

PORTFOLIO COMMITTEE NO. 4 – INDUSTRY

Tuesday, 10 September 2019

**Examination of proposed expenditure for the portfolio area of Agriculture and Western
New South Wales**

CORRECTED

BUDGET ESTIMATES 2019-2020

The Committee met at 9:30 am

MEMBERS

The Hon. Mark Banasiak (Chair)
Mr Justin Field
Ms Cate Faehrmann
The Hon. Courtney Houssos
The Hon. Daniel Mookhey
The Hon. Emma Hurst
The Hon. Trevor Khan
The Hon. Lou Amato
The Hon. Catherine Cusack

PRESENT

The Hon. Adam Marshall, *Minister for Agriculture And western New South Wales*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

The CHAIR: Welcome for the public hearing for the inquiry into budget estimates for 2019-2020. Before I commence, I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I would also like to pay respect to the elders past and present of the Eora nation and extend that respect to other Aboriginals present. I welcome Minister Adam Marshall, Parliamentary Secretary for Agriculture Michael Johnsen and accompanying officials to this hearing.

Today the Committee will examine the proposed expenditure for the portfolio of Agriculture and Western New South Wales. Today's hearing is open to the public and is being broadcast live via the Parliament's website. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I would also remind media representatives that you must take responsibility for what you publish about the Committee's proceedings. The guidelines for the broadcast of proceedings are available from the secretariat.

All witnesses in budget estimates have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In these circumstances witnesses are advised they can take a question on notice or provide an answer within 21 days. Any messages from advisers or members of staff seated in the public gallery should be delivered through the Committee secretariat. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. Transcripts of this hearing will be available on the web from tomorrow morning. Finally, I ask everyone to please turn off their mobile phones or turn them to silent for the duration of the hearing.

All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. The same applies to Mr Johnsen. Mr Jim Betts has sent an apology.

DAVID McPHERSON, Group Director, Commercial Fisheries and Aquaculture, NSW Department of Primary Industries, affirmed and examined

DAVID WITHERDIN, Chief Executive Officer, Local Land Services, Department of Planning, Industry and Environment, affirmed and examined

PETER TURNELL, Group Director, Recreational and Aboriginal Fisheries, NSW Department of Primary Industries, sworn and examined

GARY BARNES, Coordinator General, Regions, Industry, Agriculture and Resources, Department of Planning, Industry and Environment, sworn and examined

SCOTT HANSEN, Director General, Primary Industries, Department of Planning, Industry and Environment, sworn and examined

NATALIE MOLTSCHANIWSKYJ, Acting Deputy Director General, Fisheries, Forestry and Game Licensing, affirmed and examined

KIM FILMER, Chief Animal Welfare Officer, NSW Department of Primary Industries, affirmed and examined

The CHAIR: I declare the proposed expenditure for the portfolio of Agriculture and Western New South Wales open for examination. Questions on this portfolio will begin now, at 9.30. All witnesses, including the Minister and Mr Johnsen, will be questioned in the morning session. After the lunch break we will continue questioning government witnesses. The Minister and Mr Johnson will not be questioned in the afternoon and evening sessions. As there is no provision for any witnesses to make an opening statement before the Committee commences, we will begin now with questions from the Opposition.

The Hon. DANIEL MOOKHEY: Minister, the entire Parliament understands the severity and the seriousness of the drought, the resilience that is required, and the pain that a lot of communities are currently experiencing. I was going to ask at first instance if it is possible for you to provide an update to the Committee as to what additional initiatives the New South Wales Government is assisting with in terms of drought and drought recovery, as well as the time line you have in mind for the rollout of those initiatives?

Mr ADAM MARSHALL: Sure.

The Hon. TREVOR KHAN: I didn't know we were doing Government dixers.

The Hon. DANIEL MOOKHEY: Try to be nice, Trevor. It is a serious issue.

Mr ADAM MARSHALL: Thank you very much for the question. You are right to highlight the seriousness of the drought currently confronting New South Wales. As we sit here today 95.4 per cent of the State is in one of the top three drought categories. That is intense drought, drought or drought affected. In the budget for this financial year the State Government announced additional drought relief measures to the tune in total of \$1.8 billion. They were to provide additional funding to existing programs to broaden and expand the criteria and also offer additional relief in the form of recognising the fact that the drought has gone on longer and is now more severe than anyone predicted and to offer relief beyond the farm gate to country communities as well.

In that additional \$755 million package there was \$170 million which was specifically targeted at off farm, so beyond the farm gate, which the Deputy Premier, as Minister for Regional New South Wales, has responsibility for. That funding is designed to inject capital directly into country communities for worthwhile community projects that have been agreed to by that community and their local council and that money is being rolled out at the moment. In addition to all of the rate waivers which the Government has issued in relation to Local Land Services, the transport subsidies, the Drought Assistance Fund, the assistance with more mental health support and counsellors on the ground, in addition to assistance with preschool fees and all the other assistance through the Farm Innovation Fund, in total it is the most expansive and largest package in this State's history but also that any government has provided in Australia's history. That is just proportionate to the fact that we are literally in uncharted territory.

For your benefit, Mr Mookhey, and the Committee's benefit, it is not as if we have announced the budget and announced the funding then washed our hands and whatever happens happens. I and other agencies across government keep a watching brief on the drought and I dare say the Government will be required to intervene—that is, announce further support throughout the course of this financial year just regarding the continuing deteriorating situation. I continue to encourage the Commonwealth to step up to the mark. I have been down to Canberra to meet with my Federal counterpart and the new drought Minister, David Littleproud, and I would love to see the Federal Government partner a bit more with the State Government given the deteriorating situation in the State.

The Hon. DANIEL MOOKHEY: At some point we will have to resume the usual hostilities in budget estimates but before we do: What additional measures are you contemplating in respect to what the Commonwealth should be providing and when are we expecting a resolution of that dialogue that you just made mention of with David Littleproud?

Mr ADAM MARSHALL: I am hopeful that that dialogue will result in a positive outcome very, very soon. One of the issues that I have raised with the Commonwealth is the continuation of the funding for the emergency water infrastructure rebate. It is a Commonwealth-funded program to the tune of \$12 million that provides a 25 per cent rebate to primary producers who undertake water infrastructure works on their property. It might be bores, pumps, troughs, tanks, pipelines or what have you on their property, to make their farm more resilient for future droughts but also help get through this one.

The funding for that program will run out within the next few months because the take-up rate has been so huge in New South Wales and I have obviously encouraged and written formally to the Minister to get them to top up that funding or bring forward the allocation from next financial year into this financial year. If the Commonwealth refused to do that, Mr Mookhey, then obviously as a State Government we will have to make a decision about what we do because that program is among a suite of assistance measures, one of the most popular, and the demand on that is increasing at the moment.

The Hon. DANIEL MOOKHEY: Thank you, Minister. I appreciate that. We will take it up with the public service this afternoon as to the precise nature of that dialogue.

Mr ADAM MARSHALL: Yes, of course.

The Hon. DANIEL MOOKHEY: I do appreciate the update that you have been able to provide the Committee and the Parliament about the immediate initiatives the Government is contemplating with regard to drought relief. Minister, do you think that deer are a pest?

Mr ADAM MARSHALL: Yes, I do.

The Hon. DANIEL MOOKHEY: Do you think that the numbers are of plague proportions?

Mr ADAM MARSHALL: Yes, that is the advice I have received.

The Hon. DANIEL MOOKHEY: When you say "the advice you have received", do you mean from your department?

Mr ADAM MARSHALL: Yes.

The Hon. DANIEL MOOKHEY: Do you think it is necessary to reduce the number of deer in the State?

Mr ADAM MARSHALL: Yes, as it is necessary to reduce the number of all pest species across the State.

The Hon. DANIEL MOOKHEY: We have changed the designation and they are now being removed from the game species legislation.

Mr ADAM MARSHALL: That is right. The regulation was gazetted last Friday, 6 September.

The Hon. DANIEL MOOKHEY: So it is in effect?

Mr ADAM MARSHALL: Yes. The games species classification for deer has been removed.

The Hon. DANIEL MOOKHEY: Do you support vigilante action to cull deer numbers?

Mr ADAM MARSHALL: Vigilante action?

The Hon. DANIEL MOOKHEY: Vigilante action. Do you mean for people to take matters into their own hands to reduce the number of deer?

Mr ADAM MARSHALL: I would encourage all land holders to take action to reduce or control the number of deer. In fact, the idea of the regulation is to remove the need to secure a specific game licence to control deer on private land.

The Hon. DANIEL MOOKHEY: Do you support running deer over?

Mr ADAM MARSHALL: No. I do not know of anyone who deliberately tries to do that, given the size of the animal and the risk that it poses, not only to their vehicle but also to the individual's safety—

The Hon. DANIEL MOOKHEY: Do you know of anyone who has contemplated or perhaps boasted of running over deer?

Mr ADAM MARSHALL: I do not know of anyone who has deliberately gone out of their way to run one over.

The Hon. DANIEL MOOKHEY: Have you ever run over some deer yourself?

Mr ADAM MARSHALL: Yes, I have. You know that. It has been widely reported in *The Daily Telegraph*.

The Hon. DANIEL MOOKHEY: When did you run them over?

Mr ADAM MARSHALL: On the evening of Saturday 16 March this year.

The Hon. DANIEL MOOKHEY: What time?

Mr ADAM MARSHALL: About 10 o'clock or there about.

The Hon. DANIEL MOOKHEY: Was it one deer that you ran over?

Mr ADAM MARSHALL: One deer was killed. There were others that were involved in the collision, but they were not there when I stopped my car and went back to have a look. There was just one deer that was clearly dead off the side of the road. The others must have scampered away.

The Hon. DANIEL MOOKHEY: Did you deliberately run them over?

The Hon. TREVOR KHAN: Point of order: My point of order goes to the motion of the House passed on 25 May 2018 with regard to the participation of witnesses before these inquiries. I think we could put it down as rule 9, which is that the Chair is to ensure that questions are relevant to the inquiry. What I suggest is that whilst we do not take the view that we are limited to the budget papers, the driving of this witness, whatever the circumstances, has nothing to do with his ministerial responsibilities.

The Hon. DANIEL MOOKHEY: If you just give me a bit of leeway I will demonstrate how it is relevant.

The CHAIR: I will allow some leeway, but I will pull you up if I cannot see the relevance.

Mr ADAM MARSHALL: Just for the record, I am happy to answer questions in relation to this matter.

The Hon. TREVOR KHAN: It is not up to you; it is up to the Committee.

Mr ADAM MARSHALL: Fair enough. I am just indicating that I am not being uncooperative.

The Hon. DANIEL MOOKHEY: Minister, was it four deer that you ran over?

Mr ADAM MARSHALL: I can only repeat what I just said, which was that after the collision, which was absolutely unavoidable—as collisions often are at night when it is raining in country New South Wales—on a road going back from Emmaville, I stopped, got out of the vehicle and went back. There was one deer that was clearly dead on the side of the road and the other deer, however many there were, were not present anywhere near the scene.

The Hon. DANIEL MOOKHEY: You administer the Prevention of Cruelty to Animals [POCTA] Act, do you not?

Mr ADAM MARSHALL: I do now, yes. I was not at that time. I jointly administer it with the Minister for Local Government, the Hon. Shelley Hancock.

The Hon. DANIEL MOOKHEY: Sure, but at that time you were subject to that Act, as all people in New South Wales are subject to it. Is that correct?

Mr ADAM MARSHALL: That is correct, yes.

The Hon. DANIEL MOOKHEY: Are you aware that the POCTA Act requires you to notify when an animal is injured in the manner that you described?

Mr ADAM MARSHALL: Yes, but it does not require you to notify if the animal is clearly dead.

The Hon. DANIEL MOOKHEY: Did you notify anyone?

Mr ADAM MARSHALL: No, because I was not required to.

The Hon. DANIEL MOOKHEY: Did you seek advice in that respect?

Mr ADAM MARSHALL: No, I knew that I was not required to.

The Hon. DANIEL MOOKHEY: Have you ever boasted of doing this, Minister?

Mr ADAM MARSHALL: No, I have not boasted about doing it at all.

The Hon. DANIEL MOOKHEY: At the NSW Farmers 2019 Annual Conference did you make a speech and say that you are doing your bit to reduce deer numbers by directly running over four deer in Emmaville, creating new business for kill and smash repairs in Armidale? Did you say that?

Mr ADAM MARSHALL: It is Killens Smash Repairs. I think it is important to get the name right. Michael Killen would appreciate that. But no, in that address to the NSW Farmers conference I was making light of the situation. I was speaking to a room full of farmers. For them, this is a lived experience every single day of the year. I was making light of a serious situation because it was in the context of a discussion about the number of deer being in plague proportions. It was in no way an attempt to suggest that I had deliberately run them over. That would be not only ridiculous but also completely inappropriate.

The Hon. DANIEL MOOKHEY: Your exact words—there is a video of it—are, "I am doing my bit to reduce deer numbers. I hit four of them." That is what you said. Do you think that it was an appropriate signal for the person who is responsible for administering the POCTA Act to make light of this issue?

Mr ADAM MARSHALL: You have to look at the context in which those remarks were made at the NSW Farmers Association conference.

The Hon. DANIEL MOOKHEY: In what context is it acceptable for a Minister to boast about running down deer?

The Hon. TREVOR KHAN: Point of order: The Minister is entitled to be asked a question—assuming it is relevant. The Minister is also entitled to answer the question without interference from the questioner. I ask that the Minister be entitled to finish his answer before the Hon. Daniel Mookhey asks his next question.

The Hon. DANIEL MOOKHEY: In what context is it acceptable for you to make light of this issue? Are you aware that in the past 12 years there have been 107 motor vehicle accidents that involved head-on collisions with deer?

Mr ADAM MARSHALL: We have likely had many more than that.

The Hon. DANIEL MOOKHEY: Are you aware that at least 90 of them have been rated as serious and at least one led to a death?

Mr ADAM MARSHALL: That goes to the point of whether people deliberately try to run over those animals. There is a huge risk with deer. In fact, the numbers of deer have exploded to such a level that they do pose very serious and regular risks to motorists not just in country areas but also in urban and peri-urban areas as well.

The Hon. DANIEL MOOKHEY: Do you therefore accept that the Minister responsible for the Act and for managing the deer plague making light of this and boasting about driving over deer in any context creates the appearance that you are simply not up to the job and are making light of a very serious issue? Do you accept that?

Mr ADAM MARSHALL: I do not agree with your characterisation that I was boasting. I will refer to my previous answer, which was that I was making light of a serious situation. I was addressing a room full of farmers at the NSW Farmers Association conference, who understand exactly what life is like in the bush because that is what they drive in. Whilst they are unfortunate and are something that people try to avoid, animal strikes are sometimes unavoidable.

The Hon. DANIEL MOOKHEY: Shouldn't you be apologising for this?

Mr ADAM MARSHALL: No.

The Hon. CATHERINE CUSACK: Is this honestly your big hit, Daniel?

The CHAIR: If this is his big hit, let it be.

The Hon. DANIEL MOOKHEY: Shouldn't you be apologising? Why not?

Mr ADAM MARSHALL: Because I do not have anything to apologise for.

The Hon. DANIEL MOOKHEY: You were making jokes about calling for that type of action.

Mr ADAM MARSHALL: It was an unfortunate incident. It was an unavoidable collision. It highlights what, for many country people, is a reality. People do not like hitting animals in their cars, whether they live in country New South Wales or in urban areas. But, unfortunately, it happens.

The Hon. DANIEL MOOKHEY: But when you turn up to a conference like that and boast about it you create the perception that it is acceptable to deliberately drive your car into them.

The Hon. CATHERINE CUSACK: You need to get out to the bush.

Mr ADAM MARSHALL: I was not boasting. I think this line of questioning highlights the fact that you probably need to do a bit more driving up to Armidale to visit your family.

The Hon. DANIEL MOOKHEY: I drive up there regularly. We run into each other all the time.

The Hon. CATHERINE CUSACK: I do not think you know the first thing about the bush, Daniel. That is all you are proving.

The Hon. ROSE JACKSON: Minister, what are the boundaries of Western New South Wales?

Mr ADAM MARSHALL: The boundaries of Western New South Wales, as defined in this portfolio, cover around 53 per cent of New South Wales. From memory, it covers 16 local government areas.

The Hon. ROSE JACKSON: Does it include Lithgow?

Mr ADAM MARSHALL: No, it does not.

The Hon. ROSE JACKSON: Bathurst?

Mr ADAM MARSHALL: No, it does not.

The Hon. ROSE JACKSON: Does it extend as far south as Griffith?

Mr ADAM MARSHALL: Yes, it includes the Griffith local government area.

The Hon. ROSE JACKSON: To the Victorian border?

Mr ADAM MARSHALL: Yes. I can give you every single local government area that it covers, if you wish. Balranald, Bogan, Bourke—

The Hon. ROSE JACKSON: I do not think it would be ideal to read that out, but it would be useful if that information could be tabled.

Mr ADAM MARSHALL: Sure.

The Hon. ROSE JACKSON: When you are travelling in the Western New South Wales area—53 per cent of the State—do you visit the smaller centres or just the larger population areas?

Mr ADAM MARSHALL: It is a bit of both. I try to arrange my visits around meetings in central locations where I can meet with as many people, given the vast area. I undertake my visits in accordance with the invitations I receive and the diaries of other Ministers. If a government representative is visiting a certain community, I will make sure that I am not there at roughly the same time or a little bit after to try to cover some other parts of the State. It varies.

The Hon. ROSE JACKSON: Does it include the Menindee Lakes area?

Mr ADAM MARSHALL: Yes, the Far West.

The Hon. ROSE JACKSON: I assumed so, considering it included Griffith. Have you been to Menindee?

Mr ADAM MARSHALL: Not since being appointed Minister for Agriculture and Western New South Wales. However, I have been there in the past.

The Hon. ROSE JACKSON: You have not been there since the recent State election? Have you been there since the fish kill occurred at the end of last year?

Mr ADAM MARSHALL: No. I will be going there very shortly because we are conducting a two-week fish rescue operation there right now with DPI Fisheries.

The Hon. ROSE JACKSON: Will the Premier be accompanying you?

Mr ADAM MARSHALL: That is a question for the Premier, not for me.

The Hon. ROSE JACKSON: Have you invited the Premier to accompany you?

Mr ADAM MARSHALL: No, because we have not formalised or finalised the details of the trip yet.

The Hon. ROSE JACKSON: Do you accept that the fish kill that occurred last year and the high likelihood of a repeat of it this year is an extremely alarming, distressing and significant issue for the community in that part of Western New South Wales that you have responsibility for? Do you accept that?

Mr ADAM MARSHALL: Absolutely, I do. That is why we are undertaking the fish rescue there now. As I have said quite publicly—and I know it is pejorative language—it will be a fish Armageddon this summer. There is no doubt that there will be massive amounts of fish kills everywhere across the State, not just at Menindee. That is why I have announced the \$10 million strategy being implemented right now to try and rescue and relocate, but mostly rescue, as many of our native fish species as we can.

The Hon. ROSE JACKSON: Would you accept that the Armageddon issue is the number-one issue in this part of Western New South Wales—probably in all of Western New South Wales, but particularly in this area?

Mr ADAM MARSHALL: No. I do not think it would be fair to say it is the top issue because the issues vary.

The Hon. ROSE JACKSON: Top three?

Mr ADAM MARSHALL: Western New South Wales occupies a vast area—over half of the State—so the issues vary significantly from community to community and the subregions of Western New South Wales. They do not all think or operate in exactly the same way.

The Hon. ROSE JACKSON: Fish kills occur elsewhere but, obviously, the epicentre of fish kills is in Menindee. Is it a top issue or a top-three issue in that particular part of Western New South Wales?

Mr ADAM MARSHALL: Having not spoken to every single person in Western New South Wales, it would be impossible for me to say what their top issues are. My role as Minister for Agriculture and Western New South Wales is to support, not supplant, the work of local members who have been democratically elected to represent those communities and have responsibility for representing those communities. I am there to support local members, government initiatives and other works to make sure those issues are dealt with or considered by government.

The Hon. ROSE JACKSON: Despite the fact that you have described it as such a significant, alarming issue—an Armageddon—for that part of Western New South Wales, is it the case that you have not visited that area at all in your new portfolio because the local representative is not from your political party and it is just not on your radar anymore?

Mr ADAM MARSHALL: Quite the contrary. I answered that in my previous response when I said that I will be going out there very shortly. I have been to Broken Hill a number of times as well. As I said, Western New South Wales covers 53 per cent of the State. It will take me some time to cover every component of that part of the State.

The Hon. ROSE JACKSON: This has been such a significant issue.

The Hon. DANIEL MOOKHEY: Shouldn't it be the priority?

The Hon. ROSE JACKSON: This is a top-priority issue, an Armageddon facing those communities. You have not been there. The Premier has not been there. You have not invited the Premier to join you on your upcoming trip. Do you think that is acceptable, considering the scale of this natural disaster in this part of the State?

Mr ADAM MARSHALL: As I said, I am planning to go there very soon because we have a fish rescue operation going on at the moment.

The Hon. ROSE JACKSON: It is too little too late for the fish that have already died.

The CHAIR: Ms Jackson, your time has expired. Minister, is it true that last year the Government provided the RSPCA with a government grant in excess of \$1 million?

Mr ADAM MARSHALL: I understand that could be the case. A significant grant was provided for capital works to upgrade the Yagoona facilities. Given that was before my time as Minister, Mr Hansen might be able to answer that question.

Mr HANSEN: Last year the New South Wales Government committed \$12 million to RSPCA NSW to renew and expand its adoption facilities at Yagoona.

The CHAIR: Was any of that dedicated to enforcement?

Mr HANSEN: We have an ongoing budget allocation on an annual basis to RSPCA NSW for enforcement activity of just under half a million dollars.

The CHAIR: That answers my question. Minister, the incident that Mr Mookhey has outlined was reported to RSPCA NSW. Is that correct?

Mr ADAM MARSHALL: Yes. I understand the article in the paper said so.

The CHAIR: Were you ever contacted to give a statement about that incident?

Mr ADAM MARSHALL: Yes, I was.

The CHAIR: I am assuming you outlined in that statement what you have essentially outlined today—that it was a joke.

Mr ADAM MARSHALL: Yes, and that the collision with the deer was unavoidable.

The CHAIR: Was that acceptable to RSPCA NSW?

Mr ADAM MARSHALL: Yes. They indicated to me that that would conclude the matter.

The CHAIR: One conversation with you concluded the matter?

Mr ADAM MARSHALL: I do not know what other processes the organisation went through in enforcing the Act in that instance. I can only give evidence to what I know.

The CHAIR: Do you know whether your Government made any representations to RSPCA NSW that it should not pursue the matter?

Mr ADAM MARSHALL: No. There were none to my knowledge. Certainly, I was happy to cooperate and assist RSPCA NSW. There were no problems there.

The CHAIR: No worries. Minister, have you been to the circus and do you enjoy it?

Mr ADAM MARSHALL: I have not been to a circus in a very long time, although, I guess, every week we come to Parliament.

The Hon. DANIEL MOOKHEY: This Committee does not count.

The CHAIR: Not yet.

The Hon. CATHERINE CUSACK: I am so glad you prepared for estimates, Minister. I am so glad you did all that hard work.

Mr ADAM MARSHALL: My family went to the circus a few times when I was a child growing up on the land near Gunnedah.

The CHAIR: I raise this because on 1 August 2019 you wrote to me, as Chair of this Committee, requesting an inquiry into the exhibition of exotic animals in circuses and cetaceans in New South Wales. You attached fairly specific terms of reference with a reporting date. Do you support the restrictions and banning of circuses and animal exhibitions, including cetaceans in aquariums?

Mr ADAM MARSHALL: No, I do not. The letter that was sent to you as Chair simply suggested terms of reference that the Committee might like to consider if it wishes to undertake that inquiry. As you know, whether the Committee undertakes that inquiry and, if so, its terms of reference, are matters for the Committee.

The CHAIR: Did you write to me as the Chair on your own behalf or were you instructed by the Premier or Deputy Premier to do it?

Mr ADAM MARSHALL: No. I wrote to you in my capacity as Minister for Agriculture and Western New South Wales.

The CHAIR: As Minister for Agriculture and Western New South Wales, what was the rationale behind your suggestion that the Committee look at it? Do you think there are problems in circuses and aquariums? I am trying to get to the rationale as to why you would make such a suggestion.

Mr ADAM MARSHALL: Firstly, the issues that the Committee might like to inquire into, some of which another select committee will inquire into in relation to RSPCA NSW, will inform a broader animal welfare review that the State Government is undertaking as part of its Animal Welfare Action Plan. All of those issues have to be explored at some point during the next couple of years before a brand-new animal welfare Act is

brought into the Parliament. It does not hurt for committees to inquire into such matters from time to time. It is a matter for the Government as to whether it takes any action or agrees or disagrees with any recommendations. Again, it is up to the Committee whether it wishes to undertake an inquiry of that nature. I provided suggested terms of reference.

The CHAIR: Just going over to deer numbers, you are saying that they are in plague proportions. What is the figure of deer numbers in your area? Can you break that down by species of deer?

Mr ADAM MARSHALL: I do not have that information to hand, Mr Chairman. What I can say is the advice that I receive from my department and from meeting with other stakeholders, like the NSW Farmers Association, is that the deer population has grown in the past 10 years by between 8 per cent and 17 per cent. Local Land Services [LLS] does keep some figures, which are based on work that it has done within its local areas, working with landholders or reports from its staff by LLS region. If you like, Mr Chairman, I can ask Mr Witherdin or Mr Hansen.

The CHAIR: I will ask some questions in a second that he might be able to answer.

Mr ADAM MARSHALL: Okay, sure.

The CHAIR: But is it fair to say that we do not have a clear indication of what deer numbers because there is no actual scientific way of tracking the numbers? My understanding is that we shine a light in a square area, count the eyes and then multiple that by the square area. How is that scientific? That totally ignores how deer operate.

Mr ADAM MARSHALL: I think, Mr Chairman, the comment you made there is a fair and reasonable comment, that one of the difficulties is, as I have been asked multiple times: How can you quantify the number of deer in the State? As we sit here today that is very, very difficult to quantify because of the nature and the behaviour of the deer, but also because we have never really put in, as a Government, any huge or dedicated effort to try to determine the number of deer either. I can only act on the advice that I receive, and I have given that advice. I do not know whether Mr Hansen has anything to add.

The CHAIR: But some of that advice has come from LLS.

Mr ADAM MARSHALL: Yes, sure.

The CHAIR: Are you aware that some of its test strategies that it released the other year were quoting species of deer that do not even exist in Australia, that apparently were in your area? It was quoting that mule deer were existing in your area. They are not even present in Australia. There were classic examples where it plagiarised bits and pieces across all the different regions in its plans. I put it to you that those strategies read like a year 8 geographical report. There was more plagiarism in it than a geography report that I have read as a high school teacher. How do you trust that advice that you have been given by LLS when there were such clear flaws in its reporting and its strategies?

Mr ADAM MARSHALL: Firstly, the advice that I received is not generated by individual LLS region pest management strategies. Those are not documents that are designed to provide advice to me as Minister; they are documents that are designed to assist landholders in their coordinated approach to pest management across a particular region. The advice that I receive comes to me from the Department of Primary Industries [DPI], which has some of Australia's and the world's leading experts in this field. I am more than happy, Mr Chairman, following these hearings, if you have specific concerns about particular documents, to meet with you and we can go through those and have LLS in the room as well.

The CHAIR: Are you aware that deer have been in your particular area since the 1800s?

Mr ADAM MARSHALL: I have only been alive since 1984.

The CHAIR: Obviously, but in the advice that has been given to you by the Department of Primary Industries has it indicated to you that deer have been in your patch since the 1800s?

Mr ADAM MARSHALL: I cannot recall that coming up. It may have been included in a briefing, but I cannot recall that particular information right here.

The CHAIR: In any of the briefings has it outlined what ecologically has changed or environmentally has changed that has seen a species of animal not being a problem in the 1800s, but suddenly, 100 years later, something has clicked and they are magically in plague proportions? Has it given you any indication or scientific reasoning as to why deer have suddenly become a problem in, I guess, the eight years of you guys being in government?

Mr ADAM MARSHALL: I do not think the fact that they have been causing a problem has just occurred in the past eight years, but certainly there—

The CHAIR: It has only been hitting the papers in the past eight years.

Mr ADAM MARSHALL: If I may, Mr Chairman, in answering that question, I think the issue of deer and the fact that the population has continued to grow, they really have no natural—

The CHAIR: You just admitted that we do not know the numbers.

Mr ADAM MARSHALL: They have no natural apex predator, which is a contributing factor to their population growing, and the repeated reports and incidence of them appearing in areas on a regular basis where they have never appeared. Down in the member for Keira's electorate, who has been very passionate about this matter and supports the action that the Government has taken, he knows all too well that they are rampant in his part of the world and he has expressed serious concerns about that as well.

The Hon. EMMA HURST: The biosecurity amendment regulation 2019, which came into effect on 1 August, makes failure to comply with the so-called Biosecurity Management Plan an offence punishable by \$220,000 for individuals and \$440,000 for corporations. A press release coming from your office dated 22 July 2019 about the new regulation was headed "Farm invaders and vegan vigilantes faced toughest penalties in the nation".

The Hon. TREVOR KHAN: He is proud of that.

The Hon. EMMA HURST: Are these new regulations about biosecurity or are they actually targeted to stop vegan activism?

Mr ADAM MARSHALL: No, the new regulation under the Biosecurity Act 2015 is all about biosecurity and acknowledging, but also helping farmers protect biosecurity on their properties. Can I just correct you: The fines of \$220,000 and \$440,000 for a corporation are maximum fines. It will be up to the courts to determine what penalty they impose.

The Hon. EMMA HURST: Of course.

Mr ADAM MARSHALL: There is, however, in the regulation for the first time an on-the-spot fine, a penalty infringement notice of \$1,000. Regardless of what the courts decide to do in terms of a penalty, a person who is in breach will receive an on-the-spot fine of \$1,000.

The Hon. EMMA HURST: In your press release and in statements to the media you are talking about people who are following plant-based diets rather than actual biosecurity. If the regulation is really about biosecurity why have all your statements been about attacking vegans rather than talking about biosecurity?

Mr ADAM MARSHALL: It is because there was a large movement earlier this year that labelled itself as vegan that actually publicly encouraged and organised a number of farm invasions, not just in New South Wales where we saw an abattoir around Goulburn invaded by nine trespassers who chained themselves to equipment in that abattoir, threatening the biosecurity and indeed the licensing of that facility. But they arranged other incursions on other properties across the eastern seaboard. They outwardly promoted themselves as vegans and made no issue—

The Hon. EMMA HURST: But what does that have to do with the regulations that you have released?

Mr ADAM MARSHALL: It has a lot to do with the regulations because those people were farm invaders who made no secret of the fact that they were intent on disrupting farming operations, and in the process of doing so, whether knowingly or unknowingly, actually posed a serious biosecurity risk on every property that they invaded.

