You made the figure up? That means the department made the figure up, Ms Hawyes? Was it just made up? Or were there any documents setting out how it was determined?

MELANIE HAWYES: The 3 per cent value represents the residual value that the State retains in perpetual leases, noting that they are perpetual leases, and it is legislated in schedule 4 of the Crown Land Management Act.

Mr DAVID SHOEBRIDGE: We asked how the figure was produced. "Who came up with 3 per cent? Show us all the documents." Not a single document was produced, Ms Hawyes. Is this because the figure was made up and there was never any analysis or any kind of rigorous determination on the figure? Was it just made up?

MELANIE HAWYES: No, that is not my answer. The figure was made during the last round, when the legislation was formed, and I was not in the role at that point. My understanding is that it was supported by independent analysis by PricewaterhouseCoopers.

Mr DAVID SHOEBRIDGE: Why was none of that produced in response to the SO 52, Minister?

MELANIE HAWYES: I will need to take that on notice, if that is to me.

Mr KEVIN ANDERSON: If the response from the SO 52 is as you have received then that is the response, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: I know the response is the response. I am asking why the PricewaterhouseCoopers analysis, which was clearly covered by the terms of the order, was not produced.

The CHAIR: That is time, but I note that Ms Hawyes agreed to take that on notice in terms of why it did not appear in the SO 52.

MELANIE HAWYES: Yes, I will take that on notice. It may be an oversight.

#### **ANSWER**

Refer to page 61 of the transcript.

The Hon. ADAM SEARLE: The report also found that the Valuer General had undermined his executive team by preventing their involvement in decision-making and strategic planning. Does that sound familiar?

MICHAEL WRIGHT: Again, I do not have the report in front of me, but if you are quoting from the report, I am sure it is in the report.

The Hon. ADAM SEARLE: It is the case, is it not, that the interim report also found that there were a number of other matters complained of that had occurred prior to 1 April 2020?

MICHAEL WRIGHT: That is my recollection.

The Hon. ADAM SEARLE: Those matters had been otherwise dealt with and did not form part of this current investigation?

MICHAEL WRIGHT: Correct.

The Hon. ADAM SEARLE: But it is the case, is it not, that the interim report also found that if those earlier incidents had been included, additional allegations which were found to not be substantiated would in fact have been substantiated. Does that sound familiar?

MICHAEL WRIGHT: I would have to take that on notice.

#### **ANSWER**

The Joint Standing Committee on the Office of the Valuer General received the interim report in confidence. Work health and safety matters are part of an ongoing investigation. The outcomes of the investigation will be reported to the Joint Standing Committee on the Office of the Valuer General, in confidence, upon completion of the final report.

The Hon. ADAM SEARLE: But these are findings in the interim report. He also shouted at members of his team in public forums. Again, does this sound familiar?

MICHAEL WRIGHT: It sounds familiar, but not having the report in front of me, I would have to double-check on the actual wording in the report.

#### **ANSWER**

The Joint Standing Committee on the Office of the Valuer General received the interim report in confidence. Work health and safety matters are part of an ongoing investigation. The outcomes of the investigation will be reported to the Joint Standing Committee on the Office of the Valuer General, in confidence, upon completion of the final report.

The Hon. ADAM SEARLE: Are you also aware that the report indicated that from the interview with the Valuer General it appeared that almost all of the matters complained of had, in fact, occurred?

MICHAEL WRIGHT: As far as I recall, Mr Searle, the 2020 report substantiated—

The Hon. ADAM SEARLE: There were five matters.

MICHAEL WRIGHT: —the majority of the allegations that staff were making about the behaviour of the Valuer General.

The Hon. ADAM SEARLE: It also found that the complainants or the staff interviewed were "truthfully and genuinely concerned about their futures". There was no question about their integrity or candour?

MICHAEL WRIGHT: Certainly, there have been concerns raised by staff in the organisation over a period about the nature of the interactions that they were having with the current Valuer General.

The Hon. ADAM SEARLE: That is a very polite way of putting it. The report also found that the employees told similar stories and presented a consistent image of a workplace in which people were stressed, anxious and fearful for their jobs. Does that also sound familiar to you?

MICHAEL WRIGHT: That would align with the nature of the concerns raised by staff.

The Hon. ADAM SEARLE: It would not surprise you, would it, Mr Wright, that the Valuer General himself had either admitted explicitly or impliedly in all of these matters, according to the report?

MICHAEL WRIGHT: I would have to take that on notice and look at the report again.

#### **ANSWER**

The Joint Standing Committee on the Office of the Valuer General received the interim report in confidence. Work health and safety matters are part of an ongoing investigation. The outcomes of the investigation will be reported to the Joint Standing Committee on the Office of the Valuer General, in confidence, upon completion of the final report.

The Hon. ADAM SEARLE: Again, I know you do not have a copy of the report in front of you, but given the substantiation of the matters that it found had occurred, it also identified that the Valuer General had failed to act in accordance with the core values of the ethical framework under the GSE legislation. Does that sound familiar?

MICHAEL WRIGHT: It sounds familiar. Again, I would need to check the wording of it.

The Hon. ADAM SEARLE: Sure—that there had been a breach of the DPIE code of conduct?

MICHAEL WRIGHT: If that is what the report says. You have it in front of you, Mr Searle.

The Hon. ADAM SEARLE: Does this sound familiar to you?

MICHAEL WRIGHT: I would need to check the exact wording of the report.

#### **ANSWER**

The Joint Standing Committee on the Office of the Valuer General received the interim report in confidence. Work health and safety matters are part of an ongoing investigation. The outcomes of the investigation will be reported to the Joint Standing Committee on the Office of the Valuer General, in confidence, upon completion of the final report.

The Hon. ADAM SEARLE: Have you or, as far as you know, the department received any more recent complaints, formal or informal, from staff in relation to the behaviour of the Valuer General?

MICHAEL WRIGHT: I am not personally aware of any. When you say more recently, Mr Searle, you mean over what period?

The Hon. ADAM SEARLE: More recently than 5 November last year.

MICHAEL WRIGHT: I would need to go back and check my records.

#### **ANSWER**

The Joint Standing Committee on the Office of the Valuer General received the interim report in confidence. Work health and safety matters are part of an ongoing investigation. The outcomes of the investigation will be reported to the Joint Standing Committee on the Office of the Valuer General, in confidence, upon completion of the final report.

The Hon. ADAM SEARLE: What is happening with those matters? Have they been folded into this current inquiry or are they the subject of separate inquiries?

MICHAEL WRIGHT: My understanding is that they have been folded into the current inquiry, but could I take that on notice and just double-check that that is in fact the case?

The Hon. ADAM SEARLE: Of course.

**ANSWER**

The Joint Standing Committee on the Office of the Valuer General received the interim report in confidence. Work health and safety matters are part of an ongoing investigation. The outcomes of the investigation will be reported to the Joint Standing Committee on the Office of the Valuer General, in confidence, upon completion of the final report.

The Hon. ADAM SEARLE: Have staff been moved out of VG NSW because of concerns about their wellbeing?

