

PORTFOLIO COMMITTEE NO. 4 - INDUSTRY

Thursday 31 October 2019

Examination of proposed expenditure for the portfolio area

AGRICULTURE AND WESTERN NEW SOUTH WALES

CORRECTED

The Committee met at 3:30

MEMBERS

The Hon. Mark Banasiak (Chair)

The Hon. Lou Amato

The Hon. John Graham

The Hon. Emma Hurst (Deputy Chair)

The Hon. Trevor Khan

The Hon. Taylor Martin

The Hon. Mick Veitch

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 to the budget estimates supplementary hearing for the portfolio of Agriculture and Western New South Wales. Before I commence, I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay respect to the Elders past and present of the Eora nation and extend that respect to other Aboriginals present. Today's hearing is open to the public and is being broadcast live via the Parliament's website. In accordance with 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 also remind media representatives that they must take responsibility for what they 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. Any messages from advisers or members' staff in the public gallery should be delivered through the Committee secretariat. I remind witnesses that they are free to pass notes and refer directly to advisers seated at the table behind them. Finally, I ask everyone to turn their mobile phones to silent.

NATALIE MOLTSCHANIWSKYJ, Acting Deputy Director General, Fisheries, Forestry and Game Licensing, on former oath

SCOTT HANSEN, Director General, Primary Industries, Department of Planning, Industry and Environment, on former oath

PETER TURNELL, Group Director, Recreational and Aboriginal Fisheries, NSW Department of Primary Industries, on former oath

The CHAIR: I remind all witnesses that you do not need to be sworn as you have been sworn at an earlier budget estimates hearing of this Committee and, as there is no provision for any witness to make an opening statement, we will begin with questions from the Opposition.

The Hon. MICK VEITCH: Thank you for your attendance this afternoon. I want to ask about the racehorse issue, which is more around the Prevention of Cruelty to Animals Act and the application of POCTA, so probably appropriate to Mr Hansen. How many inspections are you aware of that have been carried out in relation to horses being transported from Victoria to the Meramist Abattoir?

Mr HANSEN: I would need to take that on notice to give you a total number but, following investigations post the documentary or the 7.30 report, we are aware that there were three incidents in which the Commonwealth veterinarian on site at Meramist contacted NSW Department of Primary Industries [DPI] with regard to concerns about the condition of animals arriving. One of those occasions was with regard to a consignment from Victoria, so that was passed on to the Victorian department. Two of them were in regard to one operator out of New South Wales. Both times the information was passed on to the RSPCA, and they conducted investigations at that point in time.

The Hon. MICK VEITCH: Are those investigations still ongoing, Mr Hansen?

Mr HANSEN: I would have to take that on notice. I do not know where in that process they are up to.

The Hon. MICK VEITCH: Are there investigations taking place around the adequate watering of horses that are in transit from Victoria?

Mr HANSEN: The land transport guidelines are something that, as I think I mentioned earlier in this morning's hearing, all agriculture Ministers last week agreed needed to have some work done to sort of bolster those standards with regard to racehorses, or actually with regard to horses. But in terms of inspection and compliance activity, POCTA has provisions in there about watering of horses—watering of any livestock—in transport. I am not sure whether that featured in the investigation component by the RSPCA on those two consignments that were raised with them, but that is something that we can certainly follow up.

The Hon. MICK VEITCH: I am led to believe that there were some racehorses presented for sale at Maitland saleyards and they were subsequently turned away, not to be sold. Are there guidelines for saleyard operators around the selling arrangements, or non-selling arrangements, for former racehorses?

Mr HANSEN: That is a good question. I am not aware if there are specific ones in place for saleyards with regard to racehorses. Obviously all saleyards operate under codes that spell out general animal welfare and handling practices for all livestock, and then there are subsets for different types of livestock, including horses, but I could not tell you what they have in place with regard to racehorses. Again, that is something that we could follow up with the saleyard industry.

The Hon. MICK VEITCH: Is there a process for prohibited buyers? Are there any prohibited buyers of racehorses in New South Wales?

Mr HANSEN: Not that I am aware of, no, but again we can check that.

The Hon. MICK VEITCH: Will you take that on notice?

Mr HANSEN: Yes.

The Hon. MICK VEITCH: Thank you. With regard to saleyards in general now, you talk about the codes but are there guidelines for the sale of all livestock at those saleyards?

Mr HANSEN: Yes, there are.

The Hon. MICK VEITCH: Are there exclusions for former racehorses?

Mr HANSEN: The question would be more about are there inclusions to call out one type of reason for having an animal as opposed to just under the category of horses, and the laws in New South Wales do not differentiate, within the category of horse, between standardbred and thoroughbred. So within our POCTA and our legislative framework in New South Wales we do not call out differences there, which is why I am not aware whether there would actually be something special in place for thoroughbreds as opposed to standardbreds when it came to the operations at saleyards.

The Hon. MICK VEITCH: Are there regular inspections or audits of saleyards when they are in operation?

Mr HANSEN: Yes, there are.

The Hon. MICK VEITCH: Who conducts those—the RSPCA or officers from the Department of Primary Industries?

Mr HANSEN: There are multiple agencies looking at multiple things. From an animal welfare perspective, yes, RSPCA, although the police will also conduct inspections where they get phone calls from local operators concerned about the welfare of stock that is being unloaded or brought into the yards. We also obviously have Local Land Services [LLS] biosecurity officers and district veterinarians who do inspections of the yards. Our ability to put LLS inspectors on the ground, this was the last financial year's figures, but I think it was something close to 350 days of inspectors on the ground at saleyards looking not only from an animal welfare perspective, for which they do not have a compliance role other than to raise it with compliance officers, but with regard to looking for disease and any non-compliance with traceability requirements or national vendor declarations and so forth.

The Hon. MICK VEITCH: Does the Department of Primary Industries do any work with Racing NSW around managing racehorses post their racing career?

Mr HANSEN: No, we have not. I dare say it is an area where we will be involved in conversations from here.

The Hon. JOHN GRAHAM: What engagement have you had with Racing NSW up until now?

Mr HANSEN: Me? None to this point in time, but I would have to take on notice whether in the past our staff have been involved in any of those discussions.

The Hon. JOHN GRAHAM: As an agency?

Mr HANSEN: Yes.

The Hon. MICK VEITCH: You mentioned that, going forward, you will have some sort of dialogue or conversation. What is the framework around that? What does that look like?

Mr HANSEN: Again, I think this was outlined in discussion last Friday at the agriculture Ministers meeting in which they said a key role for Primary Industries agencies across all the jurisdictions is in the area of prevention of cruelty to animals under the various legislative guises and to be able to provide advice to racing Ministers and to the racing industry with regard to animal welfare.

The Hon. MICK VEITCH: At that meeting you are talking about of the agriculture Ministers, they also agreed to advise racing Ministers on animal welfare. They further agreed to the Agriculture Senior Officials' Committee [AGSOC] reviewing the implementation of the Australian Land Transport Standards and Guidelines in respect of horses.

Mr HANSEN: Yes.

The Hon. MICK VEITCH: I know it is pretty early days after that particular meeting, but have you received advice from the Minister as to how he would expect your department to be involved in that particular process?

Mr HANSEN: Yes, the Minister and I had a conversation about that prior, during and after that meeting. There is actually a follow-up hook-up of the AGSOC—I think it is in the next 10 days—with regard to progressing the work plan on that, and that will sort of outline the process and the formal engagement piece to start that work.

The Hon. JOHN GRAHAM: Can you give us some idea to date of what the timing is that you are expecting, given the discussions you have been across? How quickly do you expect some of this to roll out?

Mr HANSEN: Sorry, I could not do that until I get this conversation with all of my counterparts across all the other jurisdictions in play because, again, we want it to be a national framework, a national guideline. But it would be fair to say that the fact that it dominated a number of the discussions at the agriculture Ministers meeting sort of signifies the importance that the Ministers were putting on progressing this as quickly as we can.

The Hon. MICK VEITCH: With regard to abattoirs and knackeries and the way they operate under POCTA, are there random inspections or audits?

Mr HANSEN: There are.

The Hon. MICK VEITCH: Who conducts those?

Mr HANSEN: The random inspections can be conducted either by the RSPCA or New South Wales police. For example, in the case we were referring to earlier this morning with regard to one of the knackeries in New South Wales that has pleaded guilty to a number of instances of aggravated cruelty, they were random audits and checks. They were based on a report that gave information that targeted an increased surveillance around a facility, and that was primarily concerned with the POCTA component and animals that were not in the facility but in large all around the paddocks around the facility. Compliance and the licensing agreements for both the knackeries and processing works that are done for the purposes of licensing under those codes are done by the Food Authority compliance team. They also are random and unannounced, except where there might be a need to ensure that they are operations on that day or that staff are going to be there to accommodate an inspection to occur.

The Hon. MICK VEITCH: The necessary staff would be—

Mr HANSEN: Yes.

The Hon. MICK VEITCH: The "horse" section of the Department of Primary Industries website does not appear to have any information about the euthanising of horses or other equine animals or their disposal after death. In light of the ABC program, are there any plans to change that so that there is information available?

Mr HANSEN: That is certainly something we can take on board. I was not aware that it was on there. We can certainly look at that. I think as we progress down the review of the land transport standards piece, we will be seeing a number of additions to the website in that area.

The Hon. MICK VEITCH: Do you see any merit in talking to Racing NSW about what information DPI could have on its website that would assist the racehorse industry? It is just about the availability of information, really.

Mr HANSEN: I think that is certainly worthwhile. There is currently a Senate inquiry underway into the feasibility of horse traceability. I know a lot of that work that has happened so far has been around the issue of safety in terms of people purchasing ex-racehorses being aware that they are purchasing ex-racehorses and, therefore, understanding either some of the risk or the additional components they might want to take into consideration before they, for example, put them into pony clubs or so forth.

The recent conversation brings new elements and new dimensions to that conversation about traceability. Obviously, as a State, we are still only repairing the scales of the equine influenza outbreak and the spread and impact that that had across the State. We see additional tools of improved and enhanced traceability pieces that can be used but collectively across all the States we will wait and see the outcomes from that Senate report. I am sure that traceability story will also be one that we will want to take up with the industry, both with the standardbreds as well as thoroughbreds in terms of what can be done in this space.

The Hon. JOHN GRAHAM: You are saying it might have multiple benefits, in fact.

Mr HANSEN: Yes. Now the emphasis is certainly on more than just the original conversations that had been in this space, which were around both disease control to a lesser degree but also around the safety element. I think that there is additional cause for those conversations now.

The Hon. JOHN GRAHAM: Given the answers that you have given so far about your preparedness to have DPI publish and publicise the New South Wales Rules of Racing, I take it that did not really happen when those changes were made back in 2016. That was not something that the agency was in a position to publicise at that point. That has not happened till now.

Mr HANSEN: I am aware that we have a lot of information on horses and donkeys on our website but I am not sure what is there or—

The Hon. JOHN GRAHAM: Given that intervention by them, in a lot of ways, is the key regulatory control here and whatever can be done to publicise that to make sure people are aware of it, is obviously crucial now.

Mr HANSEN: Yes, I agree.

The Hon. MICK VEITCH: I want to go back to the guidelines for saleyards. Are there statewide guidelines for the operation of saleyards? There are a number of regulatory regimes you have to follow. The EPA has an involvement, for instance, around effluent flowing from saleyards. When it comes to the animal welfare arrangements in this State, are there a set of statewide guidelines for the operators of saleyards?

Mr HANSEN: It is a national one. The Australian Animal Welfare Standards and Guidelines for saleyards and depots were enforced by the Agriculture Ministers' Forum in February 2018. They are currently being progressed in terms of their implementation through a Prevention of Cruelty to Animals Act regulation amendment to mandate the standards, like we have done with the land transport codes. We have got a communication education package, which is being developed for rollout. The guidelines and standards are there. They are known and they are utilised by the industry. They provide reference already to inspectors under POCTA but they will actually be strengthened and mandated as we move forward with the proposed regulatory amendments. There is a national approach to that.

The Hon. MICK VEITCH: There is a harmonisation across all jurisdictions with regard to—

Mr HANSEN: That is right.

The Hon. MICK VEITCH: Is there a timetable for that? Which is the lead State for the harmonisation process?