The Hon. EMMA HURST: Have vegan activists actually ever caused a biosecurity issue?

Mr ADAM MARSHALL: Every time that they—

The Hon. EMMA HURST: Has it actually occurred?

Mr ADAM MARSHALL: Yes.

The Hon. EMMA HURST: Not just a risk, but has there actually been a biosecurity outbreak or issue caused by them?

Mr ADAM MARSHALL: By?

The Hon. EMMA HURST: By vegan activists.

Mr ADAM MARSHALL: In New South Wales?

The Hon. EMMA HURST: Yes.

Mr ADAM MARSHALL: Yes, there have been in the past and people have been prosecuted under the various laws.

The Hon. EMMA HURST: What were the biosecurity issues that occurred from their trespass?

Mr ADAM MARSHALL: The issues that were caused, for example, by the nine people who I talked about who broke into a meat processing facility at Goulburn not only did they present a biosecurity risk, but also because those people broke in and were not in the proper clothing, had not actually taken all the proper precautions in terms of washing down before entering a secure facility, my understanding is that abattoir had to be out of action for a long time to actually clean the area.

The Hon. EMMA HURST: But it did not actually cause an outbreak, was it; it was just the risk? What you are detailing is a risk of a biosecurity issue rather than an actual biosecurity outbreak.

Mr ADAM MARSHALL: It did cause a biosecurity issue because that area of the abattoir had to be thoroughly cleaned and scrubbed, and made clean again.

The Hon. EMMA HURST: But there was no actual outbreak, was there? Is that correct?

Mr ADAM MARSHALL: That is because the abattoir took all the precautions to clean everything in that facility. As the agriculture Minister I am not going to wait for a major biosecurity outbreak on a property before we take action. Why? Because biosecurity is one of the major competitive advantages our agricultural sector has when exporting its products overseas and we want to take every step possible to make sure that we give farmers every tool they can have to protect biosecurity on their property because, particularly for intensive agriculture, it is absolutely crucial for them—it is crucial for their business, for their livelihood and for the benefit of agriculture not just in our State but across Australia.

The Hon. EMMA HURST: Minister, if biosecurity is so important to government, why have you not made it compulsory for farmers to have biosecurity management plans instead of making them optional?

Mr ADAM MARSHALL: They are compulsory, they are required. If farmers wish to enjoy the protection that this regulation has they must have a biosecurity plan. Most farmers do have biosecurity plans, but to enjoy the protection of this regulation they must have one.

The Hon. EMMA HURST: Why would we not make it compulsory for all farmers to have them?

Mr ADAM MARSHALL: A biosecurity plan?

The Hon. EMMA HURST: Yes.

Mr ADAM MARSHALL: Why should we do that?

The Hon. EMMA HURST: Because if biosecurity is as big an issue as you state it is, why would we not ensure that every single farm has a biosecurity plan?

Mr ADAM MARSHALL: Most farms do. Whether they are officially registered or not, in accordance with the Act or the regulation, most farms that have intensive agriculture operations in particular do. But for some farms that might be, say, broadscale cropping, they might not view it as a high priority versus those that are graziers and intensive agriculturalists. So the option is there for farmers if they wish to take that up. Typical of this Government and in my role as Minister, the tools are there and then it is up to the individual farmer, depending on the nature of their business, whether they wish to take that up.

The Hon. EMMA HURST: Minister, on 29 August the media reported yet another incidence of serious animal cruelty that was exposed by a whistleblower at Picton Meatworks. Have you seen that footage that came out in the media?

Mr ADAM MARSHALL: Yes, I have. It was deeply disturbing.

The Hon. EMMA HURST: Absolutely. Do you consider what was seen in that footage an acceptable treatment of animals?

Mr ADAM MARSHALL: I will leave that to the proper authorities to make that determination, but I was certainly very, very disturbed by those images—they were quite sickening—and upon being made aware of those images being put into the public domain I immediately asked for an update from my department. I am pleased to advise the Committee that as soon as the proper authorities were alerted to the existence of those images, the RSPCA initiated an immediate investigation for alleged breaches or potential breaches of the Prevention of

Cruelty to Animals Act, and the NSW Food Authority, which licenses processing facilities, has launched its separate investigation into potential breaches of food safety regulations and work at that processing facility and activity there has been suspended pending the outcome of those investigations.

The Hon. EMMA HURST: There have been 22 exposés of slaughterhouses since 2012 from undercover footage and this was another case of undercover footage. Do you recognise that these videos do shine a light on the cruel treatment of animals?

Mr ADAM MARSHALL: Yes. It is interesting, on the information that I have, the person who took those images had an entitlement to be within the property. I understand those images were taken in January but only just surfaced very recently. If those images had been supplied to the New South Wales police, Animal Welfare League, RSPCA or the Food Authority, they would have commenced those investigations a lot earlier and activities at that facility would have been suspended a lot earlier as well.

The Hon. EMMA HURST: Prior to being elected to Parliament I used to work for an animal charity and I got a lot of calls from people who worked inside slaughterhouses who said that they had rung the RSPCA, that they had rung the police, that they had rung the DPI, that they had spoken to their management about acts of animal cruelty within the slaughterhouse, but the issue is that once anyone from the authority comes to visit, an act of animal cruelty like we saw in this footage of bashing pigs heads with a steel pipe or something like that—obviously those acts stop as soon as the authorities come. So a lot of these slaughterhouse workers broke into the facility that they worked in at night, installed hidden cameras, risked their jobs, risked their safety and broke the law to obtain that evidence because there was no other way to expose it and get change happening. What is your department doing to protect these vulnerable animals considering the authorities on the ground cannot do much?

Mr ADAM MARSHALL: I reject the assertion that the authorities cannot do much. In the example I gave you at Picton they are doing everything within their power—

The Hon. EMMA HURST: But that is only based on the fact that there was undercover footage. I am not questioning the authorities acting, I am just saying that to gather the evidence and to know that something is happening that—

Mr ADAM MARSHALL: For example, as I said in my previous answer, at Picton those images were taken by someone who was in that facility who had an entitlement to be there. If that person had taken those images, for example, to the authorities as soon as the images were taken, the authorities would have been able to commence an immediate investigation instead of the images coming to light in the public domain without previously any reports to the authorities and then the investigation was commenced. There is capacity, and indeed when those organisations that are charged with enforcing pop up—New South Wales police, the Animal Welfare League, the RSPCA—they have enormous powers to conduct their investigations overtly and covertly across the State and rely on many varied sources of information to gather information about those investigations.

The Hon. DANIEL MOOKHEY: Minister, you made the point that you are expecting a fish Armageddon in Menindee.

Mr ADAM MARSHALL: Just generally across the State.

The Hon. DANIEL MOOKHEY: How many fish do you anticipate will be dying this year?

Mr ADAM MARSHALL: That depends on a whole range of factors that is yet to be quantified, depending on what the weather conditions truly show. But last summer I understand that it was estimated around a million fish were lost. On all the advice I have received from my department, it is fair to say that we are going to see many more than that lost this summer of both native fish and introduced species as well.

The Hon. DANIEL MOOKHEY: When you say it is on the basis of the advice that your department has provided you, have they provided you with advice as to how many they are expecting? Have they provided you with a model? Have they undertaken modelling in this respect?

Mr ADAM MARSHALL: I will ask Mr Hansen to talk about the modelling that is being done.

Mr HANSEN: Our modelling is more about whether the environmental conditions are likely to present in the same fashion in which they presented last summer rather than what we think expected mortality numbers will be across those pools across the river systems in terms of fish numbers. So we have not briefed the Minister with regard to a singular number in terms of what we expect.

The Hon. DANIEL MOOKHEY: Have you given a range?

Mr HANSEN: No, other than the fact that we have continued to say that the forecasts for the summer present a more challenging environment than what we saw last summer and, as a result, we can expect to see

greater fish kills, not just for the Barwon-Darling but also across the rest of the State in our river systems because of the continued lack of rain.

The Hon. DANIEL MOOKHEY: Minister, which river systems are you expecting the fish kills this year to spread to?

Mr ADAM MARSHALL: Pretty much every river system west of the divide.

The Hon. DANIEL MOOKHEY: Are you expecting there to be any point of concentration as in one sector of the river system is going to be worse than others?

Mr ADAM MARSHALL: Yes. DPI Fisheries have been working very closely with WaterNSW and other government agencies to pinpoint what they deem as hotspots, the areas that are most at risk—Menindee obviously being one of them—and we will be targeting those rescue operations at those hotspots initially before spreading out further in the State. Mr Hansen can provide a bit more information.

The Hon. DANIEL MOOKHEY: Where else specifically?

Mr HANSEN: The lower Darling, the Namoi, the Macquarie and Lachlan catchments in the early part of the summer as well as the Barwon-Darling, the Border Rivers and Gwydir if current conditions continue like they are.

The Hon. DANIEL MOOKHEY: When you say "hotspots" you mean pretty much everywhere?

Mr ADAM MARSHALL: As I said in my initial answer, yes.

The Hon. DANIEL MOOKHEY: So there is no acute place—as in, you are expecting pretty universal levels of fish kills across all those river systems?

Mr ADAM MARSHALL: It could be, yes.

The Hon. DANIEL MOOKHEY: When do expect that this will start?

Mr ADAM MARSHALL: It is hard for me, not being a fish scientist, to answer that question categorically here—

The Hon. DANIEL MOOKHEY: Of course, I am not asking for a categorical answer.

Mr ADAM MARSHALL: —but it could start happening when we hit the summer period.

The Hon. DANIEL MOOKHEY: Is December when you are expecting the first signs of fish kills?

Mr ADAM MARSHALL: It could start earlier than that but I think it is fair to say that it would intensify in December and January. Mr Hansen might know.

Mr HANSEN: Part of the challenge for us is trying to accurately forecast what temperatures are doing at the moment. We have seen the weather over the past two weeks swing violently from above average to again cold fronts coming through. It is often those changing temperatures that pose as much of a risk to these fish stocks as consistent high temperatures. In terms of triggering, we have seen environmental conditions over the past couple of weeks provide unseasonal early starts to a number of the risks we face across the State, not just fish kills.

The Hon. DANIEL MOOKHEY: Are you transporting fish now?

Mr ADAM MARSHALL: Yes.

The Hon. DANIEL MOOKHEY: Where are you transporting them from?

Mr ADAM MARSHALL: They have transported them. The operation that is happening over the next two weeks that started yesterday in the Menindee is relocating a number of those fish from Menindee to areas of the lower Darling in—

The Hon. DANIEL MOOKHEY: How many fish are you relocating, Minister?

Mr ADAM MARSHALL: We are probably taking, I think—did we take nearly 100?

Dr MOLTSCHANIWSKYJ: It was 50 yesterday.

Mr ADAM MARSHALL: It was 50 yesterday and—

The Hon. DANIEL MOOKHEY: Fifty fish?

Mr ADAM MARSHALL: We took 50 fish yesterday and we will probably take hundreds over the next few weeks. Previously, fish have been taken to a number of hatcheries that we have in the State, but to Narrandera in particular, where I was recently. There were about 20 cod there that were rescued last January from Menindee that are in the ponds at Narrandera and looking very healthy. Over the coming months we will use all of our fish hatcheries across the State and work with recreational fishing clubs to harness their volunteer base and infrastructure to virtually rescue and save as many of these species and preserve the individual genetics within species at different parts of the State.

The Hon. DANIEL MOOKHEY: Is the dominant purpose of this to preserve the species for alpha repopulation? Is that what we are talking about here?

Mr ADAM MARSHALL: That is right, yes. The idea is that those fish that are rescued will be taken back and put back in place where they were taken from. In the interim, we will be breeding from those fish so that at the end, when conditions return to normal, while we will be taking thousands out we will be putting millions back in. It is anticipated it will be the—

The Hon. DANIEL MOOKHEY: Are you talking about Murray cod and golden perch?

Mr ADAM MARSHALL: I am talking about all the native fish species, but they are the big ones. They are the focus of Menindee but there are other species in various parts of the State.

The Hon. DANIEL MOOKHEY: On notice, can we get a list of what has been transported?

Mr ADAM MARSHALL: Rather than taking it on notice, it might be a case that we can actually grab—

The Hon. DANIEL MOOKHEY: No, it is okay; we can move on, Minister.

Mr ADAM MARSHALL: —that information and provide it in the afternoon session rather than waiting 21 days. We can get that information.

The Hon. DANIEL MOOKHEY: Thank you, Minister; that would very useful. In case it is begun next week, when is the program finishing?

Mr ADAM MARSHALL: There is no necessary finish day—it will depend on the circumstances and conditions across the State.

The Hon. DANIEL MOOKHEY: But it is the case that you are expecting overwhelmingly that millions of fish will be dying and the program is going to really be saving only a handful. Is that correct?

Mr ADAM MARSHALL: That is right. We do not know how many fish will die this summer but we are trying to save as many as we can. Importantly, it is not so much about the overall quantity that is rescued; it is about the breeding program that comes from those fish and making sure that we have the right balance of numbers in each species and also the individual genetics within the species in various parts of the State. The one thing I have learned coming into this role—and something that I was not aware of—is that you take a cod out of Copeton Dam at Inverell and a cod out at Menindee and while they are the same species the genetics are slightly different. There is an effort to preserve the individual genetics.

The Hon. DANIEL MOOKHEY: Did you contact and notify the Murray-Darling Basin Authority [MDBA] of this plan?

Mr ADAM MARSHALL: Yes, the DPI Fisheries has been working with the MDBA as well as WaterNSW. Mr Hansen, could you confirm that?

Mr HANSEN: Yes, that is right.

The Hon. DANIEL MOOKHEY: Have they supported this plan?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: When did that take place?

Mr HANSEN: I might add one piece because the actual relocation of fish is primarily to be able to take them to hatcheries for breeding programs but we are also doing a significant piece of work in relocating fish from the shallower ponds to the deeper storage ponds along the river system—sometimes that deeper pond can be only a couple of hundred meters away from the pond that they might be in—to give them increased chances of survival. When the connectivity does continue and it does reconnect you have natural fish populations in their natural environment able to reconnect.

The Hon. DANIEL MOOKHEY: Are fish dying in transport?

Mr HANSEN: We have not had any reports so far.

The Hon. DANIEL MOOKHEY: What is the budget for this?

Mr ADAM MARSHALL: It is \$10 million.

The Hon. DANIEL MOOKHEY: Is that considering an increase at all if more is needed?

Mr ADAM MARSHALL: Yes, absolutely. That is just the initial injection to not only cover the cost of the recovery program but also to upgrade some infrastructure at some key fish hatcheries. For example, at Narrandera around \$4 million is being spent right now to build new ponds, largely for the smaller native fish species. When I was there the other day they were just about to fill those ponds with water. I assume those new ponds are probably operational by now.

The Hon. COURTNEY HOUSSOS: Why did the New South Wales Government wait nearly six months to appoint its Fresh Milk and Dairy Advocate?

Mr ADAM MARSHALL: The appointment of that advocate is an election commitment and, like all election commitments, the Government will be delivering on those. There was a lot of consultation in relation to that specific election commitment and the appointment of Mr Zandstra. There was a lot of consultation with the industry and a lot of consultation with the Federal Government as well because after the State Government made its election commitment around appointing a Fresh Milk and Dairy Advocate, the Commonwealth Government announced that it would be appointing a fresh milk specialist to work within the Australian Competition and Consumer Commission [ACCC] to help the whole supply chain process and make sure that farmers got a fair share of the profits in that supply chain.

Now that we understand what the Commonwealth Government is doing, we have appointed Mr Zandstra because there was a bit of confusion about how its fresh milk specialist would work and what role they would have in the ACCC. The State Government wanted to make sure that in making its appointment, it was not duplicating or cutting across what the Commonwealth Government was doing but was making an appointment that would complement that work. It is working very well and I am very confident—

The Hon. COURTNEY HOUSSOS: Was there confusion from the State Government about what the role was?

Mr ADAM MARSHALL: No, about the—

The Hon. COURTNEY HOUSSOS: You said there was confusion about the role.

Mr ADAM MARSHALL: Yes, about the Federal Government's—

The Hon. COURTNEY HOUSSOS: Yes, that is right, about the new ACCC milk commissioner—

Mr ADAM MARSHALL: Correct, yes.

The Hon. COURTNEY HOUSSOS: —or milk specialist, I should say.

Mr ADAM MARSHALL: A milk specialist to work within the ACCC.

The Hon. COURTNEY HOUSSOS: That is right. So who was confused?

Mr ADAM MARSHALL: We just needed to seek some clarity from the Federal Government about the role and what that would be, what function that individual would have when appointed, and, as I said, we needed to do a lot of consultation with industry about the appointment.

The Hon. COURTNEY HOUSSOS: Can you outline the consultation?

Mr ADAM MARSHALL: The consultation?

The Hon. COURTNEY HOUSSOS: Yes. You said there was consultation with the industry. Why did the consultation happen after and not before the announcement?

Mr ADAM MARSHALL: I cannot speak to the consultation that was taken before the election in terms of the election commitment, although I understand the dairy industry knew about the commitment and was very supportive of it. The consultation that I undertook after the election was not about the position itself but about the individual who should occupy the position.

The Hon. COURTNEY HOUSSOS: How was he selected?

Mr ADAM MARSHALL: A number of names were put forward by industry, a number of names were considered and put forward by the department and, in the end, Mr Zandstra was selected.

The Hon. COURTNEY HOUSSOS: Was there a formal process to nominate someone? Was there an opening of nominations or was this an informal process?

Mr ADAM MARSHALL: There was a process as such in that industry was asked who would be ideal, who had the experience, who would industry be comfortable with. The department also weighed in on that.

The Hon. COURTNEY HOUSSOS: Was that a formal process or was this just a series of conversations?

Mr ADAM MARSHALL: It was a series of conversations and meetings with industry.

The Hon. COURTNEY HOUSSOS: How many other names were put forward?

Mr ADAM MARSHALL: I would have to take that on notice. I do not have that information to hand.

The Hon. COURTNEY HOUSSOS: Is there anyone else who can tell us how many other names were there?

Mr ADAM MARSHALL: Mr Hansen?

Mr HANSEN: No, we will have to take that on notice. I do not have it.

The Hon. COURTNEY HOUSSOS: Minister, were you aware of any other names?

Mr ADAM MARSHALL: Yes, I was.

The Hon. COURTNEY HOUSSOS: How many other names were you aware of?

Mr ADAM MARSHALL: I would have to take that on notice. I do not have that detail in front of me.

The Hon. COURTNEY HOUSSOS: Were any of the candidates interviewed?

Mr ADAM MARSHALL: They were not formally interviewed but discussions were had, yes.

The Hon. COURTNEY HOUSSOS: I am sorry, what do you mean by "discussions were had"? There was either a formal interview process or there was not.

Mr ADAM MARSHALL: No, there was not. There were discussions held with industry about who should occupy that position. Mr Hansen may be able to provide some advice on that.

The Hon. CATHERINE CUSACK: I have to say that this is the worst estimates.

Mr HANSEN: We will have to take on notice what that total number was. I am aware of at least over a dozen names that had been put forward by industry and/or the department. I am aware of at least two or three of those names progressing all the way through to conversations about their interest in the role and their time availability for the role.

The Hon. COURTNEY HOUSSOS: Was there a formal beginning date to the selection process or did you just have a bit of a chat with the industry, they gave you some names, you had a bit of a think about it, the department put a few names in and somehow they came up with someone?

The Hon. CATHERINE CUSACK: This is like the—

The Hon. COURTNEY HOUSSOS: Catherine, if you want to ask questions you can take your own time.

The Hon. CATHERINE CUSACK: I am not.

The Hon. COURTNEY HOUSSOS: Minister?

Mr ADAM MARSHALL: I cannot remember the exact date but it was not long after my appointment. I asked: How do we advance the issue of appointing the advocate and delivering on those election commitments? There were, as Mr Hansen said, a number of names that were suggested both by industry and by the department, CVs were put forward—

The Hon. COURTNEY HOUSSOS: Minister, I understood what you said earlier and I have limited time. Was the position advertised?

Mr ADAM MARSHALL: Not in terms of advertised as in a public advertising process.

The Hon. COURTNEY HOUSSOS: Okay, that is fine; it was not advertised anywhere. Was there a formal selection panel?

Mr ADAM MARSHALL: No.

The Hon. COURTNEY HOUSSOS: Were there any clear criteria? Was there a position description?

Mr ADAM MARSHALL: Yes. We can provide that on notice, for sure.

The Hon. COURTNEY HOUSSOS: Okay. That would be great. How much will Mr Zandstra be paid?

Mr ADAM MARSHALL: Mr Hansen will have to answer that.

The Hon. TREVOR KHAN: Maybe on notice?

Mr ADAM MARSHALL: Yes, it might be a good one that we can provide in the afternoon session, if that is all right, rather than taking it on notice.

Mr HANSEN: I do not have it right here in front of me but we can have it for the afternoon session.

The Hon. COURTNEY HOUSSOS: Great, excellent. Mr Johnsen, what was your role in all of this?

Mr MICHAEL JOHNSEN: I was assisting the Minister and the office, having discussions with industry groups and seeking out people who may be interested to nominate and provide a résumé of sorts for consideration to see what their particular experience was.

The Hon. COURTNEY HOUSSOS: How many résumés did you collect, Mr Johnsen?

Mr MICHAEL JOHNSEN: They went directly to the Minister's office.

The Hon. COURTNEY HOUSSOS: So you did not see any directly?

Mr MICHAEL JOHNSEN: They went directly to the Minister's office.

The Hon. DANIEL MOOKHEY: Who did you solicit for the application process?

Mr MICHAEL JOHNSEN: There were a number of people actively contacted, both myself directly and the Minister's office, who expressed an interest and who have significant experience in the dairy industry, in particular. Each one who has contacted either myself or the Minister's office was encouraged to provide some information about them, their experience and how they see the role may play out in time.

The Hon. COURTNEY HOUSSOS: So it was all done through the Minister's office?

Mr MICHAEL JOHNSEN: Yes.

The Hon. COURTNEY HOUSSOS: Minister, was it run through your office or was it run through the department?

Mr ADAM MARSHALL: A bit of both, I think. I think it was a collective effort.

Mr MICHAEL JOHNSEN: My contact is with the Minister's office, just to clarify.

Mr ADAM MARSHALL: Yes.

The Hon. COURTNEY HOUSSOS: I am just interested. This seems like there were discussions, there were no set criteria, there was no advertisement and it all came through your office instead of going to an independent process in the department, is that a correct characterisation?

Mr ADAM MARSHALL: No, it is not a correct characterisation.

The Hon. COURTNEY HOUSSOS: How is that incorrect?

Mr ADAM MARSHALL: Because it all was not run through my office. There was a lot of work that was done by the department.

The Hon. COURTNEY HOUSSOS: If there was no independent process, there was no opening of nominations, there was no formal process that they can submit—did you have a central collection point?

Mr ADAM MARSHALL: I think we will start from the beginning. The Government made a very clear commitment to appoint a fresh milk and dairy advocate. That was based on consultation with industry about their desire to have someone sitting within the Department of Primary Industries to actually be their advocate.

The Hon. COURTNEY HOUSSOS: We will get to the duties and how the roles were constructed later on. We can talk about how the industry has a view on that.

The Hon. TREVOR KHAN: Point of order: The Minister is answering the question. He should be allowed to answer the question without interruption from the honourable member.

The Hon. COURTNEY HOUSSOS: To the point of order: He is repeating his earlier testimony so I am merely drawing him to the crux of my question.

The CHAIR: I agree that there was a bit of interjection and interruption but, Minister, there was a bit of repetition in your answer. I ask Ms Houssos to quietly redirect, if you want to redirect.

The Hon. COURTNEY HOUSSOS: So, Minister, was there a formal process, was it conducted through the department or was it conducted through your office?

Mr ADAM MARSHALL: There was a process. It was conducted both through the department and through my office, and with the assistance as well of the Parliamentary Secretary, to talk to the dairy industry—that is the two bodies that actually represent commercial dairy farmers in this State, Dairy Connect and the NSW Farmers Association—to source people that they were comfortable with or thought had the experience to be the advocate for the industry. Of those people who were put forward and curriculum vitae provided, some of those people were not willing to take on the role because of time commitments and otherwise. In the end, I was comfortable with the appointment of Mr Zandstra. He has considerable experience in the industry. He has the support of the industry and he has worked at a State level, at a Federal level and through all aspects of the supply chain in the dairy industry. He is incredibly competent and well qualified to take on this role.

The Hon. COURTNEY HOUSSOS: Who does he report to?

Mr ADAM MARSHALL: He reports through to Mr Hansen in the department.

The Hon. COURTNEY HOUSSOS: Will he be able to make public statements independent of the Government?

Mr ADAM MARSHALL: Yes, he has already done so. He has conducted a number of interviews.

The Hon. DANIEL MOOKHEY: Does he have statutory independence?

Mr ADAM MARSHALL: He is not a statutory officer, no.

The Hon. DANIEL MOOKHEY: So he does not have any of the formal protections that otherwise would be provided to a statutory officer?

Mr ADAM MARSHALL: No.

The Hon. DANIEL MOOKHEY: How can he be dismissed?

Mr ADAM MARSHALL: Mr Hansen?

Mr HANSEN: He will be subject to the same rules and conditions that we have for public servants.

The Hon. DANIEL MOOKHEY: Is he under the Government Public Sector Employment Act?¹

Mr HANSEN: With his engagement, his engagement contract will be subject to the same Act, yes.

The Hon. DANIEL MOOKHEY: What powers does he have?

Mr HANSEN: He does not have any statutory powers. His powers are to consult with the industry, to form an advisory unit within the department that can shape both the department's business extension activity and its research and development activities. Any information that he gathers and gleans along the way with regard to market powers or market distortions, he is now in a position to be able to put through to the dairy specialist within the Australian Competition and Consumer Commission [ACCC] unit. So he is a conduit between the dairy industry in New South Wales, our researchers, our business extension officers, Dairy Australia or Dairy NSW to be able to provide a link through to them and a direct single point of contact for the dairy industry back into government, both with us and through to the ACCC.

Mr JUSTIN FIELD: Good morning, Minister. Do you support the recommendations of the Natural Resources Commission [NRC] for changes to the Barwon-Darling water sharing plan?

Mr ADAM MARSHALL: I have not had a chance to read through the final report.

Mr JUSTIN FIELD: Minister, you know the key changes in there about protecting low flows, I am sure. We have been talking this morning about the fish rescue program. Obviously it points to the extreme

¹ In [correspondence](#) to the committee received 4 October 2019, the Hon Adam Marshall MP made a correction to the evidence of Mr Scott Hansen.

conditions in our rivers. Protecting the low flows would go a long way to protecting aquatic health and diversity. You must have a view about recommendations that will protect those low flows?

Mr ADAM MARSHALL: I may have a view once I have had a chance to read the full report, but even if I did have a view that I came to this Committee with I would not express it here. Not being the portfolio Minister, I will save that for the deliberations around the Cabinet table at which point the Government will determine its position and its response to that report.

Mr JUSTIN FIELD: I am sure you will be an advocate for river health, Minister. I move on to marine parks and Batemans Bay, in particular. Some recreational fishers on the South Coast have been saying that they were given private assurances by the Government before the election that a number of marine sanctuaries in the Batemans Marine Park would be removed. Can you assure the community that the review process, the pilot process currently being run, will be open and transparent and that no decisions with regards to rezonings will be made outside of that process?

Mr ADAM MARSHALL: I can assure you and assure this Committee that the process that is being undertaken right now by the DPI in reviewing those sanctuary zones will be robust, will be fulsome and will ensure that all members of the public have a chance to have their say. Then I will make a considered decision at the conclusion of that process.

Mr JUSTIN FIELD: So there have been no commitments made by the Government privately to some stakeholders to remove marine sanctuaries?

Mr ADAM MARSHALL: Certainly I have made no commitments in that regard.

Mr JUSTIN FIELD: Minister, did the water Minister—sorry, Mr Hansen?

Mr HANSEN: I might just add to that, that obviously any changes to any site for the marine park will require regulatory change, which means that it also requires a two-month statutory consultation period before those regulations come into play.

Mr JUSTIN FIELD: Quickly, if you could, Minister, because I have little time—I can take it up further with Mr Hansen this afternoon—how far away are you from completing the pilot review of Batemans?

Mr ADAM MARSHALL: I would have to defer to Mr Hansen because that is a process managed by the department.

Mr JUSTIN FIELD: We will take it up this afternoon.

Mr ADAM MARSHALL: Sure.

Mr JUSTIN FIELD: Minister, did the water Minister consult with you before making changes to the water transfer arrangements from the Shoalhaven to Sydney?

Mr ADAM MARSHALL: I have very regular discussions with the water Minister and with a lot of my Cabinet colleagues through the Cabinet process but I am not at liberty, nor would I be willing, to divulge those in this forum.

Mr JUSTIN FIELD: Was there a discussion about the potential impact on the oyster industry as a result of additional transfers from the Shoalhaven to Sydney?

Mr ADAM MARSHALL: As I said, I am not willing to divulge the contents of those conversations either in private or Cabinet discussions in this forum.

Mr JUSTIN FIELD: I am not so interested in the detail, Minister; it is just whether or not you had a conversation with the Minister about the issue. Did she raise it with you?

Mr ADAM MARSHALL: As I said, I am not going to canvass those private conversations here today.

Mr JUSTIN FIELD: Minister, can you confirm whether the Government is currently developing a new regional land-clearing code for the north-west of New South Wales?

Mr ADAM MARSHALL: No, what I can say is that the Government, led by Local Land Services, is looking at the efficacy and the benefits of the triple bottom line approach for regional-specific codes across various parts of the State.

Mr JUSTIN FIELD: It sounds like you are currently developing a new regional code?

Mr ADAM MARSHALL: It is not a north-west code, but we are looking at what those codes may look like and what impact that would have in getting the best environmental outcomes as well as the best productivity outcomes for farmers in various parts of the State.

Mr JUSTIN FIELD: So there is currently a process to look at regional-specific codes and new codes?

Mr ADAM MARSHALL: Correct.

Mr JUSTIN FIELD: Is that across the State or is there one specific region that you are looking at?

Mr ADAM MARSHALL: It is in various parts of the State. I can ask Mr Witherdin to comment on that, or you might want to ask him about that this afternoon.

Mr JUSTIN FIELD: No, I am happy to hear that quickly.

Mr WITHERDIN: We have undertaken a pilot project at Walgett. I will be out there in a couple of weeks.

Mr JUSTIN FIELD: That is in the north-west of the State?

Mr WITHERDIN: Yes, it is in the north-west of the State. That has indicated that there are elements of the code that with the scale of the farming enterprises out there really do not work as well as they could. We are going through a process of consultation and we will look—

Mr JUSTIN FIELD: Was that process started with LLS or did that come as a request from the Minister?

Mr ADAM MARSHALL: The process of the pilot was started by my predecessor, the Hon. Niall Blair. The pilot was conducted as part of the new land management reforms.