MICHAEL WRIGHT: Certainly at least one executive member who was undertaking a temporary role in VG NSW has moved out of that role primarily because of the stress she was experiencing in undertaking the functions of that role.

The Hon. ADAM SEARLE: Apart from that person, are there any concerns about other staff?

MICHAEL WRIGHT: I would have to take that on notice. It may well be that we have looked to move some sub-executive staff as well but I would need to check on our records.

The Hon. ADAM SEARLE: If you could, that would be good.

**ANSWER**

The Joint Standing Committee on the Office of the Valuer General received the interim report in confidence. Work health and safety matters are part of an ongoing investigation. The outcomes of the investigation will be reported to the Joint Standing Committee on the Office of the Valuer General, in confidence, upon completion of the final report.

The Hon. ADAM SEARLE: In relation to the matters that we have discussed, have there been work health and safety claims or workers compensation claims lodged as a result of interactions with the Valuer General?

MICHAEL WRIGHT: I will take that on notice but there may well have been. I will take that on notice, though

**ANSWER**

The Joint Standing Committee on the Office of the Valuer General received the interim report in confidence. Work health and safety matters are part of an ongoing investigation. The outcomes of the investigation will be reported to the Joint Standing Committee on the Office of the Valuer General, in confidence, upon completion of the final report.

The Hon. ADAM SEARLE: Have people taken stress leave as a result of interactions?

MICHAEL WRIGHT: I am aware people have taken leave for stress-related reasons.

The Hon. ADAM SEARLE: Are we talking five or six? Are we talking 10 or 20?

MICHAEL WRIGHT: I will take that on notice.

The Hon. ADAM SEARLE: How many people have left VG NSW since the Valuer General took up—

MICHAEL WRIGHT: I will take that on notice.

The Hon. ADAM SEARLE: It is quite a number, isn't it?

MICHAEL WRIGHT: I will take that on notice.

The Hon. ROSE JACKSON: In relation to the last question about how many people have left, you do accept, though, that people have left.

MICHAEL WRIGHT: I seriously want to take that on notice in terms of whether people have left. People leave organisations for all sorts of reasons. If the question is whether people have left the organisation because of the Valuer General—is that the question?

The Hon. ROSE JACKSON: Yes, that is right.

MICHAEL WRIGHT: I will take that on notice.

**ANSWER**

The Joint Standing Committee on the Office of the Valuer General received the interim report in confidence. Work health and safety matters are part of an ongoing investigation. The outcomes of the investigation will be reported to the Joint Standing Committee on the Office of the Valuer General, in confidence, upon completion of the final report.

Mr DAVID SHOEBRIDGE: Why won't the Catholic Metropolitan Cemeteries Trust provide its audited accounts and its finances to the New South Wales Auditor-General, as NSW Treasury believes it is obliged to do?

JEN HICKEY: I do not have an answer to that. I will take that on notice. But I do know that under the recent changes to the Government Sector Finance Act, it will be required to submit its financial statements this financial year.

**ANSWER**

DPE are not aware of any advice from Treasury that required CMCT to produce its finances to the Auditor General.

The *Government Sector Finance Act 2018*, reporting provisions in Part 7, requires the accountable authority for Government Sector Finance agencies to supply audited accounts to the Auditor General unless exempted.

Mr DAVID SHOEBRIDGE: In the most recent audit report from the end of last year for the cluster, the Auditor-General expressed concerns that those accounts have not been provided, and again reiterated Treasury's position that there is an ongoing obligation of the trust to provide its accounts to the Auditor-General. You are the independent regulator in this space; what are you doing to hold the trust to account so that the accounts can be put before the Auditor-General?

JEN HICKEY: As I said, that is now a moot point because they will have to do it under the Government Sector Finance Act from 1 July 2021. This financial year they will have to submit their finances.

Mr DAVID SHOEBRIDGE: It is hardly a moot point because it has had an obligation to disclose its finances to the Auditor-General last year and the year before and the year before that at least, on the advice of Treasury. Are you really treating it as a moot point, this thumbing the nose at the obligation to provide the accounts for audit?

JEN HICKEY: If you are asking about the history of it, I do not have it and I will take that on notice.

**ANSWER**

The Department has been advised that certain statutory land managers are required to submit financial statements to the Auditor General from 1 July 2021, but as the Catholic Metropolitan Cemeteries Trust (CMCT) is a transitional reserve trust, not a statutory land manager, it is unclear whether this requirement extends to the CMCT. The Auditor General is seeking clarification on this issue from Treasury.

CMCT has provided its audited financial statements to Cemeteries & Crematoria NSW annually, as it is required to do under s99 of the Cemeteries and Crematoria Act 2013.

Mr JUSTIN FIELD: My questions in this round will be primarily to Mr Crawford and they relate to gaming issues. Mr Crawford, have you commenced a probity assessment into Blackstone and its takeover proposal of Crown?

PHILIP CRAWFORD: Yes, we have. We commenced that almost 12 months ago—at least 11 months ago.

Mr JUSTIN FIELD: Who is conducting that probity assessment?

PHILIP CRAWFORD: The law firm is Corrs Chambers Westgarth and it is using external accountants McGrathNicol.

Mr JUSTIN FIELD: How much money has been allocated to that process?

PHILIP CRAWFORD: Their costs are all being paid by Blackstone. I would have to get back to you with the number, but it is not an amount that we are paying. It is being paid for by Blackstone. I cannot give you a number, but I will get back to you.

**ANSWER**

The Blackstone investigation started in March 2021. The trigger was the first bid made by Blackstone.

The external expert advisory services supporting the international probity suitability assessment are being paid for on a cost-recovery basis by Blackstone. The Corrs Chambers Westgarth engagement equates to \$2,240,000 and the McGrath Nicol engagement equates to \$670,000 (ex GST).

Refer also to the answer to the next question for further information.

PHILIP CRAWFORD: The transaction that is contemplated means that Blackstone becomes the 100 per cent shareholder of the relevant companies in the Crown Group. Crown maintains those obligations, and we need to—part of our probity is to ensure that to the extent, for instance, there are financial obligations, that Blackstone has the capacity to meet those obligations. Whatever obligations exist now, they do not go away. It is just that the shareholder of the relevant companies in the Crown Group becomes Blackstone.

Mr DAVID SHOEBRIDGE: Mr Crawford, just one question flowing from that evidence. You said that you commenced your inquiries, or your investigation, 11 months ago?

PHILIP CRAWFORD: Whenever they first applied to, in effect, go on the share register of the company. They had already acquired from Melco. Melco is the deal originally Packer had with—

Mr DAVID SHOEBRIDGE: Yes.

PHILIP CRAWFORD: They acquired that 9.9 per cent share, but I cannot remember the day when they first put their hand up and wanted to go longer. But ever since that happened, we have had in place—the probity has taken many months.

Mr DAVID SHOEBRIDGE: On notice, could you give details about the circumstances that triggered that inquiry and what the nature of the investigation has been since then?

PHILIP CRAWFORD: Yes.

## ANSWER

On 2 December 2020, Blackstone wrote to the Independent Liquor and Gaming Authority (ILGA) seeking statutory approval for its proposed acquisition of up to 100% of the issued share capital in Crown Resorts.