Mr HANSEN: Now it is at the point of each State needing to implement to get that harmonisation process occurring. The States have all agreed on how. It is now just now State delivering.

The Hon. JOHN GRAHAM: Given that some of these revelations have been of real public concern—and I am sure there will be other questions about it today during estimates, as there have been this morning—is DPI aware of other issues in the horse racing industry at the moment other than the very public discussion?

Mr HANSEN: No, not that I am aware of.

The Hon. JOHN GRAHAM: I might turn now to some of the questions about the agricultural Commissioner. Former Minister Blair announced the creation of a New South Wales agricultural commissioner on 5 February 2019. The proposal was that they would be appointed by the end of the year. Where are we up to?

Mr HANSEN: I think Minister Marshall has previously made comment around the fact that the key part of what the agricultural commissioner's role would be implementation of right to farm. Hence, a logical sequencing of activities was the passing of the Right to Farm Bill, which I believe is back in front of the House at its next sitting. We would expect beyond that, but before the end-of-the-year time frame, we would see an agricultural commissioner appointed.

The Hon. JOHN GRAHAM: Are you expecting an appointment before Christmas?

Mr HANSEN: Yes.

The Hon. MICK VEITCH: Have you started canvassing potential candidates? Are we going to put this in the hands of a headhunter company or is it going to be done within—

Mr HANSEN: I think the Minister is seeking advice and checking potential candidates and names, not only regularly with the agency but also regularly with external stakeholders and industry as he is travelling around the State. I expect that he will come up with a process as to who he wants to appoint as the agricultural commissioner to deliver on the election promise.

The Hon. JOHN GRAHAM: Will that be a recommendation from the agency?

Mr HANSEN: No, that will be a decision by the Minister.

The Hon. JOHN GRAHAM: Will you not be providing a short list or running any expressions of interest?

Mr HANSEN: If the Minister asks for a short list or for us to provide a process for him, then obviously we will. But at the same time, if the Minister decides that he is just going to make an appointment of a

commissioner to deliver on the election commitments and to work with us in doing that, then I expect he will also. I do not have a lead either way that.

The Hon. JOHN GRAHAM: As of today, he has not made that request of you to prepare a short list.

Mr HANSEN: No. That is right.

The Hon. JOHN GRAHAM: Why was this not referred to in the bill at all? There is no reference to the agricultural commissioner in the bill, if the right to farm agenda was part of this role.

Mr HANSEN: That is right but it does move us then to the next piece, which I know many have commented on in the current debate with regard to education and outreach to councils and to communities. That obviously is one of the things that was highlighted as one of the roles of the commissioner. The focus on this piece of right to farm to this date has been around the illegal trespass. In fact, in the first instance it was around biosecurity. Then it became around the illegal trespass and the nuisance shield. I expect that we will see it continue to move into those areas around that outreach, communication and engagement with councils.

The Hon. JOHN GRAHAM: I agree with you that the phrase has suddenly travelled quite some distance across the range of public policy areas. One of the other areas that has been referred to—this was in September at the NSW Farmers poultry forum in the Hunter Valley—one of the roles proposed for the agricultural commissioner was to have a role in managing competition issues in that industry. Can you give us any background on that? Who made that decision and what is envisaged?

Mr HANSEN: I think that was also included in the original commentary around what an agricultural commissioner might be able to do within the State level. Since the appointment of some agricultural specialists within the Australian Competition and Consumer Commission to handle competition policy or competition pieces, it would appear to be a logical extension for an agricultural commissioner who is going around talking to industries, gathering perhaps anecdotal evidence of competition issues for them to be able to raise that at the ACCC level with that specialist team, which has now formed up there. To be a conduit backwards and forwards between that and the industry groups or individuals who raise issues.

The Hon. JOHN GRAHAM: We have had the Building Commissioner appear before some of these parliamentary committees. One of the concerns of the Parliament upfront has been he has a big job to do and he has had little backup by way of support—compared to what is going on in Queensland or Victoria. What sort of support do you envisage will be in place for the Agriculture Commissioner?

Mr HANSEN: We anticipate that, upon appointment of an Agriculture Commissioner, the first job is going to be for us to sit down with them and the Minister and map out the two-year program in terms of activities. For some parts of that program, it will be drawing heavily—for example—on our land use planning team within our agriculture group. For some of that program, that might actually be drawing upon our Livestock teams in terms of the close work they do with the intensive livestock industries. So we will be ramping and allocating the resources in line with that work plan over those two years to make sure they have got the best chance of delivering outcomes.

The Hon. EMMA HURST: On 6 September 2019 the licensing requirements for hunting wild deer on private lands changed under the Game and Feral Animal Control Act, meaning New South Wales game hunting licences are no longer required when hunting wild deer on private land. Are you aware of any work that the NSW Department of Primary Industries is doing to monitor the effects of this change, both in any detriment it might be having on animal welfare and if it is actually having any effects on the number of deer in New South Wales or any plans to do the work around that area? I know it is fairly new.

Mr HANSEN: I am not aware of any additional plans that would go in place other than the fact that there are surveys undertaken by government agencies with regard to populations that might give some indication as to whether there are changes in populations.

The Hon. EMMA HURST: Will that flow into any sort of assessment of that change?

Mr HANSEN: It will be. Of course, the challenge in all these ones is actually placing attribution to one component when you have so many other factors—

The Hon. EMMA HURST: Cause and effect, correlation.

Mr HANSEN: —playing out. But that is the only piece I can see that would actually give us an indication, apart from the collection of anecdotal overtime, in terms of what people are seeing. I do not think there is any new or dedicated monitoring programs on the back of, but we will be looking at the information that is

provided back to us with regard to populations. I am not in a position to know how the team of scientists might go about trying to place attribution for drought, as opposed to attribution for relaxing of the regulations on that front. But I am sure—

The Hon. EMMA HURST: Anything on the animal welfare?

Mr HANSEN: Not at this point in time. Only in the fact that we continue to ensure good animal welfare outcomes wherever possible and—

The Hon. EMMA HURST: How will you implement that on this particular change of the licensing requirements? How will you oversee that welfare is—

Mr HANSEN: All hunters continue to have a requirement to meet their obligations under the Prevention of Cruelty to Animals Act. It does not matter whether they are licensed for the purposes of hunting deer or not. They still all have those same legal obligations.

The Hon. EMMA HURST: But there will not be any kind of official oversight?

Mr HANSEN: There will be the same oversight with regard to both our compliance officers in the field, so our game licence officers in the field, as well as reports that we normally—our normal vehicle would be through reports of people that we would then pass on to enforcement agencies, either police or RSPCA. Because of the remoteness, it is normally police who investigate.

The Hon. EMMA HURST: I have a couple of questions about the rodeo code of practice. The NSW Code of Practice for the Welfare of Animals Used in Rodeo Events was approved in April 1988—so it is over 31 years old. The code states that it is based on knowledge available at the time of publication and should be reviewed at intervals of no longer than two years to maintain the highest possible standards. The version of the code on the NSW Department of Primary Industries website is still dated as approved April 1988. To your knowledge, has that code actually been reviewed at least every two years as the code states and requires?

Mr HANSEN: Yes, we commenced a review of the New South Wales rodeo code in 2013. But that has not been finalised.

The Hon. EMMA HURST: So that review is still open, is it?

Mr HANSEN: That is still open—that review. Part of the reason why it was not finalised was that immediately following that a national review was initiated into the codes, which is still progressing as well.

The Hon. EMMA HURST: So that has been put on hold until that national review finishes and that will feed into it?

Mr HANSEN: That is correct. That is my understanding, yes.

The Hon. EMMA HURST: Do you know what the time line is for that national review?

Mr HANSEN: No, I do not but I can get that for you.

The Hon. EMMA HURST: Do you have any information as to why the code was not reviewed between 1988 and 2013?

Mr HANSEN: No, I do not. Sorry.

The Hon. EMMA HURST: Do you know if there have been any changes in the code since 1988?

Mr HANSEN: Not within the code from what I am aware of. But, to be sure, let me take that on notice because I am not aware of what changes may have been made.

The Hon. EMMA HURST: The code also required a phasing out of calf roping by 20 June 1989 in a form "which permits the abrupt stopping of calves when roped". The relevant rodeo association recommended using a particular roping device for calves. However, calf roping involving the abrupt stopping of calves when roped as per that quote still occurs in rodeos around New South Wales. Is the department doing anything to comply with the code by phasing out that particular practice? I understand there was a change in the ropes or the device that was used for calf roping, but I am talking about the abrupt stopping of calves quoted specifically.

Mr HANSEN: My advice is that the two main rodeo associations covering this area—so the Australian Professional Rodeo Association and the Australian Bushmen's Campdraft & Rodeo Association LTD—have both phased out calf roping in a form that results in the abrupt stopping of calves when roped. The approved new roping

devices you talked about can be used in calf-roping events but if a jerk down does occur, the contestant involved is fined and disqualified by those associations.

The Hon. EMMA HURST: Do you know if that has ever occurred?

Mr HANSEN: I do not have that in front of me, no.

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

Mr HANSEN: Yes, I could.

The Hon. EMMA HURST: Do you know if any of that part of calf roping is going to be reviewed in this larger process or when the national process finishes and it comes back to the State level? Will that calf-roping device be reviewed?

Mr HANSEN: Given the fact that the sport itself has moved on from where the code was, it would be logical for the code to be reviewed to reflect—if nothing else—where the industry has moved to, if not where should it be moving to.

The Hon. EMMA HURST: Do you have any information about the science or the research that shows that this new calf-roping device does not cause the abrupt stopping of calves? How did they come to that decision?

Mr HANSEN: Unfortunately I do not have that.

The Hon. EMMA HURST: I have a few questions about the routine inspections of animal trades. The department website lists enforcement agencies under the Prevention of Cruelty to Animals Act [POCTA] as the RSPCA, Animal Welfare League NSW and the New South Wales police. The number of animal enterprises in New South Wales is obviously extremely high and the number of animals kept in such enterprises is astronomically higher. In the interests of transparency and accountability, is the department aware of any information available to the public about the type of animal enterprises which get regularly inspected, and where inspections resulted in any kind of penalty notice or prosecution?

Mr HANSEN: Can I take that one on notice? I am actually not—I will have to take that on notice, sorry.

The Hon. EMMA HURST: That is fine. In regards to shade, particularly because Australian temperatures are getting hotter and summers are getting longer, which obviously causes a problem for livestock and other farm animals that are in outdoor situations, such as farmyards and sale lots, the current model codes of practice—and the endorsed national standards and guidelines, which have just come through for livestock—have little or no guidelines in regards to shade and shelter for animals. They allude to adequate shelter, but they are non-mandatory in the guidelines. Is there a formula the department uses to explain what "adequate" means if someone contacts the department to try to get more information about what sort of shade they should choose?

Mr HANSEN: I know that we have people in the department who can provide individual or tailored advice to businesses when they contact us on that front. More often than not that involves discussions about the site selection or the location we are talking about. I do not know if there is an existing formula, but I do know that in some of the intensive industries, for example, the cattle feedlot industry, there is quite advanced work on the programs for determining shade and how that interaction with shade plays both with humidity and also temperature. I will follow up with our technical experts to come back to you as to what guidelines or framework for advice they are providing to someone who comes to ask a question about what adequate shade looks like.

The CHAIR: Mr Turnell, after you gave evidence at our original budget estimates, we received some correspondence from a member of the public questioning the accuracy of some of your comments regarding the trusts. I would like to give you the opportunity of right of reply to this person's response. I will read out some of their claims and you can provide some clarity or refute them or what have you. The first was about the 10 per cent cap on administration. The person who wrote to us said that they had had conversations with yourself and Brian van der Walt regarding the cap and that you stated that it was not legislated and therefore not enforceable. They have stated that it was mentioned in *Hansard*. Is the 10 per cent cap legislated?

Mr TURNELL: I do not believe it is.

The CHAIR: So it cannot be enforced. Is that your stipulation?

Mr TURNELL: We try to follow it as a guideline, but I do not believe that it is a regulation or has been legislated.

The CHAIR: Okay. The person then goes on to claim that the last trust fund report of 2017-18 indicates a total revenue of \$10.4 million and you are quoted at the budget estimates saying that it is between \$15 million and \$16 million.

Mr TURNELL: Which year was that?

The CHAIR: For 2017-18.