Mr JUSTIN FIELD: I am happy for us to take that back up this afternoon to discuss the details of how the pilot is working. Would that be okay?

Mr WITHERDIN: Yes, sure.

Mr JUSTIN FIELD: Thank you very much. Minister, when will the native vegetation map be completed and published?

Mr ADAM MARSHALL: I cannot say. I would say that it is a question best directed to Minister Kean, given that his agency is responsible for developing, holding and utilising those mapping tools.

Mr JUSTIN FIELD: As I understand it the maps have been completed for a while but there has been a contest as to whether or not they are accurate, and the hold-up is you.

Mr ADAM MARSHALL: I am not aware of that.

Mr JUSTIN FIELD: So the maps have not been completed?

Mr ADAM MARSHALL: As I said, in my role as the agriculture Minister I do not hold the mapping technology, and neither do my agencies. We do not develop the maps, we do not operate the maps and we do not utilise the maps.

Mr JUSTIN FIELD: So if the maps were completed you would be happy for Minister Kean to release them?

Mr ADAM MARSHALL: I would be happy to have a conversation. But I have not seen any reports and I have not received any advice on any mapping.

Mr JUSTIN FIELD: Thank you, Minister.

The Hon. EMMA HURST: Minister, I am going to take you back to the Biosecurity and Other Legislation Amendment Regulation 2019 and the new "right to farm" bill. If your department is concerned about animal welfare, as you indicated earlier, why does it continue to introduce laws that seek to shut down undercover videos that seek to shine a light on the cruel treatment of animals?

Mr ADAM MARSHALL: The department does not introduce laws or regulations; that is the prerogative of Ministers and the Government. But I do not agree that those laws are necessarily targeted at that particular activity.

The Hon. EMMA HURST: As I said, since 2012 there has been 22 exposés of slaughterhouses. I understand that most of those exposés happened well before your time. But does that number of incidences of animal cruelty in slaughterhouses concern you?

Mr ADAM MARSHALL: Any incident of animal cruelty concerns me. That is why we have those three authorities that have enforcement powers under the POCTA Act, which are resourced to undertake enforcement activities upon receipt of complaints, information or other things that are in the public domain that can instigate the investigations and/or prosecutions.

The Hon. EMMA HURST: Earlier I was talking about the need for people to break in and put in undercover cameras in those slaughterhouses to gather the evidence for those authorities to act, or for workers themselves to install cameras. Given that that has happened 22 times since 2012, and there are probably a lot more facilities that have not been exposed, should we really be relying on workers to be whistleblowers in this or should we be putting other systems in place to protect these vulnerable animals?

Mr ADAM MARSHALL: Those three entities—the NSW Police Force, the Animal Welfare League and the RSPCA—have enforcement powers under the Act. How they choose to exercise those powers is a matter for those individual entities. They do have enormous powers under the POCTA Act to initiate investigations and they can use the variety of resources they have at their disposal. They rely on information that is provided to them by members of the public or employees in certain workplaces that may secure videos or may have witnessed something. They do not necessarily need to capture a video. If they have seen something or heard of something they can make a complaint to those authorities. Then it is up to those authorities to undertake an investigation of those complaints or concerns.

The Hon. EMMA HURST: My understanding from speaking with the authorities is that just having one witness statement is very difficult, particularly if the worker does not want to put their name to the complaint because they do not want to lose their job. That is not enough evidence to take the matter to court or do anything. A lot of the cases are dropped because there is no physical evidence of it happening. Obviously when the inspectors try to witness the acts of animal cruelty they cease. Would you support mandatory CCTV cameras in slaughterhouses as a potential solution?

Mr ADAM MARSHALL: I might ask Mr Hansen to address that question.

Mr HANSEN: Thank you, Minister. As you would be aware, we have almost 100 per cent coverage across slaughterhouses in New South Wales with regard to CCTV coverage. For example Picton—the slaughterhouse you mentioned before—has CCTV cameras.

The Hon. EMMA HURST: When you say nearly 100 per cent, do you know what the actual percentage is?

Mr HANSEN: It is over 95 per cent.

The Hon. EMMA HURST: Is that going to the DPI? Do you have full access to that?

Mr HANSEN: No, it is not a feed. It is stored and saved on site. This goes to the Minister's previous point about the timeliness of the reports and your previous point about staff. We understand the challenges that staff have if they bring forward accusations and that when the inspector turns up the behaviour is different to what the staff may have seen without the inspector there. However—and using Picton as an example—the delay between that footage being brought forward to authorities meant that the relevant CCTV footage was captured more than six months ago. That footage is no longer available to us.

The Hon. EMMA HURST: How long is the footage kept for? I know in a lot of those places it is only 48 hours or so.

Mr HANSEN: In Picton it was over two weeks. Again, the faster we can get there the higher the chance that the compliance and inspection agencies can use that footage.

The Hon. EMMA HURST: What is the Government planning to do to make animal agriculture more transparent and open to public scrutiny, particularly given the recent research done by the Federal agricultural department showing that a huge majority of Australians want to see changes for animal welfare?

Mr ADAM MARSHALL: Thank you, Ms Hurst. That is a very good question. It highlights that one of the biggest drivers for change in the agricultural sector is not government regulation, but consumer demand and the changes in consumer demand. If consumers demand a certain product or put more weight on the provenance of a product—for example, how it was grown—then the individual agricultural sectors tend to respond. The way—

The Hon. EMMA HURST: Sorry to interrupt, but how do the consumers find out what those animal agricultural practices are to increase transparency? A lot of consumers do not know what mulesing is, they do not know what beak trimming is and they do not know what castration is in the pig industry. A lot of people do not see that and do not know about it. They probably would demand change if they saw it. How do we increase that transparency so that consumers can choose and make that consumer demand?

Mr ADAM MARSHALL: The Department of Primary Industries and the State Government run a number of research projects and education programs for farmers to take advantage of to advise them on making their practices open and transparent. A number of farmers have open days and field days where they invite people out to see how their food is grown, whatever the production is. In the end, though, it is up to the individual farmer to determine what they do on their farm within the laws of the land.

The CHAIR: Minister, with the commercial fishing reforms, who specifically—including names and roles within NSW DPI—were aware of how the \$16 million subsidy was to be divided across the share market?

Mr ADAM MARSHALL: I am not in a position to answer that, sorry. Mr Hansen?

The CHAIR: You may take that on notice.

Mr ADAM MARSHALL: I think that would be best.

The CHAIR: In taking that on notice, can you also find out who within your Government, including staff, was made aware?

Mr ADAM MARSHALL: Yes, I am happy to do that.

The CHAIR: Are you aware that some commercial fishermen were told by NSW DPI staff to put their best bid forward in the first round as there may not be a second round?

Mr ADAM MARSHALL: No. I am not aware of that.

The CHAIR: Are you aware that commercial fishermen obtained a document through a Government Information (Public Access) Act [GIPAA] application that had been redacted to not show how the subsidy was allocated? Are you aware of that GIPAA?

Mr ADAM MARSHALL: No. When was that GIPAA made?

The CHAIR: It would have been made somewhere between 2017 and 2019. I do not have the exact date in front of me.

Mr ADAM MARSHALL: I was just trying to clarify whether it was recently or historically.

The CHAIR: No. I think it might have been before your time. You are probably not aware that that document was not redacted properly and those fishermen now know exactly how the money was allocated.

Mr ADAM MARSHALL: As I said, I am not aware of that GIPAA or that document. Again, I am happy to help you either during or after the hearing.

The CHAIR: I am concerned about why NSW DPI staff would tell commercial fishermen to put their best bid forward in the first round because there may not be a second when it is clear that some people within NSW DPI knew that the majority of the subsidy was going to be withheld until the last round.

Mr ADAM MARSHALL: I will ask Mr Hansen to address that.

Mr HANSEN: I am happy to provide you with the list of who was involved from a staffing level on the program. Having said that, the subsidised share trading program was designed to have up to three trading rounds. At the end of each trading round there was a pause and an assessment conducted as to whether in that round of trading the alignment between buyers and sellers was such that would maximise the outcome with the \$16 million available².

Therefore, at the end of round one there was a real possibility that, if the two alignments between those who wish to sell and those who wish to buy were maximised with the \$16 million available, that would have been the conclusion of the rounds. There was no guarantee that there would be a second round. At the end of the second round an assessment was conducted again as to whether the alignment between buyers and sellers in the second round, with the available \$16 million, provided a close enough alignment and outcome to maximise the benefit to fishers. It ended up taking the three rounds to get to that. The third round was the one that got those buyers and sellers most closely aligned to maximise the outcomes.

² In [correspondence](#) to the committee received 4 October 2019, the Hon Adam Marshall MP made a clarification to the evidence of Mr Scott Hansen in reference to the \$16 million available.

The CHAIR: If there was an assessment between each round to decide whether to continue or not, why would you not just put the full \$16 million subsidy right up-front and then make the decision at the end of each round?

Mr HANSEN: It was. The full \$16 million was available to be allocated at the end of each of the rounds in terms of the alignment between buyers and sellers.

The CHAIR: Not according to this document, which stipulates that there was \$4 million in the first round, \$5.7 million, then \$12.9 million.

Mr HANSEN: I cannot see what document that is.

The CHAIR: I table the document. Minister, there are several DPI documents and reports, Hansard transcripts, dating back to at least 2008 that talk about the contribution of the commercial fishing industry. I will just rattle off a few. A 2008 *Primefacts* refers to 1,000 commercial fishers and a \$90 million economic contribution. In 2014 a similar figure is quoted in NSW DPI documentation. A 2019 regulatory impact statement quotes the exact same figure. In 2018 former Minister Blair said, as recorded in *Hansard*:

... the industry is more robust, viable and economically sustainable.

He then quotes a figure of \$80 million and refers to 235 buyouts and a figure of fishers of 770. He talks about a decline in fishing businesses or fishermen of 37 per cent over seven years that would date back to 2008, 2009. Would you not agree that the problem with telling lies is that you have got to remember which lies you told to what people?

The Hon. TREVOR KHAN: Point of order: I suggest that is entirely inappropriate.

The CHAIR: It is a fair question to ask. Why is there a discrepancy in those figures? I will reword it for you. Which one is correct?

Mr ADAM MARSHALL: Which one what? Sorry.

The CHAIR: Which is correct? Is it 1,000 fishers? Is it 770? Did we reduce the number of fishers by 37 per cent or are we at 1,000? This is a very contentious issue for commercial fishermen. They tell me it is about 600. The department is still saying it is 1,000. It speaks to the success or failure of the commercial fishing reform.

Mr ADAM MARSHALL: The advice I have is that there is in excess of 600 commercial fishing businesses in New South Wales at the moment. Mr Hansen might have the exact figure.

Mr HANSEN: The number of fishing businesses in the market today is 1,098. The number of fishing businesses that existed just prior to the business adjustment program in 2017 was 1,193. If you go back to the first allocation of shares or the introduction of the allocation of shares back in 1997-98, it was 1,686.

The Hon. COURTNEY HOUSSOS: I bring you back to the issue of the Fresh Milk and Dairy Advocate. Minister, following on from Mr Hansen's answer, is it correct that the advocate will have no power to compel people and is simply someone who can consult more with the industry?

Mr ADAM MARSHALL: Yes. The advocate will have a number of roles but, yes, the role of the advocate was well known and has been delivered in accordance with the election commitment. The fresh milk specialist who will work within the Australian Competition and Consumer Commission will certainly have more powers than the New South Wales advocate will have.

Mr HANSEN: I have a correction to one of my previous answers because I was wrong. We do have a role description for the advocate. Ian Zandstra has been appointed as a contractor. His daily contract rate is \$800.

The Hon. DANIEL MOOKHEY: How many days is he remunerated for under the contract?

Mr HANSEN: I will be able to share that with you when I get a copy of that.

The Hon. DANIEL MOOKHEY: What is the duration of the contract?

Mr HANSEN: It is yet to be signed. That is why I have not seen it yet. It has not come through.

The Hon. COURTNEY HOUSSOS: When will it be signed?

Mr HANSEN: We are in discussions with him on it at the moment.

The Hon. COURTNEY HOUSSOS: He has been appointed but he has not signed on the dotted line yet?

Mr HANSEN: That is right.

The Hon. DANIEL MOOKHEY: Not only does he not have any powers, he is not actually contracted to the New South Wales Government yet.

Mr HANSEN: We are in discussions with him at the moment on his contract.

The Hon. DANIEL MOOKHEY: When do you anticipate those discussions will end?

Mr HANSEN: Probably as soon as we can finish today.

The Hon. DANIEL MOOKHEY: Why then was he announced as having this job if the contract has not been signed?

Mr HANSEN: Because he has accepted the terms. It is a usual process with recruitment and appointment that once they accept an offer we can then make known the fact that they have accepted an offer. We have just not finalised the contract.

The Hon. DANIEL MOOKHEY: What is the duration of the contract?

Mr HANSEN: I do not have the details of the contract here with me but we will have them for this afternoon.

The Hon. DANIEL MOOKHEY: Is it time limited?

Mr HANSEN: Yes.

The Hon. COURTNEY HOUSSOS: Is the dairy support unit currently operating?

Mr ADAM MARSHALL: No. One of the advocate's first duties will be to establish an industry advisory committee and then work with Mr Hansen and the NSW DPI to have that business unit established as quickly as possible.

The Hon. COURTNEY HOUSSOS: How many full-time equivalents should there be in the unit?

Mr ADAM MARSHALL: I will ask Mr Hansen to cover that.

Mr HANSEN: Currently, we have four staff in our dairy unit. We are looking to add an additional two staff onto that. Parliamentary Budget Office costings for the dairy—

The Hon. COURTNEY HOUSSOS: Mr Hansen, I will stop you there. The Minister said that the unit is not operating. Is the unit operating?

Mr HANSEN: Currently, we have dairy officers operating in the field at the moment. Are they under Ian Zandstra and badged as a dairy business advisory unit? No. That is what they will be when they come together under Ian Zandstra to bring together all of their expertise and their activities. They will then be bolstered with additional staff numbers.

The Hon. COURTNEY HOUSSOS: With two additional staff?

Mr HANSEN: That is right.

The Hon. COURTNEY HOUSSOS: That is a rebadging of existing departmental resources.

Mr HANSEN: A reprioritisation, yes, with the exception of the additional two staff.

The Hon. COURTNEY HOUSSOS: What are the duties of the additional two staff?

Mr HANSEN: I would have to take that on notice but, in essence, their job is to work with the existing staff and to take business extension activities out to the field to help individual dairy businesses identify where they need to be improving, whether in farm productivity, energy costs: What are the key facets for them in terms of business profitability and what paths might we have available, either within New South Wales or more broadly across Dairy Australia's research portfolios, to help them with their individual businesses?

The Hon. COURTNEY HOUSSOS: Is the additional staff administration or research staff?

Mr HANSEN: No, they would be field staff out in the field working with dairy farmers.

The Hon. DANIEL MOOKHEY: Mr Johnsen, do you have a charter letter?

Mr MICHAEL JOHNSEN: Yes, I do.

The Hon. DANIEL MOOKHEY: What is in it?

Mr MICHAEL JOHNSEN: Other than the normal welcome and thanks very much, it is providing policy and general support to the Minister; assisting the Minister for Agriculture with the delivery of the

Government's commitments to the New South Wales dairy industry, including support to the Fresh Milk and Dairy Advocate and any other policy projects that arise; attending meetings and functions on behalf of the Minister; actioning and signing any correspondence on behalf of the Minister; and supporting the passage of legislation in Parliament relevant to the cluster.

The Hon. DANIEL MOOKHEY: Under the administrative arrangements do you have any specific responsibilities for legislation?

Mr MICHAEL JOHNSEN: No.

The Hon. DANIEL MOOKHEY: Do you have any additional staff to assist you in those duties?

Mr MICHAEL JOHNSEN: No.

The Hon. DANIEL MOOKHEY: Minister, have you read the final report by the Natural Resources Commission into the Government's water sharing plan?

Mr ADAM MARSHALL: No, I have not, not yet. I believe that was released about 5 o'clock last Friday so I have not had a chance to read it yet, no.

The Hon. TREVOR KHAN: I think one of the first to get it were members of the Committee.

The Hon. DANIEL MOOKHEY: Did you read the draft report?

Mr ADAM MARSHALL: I read bits of it but given it was a draft report I saved my energy for reading the final report, and I will be doing that at some stage after these hearings.

The Hon. DANIEL MOOKHEY: Are you aware that the report says that water sharing plan provisions that allow increase access to lower flows has resulted in poor ecological and social outcomes downstream of Bourke?

Mr ADAM MARSHALL: I am aware of the media reporting but having not yet read the final report, no.

The Hon. DANIEL MOOKHEY: As the Minister for Western New South Wales you will read it, I presume?

Mr ADAM MARSHALL: Yes. I have just said I will read it, yes.

The Hon. DANIEL MOOKHEY: You are aware that this is the latest report we have had into this particular plan, including we have had reports on the Productivity Commissioner, the Matthews report, the Australian Rivers Institute and the Commonwealth Environmental Water Holder? Are you familiar with those reports?

Mr ADAM MARSHALL: I am not familiar with the individual contents of all of those reports, no.

The Hon. DANIEL MOOKHEY: Have you received any advice from your own department as to what they think? Did they participate in that report?

Mr ADAM MARSHALL: In which report?

The Hon. DANIEL MOOKHEY: Provide submissions into specifically the Natural Resources Commission report?

Mr ADAM MARSHALL: As Minister for Western New South Wales I do not have a department. There is no department within government.

The Hon. DANIEL MOOKHEY: What about as Minister for Agriculture?

Mr ADAM MARSHALL: Yes. Mr Hansen can talk you through that.

Mr HANSEN: In fact, the relevant part of the agency that provided input was the fisheries department. We provided advice into the NRC in terms of information and data that it was looking for.

The Hon. DANIEL MOOKHEY: Did you provide it with any modelling?

Mr HANSEN: Not that I am aware of, no.

The Hon. DANIEL MOOKHEY: Minister, should New South Wales stay in the Murray-Darling Basin Plan?

Mr ADAM MARSHALL: That is a question that the water Minister was asked about on Friday and answered. It is not my portfolio so I will not be commenting on that.

The Hon. DANIEL MOOKHEY: Are you aware that the water Minister and the Deputy Premier issued a release stating that they consider that plan to be untenable? Are you aware of that?

Mr ADAM MARSHALL: No. As I said, it is not my portfolio so I will not be commenting.

The Hon. DANIEL MOOKHEY: Did they speak to you before they issued the release?

Mr ADAM MARSHALL: I said to Mr Field in my answer I have conversations all the time with my colleagues. They are private conversations. I am not going to disclose them in here.

The Hon. DANIEL MOOKHEY: Did they seek advice from either you or your departments in respect to the positions that they should be adopting at COAG?

Mr ADAM MARSHALL: We have discussions all the time, both as colleagues and around the Cabinet table, about the Government's position on all sorts of issues. I am not at liberty to disclose those.

The Hon. DANIEL MOOKHEY: I accept that, but that was not my question. My question was: Did they seek any advice from your department?

Mr ADAM MARSHALL: Yes. I cannot speak for the department. Mr Hansen?

The Hon. DANIEL MOOKHEY: Mr Hansen, did the Deputy Premier or the water Minister seek any advice from the department before they made that statement?

Mr HANSEN: I would have to take that on notice because it is more likely that water agency sought advice from our departmental officers in providing the briefing up through to their Ministers.

The Hon. DANIEL MOOKHEY: Given how central water is to agriculture, it is not an unreasonable question. What involvement has the agriculture Minister had in the Deputy Premier and the water Minister formulating that view? Have you had any role whatsoever in their deliberations?

Mr ADAM MARSHALL: I participate in Cabinet committee and Cabinet discussions all the time about formulating the Government's position on issues. As I said, it is not for me to disclose the contents of those discussions in this forum.

The Hon. DANIEL MOOKHEY: Are you aware that previously your department was engaged in the preparation of what is called a plan B for the exit of New South Wales from the Murray-Darling Basin Plan?

Mr ADAM MARSHALL: That was when water sat under the Department of Primary Industries or within it, do you mean?

The Hon. DANIEL MOOKHEY: I will repeat my question. Are you aware that your department was engaged in the preparation of a plan B for New South Wales to exit the Murray-Darling Basin Plan?

Mr ADAM MARSHALL: Not the department as it is constituted today, no.

The Hon. DANIEL MOOKHEY: Are you aware that that work was being undertaken by the former Deputy Director General Mr Hanlon, I think it was? Is that correct?

Mr ADAM MARSHALL: That particular person is not a public servant who reports through to me nor is in my department.

The Hon. DANIEL MOOKHEY: Has that work ceased? That is my question.

Mr ADAM MARSHALL: I cannot answer that because that individual and the responsibilities for that portfolio do not sit under me anymore.

The Hon. DANIEL MOOKHEY: Is the department currently undertaking any policy work or preparation of advice for the proposition that New South Wales would leave the Murray-Darling Basin Plan?

Mr ADAM MARSHALL: Not to my knowledge. As Mr Hansen has said, the only advice my department would provide would possibly be through Department of Primary Industries Fisheries at an operational level to Water NSW to inform any briefs that it may submit up to its respective Ministers. Is that correct, Mr Hansen?

Mr HANSEN: That is correct. We have no work, no modelling at the moment, as I have said.

The Hon. DANIEL MOOKHEY: To the extent to which any inference can then be drawn from your answer, and to the extent to which the Deputy Premier and the water Minister make these threats—

The Hon. TREVOR KHAN: The inference is he is not involved.

The Hon. DANIEL MOOKHEY: The inference is that they are doing it without the DPI having any input, notwithstanding that agriculture would be massively impacted should New South Wales decide to withdraw from the plan. Is that a correct inference to draw, Minister?

Mr ADAM MARSHALL: No, as I said, as a member of Cabinet I am involved in all Cabinet discussions and Cabinet committee discussions but I cannot reveal the nature of those discussions in this forum.

The Hon. DANIEL MOOKHEY: Is the department still involved in providing any advice to the preparation of any water sharing plan?

Mr ADAM MARSHALL: Not to my knowledge. Mr Hansen?

Mr HANSEN: We do provide advice regularly to our colleagues in water.

Mr ADAM MARSHALL: In the fisheries space.

Mr HANSEN: In the fisheries space, yes.

The Hon. DANIEL MOOKHEY: What advice have you provided in the past 12 months in respect to the Barwon-Darling Water Sharing Plan?

Mr HANSEN: None—actually, I would have to take that notice. I am not aware of what conversations might have occurred on that.

The Hon. DANIEL MOOKHEY: Minister, should we amend that plan given that you are the Minister for Agriculture and Western New South Wales? What is your policy view on that question?

Mr ADAM MARSHALL: On the question of what, sorry?

The Hon. DANIEL MOOKHEY: Does that plan require any amendment?

Mr ADAM MARSHALL: It is a statutory thing; it is required to be reviewed, yes.

The Hon. DANIEL MOOKHEY: Hence I am asking you as the Minister for Agriculture and Western New South Wales what is your view as to whether that requires any amendment? Are you planning to make any submissions in that respect?

Mr ADAM MARSHALL: I will be having input into the discussions as part of the Cabinet process, yes.

The Hon. COURTNEY HOUSSOS: How often do you meet with your Parliamentary Secretary?

Mr ADAM MARSHALL: Pretty regularly.

The Hon. COURTNEY HOUSSOS: Do you have a regular meeting time or is it ad hoc?

Mr ADAM MARSHALL: No, it is ad hoc when Parliament is sitting. We chat on the phone or text or what have you. Michael is not just my Parliamentary Secretary, he is also a parliamentary colleague.

The Hon. COURTNEY HOUSSOS: Mr Johnsen, how many briefings have you received from the department?

Mr MICHAEL JOHNSEN: I could not tell you that number off the top of my head.

The Hon. COURTNEY HOUSSOS: Do you want to take it on notice?

Mr MICHAEL JOHNSEN: I am happy to do that.

The Hon. COURTNEY HOUSSOS: Minister, does Mr Johnsen have a work space in your ministerial office?

Mr ADAM MARSHALL: No, he has his own office in the building as do all members of Parliament.

The Hon. COURTNEY HOUSSOS: How does he interact with your staff? Does he work with a specific person?

Mr ADAM MARSHALL: Yes, he comes down to the office to talk to staff or rings them, emails them. He has direct contact with I think all of my staff or, if not, most of them, yes.

The Hon. COURTNEY HOUSSOS: Since your appointment, Mr Johnsen, has any departmental staff accompanied you to meetings with stakeholders?

Mr MICHAEL JOHNSEN: I have presented at a conference and forum and there has been departmental staff there.

The Hon. COURTNEY HOUSSOS: Is that the Dairy Forum at Parliament House?

Mr MICHAEL JOHNSEN: That was one of them. There was also a symposium in Bega that I attended and DPI staff were there as part of that as well. That is it.

The Hon. COURTNEY HOUSSOS: Is that the only time that they have accompanied you?

Mr MICHAEL JOHNSEN: I will double-check but I believe so.

The Hon. COURTNEY HOUSSOS: Are there any protocols in place, Minister, for the way the Parliamentary Secretary works with your department, with any of your agencies or with your ministerial office?

Mr ADAM MARSHALL: Just that the Parliamentary Secretary, in supporting my function as Minister, has complete access to my staff and regular interaction with them. They can provide any information or support materials that the Parliamentary Secretary needs in the carrying out of his functions, as per the conduct of all Parliamentary Secretaries across government. It is a very consistent approach.

The Hon. COURTNEY HOUSSOS: Mr Johnsen, did you make a formal recommendation to the Minister that Mr Zandstra should be appointed as the milk advocate?

Mr MICHAEL JOHNSEN: Not a formal recommendation as such.

The Hon. COURTNEY HOUSSOS: Was it your recommendation to the Minister?

Mr MICHAEL JOHNSEN: The process was that a number of people submitted information about themselves—a résumé, if you like—about themselves and their experience and so forth, and the process of considering that was done through the Minister's office.

The Hon. COURTNEY HOUSSOS: Did you make a recommendation that you think this is the guy for the job?

Mr MICHAEL JOHNSEN: I made no formal recommendations about anyone as such.

The Hon. COURTNEY HOUSSOS: How will the office be funded, the new milk advocate?

Mr ADAM MARSHALL: The business advisory unit and working under the advocate?

The Hon. COURTNEY HOUSSOS: That is right.

Mr ADAM MARSHALL: It will be funded within DPI resources.

The Hon. COURTNEY HOUSSOS: Within existing resources?

Mr ADAM MARSHALL: Correct.

The Hon. COURTNEY HOUSSOS: Will it be subject to the efficiency dividend?

Mr ADAM MARSHALL: All of our agencies are subject to the efficiency dividend. That business unit specifically is part of the broader department.

The Hon. COURTNEY HOUSSOS: Will the dairy commissioner be charged with policing the recent increase in milk prices from some of the major retailers to ensure that it goes back to farmers?

Mr ADAM MARSHALL: Yes. The advocate will have a role as well as the Commonwealth specialist in working with all areas of industry—that is from the retailers through to the distributors, the producers, the farmers—to make sure that as much of those profits are passed back down to the farmers, yes.

The Hon. COURTNEY HOUSSOS: But they will just be talking to people; they are not going to have any power to compel, they will be talking to people and referring to the Australian Competition and Consumer Commission [ACCC] and that is it.

Mr ADAM MARSHALL: That is right. That was the election commitment, yes.

The Hon. COURTNEY HOUSSOS: Do you agree with the election commitment?

Mr ADAM MARSHALL: Yes, I do.

The Hon. COURTNEY HOUSSOS: Have you made any changes to the election commitment since you have become the Minister?

Mr ADAM MARSHALL: No. The election commitment is what the Government pledged to do if it was re-elected. It was re-elected and that is what is being delivered.

The Hon. COURTNEY HOUSSOS: And you are confident that that is the way that we will address the decline in the dairy industry in New South Wales?

Mr ADAM MARSHALL: It is not the only way, but it is certainly going to assist and certainly the appointment, hopefully in the not too distant future, by the Federal Government of its specialist in the ACCC will help as well.

The Hon. COURTNEY HOUSSOS: Are you concerned about the delay in the implementation of the mandatory code?

Mr ADAM MARSHALL: Yes, I am.

The Hon. COURTNEY HOUSSOS: So what are you doing about it?

Mr ADAM MARSHALL: I have spoken to the Commonwealth. It is also going to be taken up by me at the first agriculture Ministers meeting when we meet later this year.

The Hon. COURTNEY HOUSSOS: When is that meeting?

Mr ADAM MARSHALL: I could not say off the top of my head. I do not have that date in front of me, but it is some time before Christmas.

The Hon. COURTNEY HOUSSOS: And what have you said? Are you are going to take it up with the Commonwealth? Are you going to turn up and say, "I think we should implement it"? What is your plan?

The Hon. TREVOR KHAN: Bang the table.

Mr ADAM MARSHALL: Bang the table, no. I will receive an extensive briefing from the advocate and from my department in the lead-up to that meeting. But certainly from a New South Wales perspective, with the appointment of our advocate and shortly the establishment of a business advisory unit we want to get cracking and working with the Commonwealth to get a better deal for our dairy farmers, and the mandatory code is a critical component of that. So of course we have an interest in New South Wales on behalf of our more than 600 dairy farmers to get that in as soon as possible and put the pressure on the Commonwealth to do so.

The Hon. COURTNEY HOUSSOS: More than 600. How many are in New South Wales at the moment?

Mr ADAM MARSHALL: More than 600.

The Hon. COURTNEY HOUSSOS: You are confident of that number?

Mr ADAM MARSHALL: That is the latest advice I have, yes.

Ms CATE FAEHRMANN: I would like to ask a few questions in relation to the clean energy solutions plan on the Department of Primary Industries' website. Are you aware of that?

Mr ADAM MARSHALL: The department conducts many research activities—I think over 500 individual research activities and projects across the State at the moment—and a number of them are focused around the issue of climate change-related research.

Ms CATE FAEHRMANN: I am just wondering how something like this is reported. What is the progress of it, this year's Project 1: Clean energy solutions underneath your climate change research strategy.

Mr ADAM MARSHALL: I will ask Mr Hansen to talk about that.

Mr HANSEN: Maybe we can provide on notice the most current update in terms of progress on that individual project. It is action on an individual project, it is one of three portfolio programs and it is funded under the Climate Change Research Strategy. This one is looking particularly at energy projects to support clean energy and local energy solutions for primary producers in New South Wales. I do not have in front of me the progress on individual projects within that, but we can have that for this afternoon.

Ms CATE FAEHRMANN: Because where it says for activities, for example, "Identified barriers and benefits to industry adoption of renewables", do you have any update on that particular activity, whether it has started, what the time line is?

Mr HANSEN: We will have that ready for you this afternoon for further questions after lunch.

Ms CATE FAEHRMANN: We can discuss that more this afternoon. Regenerative agriculture, I just wanted to get a sense of what the Government is doing in terms of financial incentives for farmers to undertake regenerative agriculture in New South Wales.