Statutory approval is required as the proposed acquisition will trigger a “major change” in the state of affairs in relation to the operator of Crown Sydney under s35 of the *Casino Control Act 1992* (Act), requiring ILGA to be satisfied that Blackstone and each of its nominated corporate and individual close associates are a ‘suitable person’ (assessed in accordance with the criteria set out in s13A of the Act) to be concerned in or associated with the management and operation of the Barangaroo Restricted Gaming Facility.

Since February 2021, on behalf of ILGA, Corrs and its financial and international legal advisors have undertaken extensive due diligence into Blackstone’s proposed corporate structure, corporate and individual close associates, policy framework and international gaming operations and have conducted a comprehensive request for information process.

ILGA is thus very advanced in its process to assess whether Blackstone and each of its nominated corporate and individual close associates are a ‘suitable person’ to be associated with the Crown, the holder of the Restricted Gaming Facility licence. At this point, there is no information currently before ILGA which would indicate there are any probity or other suitability issues of concern relating to Blackstone.

On 14 February 2022, Crown announced that it had entered into a Scheme Implementation Deed, under which Blackstone will acquire all of Crown’s shares at a price of \$13.10 per share. A Scheme Meeting is expected to be held in the second quarter of the 2022 calendar year and, if approved, the Scheme will be implemented shortly thereafter.

If the Scheme is implemented, ILGA is aware that this will have an impact on the current work that has been done, and continues to be progressed, on the section 142 agreements. Legal advice will be sought by ILGA as and when necessary. It is likely that a final step in the approval process would be ILGA having to be satisfied that Blackstone is able to implement the ongoing Crown remediation work. Blackstone will not be able to complete the share acquisition without the Authority’s approval.

If Crown moves from a publicly listed entity to private equity ownership, ILGA will seek to amend the licence conditions that will apply to the Restricted Gaming Facility licence to ensure that the regulator has oversight of the future activities of the operator of Crown Sydney.

Mr DAVID SHOEBRIDGE: Do you know if the Catholic Cemeteries Board has met with the new Minister in relation to this?

MELANIE HAWYES: I do not know specifically. My understanding is that the Minister has expressed to me that he intended to meet all faith groups and to, as you would expect, get across the issue and the portfolio. I will take that on notice.

**ANSWER**

Details of meetings held by the Minister are published quarterly at <https://www.dpc.nsw.gov.au/publications/ministers-diary-disclosures/>

Mr DAVID SHOEBRIDGE: I have no expectations when it comes to Ministers, to be clear, but you understand that he will meet with the Catholic Cemeteries Board?

MELANIE HAWYES: He has expressed directly to me that he will meet with all stakeholders. I can take that on notice and find out if that meeting has occurred.

**ANSWER**

Details of meetings held by the Minister are published quarterly at <https://www.dpc.nsw.gov.au/publications/ministers-diary-disclosures/>

Mr DAVID SHOEBRIDGE: In what capacity is the Attorney reviewing these concerns in relation to the CMCT's trust funds? Was it referred by your office? Was it referred by Mr Wright? Was it referred by Ms Shearer? How is it the Attorney is now again in this cemeteries mess?

MELANIE HAWYES: I think the question is about understanding what does or does not constitute a trust and how that works. I cannot really answer that. It is a matter for the Attorney General.

Mr DAVID SHOEBRIDGE: No, who referred the matter to the Attorney General?

MELANIE HAWYES: I will need to take that on notice

**ANSWER**

Proceedings for judicial advice have been commenced - Rookwood General Cemeteries Reserve Land Manager (Case number: 2021/00353046).

The Attorney General is a party to the proceedings. Neither the Department nor CCNSW is a party to those proceedings.

Further questions in relation to the proceedings or information provided to the Attorney General should be directed to the Attorney General.

The Hon. ROSE JACKSON: What was the initial cost or estimate of how much this project was going to cost Sydney Water? You said it doubled, so I am interested in what you had in mind and what came back.

ROCH CHEROUX: Yes, I can give you the number. The increase was significant, to a point where we really needed to do that because when we are constructing something our customers are paying, so we do not want to invest in something that is costing too much for our customers. The initial estimate of the project was \$194 million and the final cost of the project is \$356 million, so a significant increase.

The Hon. ROSE JACKSON: When it went out to market, how many tenders or how many options were before you when you were making a decision? How many people put up their hand?

ROCH CHEROUX: I would need to take that on notice.

**ANSWER**

Sydney Water has three regionally-based delivery consortia on contracts, to deliver projects. Pricing was requested from the relevant regional consortia and the tendered price was verified by an independent estimator.

The Hon. ROSE JACKSON: Yes, okay. I just wanted to ask a quick question in relation to the dividend. My understanding is that the 2019-20 dividend was \$963 million. I think the figure in the 2021 Statement of Corporate Intent was \$655 million. Do you have an update on that figure, what the actual was?

ROCH CHEROUX: I will take that on notice to give you the exact number, but that was in that order. We paid a dividend last year which was aligned to what we had in the statement of corporate intent.

<p>The Hon. ROSE JACKSON: It would be useful if you could take the exact figure on notice.</p>
<p><b>ANSWER</b></p> <p>Mr Cheroux answered this question later during the hearing (top of page 61 in transcript)</p>
<p>The Hon. ROSE JACKSON: How do you respond to evidence that was provided to the parliamentary inquiry from some experts working on the EIS that their expert evidence was downplayed or they were given directions to change or minimise findings such that one of those scientific experts, in fact, resigned from the project? How do you respond to that?</p> <p>ANDREW GEORGE: Again, there was quite a bit of evidence given at the most recent inquiry into the dam raising. Again I would refer to the evidence given at that hearing. We obviously take those matters seriously and I have asked for advice on that, which was disclosed at the hearing, and we will consider that advice.</p> <p>The Hon. ROSE JACKSON: Who is providing that advice to you?</p> <p>ANDREW GEORGE: We have retained legal advice to provide that. I can get that for you shortly; I do have that here.</p>
<p><b>ANSWER</b></p> <p>This was answered during the hearing by Mr Andrew George. See page 61 of the transcript.</p>
<p>The CHAIR: Can I go to some of those projects and ask some questions in detail. The Koondrook-Perricoota Flow Enabling Works Project—according to the fact sheet, you are still at the strategic assessment phase, which is essentially the beginning. If I look to the presentation you gave the community on this, that means you have only paid out \$2.456 million in terms of money expended. Would that be correct, roughly?</p> <p>JIM BENTLEY: If it is okay, I will pass to Ms Jones, who is the CEO.</p> <p>AMANDA JONES: I would have to check that number to confirm that is the number spent to date. As Dr Bentley just mentioned, the total spend to date is \$67 million, but I can get that broken down by project.</p>
<p><b>ANSWER</b></p> <p>Total expenditure as at the end-of February 2022 on the Koondrook-Perricoota SDLAM project was \$1.5 million.</p>
<p>The CHAIR: Sure. This Committee went out there, probably a month or so back, as part of the timber inquiry. We spoke to the western lands improvement group there. One issue that they raised is that there seems to be a conflict in regulations or legislation around the removal of material like logs and timber from dried riverbeds in this forest and that one part of the legislation prevents you from doing it but, if you do not do it, those river flows cannot happen properly because there are essentially logjams. Have you heard similar concerns from this group or from the community? What is happening to navigate what seems to be a catch 22 in the legislation?</p> <p>AMANDA JONES: I can confirm the expenditure to date is \$1.5 million on the KP project.</p> <p>The CHAIR: Sorry, what was it? Can you just bring your microphone a bit closer for Hansard?</p> <p>AMANDA JONES: Yes, \$1.5 million on the KP project to date. There are concerns about the management of the flow, the operation of the river and issues for the forest. There is a group that is part of the BOC framework—so the Ministerial Council framework—and the Murray-Darling Basin group, who are managing this issue. I can take on notice any more detail that you would like to have about what is being done in regards specifically to log removal for the forest.</p>
<p><b>ANSWER</b></p> <p>Koondrook-Perricoota is a production forest and is managed by Forestry Corporation of NSW. Forest management practices, including log and fallen tree management is a matter for Forestry Corporation of NSW. The scope of Water Infrastructure NSW's project in Koondrook-Perricoota does not include forest management practices.</p>
<p>Mr JUSTIN FIELD: I am, Chair, thank you. I turn to floodplain harvesting. I am not sure who is most appropriate to answer these questions. On 18 February there was a proclamation—a Water Management (Application of Act to Certain Water Sources) Proclamation 2022—that appears to turn on provisions of the Act that now clearly require a floodplain harvesting access licence in order to harvest overland flows in the Northern Basin water sources. Given that the</p>