Mr TURNELL: I would have to take it on notice. Revenue has been approximately \$14 million to \$15 million, and going up closer to \$16 million in recent years.

The CHAIR: Okay. They also state that the 2018-19 investment plan indicates a license fee admin cost at \$2.165 million paid to Service NSW. They are stipulating that the investment plan also indicates an associated admin cost of fishing fee coordination and payment network over \$1 million, which would then take the total cost to somewhere in the area of \$3.165 million or above.

Mr TURNELL: I think that the evidence I gave and what I understand to be the case is that our admin costs, as far as licensing, are approximately \$1.5 million. Additional to that is about \$700,000 to \$800,000, which goes to Government Licensing Services [GLS]. So we do not have \$2.1 million going to GLS.

The CHAIR: The final concern was that you said that Recreational Fishing Trusts are audited by the Auditor-General each year. Their stipulation is that none are published and that the financial reports that are published do not seem to have the Auditor-General's mark stamped on them.

Mr TURNELL: Each year our trusts are audited and that information is provided on our website as part of our annual report.

The CHAIR: Is it audited by the Auditor-General? What sort of audit is it? I think that is the stipulation—that they do not believe it is audited by the Auditor-General. That is the crux of the claim.

Mr TURNELL: It is audited by the Audit Office of New South Wales.

The CHAIR: Thank you, that is those things cleared up. I had some supplementary questions about the Rock Fishing Safety Act. Some of the answers that came back are that other agencies are administering the collection of the fine revenue from non-compliance with the Act. Is that money still intended to go into the Recreational Fishing Trusts?

Mr TURNELL: It is a good question. I will have to take that on notice because I am not sure of the process of how we would go and find out from other agencies what they had generated in the way of fines.

The CHAIR: But one would assume that money would then come back.

The Hon. TREVOR KHAN: A royalty would be paid, which I think is 50 per cent—but I could be wrong. You do not get it all back.

The CHAIR: If you could take it on notice.

Mr TURNELL: I will.

The CHAIR: How much is being collected and how much do we get back into the Recreational Fishing Trusts? And how that money is then used—is it used specifically for promoting rock fishing safety, or not? My other supplementary question about rock fishing safety asked:

... whilst DPI had carriage of the [RFS] Act 2016 how many lives were saved with "approved" lifejackets?

The answer that came back that was that you did not have any data to validate the effectiveness of that legislation.

Mr TURNELL: Yes, it is very difficult to measure how many lives were saved because it is—

The CHAIR: You would be aware, though, that when it first came out there was the contention that some of the approved lifejackets would have been helpful in retrieving the body, but not necessarily helpful in retrieving the person alive if they were swept off the rocks—that it would actually hinder them.

Mr TURNELL: There were a lot of strong views on the lifejackets.

The CHAIR: Yes. Has there been any work done in terms of how you—

Mr TURNELL: I am aware that there was a task force or a working group looking at the lifejackets and what would be acceptable. I have not been involved in that, but I could certainly find out for you.

The CHAIR: Yes, that would be great. Looking at our seafood being safe to eat, at the last budget estimates you spoke about there being no testing done in terms of sewerage outfall or what have you, in terms of our seafood. In particular, DPI does no testing of that. I have seen reference to a Deepwater Ocean Outfall Monitoring, or DOOM, project from many years ago. Are there any results from that? Obviously, you previously did monitor these issues, but now you do not. Do we have any data on that and why it has stopped?

Mr HANSEN: No. In the advice that we provided, we indicated that whilst we do not do any specific assessment around the outfalls, obviously the food authority has a broader testing and sampling regime across seafood. It is just not targeted at testing samples of fish around those outfall areas.

The CHAIR: Okay. When we had the issue of Barangaroo being closed off to fishing, concerns were mentioned about heavy metals in fish around that area. How was that conclusion reached if you do not test? Where do we get that conclusion from?

Ms MOLTSCHANIWSKYJ: I can take that. Periodically we are asked to undertake sampling in Sydney Harbour and that material is provided for metal analysis and then that informs decisions around whether it is deemed to be safe or not in Sydney Harbour. The last sampling that occurred was two years ago and was undertaken by scientists. The data was provided to the NSW Environment Protection Authority [EPA].

The CHAIR: So it is only Sydney Harbour where you do the periodic testing?

Ms MOLTSCHANIWSKYJ: That is where we are requested. We do not have a mandate to do that—it is managed by other agencies and we assist other agencies to do that.

The CHAIR: Who are those agencies? Is it EPA?

Ms MOLTSCHANIWSKYJ: EPA, yes.

The CHAIR: It had to be EPA that would have to request other areas. In previous questions I asked about Lake Illawarra and Hunter areas. The EPA would have to specifically request to you, "Can you go and check out those areas" for you to do it?

Ms MOLTSCHANIWSKYJ: EPA will confer with us around something that is needed. If that specialty skill around collection of material is unavailable through consultants then we will come and use our equipment and our staff to collect material.

Mr HANSEN: It normally flows on from there being an issue raised around potential pollution in a waterway or a harbour, which, as you might remember, is one of the reasons why commercial fishing is still prohibited within the harbour because of concerns around heavy metals. A trigger will normally be that. EPA will say, "We have concerns about X, Y, Z", or, "We want to check what the depletion rate of X, Y, Z is" in a place that they know that there was previous concerns. They use our technical expertise to do the sampling and to do the analysis and we provide them then with the results.

The CHAIR: Have you done any work on the black cod threatened species around the desalination plant in Sydney around the intake tunnel? Has there been any work about that as a threatened species?

Ms MOLTSCHANIWSKYJ: Not that I am aware of specifically around the desalination. We do undertake periodic statewide surveys of black cod.

The CHAIR: And that is just a general—

Ms MOLTSCHANIWSKYJ: That is across the entire State. We have got an assessment of the stocks and the population size.

The CHAIR: Would you be able to provide that assessment of those stocks on notice?

Ms MOLTSCHANIWSKYJ: I can do.

The CHAIR: Thank you.

The Hon. JOHN GRAHAM: I just want to finish up those questions about the role of the Agriculture Commissioner. We were talking about the support that will be present. What sort of secretariat and how many new employees are you expecting will be supporting? I accept the point you are making about the broader departmental support.

Mr HANSEN: The reality is I do not know. Until we sit down with the appointed Agriculture Commissioner and plan out with the Minister what that two-year program looks like, we will not know what

additional support. It would be fair to say that additional staffing will be limited. It will be a redeployment of existing staff to support the commissioner in their role.

The Hon. JOHN GRAHAM: They might be redeployed existing staff but they will be dedicated to that role?

Mr HANSEN: That is right, to delivering on that work plan.

The Hon. JOHN GRAHAM: They will be providing a secretariat?

Mr HANSEN: That is it.

The Hon. JOHN GRAHAM: How much will the Agriculture Commissioner be paid?

Mr HANSEN: That is not a decision point that we have arrived at. We are obviously a long way away from arriving at that yet.

The Hon. JOHN GRAHAM: Thank you. How independent will that be? What is envisaged as to the independence of that role?

Mr HANSEN: We would anticipate that the commissioner would report to the Minister, would work alongside my team and I and be resourced by my team, to the point that there is independence in a direct line of conversation with the Minister in terms of delivery, but at the same time would be working closely with us and be resourced by us.

The Hon. MICK VEITCH: That then implies that they are going to be located in Orange. Is that a decision that has been made?

Mr HANSEN: No. We are a living example. We are in multiple locations. There is no set restriction or requirement that would need to be based in Orange. We have got staff across the State and we work agile at the moment in terms of being able to either teleconference or videoconference across locations.

The Hon. MICK VEITCH: When Mr Graham was asking about the remuneration, will the process for determining remuneration be the same that was undertaken for the Land and Water Commissioner or the other commissioners that have been put in place in the Government's structure?

Mr HANSEN: I would expect so. The Land and Water Commissioner is actually an employee of Government. The dairy advocate is a contract to Government. Until you have the conversation with the preferred candidate about what engagement is best suited to them, who they are, where they are, that will have to be a discussion that happens once we have identified the candidate. We have already spoken previously about it. The dairy advocate, for example, who is contracted, we have talked about that contract rate per day, maximum per week and a period of contract. The flipside to that is an ongoing contract employment of an officer such as the Land and Water Commissioner. They are two different models. It will come down to what works best for the chosen or nominated candidate.

The Hon. JOHN GRAHAM: My colleague might know the answer to this, Mr Hansen, but I will ask you instead.

Mr HANSEN: Can I refer to him if I need to?

The Hon. JOHN GRAHAM: The dairy advocate and the dairy commissioner, are they the same thing?

Mr HANSEN: Sorry, did I just mix those two? The dairy advocate and commissioner—separate things.

The Hon. MICK VEITCH: But a good question is: How is it envisaged they will interact?

Mr HANSEN: The dairy advocate, like the nature of the title, has a much narrower but deeper remit down within the dairy industry. Our dairy advocate is working with the dairy industry. There will obviously be significant areas of overlap. For example, areas around right to farm or about engagement with land encroachment and so forth. Obviously issues around potential competition issues with processing firms or milk companies will be an area of overlap. But you would not expect the Agriculture Commissioner, for example, to be sitting down and working through with a dairy advisory unit with a dairy farmer. So, what things are impacting on cost production that we might need to invest in research and development to try to assist with, that level of conversation, that level of detail is the kind of thing you would expect the dairy advocate to be doing. You would not expect the Agriculture Commissioner to be doing that with the same degree and the same time.

The Hon. MICK VEITCH: You envisage though that they would work closely together on some aspects of the agricultural sector?

Mr HANSEN: That is right.

The Hon. MICK VEITCH: But on others they will have their very distinct roles?

Mr HANSEN: Yes.

The Hon. MICK VEITCH: The dairy commissioner has signed, you said, as a contractor, so they have signed a contract?

Mr HANSEN: Yes, that is right, dairy advocate.

The Hon. MICK VEITCH: The dairy advocate. They have signed a contract. They are in place now undertaking their work as the dairy advocate.

Mr HANSEN: That is correct.

The Hon. MICK VEITCH: Where are they situated or located?

Mr HANSEN: Based from home but working across our staff, predominantly our staff, within the agricultural branch. Those staff are based both in Orange and also Tocal. They are the two key teams that they are working with.

The Hon. MICK VEITCH: They have commenced conducting consultation with the dairy industry?

Mr HANSEN: My understanding is yes. I know they have had numerous conversations both with our staff and our dairy team and my deputy in Agriculture as well as conversations with the Minister's office.

The Hon. MICK VEITCH: And is there an advisory panel in place to assist the dairy advocate in their role?

Mr HANSEN: Expressions of interest have gone out for that advisory panel. That will be one of the first priorities for the dairy advocate to put in place and select a panel that can provide advice. The EOIs are out on that at the moment.

The Hon. MICK VEITCH: The dairy advocate will get to select and appoint their own advisory panel?

Mr HANSEN: That is right.

The Hon. MICK VEITCH: Is there a time frame for that or is that up to the dairy advocate?

Mr HANSEN: I am not aware of a specific time frame other than as soon as possible.

The Hon. MICK VEITCH: The composition of the panel will be a matter for the dairy advocate. In going public now and seeking potential candidates for that panel, what sort of skill sets are they looking at?

Mr HANSEN: I have seen that. I will get it for you. I just do not have it here in front of me.

The Hon. MICK VEITCH: You can take it on notice and get back to me. The dairy advocate has a very—

Mr HANSEN: They are representatives from not only the production system but the whole of the supply chain, as well as independent advice around the dairy industry. That is the general composition. We actually have a make-up of that EOI that I will find in a minute.

The Hon. MICK VEITCH: And would there be someone with contractual law experience?

Mr HANSEN: I do not know if there is, actually. I will find that out.

The Hon. MICK VEITCH: The nature of the contracts that are being signed or put in front of them to sign is one of the main issues that has been raised a lot from dairy farmers.

Mr HANSEN: We see the opportunity for the dairy advocate to play a broader role than just within DPI in terms of Government. The office of the Small Business Commissioner has a strong skill and capability in contract law and being able to reach in to appropriate staff in those areas. The same way that we have used that office with regards to conversations with commercial fishers and so forth, that is something that we would also be looking to do.

The Hon. MICK VEITCH: Is it a similar model for the dairy industry?