Mr ADAM MARSHALL: There are no direct financial incentives that I am aware of around regenerative agriculture. Our efforts as a government and within the DPI are to work with landholders on a number of research projects, but also local land services [LLS], through their extensive and very professional extension officers, work very closely with landholders about not just the issue of regenerative agriculture, but obviously trying to get the most productivity out of their land whilst also improving the soil health or the health environment on their farms, because the two are absolutely interlinked. So whilst I am not aware of any direct funding that is provided there is a lot of expert advice that is provided free of charge to farmers through Local Land Services and a lot of research that then is made available to farmers through DPI and LLS on issues around regenerative agriculture and soil health, and generally the health and wellbeing of farming properties.

Ms CATE FAEHRMANN: But there is funding in terms of carbon farming, is there not, for farmers to improve the carbon in their soil, for example?

Mr ADAM MARSHALL: Not that I administer.

Ms CATE FAEHRMANN: Really?

Mr ADAM MARSHALL: No.

Ms CATE FAEHRMANN: So what is the Department of Agriculture doing in terms of climate change and playing its part in terms of reducing carbon emissions in New South Wales? Is there anything happening?

Mr ADAM MARSHALL: As I said, as part of the DPI's extensive research capability and projects there is a lot of research that is dedicated specifically to climate change. Our role is not to stipulate to farmers or to mandate what farmers can or cannot do, but it is to provide as much research, up-to-date information and the best advice to farmers, which they can choose whether they wish to take advantage of or not. Ultimately, the decisions that farmers make on farm will be decisions they will make as individuals in respect of their environment, their business, what is going on in the markets at the moment. We can just provide the best advice, the best research, give them all the tools. If they choose to use them that is a matter for them; if they do not, again that is a matter for them.

Mr HANSEN: If I could just add, as the Minister said, we not only have a broad portfolio mix of work that is all focused and tailored at increasing production efficiency, in the large part increasing production efficiency is better utilisation of resources, which in turn ends up shrinking the footprint of those industries and the products that are being produced; for example, more efficient bugs in the rumen in livestock help decrease methane gas emissions and so forth whilst fast-tracking the conversion of feed into a saleable carcass at a shorter period of time, reducing the footprint. But we do have, as you have identified, three specific project areas that are funded under the Climate Change Research Strategy; those are the clean energy solutions, one which you commented on; the energy efficient solutions one; and under the Biomass for Bioenergy. So we do have an emissions reduction pathway program and—

Ms CATE FAEHRMANN: Biomass for bioenergy is a very different thing to encouraging farmers to undertake regenerative agriculture. Biomass for bioenergy is very different.

Mr HANSEN: Yes, it is. We do have an accessing carbon markets program as well about extending information to farmers about accessing carbon markets.

Ms CATE FAEHRMANN: We will continue this afternoon.

The CHAIR: Ms Hurst?

The Hon. EMMA HURST: You have spoken about an investment of \$16 million to look at measures to control deer populations. In an ABC Radio interview you said that you were looking at immuno-sterility programs for deer. I am wondering if there are any trials that are currently happening with immuno-contraceptives for deer and if you can update us at all on that research that you mentioned in the radio interview?

Mr ADAM MARSHALL: I am not aware of any specific trials in relation to that—Ms Hansen may be—but I have asked the department to undertake some research, both within the department and also with other agencies across government, to look at some other potential control methods that can be used by either farmers or public landholders so that there is some way that we can have a coordinated approach to managing that species across the State. At the moment permitted control measures for deer in this State are limited to aerial and ground culling, and exclusion fencing—obviously, that is not much of a toolkit for landholders to tackle that species. Mr Hansen may be aware of some other research.

The Hon. EMMA HURST: I might come back to Mr Hansen this afternoon, if that is all right, to get more information about it. If that research comes back as immuno-sterility programs would be useful and beneficial, are you open to including that?

Mr ADAM MARSHALL: Yes, I would be. I have had some discussions with Invasive Species Council. It is aware of some research that has been done overseas. Those programs are difficult to implement because not only do they require catching the deer, but also, for those sorts of programs to be successful, you have to treat such a large number of the population for them to begin to be successful and on a repeat basis that they have been found, I understand in some areas, to be not really so successful. But I am not ruling it out; I am happy to have a look at it. If it can be demonstrated that it can be done effectively, that is something that the Government would have to consider for sure.

The Hon. EMMA HURST: Pig dogging is the practice of forcing dogs to track, pin, hold and maul pigs until a human arrives to finish the kill, usually by stabbing or shooting them in the chest or the stomach. Why is this cruel, barbaric and outdated form of hunting still being allowed to continue in New South Wales? Are you planning to do anything specifically on pig dog hunting in the future?

Mr ADAM MARSHALL: I have no plans to do anything about pig dog hunting. It is controlled and allowable under the Game and Feral Animal Control Act 2002. Is that correct, Mr Hansen? I believe it is allowable practice under that. I do not have any immediate plans to change the status quo in this space. Mr Hansen might be able to provide a bit more information.

Mr HANSEN: The Prevention of Cruelty to Animals Act does apply in this space, but it does allow for hunting in a manner that inflicts no unnecessary pain on the animal. If that requirement is not met, hunters may be in breach of POCTAA.

The Hon. EMMA HURST: In regards to the POCTAA review, do you have any specific plans to review and revise regulations that relate to cruel farm animal practices, which are often exempt under POCTAA? Will it extend to those as well?

Mr ADAM MARSHALL: I am not aware of what cruel farm practices you are referring to that would receive an exemption under POCTAA.

The Hon. EMMA HURST: Where there are exemptions for certain farm animal practices—for example, mulesing without pain relief—are there any specific plans to review those in regard to your overall POCTAA review?

Mr ADAM MARSHALL: I have no immediate plans, but, as I said in my previous answer, there is a commitment, which I am determined to deliver on, to review all of our animal welfare legislation and regulation in New South Wales. As you would be aware, POCTAA is quite an old Act, so are the Animal Research Act and the Exhibited Animals Protection Act. There are three different Acts that overlap, but they are quite old and they have been amended so many times that you can literally see the bandaids one on top of another. The idea of having one modern animal welfare Act—one consistent regulatory regime—is appropriate. There will be an extensive review process. The intention is to be introducing new legislation probably in the first half of 2021.

The Hon. EMMA HURST: Will that extensive review process also incorporate the areas of where there are regulation exemptions, for example, providing pain relief for animals?

Mr ADAM MARSHALL: There will be an opportunity during the consultations for members of Parliament and members of the community to contribute their thoughts and ideas as part of the submissions.

The Hon. EMMA HURST: It is all up on the table.

Mr ADAM MARSHALL: I am assuming you are going to put it in there so it will be considered.

The Hon. EMMA HURST: Yes, of course. Thank you. My understanding is that around half of New South Wales agricultural income comes from plant agriculture. How much does the Government spend in assisting and promoting plant-based agriculture compared to the animal agriculture industry?

Mr ADAM MARSHALL: I probably would have to take that on notice or perhaps we can source that information ahead of this afternoon. I just do not have the detail in front of me, that is all.

The Hon. EMMA HURST: If you can take that on notice, that would be fantastic.

Mr ADAM MARSHALL: Yes, sure.

Mr HANSEN: It would be fair to say that it is the largest part of agricultural research activity.

The CHAIR: Quickly going back to those numbers, I also have a few questions to go through. Mr Hansen, do those fishing numbers include abalone and lobster, which were not part of the fishing reform? The 1,000-odd fishermen? Yes?

Mr HANSEN: Yes.

The CHAIR: Do they also include shell companies that are owned by the same person under different names?

Mr HANSEN: That number reflects fishing businesses, so you can have a fisherman holding multiple positions, yes.

The CHAIR: Minister, there was a study that was co-authored by the Technical University of Munich and Stanford University into this reform, which states:

The main goal of the linkage program was to establish an instrument that could curb overfishing in the long run ... Its goal was not to reduce overall catch in the short run. Indeed, to get the industry to accept the linkage program, it should have no immediate adverse consequences for fishers.

Minister, to me that sounds like the program was set up to deceive commercial fishermen in the short term. How would you respond to that?

Mr ADAM MARSHALL: I have not seen that report. So it is a bit difficult for me to respond—

The CHAIR: I will give it to you.

Mr ADAM MARSHALL: —but what I can say is that very recently I made a public announcement about the appointment of Professor Kate Barclay to conduct a review of the socio-economic impacts of the Business Adjustment Program. That review may pick up some of the sentiment that you are expressing in the lead-up to your question. I am very keen, as a Minister who has come to this portfolio almost at the very tail end of that review, to understand what the impact has been and whether there needs to be any further action to address some of those anomalies or issues that may come about.

The CHAIR: Since you talked about the socio-economic review, are you aware that there was a supposed review done in 2016-2017 and there was a request by this standing committee that that be tabled, but it never was? It was also meant to be published on the NSW DPI site and it never was until a commercial fisher contacted the author of that so-called social economic study, who is based in Canberra, and then subsequently that document was published on the website. It was not the actual socio-economic study; it was a framework in how to do a study.

Mr ADAM MARSHALL: No, I am not aware. In terms of the report that Professor Barclay will furnish me with towards the end of November this year, the Government will consider that report. I am quite comfortable to say that that report would be released as well as any Government response or actions following that consideration. I am not sure what has happened in the past with that report you refer to, but the report that I have commissioned, I am more than happy to say, I will release that along with the Government response and/or actions. If you have any input you want to have into that, I am more than happy to issue the invitation for you to sit down with me or any of my officials to talk about those.

The CHAIR: Minister, are you aware that the Sydney Fish Market recently released a report where it specifically stated that the commercial fishing reforms had an impact on its annual revenue? It has also released figures that show that around 50 per cent of its seafood that it sells now at the Sydney Fish Market is imported, not caught in New South Wales waters.

Mr ADAM MARSHALL: I am not familiar with that report, but I have regular discussions and meetings with the outgoing General Manager of Sydney Fish Market, Bryan Skepper, and Grahame Turk, the Chairman of Sydney Fish Market. I also understand that the amount of seafood that is fished domestically versus imported from overseas does fluctuate from time to time. There is a number of commercial fishers who will choose to not market their catch domestically; they will choose to market it overseas because they can get a better price.

The CHAIR: The figures have been pretty steady around 51 per cent to 56 per cent over the past couple of years; that is not much of a fluctuation. Moving on to Aboriginal cultural fishing, there was legislation passed in 2009, which has section 21AA, which allows or supports Aboriginal cultural fishing. That was passed in 2009. We are now 10 years on. Can you give a commitment to the Aboriginal people that that will actually be enacted in your term of government because it sits there unacted upon?

Mr ADAM MARSHALL: Enacted?

The CHAIR: Yes.

Mr ADAM MARSHALL: I am not aware that it has not been enacted. I am happy to talk to you about that, but I am not familiar with it being not enacted. I do not know if anyone has got anything to add to that or I can just take it on notice and come back to you and the Committee?

The CHAIR: Yes.

Mr ADAM MARSHALL: That is fine. Mr McPherson or Mr Turnell?

Mr TURNELL: We have been doing a fair bit of work with some of the Aboriginal communities about trying to progress this. There has been a bit of difficulty engaging with some of the representative groups. At the moment we are progressing a trial, looking at—I am just trying to find my reference material.

The CHAIR: Ten years is a long engagement process. I would have hoped that you would have taken some steps before 10 years.

Mr TURNELL: There are some very different expectations across some of the groups in the Aboriginal communities, so we are trying our local management plan approach to try to address some of the issues.

The CHAIR: Do you have a time frame?

Mr TURNELL: That is out of my hands, I am sorry.

Mr ADAM MARSHALL: I am happy to take it on notice and come back to you, Mr Chairman.

The CHAIR: That would be great. That concludes our session with the Minister and the Parliamentary Secretary. I thank you, Minister, and Mr Johnsen for attending this hearing. We have finished with your questioning. The Committee will now break for lunch and return at 2.00 p.m. for further questioning of government officers.

Mr ADAM MARSHALL: Thank you, Mr Chairman, for this morning. Just before I go, in an answer to a question from Ms Jackson about whether Griffith was included in Western New South Wales I think I said yes. I am sorry, I was incorrect. Griffith is not part of the definition of Western New South Wales, just to clarify. I just do not want to be misleading the Committee.

The Hon. DANIEL MOOKHEY: Thank you.

(The Minister and the Parliamentary Secretary withdrew.)

(Luncheon adjournment)

The CHAIR: It is now 2.00 p.m. We will begin with questions from the Opposition.

The Hon. DANIEL MOOKHEY: Mr Hansen, are you the traffic cop that we should direct questions to at first instance here?

Mr HANSEN: I can try to help you in the first instance, yes.

The Hon. DANIEL MOOKHEY: I will leave it to you who you think it should be directed to, it may be specifically to yourself. You said this morning that the Minister made reference to \$1.8 billion of assistance being for the drought.

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: How much of that is capital and how much of that is recurrent?

Mr HANSEN: There is \$1 billion which is money which is lent by low-interest loans: the Farm Innovation Fund and the Drought Assistance Fund.

The Hon. DANIEL MOOKHEY: Can you go through those three funds again?

Mr HANSEN: A billion dollars of the \$1.8 billion is for the Farm Innovation Fund and the Drought Assistance Fund loans—they are the low-interest rate loans. The remainder is operational expenditure, so grants, whether it be drought transport subsidy et cetera.

The Hon. DANIEL MOOKHEY: Does that cover water cartage?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: On notice are you able to provide us the \$800 million that is going to the expenditure that you just described, or if you have any further details now as to that \$800 million, because it is not necessarily located in one item in the budget paper, which, to be fair, it does not necessarily need to be? I was just wondering if you are able to list it or if you have got information.

Mr HANSEN: Yes, we can, and we can either run through it here or—

The Hon. DANIEL MOOKHEY: Yes, very quickly if you have got it.

Mr HANSEN: There was \$190 million for drought transport subsidies, there was \$2 million for Western lands lease rates.

The Hon. DANIEL MOOKHEY: When you say "there were" you are speaking in the past tense. Does that mean that this has now come to an end or—

Mr HANSEN: The \$1.8 billion is from the start of the drought assistance package and covers two financial years, so the financial year we have just finished and then rolling into the current financial year as well.

The Hon. COURTNEY HOUSSOS: That is over two financial years, which is \$900 million on average over each financial year?

Mr HANSEN: Yes. The \$1 billion for the Farm Innovation Fund and the Drought Assistance Fund loans stretch out to the forward four-year estimates unless otherwise used sooner or earlier.

The Hon. DANIEL MOOKHEY: You were taking us through the \$190 million for—

Mr HANSEN: It was \$190 million on the drought transport subsidies and that also included emergency water supply measures, the Rural Resilience Program at \$2 million, Western lands lease rate waivers at \$2 million and there was \$100 million in cutting costs of farming fees and charges. This was a package that was announced on 30 July 2018; this was the \$500 million package. That included \$50 million for Local Land Services rates, \$30 million in waiving fixed water charges in rural and regional areas, \$7 million for waiving class 1 agricultural vehicle registration costs and \$11 million for waiving the interest on Farm Innovation Fund loans. Those packages were then carried forward and renewed with the announcement on 11 June this year of the Emergency Drought Relief Package for 2019-2020.

So there was \$355 million, and \$185 million of that was to continue some of those on-farm support measures that we just ran through; so \$70 million for transport subsidies, \$50 million on again another year's worth of Local Land Services rate waivers, \$30 million again on this year's worth of waiving fixed charges for New South Wales water licences, \$15 million on emergency water carting, \$10 million to waive interest rate charges for Farm Innovation Fund loans and then there was \$170 million allocated in the most recent package to drought infrastructure—so this was post farm gate investments. That included some fast-tracked identified major infrastructure projects, \$30 million on a new groundwater supply for Dubbo, \$8.2 million for construction—

The Hon. DANIEL MOOKHEY: Sorry, just before you go too far beyond, what were the fast-tracked—

Mr HANSEN: These are the ones I am running through.

The Hon. DANIEL MOOKHEY: Sorry, I thought that you were implying they were a different category.

Mr HANSEN: There was \$8.2 million for construction of second water storage at Nyngan, \$2.2 million for bore augmentation for water supply at Coonabarabran, \$2 million for the Albert Priest Channel critical maintenance between Nyngan and Cobar, and \$1.97 million towards Coolamon Industrial Estate development.

The Hon. DANIEL MOOKHEY: Has that money been exhausted or is there more money available in that respect?

Mr HANSEN: All the budget for this year is currently in play in terms of its implementation, and all at various stages of implementation.

The Hon. DANIEL MOOKHEY: Have you received any further applications for fast-tracked water infrastructure?

Mr HANSEN: Sorry, that fund is being managed by the water department or is it the—

The Hon. DANIEL MOOKHEY: I feel like it is going to be a recurrent theme as to precisely who is doing what throughout this estimates hearing.

Mr HANSEN: Water infrastructure sits within the water group, they are the ones who are handling all the administration of that. DPI administers the on-farm drought assistance package. So that is how we delineate the delivery of service.

The Hon. DANIEL MOOKHEY: You do the water cartage subsidies though?

Mr HANSEN: No.

The Hon. DANIEL MOOKHEY: Let us talk about the Farm Innovation Fund. Was that notionally \$350 million?

Mr HANSEN: All up now, because remember it was started, I think, back in 2015, it is up to the ability to lend up to \$1 billion of low-interest loans.

The Hon. DANIEL MOOKHEY: How many has it lent in the last 12 months? The number of and value of, if you have got that.

Mr HANSEN: Farm Innovation Fund total loans to date are 2,637 and approved in the last financial year 2018-19 was \$322.5 million. Approved so far in this financial year is \$16.78 million.

The Hon. DANIEL MOOKHEY: How many loans is that?

Mr HANSEN: It is 2,171 approved.

The Hon. DANIEL MOOKHEY: Sorry, I may have been confused. You meant that is since the point of inception or was that in the last financial year?

Mr HANSEN: That is since the start date of 3 February 2015.

The Hon. DANIEL MOOKHEY: I am asking how many in the last year that accounted for that \$322.5 million.

Mr HANSEN: I do not have that breakdown here in front of me.

The Hon. DANIEL MOOKHEY: Do you have data as to where geographically these ones are going?

Mr HANSEN: We do. We do have by postcode.

The Hon. DANIEL MOOKHEY: On notice can you provide that to us?

Mr HANSEN: Sure.

The Hon. COURTNEY HOUSSOS: Including a year-by-year breakdown.

The Hon. DANIEL MOOKHEY: A year-by-year breakdown as well?

Mr HANSEN: Yes, okay.

The Hon. DANIEL MOOKHEY: How many applications are still pending?

Mr HANSEN: Pending at the moment is 114.

The Hon. DANIEL MOOKHEY: How long have they been pending for?

Mr HANSEN: I could not tell you. I do not have a breakdown of those numbers.

The Hon. DANIEL MOOKHEY: How long does it take you to process an application and who actually does process the applications?

Mr HANSEN: The Rural Assistance Authority is the authority that approves the loans. Processing time lines for the Farm Innovation Fund since its inception average 24 days, but vary greatly depending on the amount of information that is provided in the initial assessment, the amount of time it takes for any third party lender or bank to get back to us with regards to security—so a lot of external factors in that time frame; some are much quicker, some are much longer, but that is the average in the processing times at the moment.

The Hon. DANIEL MOOKHEY: Is the State taking any security from any of the farms that are involved?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: How do we do that? What are we securing the loans against?

Mr HANSEN: Against farm assets, whether that be the property itself or against assets on the farm.

The Hon. DANIEL MOOKHEY: Are we going on the second schedule? Are we mortgaged or—

Mr HANSEN: No. I will have to take it on notice and I will come back to you before the end of the session but I think we actually take the first.

The Hon. DANIEL MOOKHEY: We take the first schedule?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: So we take priority above the banks?

Mr HANSEN: I believe that is where we are, but let me come back to you and confirm that.

The Hon. DANIEL MOOKHEY: I raise that because one of the concerns that is coming up is this perception that being able to access this loan fund jeopardises the ability to access private sector financing and private sector funding. Are you aware of that concern?

Mr HANSEN: No, in fact we have regular conversations with both the lenders and the participants involved in the scheme and that is certainly not a concern in our area. There are some government loan products from the Commonwealth that do allow you to refinance; we do not allow refinancing. Obviously, our loans are for the purchase of assets, which makes it a much simpler task in terms of dealing with other commercial lenders than if, for example, someone is coming to us to look to refinance loans that they have with other lenders, utilising the Government's low interest and long-term fixed rates.

The Hon. DANIEL MOOKHEY: You pre-empted my next question. Are you engaging with private sector lenders on a formal basis? Is there a forum?

Mr HANSEN: If there is a formal forum, I am not aware of it. I am happy to take that on notice to see if there is one in which our lenders participate. We do get involved in an informal forum on a regular basis in terms of discussions with banks about what they are seeing out there, what trends they are noticing and any issues that they are hearing about from our lending programs.

The Hon. DANIEL MOOKHEY: How many applications were rejected?

Mr HANSEN: I will grab that number for you. So far we have refused 5 per cent—so, 137.

The Hon. DANIEL MOOKHEY: What were the main reasons for refusal?

Mr HANSEN: I could not tell you that, sorry. I do not have that here in front of me.

The Hon. DANIEL MOOKHEY: Do you apply a loan valuation ratio of any form, as in capping what you are capable of lending to the farms?

Mr HANSEN: Up until recently, our cap was set via the guidelines for the program: It was \$250,000 in any one program up to half a million dollars for any one farm. That has now changed and we can now lend up to \$1 million, but that is to the cap that we apply to each. However, obviously, each case gets assessed in terms of its capacity to repay and hence what should be lent.

The Hon. DANIEL MOOKHEY: What is the average interest rate we are charging?

Mr HANSEN: It is 2.5 fixed.

The Hon. DANIEL MOOKHEY: How is that derived? Does that change?

Mr HANSEN: That was derived at the start of the program back in 2015. It has not changed and it is fixed for 20 years.

The Hon. DANIEL MOOKHEY: Have repayments begun?

Mr HANSEN: Yes, repayments have begun. In the past two years—the past financial year and this financial year—Government has taken the decision as part of the drought package, as I rolled through previously, to forward or to pay the interest for those loans for those two years and hence interest payments have not been payable for the past two years on those lines.

The Hon. DANIEL MOOKHEY: What about principal?

Mr HANSEN: Principal has continued to be paid.

The Hon. DANIEL MOOKHEY: Do you know how much principal has been repaid?

Mr HANSEN: No, I would have to take that on notice.

The Hon. DANIEL MOOKHEY: Is it cycled, as in, does it go back into the fund to be re-lent?

Mr HANSEN: No, it goes back into consolidated revenue and we draw back out from consolidated revenue as part of the lending program.

The Hon. DANIEL MOOKHEY: Do you monitor risk? How many farms have you identified as being at risk of not being in a position to repay in accordance with their loan agreement?

Mr HANSEN: We do monitor risk. We have a very low default rate. We apply appropriate guidelines to make sure that we are managing that risk and not putting farmers in a position in which they cannot afford or cannot manage their repayment schedule.

The Hon. DANIEL MOOKHEY: Is that the Farm Innovation Fund?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: You said Drought Assistance Fund. Do you have a separate source of loans?

Mr HANSEN: That is actually money drawn out of the \$1 billion overall envelope, but it is a different loan, different funding criteria, and different terms and conditions.

The Hon. DANIEL MOOKHEY: What are the principal differences?

Mr HANSEN: The major difference is the capital amount that we are able to lend. It commenced on 14 June 2018. It has had 1,459 successful applicants. It has got just under \$70 million worth of assistance that has been provided through that. It was intended to be the package that enabled smaller loans—\$50,000 loans—repaid over a seven-year period, two years interest free, five-year repayment period—at zero interest rate, sorry.

The Hon. DANIEL MOOKHEY: How many applications were rejected?

Mr HANSEN: So far we have had 186 refused; just under 10 per cent.

The Hon. DANIEL MOOKHEY: Can you perhaps take on notice the reasons for refusal?

Mr HANSEN: Yes, sure.

The Hon. DANIEL MOOKHEY: You said 186 refused and that 1,459 were successful. Did I hear that right?

Mr HANSEN: Actually, the number I have here is 1,464.

The Hon. DANIEL MOOKHEY: It was out by five.

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: Sorry, my fault. You said \$70 million. How are these loans secured?

Mr HANSEN: We obviously take a lower security over these loans. However, these loans are not just necessarily for purchasing of assets—they can be used for either carting of fodder or for purchasing of fodder or for movement of livestock. But it is a different securitisation approach to what we take for the Farm Innovation Fund, which is obviously a higher amount.

The Hon. DANIEL MOOKHEY: On notice, are you able to give us the same geographic description about the dispersals?

Mr HANSEN: Sure.

The Hon. COURTNEY HOUSSOS: Mr Hansen, I want to come back to the dairy commissioner.

Mr HANSEN: Just so I do not appear to be too rude, if you have anything on Western New South Wales, Mr Barnes is here. If you have anything on Local Land Services, the CEO of LLS is sitting here. In terms of the earlier "who do I direct to?", feel free to pick on my colleagues as well.

The Hon. DANIEL MOOKHEY: We will do our level best.

The Hon. COURTNEY HOUSSOS: We will try to ensure that everybody gets a bit of an opportunity this afternoon. You talked about four staff existing within DPI at the moment in the office that supports the dairy industry. Can you tell me what they do?

Mr HANSEN: The staff that we are going to have—there is a technical specialist—

The Hon. COURTNEY HOUSSOS: Sorry, what is the existing support? Before the establishment of the new dairy support unit—if I have the terminology correct—what are those for staff working in dairy doing now?

Mr HANSEN: They are delivering on training resources through Tocal agricultural college in terms of dairy training and dairy industry. They are helping conduct research, such as our Dairy Farm Monitor Project, which collects data from dairy farms, and monitors economic performance and physical performance of dairy farms, and it is involved in project officer work at the moment.

The Hon. COURTNEY HOUSSOS: Does it track the number of dairy farms in New South Wales?

Mr HANSEN: It does, but more reliable tracking on dairy farms is the Food Authority because dairy farms require to be licensed. The Food Authority does regular updates in terms of numbers of licensed dairy farms in the State.

The Hon. COURTNEY HOUSSOS: Should I direct those questions to you or to someone else?

Mr HANSEN: Yes, that is fine.

The Hon. COURTNEY HOUSSOS: Can you tell me, according to the Food Authority, how many dairy farms we have?

Mr HANSEN: I have taken it on notice. I know it has just completed the results. I think it has dropped just below 600. I think the Minister this morning spoke about 600 dairy farms, which is the last figure that we had, but I think we have just received new data from the Food Authority today, which indicates that it has dropped just below 600. But we can take that on notice.

The Hon. COURTNEY HOUSSOS: I think the submissions that we received to the dairy inquiry last year said that there were 526. Would that figure have come from Dairy Australia or did that figure come from—would that match up with your figures?

Mr HANSEN: I would have to check the *Hansard* on that.

The Hon. COURTNEY HOUSSOS: If you could provide us with the latest figures, what were the previous ones and when were they collected?

Mr HANSEN: Any trends.

The Hon. COURTNEY HOUSSOS: And if you have any in November last year, that would be useful as well. Has your department undertaken any modelling on what price per litre of milk is sustainable for farmers or what the current production cost is per litre for farmers?

Mr HANSEN: We have looked, through our Farm Dairy Monitor Project, where we monitor input prices and prices received, how people are going in terms of cost reduction. We have not done any modelling about what is required—dollars per litre—to cover those costs, but it would be a simple equation that we could do off that, yes.

The Hon. COURTNEY HOUSSOS: Is that information available publicly?

Mr HANSEN: Yes, it is. We will make sure you have a copy of it.

The Hon. COURTNEY HOUSSOS: That would be great. Can I ask you about the Drought Feed Calculator app?

Mr HANSEN: Yes.

The Hon. COURTNEY HOUSSOS: Why don't you tell me about what it does?

Mr HANSEN: It helps farmers to determine, based on the different types of livestock at different points in their livestock productivity—whether they are breeding or whether they are dry—and helps calculate the energy requirements that they need to be able to sustain and assist those animals. It helps them work out, against a variety of feed types that may be available to them, what quantity of feed they need or what quantity of pasture they might need to sustain those animals.

The Hon. COURTNEY HOUSSOS: When was the app launched?

Mr HANSEN: I would have to take that on notice, sorry.

The Hon. COURTNEY HOUSSOS: Can you tell me how much it cost to develop it?

Mr HANSEN: I will take that on notice as well. That is just the development of the app, isn't it?

The Hon. COURTNEY HOUSSOS: Yes.

Mr HANSEN: Because there is about 100 years' worth of research into nutrition and so forth that has gone into the background of the app. We can certainly get you the number just for the development of the app.

The Hon. DANIEL MOOKHEY: If you would like to give us an estimate as to what you think that 100 years worth of research cost, we will take it, but we will take the app development cost at this point.

Mr HANSEN: Perfect.

The Hon. COURTNEY HOUSSOS: Can you tell me how many people have used it, downloaded it? Do you keep records?

Mr HANSEN: We do actually, yes.

The Hon. COURTNEY HOUSSOS: Excellent.

Mr HANSEN: And not just records of Australian downloads; it is actually being downloaded internationally and therefore we have those figures and statistics as well.

The Hon. COURTNEY HOUSSOS: That would be fantastic—anything you have on record on that. I move to the Farm Tracker app. Can you tell me about the Farm Tracker app?

Mr HANSEN: I am not going to be able to tell you as much as I did about the drought feeding app so, no, I will have to take that one on notice.

The Hon. COURTNEY HOUSSOS: That is fine. I am just seeking the same information—when was it launched, how many people have used it and how much did it cost?

Mr HANSEN: Cost of development, yes.

The Hon. COURTNEY HOUSSOS: Beautiful, thank you very much.

The Hon. DANIEL MOOKHEY: Any marketing costs incurred as well?

The Hon. COURTNEY HOUSSOS: Yes, for both?

Mr HANSEN: Okay.

Mr JUSTIN FIELD: Mr Hansen—and you can pass it on if you like—with regard to the status of the entire marine estate management program of works, obviously the pilots have been pushed back significantly. I think they were due to be started in the previous term. What is the status of the Batemans pilot and Solitary Islands pilot?

Mr HANSEN: I might start with the Batemans pilot. For Batemans we have finished stage one. Stage one is the consultation with the community and with local industry, and it is the piece we do that tries to arrive at what are the objectives or what do they want to extract out of the future planning and management of the marine estate. That stage has been completed. That is where we identify the values, the threats and management objectives. Out of that has come agreement, supported by the marine park advisory committee, that the key goals for Batemans are providing safe and equitable access to the marine park for a diverse range of experiences, providing enhanced opportunities for sustainable tourism, protecting habitat and marine species and restoring or improving degraded habitat, a renewed focus on research and education and supporting water quality improvements. So we now move to stage two, which is basically the consultation with the community, which includes what is the best mechanism and projects to deliver against that. We anticipate that that will take us between now and the end of the year and that we will then move to stage three, which will be putting forward proposals for the suite of projects, developing up any of the regulatory changes that might be required—

Mr JUSTIN FIELD: Including any rezoning, I assume?