floodplain harvesting licences are not in place, can someone—whoever is the most appropriate—confirm that it is currently an offence in New South Wales to harvest overland flows?

JIM BENTLEY: I will take that if I can, Mr Field. I have sought advice from the general counsel for DPE on this and on other matters relating to the implications of the disallowance of the regulation. Specifically, I have asked the question: Does this change any consideration that was given before about the legality of floodplain harvesting? The advice that I have received confirms, as we said before, that it was uncertain. The regulations were trying to make it certain. It goes back to being uncertain. The advice I have received from the general counsel is, "No, I cannot say it is illegal. It is uncertain again". Mr Field, I know you and I have had some exchanges over this sort of topic in estimates before so, if it is helpful to you, I have also asked the general counsel to compile a consolidated set of advices, if you like, that take us through the various things that have happened with the various regulations and disallowances so that we can clear up any uncertainty. I know before it was, "Was I getting written legal advice or was I just having conversations?" Of course I have had written legal advice, but I also talk very often to the general counsel, as you would expect. So I have written to the general counsel asking for that advice. If it would help the Committee, we would be very happy to make that advice available so that we can step through those various arguments.

Mr JUSTIN FIELD: I appreciate that, Dr Bentley.

**ANSWER**

The advice is provided as the attachment to this document marked "General Counsel Legal Advice".

Mr JUSTIN FIELD: Is there not anyone here today who can inform the Committee of the purpose of the proclamation of the Act? Given the public interest in this issue, this must have been something that was discussed and understood at a relatively high level within the department. The disallowance came later. The letters to the Gwydir and Border Rivers licence officers came later. I am asking what the purpose of this proclamation was.

JIM BENTLEY: The purpose was to allow the regulation to apply to the water sources in question. That is the purpose of the proclamation.

Mr JUSTIN FIELD: The proclamation makes no mention of the regulations. They had not been created at that stage.

JIM BENTLEY: Mr Field, I can only act on the advice that I am given. That is the advice that I have been given. If you disagree with that, let me clear that up by getting that written up in what I have offered to put together for you.

The Hon. ADAM SEARLE: Could you provide the advice that you have received to the Committee?

JIM BENTLEY: I have just said that I have asked Mr Hebron, who is our general counsel, to compile advice—because this is quite a complex issue—from start to finish so that we can make it available to the Committee to clear up any of these misunderstandings. I will ask Mr Hebron to address this matter of purpose as well so that it is there in black and white, and clear.

**ANSWER**

The advice is provided as the attachment to this document marked "General Counsel Legal Advice".

Ms ABIGAIL BOYD: We will stick with water. I will try to ask some more greyhound questions soon. Perhaps this is for you, Dr Bentley, but please direct me if it is not. I understand that South32 has been taking surface water without a licence from Sydney's drinking water catchment via the Dendrobium coal mine since at least 2016, because the Government was made aware of it in the 2016 catchment audit. Why has no action been taken to penalise that mining company for taking water without a licence?

JIM BENTLEY: Mr Barnes, is that an NRAR issue? I pass to Mr Barnes.

GRANT BARNES: That matter is subject to an active investigation by NRAR and we are progressing our investigation with a view to making a determination as to its legality in the course of time. I am not, because it is an investigation, able to go into the details at this point.

Ms ABIGAIL BOYD: Can you tell me when the investigation was commenced?

GRANT BARNES: The month, I will come back to you on, but broadly it was back in 2019, from memory.

**ANSWER**

In 2019, NRAR commenced an investigation into water usage at South32's Dendrobium coal mine. The investigation was initiated in response to a suspicious activity report received in October 2018.

Ms ABIGAIL BOYD: I want to ask a few questions about coal ash dams, which sit under Dams Safety NSW—which is, I understand, Minister Anderson's responsibility, but I also know it is a technical area so if it is not something that

you can answer, let me know. I am interested in how the recent weather conditions, particularly the flooding, has impacted on the State's coal ash dams, particularly those sitting right on water bodies where we know that floods have caused the toxic sludge to float into nearby water bodies.

JIM BENTLEY: Just bear with me. As you can see, I have got a few notes here. Dams Safety NSW is a little bit like NRAR: It is an independent regulator that sits broadly within my group. So the employees who work for Dams Safety or who work for NRAR are employed through the department and, if you like, pay and rations and how people are managed is my responsibility. The technical decision-making, Mr Barnes is entirely independent of me or the Minister in his judgements and similarly with Dams Safety. But, yes, Dams Safety, broadly within that definition, sits within my remit. The technical matters about dam safety I would need to take on notice

**ANSWER**

The issue of water quality impacts is a question for the Minister for Environment and Heritage.

With respect to the role of Dams Safety NSW, owners of coal ash dams declared under the *Dams Safety Act 2015* have an obligation to make timely reports to Dams Safety NSW of incidents that effect the safety of the dam as defined within the Dams Safety Regulation 2019. A dam that spills as part of its design and normal operations is not a reportable incident to Dams Safety NSW. No incidents were received by Dams Safety NSW because of the heavy rainfall event during late February and early March 2022. Notwithstanding this, Dams Safety NSW is contacting several owners of these dams to ensure they understand their reporting obligation and if any reports needed to be made.

Ms ABIGAIL BOYD: I understand. There are two aspects: There is the structural integrity of the dam, which is a Dams Safety NSW issue, but then there is also the impact of any breach or spill of those ash dams into nearby bodies of water. I am thinking particularly—we know that at Lake Macquarie the Eraring and Vales Point coal ash dams have spilt many times into the water and that has caused contamination and restrictions on fishing. Have you had any oversight of what is happening at the moment with the flooding and the risk caused by coal ash dams?