Mr HANSEN: Obviously different key drivers, but that interaction and interplay using other parts of the New South Wales Government to bring that skill and expertise in is going to be important.

The Hon. MICK VEITCH: Are there any lessons that have been learnt from the process of using the Small Business Commissioner in the commercial fishing reform? Are there lessons that have been learnt about that process that can be transferred across for the interaction with the dairy advocate?

Mr HANSEN: I know I personally have learnt a lot of lessons out of that. It is always handy to have a fresh set of eyes and someone who is new to the approach to look at it and suggest alternative ways of either describing objectives and outcomes or being able to hear concerns. We owe Robyn Hobbs a debt of gratitude for the work she did in being that new set of eyes and ears for us in that space. I think our dairy advocate provides a new set of eyes and ears in that space as well. Someone who is trusted, someone who has the respect of the people he needs to bring around the table for those conversations; that circuit breaker of an independent third party to help with the conversation. More times than not they are the first one to help both us and the industry participants identify the common goals that we are looking to achieve. It might have been our language or way of interaction that has not made it easier to seek.

The Hon. MICK VEITCH: The dairy advocate is independent and reports directly to the Minister, is that correct?

Mr HANSEN: Yes.

The Hon. MICK VEITCH: What is the interaction between the dairy advocate and the Parliamentary Secretary for dairy?

Mr HANSEN: The Parliamentary Secretary has been delegated the task from the Minister of working closely with the dairy advocate. Ultimately the Minister will be looking to hold everyone accountable in terms of the results.

The Hon. MICK VEITCH: There will not be a duplication of roles between the dairy advocate and the Parliamentary Secretary for dairy?

Mr HANSEN: No, they will be looking to complement each other.

The Hon. MICK VEITCH: How long has the dairy advocate been in the role?

Mr HANSEN: I was thinking you were about to ask that. I was trying to find it in advance.

The Hon. MICK VEITCH: We have had this dance many times, Mr Hansen, and you now say you know which way I am going to fade.

Mr HANSEN: Yes. It was 26 September.

The Hon. MICK VEITCH: It is pretty recent.

Mr HANSEN: That is correct. The dairy advisory panel, the EOI is open until 29 November.

The Hon. MICK VEITCH: The dairy advocate, is that Mr Ian Zandstra?

Mr HANSEN: Yes.

The Hon. MICK VEITCH: Is Mr Zandstra working every day as a part of his contract?

Mr HANSEN: No, I think it is three days a week—it could be four. Let me take that on notice. It is a three- or four-day a week. That is an average.

The Hon. MICK VEITCH: I have more general questions around dairy you may need to take on notice. Essentially, in light of the previous inquiry into the dairy industry there was concern at that time about the number of dairy production businesses in New South Wales and the declining number. Do we know what the number is at the moment of licensed dairy production businesses? Is there a rapid departure or exit from the industry at this point in time?

Mr HANSEN: I think that answer is in the supplementary questions or questions on notice. At the time I think it was 586 licensed dairy establishments. There has certainly been a continual decrease in the number of dairy farms. There has not been a corresponding increase in reduction in milk production. Obviously that is the case at the moment with regards to drought impacts.

The Hon. MICK VEITCH: Is that due to consolidation within the industry of the herd?

Mr HANSEN: Yes, you would expect that would be the rationale for the decreasing number of enterprises but maintaining or increasing volumes of milk. Either consolidation or increased performance of those

remaining in the industry. We collect data on this quite regularly. I am happy to provide longer term trends in terms of what this looks like over the last 10-year period.

The Hon. MICK VEITCH: One of the issues that was raised at the inquiry, which is still a concern, is particularly for the family-run dairy operations. They are barely making a living wage let alone making wages. The exit opportunities for them now are quite diminished and the drought has exacerbated the circumstances they are in. What role does the dairy advocate have in working with the small- to medium-size family-run dairy operations?

Mr HANSEN: That is a good question. I think our numbers are just below 600. In June 2018 there were 626—that is 36 dairy farmers that have exited in that one-year period. It is so hard to paint a unified picture. You get stories of the very big doing commodity production extremely well, but you also get the exceptional stories of the very small doing niche and boutique production extremely well. There is no one-size-fits-all. This is where being able to have conversations with individual farmers about their circumstances, their situation and then helping work through it with our staff from the dairy advisory unit, or staff from Dairy Australia, or staff from the Office of the Small Business Commissioner, or staff from the rural financial counselling service.

We can bring a number of agencies to the table to have those conversations. To come up with tailored solutions for individuals is probably a better way when you are talking about a group of 600 people, rather than trying to come up with a one-size-fits-all solution. For some, the very thing that is putting them under pressure might also provide solutions for those who are facing urban encroachment from growing boundaries of cities. That might depend on what council planning and zoning rules apply around that. They will be the kinds of conversations that we expect will be occurring and we will be able to provide assistance with.

The Hon. MICK VEITCH: Mr Hansen, the dairy industry raised with me—and they raise this a lot—there is an issue about getting the fodder subsidy during the drought. They have a unique situation where initially they were being declined access to the fodder subsidies because it was deemed that they were purchasing fodder for production as opposed to purchasing fodder for an animal welfare outcome, which is looking after their herd. Has that been resolved?

Mr HANSEN: Yes. It was actually more the delineation piece—many of them were getting the fodder distributed through their co-op. So many were getting fodder brought to a central location. Because it was a co-op bringing it to a central location or bringing it to a common point in terms of feed, they could not claim for the cartage from there to there. It was built into the cost of what they were then purchasing but they only had a very small transport freight. We have come up with ways in which we can enable that recompense for the travel the whole way through. We have tried to be as accommodating as these issues arise.

As you would be aware, we have also had a budget for assistance with transport for fodder for animal welfare purposes. In a normal year we would have a budget set aside for about \$500,000 and some years we barely use \$5,000 of that. We are up over the \$15 million mark and that is just in the donated fodder piece. The total subsidies in the transport subsidies the Deputy Premier spoke to this morning. As this has grown from individual cases of animal welfare needing assistance, out to communities, out to broader, out to the State, out to trying to accommodate as many changed and different circumstances, we have tried to continually update the guidelines and update the rules around the fodder subsidy to keep track of both what we have heard and the feedback that has been there, as well as trying to anticipate next concerns and next areas of issues.

The Hon. MICK VEITCH: Those next concerns and next areas, are they matters also for the dairy advocate?

Mr HANSEN: The dairy advocate along with the land and water commissioner and, to be honest, along with a whole lot of our frontline staff out there at the moment are all important vehicles for us to get that information back in. So a number of the program adjustments that have been made have been suggestions and recommendations that have come via either members of Parliament having representations as they have travelled around and from our staff having had representations from stakeholders as they have travelled around. And those ideas have been put forward and we have always looked to what would that impact be, who is it currently impacting, what would the scope of that be on the budget that we have and is it a fair and equitable change to make.

The Hon. MICK VEITCH: With regard to the drought and DPI staff, I am looking at the counselling arrangements and support mechanisms being put in place for the staff of DPI and maybe LLS as well, if you can answer that. This is pretty harrowing. Some of these people are encountering particularly farmers at their worst and it is very draining on them mentally and physically. What measures have we got in place to make sure our DPI and LLS workforce are also being supported through the drought?

Mr HANSEN: Thank you for the question and for the interest in this space. We would normally just have in place an employee assistance hotline that someone could call. We have ramped that up and made it more targeted as well as more specific, so certain frontline staff get phone calls on a regular basis in terms of check-ins. For some of the staff that we have on the front line we have a dedicated case officer working with them to help them on a regular basis. We have rolled out a number of programs. Sometimes it is hard to sell to an agronomist a need to turn up to a Caring for Yourself Caring for Others course but those who have—and we are now getting great uptake—see the benefit in it. They realise that they cannot help others if they are not helping themselves.

This is something that we were watching very closely because we have not only got the drought response—which has been a slow burn now for two years worth of built-up pressure—we have fish kills which are putting enormous stress on staff as well in terms of being able to get there at the right time, right place, right location but doing it safely. I reckon this is almost the sixth consecutive month of fire front activity that we have staff playing in and while we are not the first responders on fires we are the lead agency for the agriculture and animal functional support. So we are the first in looking for injured, dead or destroyed livestock, we are making assessments. And because most of our staff live and work in rural communities—

The Hon. MICK VEITCH: Yes, they are in those communities.

Mr HANSEN: They understand what is needed. So it is not unusual for us to find a rural resilience worker in his off time driving out along a road which a fire has passed through taking cartons of milk and just sitting down with people there asking them how they are doing. That is the kind of stuff. Our vicarious trauma builds and accumulates and so we have put in place what we think is a detailed enough program to try to handle it so that they can continue to front up and do that work.

The Hon. EMMA HURST: Quickly going back to rodeos, when I was talking about the abrupt stopping of calves, you talked about consequences for jerking down. But when I look at the code "jerking down" refers specifically to a 180 degree flip of the calf onto his or her back, which occurs after the roping. I know you have mentioned a little bit about the consequences of that but do you know if there are any consequences specifically for the abrupt stopping of calves, which is an act before the jerking down?

Mr HANSEN: Yes, and I am sorry, you are taking me to a level of detail I am not—

The Hon. EMMA HURST: Would you be able to take it on notice?

Mr HANSEN: I certainly can.

The Hon. EMMA HURST: I have a couple of other quick ones regarding rodeos to take on notice, if you would not mind, in regard to the national process that you mentioned.

Mr HANSEN: Yes.

The Hon. EMMA HURST: If you could let me know if there is a timeline for that, if there is any publicly available information on that and whether there was or is going to be public consultation taking place in that as well. Last time in budget estimates there was news breaking about potential biosecurity breaches at Signium Piggery in northern New South Wales and there was footage from the piggery that appeared to show filthy conditions, sicknesses, rat infestations, floor and food troughs filled with faeces, decomposing corpses, et cetera. Are you able to provide me with any update on that matter?

Mr HANSEN: I know we had inspectors go out that afternoon, inspectors from Food Authority and RSPCA. There was feedback that day that the evidence onsite from those visits did not line up with what was in the video, in other words, the conditions were not replicated. That obviously is not an indication one way or another. I am not sure where that follow-up investigation is up to. If you are happy, over the course of the afternoon I might see if I can get an update on that for you.

The Hon. EMMA HURST: That would be great. Do you know if those who were going to attend that matter that afternoon whether it was unannounced or announced? Did the facility get a heads up that people were coming?

Mr HANSEN: I am expecting that it was unannounced but given the fact that we learned about it via the media it is as unannounced as you would expect—someone who has just seen their facility in the media.

The Hon. EMMA HURST: Yes, of course. There was also disturbing footage in August 2019 in regard to Picton Meatworx, which I also believe was being investigated, and I was wondering if you were able to give any information or an update on anything that might be happening there?

Mr HANSEN: The inspections are ongoing and are focusing on compliance with relevant standards. We have reviewed the footage provided against the legislative and licensing requirements. The investigation of both NSW Food Authority compliance officers along with officers from RSPCA NSW—the initial one was on 30 August and they were back out on 2 September and 4 September. The investigation and what they have collected there is currently assessing what breaches may have been committed and what enforcement actions need to be implemented. It includes a thorough assessment of all operations being conducted by Wollondilly abattoir because this is a facility that is licensed by the Food Authority to slaughter animals for the domestic market and therefore needs to comply with both the Food Act, the food regulations and specific licence conditions with regard to animal welfare by the Food Authority. So that inspection and the subsequent case is ongoing. I cannot update anything more on that at the moment.

The Hon. EMMA HURST: In regard to the use of animals in medical research, the last time we were in budget estimates I asked you about the draft research animal rehoming guidelines that have been prepared by the Animal Research Review Panel [ARRP]. Are you able to give me an update at all on that process?

Mr HANSEN: Yes—actually no, I cannot give you anything more than what I told you last time, I am sorry.

The Hon. EMMA HURST: Do you know if there are any plans to make those guidelines mandatory or part of any kind of regulation in the future?

Mr HANSEN: As you would be aware, we have been having targeted conversations around a broader suite of animal welfare reforms that would look at not only POCTA but also the Animal Research Act as well as exhibited animals.

The Hon. EMMA HURST: Is that part of the collapsing of the three pieces into one legislation?