Mr HANSEN: That is right, and starting to move those through.

Mr JUSTIN FIELD: You say you have consulted with the advisory committee. As I understand, the advisory committee does not exist anymore. Its term has expired and it has not been reappointed.

Mr HANSEN: Its term has expired. The expressions of interest are out at the moment to refill those.

Mr JUSTIN FIELD: When would you expect they would be refilled?

Mr HANSEN: I do have a time frame on that, if you will just bear with me. Before its time expired is when that consultation in stage one was conducted. As I said, I do have—

Mr JUSTIN FIELD: That is all right; I can put that question on notice. Once the proposals, the initiatives, the rezonings that you might come up with as ideas to implement those outcomes that people are seeking, will there be an open public submission process?

Mr HANSEN: I would anticipate that that would be the process for getting all views from the community on projects and proposals. That is something that we would work up with both the local advisory committee and the marine estate expert knowledge panel that is watching over the pilot of the new marine park planning process. I know that 22 September is the date that we are closing the call for nominations for that marine park.

Mr JUSTIN FIELD: As you understand it, there have been no decisions taken on rezonings or the removal of any marine sanctuary protections as part of the process so far?

Mr HANSEN: No, no decisions on that so far.

Mr JUSTIN FIELD: Is the Solitary Islands process at the same status or has that been paused?

Mr HANSEN: No, and in fact the next one in the work program at the moment is not Solitary Islands; it is actually Port Stephens.

Mr JUSTIN FIELD: That got brought forward during the election?

Mr HANSEN: That is right, yes.

Mr JUSTIN FIELD: When do you expect we will see a final outcome on the Hawkesbury review process?

Mr HANSEN: The Government is still considering all the feedback and response it had from the consultation process late last year. I do not know when we will see a decision on that.

Mr JUSTIN FIELD: Do you know if your department was consulted or Primary Industries was consulted by WaterNSW about the decision to take additional water from the Shoalhaven and transfer it to Sydney?

Mr HANSEN: Not that I am aware of. I do not know whether at an officer level or at a lower level it was done.

Mr JUSTIN FIELD: Could you take on notice and provide the committee with a response as to whether or not there were any engagements between the two parts of the department?

Mr HANSEN: Sure.

Mr JUSTIN FIELD: That would be useful, thank you. This might be one for Mr Witherdin. It is about the issue I raised this morning about this new north-west or region-specific code. When did the process to develop the pilot start?

Mr WITHERDIN: You would have to go right back to the former Minister's second reading speech.

Mr JUSTIN FIELD: I have. I have the quotes here, actually.

Mr WITHERDIN: That was when it was first mentioned in terms of both the north-west and the Monaro at that time as to the two pilot projects.

Mr JUSTIN FIELD: I have read the speech. It is not clear that there was the suggestion there would be regional specific codes put in place. The legislation was very controversial. Everyone was watching very closely. People seemed surprised that there were region-specific codes being developed. What part of the speech are you referring to?

Mr WITHERDIN: My advice was certainly committed to, as part of the second reading speech—I am happy to park that, if you like, and we can move on and talk more about the process in terms of where we are at with the pilots in relation to each of those.

Mr JUSTIN FIELD: As I understand it, it has to do with the size of the properties. This is the end of my questioning, but the one to four offsets that are provided for under the existing codes, my understanding is that these regionally specific codes will not have that component included.

Mr WITHERDIN: We are only at a pilot stage, and I will speak in relation to large area-type codes. We are at a pilot stage there. There is not even a draft code in terms of the large area code. We are going back out to Walgett—I think we will be out there on 24 September—working with the consultative group there as part of that pilot process. From there we will take the initial steps to develop a regional solution specific to larger-scale areas. We are very much at the early part of that process. Anything we do in this process is about no net environmental loss at, sort of, the bioregion scale as well. Of course, we have to work with our colleagues in Environment, Energy and Science. Any changes in terms of these reforms require the concurrence of both the agriculture Minister and the environment Minister.

The Hon. EMMA HURST: Mr Hansen, earlier today I think you mentioned that roughly about 95 per cent of slaughterhouses had voluntary CCTV cameras. Do you know much about the 5 per cent that are not using CCTV cameras? Which slaughterhouses are not and why are they not using CCTV?

Mr HANSEN: No, sorry, I do not have that. I will have to take that on notice.

The Hon. EMMA HURST: Also earlier today when I asked the Minister about consumers and transparency in the animal agriculture industry, he mentioned that there were field days where people could come and visit the farms. Does this include intensive animal agriculture field days?

Mr HANSEN: I am certainly aware of intensive animal production systems, which have open days on which they bring local schools or local communities in to look at what they are doing and how they are doing it.

I do not know whether that is a formalised program or whether that is an initiative that the owners undertake on their own. I certainly know a number of brands use that as a brand marketing tool in terms of transparency and being open to the community coming in to see how they do things and what they do.

The Hon. EMMA HURST: Do you know how they follow biosecurity measures when they are inviting people in, given that, as we heard earlier today, biosecurity is such a big issue.

Mr HANSEN: The individual biosecurity management plans will vary business to business. For example, in some locations they will require all participants as they hop out of the school bus or bus to walk through a foot bath to ensure nothing is being transported via shoes. They will keep people outside of areas in which there is a heightened sense of biosecurity risk. Each industry and business will have a different set of guidelines that they have people operate to. I do not know if there is a standard one, as opposed to each of them tailoring it to the particular nature of their business.

The Hon. EMMA HURST: How many inspections of intensive animal agriculture facilities and how many inspections of slaughterhouses in New South Wales are announced and unannounced? Is there any kind of formulation that is used for random inspections?

Mr HANSEN: That is a good question. I know the total number of audits and inspections; I do not know the breakdown. I know that last year, for example, the Food Authority had over 11,000 inspections. I could not give you a breakdown, with what I have in front of me, of how many were unannounced versus how many were scheduled.

The Hon. EMMA HURST: Could you take that on notice?

Mr HANSEN: Sure.

The Hon. EMMA HURST: If that information is available that would be fantastic. Dr Filmer, I believe that you are able to answer some questions for me about the use of animals in medical research?

Dr FILMER: I will try to.

The Hon. EMMA HURST: The three Rs—replacement, reduction and refinement—are said to be enshrined in New South Wales legislation and regulation with regard to the use of animals in experimentation. Can you give me a bit of information about what the department is doing to promote the replacement of animals in research?

Mr HANSEN: Perhaps I could start off. In 2017-18, which is the last reporting year that we have all the data collated on, we found that 12 per cent of projects had found alternatives to animals—the replacement component that you asked about. Methods for that replacement include non-animal systems, historical controls and better use of existing data rather than having to replicate or collect new data using new animals. Those results came about via the Animal Research Review Panel. The panel looked at the projects and proposals that got submitted in that year and how many ended up using a replacement for animals in research for research purposes.

The Hon. EMMA HURST: Is the data for 2017-18 publicly available?

Mr HANSEN: I expect that it is, yes.

The Hon. EMMA HURST: Did you have anything to add to that, Dr Filmer?

Dr FILMER: No, but if you look on the Animal Ethics Infolink website you can get the research data from there.

The Hon. EMMA HURST: Does that data outline the number of cats and dogs that have been used in medical research in New South Wales? Does that data separate the number of cats and dogs used in research compared to teaching? I understand that they are sometimes collated together, which gives different figures on how many animals are being used in actual research projects compared to, for example, vet student teaching.

Dr FILMER: There were 3,700 dogs used in the most recent report and 1,700 of those dogs were used in the lowest impact category. The remainder, all bar one dog, were used in the low impact category. One dog was used in a high impact category. There were 861 cats used and 498 of those were used in the lowest impact category. The remainder were used in the low impact category.

The CHAIR: I want to come back to the share trading scheme. Is it correct that when commercial fishermen agreed to go into the share trading scheme they had to sign a waiver or agree to a set of terms and conditions?

Mr HANSEN: Yes.

The CHAIR: Was one of those conditions that they had to waive their right to take legal action against the Government if there was an adverse outcome?

Mr HANSEN: I cannot recall that off the top of my head. I will have to take that question on notice.

The CHAIR: Are you aware of any commercial fishermen taking legal action against the Government regarding the reform?

Mr HANSEN: Yes.

The CHAIR: Is one of those cases *Elliott v Minister Administering Fisheries Management Act 1994 [2018] NSWCA 123*? Is that one of the cases you are familiar with?

Mr HANSEN: That is correct.

The CHAIR: Would you agree that one of the premises of Mr Elliot's argument was that there were not any mud crab shares to purchase as they had all been bought and sold prior to the opening? Would you agree that that was the crux of his argument against the Government?

Mr HANSEN: I do not know enough of the detail of Mr Elliot's argument.

The Hon. LOU AMATO: You can take it on notice.

The CHAIR: Yes, you can take in on notice. Does anyone else know the crux of the argument?

Mr HANSEN: I am happy to take that on notice and come back to you.

The CHAIR: Is there a limit on how many shares in a class a commercial fisherman can own in terms of quota shares or access shares, particularly quota shares?

Mr McPHERSON: I can assist with that. There is not in terms of a particular share class but there is in terms of a fishery.

The CHAIR: Do you mean a geographical region?

Mr McPHERSON: No, a fishery, for example the Ocean Trawl Fishery, has a number of different share classes within it. There is a limit on how many shares someone can own across that whole fishery.

The CHAIR: What are those limits?

Mr McPHERSON: It is 50 per cent.

The CHAIR: It is 50 per cent?

Mr McPHERSON: Yes.

The CHAIR: Does that extend to all classes?

Mr McPHERSON: I would have to take that on notice.

The CHAIR: You might need to take my next question on notice as well. Does that include all fishing businesses? I draw you back to the question I asked about fishermen having multiple fishing businesses and essentially shell companies. Could a fisherman who has shell companies spread those shares across their shell companies to hide the fact that they are essentially going above that cap or quota? Is that possible?

Mr McPHERSON: I understand what you are saying. I would have to take that on notice to make sure I give you a correct answer on that.

The CHAIR: Do you monitor the share market or the FishOnline trading scheme? Is that monitored by the DPI regularly?

Mr McPHERSON: The share trading scheme, subsidised share trading market has finished.

The CHAIR: The ongoing trading between fishermen, I think it is done by FishOnline or they do it privately. Do you guys monitor that?

Mr McPHERSON: We do monitor that.

The CHAIR: How often do you monitor it?

Mr McPHERSON: It is ongoing. I want to clarify: Are you talking about the holding of shares or the reporting of quotas?

The CHAIR: Both the holding of shares and the reporting of quotas. Are they both monitored?

Mr McPHERSON: Yes.

The CHAIR: You said that is ongoing?

Mr McPHERSON: It is.

The CHAIR: Is the share market audited at all at any point by an external auditor?

Mr McPHERSON: Our subsidised share trading market was.

The CHAIR: But is the FishOnline scheme audited at all by an external auditor periodically?

Mr McPHERSON: Not that I am aware of.

The CHAIR: In your monitoring have you noticed any anomalies at all with the trades going on?

Mr McPHERSON: Have you got something in particular?

The CHAIR: Have you noticed that any of the several fishermen that have shell companies are periodically moving or spreading their shares across their shell companies at certain times of the year?

Mr McPHERSON: I am not familiar with the shell companies but we do monitor the movement of shares because fishers are required to apply—

The CHAIR: Could you move the microphone down a bit? That is better.

Mr McPHERSON: Fishers do apply to transfer shares if they do it by the paper system. We do monitor and check those share movements. Fishers can also move and trade shares online and we do monitor those as well. In terms of anomalies, I am not exactly sure what you are talking about, but if we do pick up that someone is ineligible to hold a particular share type then we would pick that up so they would not be able to effect that transfer or the system would capture that.

The CHAIR: I have received reports from other commercial fishermen that there are, for want of a better word, commercial fishermen—because they are not really commercial fishermen—people who own fishing businesses moving their shares at periods of time during the year to avoid paying certain fees and charges. They are spreading their share fat across their fishing businesses. Have you noticed any indications that that might be occurring

Mr McPHERSON: I am not aware that that is happening.

Mr HANSEN: That is something we can certainly look at. Your question about caps—is it 40 per cent or 50 per cent?

Mr McPHERSON: We will clarify that and check it for you.

Mr HANSEN: I think it might be 40 per cent.

The CHAIR: Thank you.

The Hon. DANIEL MOOKHEY: Mr Hansen, does the department undertake its own economic modelling or does it rely on the Australian Bureau of Agricultural and Resource Economics and Sciences [ABARES]?

Mr HANSEN: A combination. It depends on what it is we might be modelling. We do some forecasting of what we think gross value production within the State of New South Wales might be based on what we are aware of in terms of seasonal conditions, plantings, livestock numbers and so forth. But we always use ABARES as the cross-reference back.

The Hon. DANIEL MOOKHEY: Sound.

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: What is your modelling saying right now in terms of the impact of the drought over the next 12 months on both economic growth in the sectors that you are managing and value?

Mr HANSEN: The modelling on the economic impact of the drought is work that we have had done by Victoria University, as well as ABARES has recently done some. They are talking about a reduction in gross State product of about \$5.7 billion.

The Hon. DANIEL MOOKHEY: Over what period?

Mr HANSEN: In 2018-19. When we get the figures out of this financial year that has just finished, they are saying that they expect that will be the debt.

The Hon. DANIEL MOOKHEY: That is \$5.7 billion.

Mr HANSEN: And a further decline is expected in 2019-20 as it continues.

The Hon. DANIEL MOOKHEY: Do you have an estimate of the decline?

Mr HANSEN: It is expected to fall by 166 per cent. Sorry, I mixed apples and oranges there. That decline is actually farm business profit.

The Hon. DANIEL MOOKHEY: The 166 per cent or the \$5.7 billion?

Mr HANSEN: The \$5.7 billion is obviously State gross product. The 166 per cent is actually a decrease in farm profit levels.

The Hon. DANIEL MOOKHEY: Do you have an estimate or a forecast of the decline in—the equivalent figure for the \$5.7 billion, I think it was gross value.

Mr HANSEN: Yes. They are talking about a further 27 per cent reduction in 2019-20. I do not have what that gross amount equals.

The Hon. DANIEL MOOKHEY: But that is set with a baseline having factored in that \$5.7 billion already?

Mr HANSEN: That is right.

The Hon. DANIEL MOOKHEY: Fair enough. Do you have any specific numbers as to whether or not it is concentrated in grain, cattle, lamb? Where are we at?

Mr HANSEN: Obviously the cropping farm profitability is going to be the hardest hit, although dairy equally is wearing a fair brunt. Livestock industries are offsetting numbers with the fact that smaller livestock turn-off post drought will increase the value. So we are still seeing record prices or high prices for a lot of livestock turn-off. The forecast, I have some numbers here. New South Wales cropping farm profitability 2018-19 is forecast to fall by about 182 per cent. That is off the 2016-17 levels, so levels at the start of the drought. Dairy is set to fall by 323 per cent over that same period of time.

The Hon. DANIEL MOOKHEY: Do you publish these figures or this modelling?

Mr HANSEN: Yes. In fact, I believe those ones come from work that we have done with ABARES. So ABARES has published them.

The Hon. DANIEL MOOKHEY: We pursued this with Treasury and they referred us to you. Hence the questions. I will move on to commercial fishing. A shares appeal panel is required to be established under the Fisheries Management Act. Is that correct?

Mr HANSEN: That is correct.

The Hon. DANIEL MOOKHEY: Is that established?

Mr HANSEN: Yes, it is.

The Hon. DANIEL MOOKHEY: Who is on it? When was it established?

Mr HANSEN: Just bear with me. I know 26 June was the first meeting of the shares appeal panel. So can I say they were established before 26 June.

The Hon. DANIEL MOOKHEY: Okay, but recently, it is fair to say.

Mr HANSEN: That is right, 2019.

The Hon. DANIEL MOOKHEY: Who is on it?

Mr HANSEN: The panel comprises Dr Diana Day, who is the chairperson; a nominee of the secretary of the department, who is Mr Mika Malkki, Director of Fisheries Operations; and Mr Peter Dundas-Smith, who was nominated by the NSW Seafood Industry Council and the New South Wales Professional Fishermen's Association.

The Hon. DANIEL MOOKHEY: Are those people remunerated in any way?

Mr HANSEN: They are, the chairperson and deputy chair. The deputy chair is Ms Donna Rygate, who can act in the place of the chairperson if the chairperson is unavailable. The chair or deputy chair are paid a sitting fee of \$1,000 a day. The member with industry experience is paid a sitting fee of \$500 per day. Obviously, the departmental staff person does not receive anything.

The Hon. DANIEL MOOKHEY: It sounds like it is aligned with the general policy that the Government applies to these panels.

Mr HANSEN: Yes, that is my understanding.

The Hon. DANIEL MOOKHEY: Was there a delay in establishing this panel?

Mr HANSEN: Not that I am aware of.

The Hon. DANIEL MOOKHEY: How many applications has the panel received so far?

Mr HANSEN: It is 23 shareholders have made 40 share appeal applications. Some shareholders have appealed their allocation in more than one share class.

The Hon. DANIEL MOOKHEY: Yes, of course. How many have been determined?

Mr HANSEN: I think that is still being determined.

The Hon. DANIEL MOOKHEY: Have any been determined?

Mr HANSEN: Yes, still being determined.

The Hon. DANIEL MOOKHEY: Has a determination been completed with respect to any of the matters?

Mr McPHERSON: I can assist there. The panel has not determined any applications at this stage.

The Hon. DANIEL MOOKHEY: When does it expect to make a determination?

Mr McPHERSON: The first hearings are set down for October and they will be ongoing down the coast as they progress through the appeals.

The Hon. DANIEL MOOKHEY: Is the appeals panel on a circuit?

Mr McPHERSON: They will travel down the coast so that the fishermen do not have to travel too far to have their appeals heard.

The Hon. DANIEL MOOKHEY: On notice, are you able to provide us where they are going and when they are going?

Mr McPHERSON: Absolutely.

The Hon. DANIEL MOOKHEY: That would be very useful. Are they subject to rules of evidence? Are they applying the rules of evidence?

Mr McPHERSON: I would have to take that on notice.

The Hon. DANIEL MOOKHEY: Do they apply the rules of natural justice?

Mr McPHERSON: I am sure they would.

The Hon. DANIEL MOOKHEY: Does an appellant have to pay a fee to access the panel?

Mr McPHERSON: Yes, that is right. From memory, there is an application fee of \$386. I will clarify that.

Mr HANSEN: Yes, \$386 per appeal.

The Hon. COURTNEY HOUSSOS: How was it publicised?

Mr HANSEN: I am not aware.

Mr McPHERSON: Sorry?

The Hon. COURTNEY HOUSSOS: How was the establishment of the tribunals publicised?

Mr McPHERSON: The positions were advertised.

The Hon. COURTNEY HOUSSOS: No, how did people know they could lodge an appeal?

Mr McPHERSON: All fishermen who were allocated shares in the process were notified of the fact that we were establishing the panel and of their rights to appeal.

The Hon. COURTNEY HOUSSOS: I am told it is not listed on the website.

Mr McPHERSON: We will check that but I am pretty sure all the information is up on the website.

The Hon. DANIEL MOOKHEY: You said the application fee is \$386. Are people entitled to have legal representation at the appeal?

Mr McPHERSON: Absolutely.

The Hon. DANIEL MOOKHEY: Has anyone been advised that a review would cost \$2,900.

Mr McPHERSON: Not that I am aware of.

The Hon. DANIEL MOOKHEY: Are you aware of any instances of a person lodging an appeal and having to exit the industry because they have not been able to have their appeal determined in time?

Mr McPHERSON: Not that I am aware of.

The Hon. DANIEL MOOKHEY: Have all the share management plans been made?

Mr McPHERSON: Yes.

The Hon. DANIEL MOOKHEY: When was that completed?

Mr McPHERSON: They were completed and amended at various times over the years.

The Hon. COURTNEY HOUSSOS: What consultation did you do with industry on this?

Mr McPHERSON: In relation to the share appeals?

The Hon. COURTNEY HOUSSOS: Yes.

Mr McPHERSON: As I said, all participants in the share management fishery who were allocated shares were advised of their rights of appeal and they were notified, firstly, about when the appeal panel would be established, what the procedures would be and, after that, the Share Appeal Panel itself has been engaging with the shareholders.

The Hon. DANIEL MOOKHEY: Is that \$386 per appeal?

Mr McPHERSON: That is right.

The Hon. DANIEL MOOKHEY: Is that per species of appeal?

Mr McPHERSON: It is per share class.

The Hon. DANIEL MOOKHEY: Per share class?

Mr McPHERSON: Yes, so if the—

The Hon. DANIEL MOOKHEY: So you cannot lodge numerous appeals for that \$386 if they are across more than one?

Mr McPHERSON: If you wanted to appeal more than one species or a share class that you have been allocated then you need to make a separate appeal and pay a separate fee for that.

The Hon. DANIEL MOOKHEY: Can those matters be heard concurrently by the panel? Or does each one have to be determined separately?

Mr McPHERSON: They can be heard concurrently while the fisherman was there—that obviously makes sense.

The Hon. DANIEL MOOKHEY: I think the concern about the cumulative cost of the 2,900 arises from essentially people having to lodge the \$386 a number of times because they are appealing for a number of species. Are you aware of that? Does that make more sense?

Mr McPHERSON: I am not aware of that.

The Hon. DANIEL MOOKHEY: Does it make sense that you would only have to pay \$386 per hearing as opposed to a necessary per species appeal? Why was that settled upon?

Mr McPHERSON: The application fee applies to the processing of the application and the preparation of the material. It does not apply to the actual cost of the hearing. The cost of the hearing does not cost the fisherman anything at all. Each application that comes in we have to deal with it, compile the information and collate it for the panel and do some additional administration. It is really an administration fee related to each appeal.

The Hon. DANIEL MOOKHEY: How is this any different to a person rocking up to NCAT and wanting to be heard on various matters, but paying the same fee to cover the administration costs?

Mr McPHERSON: I am not familiar with NCAT, sorry.

The Hon. DANIEL MOOKHEY: When you modelled the \$386 fee what process did you use? Did you benchmark it to other appeal panels?

Mr McPHERSON: I would have to take that on notice.

The Hon. DANIEL MOOKHEY: And you sure it is \$386 per species and not share class?

Mr McPHERSON: It is per species share that has been allocated. So the shares are allocated for particular species.

The Hon. COURTNEY HOUSSOS: Do you acknowledge that it could get very expensive very quickly?

Mr McPHERSON: Absolutely. The application fee is not designed to cover the cost of the process. It is simply to cover the cost of the processing of the application.

The Hon. COURTNEY HOUSSOS: No, I mean it could get very expensive for the applicant very quickly?

Mr McPHERSON: It just depends how they want to approach that.

The Hon. DANIEL MOOKHEY: Does the panel have the discretion to waive the fee for hardship reasons or for any other reasons?

Mr McPHERSON: I do not think the panel has that discretion.

The Hon. DANIEL MOOKHEY: I presume this is a no-cost jurisdiction?

Mr McPHERSON: I am not sure, sorry. I can take that on notice.

The Hon. COURTNEY HOUSSOS: Mr Hansen, are you aware of the NSW Farmers' proposal to create an agriculture commissioner?

Mr HANSEN: That's correct.

The Hon. COURTNEY HOUSSOS: Has the department done any preparatory work to establish such a position?

Mr HANSEN: We have certainly been working towards providing options for the Minister to consider in terms of what type of role that is going forward.

The Hon. COURTNEY HOUSSOS: Do you have a timeframe for that?

Mr HANSEN: Not at this point in time, no.

The Hon. COURTNEY HOUSSOS: Have you looked at remuneration for the role; how the role will be structured?

Mr HANSEN: We have certainly looked at what options are available in terms of the role, but we have not got to conversations around remuneration.

The Hon. COURTNEY HOUSSOS: Are you working generally on implementing the proposal and then what it could possibly look like? That is early on in the discussion.

Mr HANSEN: That is correct.

The Hon. COURTNEY HOUSSOS: Were you consulted on the election promise to introduce an agriculture commissioner?

Mr HANSEN: There had been discussions by NSW Farmers before the election. In fact, I think it came out of one of the hearings of this House, a recommendation that there should be an agriculture food commissioner. So we were aware of the proposition and aware of the recommendation from—was it, the food—?

The Hon. COURTNEY HOUSSOS: The fresh food pricing inquiry.

Mr HANSEN: Which made that recommendation.

The Hon. COURTNEY HOUSSOS: Which we might get to a bit later on. I will pass back to my colleague.

The Hon. DANIEL MOOKHEY: In relation to the agriculture commissioner, you said you are in the process of providing advice to the Minister as to how that role should be established.

Mr HANSEN: We have provided advice.

The Hon. DANIEL MOOKHEY: Is the advice that you have provided to establish that as a statutory office or not?

Mr HANSEN: I would not like to go into the range of advice that we have provided in terms of the range of options that might exist for that role. But that is certainly obviously one of the options for that role.

The Hon. DANIEL MOOKHEY: Of course. It is anticipated that Parliament will have to consent in any way to the establishment of this position?

Mr HANSEN: No, that depends on what decision the Minister takes.

The Hon. DANIEL MOOKHEY: Do you have a timeline as to when the Minister will be making the decision?

Mr HANSEN: No, as I said we do not have a timeline for that, no.

The Hon. DANIEL MOOKHEY: I return to the Share Appeal Panel. Mr McPherson, you said that fishers who had eligible shares were notified. When did that take place?

Mr McPHERSON: I will have to take that on notice, the exact date.

The Hon. DANIEL MOOKHEY: How did you notify them?

Mr McPHERSON: They were notified in writing.

Mr HANSEN: Yes, by a letter.

The Hon. DANIEL MOOKHEY: By letter?

Mr McPHERSON: Yes.

The Hon. DANIEL MOOKHEY: We have been told that people just received their letters. Does that sound correct?

Mr McPHERSON: No, it does not sound correct.

The Hon. DANIEL MOOKHEY: If the panel was established circa sometime in June, were they notified before or after the panel was formed?

Mr McPHERSON: They were notified about the establishment of the panel, and the proposal to undertake that. They were also notified about the dates on which applications would need to be received if they were looking to have an appeal heard. They have been notified of a number of other dates and times along the process. I am not exactly sure what letter you are referring to.

The Hon. DANIEL MOOKHEY: To be fair, I am asking you about those you have sent.

Mr McPHERSON: We can take that on notice and get you a list of the records of notification.

The Hon. DANIEL MOOKHEY: Is it on the portal or anything? Is there any reference in terms of the actual trading market that they have the ability to utilise this appeal mechanism or not?

Mr HANSEN: We will come back to you on that, because someone can look that up.

The Hon. DANIEL MOOKHEY: Will you be in a position to come back to us with those answers during the hearing?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: That would be useful. Can I ask, just in terms of the grounds that people can appeal on, what are the grounds that a person can actually bring an appeal for?

Mr McPHERSON: What are the grounds?

The Hon. DANIEL MOOKHEY: Yes.

Mr McPHERSON: They can appeal against the number of shares that the Minister has allocated them.

The Hon. DANIEL MOOKHEY: Is that the only ground of appeal?

Mr McPHERSON: That is correct.

The Hon. DANIEL MOOKHEY: Should they find themselves in a position where they have not appealed any, is that something covered by that?

Mr McPHERSON: Sorry, what was that?

The Hon. DANIEL MOOKHEY: Should they find themselves in a position where they have not received an allocation at all, is that something that they can bring.

Mr McPHERSON: They could.

The Hon. DANIEL MOOKHEY: Of the 43, do you have any information as to what precisely the pleadings are by the applicants?

Mr McPHERSON: Yes, every applicant would provide information as to the details of their claim. The department and the Minister would make a submission in reply. That was also provided to the applicants so they are able to see what the Minister's position was ahead of the hearings.

The Hon. DANIEL MOOKHEY: You are coming back to us on what precisely the natural justice requirements or rules they are following, which presumably will determine how long they have that evidence for and what basis upon which they have to prepare their assessments. Is that correct?

Mr McPHERSON: That is correct.

The Hon. COURTNEY HOUSSOS: Does the Minister have the capacity to waive the appeal fees?

Mr McPHERSON: Sorry, I will take that on notice and get back to you on that one.

The Hon. DANIEL MOOKHEY: Is the Minister legally represented in these proceedings?

Mr McPHERSON: He is.

The Hon. DANIEL MOOKHEY: How?

Mr McPHERSON: Through the department's—

The Hon. DANIEL MOOKHEY: In house?

Mr McPHERSON: Yes, exactly.

The Hon. DANIEL MOOKHEY: You do not use the Crown Solicitor, you just use DPI lawyers?

Mr McPHERSON: Yes.

The Hon. DANIEL MOOKHEY: How much has been spent? How much was the budget for this?

Mr McPHERSON: Sorry, I will have to take the exact budget on notice. We can get back to you on that, hopefully.

The Hon. DANIEL MOOKHEY: Mr Hansen, do you have any—?

Mr HANSEN: I think the preliminary budget is around \$160,000.

The Hon. DANIEL MOOKHEY: It is \$160,000 for the legal participation or for the budget?

Mr HANSEN: For the total cost of the process.

Mr McPHERSON: That is the total cost.

The Hon. DANIEL MOOKHEY: What is the \$160,000 for?

Mr HANSEN: For the total process of the appeals.

The Hon. DANIEL MOOKHEY: Is that the budget for the appeal panel?

Mr HANSEN: No, that includes the panel; that includes departmental salaries, time and any additional operational costs.

The Hon. DANIEL MOOKHEY: I have to say \$160,000 for 43 legal matters—you have good lawyers or you have cheap lawyers, if that is the case. But if that what is covered, is that the maximum budget?

Mr McPHERSON: It's in house.

Mr HANSEN: That is what we have budgeted for at the moment, but obviously if it ends up running over that then it runs over that.

The Hon. COURTNEY HOUSSOS: Can I just ask for clarification? You said the department has officials on the appeal tribunal, yet the department is also acting in representation in terms of the Minister? The department has a dual role on the tribunal.

Mr McPHERSON: That is correct. Just to be clear, the Act specifies that the secretary has to nominate a departmental representative.

The Hon. COURTNEY HOUSSOS: On to the appeal tribunal?

Mr McPHERSON: On to the panel, that is correct.

The Hon. COURTNEY HOUSSOS: Who technically works for the Minister?

Mr McPHERSON: That is correct.

The Hon. COURTNEY HOUSSOS: Who is also being represented in this legal process?

Mr McPHERSON: That is correct.

The Hon. DANIEL MOOKHEY: Last week the ministers delegated their authority to the secretary under the fisheries Act or they issued a delegation of their power from the fisheries Act. Is that correct?