JIM BENTLEY: I personally have not had oversight of that issue, but I will take that on notice and determine what our department has done in that regard.

**ANSWER**

Owners of coal ash dams declared under the *Dams Safety Act 2015* have an obligation to make timely reports to Dams Safety NSW of incidents that affect the safety of the dam as defined within the Dams Safety Regulation 2019. A dam that spills as part of its design and normal operations is not a reportable incident to Dams Safety NSW. No incidents were received by Dams Safety NSW because of the heavy rainfall event during late February and early March 2022. Notwithstanding this, Dams Safey NSW is contacting several owners of these dams to ensure they understand their reporting obligation and if any reports needed to be made.

The Hon. PETER PRIMROSE: My understanding is that the Cemeteries and Crematoria Act specifies that one position on the board of Cemeteries & Crematoria NSW is reserved for someone with knowledge and expertise relevant to local government matters. Can you tell me who that person is at the moment, please?

MELANIE HAWYES: I might invite Jen Hickey to return. The name has gone out of my head; I am really sorry. Jen might be able to answer.

JEN HICKEY: It is actually a vacant position at the moment.

The Hon. PETER PRIMROSE: When did it become vacant?

JEN HICKEY: I will have to take that on notice, but it is a while.

**ANSWER**

Details of the CCNSW Board membership can be found in the CCNSW Annual Report:

The Hon. PETER PRIMROSE: When do you expect it to be filled?

JEN HICKEY: There are some discussions happening, I think. Actually, the department is looking into the board appointments, so I think we will have to take that on notice.

**ANSWER**

The local government position on the Cemeteries & Crematoria NSW (CCNSW) board has been vacant since 1 November 2018.

The recruitment process is currently underway.

The Hon. PETER PRIMROSE: My other question relates to Aboriginal land claims. I have been part of a number of inquiries here when we have heard things like there were many tens of thousands of outstanding Aboriginal land claims in New South Wales. I think the Audit Office found that there were about 38,000. What is the figure at the moment?

MELANIE HAWYES: That is correct. The Audit Office has found that that is accurate. There are more than 38,000 claims lodged at present. I would say that Crown Lands has made concerted efforts to really enhance momentum on land claims, and this year has seen the highest number of land claims granted in a single year, with three months still to go, which is something that we are very proud of. I would also say that the claims process is open. You can lodge as many claims as you like but each claim must be determined with a great deal of due diligence as to what the lawful use and occupation of that parcel of land was on the date of the claim. They can be the same parcel claimed on multiple times.

The Hon. PETER PRIMROSE: Could you, rather than run through them all, give us some figures, say, over the last five years of the number of claims, particularly the number of claims, the number of claims granted, outstanding claims and the number granted. Also I would be interested in what budget allocation has been made to try to reduce this backlog over the same period of time.

MELANIE HAWYES: Yes. I can tell you that since 1 July we have granted or part granted 317 claims. It is probably more appropriate for me to take it on notice for five years. I do not have five years' data here.

The Hon. PETER PRIMROSE: Please take it on notice, and also the funding that has been allocated to ensure that these claims are processed over those five years.

MELANIE HAWYES: Yes.

#### ANSWER

	Lodged	Granted (including part granted)	Refused (including withdrawn)
2021/22 to 3 March 2022	635	317	104
2020/21	1,931	139	328
2019/20	2,418	280	1,225
2018/19	3,232	182	855
2017/18	1,484	107	216

The Hon. PETER PRIMROSE: Can I then ask what work, if any, is underway to recognise and provide for Aboriginal people's rights in travelling stock routes at the moment?

MELANIE HAWYES: Land claims is within the remit of Crown Lands. Travelling stock routes are administered by our colleagues in Regional NSW, the Deputy Premier's patch. So I cannot comment specifically on travelling stock routes, but we do administer land claims. I would probably take that on notice and/or redirect that question, depending on the specific question.

#### ANSWER

Local Land Services (LLS) is responsible for the management of Travelling Stock Reserves (TSRs) that are not over a Western Lands Lease. Crown Lands has commenced liaising with LLS to review and develop a strategic response to Aboriginal Land Claims over TSRs.

The Hon. PETER PRIMROSE: Has the trial at Wests Newcastle commenced?

NATASHA MANN: It has not commenced as yet. We are still working through to ensure that it is appropriate for that trial to commence.

The Hon. PETER PRIMROSE: Do you have any idea when it may commence?

NATASHA MANN: It is forthcoming so we are towards the end of getting to the point where they are able to commence.

The Hon. PETER PRIMROSE: For how long do you expect the trial to continue?

NATASHA MANN: I will take on notice how long it is. I have in my mind six months, but I would like to take that on notice if I could.

## ANSWER

It is anticipated that the in-venue trial will run for three months. However, this may be extended to ensure sufficient participation in the trial to allow the gambling harm researcher to assess the performance of the product and complete a report. Additional time will be required for the report to be completed.

The CHAIR: Where are we up to with the Mid-Murray Anabranches projects in terms of milestones?

AMANDA JONES: Basically, we have done procurement for the early works and detailed design is underway for the remaining works.

The CHAIR: I might turn to the other one I am interested in—the Murrumbidgee and Murray National Park projects. It seems like, according to the fact sheet, we are stuck between the problem definition and options development phase. Is that still the case?

AMANDA JONES: Strategic assessment and concept design is still underway. I could provide you with a summary of all of those projects if you like.

The CHAIR: Perhaps on notice if you could. More specifically with this one, the fact sheet lists some options that you are looking at. Would you be able to, on notice, provide the full list of options that you are looking at?

AMANDA JONES: Okay.

## ANSWER

### Yanga National Park Supply Project

- 1. Upper Yanga – 1ES Regulator.** Improvements to the existing regulators and inlet pipe to direct water from the Murrumbidgee River into Waugorah Lake, along with works to deliver water from Waugorah Lake through to Waugorah Lagoon.
- 2. Upper Yanga - Waugorah Creek.** Restoration of natural flowpaths through Waugorah Creek to Waugorah Lagoon.
- 3. Central Yanga – 1AS Regulator.** Upgrade of the existing regulator to control the inlet water from Redbank weir pool onto the floodplain within Yanga.
- 4. Central Yanga – Twin Bridges Swamp and Tarwillie Swamp.** Works to regulate flow from the 1AS regulator and retain water within Tarwillie Swamp, redirect flow into Piggery Swamp or allow water to pass onto the lower Yanga floodplain.
- 5. Lower Yanga – Floodways downstream of Redbank Weir.** Removal of earthen embankments and replace with regulators at strategic sites to manage the movement of water onto and off the floodplain.
- 6. Lower Yanga – Woolshed Floodway Regulator.** Installation of causeways and sills in the access road to the Woolshed regulator, replacement of the existing structure to increase capacity, and reopen flood runners to provide a pathway for native fish.