Mr HANSEN: That is certainly the potential we are looking at, and I guess that is the reform challenge that we are posing to industry stakeholders. Three pieces of legislation—is there a better way for us to be looking at the legislative and regulatory environment for animal welfare within the State? The issue of rehoming I expect will be a key piece in that animal research piece but also in the exhibited animal piece potentially. So I expect it to come up in the consultation that we have when issues papers are released.

The Hon. EMMA HURST: Do you have any idea of the time line of that?

Mr HANSEN: Last week was the second week of the targeted consultation with industry and organisations that are engaged in animal welfare through either legislative or advisory committee roles. We are now finalising that issues paper to present to the Minister for his review before we take it out to broader comment. I would expect it to definitely be before the end of the year.

The Hon. EMMA HURST: For a public consultation period?

Mr HANSEN: For public consultation, yes.

The Hon. EMMA HURST: Thank you. I have not been able to get a copy of the draft guidelines for the ARRP rehoming. Will that become publicly available at any point?

Mr HANSEN: Yes, I would expect so.

The Hon. EMMA HURST: Thank you. Continuing on medical research, I asked you in the last budget estimates in regards to the use of baboons in medical experimentation and was advised that at the time 38 baboons were being used for medical experimentation. I understand that specific information on individual research projects is not collected by the New South Wales DPI. Do you have any details on the category of the research procedures that are being used in relation to those 38 baboons?

Mr HANSEN: It is contained within the Animal Research Review Panel annual report.

The Hon. EMMA HURST: Which category the baboons were used in?

Mr HANSEN: That is right. It does break it down by category of research. Obviously, it does not give details about the research.

The Hon. EMMA HURST: Is that publicly available now?

Mr HANSEN: It is. I have got it here on the website in front of me.

The Hon. EMMA HURST: For example, in the last hearing, we talked about a high-impact research that involved a dog. Do you know if any baboons have been involved in high-impact research?

Mr HANSEN: I think there were questions on notice. If the dog was the only animal that was identified in that high research category, then that will be the only animal.

The Hon. EMMA HURST: There was one dog in a high-impact research, but are there any baboons in high-impact research?

Mr HANSEN: Not that I am aware of, but I will get an answer to that while we are still here this afternoon.

The Hon. EMMA HURST: Thank you. That would be appreciated. I also wanted to talk to a little bit about the penalty infringement notices [PINs] that have come in under POCTA. In 2005, the Prevention of Cruelty to Animals Act was amended to allow authorised officers to be able to give PINs. The Act also requires approved charity organisations to report in their annual reports to the Minister the number of penalty notices issued by officers of the organisation. However, when I have checked these annual reports for both the RSPCA and the Animal Welfare League, as far as I could tell, they do not report the number of penalty notices issued. Are you aware of why these statistics have not been included and any actions that might be taken around that?

Mr HANSEN: I would have to look at it. I have in front of me the fact that Animal Welfare League has reported 871 investigations in the financial year to the end of 2018 and 18 PINs for that period. RSPCA NSW investigated 15,451 cruelty cases and 91 prosecutions.

The Hon. EMMA HURST: Any PINs?

Mr HANSEN: I do not have that number right here.

The Hon. EMMA HURST: That is all right. I will talk more about PINs when it comes back around.

The CHAIR: I imagine you will have to take on notice some questions regarding the trust. Do you have a figure of how many employees—whether it is full-time, part-time or billable hours—who are paid against those trust projects for the last financial year? Is that available?

Mr HANSEN: For 2017-18?

The CHAIR: Or 2018-19 if you have it.

Mr HANSEN: I have a total of 67.7 full-time equivalent [FTE].

The CHAIR: Are there any ones that are on selected billable hours or on a part-time basis or is that the only figure?

Mr HANSEN: The FTE is the most common way that we report on staff. You have got part-time and vacancies from time to time.

The CHAIR: No worries.

Mr HANSEN: I could take it on notice, but I do not even know if we can pull the data together for you.

The CHAIR: Maybe take it on notice and if you cannot—

Mr HANSEN: We will see what we can do.

The CHAIR: In the previous budget estimates, you advised that \$45 million is spent on fisheries research. Do you have that broken down in terms of the types of research you are doing, whether it is in commercial, aquaculture or recreational? Are you able to give us those figures on notice?

Ms MOLTSCHANIWSKYJ: I can try to get them to you on notice, noting that a lot of our research goes across multiple areas so it is actually really difficult to take aquaculture and say, "This is just aquaculture" when it may be involved in restocking for recreational fishing. We do not tend to be able to group it down to that finer scale, but I can certainly do it against our strategic plan.

The CHAIR: Any grouping that you would deem appropriate would be good.

Ms MOLTSCHANIWSKYJ: I can do that. Do you want it for just this financial year or three financial years?

The CHAIR: I think you quoted the figure of \$45 million—

Ms MOLTSCHANIWSKYJ: Over three financial years.

The CHAIR: That would be great. You took some questions on notice regarding the Share Appeal Panel and what notice was provided to applicants. You stated that the department sent a letter on 31 October 2018 regarding the shares and the share appeal, but Share Appeal Panel has also since written to appellants regarding the grounds for the appeal in its procedures in determining the appeals. Do you think probably it would have been more prudent to include in that initial letter on 31 October the grounds that they could appeal on given that they probably would have maybe not appealed if they knew the tight window of what they could appeal on? Do you think that was perhaps a bit of an error?

Mr HANSEN: I think that you can never under-commit. You can communicate. You can always do better in terms of giving information to people. The appeal process is the same as the process that was run in 2005-2007. The share of appeals process was the same one, same Act, same piece rolled forward. It is spelt out in the Act, but I understand that it is hard to expect someone to look at a piece of legislation to work out what it is. We continue to get a lot of phone calls to our staff on a weekly basis in terms of questions. I expect that there would have been a number of phone calls at that point in which people have tested and asked. But we could have included more information in that initial package, yes.

The CHAIR: On a question that you took on notice from the Hon. Daniel Mookhey regarding speeding up the share appeal process, you said that you know the procedure of the Share Appeal Panel is subject to the Fisheries Management Act 1994 and the regulations. But looking at their Act, there is nothing specifically in that Act that talks about managing time frames in terms of hearing the appeal, even contacting the appellant about when a hearing will be heard.

Mr HANSEN: No, that is right. The delay was not ideal and not helpful for an industry that has seen two decades worth of delay in terms of the reform process. However, from appointment of the Share Appeal Panel, that panel has been working nonstop to shorten or to do the job that it needs to do that is spelt out in the legislation and to ensure that it discharges its duty without potentially impacting a prolonged period that starts with the additional—too condensed a time for actually hearing the appeals. It is doing the job that it needs to do. The hearings are over one-third of the way through, from what I understand, at the moment.

The CHAIR: How many appeals do you have currently on?

Mr HANSEN: I think there are 23 appeals. Someone might tell me if I am wrong, but I think that there are 23 appeals. It has a number of meetings last week as a part of that process. I think it has meetings again this weekend and meetings scheduled in the next two weeks along the coast to have those hearings. I guess what we are flagging is we do not want them to not have the time they need to do the job in terms of considering those appeals. We are going to make sure that, post that, the time the department needs to take in terms of communication activity is as condensed as we possibly can.

The CHAIR: On the Southern Fish Trawl, has any work been done on cost and benefit regarding the transition to commercial? There have been concerns expressed by a large number of commercial fishers in that region about the effect of allowing this transition to Commonwealth waters and the fact that you potentially have Danish sailors coming in with smaller net sizes. Their concern is there is a threat to their nursery which they largely leave untouched. Their concern is that this transition will allow that nursery to be essentially pillaged.

Mr HANSEN: I might see if either Mr Turnell or Natalie want to make a comment on this. Before I do, I was wrong, there are 23 shareholders but it is 40 appeals.

The CHAIR: So 40 appeals, accounting for the multiple appeals.

Mr HANSEN: So the concerns around the jurisdictional requirements and what that might mean in terms of concerns about Commonwealth fishers entering New South Wales water or New South Wales fishers gaining more of a Commonwealth share are obviously key parts of the discussion between the two jurisdictions regarding a transition to one enforcement, one set of rules and, therefore, a reduction of red tape for operators.

The CHAIR: There is a concern that the current Commonwealth rules regarding fish sizes on certain species is a little bit more lax compared to the New South Wales standard. So there are concerns that we are going to lower our standards in terms of allowable catch sizes et cetera.

Mr HANSEN: There has been a lot of conversations had with industry about the standardising of those metrics to make one jurisdictional oversight in this space as easy as possible but also as fair and equitable as possible.

The CHAIR: Is the NSW DPI advocating holding that standard in terms of what we have rather than descending to the current Commonwealth standard?

Mr HANSEN: I cannot comment to the individual pieces of the negotiation package. We have been getting advice from the commercial fishing sector regarding what to take into those discussions and negotiations to get an outcome that is fair and equitable for them.

The CHAIR: Just one final question. This was a question that was not taken on notice properly for some reason. Last time, Mr Hansen, I asked you about the share subsidy figures and there was some disparity between certain documents and what people were saying. There was one document that referred to \$12.87 million while another report referenced \$11.6 million being spent. In *Hansard* the Hon. Niall Blair referenced \$13.5 million. I asked for you to come back and give me some clarity as to what was actually spent but—whatever happened with *Hansard*—that was not taken on notice properly. Would you be able to take it on notice and come back to us with a figure in terms of what was actually spent?

Mr HANSEN: Yes, we can.

The CHAIR: Thank you.

Mr HANSEN: I have got three quick pieces of information in the last session if that is okay?

The CHAIR: Yes. We will do that and that will quicken the process.

Mr HANSEN: So 11 baboons in the high impact—in that high impact they get recovery surgery. We can get you some more information on that but that is the number.

The Hon. EMMA HURST: Yes please.

Mr HANSEN: At the Signium Piggery, the investigations that have been carried out by both DPI Compliance and LLS veterinary staff found no evidence to support any of the issues raised. Where I said I thought that investigation was ongoing, it has actually been closed.

The Hon. EMMA HURST: That was the biosecurity one, not the Picton—

Mr HANSEN: That is right. Picton has been issued by the NSW Food Authority four penalty notices for breaching licence conditions.

The Hon. EMMA HURST: By who, sorry?

Mr HANSEN: By the NSW Food Authority. The prohibition is still in place prohibiting them from slaughtering certain categories of pigs and calves at that facility as well.

The Hon. EMMA HURST: Pigs and calves. Does that mean the Picton investigation is closed too?

Mr HANSEN: That has closed the NSW Food Authority's component of that. I do not have information about the RSPCA component.

The Hon. EMMA HURST: Thank you.

(Short adjournment)

The Hon. MICK VEITCH: Mr Turnell, I go back to some of your responses to questions raised by the Chair. You said that the audit office conducts the audits of the Recreational Fishing Trusts. Does it get to look at the full trust income expenditure for the year? It conducts a full audit of the trust, is that right?

Mr TURNELL: I would have to take the details of the audit on notice, but it looks at revenue coming in and expenditure going out. We also have additional audits done externally, which we get audit companies in to do. We have had two in the last five years. They look at random projects—the money coming in all the way through to the money going out and the reconciliation of those. We also had another one on the process of receiving banking and reconciling the money.

The Hon. MICK VEITCH: I would appreciate if you could take that on notice, to make absolutely clear the scope of the audit conducted by the audit office of the Recreational Fishing Trust Fund. That would be really good.

Mr TURNELL: Sure.

The Hon. MICK VEITCH: The second thing is: Does the audit office charge the Recreational Fishing Trusts at all for conducting that audit?

Mr TURNELL: I believe that there is a charge. Whether it goes to the trust or to the agency, I am not sure.

The Hon. MICK VEITCH: I am happy for you to take that on notice.

Mr HANSEN: Yes, we will take it on notice.

The Hon. MICK VEITCH: You said there were other external audits, as well. Were the fees or charges for those audits levied against the trusts?

Mr TURNELL: I will take that on notice.

The Hon. MICK VEITCH: I want to get my head around the trust structure. There are a number of other trusts in government, which have to meet the trusts legislation. Is the Recreational Fishing Trusts covered by that same legislative requirement?

Mr TURNELL: The Recreational Fishing Trusts are special deposit accounts, under the provisions of the Fisheries Management Act, so they are possibly unique to the trusts that you might be referring to.