Mr HANSEN: That would be a continuation of existing delegations just being adjusted to represent the machinery of government changes and the changes in titles for secretary and changes in titles of roles.

The Hon. DANIEL MOOKHEY: Just to be clear, that was to Mr Barnes; it is not to you, Mr Hansen.

Mr BARNES: That is correct.

The Hon. DANIEL MOOKHEY: It is the case that the secretary is both responsible for the administration of the Act and appointing the persons who are on the panel and yet the panel is hearing appeals against, fundamentally, decisions of the secretary and the Minister or the department?

Mr BARNES: That is correct.

The Hon. DANIEL MOOKHEY: Was any advice prepared as to whether there were perhaps structures that were more independent that could have been utilised in this respect?

Mr HANSEN: Not that I am aware of, but I am happy to see whether there were.

The Hon. DANIEL MOOKHEY: Has the department received any complaints about the perceived lack of independence of the panel?

Mr HANSEN: Not that I am aware of.

The Hon. DANIEL MOOKHEY: There is a consulting body, an advisory body as well, to the entire commercial fishing response, is that correct?

Mr HANSEN: That is correct.

The Hon. DANIEL MOOKHEY: Was the Share Appeal Panel structure taken to it?

Mr HANSEN: I am not aware of whether it was or not.

The Hon. DANIEL MOOKHEY: Was the industry consulted in any way, shape or form as to the design of this particular panel and the appeal process?

Mr HANSEN: I will have to take it on notice.

The Hon. DANIEL MOOKHEY: Does Mr McPherson have any further information about this? I ask this because this is a relatively recently established panel so I think this should be relatively fresh in memory.

Mr McPHERSON: The establishment of the panel has been set out in the Act and it has been for some time. We have not proposed in this process to change that in any way. We did consult industry as to their nominated appointment to the panel.

The Hon. DANIEL MOOKHEY: How did you do that?

Mr McPHERSON: Through, I think Mr Hansen mentioned before, the Seafood Industry Council and the Professional Fishermen's Association.

The Hon. DANIEL MOOKHEY: Are they the official designated bodies for consultation in this respect?

Mr McPHERSON: They are.

Mr HANSEN: That is correct.

Mr JUSTIN FIELD: Mr Witherdin, if we could come back. We did some investigations over the break. I can confirm that the Minister mentioned two pilots in his second reading speech, the first, "Local land services will pilot development of a strategic land use map in one regional area of the State. The second pilot will involve development of two strategic biodiversity certification applications in the agricultural context." You mentioned before a large area code. Can you just confirm which of those pilots the large area code pilot is referring to?

Mr WITHERDIN: That refers to the north-west area.

Mr JUSTIN FIELD: Yes, but which of the two I just mentioned from the speech, "[One] will pilot development of a strategic land use map in one regional area of the State. The second pilot will involve development of two strategic biodiversity certification applications in the agricultural context." They are direct from the second reading speech which you mentioned before. This large area code that is being developed in a pilot, which of these two options that were raised in the Minister's speech does that relate to?

Mr WITHERDIN: I will take that one on notice and come back to you with further information.

Mr JUSTIN FIELD: That would be appreciated. The consultative group that you mentioned, who is on that?

Mr WITHERDIN: I do not have that list in front of me. I did see it earlier today but there is a range of landholders out around that Walgett region from probably Coonamble, south of there, and a similar radius right around there that are representative of a range of farmers and sort of farming practices there. But I will be happy to make that detailed list available to you.

Mr JUSTIN FIELD: I would appreciate it if you could take that on notice. When was the consultative group established?

Mr WITHERDIN: My understanding is that was established—I would need to confirm the detail, but it would have been early in 2018, I expect.

Mr JUSTIN FIELD: Do you know if any of the members of that consultative group have been beneficiaries of the amnesty that was recently announced by the Ministers?

Mr WITHERDIN: I do not know that, no.

Mr JUSTIN FIELD: Would you be able to take that on notice as well?

Mr WITHERDIN: I am very happy to take it on notice.

Mr JUSTIN FIELD: You said before the intention was for there to be no net loss at a bioregional scale as a result of any new codes that might be developed. I take it what you mean is that instead of offsets or set asides being incorporated on a particular property owner's land where they might be doing a development, they do not need to find those set asides on their land. The intention of this development would be that they could find set asides elsewhere, that either they do that through a contribution to the Biodiversity Conservation Trust or another arrangement with another landholder. Is that the sort of thing that this process is looking at?

Mr WITHERDIN: Yes, that is exactly the sort of thing it is looking at.

Mr JUSTIN FIELD: And there would not be a like-for-like requirement there necessarily, would there?

Mr WITHERDIN: I think that certainly there would be some real similarity when you look at a bioregion, absolutely, is what you are trying to achieve there—vegetation of a similar type in a similar location. You are certainly not trying to offset what is happening in the north-west versus with the coast, for example.

Mr JUSTIN FIELD: But if it was just setting aside permanently one area that had not been developed in order to develop another there would still be a net loss? There is no way to avoid the net loss there?

Mr WITHERDIN: I guess that is up for consideration, yes.

Mr JUSTIN FIELD: But your intention, as you said it was, is that there would be no net loss at a bioregional scale as a result of any new code that was developed.

Mr WITHERDIN: Yes, that is absolutely the intention as we work through and develop a specific code.

Mr JUSTIN FIELD: Is there a sort of terms of reference that were developed to guide the work on the development of this code or this pilot process?

Mr WITHERDIN: Of the pilot process? I would need to take that on notice, but I certainly understand there is and I am happy to provide that. We are just working through the early stages at the moment of what a new code will look like. I understand there were eight individual landholders involved with the Walgett pilot and we can provide the details of those to you.

Mr JUSTIN FIELD: If you could that would be great. Is this process a public process at all? Are other landholders able to feed into it? Is it seeking submissions through other landholders as to what it might include? Can I go anywhere on the Government website and find out about this consultative group, what the pilot process is, what is being done?

Mr WITHERDIN: With the Walgett pilot, as I said, there are eight individual landholders involved with that. We are working at their property scale, but there are a number of other landholders involved as part of that group. I understand we have got something like 41 people coming to our workshop in Walgett in a couple of weeks. It is quite a significant representation.

Mr JUSTIN FIELD: So people have been invited to come to a presentation about the work that is being done. Is that what that is?

Mr WITHERDIN: Yes, that is right. This is sort of the feedback on that pilot, sort of closing out what the findings of that are and then we will use that as one of the inputs for developing a specific code, sort of that large area code.

Mr JUSTIN FIELD: Could you also provide on notice how landholders were informed about the opportunity to come to that presentation?

Mr WITHERDIN: Yes, sure. I am happy to do that.

Mr JUSTIN FIELD: Mr Hansen, this might be one back to you. We were talking before about the NRC's report. I think the suggestion was that Fisheries have provided some advice to either WaterNSW or to the Minister about the draft report. Could you confirm if there has been advice provided by Fisheries about the draft report?

Mr HANSEN: Yes.

Mr JUSTIN FIELD: There has been advice provided?

Mr HANSEN: There has, but not to WaterNSW, to the Department of Planning, Industry and Environment water group.

Mr JUSTIN FIELD: From Fisheries to the department?

Mr HANSEN: That is right.

The Hon. EMMA HURST: If we could just go back to the animals in medical research. You mentioned lowest impact to highest impact. Do you have a definition of how those categories are formulated?

Dr FILMER: I guess if I use an example it probably makes it easier to understand. Lowest impact would be things like counting birds or counting fish from taking photos of them, so effectively having no impact or a non-perceivable impact on the animal. The low impact may involve very minor interventions which would not be considered painful or distressing, just changing the natural movement of it, for example. The high impact could include things like recovery surgery where animals are anaesthetised, some procedure is done on them and then they are woken up again but they are given analgesics, painkillers, so that they are not suffering through that procedure but it is considered to be a high-impact procedure.

The Hon. EMMA HURST: Where does teaching fall into that, or does that fall into a different category?

Dr FILMER: Teaching would be in, depending on what they were doing, obviously, but more than likely either the lowest or the low impact.

The Hon. EMMA HURST: You mentioned that there was one dog in a high-impact research project. Do you have any details of that high-impact research and whether there was death as an end point in that research project?

Dr FILMER: No, I do not.

The Hon. EMMA HURST: Can you take that on notice?

Dr FILMER: Yes.

The Hon. EMMA HURST: I also understand that the Animal Research Review Panel is currently putting together some draft guidelines for the rehoming of cats and dogs. Do you know where that is up to and when that might be released?

Dr FILMER: The draft has been written and completed by the Animal Research Review Panel. It was released last week for consultation.

The Hon. EMMA HURST: Is that out publicly for consultation? What is the time line for that?

Dr FILMER: I think till November.

The Hon. EMMA HURST: Last year the former Minister for Primary Industries, Niall Blair, made a promise to put in mandatory regulations around rehoming of cats and dogs that had been used in medical research. Do you know if they are moving forward at all in the regulations? Would Mr Hansen have more information?

Mr HANSEN: I think the consultation that is out at the moment in terms of a code of practice for rehoming cats and dogs is what is out there for discussion at the moment.

The Hon. EMMA HURST: The code of practice is the guidelines that have been written by Animal Advocacy and Protection [AAP] or are they two separate things?

Mr HANSEN: No, that is the same thing.

The Hon. EMMA HURST: It is all one thing.

Mr HANSEN: That is right.

The Hon. EMMA HURST: Do you know if this code of practice has a regulation in there that is mandatory in regard to offering animals up for rehoming?

Dr FILMER: No, it is not.

Mr HANSEN: I think what is out there for consultation is a proposal that it would be voluntary.

The Hon. EMMA HURST: Is that up on the Infolink website?

Dr FILMER: It should be on the department's website.

The Hon. EMMA HURST: I am wondering about the use of primates bred and held for research in New South Wales. Do you know what number of baboons are currently being held for medical research in New South Wales?

Dr FILMER: Yes, I can give you those details. There are three accredited establishments but only two have baboons. There are 38 in total being held at the moment.

The Hon. EMMA HURST: Are other monkeys being used as well?

Dr FILMER: No, baboons. There are some marmosets, sorry.

The Hon. EMMA HURST: How many marmosets?

Dr FILMER: I do not have the details of the marmosets.

The Hon. EMMA HURST: Can I get that on notice, please.

Dr FILMER: Yes.

The Hon. EMMA HURST: Are they the only two species of primates that are being used in medical research?

Dr FILMER: Yes.

The Hon. EMMA HURST: The 38 in total are being held at one facility and only two of the establishments are using them in and out for different medical research. Is that correct?

Dr FILMER: Two of the premises have baboons and one has marmosets.

The Hon. EMMA HURST: Is the third establishment seeking to get primates?

Dr FILMER: Not that I am aware of.

The Hon. EMMA HURST: In regard to exhibited animals, NSW DPI is the enforcement agency for the Exhibited Animals Protection Act. How many zoos, circuses and other animal exhibits are licensed under the Act across New South Wales?

Dr FILMER: There are nine circuses across New South Wales. I do not have the numbers for the zoos. Sorry, I will have to take that on notice.

The Hon. EMMA HURST: Do you have any more detail about the nine circuses? Do you know what they are or who they are? I was surprised it was that high; I did not realise. Does that include petting zoos?

Mr HANSEN: No, these are circuses.

Dr FILMER: These are circuses, not zoos.

The Hon. EMMA HURST: Do you have details of those nine?

Mr HANSEN: Do you want to run through all nine?

The Hon. EMMA HURST: Is that all right, quickly?

Mr HANSEN: Stardust, Lennon Bros, Burtens Circus, Circus Royale, Brophy Bros., Webers, Eroni's, Bullens and Loritz Circus.

The Hon. EMMA HURST: Thank you.

The Hon. TREVOR KHAN: I think I have seen half of those when I was a kid.

The CHAIR: I think I have seen all. They are great circuses.

Mr HANSEN: Was that nine?

The CHAIR: I think it sounded about nine. Do you want to check?

The Hon. EMMA HURST: No.

The CHAIR: Going back to the Share Appeal Panel, some of the fishermen who have applied for the panel have sent me copies of their letters. The letters state that really the only grounds for appeal is essentially appealing the formula that was used to calculate whether you got the shares or you did not. Is that correct? The letters read that you cannot include any extenuating circumstances that would have impacted your previous catch history at all. Is that a fair assessment? I am assuming Mr McPherson will answer that.

Mr McPHERSON: The grounds of appeal are limited to the factors that are taken into account in determining the allocation of the shares. There are only the number of the shares allocated and the secretary's decision as to what catch applies in determining that number of shares.

The CHAIR: Essentially, unless you can prove that the secretary forgot to carry the one when they were calculating how many shares you got, you are wasting your time and money putting in an appeal?

Mr McPHERSON: The Act is very limited in terms of what can be taken into account. That is correct.

The CHAIR: Is there any advice given to fishermen before they go forward in this appeal process that spells that out quite clearly? Is there something that comes before that letter after they have essentially paid their money that pretty much tells them that they have Buckley's chance of winning an appeal?

Mr McPHERSON: I will take it on notice exactly but I am pretty sure the grounds for appeal was spelled out.

The CHAIR: Back to the subsidised share trading scheme—

Mr HANSEN: While we are on the appeals panel, there was a question earlier about the nominee to the panel by the Seafood Industry Council and the New South Wales Professional Fishermen's Association. I think your question was: Are they prescribed? It is actually the Minister who—a person appointed by the Minister on the nomination of such relevant commercial fishing industry bodies as the Minister determines, being a person with extensive practical experience in the commercial fishing industry.

The CHAIR: Back to the subsidised share trading scheme, how would a commercial fisherman know what to bid in that first round and the subsequent second and third rounds? Were they given any indication as to what they should be bidding in terms of a price?

Mr HANSEN: No. I guess this comes back to the table that you tabled earlier. Do you want me to have a go at describing some of these numbers here and what they—

The CHAIR: I did the numbers. My concern is that commercial fisherman were essentially flying blind in this share trading scheme. For example, how would someone who was trying to get into mud crabbing, or get back into mud crabbing, know that what previously would cost them \$50 a share in the first round would jump up to \$341? We would all agree that that is a fairly dramatic increase and it is fairly unpredictable. Did you guys do

any modelling on what were the possible outcomes? Was there even any advice given to these fishermen to say, "You might get a bit of a shock here"?

Mr HANSEN: That is a good example. That is why we did not know how many rounds this would actually take. If you imagine at the start of round one, when people were being advised to put in their best offers, you had everything from people saying, "I am prepared to sell my share but I think the value of the share is \$10,000" and yet people willing to say, "I want to buy a share but I don't think I should be paying for it so, you know what, I am going to offer 10¢". You have a huge discrepancy between what buyer and seller were putting in terms of the bids into round one.

The behind-the-scenes black box that did the calculation as to the expenditure of the \$16 million³ ran through multiple simulations to say, "How do we best apply that \$16 million to achieve the primary objective?", which was to make sure as many fishing businesses that had a deficit in shares to be able to continue operating at the level that they were at were able to pick up those shares. In round one you end up with this huge discrepancy, and so the calculations prove that that amount of money would actually end up helping very few yet end up using up a whole lot of money in a small category of space. People could either continue those bids through or they would recast their bids based on what they got given as draft outcomes from round one through to round two and through to the final round.

So in the final round, where everyone had started to modify their bids—both their offers for sale and their bids for purchasing—that ended up resulting in that final column here of 86.1 per cent.

What that actually represents is, of the 431 buy bids from active fishing businesses with deficits, 371 of those businesses got the shares that they needed to continue operating at the level they were at. It was at that point that in all of the simulations that will run over all those scenarios, that that scenario provided the best outcome of almost 90 per cent of fishing businesses with deficits receiving the shares that they required. But if that figure had been achieved in round one, because everyone had made those same bids, we would have closed at round one. We only kept going until we got to a point where the 16 million was getting as close as possible to providing all fishing businesses that had a deficit in shares—got the shares that they needed.

The Hon. DANIEL MOOKHEY: Do you have any of the answers that you were suggesting you might have for us about the appeal panel in the last session? Have they come to you yet, particularly when the letters were sent?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: When were they sent?

Mr HANSEN: The letters were sent in November 2018.

The Hon. DANIEL MOOKHEY: Was it sent to all people in the market?

Mr HANSEN: To all fishers who held shares.

Mr McPHERSON: Who were allocated shares in that latest round of share allocations.

The Hon. DANIEL MOOKHEY: Not fishers who had effectively indicated they wished to appear in the appellate process?

Mr McPHERSON: Only the people that were allocated shares were eligible for appeal, so they were the ones who received the information.

The Hon. DANIEL MOOKHEY: Do you have the data as to when appeal applications closed?

Mr McPHERSON: I will just check. No, sorry, I have not got that yet.

The Hon. DANIEL MOOKHEY: Were you required to register for the appeals process?

Mr McPHERSON: Register?

The Hon. DANIEL MOOKHEY: Yes?

Mr McPHERSON: So they made their application. That was them notifying us that they wanted to lodge an appeal.

³ In [correspondence](#) to the committee received 4 October 2019, the Hon Adam Marshall MP made a clarification to the evidence of Mr Scott Hansen in reference to the \$16 million available.

The Hon. DANIEL MOOKHEY: When did the period for applications for appeals close?

Mr McPHERSON: We will have to take that on notice. We can give you the list of dates of the various actions.

The Hon. DANIEL MOOKHEY: Was it November last year?

Mr McPHERSON: As I said, I would have to take that on notice.

Mr HANSEN: It was October 2018 that quota shares were issued to 241 commercial fishers. They were notified upon being issued those shares that they had 21 days from the date that they were notified of the number of quota shares issued for them to lodge an appeal, which gave the time frame to lodge an appeal finishing in November 2018.

The Hon. DANIEL MOOKHEY: So when you made reference to 43, was it?

Mr HANSEN: Twenty-three appellants with 43 appeals.

The Hon. DANIEL MOOKHEY: So therefore they must have been lodged by them in the last year for them to be still valid?

Mr HANSEN: Correct.

The Hon. DANIEL MOOKHEY: In the period before the appeal was heard can a person trade on the shares that are subject to appeal?

Mr McPHERSON: They could trade; however, we notified them that should they decide to trade the shares that they were allocated, then they waive their right to appeal because obviously then they would—

The Hon. DANIEL MOOKHEY: They would lose their property right?

Mr McPHERSON: They had passed it on to someone else.

The Hon. DANIEL MOOKHEY: Of course.

Mr McPHERSON: So we could not then rectify that situation.

The Hon. DANIEL MOOKHEY: Is it an unreasonable proposition to say therefore if you appealed you really could not trade?

Mr McPHERSON: No, you could buy shares in, in that particular share class, but you could not trade those particular shares that you had been allocated.

The Hon. DANIEL MOOKHEY: Well, of the 23 people—is it 23 people who lodged appeals?

Mr HANSEN: Correct.

The Hon. DANIEL MOOKHEY: Did any of them trade?

Mr McPHERSON: We would have to take that on notice, but I do not think they did, from memory.

The Hon. DANIEL MOOKHEY: Then the panel did not meet until June to hear it—at first instance—we understood?

Mr HANSEN: That is right. And back to your earlier question about a delay in the process—

The Hon. DANIEL MOOKHEY: Well, this is where this is coming to. Effectively a person lodges an appeal in November. They have very strong incentives to not trade in that period of time?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: There is a seven-month period before the panel even meets to start hearing it and we still don't know when it is going to be determined. Is that an accurate summary of what we have learned?

Mr HANSEN: That is right and in between there was a State Government election, with a caretaker, machinery government change and new Ministers in place.

The Hon. DANIEL MOOKHEY: Is the inference that the reasons for delay were because of the caretaker, given that we were not in caretaker in March?

Mr HANSEN: No, that is right, but it was a delaying factor in terms of that period of time.

The Hon. DANIEL MOOKHEY: We were in caretaker for five weeks?

Mr HANSEN: That is right; for just over a month.

The Hon. DANIEL MOOKHEY: Do you accept that that delay may well have created quite a lot of hardship for people and do you accept that even now, not being in a position to say when they are going to get an answer to their appeals may still be continuing to compound the hardship that they are currently experiencing?

Mr HANSEN: I think that is a reasonable conclusion.

The Hon. DANIEL MOOKHEY: Therefore, is the department going to do anything to accelerate this process so there are at least determinations on this pretty soon? Can we give any advice to these people as to when precisely their appeal will be heard? They have been waiting for nearly a year.

The Hon. COURTNEY HOUSSOS: They will have been waiting a year because you said their hearings will not begin until October, right?

Mr McPHERSON: Once the appeal panel is appointed, the procedures for that panel and the timing of their deliberations is a matter for the panel. It is an independent body in that respect.

The Hon. DANIEL MOOKHEY: Are they meant to be hearing these all at once? Do we have any criteria as to when we can expect these appeals to be heard?

Mr McPHERSON: I understand they are going to move down the coast because obviously the shareholders live in different locations, so they will hear various groups of appeals as they move down the coast.

The Hon. DANIEL MOOKHEY: Is there anything that can be done to accelerate this process that the department is aware of? Is it possible to provide more resources, given that we have people waiting for at least a year in order for their appeals to be resolved and they have effectively a frozen asset?

Mr HANSEN: We will take on notice what can we do to assist the panel in fast-tracking it or not fast-tracking, but making sure there are no further delays in that process.

The Hon. DANIEL MOOKHEY: Did the data come back as to when precisely the panel was appointed? We know they met on 26 June.

Mr HANSEN: The panel was established in late June 2019.

The Hon. DANIEL MOOKHEY: So the time that they met was effectively when the panel was established?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: Let us move on to the Food Authority. Is that to you, Mr Hansen?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: What is the full-time equivalent of the Food Authority right now?

Mr HANSEN: Eighty-six.

The Hon. DANIEL MOOKHEY: How many of them are inspectors?

Mr HANSEN: Actually 102 total staff; Food Safety officers are 86.

The Hon. DANIEL MOOKHEY: Do you have trend numbers on that for the past few years?

Mr HANSEN: The year before was 83 Food Safety officers; the year before that was 83 and the year before that was 91.

The Hon. DANIEL MOOKHEY: Are there any vacancies currently?

Mr HANSEN: I would have to take that on notice. I do not know whether there is or not.

The Hon. DANIEL MOOKHEY: How many inspections did they do last year?

Mr HANSEN: Total inspections, audited inspections last year were 11,118.

The Hon. DANIEL MOOKHEY: Do you have trend numbers?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: Do you mind telling us?

Mr HANSEN: The year before was 12,106, the year before was 14,212—do you want me to keep going?

The Hon. DANIEL MOOKHEY: No, we will go three years; that is generally what we have been doing all day. Is there a reason why the numbers have dropped by 3,000 from the first year for that three-year period?

Mr HANSEN: Nothing that I could readily point to, no.

The Hon. DANIEL MOOKHEY: It is close to—I would not dare say a third, but it is not far from it—a quarter drop in the number of inspections being undertaken. Any insight as to why that potentially could be the case?

Mr HANSEN: Obviously, we also utilise local government officers in terms of inspections in a number of facilities. I do not know whether they picked up more in that space. I would have to take that on notice.

The Hon. DANIEL MOOKHEY: I presume that you were utilising those same inspectors in the year 2016-2017 as well?

Mr HANSEN: It might well be we are using them in a different way. I would have to take it on notice.

The Hon. DANIEL MOOKHEY: On notice can we get an explanation. It could be innocent, but if we can have precisely what it was. How many fines did they issue? Actually, let us step this through: In terms of their powers, do they have the ability to issue improvement notices?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: Can you take us through the hierarchy of what they are capable of ordering?

Mr HANSEN: They can put prohibition orders in place. They can lay charges and carry out prosecutions. They can issue penalty infringement notices. They can issue warning letters and they can issue improvement notices.

The Hon. DANIEL MOOKHEY: On notice, can you give us the figures for the number of warning letters that have been issued in the last three years? Can I ask specifically about the other categories now? How many prohibition orders were issued in the last year?

Mr HANSEN: The number of prohibition orders issued by the Food Authority was 16 last year, 19 the year before and 29 the year before that.

The Hon. DANIEL MOOKHEY: Is our food getting better or is the authority just issuing less orders?

Mr HANSEN: The number of prohibition orders issued by councils was 202 last year, 131 the year before and 101 the year before that.

The Hon. DANIEL MOOKHEY: How many prosecutions were brought to bear in the last 12 months?

Mr HANSEN: The number of prosecutions by the Food Authority was 63 last year, 40 the year before and 19 the year before that.

The Hon. DANIEL MOOKHEY: How much money was collected in fines through the issuing of infringement notices? Could you get that for us?

Mr HANSEN: I am sure I can, yes.

The Hon. DANIEL MOOKHEY: That would be great. You can provide it on notice or later in the day. It is up to you. Does the authority operate on a risk-based approach?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: Does it undertake targeted inspections?

Mr HANSEN: It does.

The Hon. DANIEL MOOKHEY: What has it targeted in the last 12 months?

Mr HANSEN: In each category of licence there is a program that gets built around either risk factors that have been identified within the category or for individual businesses a failure of an audit will trigger an increased audit and inspection frequency over what would normally be in place.

The Hon. DANIEL MOOKHEY: It is up to you whether you would like to take this question on notice or provide us with a brief answer now. Do you have the categories?

Mr HANSEN: No, I would have to take that on notice.

The Hon. DANIEL MOOKHEY: Has the authority undertaken any targeted inspections of hospitals in the past 12 months or 36 months?

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

The Hon. DANIEL MOOKHEY: What about aged care facilities?

Mr HANSEN: I would have to take that on notice and come back to you.

The Hon. DANIEL MOOKHEY: Can you also take on notice information on same-day aged care services, respite services, delivered meal organisations and prisons?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: Does the authority have the power to shut down a venue?

Mr HANSEN: Do you mean does it have the power to shut down the venue or to stop the venue from serving food?

The Hon. DANIEL MOOKHEY: Either.

Mr HANSEN: It can definitely shut down the service of food. I would have to take on notice whether it can shut the broader venue down.

The Hon. DANIEL MOOKHEY: Can you take on notice how many venues it has shut down in the last three years?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: I had a very bad sandwich the other day. If you could tell me who to complain to that would be good.

The Hon. CATHERINE CUSACK: Sorry to be rude, but are you looking for something specific here?

The Hon. DANIEL MOOKHEY: It is an estimates hearing. This is what we do.

The Hon. CATHERINE CUSACK: I can understand estimates. I am just wondering whether there is a purpose to this line of inquiry.

The Hon. DANIEL MOOKHEY: It is to get the data analysis. That is it. Calm down.

The Hon. CATHERINE CUSACK: It might make you feel better about all this stuff.

The Hon. DANIEL MOOKHEY: We are just getting the data.

The CHAIR: Unless there is a specific point of order, I think we need to stop wasting time and keep moving.

The Hon. COURTNEY HOUSSOS: We will be the ones who determine that.

The Hon. CATHERINE CUSACK: Carry on.

Mr HANSEN: If you would like to tell us the venue we can add it to the "name and shame" list. We had 160 name and shames last year.

The Hon. DANIEL MOOKHEY: I was going to ask you about that. There were 160 name and shames?

Mr HANSEN: That is right.

The Hon. DANIEL MOOKHEY: Where are they listed? Are they on your website?

Mr HANSEN: Yes, they are.

The Hon. COURTNEY HOUSSOS: I want to ask you a few questions about the Tomaree oyster farm. Are you familiar with Southern Cross Shellfish?

Dr MOLTSCHANIWSKYJ: The Southern Cross Shellfish oyster hatchery?

The Hon. COURTNEY HOUSSOS: That is right. It provides approximately 60 per cent of the spat in New South Wales. Is that correct?

Dr MOLTSCHANIWSKYJ: It provides spat. I do not know what percentage it contributes.

The Hon. COURTNEY HOUSSOS: The business has been operating without a formal lease since 2017. Are you aware of that?

Dr MOLTSCHANIWSKYJ: Yes.

The Hon. COURTNEY HOUSSOS: Why has the department not renewed the lease?

Dr MOLTSCHANIWSKYJ: It is not our property.

The Hon. COURTNEY HOUSSOS: Whose property is it?

Dr MOLTSCHANIWSKYJ: The property is jointly owned by NSW Health and the Defence Force.

The Hon. COURTNEY HOUSSOS: Do you have a role in administering the property?

Dr MOLTSCHANIWSKYJ: No, it is not our property.

The Hon. COURTNEY HOUSSOS: Does it all go through NSW Health?

Dr MOLTSCHANIWSKYJ: Either Health or Defence. It could be both of them.

The Hon. COURTNEY HOUSSOS: How is it administered? Should the business be directing its inquiries to NSW Health?

Dr MOLTSCHANIWSKYJ: It should direct them to whoever they hold the lease with.

The Hon. COURTNEY HOUSSOS: It is operating without a lease at the moment. That is the problem.

Dr MOLTSCHANIWSKYJ: I do not know who the business held the lease with previously. We used to lease that property. We gave up the lease that was being held by Southern Cross. We have worked previously with the business to facilitate it getting access to that area because it supports the industry. But we are aware that that whole area is under debate as to what is going to happen to both the existing hatchery and the health facility at the headland.

The Hon. COURTNEY HOUSSOS: Absolutely. That is the crux of my questioning. When did you give up the lease?

Dr MOLTSCHANIWSKYJ: I would have to take that on notice. It would be before 2017. It would be before they took it up.

The Hon. COURTNEY HOUSSOS: Do you have a view about the suitability of the site for operating an oyster farm?

Dr MOLTSCHANIWSKYJ: It is not a farm; it is a hatchery.

The Hon. COURTNEY HOUSSOS: Sorry, I should have ask whether the site is ideal for oyster farming with the function of the hatchery. Do you have a view about whether it is ideal?

Dr MOLTSCHANIWSKYJ: As far as I know, the hatchery has been very successful. It has been suggested that the conditions have been supportive of that industry.

The Hon. COURTNEY HOUSSOS: Have you done any modelling to see what it would mean for the oyster industry in New South Wales if half of the spat goes offline—or more than half the spat, because according to my figures it is 60 per cent of the spat in New South Wales?

Dr MOLTSCHANIWSKYJ: We have not done the modelling on that. It is not the only hatchery that produces for New South Wales. It is one of two and a third one is about to be set up.

The Hon. COURTNEY HOUSSOS: Where is that one?

Dr MOLTSCHANIWSKYJ: Further down south. The Port Stephens research facility also has the capacity to provide production for crisis situations.

The Hon. COURTNEY HOUSSOS: That is the one at Tomaree?

Dr MOLTSCHANIWSKYJ: No, the Port Stephens facility is—

The Hon. COURTNEY HOUSSOS: It is a separate one?

Dr MOLTSCHANIWSKYJ: Yes. That is the research facility at Taylors Beach. We have a research hatchery there and we have the capacity to step in and support the industry in moments of crisis. If that hatchery was to go down and it was not able to deliver for the industry, we would engage with industry and determine what the needs were.