### Millewa Forest Supply Project

- 1. Northern Millewa – Little Edward River.** Water efficiency and fish passage improvements at Little Edward River to be delivered through the removal of existing barriers, installation of sills, and pipe removal at Pigsty Creek.
- 2. Upper Millewa – Aratula & Toupna Creeks including the Bullatale Supply Channel.** Modifications to the existing Bullatale Supply Channel to restore the Aratula Creek and Toupna Creek flow paths whilst retaining the existing water supply and delivery for water users.
- 3. Central Millewa – Douglas Swamp Infrastructure** that would allow water to be maintained in Douglas Swamp to support waterbird breeding and provide more permanent refuge habitat for native fish in Toupna Creek.
- 4. Central Millewa – Reedbeds South, Gulpa Creek and Channel and Warrick Creek.** Works to separate Gulpa Creek and Cutting from the Reedbeds Swamp to promote a more natural wetting and drying cycle to enhance the productivity of Reed Beds Swamp through a reduction of over watering.

**5. Lower Millewa – Moira Lake Regulator and Moira Cutting.** Regulator replacement at Moira Lake paired with the possible refurbishment of the north bank of Moira Cutting to allow environmental water deliveries and seasonal management of lake levels to achieve environmental objectives.

The CHAIR: Can I turn to the Off-farm Efficiency Program. Information on your website talks about a \$1.48 billion initiative and the program having two streams, one being \$1.33 billion for State-led projects. How much of that \$1.33 billion has been expended so far and could you, on notice, provide some sort of dissection in terms of how much has been allocated to each project?

JIM BENTLEY: That one point whatever it was billion is a Commonwealth fund but we can certainly tell you what has been allocated through New South Wales. We can provide that on notice.

**ANSWER**

The Off-farm Efficiency Program is an Australian Government funding program.

The CHAIR: It also says there is another \$150 million for grants. I am assuming that is spread across all the States, is it, from your explanation just then?

JIM BENTLEY: I believe so but I have not got the document in front of me. But I know that larger \$1.1 billion that was—

The CHAIR: On notice as well, could you provide how that has been expended?

JIM BENTLEY: Yes

**ANSWER**

The \$150 million funding is provided through the Grants Hub that enables proponents to apply directly to the Australian Government from any of the Basin States.

The CHAIR: It also says \$60 million available for on-farm projects that have strong community support. Once again, how much of that \$60 million has the State got and how much has been expended?

JIM BENTLEY: Yes.

**ANSWER**

NSW has not received any funding for on-farm efficiency projects.

The CHAIR: The Minister mentioned a couple of programs—the Better Baaka and Better Bidgee programs. Each has significant elements to them so I do not want to tackle them all individually, but can I ask, perhaps on notice, for each one of those elements, where we are up to? I think this came about in 2021?

JIM BENTLEY: Correct.

The CHAIR: For each of those elements, where are we up to in terms of progressing them?

JIM BENTLEY: Yes, we will provide that on notice in detail.

**ANSWER**

The NSW Government continues to make progress on these important programs in consultation with river and First Nations communities. Community consultation on the elements of the proposed programs commenced on 22 October 2021 and it continues. NSW has also been undertaking preliminary work on preparing costings, schedules and identifying risks and benefits of the elements of the program. This work is ongoing and will continue to be undertaken in collaboration with the community.

Ms ABIGAIL BOYD: In relation to the straight track at Richmond, is it a flat straight track or is there a camber?

STEVE GRIFFIN: I would need to take that on notice and seek advice from Greyhound Racing NSW.

**ANSWER**

The Department of Customer Service does not hold information on whether the Richmond straight track has a camber.

TERRY O'BRIEN: GRNSW has developed minimum track safety standards, and these were developed based on research by University of Technology Sydney. That looked at building or putting in place minimum standards for both

straight and curved tracks. The use of cambering on curved tracks is a way of mitigating the injuries or the pressures on dogs as they corner.

Ms ABIGAIL BOYD: Yes, but on a straight track?

TERRY O'BRIEN: On a curved track, sorry.

Ms ABIGAIL BOYD: Sorry, on a curved track. But on a straight track?

TERRY O'BRIEN: On a straight track, I would need to seek advice from Greyhound Racing NSW about what the minimum standards say. There might be reasons why you would have a slight fall across the track, but I would need to seek advice from Greyhound Racing NSW.

**ANSWER**

I am advised by the Commission that:

Professor David Eager from UTS advises that the primary reason for a camber on a straight track is to remove surface water

there is no UTS research or anything in the minimum track standards regarding increased risk relating to cambers on straight tracks.

Ms ABIGAIL BOYD: Is there anything in the minimum standards or in the UTS research that sheds any light on that issue about increased risk—if there is a camber more than a certain degree, for example, on a straight track?

STEVE GRIFFIN: I would have to take that on notice, but certainly there is a great degree of evidence and research done by UTS, you would probably be aware, in terms of camber that does assist with tracks that have bends.

**ANSWER**

Refer to the answer to the previous question above.

The Hon. ROSE JACKSON: Yes. Thank you for those answers in relation to Parramatta River. I wanted to ask just quickly on that. Is there an estimate available—you may have it, Mr Cheroux, or perhaps Dr Bentley—how many fish were killed in the recent fish kill there? Is that something that you have? Perhaps you might need to take it on notice.

JIM BENTLEY: I would have to take that on notice.

**ANSWER**

This is a matter for the Minister for Environment and Heritage.

The Hon. ROSE JACKSON: When you say "naturalising" them, are you referring to trying to make them more porous—as opposed to hard concrete, use other materials?

ROCH CHEROUX: Yes, absolutely. You have got a good example at Johnstons Creek that we have just finished not very long ago, which is basically transforming a length of concrete canal into a natural river so there is no concrete anymore. You have got natural banks. You have got water that is being able to be infiltrated back into the ground or treated with reed beds and all sorts of designs.

The Hon. ROSE JACKSON: That program, I agree, is very important. What is the sort of budget for that transformative program within Sydney Water? I know the councils have their role too, but what is your budget for that program?

ROCH CHEROUX: I would need to take that and come back to you on this.

**ANSWER**

Over the period from 2020-21 to 2024-25, Sydney Water is forecasting to invest around \$100 million on stormwater channel asset renewals by naturalisation. Where possible, Sydney Water naturalises creeks by replacing deteriorated concrete stormwater channels with more natural looking banks made of sandstone, rocks and native plants. This work helps to maintain the performance of the stormwater system, protecting public safety and the local environment. It also contributes to improvements in biodiversity, amenity and visual appearance. This includes the completed Johnstons Creek project at Annandale. Future projects are subject to the relevant governance and business case approvals.

The Hon. ROSE JACKSON: You do not currently have a program of works to take each channel or pipe as it is and transfer it? It is currently a response to maintenance?

ROCH CHEROUX: No, we have a program, but it is a long-term program.

The Hon. ROSE JACKSON: You do have a program, okay. You will have to take this on notice, but would you be able to provide information on that program?

ROCH CHEROUX: Yes, absolutely.

**ANSWER**

As part of its asset management program, Sydney Water renews channelled waterways in Sydney as they reach the end of their useful asset life and need to be replaced. Where possible, Sydney Water naturalises waterways by replacing deteriorated concrete stormwater channels with more natural looking banks made of sandstone, rocks and native plants.

Completed naturalisations include Johnstons Creek at Annandale, Cooks River and Powells Creek projects.