The Hon. MICK VEITCH: They are special deposit accounts?

Mr TURNELL: Yes.

The Hon. MICK VEITCH: That is really important.

Mr TURNELL: That is under section 232 and section 233 of the Fisheries Management Act.

The Hon. MICK VEITCH: The actual legal framework for those trust accounts is all met by that requirement that they be a special deposit account?

Mr TURNELL: I believe it is, yes.

The Hon. MICK VEITCH: Is there a board of trustees for the operation or management of the trust?

Mr TURNELL: Not a board of trustees, no. There is an advisory council, which provides recommendations to the Government on expenditure, but there is not a board of trustees. They are not trusts in the sense of needing a board of trustees.

The Hon. MICK VEITCH: How many FTEs are responsible for the management of the trust itself? Not the programs that the funds are allocated to, just the trust itself.

Mr TURNELL: Four officers manage the overall licence program, including the allocation and monitoring of payments and milestones for the current 186 active projects. There is an executive officer, who oversees the whole lot and we have a number of staff who make sure that those 186 programs are being delivered and providing benefit milestones are being met and payments are being made when required.

The Hon. MICK VEITCH: Are those staff paid for by the trust?

Mr TURNELL: They are.

The Hon. MICK VEITCH: So all their wages on costs come out of the trust?

Mr TURNELL: They do.

The Hon. MICK VEITCH: You can take this on notice, but are you able to provide for the past three years what those employee costs are for those positions?

Mr TURNELL: Yes.

The Hon. MICK VEITCH: Directly related to the trust?

Mr TURNELL: Yes.

The Hon. MICK VEITCH: When we talk about the Auditor-General conducting an audit of the trust, does the Auditor-General provide a separate audit statement for the trust?

Mr TURNELL: I would have to take that on notice.

The Hon. MICK VEITCH: Okay, because I think that is an important distinction to make. If it audits it as a part of a broader government agency, then that is different to it being audited on its own and receiving an individual audit statement from the Auditor-General. I am looking to see whether there are any qualified statements from the auditors. That is what I am after.

Mr TURNELL: Okay.

The Hon. MICK VEITCH: So if you could take that on notice, as well.

Mr TURNELL: I will.

The Hon. MICK VEITCH: So you have an investment plan, as well, for the trust?

Mr TURNELL: We do.

The Hon. MICK VEITCH: Which was in answer to questions previously.

Mr TURNELL: Yes.

The Hon. MICK VEITCH: Is the investment plan independently assessed? Do you get independent advice on that investment plan?

Mr TURNELL: We do. We develop investment plans as they are required, from time to time, with the advisory council. There is a process of consultation with the advisory council. They reflect the programs that are being recommended or supported by the advisory council for approval by the Minister.

The Hon. MICK VEITCH: Is there an investment strategy as part of that investment plan?

Mr TURNELL: In what context, sorry?

The Hon. MICK VEITCH: Are we investing funds anywhere to derive further income?

Mr HANSEN: No.

Mr TURNELL: No.

The Hon. MICK VEITCH: So we do not do that at all?

Mr HANSEN: No. It is a simple dollars in, dollars out to programs.

The Hon. MICK VEITCH: Mr Turnell, at the estimates on 10 September this year, you said to the Committee that there had been at least two independent external audits undertaken of the Recreational Fishing Trusts. Did they include the Recreational Fishing Trusts?

Mr TURNELL: They did. That was the purpose of the audit.

The Hon. MICK VEITCH: This is where I am going. They were solely for the Recreational Fishing Trusts?

Mr TURNELL: Correct.

The Hon. MICK VEITCH: There was no other activity audited at the same time?

Mr TURNELL: The one to do with the operation of the money coming in being reconciled and banked, was done at the same time as the one for the Commercial Fishing Trust. I believe that they were done separately, but because they were done so closely together, I want to be careful with the answer on that, so I would like to take that on notice.

The Hon. MICK VEITCH: Okay, you can take that on notice. Because they were external audits, who conducted those audits? Was it the Audit Office?

Mr TURNELL: No, it was not.

The Hon. MICK VEITCH: Are you able to advise us on who they were?

Mr TURNELL: Yes, external companies.

The Hon. MICK VEITCH: How are they selected?

Mr TURNELL: I would have to take that on notice. I did not select them.

The Hon. MICK VEITCH: That is okay. Are the reports that they generated publicly available?

Mr TURNELL: I would have to check and take that on notice.

The Hon. MICK VEITCH: You can take that on notice as well. If they are not publicly available, would you be able to provide them to the Committee?

Mr TURNELL: If there are no restrictions on providing them, yes.

The Hon. MICK VEITCH: That would be excellent. Are the investment strategies or investment plans for the Recreational Fishing Trusts publicly available?

Mr TURNELL: Yes, they are.

The Hon. MICK VEITCH: On the website?

Mr TURNELL: On our website.

The Hon. MICK VEITCH: Does the agency—this might be more for Mr Hansen—contribute its own funds towards the Recreational Fishing Trusts as well?

Mr HANSEN: In terms of supplementing investment into projects, programs and research, yes. Maybe there would be a number of research projects that also have third-party external investment, which matches the agency and the Recreational Fishing Trusts dollars as well, to leverage it even further.

The Hon. MICK VEITCH: Okay, thank you.

Mr HANSEN: Sorry, I was just checking.

Ms MOLTSCHANIWSKYJ: That is correct, yes.

The Hon. MICK VEITCH: With regard to the projects that are funded from the trust and the process for selection of those, who makes the determination on who will be successful?

Mr TURNELL: Ultimately, the Minister.

The Hon. MICK VEITCH: Based on a recommendation from someone?

Mr TURNELL: On advice from the advisory council.

The Hon. MICK VEITCH: How many of those projects this year involve DPI as one of the partners for the project?

Mr TURNELL: For the most recent year?

The Hon. MICK VEITCH: Yes.

Mr TURNELL: For 2018-19 there is a total of 69 projects and 46 of those were internal DPI projects.

The Hon. MICK VEITCH: So DPI are receiving funds from the Recreational Fishing Trusts to run projects?

Mr TURNELL: Correct. In some of cases, DPI receives the money such as for artificial fishing reefs—so we are basically the project manager. We receive the money and that then goes out through a tender process to people who construct the reef, deploy the reef and so on.

The Hon. MICK VEITCH: So you are acting as the auspicing body on behalf of other agencies such as localised volunteer fishing groups?

Mr TURNELL: In many ways, yes.

The Hon. MICK VEITCH: But not for all of those projects?

Mr TURNELL: No, not for all the projects.

The Hon. MICK VEITCH: Let me get this clear. Some of the wages for DPI staff come out of the Recreational Fishing Trusts?

Mr TURNELL: Correct.

The Hon. MICK VEITCH: How many of those projects did you say DPI gets?

Mr TURNELL: For 2018-19 I have a total of 46 projects.

The Hon. MICK VEITCH: So 46 projects from the Recreational Fishing Trusts, which is essentially funds paid for by fishing license fees?

Mr TURNELL: Correct.

The Hon. MICK VEITCH: By recreational fishers?

Mr TURNELL: Correct.

The Hon. MICK VEITCH: I wish the Minister was here because I was going to ask a "do you think" question. I cannot ask that of bureaucrats, so I will not.

Mr HANSEN: I guess it is worthwhile. I do not know whether this is going to assist or not but a number of the activities—so if you take the activities around construction of infrastructure, whether that be fish cleaning tables or whether it be significant big artificial reefs that we take offshore and drop—those kinds of projects are ones that may not occur if not for the availability of funds through the recreational fishing trust, or they might be able to occur but we might have only deployed two in the last number of years as opposed to the six or seven that we have. The thought that it would make logical sense for an agency that houses one would like to think the very best of the specialists in the area of fisheries, ecology, fish habitat and so forth would be central to assisting in the design and then commissioning and procuring not only design but the approvals required for the locations.

Some of the biggest significant projects were actually those ones that the agency picks up and supplements onto the back of existing work that it has done. Again, we might have a reef being deployed courtesy of consolidated revenue that has actually turned into us commissioning three being done at one time because we have been able to utilise recreational fishing trusts. Recreational fishers' interests is in having more than just one deployed at the one time and being able to use the funds to be able to accelerate that work.

The Hon. MICK VEITCH: The projects that are recommended to the Minister are made by the Recreational Fishing Advisory board?

Mr TURNELL: The recommendations are made by the advisory council, yes.

The Hon. MICK VEITCH: How many people are on the advisory council?

Mr TURNELL: I believe there is about 14 positions. I would have to check the exact number for you.

The Hon. MICK VEITCH: That is okay. They are all filled at the moment? There are no vacancies?

Mr TURNELL: No, at the moment we have a chair and the position has expired recently. The expressions of interest have just closed and we are going through the process of refilling them.

The Hon. MICK VEITCH: I guess the next question is: We are not going to make recommendations at the moment around projects out of the Recreational Fishing Trusts while that process is taking place?

Mr TURNELL: There is no intention at this stage that I am aware of.

Mr HANSEN: One of the guiding pieces for that committee is in the purposes of the fishing fee. When you look at what the purpose for the actual collection of the fees are, it spells out that they are to provide revenue to support activities including enhancing, maintaining or protecting recreational fishing; carrying out research into fish and their ecosystems; managing recreational fishing; and ensuring compliance with recreational fishing regulatory controls.

The Hon. MICK VEITCH: Thanks. Mr Hansen I accept that, but I think you would find, particularly on my side of the dividing range—I do not know about down Mr Banasiak's way—there has been some recent criticism of the projects that are being funded out of the trust, particularly the fact that they are paying for departmental officers' wages out of their licence fees. Hence these questions are more about how that works because people are starting to say, "Hey, look." I have got a fishing licence myself. I would like to know what proportion of my fishing licence is going towards paying the wages of DPI staff.

The CHAIR: If I could chime in and tell you how it feels from my side of the fence, the concern is that some of those fees are then being used to pay research staff to then write research papers that would then be detrimental to recreational fishing. They have seen some of the research papers that have come out and they are thinking: How does this help recreational fishing? Whether those researchers are being paid from the trust, we just do not know.

The Hon. MICK VEITCH: After I get the transcript, I may have some questions on notice that I would like to lodge as well.

Mr HANSEN: This is always a tricky area for us and a tricky area for our staff. The ultimate question for the trust and the administrators of the trust is: Who is best placed to deliver some of the projects and activities that those who pay into the trust are looking to receive out? To try to get views on both sides of the divide, we do a number of surveys because we find that qualitative and subjective commentary can point you one way but when you actually survey—the good thing is we know the details of licence holders so we can send them survey work and for those licence holders around the table, you know you get those regular emails from the department. Mr Turnell has the results from the last survey

Mr TURNELL: The last survey was done by the Australian Survey Research Group out of Victoria. We do not design the questions. We tell them what information we want, they design the questions. We give them a 100,000 random sample of people out of our database. They send the survey out to about 20,000-odd. Last time we had a response of 5,464, which gave a 95 per cent confidence level. Of those, the level of support for the programs was around 76 per cent. In fact, 97 per cent of respondents believe that the programs deliver benefit. There was only a very small proportion of people who thought that some of the programs did not deliver any benefit. We were quite clear—

The CHAIR: That 5,000-odd figure that you quoted, what is that as a percentage of the total number of recreational fishers in New South Wales?

Mr HANSEN: It is a small percentage but, statistically, as you know when you are doing any polling, you do not need to poll everyone. Once you get to a certain portion of the population, you can rely on that portion of the population giving you confidence about how the next X amount of the population are going to respond.

The Hon. MICK VEITCH: My experience of polling in a political sense is ours is always wrong.

The CHAIR: I was just wondering whether it met that benchmark to be statistically relevant.

Mr TURNELL: Absolutely.

Mr HANSEN: Yes.

Mr TURNELL: It provided a response rate with a 95 per cent confidence level and a plus or minus 1.3 per cent confidence interval. That was considered by the research group that did the survey to be very representative.

Mr HANSEN: Maybe we need to look at that communication piece that helps describe how it is we are funding certain activities and how it is actually the best and most efficient use for someone wearing an existing DPI shirt to be actually delivering that project rather than us commissioning someone completely new to deliver the same project, given the overheads. Maybe it is a bit of how we do that communication piece.