The Hon. COURTNEY HOUSSOS: I am happy for you to provide this on notice but could you tell me of the hatcheries, what proportion do they provide in terms of the spat for New South Wales? That would be useful. Could you also tell me what their capability is to upscale if required?

Dr MOLTSCHANIWSKYJ: Is that for both species?

The Hon. COURTNEY HOUSSOS: Yes, please.

The Hon. DANIEL MOOKHEY: I think this question is best directed at you, Mr Hansen. Is there a commercial fishing board of New South Wales—CommFish?

Mr HANSEN: Yes, CommFish.

The Hon. DANIEL MOOKHEY: Is that a board?

Mr HANSEN: It is an advisory council.

The Hon. DANIEL MOOKHEY: Does it have 13 positions on it?

Mr McPHERSON: Yes.

The Hon. DANIEL MOOKHEY: Are seven of them currently vacant?

Mr McPHERSON: I would have to take that on notice to check. I think that is right.

The Hon. DANIEL MOOKHEY: Is there a reason why there are vacancies on the board?

Mr McPHERSON: The way it is structured is that half of the positions become vacant every two years.

The Hon. DANIEL MOOKHEY: Is that—

Mr McPHERSON: It is a way of managing transition.

The Hon. DANIEL MOOKHEY: Of course. I am not disputing that there is a two-year period. How long have the positions been vacant for?

Mr McPHERSON: I would have to take that on notice. I do not have the exact date that they expired.

Mr HANSEN: It would only be recently. I think the recruitment processes have started.

The Hon. DANIEL MOOKHEY: When do you anticipate that those processes will be resolved?

Mr McPHERSON: The expression of interest is out at the moment for the filling of those positions. I think there are 28 days for those applications to come in.

The Hon. DANIEL MOOKHEY: You said that the terms expire every two years and that half the board expires every two years. Is that at the start of the financial year?

Mr McPHERSON: Sorry, I would have to take the exact date on notice for you.

The Hon. DANIEL MOOKHEY: At a meeting of the board on 6 March it was flagged that vacancies were in place. Does that sound correct?

Mr McPHERSON: That sounds correct.

The Hon. DANIEL MOOKHEY: At the time the remaining members of the board made the point that those positions should be filled. That was back in March.

Mr McPHERSON: I am recalling now that the time of expiry is based on the date that they were originally set up. They were appointed in May so that date was when the two years ran out. It is not based on a calendar year or a financial year.

The Hon. DANIEL MOOKHEY: Is it from the anniversary of appointment?

Mr McPHERSON: That is right.

The Hon. DANIEL MOOKHEY: If it is the case that this concern was flagged by the board back in March, is there a reason why there has been a delay? We are in September now but we are only starting the process.

The Hon. CATHERINE CUSACK: That would have been during the caretaker period.

The Hon. DANIEL MOOKHEY: Was that the reason?

Mr McPHERSON: That is partly the reason, yes.

The Hon. DANIEL MOOKHEY: We ended the caretaker period in April. Was it not contemplated as something that was required to be filled?

Mr McPHERSON: As I said, there is an expression of interest posted on the website. Fishers have been notified about the opportunity to apply for those particular positions.

The Hon. DANIEL MOOKHEY: Have you received any applications so far?

Mr McPHERSON: I will take that on notice, but I imagine there would be some.

The Hon. DANIEL MOOKHEY: Do you know when the expression of interest process closes?

Mr McPHERSON: I have not got that with me at the moment, but we will get it before the end of the hearing.

The Hon. DANIEL MOOKHEY: Are these ministerial or are they departmental appointments?

Mr McPHERSON: They are ministerial appointments.

The Hon. DANIEL MOOKHEY: Presumably, after you complete the recruitment process this will have to go to the Minister?

Mr McPHERSON: That is correct.

The Hon. DANIEL MOOKHEY: Do you anticipate the positions being filled this time? The obvious point is that the next anniversary date may well be looming. Are we sure that we will have these positions filled by the time the next set of board members' positions expire?

Mr McPHERSON: I would expect so.

The Hon. COURTNEY HOUSSOS: Mr Hansen, can you update the committee on what preparations you have made for the upcoming bushfire season?

Mr HANSEN: Yes. We have already started to mobilise teams from across the State with regard to being able to respond. Our response, in terms of the bushfire season, is predominantly around providing on-site assistance for animals during those fires—either domesticated animals that are brought to evacuation centres or assisting with livestock that are injured or misplaced or lost during the fires. Part of our challenge at the moment is that we have a workforce out there that has spent the past two years assisting farmers through the drought, now being able to rotate staff through so that they can turn and provide assistance to them during these bushfire seasons, whilst at the same time ensuring that they get the break and rest required to be able to keep helping others is also critical.

The Hon. COURTNEY HOUSSOS: Do you think that will impact on your ability to support people, given the scale of the expected bushfire season?

Mr HANSEN: We will make sure that we are reaching across all of our staff across all of the State to be able to make sure that we can rotate staff through and give others a break, yes.

Mr JUSTIN FIELD: Mr Witherdin, this might be for you again, but if you think it is more appropriate for someone else, let me know. We know through GIPA that when the former environment Minister, Gabrielle Upton, provided concurrence to the native vegetation clearing codes under the LLS Act, she did so on advice that, and I quote from the concurrence document, "Agricultural clearing is likely to return to long run clearing rates towards approximately 15,000 hectares per annum over the period 2017-18 to 2019-20." That is up from around 9,000 hectares per annum before that. The most recent data released by the Government shows that in 2017-2018 there were 27,100 hectares of agricultural clearing—almost double the predicted rate—and the LLS public register shows that between March 2017 and August 2019 there has been notification of 51,210 hectares of clearing, and approval for a further 288,556 hectares of clearing. Do you contest any of those numbers? Are they accurate?

Mr WITHERDIN: Without you reading them again figure by figure, they certainly sound in the correct ballpark. Certainly, that latter figure you refer to, that is in relation to invasive native species—I think you said 288,000 hectares—which compares to, I think, the long-term average under the previous Native Vegetation Act of about 400,000 hectares.

Mr JUSTIN FIELD: That is just the invasive species, or the invasive clearing. The 51,000 I mentioned before, though, that is native regrowth clearing, it is not invasive species.

Mr WITHERDIN: That is correct, yes.

Mr JUSTIN FIELD: So we are still looking at double to three times the predicted rate in the concurrence document? Would that be fair to say?

Mr WITHERDIN: That is in terms of what has actually been approved. It has been through the process for approval, but not what has actually been cleared.

Mr JUSTIN FIELD: As I mentioned, in 2017-2018, and we have the actuals now, it was 27,000. That is nearly twice. You do not contest that, the clearing rates are much higher than were anticipated when the codes were established.

Mr WITHERDIN: But I think the one thing you do have to take account of is set-asides as well. People talk about one side of the ledger without the other. That 31,700 hectares of native vegetation in set-asides have been managed for conservation in perpetuity through the Biodiversity Conservation Trust. It is important to look at both sides of that ledger to give some balance.

Mr JUSTIN FIELD: You would expect, though, I assume, based on the approvals, that the next year's clearing would be even higher than that?

Mr WITHERDIN: I would not expect that. I think we will wait and see how that unfolds. It may well be that, potentially, as we approached the election earlier this year, there was a bit of a push on there, so I think we are not quite—we are just over two years in. A review is required at the three-year point in any case, and that is an appropriate time where we will have some good data, some good trends there, to have a good look at how things are working.

Mr JUSTIN FIELD: Is there a trigger at all in any of the regulations or in Government policy to actually say, "Hang on, we have gone well above what we anticipated. We have to have a look more quickly at the codes."?

Mr WITHERDIN: My understanding was that there is a nominal trigger of about 20,000 hectares per annum, yes.

Mr JUSTIN FIELD: We have passed that, though. What did that trigger?

Mr WITHERDIN: What did that trigger?

Mr JUSTIN FIELD: Yes.

Mr WITHERDIN: It has triggered a review.

Mr JUSTIN FIELD: That review is happening because of that passing of that trigger, is that what you are saying?

Mr WITHERDIN: That is my understanding, yes.

Mr JUSTIN FIELD: What is the status of that review? I was not aware of it, sorry.

Mr WITHERDIN: The review has been completed.

Mr JUSTIN FIELD: The review has been completed since the data was published about the 27,100 hectares of clearing in 2017-2018? Is that what you are saying?

Mr WITHERDIN: Yes.

Mr JUSTIN FIELD: These set-asides that you highlighted—31,700 hectares in set-asides—I assume that is since the codes were established.

Mr WITHERDIN: Yes.

Mr JUSTIN FIELD: Can you guarantee that these new codes that may be being developed for large areas or for regional and specific areas will not allow set-asides that have been previously agreed as a result of codes up until now to be cleared?

Mr WITHERDIN: I cannot guarantee anything. We are very much in a formative stage. Whether or not we actually even get to a new specific code or whether we can modify the existing code I think is something that is still up. In terms of the conditions around the conservation in perpetuity of the existing set-asides, that sits under the auspices of the Biodiversity Conservation Trust.

Mr JUSTIN FIELD: It seems, though, that the door may be open, if there is a new code established, for those set-asides to be considered under that code and potentially could be opened up. Am I reading that wrong? Are you saying that is not off the table? There is no protection of those set-asides necessarily if the code changes?

Mr WITHERDIN: I think it is far too early to have a view on that, to be honest.

The Hon. EMMA HURST: Just going back to the proposed code of practice for cats and dogs, I think I had heard that it was going to be targeted consolidation. But just having a quick look, it does not seem to be

open to the public yet. Can I confirm that it is going to be open to the public, or is it online somewhere and I cannot find it?

Dr FILMER: You are talking about the guidelines for rehoming?

The Hon. EMMA HURST: Yes.

Dr FILMER: They may not be. It was literally last Friday that a targeted email was sent out to stakeholders. It may not have been put online yet.

The Hon. EMMA HURST: Do you think it will be, or will it only go to those stakeholders for feedback do you think?

Dr FILMER: I am not sure. I can take that on notice.

The Hon. EMMA HURST: If you would not mind, that would be great. Back to the circuses, you listed nine circuses that are currently registered. Do you know how many exotic animals are currently being held in circuses in New South Wales?

Dr FILMER: There are two circuses that have exotic animals, that is Stardust and Bullens. Stardust has lions and macaques, and Bullens has lions, a retired tiger, macaques, a baboon and a retired elephant. Some of the animals are not actually being exhibited.

The Hon. EMMA HURST: Is that all of Bullens animals?

Dr FILMER: That is the exotic animals.

The Hon. EMMA HURST: Are they being held at Zambi? Is that the Bullens animals, or are they at the wildlife centre, or are they being used in a travelling circus?

Dr FILMER: Certainly, the tiger and the elephant are retired. They are not travelling.

The Hon. EMMA HURST: Recently I heard that the elephant passed away. Is that just a rumour?

Mr HANSEN: We have not heard that.

Dr FILMER: I think we would have heard if it had.

The Hon. EMMA HURST: You would have been notified?

Dr FILMER: Yes.

The Hon. EMMA HURST: Are the other animals that Bullens has, lions et cetera, still being used in travelling circuses?

Dr FILMER: Yes.

The Hon. EMMA HURST: Are they travelling under a different name or are they being loaned to others?

Dr FILMER: I do not think they are lending them to anybody. Some circuses have a home base so they may be keeping some of them at their home base. They may not always be travelling and some of them are not travelling.

The Hon. EMMA HURST: I have not seen Bullens actively out in the community for many years. I was wondering if they had all retired.

The Hon. LOU AMATO: Yes, I have not seen them.

The Hon. EMMA HURST: I am curious. How many full-time equivalent employees within the DPI are responsible for enforcing the Exhibited Animals Protection Act and its succession of regulations and standards?

Mr HANSEN: We might need to take that one on notice. We will get the number for you while we are here.

The Hon. EMMA HURST: The DPI website also states that your inspectors regularly visit the animal exhibitions in New South Wales to make sure that they are doing the right thing. On average—and I am happy again for you to take this question on notice—how many audits are conducted by the DPI in respect to a single facility such as the zoo, circus or mobile animal exhibition each year?

Mr HANSEN: We will have to take that on notice.

The Hon. EMMA HURST: How many audits are planned versus unannounced audits? How many inspections has the DPI conducted in the past 12 months?

Mr HANSEN: Yes, I will take that on notice.

The Hon. EMMA HURST: How often would an animal exhibitor receive an unacceptable audit result? What would need to have happened for an exhibitor to fall into that category?

Dr FILMER: An exhibitor would obviously have to not be complying with the licence requirements to fall into that category. As to the frequency, I cannot give you a number. I will have to take that on notice.

The Hon. EMMA HURST: Is it an automatic unacceptable audit result if they breach their licence?

Dr FILMER: I have to take that on notice.

Mr HANSEN: Yes. It would obviously depend on what they were breaching and how quickly it could be rectified or remedied.

The Hon. EMMA HURST: Get Wild! Animal Experiences is a mobile operation based at Sandy Point, New South Wales. Earlier this year the sole director of Get Wild, Daniel Brighton, was convicted of serious animal cruelty offence. He stabbed a dog with a pitchfork, hung her from a tree and bashed her with a mallet before putting the dog in a plastic bag and asking an employee to dispose of her. Yet based on its Facebook page and website Get Wild! Animal Experiences is continuing to operate. Are you aware of that facility? Has the licence for Get Wild! Animal Experiences been revoked?

Mr HANSEN: We want to be careful of our commentary in this place because that conviction is currently on appeal.

Dr FILMER: It is before the court so I do not think we can comment.

The Hon. EMMA HURST: Do you expect an exhibitor's licence would be revoked if its director was convicted of animal cruelty in another circumstance? I am not using Get Wild as an example. If somebody were convicted of animal cruelty would their licence be revoked?

Dr FILMER: Probably.

The CHAIR: I will just quickly get some clarity on a couple of answers. Mr McPherson, the 40 per cent cap on shares, is that access or quota shares?

Mr McPHERSON: That is access shares in the fishery.

The CHAIR: There is no cap for quota shares?

Mr McPHERSON: I will check on that.

The CHAIR: Mr Hansen, I refer to share subsidy figures. The document I gave you this morning referred to \$12.87 million. A report I referenced earlier this morning states that \$11.6 million was spent. Last year the Hon. Niall Blair in *Hansard* referenced \$13.5 million. Will you provide some clarity about which is the correct figure? What was spent? What is the breakdown, as there seems to be some argy-bargy as to what was actually spent? The secretary will pass you the study I am talking about.

Mr HANSEN: Yes.

The CHAIR: A table in the study looks at a number of offers in each round. I know you said that it progressively got a lot better and there was a high success rate in round three. The figures in that study show that out of 432 bids, in terms of selling, only 130 were successful and a similar figure in buying. For me that would imply that the share trading scheme was not really that successful. Will you clarify whether those figures in that study are correct?

Mr HANSEN: If I just heard you correctly, were you talking about the number of sell offers that were successful?

The CHAIR: Yes, and buy offers. They both indicate that the last round was not really that successful even though a significant subsidy was applied.

Mr HANSEN: If you look at the numbers in front of you, only 27.5 per cent of buy offers would represent also a corresponding number of sell offers were successful in that final round by fishing businesses that had no deficit. So they had already reached the shares that they needed to be able to fish at the level that they had. The success of the final round in terms of numbers was more of the prioritised one, which was the fishing businesses with a deficit and the success of those trying to buy the shares they needed to fill that deficit and to be

able to have the shares that they needed. So that did leave a significant number, say 63 per cent of those who already had enough shares who made offers that were unsuccessful in that final round.

Mr McPHERSON: I can clarify that point for you. The 40 per cent of shares in the fishery does also include the quota shares.

The CHAIR: Moving on to recreational fishing, it was confirmed by a GIPAA request that the process in terms of that saw a series of proposed lockouts through 25 potential marine parks using a spatial planning process called Marxan. The Marxan practice handbook states, "... success or failure of a reserve network design process often relies on the support and trust of stakeholders". Given that recreational fishing bodies were caught unaware of this and were not consulted on the 25 marine parks, would you agree that the New South Wales Government and NSW DPI actually failed to adhere to that good practice handbook?

Mr HANSEN: The Marxan tool, which was just one of the inputs into the consideration of that draft proposal that got brought forward, that work was funded by the Office of Environment and Heritage and the University of Queensland was commissioned to run that software.

The CHAIR: Are there any current maps or recommendations on the Minister's desk?

Mr HANSEN: Not that I am aware of.

The CHAIR: Will you confirm the total budget allocated to research at DPI Fisheries, including moneys that have been used from recreational fishing trusts? I am happy if you need to take that on notice.

Mr HANSEN: I will quickly see if I have got it here or if anyone can help, otherwise we will have to take that on notice. Sorry, I will have to take that on notice.

The CHAIR: Some recreational anglers have passed on to me a list of scientific papers and a lot of them have been co-authored or authored by NSW DPI staff. Most of them seem to indicate an inclination towards researching into the effectiveness of this spatial management and mapping of spatial management, and they are quite recent. If lockouts have been off the table in terms of the Premier's announcement, why is NSW DPI still researching into using that spatial management or spatial mapping program, which is essentially looking at locking out areas by drawing lines on a map?

Mr HANSEN: That exclusion could also be excluding other uses for the benefit of recreational fishing. The software is designed, and again this was software that was run by the University of Queensland, commissioned as an input tool, but it looked not just at the ecological value of the area being mapped, it also looked at the economic and social values of the areas being mapped. So it is still designed as a tool in which it helps overlay different uses across a multiuse space, whether that be water or land, to help identify what areas should you be using or what areas should you not be using for what purposes.

The Hon. COURTNEY HOUSSOS: Mr Hansen, I will start with you and then you can refer it off if it is appropriate to go elsewhere. The Rural Assistance Authority [RAA] in the budget received a funding cut of \$52 million. Is that correct?

Mr HANSEN: No, not that I am aware of.

The Hon. COURTNEY HOUSSOS: The budget papers say this cut was because there was a recurrent reduction due to the one-off expenditure in 2018-19.

Mr HANSEN: Sorry, let me have a look at that.

The Hon. COURTNEY HOUSSOS: There was apparently also a reduction in the funding for Local Land Services. Is that correct: \$6.1 million, 2.8 per cent?

Mr WITHERDIN: Yes, that sounds about the right order. I would need to see the figures in front of me.

The Hon. COURTNEY HOUSSOS: So is \$6.1 million about right?

Mr WITHERDIN: It may well be. I would really need to see them just to confirm that. You are quoting the budget papers?

The Hon. COURTNEY HOUSSOS: I am quoting the budget papers.

The Hon. DANIEL MOOKHEY: I can give you the reference if you want. It is in *Budget Paper No. 3* on page 4-46. It says that your revised budget for 2018-19 was \$112,610,000 and that your budget for the next year is \$107,596,000, circa \$6 million.

Mr WITHERDIN: Yes, okay.

The Hon. COURTNEY HOUSSOS: How are you accommodating those cuts?

Mr WITHERDIN: We have a range of funding sources within Local Land Services, so recurrent funding just makes up a component of that.

The Hon. COURTNEY HOUSSOS: What component is that?

Mr WITHERDIN: On top of that we have rates, which comprise about 23 per cent of our fundings. There are various programs and a major program we deliver on behalf of the Commonwealth is the National Landcare Program. We also have the Soil Conservation Service, which works as a commercial entity within Local Land Services and generates revenues in the order of about \$40 million a year.

The Hon. DANIEL MOOKHEY: Your budget papers say that even factoring in that revenue you are likely experiencing a \$5 million cut, as in the revenue figures that you have outlined in the budget papers, which describe the categories or at least give reference to the categories that you have just mentioned. It says that there is a \$4,557,000 cut, even factoring in all those factors. Do you accept that?

Mr WITHERDIN: I will accept that if that is what the budget papers say, absolutely, yes.

The Hon. DANIEL MOOKHEY: So I guess the question is what are you doing to accommodate the cut?

Mr WITHERDIN: Yes, sure. I am very happy to talk to that. I am certainly very proud of the reform process we have worked through in Local Land Services over the last nearly three years. That is evidenced by budget outcomes. We have come in slightly better than budget over the last two years at a time when we have actually grown the staffing numbers and our frontline service delivery. We have got a staffing headcount of about 1,077 people. We have increased from when we started back in January 2014 and in terms of recent changes we have made to the executive of what we might call the back office of Local Land Services, and I think in terms of that we have a ratio now slightly under 1.8 per cent. So we have probably got one of the leanest executive ratios within government, with a focus absolutely on frontline service delivery.

The Hon. COURTNEY HOUSSOS: Are you anticipating sacking anyone as a result of this budget cut?

Mr WITHERDIN: No, we are not. There is a very strong commitment there to no loss of regional jobs in New South Wales. On the contrary, we are working hard to increase service delivery particularly in the context of drought and supporting farmers who are doing it hard out there at the moment.

The Hon. COURTNEY HOUSSOS: You are saying that you have not spent your budget in previous years so therefore you do not need all of the budget that you were receiving, so that is why they have cut it?

Mr WITHERDIN: I am not saying that. I think in 2017-18 we underspent our budget by about \$11,000 in overall operating revenue in the order of about \$233 million. So we really commit to managing that very tightly.

The Hon. COURTNEY HOUSSOS: So \$11,000 you underspent?

Mr WITHERDIN: Yes, \$11,000 in about—I think \$233 million was our overall operating envelope.

The Hon. COURTNEY HOUSSOS: I appreciate that, but your budget has been cut by \$6 million. How are you going to address that?

Mr WITHERDIN: As I said earlier, we recently made some changes in terms of our executive structure to flatten that out.

The Hon. COURTNEY HOUSSOS: How many people were made redundant as a result of that?

Mr WITHERDIN: We reduced our senior executive ranks by 3.6 FTE so we are now at 18 FTE.

The Hon. COURTNEY HOUSSOS: Is that \$6 million?

Mr WITHERDIN: No, that is not \$6 million at all. There will be a number of other operating expense lines we are looking at in terms of contractors, consultants, travel, use of motor vehicles, managing vacancies and so on.

The Hon. COURTNEY HOUSSOS: Does that cut come on top of the efficiency dividend or does that include the efficiency dividend?

Mr WITHERDIN: That includes the efficiency dividend.

The Hon. DANIEL MOOKHEY: We were going to get to the efficiency dividend a bit later but given it has arisen we might do that now, Mr Hansen, if that is possible.

Mr HANSEN: Can I just come back to the RAA's budget line-up in the question there?

The Hon. COURTNEY HOUSSOS: Yes, sure.

Mr HANSEN: That is just an accounting treatment. That 31.6 per cent you are referring to there—

The Hon. COURTNEY HOUSSOS: That 31.6 per cent, \$52 million?

Mr HANSEN: Yes, that is correct. That 31.6 is accrual from drought expenditure—drought applications from 2018-2019 that were still being processed and therefore needed to be carried forward and applied in the 2019-2020 financial year.⁴

Mr McPHERSON: Mr Mookhey, I can just clarify a couple of your questions earlier in relation to the commercial fishing advisory council. The expressions of interest close on 29 September. I can confirm it is seven positions that are vacant at the moment and at this point we have received three applications.

Dr MOLTSCHANIWSKYJ: And the oyster questions: 80 per cent of oyster spat in New South Wales is wild caught, 20 per cent is hatchery, Southern Cross—

The Hon. COURTNEY HOUSSOS: So 80 per cent is wild caught and 20 per cent is hatchery?

Dr MOLTSCHANIWSKYJ: Southern Cross produces around 10 million southern rock oysters, Camden Haven produces one million to two million, the Moruya hatchery is yet to come online, Victoria is coming back online, Queensland does a large number of runs of southern rock oysters and Pacific's are all imported from Tasmania. We think we have roundabout five million to 10 million come in in the past 18 months.

The Hon. COURTNEY HOUSSOS: The vast majority of the southern rock oysters comes from—

Dr MOLTSCHANIWSKYJ: Wild caught.

The Hon. COURTNEY HOUSSOS: The vast majority that come from hatcheries is that there are 10 million that come from Tomaree and there are only one million that come from elsewhere. We are looking at a pretty significant hit if we do not resolve the problem. Thank you very much.

The Hon. DANIEL MOOKHEY: Mr Hansen, on the efficiency dividend, firstly is DPI subject to its own right or is it a part of the Planning cluster that you are now in?

Mr HANSEN: That is correct.

The Hon. DANIEL MOOKHEY: Which one is it—the Planning cluster?

Mr HANSEN: The Department of Planning, Industry and Environment.

The Hon. DANIEL MOOKHEY: We learnt yesterday that, for example, for the Department of Customer Service, it modelled that it would be required to produce \$16 million per annum savings out of the 3 per cent efficiency dividend process. Do you have an equivalent number that DPI has to meet?

Mr HANSEN: I think our efficiency dividend number is between \$6 million and \$7 million.

The Hon. DANIEL MOOKHEY: How do you intend to meet it?

Mr HANSEN: We have a number of programs and research projects that transition to come up to a stop and a go/no-go decision point. A large number of our research projects are fixed term and fixed period and we just then make decisions about what do we do with those research projects going forward: Do we consolidate them into one or do we continue to expand out? One of our key tools in offsetting reduction in net cost of services is by going out and winning more research dollars to carry out research, but putting a greater emphasis on the external funding component rather than the internal funding.

The Hon. DANIEL MOOKHEY: Have you identified those research programs?

Mr HANSEN: Yes.

⁴ In [correspondence](#) to the committee received 4 October 2019, the Hon Adam Marshall MP made a clarification to the evidence of Mr Scott Hansen in reference to the 31.6% variation to RAA budget and treatment of drought funding.

The Hon. DANIEL MOOKHEY: Which ones are they?

Mr HANSEN: We will provide them on notice—sorry, we do not have to. The key one is actually the Sustaining the Basin: Irrigated Farm Modernisation project.

The Hon. DANIEL MOOKHEY: Can you repeat that? I cannot hear because we have Government members chatting loudly.

The CHAIR: Government members, can we keep the chatter down to a minimum.

The Hon. DANIEL MOOKHEY: You are being amplified, in case you are wondering.

Mr HANSEN: The Sustaining the Basin: Irrigated Farm Modernisation project is one that came to a completion on 30 June 2019. That has been known in advance; it has been known for a while. That is a project that we do not continue on.

The Hon. DANIEL MOOKHEY: Is that comprising the bulk of the savings that you will be making this year for the efficiency dividend?

Mr HANSEN: Yes, that is correct.

The Hon. DANIEL MOOKHEY: Insofar as you are aware of the Government's regional jobs guarantee, obviously that will have a disproportionate impact on DPI in the sense that you can only presume that your options will be far more limited because more of your staff are based in regional New South Wales. Is that correct?

Mr HANSEN: That is correct, but it also has meant that within the broader cluster, obviously those parts of the cluster that have more metropolitan-based staff are wearing a higher percentage of share than what we do, given the limited capacity we have with the high percentage of regional-based staff.

The Hon. DANIEL MOOKHEY: Do you anticipate any job losses as a result of the efficiency dividend in the DPI?

Mr HANSEN: No, not at this point in time.

The Hon. COURTNEY HOUSSOS: Did you want to add something?

Mr HANSEN: There was a question with regard to the expressions of interest—29 September is the close-off for those expressions of interest for the CommFish board.

The Hon. DANIEL MOOKHEY: Yes, we heard that. Thank you.

The Hon. COURTNEY HOUSSOS: Mr Hansen, direct me if I need to go elsewhere, I am asking about Landcare. Landcare has had, as I am sure you are aware, a 20 per cent cut from the Federal Government over four years. Have you made any plans or received any representations to increase that funding?

Mr HANSEN: I might pass over to Mr Witherdin.

Mr WITHERDIN: We work with Landcare NSW. We have a joint management committee. It is a key delivery partner with us. I referred earlier to the Commonwealth National Landcare Program. Notionally, there is a 20 per cent cut across the country in terms of that. In its first phase, it was a \$1 billion program over four years; it is now a \$1 billion program over five years. On average across New South Wales, we received a greater cut than that. In terms of funding—

The Hon. COURTNEY HOUSSOS: What was the cut in New South Wales?

Mr WITHERDIN: On average, it was in the order of about 27 per cent. It was a competitive process for the first time when we actually had to bid at a regional level. There are 11 natural resource management regions, which are aligned with our LLS regions in New South Wales. We had to bid for that. In terms of funding, we devolve directly to Landcare. There is some funding that flows from that Commonwealth program via us to Landcare, but the prime interaction we have at a State scale is the Local Landcare Coordinator Initiative. That initial program, a four-year program from 2015 to 2019, was in the order of about \$15 million. The Government has committed to the second phase of the program, which just kicked off in July. It is a four-year program, but it has increased: It is now \$22.4 million over four years.

The Hon. COURTNEY HOUSSOS: There is still 27 per cent cut to the Landcare budget. How is that being accommodated?

Mr WITHERDIN: In terms of that money that came from the Commonwealth to us under the National Landcare Program, that was not all devolved directly to Landcare NSW. It is a delivery partner in terms of doing

some of that work, but not all of that work. Whilst it is referred to as the National Landcare Program, it does not mean all that program goes to the Landcare organisation as such. It is for natural resource management activities. If you look at the National Landcare Program phase two, which we are now embarking on, because of the nature of a lot of that work there is more limited opportunity for Landcare than there has been in the past. We look to partner with Landcare at every opportunity. It is a very important relationship to us but—

The Hon. COURTNEY HOUSSOS: Mr Witherdin, we have limited time. I will stop you there. Have you made any proposals for the Minister about how to recoup this money? Would this be increased funding from the State Government? Have you made submissions to get increased funding for the State Government to offset that funding loss?

Mr WITHERDIN: The State Government, as I said earlier, through the Local Landcare Coordinator initially, has increased its funding from \$15 million over four years to \$22.4 million over four years.

The Hon. COURTNEY HOUSSOS: Still, a further \$10 million is missing, right?

Mr WITHERDIN: I do not agree with that view of the world at all because not all of that funding—this goes to the Commonwealth as the investor in this program and what its preferences are. Certainly, our commitment to working with Landcare is very strong. We are looking to get more work under that arrangement with the Commonwealth and wherever we can, we will absolutely partner with Landcare as part of doing that.

The Hon. DANIEL MOOKHEY: We might step away from Landcare onto weeds, if that is possible,

Mr WITHERDIN: Sure, let's get into the weeds.

The Hon. DANIEL MOOKHEY: Are you anticipating there to be a rise in the number of weeds, should we find ourselves—or various parts of the State are finding themselves—into our recovery, in the drought recovery phase?

Mr WITHERDIN: I think that is highly likely with imported fodder that has come from interstate when we finally do get a break in the drought. There is absolutely a risk of increased weed outbreak in some areas for sure.

The Hon. DANIEL MOOKHEY: Have you prepared any modelling?

The Hon. TREVOR KHAN: Queensland hay—some of its crap.