It is not feasible to naturalise all concrete stormwater channels. Sydney Water routinely evaluates its asset base to consider whether the condition and remaining service life of the asset means that it should be prioritised for renewal. Even when asset renewal is justified, sometimes there is not enough space beside the channels to lay back the existing steep banks at a gentler slope. In considering naturalisation opportunities, Sydney Water also considers flood risk and existing underground services. Replacing a stormwater asset is a significant investment, so Sydney Water and stakeholders need to ensure they deliver value for money in protecting and caring for the health of local waterways.

The Hon. ADAM SEARLE: My question I think might be directed to Ms Hawyes or possibly Ms Hickey. It is about cemeteries. What is the remuneration of each of the CEOs of the cemetery trusts? Is that something you have visibility of and is it publicly reported?

MELANIE HAWYES: I think I would have to take that on notice unless Jen—I will take it on notice.

**ANSWER**

There are five Crown cemetery operators. The costs of each of the five Crown cemetery operators are recorded in annual reports. CEO remuneration is not expressly identified.

The Hon. ADAM SEARLE: Obviously these cemetery trusts operate under legislation. They control billions of dollars of public assets. I assume the costs of running the trusts, including the CEO remuneration, is something that is or should be reported?

JEN HICKEY: The Crown operators are required to submit an annual report to us every year, and it does have financial information in it. I do not think it breaks it down the same way as, say, public service agencies do.

The Hon. ADAM SEARLE: Provide such details as you have and we might return to that.

MELANIE HAWYES: Yes.

**ANSWER**

There are five Crown cemetery operators. The costs of each of the five Crown cemetery operators are recorded in annual reports. CEO remuneration is not expressly identified.

The Hon. ADAM SEARLE: Apart from Varroville, what other possible new cemeteries might be in the pipeline?

MELANIE HAWYES: There are a number of sites. I cannot say which sites because there are feasibility studies underway and, as you would know, it could impact all kinds of—

The Hon. ADAM SEARLE: Can you give us some indication of how many sites are under evaluation?

MELANIE HAWYES: I will take that on notice.

**ANSWER**

The NSW Government is focusing on identifying land that could be used for new cemetery developments in locations that align with relevant state and regional planning policies.

Some potential new burial sites have been identified for further investigation and feasibility analysis. However, until that work has been completed, it would be premature to refer to specific sites.

The Hon. ADAM SEARLE: The Catholic Metropolitan Cemeteries Trust is a Crown Lands manager under the Act. Who appoints the different land managers? What is the process for doing that?

MELANIE HAWYES: What is the specific question, sorry?

The Hon. ADAM SEARLE: Who appoints the land manager?

MELANIE HAWYES: For which?

The Hon. ADAM SEARLE: For any trust. How do they get appointed to control the lands that they do?

MELANIE HAWYES: There are different arrangements in place. If you have a specific question about a specific trust?

The Hon. ADAM SEARLE: Take the Catholic Metropolitan Cemeteries Trust. How did they get appointed to do that?

MELANIE HAWYES: There is a lot of history there and I will take that on notice.

#### **ANSWER**

Catholic Metropolitan Cemeteries Trust (CMCT) is a transitional reserve trust managed by a corporation, Catholic Cemeteries Board (CCB). The transitional provisions provide that CMCT is appointed as a non-council Crown land manager (see clause 10A, Schedule 7 of the *Crown Land Management Act 2016*).

The CCB was appointed to manage the affairs of CMCT by Gazette D500905 (Rookwood) – 7 April 1887 and 2 December 1887, D500704 (Liverpool) – 16 December 1892, D500802 – 29 April 1884

Crown Land managers are appointed by the Minister. The current process for appointment of Crown land managers is set out in Division 3.2 of the *Crown Land Management Act 2016*.

The Hon. ADAM SEARLE: How are the members of the various trusts appointed? Does the Minister play a role in that, or how does it work?

MELANIE HAWYES: Again, it depends on the trust, but if you are speaking about the CMCT I will take that on notice.

The Hon. ADAM SEARLE: When you take that on notice can you give an answer for each of the trusts?

MELANIE HAWYES: Yes.

#### **ANSWER**

The reference to appointment of members is presumed to be a reference to the appointment of members to the boards of statutory land managers, which is outlined in Schedule 5 of the *Crown Land Management Act 2016*.

As noted above, Catholic Metropolitan Cemeteries Trust (CMCT) is a transitional reserve trust managed by a corporation. CMCT does not itself have a board. The Catholic Cemetery Board Ltd (ACN 637 095 697) (which is a corporation) manages the CMCT. CCB has a Board (detailed on their website <https://catholiccemeteries.com.au/general-info/our-board/>) who are appointed per that Company's constitution (publicly available: [https://acncpubfilesprodstorage.blob.core.windows.net/public/c718b219-d585-ea11-a812-000d3ad1cd99-c82ce42c-28fe-4c95-8324-af7341431234-Governing%20Document-2f7adb0f-d585-ea11-a811-000d3acae853-CCB\\_Constitution\\_\(FINAL\).pdf](https://acncpubfilesprodstorage.blob.core.windows.net/public/c718b219-d585-ea11-a812-000d3ad1cd99-c82ce42c-28fe-4c95-8324-af7341431234-Governing%20Document-2f7adb0f-d585-ea11-a811-000d3acae853-CCB_Constitution_(FINAL).pdf)).

The remaining four Crown Cemetery Operators are statutory land managers, and are managed by an Administrator, not a Board (per clause 29 of Schedule 5 of the *Crown Land Management Act 2016*) per Gazette notice on 28 May 2021 (Leedar Investments Pty Ltd ABN 74 107 551 066, Lee Shearer being the nominated personnel).

The Hon. ADAM SEARLE: Do the cemetery land managers provide reports to the Minister or to CCNSW?

MELANIE HAWYES: The cemeteries land managers or all land managers?

The Hon. ADAM SEARLE: The cemeteries land managers.

MELANIE HAWYES: Again, I will take it on notice with specifics because there are different arrangements for different land managers.



**ANSWER**

Reporting requirements for cemetery operators are set out in the *Cemeteries and Crematoria Act 2013*. Crown cemetery operators have additional reporting requirements under Part 5 of the *Cemeteries and Crematoria Act 2013*.

Under s3.30 of the *Crown Land Management Act 2016*, non-council Crown land managers are required to submit annual reports which include financial information detailed under clause 18 of the Crown Land Management Regulation 2018.

The Hon. ADAM SEARLE: Do you have an estimation of future demand according to faith groups in terms of what is the emerging need over the next five years, 10 years?

MELANIE HAWYES: Again the 11th Hour report canvassed it broadly. I do not have those specific stats and trends to hand. We can collect some information for you and provide that to you on notice.

**ANSWER**

The NSW Government is aware of future burial space shortages in metropolitan Sydney.

Cemeteries & Crematoria NSW and the Department meet regularly with faith leaders to discuss a range of issues relating to cemeteries, including allocation of burial space.

The Hon. ADAM SEARLE: That is fair enough. In terms of future burial space allocation according to faith groups, how will that work? Will that be a matter for whichever trust is operating the cemetery to allocate space according to faith groups? How would faith groups go about ensuring that their needs are going to be met? Who will make that decision?