The Hon. JOHN GRAHAM: I might stick on the fish questions for the moment. I want to ask about another advisory council, the Commercial Fishing Advisory NSW Council. Where are we up to with appointments for it? How many are filled and how many are vacant?

Mr HANSEN: We have seven filled at the moment, so half of the advisory committee are filled, half are vacant. I think expressions of interest are out at the moment for those. I will have a closing date for you in a minute.

The Hon. JOHN GRAHAM: This is obviously a pretty crucial advisory committee. It was essential to get set up during the reforms. How long have those positions been vacant?

Mr HANSEN: From memory, since May.

The Hon. JOHN GRAHAM: Is it correct that the last meeting of that advisory council would have been on 6 March 2019? That is the last one I am aware of.

Mr HANSEN: I will see if I have got it here in front of me. That sounds to line up with the timelines that we—

The Hon. JOHN GRAHAM: Feel free to correct it but that is the last one that I am aware of. What is happening in the meantime? Is there business that needs to be conducted? What is the arrangement? If this is not meeting, if there are that number of vacancies, what is the strategy in the meantime to cope with that?

Mr HANSEN: The chairpersons of all of the advisory committees have been reappointed and we have half of that advisory council still in place. Any of the work that the advisory committee would normally do has been put on hold until they get their full complement back. The industry has been active in leading the development of a broader blueprint for the future for the commercial fishing sector. That was an announcement made a while ago. A lot of the attention and focus at the moment has been into providing that industry leadership input to those conversations with the various parts of the commercial fishing sector to try to come up with that. Post reform, what are the future growth investment promotion opportunities available?

The Hon. EMMA HURST: Have you been able to locate any data on the number of PINs that were issued by the RSPCA?

Mr HANSEN: No, I do not have that one. Now that you have reminded us, I am sure someone will send it to me soon.

The Hon. EMMA HURST: If they have not been reported to the department I am assuming something will be done to get that information. Will those PINs be made public or is it only to be reported to the department?

Mr HANSEN: I do not see why the number of PINs, number of prosecutions, all those pieces, would not be made public as part of the annual reporting of RSPCA, Animal Welfare League and police. Obviously details around the PINs, I am not sure how far they would go into details other than just purely numeric.

The Hon. EMMA HURST: I could not find the numbers anywhere. I thought public access to that information, to be able to assess whether they are achieving the aim of increasing the efficiency of the Act's administration, is important. It seems at the moment that it is not publicly available.

Mr HANSEN: We do have the data for both Animal Welfare League and all the data around but just not the number for PINs here. I am assuming they have been extracted from annual reports. Let me see if that is the case or not the case.

The Hon. EMMA HURST: On a related matter—

Mr HANSEN: If we are going on to a different subject there is one other piece to the discussion we have had previously, which was about the rehoming guidelines. The close-off date for submissions on the rehoming guidelines is actually tomorrow, 1 November. I did not include that in the commentary before.

The Hon. EMMA HURST: I was aware of that but I could not get a copy of the guidelines to make any comment on it.

Mr HANSEN: Right.

The Hon. EMMA HURST: I want to talk about the *Animal Welfare Discussion Paper: Improving the current legislation - Penalties and Critical Situations*, which was released for consultation in June 2018 and discussed raising penalty notice amounts as they are out of step with the community's expectations. I note that the time frame for the actions to improve the effectiveness of compliance and enforcement efforts was outlined in the Government's Animal Welfare Action Plan. It was scheduled to be carried out by the end of 2018. I am wondering where it is up to at this point.

Mr HANSEN: All that feedback, all of the commentary that we had, including some quantitative survey work and so forth, are all going to be important pieces that frame up the issues paper with regard to the broader animal welfare reform piece. Obviously the conversations we have been having today about adequacy of penalties for breaches and noncompliance with the current Act, given the response we have had from all of the stakeholder groups so far about an interest in actually significant reform in the animal welfare legislation space, and to be able to add into that the pieces of work that had been done around the penalty rates is actually an important part, rather than trying to do that separately whilst at the same time doing the reform piece over here.

The Hon. EMMA HURST: I understand the penalty might be coming sooner than the entire reform, which is a much bigger project.

Mr HANSEN: Yes. Once we know how big a project and what those time frames are, government will be in a position to go, "Well, what are the low hanging fruit pieces that we could move on earlier versus what do we need to roll together and continue to work on?" That will depend a little bit on the size and therefore the timeline of the final reform outcomes that are sought.

The Hon. EMMA HURST: Do you know when those final reform outcomes will be?

Mr HANSEN: That will be determined by government once they get the feedback out of the issues paper in terms of their ambitions.

The Hon. EMMA HURST: Do you know when the issues paper will come through?

Mr HANSEN: Hopefully before the end of the year.

The Hon. EMMA HURST: I believe that the penalties might be first up on the ranks for a change.

Mr HANSEN: It is certainly one that a lot of pre-work has already gone into, yes.

The Hon. EMMA HURST: We could be expecting something maybe early next year?

Mr HANSEN: I do not know whether they will do it separately to the reform piece; whether they will separate them out. That is a decision government makes.

The Hon. EMMA HURST: I have some questions about the non-commercial shooting of kangaroos. The department's website states that shooters who wish to shoot kangaroos in non-commercial capacities need a valid firearms licence. They also need to read the *Volunteer Non-Commercial Kangaroo Shooters Best Practice Guide* and to comply with the principles for humane and overall shooting of kangaroo species. As so-called volunteer shooters no longer need to apply for a licence to shoot kangaroos in New South Wales, how does the department ensure that the mandatory requirements are still being met by those volunteer shooters?

Mr HANSEN: We do not undertake any compliance activities with regard to kangaroo shooting. Firearms licences are outside of our remit in terms of what we do. The work around issuing of tags or quota allocation for landowners and for shooting of kangaroos is done via the Environment agency. I would have to seek their advice in terms of the question you posed or have that referred over to them.

The Hon. EMMA HURST: What about volunteer shooters in regard to the new biosecurity management plans? Does that fall under Environment as well in regard to the arrangements to ensure that shooters are aware if they are shooting on private land in regard to those plans, or is that a grey area between the two?

Mr HANSEN: No, that definitely falls within our space within the biosecurity space because it does matter whether someone is entering for the purposes of maintaining common utility or whether they are entering for the purposes of hunting. There is an equal biosecurity risk posed. The team are actively working regularly with the Game Licensing Unit with regard to communication to hunters around biosecurity.

The Hon. EMMA HURST: What does that involve?

Mr HANSEN: I can give you a tangible example at the moment. Obviously with African swine fever there is a communication activity underway to highlight to shooters that should we have a detection or outbreak of African swine fever in Australia that interaction between feral pig populations and domestic or farmed pig populations is a significant biosecurity risk. A lot of farm staff enjoy recreational shooting as a pastime and therefore them understanding the quarantine risk of going out shooting of a night-time and turning up to work in the same boots or jeans. It is that kind of communication tool that will highlight the role that recreational hunters play, not only as a precautionary piece around being aware of the risks that you might spread but also in a first-line awareness. If you see something strange, report it to our biosecurity hotline because quite often they will likely be our first line of defence in terms of picking it up.

The Hon. EMMA HURST: If there are volunteer shooters, going back to the kangaroo issue, and they no longer need to apply for a licence and they may not necessarily be in contact with some of these gaming shooting organisations, how are they getting that information? It almost seems there is a gap there for those particular groups.

Mr HANSEN: I will refer to the Chair.

The CHAIR: All licensed shooters actually have to be a member of a registered shooting or hunting association to maintain their licence.

The Hon. EMMA HURST: That does not necessarily mean they are engaged with the information that is coming from them.

Mr HANSEN: Finding the best pathways to reach out, that is one of the advantages of having as many licensed hunters as we can. That is the benefit that comes from being able to directly communicate and send information out. Where we cannot do that it is about working with our partners in other agencies and with LLS and with other community groups to be the dispersal mechanism for that communication—whether that is media or whether it is bulletins, a magazines that we know they will turn to.

The Hon. EMMA HURST: With regard to circuses and exhibited animals, does the department keep records of the euthanasia of any exhibited animals?

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

The Hon. JOHN GRAHAM: I want to wrap-up these questions on the commercial fishing advisory board. I do not know if you have had a chance to find out where those expressions of interest are up to?

Mr HANSEN: Expressions of interest have closed.

The Hon. JOHN GRAHAM: When will appointments be made?

Mr HANSEN: The selection process is currently underway. A recommendation has been made to the Minister and the Minister will then make a decision about that advisory committee. I cannot give you a time line.

The Hon. JOHN GRAHAM: It is in the Minister's hands?

Mr HANSEN: They have only just closed off, so it is still in our hands in terms of packaging that up for his consideration.

The Hon. JOHN GRAHAM: I raise it because I do not underestimate how difficult it is to constitute this board or keep it together, given the nature of the industry. But the fact that it was not there, was a real issue when it came to dealing with the reforms. So it is obviously a pretty crucial board.

Mr HANSEN: It is interesting because it has actually been there for a large part of the period of the reform piece. One thing that we are actually finding is both the recreational fishing advisory group and our comm fish group have had a chance to meet together. We are finding the synergy between the Ministerial Fisheries Advisory Council, the recreational, commercial and Aboriginal fishing advisory councils, there is more synergy and power out of bringing these groups together than there is in dealing with them individually. One of the things that we will be looking at, and I know each of the chairs of those committees are passionate about, is how do we bring them together to have conversations around sharing of information, sharing of ideas and about understanding each other's approach to wanting to share this shared resource. I think one of the big things that we see different once the boards are reformed is the amount of interaction that they have.

The Hon. JOHN GRAHAM: I want to turn to some questions about the impact of the drought. We have been talking about a range of other government agencies, in particular some of the transport issues. I am interested in the feedback you are getting from the farming community in particular. As one of the front-line agencies that is most likely to be receiving this feedback, I am interested in how big an issue you think some of these things are. One issue that has been brought to our attention is the impact of the inland rail construction on water usage and the knock-on impact that has on the farming community and the local community. The particular issue related to a water source at Parkes allegedly running dry because of the inland rail construction use. It has been an issue elsewhere other than in Parkes, particularly in places like Queensland. I am interested in whether you have received concerns from the farming community about that, either the specific issue at Parkes or in general?

Mr HANSEN: No, sorry, I have not received that.

The Hon. JOHN GRAHAM: The other issue we have been talking around is the impact of the significant road use that is occurring with the water carting that has commenced. This has impacts on the other road users. It potentially has impacts for the farming communities using those roads from a safety point of view and also a road use point of view. Is that something you have started to get feedback on from some of the communities you are dealing with or not?

Mr HANSEN: That has been a pretty consistent piece of feedback for over 12 months now. Money and assistance was made available under the heavy vehicle access program. The key challenge we have found on that front—we have had 57 applications in that program and about 14 million submissions for that activity. Part of the challenge is trying to repair these roads at this point of time is actually the worst time to try to repair them. Council is trying to make a decision about: Do you try to do something now or do you wait until you have a bit of moisture in the road base to be able to do something with it? They have the equal challenge of getting the timing right on that. The deterioration of roads because of the amount of transport, the ability to move B-doubles and big loads in the most direct route without having to—because of quality roads or bridges, so forth—take extra time, dollars and deteriorating other roads has been an equal issue that have come up. They are both issues that are well truly on the radar of the road and transport teams. They are doing everything they can at the moment to try to assist on that front.

The Hon. JOHN GRAHAM: I will turn to some of the coordination issues on drought across government. I ask you not to comment on this next observation. One of the reasons I raise this concern is after our previous session on water I probably had more concerns at the end of the discussion than the start about the level of coordination in that instance with the Commonwealth or across government—definitely do not comment on that. However, I am interested in your views about drought coordination. You are the agency most likely to get the direct feedback from some of those farming communities. The water issue is being led by the water Minister. That is the point of coordination. From your perspective, describe the architecture for the drought coordination in government and what is your view about how it is working at the moment?