The Hon. DANIEL MOOKHEY: Have you prepared any modelling? Firstly, is there any occurring right now which is causing LLS' attention to be directed to it?

Mr WITHERDIN: Not specifically in relation to imported hay or fodder that I am aware of, but we are yet to get a decent break either.

The Hon. DANIEL MOOKHEY: That is reasonable. Have you prepared any modelling? How do you prepare for this?

Mr WITHERDIN: We work closely with DPI as a key partner in this space. It is a key consideration when we ultimately get into the recovery phase from drought that they are on the front foot and ready to react. We deliver the Weeds Action Plan on behalf of DPI, in conjunction with local government, across New South Wales.

The Hon. DANIEL MOOKHEY: Are you in dialogue with the major landholders that will be affected, including State government agencies on this issue?

Mr WITHERDIN: Yes, we are. There are regional weed management plans that are administered by our regional weeds committees that are set up as community advisory groups under our local boards. They are a nil tenure type approach. There are public land managers represented as part of that as well as landholders.

The Hon. DANIEL MOOKHEY: Specifically, though, have you had dialogue with RMS and Essential Energy, given that they do own land out there—everywhere really?

Mr WITHERDIN: I would have to take that specific question on notice.

The Hon. DANIEL MOOKHEY: Have you had interactions with local government on weeds?

Mr WITHERDIN: We have had interactions with local government on weeds. The model of delivery of the Weeds Action Program is we devolve the funding through to local government to deliver this.

The Hon. DANIEL MOOKHEY: How much funding is there?

Mr WITHERDIN: In 2018-19 under that program there was \$12.5 million.

The Hon. DANIEL MOOKHEY: Was that all acquitted?

Mr WITHERDIN: That is my understanding.

The Hon. DANIEL MOOKHEY: Is it the same budget for next year?

Mr WITHERDIN: I do not have that information at my fingertips unfortunately for 2019-20. I do not know whether Mr Hansen does?

Mr HANSEN: No. We will take it on notice.

The Hon. DANIEL MOOKHEY: Are the rural resilience officers and drought support workers engaged in the weeds management aspect of it?

Mr WITHERDIN: The rural resilience workers?

The Hon. DANIEL MOOKHEY: Officers and drought support workers, are they engaged—

Mr HANSEN: Not in a formal or traditional sense but obviously as they travel around the State they provide feedback and advice on what they are seeing on the ground.

The Hon. DANIEL MOOKHEY: My colleague Mr Mick Veitch is very interested in the weeds issue.

Mr McPHERSON: I have some additional information in relation to one of your earlier questions. As to the share appeals, the timing and locations—the appeals panel currently has hearings scheduled for Ballina on 22 and 23 October; for Coffs Harbour on 25 October; for Newcastle on 13, 14 and 15 November and for Nowra on 26 November.

Dr MOLTSCHANIWSKYJ: Just quickly, we gave up the lease at Tomaree in 2000, the DPI lease.

The Hon. COURTNEY HOUSSOS: Quite some time back?

Dr MOLTSCHANIWSKYJ: Yes.

The Hon. COURTNEY HOUSSOS: Thank you.

Mr WITHERDIN: Before we close, as to the Weeds Action Program budget for 2019-20, I am advised it is \$12.662 million.

Mr JUSTIN FIELD: I ask Mr Witherdin about the recent amnesty announced jointly by the agriculture Minister and the environment Minister with regards the investigation under the old Native Vegetation Act. Are you the appropriate person to speak to about that?

Mr WITHERDIN: At this table?

Mr JUSTIN FIELD: Yes, at that table. I understand that the Environment Protection Authority [EPA] has responsibilities here for investigations but clearly there is a significant amount of crossover. As I understand it, the Government was assessing about 164 cases of alleged illegal clearing under the old law. Do you know how many will not be pursued now as a result of the decision?

Mr WITHERDIN: In terms of compliance, you referred to the EPA. The appropriate body is Environment, Energy and Science [EES] within that. Whilst we do the assessments under the code, they are the compliance body. In terms of an amnesty, I do not think that is the right term to use.

Mr JUSTIN FIELD: Fair enough. I understand that but the reality is they were being pursued for breaches of the law. Effectively now they are not going to be held to account under that law. That is very much the announcement that seems to me to fit the definition of an amnesty in a lot of ways?

Mr WITHERDIN: If I can correct that. Whilst they may well have breached the Native Vegetation Act, if what they did in doing that would now be compliant with the current codes, yes, there would be no intent to move forward with a prosecution.

Mr JUSTIN FIELD: Are you aware of any other area of law where if I breach it before the law is changed, I would not be responsible for the law that I breached at that time?

Mr WITHERDIN: Law is not my specialty.

Mr JUSTIN FIELD: That is right; that is why I call it an amnesty, Mr Witherdin.

Mr WITHERDIN: Yes. I think what we are looking for here is an optimum environmental outcome and that is the intent of moving through this, so that we actually get an equivalent environmental outcome. We can engage landholders with the new codes because that is critical to the success of them. If landholders come and

engage with us we can work with them in terms of best practice, rather than them keeping us at arm's length and going on and doing things illegally. We think that is really critical to confidence in this region.

Mr JUSTIN FIELD: I understand that and I will ask in the hearings on Friday some of the specifics about the number of landholders and the size. There was a comment by your Minister in a media release that came out that day, "Importantly we will be looking to avoid the practice of locking up farmers' land through punitive remediation orders". Am I to take it from that that where there had been remediation orders put in place as a result of prosecution, that those remediation orders will be sought to be lifted?

Mr WITHERDIN: No, that is certainly not my understanding at all.

Mr JUSTIN FIELD: So the landholders will need to meet the conditions of those remediation orders?

Mr WITHERDIN: That is my understanding, yes.

Mr JUSTIN FIELD: Do I take it from this that remediation orders are not going to be sought for breaches of the current laws then? If there are breaches of the current laws, the idea would be that remediation orders would not be used as a way of resolving breaches of the current laws?

Mr WITHERDIN: Remediation orders, to my understanding, are one of the last options. Certainly before we move down that path or before EES do, given that is their role in terms of compliance, they would seek to work through and develop a conservation agreement and then only if that was unsuccessful or if the scale, the intent, the history of illegal clearing and so on was of a serious nature, they may go straight to that, but I think, as you said, probably it is a question better left until Friday.

Mr JUSTIN FIELD: It does relate to your area of concern because it seems to me that this comment from the Minister is entirely unclear. I do not know if there are policy settings around it, but the signal that it sends is that you can buy your way out of trouble if you illegally clear because the first thing we will be doing is just asking you to tip in some money to the Biodiversity Conservation Trust and we can look after it over there. It is not clear what this means at all. Is that the intention of the policy setting?

Mr WITHERDIN: That is certainly not my understanding of the policy setting. The policy is about determining that in terms of historic non-compliance, those under the Native Vegetation Act, firstly checking whether it would be compliant with the new Act. If it is, then we can move on. If it is not, then it is a question of how could it be brought into compliance with the new code and what remedies are available there? The first step from there is negotiating a conservation agreement. That is about achieving the equivalent environmental outcome if they had complied with the code when they did that clearing.

Mr JUSTIN FIELD: Have you had any feedback from landholders who may well, under the previous Act, have agreed to sign up to a property vegetation plan, agreed to put areas aside on their property and now find out that the people who had breached the previous law had been given amnesties?

Mr WITHERDIN: I have not had feedback in relation to that. But I have certainly had feedback directly from landholders who have called me up to speak about their wish to see compliance undertaken fairly and to be able to move on from the native vegetation code, which I think was quite a contentious space for a large number of years.

The Hon. EMMA HURST: Is the Department of Primary Industries routinely notified of animal cruelty convictions and is there a system in place so that the department is notified if an employee or a director of an exhibited animal facility is charged with or convicted of animal cruelty?

Mr HANSEN: I might ask Dr Filmer to answer that question. But while she is preparing for the answer I might just come back to a question you asked earlier, if that is okay?

The Hon. EMMA HURST: Certainly.

Mr HANSEN: We have 65 compliance officers who are authorised under the Exhibited Animals Protection Act. In reality, 11 of the 65 do the bulk of the inspections.

The Hon. EMMA HURST: Are some of those 65 officers included in admin and everything else?

Mr HANSEN: No, they are all authorised inspectors under the Act. But 11 of them do the vast majority of the work.

The Hon. EMMA HURST: Thank you.

Dr FILMER: Could you repeat the question please?

The Hon. EMMA HURST: Is the DPI routinely notified of animal cruelty convictions and is there a system in place so that they are notified if an employee or a director of an exhibited animal facility is charged with or convicted of animal cruelty?

Dr FILMER: I will have to take that on notice, in terms of the actual mechanism of that happening. The compliance part of biosecurity and food security administers that licensing system. It would have a better knowledge of that than I do.

The Hon. EMMA HURST: Thank you. Going back to issues around licences for animal exhibitors, are you aware that Shoalhaven Zoo in Nowra currently offers a "Zoo to You" service, which, according to its website, allows you to add a wombat to your guest list for your next big event?

Mr HANSEN: No, sorry. That is the first I have heard of that.

The Hon. EMMA HURST: You have not heard of that? Can you explain what kind of licence or permit would have been required to offer that kind of service and how it would have been determined that a sensitive native animal such as a wombat would be suitable to be transported between venues for contact visits with children?

Mr HANSEN: I must admit, that is rather unique. I will have to take that one on notice. I am not sure.

The Hon. EMMA HURST: You might need to take this question on notice as well. Wombats can be quite aggressive when they are handled because they are easily frightened, and they are known to bite people quite hard—

The Hon. TREVOR KHAN: Are you stereotyping all wombats?

The Hon. EMMA HURST: Yes, they are a bit aggressive, Trevor. Don't mess around with them. Can you provide on notice any information about whether the wombat has been surgically altered in any way for this particular purpose.

Mr HANSEN: Certainly. What was the detail of that facility again?

The Hon. EMMA HURST: It is Shoalhaven Zoo in Nowra. It is the "Zoo to You" service.

Mr HANSEN: Thank you.

The Hon. EMMA HURST: In the past month there has been legislation put forward to make it easier for private citizens to shoot deer. It was introduced through biosecurity regulations, which have the effect of imposing huge fines, and the right to farm bill, which will also apparently toughen trespass laws. Can you tell me, on the opposite side of the fence, if the department has introduced anything in the same period to improve or help the lives of farmed animals?

The Hon. TREVOR KHAN: Point of order: These witnesses are public servants; they are not the Minister. It is for the Government to introduce legislation and regulations; not the departmental officers.

The Hon. EMMA HURST: To the point of order: I do understand that it would be the Minister who would be putting that legislation forward. I am just asking the department staff if they are aware of the Minister putting forward any legislation.

The Hon. TREVOR KHAN: That is not precisely what you asked.

The Hon. EMMA HURST: Can I reword the question?

The Hon. CATHERINE CUSACK: Are you trying to get at what has been done?

The Hon. EMMA HURST: Yes.

The Hon. CATHERINE CUSACK: There might be a simpler way to put it.

The Hon. EMMA HURST: I will reword the question. Are you aware of the Minister introducing any legislation that would work towards improving the lives of farmed animals in that same period?

Mr HANSEN: Not off the top of my head, no.

The Hon. EMMA HURST: Do you know if there are any concrete improvements being planned for the laws, particularly given the recent statistics released by the Federal Government that show that 95 per cent of people are concerned about farm animal welfare and 91 per cent of people want to reform or address the issue? Do you know of any future plans for animal welfare by the Minister?

Mr HANSEN: As the Minister flagged this morning, in May last year the Government launched the Animal Welfare Action Plan. The Minister is committed to reforming the current three pieces of legislation in the animal welfare space in New South Wales: the Prevention of Cruelty to Animals Act, the Animal Research Act and the Exhibited Animals Protection Act. He is proposing to carry out consultation with stakeholders and the community to look at what a modern piece of animal welfare legislation looks like, which enables us to bring together all of the various components around not only the protection of animals but also the enhancement of animal welfare outcomes across those three areas.

The CHAIR: Dr Moltchaniwskyj, you co-authored a research paper called *Illegal recreational fishing causes a decline in a fishery targeted species (Snapper: *Chrysophrys auratus*) within a remote no-take marine protected area*. The report states:

Based on the mean of 9.0 vessels per month recorded from the surveillance camera, using an average of 2.14 person per vessel, if each fisher took the bag limit of 10 *C. auratus* each occasion, it is estimated that the number of vessels illegally fishing could have caught up to 192 *C. auratus* (9 vessels x 2.14 persons x 10 *C. auratus* per person) in the no-take area each month; this equates to the potential removal of 2,304 *C. auratus* over 12 months.

Given that there is a lot of ifs and buts included in the potentials, why was DPI Compliance not used to quantify some real data around whether fish were being taken in those marine park areas or not?

Dr MOLTSCHANIWSKYJ: Compliance had access to the livestream footage and on occasions they did go out and do patrols out there. I am not too certain what statistics there are on the catches of the boats that were apprehended by the compliance officers, but there were some.

The CHAIR: Would you not agree that the title of the research is a little bit misleading? It says "causes" even though we are unsure whether it was happening or not.

Dr MOLTSCHANIWSKYJ: The period of time that the boats spent inside the sanctuary zones with nobody going over the side lead us to conclude that they were fishing while they were there. Those boats are known to be in the area and to be keen recreational fishers. That was a valid assumption. The boats had to be in the area for a certain period of time before we classified them as undertaking fishing activities. We assumed that they were taking their bag limit because once they left that area and continued, if they were apprehended they would need to be within their bag limit, otherwise they would be apprehended for an over-the-bag-limit offence. The assumptions are valid and the peer-review process, which was very robust, supported the assumptions that were made in the paper.

The CHAIR: The wording of it just seemed a little bit strange. The Hawkesbury bioregion has a sewage input that exceeds 1.3 million litres per day, primarily from the Sydney deep ocean outfalls. There is equal concern from recreational and commercial fishers that there is a significant detrimental influence on all stages of the fish population from that, particularly within that plume area from the deep ocean outfalls. Can you advise us as to whether there has been any level of testing done on our fish stocks around those sewage outfalls and whether there has been any results from that testing?

Mr TURNELL: I am not aware of the issue, I am sorry.

Mr HANSEN: We would have to take on notice whether there has been any testing of those stocks.

Dr MOLTSCHANIWSKYJ: We have not undertaken any testing of those stocks, but it is likely that there would have been some research in the Sydney area, which is where those outfalls are. We would need to dig into the literature to find that.

The CHAIR: Are you aware of a new proposed ocean outfall being attached to a sewerage treatment plant on the far south coast in the Bega Valley Shire Council area?

Dr MOLTSCHANIWSKYJ: I am not aware of that, no.

Mr HANSEN: No.

Mr TURNELL: No.

The CHAIR: I might leave the remainder of those questions and put them on notice to give you a bit more time.

The Hon. CATHERINE CUSACK: That might be for the water Minister.

The CHAIR: The questions are about the health of fish and fish stocks. That is why I am directing it here. Although I take your point that there is an element of water to it, because fish do swim in water. Mr Turnell, in terms of the administration of trust funds, are you the correct person to speak to?

Mr TURNELL: Correct.

The CHAIR: Is it true that the administration costs for trust funds were supposed to be kept below 10 per cent? I believe that was a Government promise.

Mr TURNELL: I believe that statement was made approximately 19 years ago when the recreational licence was brought in. I am not sure in what context.

The CHAIR: Do you know what the administration costs are now?

Mr TURNELL: Yes, I do. Revenue into the Recreational Fishing Trust is about \$15 million to \$16 million each year. At the present time, we are spending about \$1.5 million on licensing, which is about 10 per cent. That is still looking pretty good. A lot of things are delivered through that \$1.5 million. In addition, there is a government licensing service fee of around \$700,000 a year. That is probably what you may have heard has taken it over the 10 per cent, but what that does is provide online sales, online payment, plastic cards—a lot of things that fishers wanted.

The CHAIR: Is the Recreational Fishing Trust Executive Officer paid out of that?

Mr TURNELL: Yes, he is as well. That is a different part.

The CHAIR: Is he classed as an administration cost?

Mr TURNELL: We do for the purpose of our platforms, yes.

The CHAIR: Is that a full-time salary package?

Mr TURNELL: It is a full-time position in DPI, yes.

The CHAIR: Is he responsible for the overall coordination and financial management of the trust? Is that part of his role?

Mr TURNELL: Pretty much, yes. And for also coordinating, I think, it is 168 active projects that we have on the go.

Mr HANSEN: It is 186.

The CHAIR: Is that Mr Bryan van der Walt? Is that correct?

Mr TURNELL: That is correct.

The CHAIR: How is the trust fund audited?

Mr TURNELL: There are audits each year by the government auditing service. I think we have also probably had two external audits in the past five or six years that I can recall, at least.

The CHAIR: Are you confident that all the DPI projects are running on track to deliver what they are funded for?

Mr TURNELL: There might be some that are running a bit behind time, but they are all achievable and recoverable if any are behind time.

The CHAIR: Are you able to take on notice which ones are running behind and which ones are not?

Mr TURNELL: Absolutely.

Mr HANSEN: Before we leave that topic, you asked a question before about how much money goes to fisheries research?

The CHAIR: Yes.

Mr HANSEN: The amount is \$45 million.

The Hon. DANIEL MOOKHEY: Mr Hansen, do you have incidents and prevalence numbers for the past 12 months for Q fever? Do you maintain data on this?

Mr HANSEN: In livestock or in humans?

The Hon. DANIEL MOOKHEY: I was going to go through livestock and humans as two different categories. Perhaps we will do humans first.

Mr HANSEN: I do not have data on humans. Health would have the data on that.

The Hon. DANIEL MOOKHEY: Do you have it on livestock?

Mr HANSEN: Not ready to hand, no.

The Hon. DANIEL MOOKHEY: On notice, are you able to provide the committee with the amount of cattle with Q fever, and sheep, goats and wild birds and any other category you keep that we have an interest in?

Mr HANSEN: Our testing facilities at Elizabeth Macarthur Agricultural Institute conduct Q fever testing for producers who send in samples for us to test for Q fever. We can give you that data. I am not sure that we will get anywhere near having data about how many animals might be infected by including native animals, but we can see what we can find.

The Hon. DANIEL MOOKHEY: That would be useful. Is there a national strategy around Q fever? Is there work underway on a national strategy that you are aware of?

Mr HANSEN: I am aware of work that has been funded by the New South Wales Government in Q fever, specifically around development of new generation vaccines. I know that we hoped to be able to piggyback off the back of that funding to be able, wherever new vaccines and tests are developed for humans, to generate an outcome for livestock as well. I am not aware of a national strategy. I am not saying it does not exist. I am just not aware of it.

The Hon. DANIEL MOOKHEY: Do you want to expand on what the New South Wales Government's policy or actions are with respect to Q fever? Is the department undertaking any educational activities, particularly for the workforces in these industries?

Mr HANSEN: I know LLS Central Tablelands, in particular, has done some work in the Q fever space. My understanding is that the funding from the New South Wales Government is actually to—I am just trying to find the name of the organisation. NSW Health is providing funding to develop the new vaccines or new tests. At the moment, it is a two-step process of having to go, in the first instance, and be tested to see whether you have already had exposure to and therefore developed natural resistance or whether you have not and you need then to go back for vaccination. To reduce that down to a one-step process would be significantly beneficial in terms of human protection against Q fever.

The Hon. DANIEL MOOKHEY: Are you notified at the point of human diagnosis?

Mr HANSEN: No, not that I am aware of.

The Hon. DANIEL MOOKHEY: Is NSW Health notified?

Mr HANSEN: I assume it would be.

The Hon. DANIEL MOOKHEY: After the point of notification, does DPI go out and inspect or go out and do any compliance activities to minimise the spread?

Mr HANSEN: Quite often it will be the district veterinarians at the Local Land Services level who do the in-field inspections. They will take samples and submit them to our staff at Elizabeth Macarthur Agricultural Institute to run tests on them.

The Hon. DANIEL MOOKHEY: Are you able to briefly expand on what they have done in the past 12 months and where they are finding this?

Mr WITHERDIN: Specifically, in terms of Q fever or our vets? We have 54 district vets.

The Hon. DANIEL MOOKHEY: Q fever.

Mr WITHERDIN: We would need to take that on notice. We are happy to do that and provide specific details around it.

The Hon. DANIEL MOOKHEY: Director General, are you aware that the NSW Farmers Association is calling for the State and the Commonwealth to fund the vaccines?

Mr HANSEN: I have seen that, yes.

The Hon. DANIEL MOOKHEY: Has the department prepared any advice for the Government in this respect?

Mr HANSEN: No. This is an issue that NSW Health deals with. My understanding is that the NSW Farmers Association's call for the funding of a vaccine is for human protection against Q fever, yes?

The Hon. DANIEL MOOKHEY: Okay. Do you liaise with NSW Health on this? Is there an engagement point?

Mr HANSEN: We do, but mainly at the science level with regard to who is doing what works in terms of vaccines, tests and so forth.

The Hon. COURTNEY HOUSSOS: Mr Hansen, how often have officers of the NSW Food Authority met with the Macleay River Shellfish Committee [MRSC] since 2016?

Mr HANSEN: I will have to take that on notice.

The Hon. COURTNEY HOUSSOS: That is okay. You might need to take a few of these questions on notice. How much has the Government contributed to the MRSC since 2016?

Mr HANSEN: Sorry?

The Hon. COURTNEY HOUSSOS: Are you familiar with the issue?

Mr HANSEN: No, sorry.

The Hon. COURTNEY HOUSSOS: Okay. I am interested also in the growers' contributions each financial year since 2016. I am also interested to know about the testing that has been conducted in the Macleay River associated with it. Are you aware of any of these issues?

Mr HANSEN: No, sorry.

The Hon. COURTNEY HOUSSOS: Will you take them on notice and disaggregate the testing by zone and by date? That would be useful.

Mr HANSEN: Okay.

The Hon. COURTNEY HOUSSOS: Can you tell me the dates and the duration of the river zones closures since 2006?

Mr HANSEN: Since 2006?

The Hon. COURTNEY HOUSSOS: And the reasons for the closure.

Mr HANSEN: Okay.

The Hon. COURTNEY HOUSSOS: And can you tell me how many of the closures were due to a seasonal closure policy?

Mr HANSEN: Yes.

The Hon. COURTNEY HOUSSOS: Can you find out whether the local shellfish committee has a formal policy and procedure for implement in decisional closure?

Mr HANSEN: Yes.

The Hon. COURTNEY HOUSSOS: And the harvest management plan for the Macleay River?

Mr HANSEN: Definitely.

The Hon. COURTNEY HOUSSOS: I have another half-a-dozen, but I might put them on notice.

Mr HANSEN: Excellent. I look forward to them.

The Hon. DANIEL MOOKHEY: I will ask you about shark nets while we are here. How many beaches do shark nets currently operate at?

Mr HANSEN: I think the shark meshing program covers 51 beaches.

The Hon. DANIEL MOOKHEY: How many sharks were caught in the nets in the past 12 months?

The Hon. TREVOR KHAN: Your question should be about target species. That is the question.

The Hon. DANIEL MOOKHEY: How many target species? That is a good point.

Mr HANSEN: There were 23 target sharks and 183 non-target sharks for the 2018-2019 financial year.

The Hon. DANIEL MOOKHEY: Any other target species?

Mr HANSEN: No.

The Hon. DANIEL MOOKHEY: Is the DPI still operating a drone program?

Mr HANSEN: Yes.

The Hon. DANIEL MOOKHEY: On which beach? On the North Coast still?

Dr MOLTSCHANIWSKYJ: Can I clarify? The drone program is actually a research collaboration that we have with New South Wales Surf Life Saving [SLS]. Under the shark management strategy we tested and trialled the feasibility of drones for surveillance for the three target species, so that is bulls, tigers and white sharks. Now we are trying to work out how can we transfer this technology through to beach safety authorities? So we ran a trial last year running from the far north of New South Wales all the way down to the far south. We are repeating that trial with some variations and some extensions this coming summer.

Mr HANSEN: Nineteen beaches were covered under that trial.

The Hon. DANIEL MOOKHEY: Do you have the cost of the trial?

Dr MOLTSCHANIWSKYJ: From memory it was about \$1.2 million last year.

The Hon. DANIEL MOOKHEY: If you are reporting the strategy to beach authorities, as you say, I can only presume that the strategy was successful?

Dr MOLTSCHANIWSKYJ: The drones were successful, yes.

The Hon. DANIEL MOOKHEY: Therefore, they will be operating permanently; is that the case?

Mr HANSEN: One of the exciting things about the drones is it has actually been as useful for safety as it has been for shark observation. We are obviously in conversations with Surf Life Saving and local councils with regards to how the drones might actually play an important role in keeping an eye on people in the water regardless of whether there are sharks or not, and being able to identify people in trouble and being able to either notify on-beach assistance or to be able to deliver a payload which may be able to provide assistance. They are things we are working through at the moment but obviously there is a unique opportunity for drones to actually play a key part in beach safety over the coming summers.

The Hon. DANIEL MOOKHEY: I am pro-drone. Drone on!

Dr MOLTSCHANIWSKYJ: A correction, last year we spent \$1.117 million on the drone trial.

The Hon. DANIEL MOOKHEY: Is it possible on notice you can come back to whether SLS has made a funding request to be able to operate the drones? I understand it has an issue about whether it can fund the acquisitions, particularly, of the drones.

Mr HANSEN: Mr Mookhey, I will come back to one of your earlier questions in relation to the Share Appeal Panel. I confirm that section 86 (1) (c) of the Act spells out that the panel is not bound by the rules of evidence but may inform itself on any matter in any way it thinks appropriate.

The Hon. EMMA HURST: I know we have spoken in the past about the national standards and guidelines process, particularly in relation to battery cages. Could you update the Committee on anything since we last talked about the cage egg issue. Has there been any update on the involvement of New South Wales and any consultation that the department is undertaking to help guide a decision in this process?

Mr HANSEN: I am not aware of any progress on the national front since we last spoke on this at the committee hearing a couple of weeks ago.

The Hon. EMMA HURST: What consultations has the department undertaken in the process?

Mr HANSEN: In the leading to?

The Hon. EMMA HURST: Correct, yes.

Mr HANSEN: I think we have three tranches of the consultation. I might ask Dr Filmer to help us with part of that. In the first stages of the development of the first draft, consultation was undertaken. Upon release of that draft—and I do not have the time frame in front of me.

The Hon. EMMA HURST: Do you have the people who were involved in the consultation?

Mr HANSEN: Sure.

The Hon. EMMA HURST: On notice if it is a long list.

Mr HANSEN: Once that code was out we then conducted a targeted New South Wales consultation that was led by the previous Chief Veterinary Officer of the State, Dr Ian Roth. I might again come back on notice about who was consulted. The consultation at the start was actually a national consultation. I am not sure I have everyone who was participating because that was conducted under the national guise. The targeted New South Wales one, we definitely can give you a list of who was involved in that consultation. The feedback from that

consultation when people were out, when we were doing the targeted one in New South Wales, it was also happening nationally. The consultant's report into that consultation on behalf of the national management group for that—Animal Health Australia—is now publicly available on its web site, documenting the outcomes from that consultation period and who they spoke to.

The Hon. EMMA HURST: The targeted New South Wales consultation was run by Dr Ian Roth?

Mr HANSEN: That is right, yes.

The Hon. EMMA HURST: Earlier you were talking about 65 compliance officers with 11 doing the vast majority. How do we define a compliance officer? Can you give me some more specific details so that I can understand? Does that mean if somebody works on site that they have been given the ability to be a compliance officer? How does that number end up being 65?

Mr HANSEN: Compliance officers actually have to be authorised to be compliance officers under the Act. Compliance in our animal welfare space is around the exhibited animal compliance activities. We often use our food safety inspectors as authorised officers as well.

Dr FILMER: There is also the research compliance, who are veterinarians.

Mr HANSEN: Animals and research, yes.

The Hon. EMMA HURST: This week an article in *The Sydney Morning Herald* showed that Australia's plant-based meat industry contributed up to \$3 billion to the economy and will generate thousands of jobs between now and 2030. Is the Department of Primary Industries doing anything to support the growth of the plant-based meat industry in New South Wales?

Mr HANSEN: We are doing a lot to promote the growth of plant industries in New South Wales. I think a question we had before was around the amount of money we have invested in plant research versus animal research. We have got a portfolio of projects in the plant production research area of \$163 million. Our livestock productivity research portfolio is \$55 million. As I said, our fisheries research is \$45 million. As you can see, we are spending a lot of money in helping plant industries be efficient in their production but also meet the customer requirements and the changing customer requirements, so the products they are producing, whether they be pulses, cereals or whatever.

The Hon. EMMA HURST: When you say plant industries, does that include the plant-meat industry or is that separate?

Mr HANSEN: No, that is a very new and emerging industry. At the moment we do not have any interactions or any engagement in that space. We are partners in the Food Agility Cooperative Research Centre and I am not sure whether that CRC has any investment in this space at the moment.

The CHAIR: Are you aware of any cost shifting within the trust funds?

Mr HANSEN: Not that I am aware of. Within each of the trust funds the advisory committees for each of those trusts review the applications that come forward. If an application for, say, an artificial fishing reef comes forward it is likely to be submitted by the department as an application that they then consider. They get the full breakdown of those costs and if they consider that to be a worthwhile investment they will recommend to the Minister and the Minister will therefore approve that expenditure in that area.

The CHAIR: I have a specific example I want to get some clarification on.

Mr HANSEN: Sure.

The CHAIR: I will give you a copy of this. On 21 February 2019 there was a meeting of the charter boat New South Wales working group. One of the attendees was the executive officer of the Recreational Fishing Trusts, Mr Bryan van der Walt, but his title is listed as a manager of recreational fisheries. In what capacity was he paid during that meeting? Was he paid from the Recreational Fishing Trusts or some other mechanism? How can a full-time Recreational Fishing Trusts executive officer, who is getting a full-time salary package, also be a manager of recreational fisheries to a charter boat working group? It seems like he would be a very busy boy. Is that an error?

Mr TURNELL: No, that is not an error. Bryan van der Walt's title in DPI is the manager of recreational fisheries programs. Charter boat is a significant part of the recreational fishing sector. It is essentially a platform for recreational fishing.

The CHAIR: I was seeking clarification on that. The Act states that money and the trust fund is under the control of the Minister and can be expended by the Minister for only purposes authorised by this division. Is

it fair to say that any anomalies or maladministration falls on the Minister in terms of being responsible for it? Is he ultimately responsible for any maladministration or anomalies?

Mr HANSEN: I think any anomalies, and so this goes back to the question then about the auditing that gets done on an annual basis by the Audit Office with regards to the Recreational Fishing Trusts. I think it is the Audit Office that does that on an annual basis. Also the advice that gets provided and the oversight that is provided by the advisory committees in this space.

The CHAIR: That brings us to 5 o'clock. Thank you for attending and for your candour.

(The witnesses withdrew.)

The Committee proceeded to deliberate.