MELANIE HAWYES: Again, I will need to take that on notice because it depends where we go in terms of the Government's consideration of the future operating model.

**ANSWER**

Estimates of future demand for burial space are contained in the 11<sup>th</sup> hour report:

[https://www.industry.nsw.gov.au/\\_data/assets/pdf\\_file/0008/353087/Statutory\\_Review\\_of\\_the\\_Cemeteries\\_Crematoria\\_Act.pdf](https://www.industry.nsw.gov.au/_data/assets/pdf_file/0008/353087/Statutory_Review_of_the_Cemeteries_Crematoria_Act.pdf)

The Department is taking a whole-of-government approach to the issue of land supply and is working collaboratively with relevant agencies.

The CHAIR: In the last budget estimates I asked around the Toorale Station and the water sharing plan and you said that DPIE Water was conducting a review of the intersecting streams water sharing plan and that would include options for management of the infrastructure. Can you give us an update on where we are with that review?

JIM BENTLEY: I am sorry, Chair, can I just take some advice from Ms Jones?

The CHAIR: Yes.

JIM BENTLEY: What was the review you referred to?

The CHAIR: It was a review of the water sharing plan for the intersecting streams where Toorale is located.

JIM BENTLEY: I do not have an update on that to hand, but I will get you one on notice.

**ANSWER**

The Natural Resource Commission's review of the Water Sharing Plan for the Intersecting Streams Unregulated Water Sources 2011 will be completed before June 2022. DPE – Water has commenced its own review of the plan and is working with DPE – Environment, Energy and Science to address the management of Toorale Station.

Ms ABIGAIL BOYD: Are you able to table the information that you have been given in relation to track compliance?

TERRY O'BRIEN: I would need to seek advice. It is a Greyhound Racing NSW document, so I am not sure whether that is something we would be able to table or not.

**ANSWER**

The Department of Customer Service does not hold information from GRNSW on the number of compliant tracks.

TERRY O'BRIEN: We do have oversight of the projects themselves because each of those projects has reporting obligations back to the department.

Ms ABIGAIL BOYD: But that is only for funding. You cannot tell me at this moment how many tracks are compliant with the minimum standards.

TERRY O'BRIEN: I am certainly happy to take advice from Greyhound Racing NSW. It is something that is not static.

**ANSWER**

Refer to the answer to the previous question above.

Ms ABIGAIL BOYD: Does the Office of Racing have any power under any contractual arrangement or legislative arrangement to request that information from Greyhound Racing NSW?

TERRY O'BRIEN: The Minister has—

Ms ABIGAIL BOYD: Not related to the funding.

TERRY O'BRIEN: There are conditions within the operating licence that the Minister can request or the Office of Racing can request information from Greyhound Racing NSW.

Ms ABIGAIL BOYD: You just have not done that previously, though, by the sounds of it. Perhaps you could take that on notice, and please make your best endeavours to try to get that information from Greyhound Racing NSW.

**ANSWER**

This was answered at page 76 of the transcript.

Ms ABIGAIL BOYD: Does GAP track what happens to the dogs that are rejected by the program?

TERRY O'BRIEN: GAP is, obviously, a Greyhound Racing NSW program, so we would need to seek advice from it.

Ms ABIGAIL BOYD: So it would be Greyhound Racing NSW that would need to tell us.

TERRY O'BRIEN: Yes.

Ms ABIGAIL BOYD: Is that something it provides in its annual report?

TERRY O'BRIEN: I do not have the annual report in front of me, but I am certainly happy to see whether that is reported.

Ms ABIGAIL BOYD: Yes, that would be useful—or whether there is any other regular reporting of that kind of information back to the Government and whether the GAP rehoming figures include dogs rehomed by other organisations. That would be useful to know as well.

TERRY O'BRIEN: I think they actually in their annual reports report what has been rehomed through GAP—they report what has been rehomed through independent rehoming programs that have been assisted or have been provided with funding assistance by GAP—and then the total.

**ANSWER**

The Department of Customer Service does not hold information from GRNSW on the tracking of GAP dogs.

As stated at the hearing, the GRNSW annual report includes information on the number of greyhounds rehomed through GAP or with GAP assistance.

The Hon. ROSE JACKSON: I do not want to ask about all those projects, but I do want to ask about Bermagui because obviously you would be familiar with the fact that they had to go on a boil water alert in January. I understand that there is an allocation in relation to a facility in Bermagui to improve its water treatment options. Are you familiar with that project?

JIM BENTLEY: I am not. Are you, Ms Jones?

AMANDA JONES: I am just looking for it. We might have to take that on notice.

JIM BENTLEY: We may have to take that on notice. As I say, there are hundreds of projects.

The Hon. ROSE JACKSON: That would be useful if you could take on notice the status of the Bermagui project.

JIM BENTLEY: Of course, indeed. It is in detailed design at the moment.

**ANSWER**

The NSW Government is investing \$10,070,000 in the Brogo/Bermagui Water Treatment Plant project. A deed was executed in 2019 under the Safe and Secure Water Program, to deliver a new treatment plant.

The project will provide improved water quality and security to the community by allowing treatment and supply of river water under high turbidity river conditions, mitigating the need to issue boil water notices or temporarily transport water from other water storages/systems.

The Hon. ROSE JACKSON: Does that have any time frames associated with it on the documentation that you have at hand?

JIM BENTLEY: Not on what we have here, but we will take that on notice and come back.

**ANSWER**

Construction of the Brogo/Bermagui Water Treatment Plant is expected to be complete by December 2022.

The Hon. ROSE JACKSON: Thank you, that would be useful. I understand that announcements were made recently in relation to Bombala and Delegate as well. Are they ones that you could provide any—

AMANDA JONES: Apologies, there are 229 projects here.

The Hon. ROSE JACKSON: That is okay; I do not want to ask about all of them. I want just a few, but perhaps take that on notice as well.

JIM BENTLEY: We will take that on notice.

**ANSWER**

In December 2018, the NSW Government committed up to \$15 million in funding from the Safe and Secure Water Program for the Bombala and Delegate Water Treatment.

A Funding Deed has now been executed, following the completion of planning and development work by Council. The tender is expected to be awarded for this project by 30 April 2022.

The Hon. ROSE JACKSON: I want to ask about a couple more items on the implementation plan for the water strategy. One is the statewide Water Efficiency Program, which I think is line item 6.6. Can you give us a brief update on where that is up to?

JIM BENTLEY: Yes, we have teams working with council, utilities, and we have work going on with Sydney Water and Hunter Water and others. So it is a very statewide thing. It is really hard to give a very succinct thing, given that the bell has just gone, but we can take that on notice and provide an update.

**ANSWER**

The NSW Water Strategy identifies the need for improved water efficiency and conservation, and under Action 6.6 the NSW Government has committed to the development of a state-wide Water Efficiency Framework and state-wide Water Efficiency Program.

The NSW Government is progressively updating information about the state-wide Water Efficiency Framework and state-wide Water Efficiency Program on the Department of Planning and Environment's website.