Mr HANSEN: It would be fair to say when drought first starts out it becomes a DPI issue because it becomes an on-farm issue. It was over 12 months ago, probably closer to over 18 months ago, that the Government realised, on the feedback we were getting, that this needed broader coordination because a lot of work was starting to be done with education, with health. Whilst it was being managed well by our relationships and existing reporting framework—at the moment there are two levels of inter-agency working groups. One is at the Secretary level and the Secretary or Director Generals or CEOs meeting on a fortnightly basis and keeping updates on a dashboard of key programs, key issues and, importantly, allowing the second working group, which is an interagency group of our staff on the front line across all the agencies, for them to come in, reporting issues that they are hearing and seeing. Quite often we would hear feedback from a rural financial counsellor or from a rural resilience worker that actually had actions referred from six or seven agencies across government.

The Hon. JOHN GRAHAM: But you are going to hear it first?

Mr HANSEN: It was providing a way for that group to get it but then a way for that group to escalate it for actions to be required at the very most senior levels of government. That has been an initiative led by both the Secretary of DPC and the Secretary of our cluster, giving imprimatur and championing that cross-collaboration on that front. There is no doubt that the additional areas of collaboration need to be with local council, local government.

The Hon. JOHN GRAHAM: How do they feed in at the moment to the architecture you are describing?

Mr HANSEN: The Office of Local Government is a participant in that but it would be fair to say that the councils also report or provide input through a variety of mechanisms up into both of those groups. The additional piece is that two times a year—and I think they announced last week more frequently now, as in an additional meeting between now and the end of the year—all the agriculture Ministers from all the States, including the agriculture Minister and the drought Minister at the Federal level, coming back around the table to try to start to better coordinate national and interstate activities on the drought to try to make sure that we are aligning the responses and activities to help people, especially given the fact that many straddle borders. This drought certainly straddles the east coast.

The Hon. JOHN GRAHAM: Answer this in any way you choose, but how comfortable are you with the Commonwealth interaction and how that is working? Is that from your perspective sitting in the middle of that?

Mr HANSEN: I can only comment from an officer perspective.

The Hon. JOHN GRAHAM: Understood.

Mr HANSEN: I guess we have a couple of distinct advantages. One advantage is one of the key tools for the Commonwealth's delivery vehicles is the Regional Investment Corporation, which is co-located in Orange alongside our office. Apart from the fact that they annoyingly poach staff on a regular basis, it does mean that you have those coffee-shop conversations to find out what is going on and how things are. We share a lot of information. We also have the advantage of being the State that is most impacted by drought. The Commonwealth has a real desire to know what we need, what we are doing and where we are doing it whereas other States that have only parts of the State experiencing drought do not have that same ability to attract as much attention from Canberra.

The Hon. JOHN GRAHAM: Returning to the question about the architecture inside the New South Wales Government, as you are meeting around those fortnightly discussions at the moment, how would you describe the biggest couple of issues that are currently preoccupying that discussion? What is on the agenda and what is most worrying about the issues that we are grappling with the New South Wales from a drought response point of view?

Mr HANSEN: It is a tough one because everyone is going to have their own view of what those three are.

The Hon. JOHN GRAHAM: I accept you may be slightly biased.

Mr HANSEN: The session you had earlier about water, there is no doubt that it is probably the number one issue that we are all grappling with. It does not matter whether that is about a hospital, whether that is about a school, whether it is about a farm or whether it is about a town. Everyone is grappling with that. It is not just grappling with the availability but it is grappling with the impact of the storytelling around it on attracting people and businesses to these towns, not just now but also for the next 10 years. Everyone is grappling with that piece. The second one after that is mental health. It does not matter whether it is helping teachers deal with school kids

who are turning up, seeing the stress and pressure on their parents—that might be parents who are either farmers or parents who are butchers or hairdressers in that town. That mental health story, I think, is probably the second biggest one.

We probably are arriving at a point where the farming community know what they are dealing with at the moment. They have gone through significant pain points to now. Sometimes the road to recovery can be as painful as the road to where you are now. Competition for livestock to be able to restart breeding programs, competition for seed to be able to replant, competition for contractors to be able to—all of these things have become in lower supply over this period of drought and will be in higher demand, which is going to put a lot of stress at that point in time.

The Hon. JOHN GRAHAM: People's minds are turning to that already.

Mr HANSEN: They are definitely turning to that already. For me, they are probably the three key things that we are seeing in those conversations: water, mental health and the path to recovery. They are probably the three big ones.

The Hon. JOHN GRAHAM: Thank you. That has been really useful.

The Hon. MICK VEITCH: Can I follow up on that? One of the big issues has already been destocking but we are getting to a point now in some parts of New South Wales where there is quite critical destocking taking place. What that means is then when the drought breaks—that 12-month period that it takes or longer for it to break—they then have to buy back in. Is the department conducting any sort of modelling around what that would look like to assist the farmers with their business decisions? Are you looking at where we can provide the seed in stock reserves—the gene pools—once this thing does finish?

Mr HANSEN: Those are the conversations that we are probably looking at and talking about but we are probably doing it with the national organisations and national industry because obviously the solution lies not within the State of New South Wales; it actually lies about—what is the herd looking like in Queensland and Central Queensland? What does it look like in Victoria? Interaction between other agencies—industry organisations and industry associations—has been an important part on that front. It is leading to conversations we are having at the moment with communities about the fact that in a lot of areas around New South Wales we have got this window of opportunity, which is that we have destocked livestock out of an area, where it is almost the equivalent of destocking for the purposes of disease control or eradication.

How do we make sure that we capitalise on that rather than increase the risk on that by opening the floodgates when everything comes back in? A period of destocking in a particular area will actually give us our best disease break that we might have otherwise had. How do we capitalise on that? They are some of the conversations that we are starting to have with the industry about what do we need to put in place for rules, regulations and guidelines for restocking to make sure that we are not just doing it with the best genetics but also we are doing it with the best genetics with the lowest disease impact but as quickly as possible.

The Hon. EMMA HURST: I will go back to the issue of circuses. I note that you took my last question on notice. I am wondering if you could also include on notice if there are records for the reasons for the euthanasia—if there are records of euthanasia—and if any exotic animals have been euthanised as well.

Mr HANSEN: Yes, animal exhibitors do need to require and notify us of any death. They have to give a reason for that death, whether that is old age, disease et cetera. We follow up any investigations for reasons that look unusual or peculiar.

The Hon. EMMA HURST: Do you know if there are any deaths due to injuries?

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

The Hon. EMMA HURST: Can you also take on notice if there were any deaths because the animals were no longer required?

Mr HANSEN: Okay.

The Hon. EMMA HURST: There were 323 corrective action requests issued to licensed display establishments between 1 July 2017 to 30 June 2019. Do you know how many penalty notices under the exhibited animals protection legislation were issued in 2017 and 2018?

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

The Hon. EMMA HURST: Could you also take on notice who those penalty notices were issued to, what was the offence and what was the penalty, if something comes up?

Mr HANSEN: I will see what we can provide.

The Hon. EMMA HURST: I am wondering if you also know when the Department of Primary Industries last carried out any unannounced or unscheduled animal welfare inspections of the nine circuses in New South Wales.

Mr HANSEN: No. I will take that on notice.

The Hon. EMMA HURST: Given the DPI's role in administering animal welfare laws and regulation, can you tell me a little bit about how the DPI staff keep up to date with advances in science, particularly in areas of animal welfare?

Mr HANSEN: Sure. The cohort of staff that we have in the animal welfare program sit alongside scientists and researchers that we have within our livestock animal industries, including a team of dedicated researchers around animal welfare. They provide a conduit and information backwards and forwards as well as actually being the orchestrators and the leading researchers in research that we do ourselves in this space.

The Hon. EMMA HURST: Does that extend to fish sentients as well? I noticed that there was some research recently that fish experience pain in a similar way to humans and they exhibit symptoms like hyperventilating and long-term behaviour changes to painful experiences. Is there a process within the DPI to keep up to date on that area of research as well?

Mr HANSEN: I might ask Ms Moltschaniwskyj.

Ms MOLTSCHANIWSKYJ: Yes, we do. Largely through the animal ethics committee approval process. They are consulted frequently around process and procedure, providing advice independent of the actual application so we will talk to them beforehand. All my scientists are trying to maximise the welfare of the animals in order to get meaningful results from the experiments they are running. There is very little benefit in holding animals in stressful conditions and expecting to get sensible answers out of those.

The Hon. EMMA HURST: It affects the results, of course.

Ms MOLTSCHANIWSKYJ: Also our engagement with the universities allows us to exchange information as well.

The Hon. EMMA HURST: Regarding fish sentience and the fish kills which we have talked about today, with the greater understanding around fish sentience and their capacity to feel pain, is that being fed into the projects regarding the relocation of native fish as part of the targeted fish rescue operation in the lower Darling?

Ms MOLTSCHANIWSKYJ: Absolutely. E-fishing has obviously got some challenges and I have one of the best e-fishing technicians in the team, who is constantly revising the methodology we are using in response to the fact these animals are very stressed. We need to try and manage that. We are tagging all the animals we are relocating with passive integrated transponders, or PIT, tagging so we will be able to track them. But we got excellent news the other day that fish that had been rescued from the pools and relocated to a hatchery, spawned the following week. That is unheard of. Those animals are usually stressed by the transport process. For us to be able to get those animals out of those pools in a way that minimised that stress—the fact that we had world-class technicians managing them en route—has ultimately meant we are confident these animals are going to succeed in the recovery process.

The Hon. EMMA HURST: Are they going to remain in captivity or will they be returned to the wild at some point?

Ms MOLTSCHANIWSKYJ: They will be returned back to the wild when—and if—we can do that. But most of the animals we are currently rescuing are being relocated to natural waterways in order that they are experiencing native conditions.

The Hon. EMMA HURST: What measures are being taken during relocation to ensure there are minimal negative welfare consequences for the animals?

Ms MOLTSCHANIWSKYJ: The animals are transported in special transporter trucks. They are temperature controlled and monitored. They also have oxygen delivery which is also monitored the whole way.

The Hon. TREVOR KHAN: If all these questions are going to Ms Moltschaniwskyj, is it possible for Mr Hansen to depart for his plane?

Mr HANSEN: It is okay.

The Hon. TREVOR KHAN: I really am concerned. If you have got to get to the airport—

Mr HANSEN: We are okay. We will keep going.

The Hon. EMMA HURST: We have got about one minute anyway.

Mr HANSEN: Thanks.

The Hon. EMMA HURST: It would be great if Mr Hansen chimes in anywhere on this anyway. Was this undertaken as part of a research project within an animal ethics committee—the relocation of the fish?

Ms MOLTSCHANIWSKYJ: No, this is following expertise in standard operating practices. We have teams that are expert in the restocking process. As part of recreational fishing restocking, we do move fish around the State. We have got established practices.

The Hon. EMMA HURST: The agriculture Minister referred to rescuing thousands of fish. Do we know exactly how many have been rescued to date?

Ms MOLTSCHANIWSKYJ: To date, the numbers I have indicate it is over 1,100. It is probably just a tad over 1,200 but the numbers are increasing because I have staff out there at the moment doing rescues. The exact number is very rubbery because the new numbers keep coming through virtually every day.

The Hon. EMMA HURST: Can I ask how the fish are being caught? What is the process?

Ms MOLTSCHANIWSKYJ: The fish are being caught by a number of different mechanisms. One of them is e-fishing, where an electric current is passed through the water which temporarily stuns the fish and brings them to the surface where we can net them and immediately put them into a water reservoir with running water. Then they get transferred from the water reservoir on board the boat to the truck. We do that as soon as we possibly can. In some cases we use nets. In some cases we use light traps, fyke nets. We are genuinely looking to rescue these animals—they need to be in the best possible condition to be able to have survival and recoveries so the methods are being monitored constantly.

The Hon. EMMA HURST: Thank you. That has been really helpful.

Mr HANSEN: Sorry, 37 PINs were issued by the RSPCA.

The Hon. EMMA HURST: Thank you.

The CHAIR: In the minute that we have left I am going to quickly throw to Labor.

The Hon. MICK VEITCH: We have got questions but I think we are going to put them on notice in light of the time, Mr Chair.

The CHAIR: That concludes the hearing. I thank the witnesses for their attendance and candour. Safe travels home wherever you are heading.

Ms MOLTSCHANIWSKYJ: Thank you.

Mr HANSEN: Thank you.

Mr TURNELL: Thank you.

The Hon. MICK VEITCH: There were no tabled documents?

The CHAIR: There were no tabled documents. There is no resolution to pass.

(The witnesses withdrew.)

The Committee proceeded to deliberate.