

**Question 1 (Page 5)**

**The Hon. TARA MORIARTY:** I'm happy to send you the media release, but I'll give you the details now. I will be bringing in a bill, hopefully in the next session of Parliament — it depends on the agenda of the Government, but I'd like to bring it in in the next session of Parliament — to deliver our commitment in full. I asked the former ag commissioner, Daryl Quinlivan, who has done some great work in this space, to help me to deliver on this election commitment. He provided a report to me late last year — which is, I'd say, what you're referring to — to do this, potentially, in stages. In fact, what we've decided to do is deliver it in full now. There are a lot of issues, as people would be well aware, to get advice on and to manage. The Agriculture Commissioner's role will be an important role, an independent role and a statutory role to provide advice to me and to the Government on how we deal with some of the issues that need to be dealt with across regional New South Wales. Rather than doing it in a staged approach, we're going to introduce a bill. It will be similar to what we did with the biosecurity commissioner, for those who took an interest in that. That will be very soon.

**The CHAIR:** So the process will be that we'll pass the bill, hopefully —

**The Hon. TARA MORIARTY:** Hopefully.

**The CHAIR:** — and then you'll go out for tender for the new ag commissioner.

**The Hon. TARA MORIARTY:** Yes, then we'll look to appoint somebody. I'd like to get someone into the role as soon as possible, hopefully, but that's a matter for the Parliament if the bill gets passed. I imagine that it would but, again, I can't presume what Parliament will do. Then we'll be looking to appoint someone as soon as possible.

**The CHAIR:** Will it be at the same pay scale that Mr Quinlivan was paid at?

**The Hon. TARA MORIARTY:** I'll be honest and say I'm not sure what he was paid at, but I'm happy to take that on notice. The details of the payments, I'm also happy to take on notice. I'm happy to provide information; I just don't have it to hand.

**Answer**

Following the passing of legislation, the role will be evaluated to determine the appropriate salary point.

It is expected that the role will be equivalent to a Senior Executive Band 1 and this will be confirmed following the passing of legislation to create the role.

**Question 2 (Page 7)**

**The Hon. SAM FARRAWAY:** It's quite a specific question about if you've overridden a recommendation or a decision that the department has put to you in your 18 months as a Minister.

**The Hon. TARA MORIARTY:** I might've. I might not have. It's within my ability to do that but I try to take advice as much as possible. I'm not sure.

**The Hon. SAM FARRAWAY:** You can't definitively say now that you haven't overridden a decision – an internal New South Wales government agency recommendation – for the recruitment of any senior role?

**The Hon. TARA MORIARTY:** I don't think so, but I'm not sure.

**The Hon. SAM FARRAWAY:** Will you take it on notice?

**The Hon. TARA MORIARTY:** Sure. I'm not sure what I'd take on notice, but I'm happy to.

**The Hon. SAM FARRAWAY:** Minister, just to help with the situation, you'd be taking on notice: Have you overridden an internal New South Wales government agency recommendation for the recruitment of a senior role within the department? That is what you'd be taking on notice. Are you happy to do that?

**The Hon. TARA MORIARTY:** Sure.

**The Hon. SAM FARRAWAY:** Instead of overriding, have you ever had to intervene in the process of a New South Wales government internal agency recommendation for a senior role?

**The Hon. TARA MORIARTY:** I'm not sure. There has been quite a bit of movement over the course of the last year so I wouldn't categorically say. I'm not sure.

**The Hon. SAM FARRAWAY:** Okay. Has anyone in your office, anyone from your chief of staff, media team, or advisers ever had to intervene with a New South Wales government agency recommendation for the recruitment of a senior role or intervened in that process?

**The Hon. TARA MORIARTY:** I'd have to check with my staff because I don't know what they're doing all day, every day. I don't think so, but again I'm happy to check all these things.

**Answer**

I am advised that appointments made under the Government Sector Employment Act are a matter for the Secretary of the Department of Primary Industries and Regional Development (the Department).

**Question 3 (Page 8)**

**The Hon. SAM FARRAWAY:** Okay, so who did – was there a candidate proposed to the Minister's office from round one?

**STEVE ORR:** There were candidates who were put forward and the Minister made her decision.

**The Hon. SAM FARRAWAY:** So who was the candidate that was put forward from round one?

**STEVE ORR:** I'd need to take advice on what I can say about individuals through the process, Mr Faraway.

**The Hon. SAM FARRAWAY:** So would you be happy to take it on notice and maybe come back to us in the afternoon?

**STEVE ORR:** Yes. Again, I'll need to take advice on what I can say about individuals.

**The Hon. SAM FARRAWAY:** Just for clarity, you will take on notice who was the preferred candidate that that selection panel – of which Ms Healy was on that panel – proposed to the Minister.

**STEVE ORR:** What I'll take on notice will be what I can provide to you in terms of individual names, because that's an issue about privacy, and, if I can, I'll come back to you this afternoon.

**Answer**

I am advised due to the Department's privacy obligations, the names of candidates cannot be disclosed.

**Question 4 (Page 10)**

**The Hon. SAM FARRAWAY:** So I'll take that as a yes. Minister, let's just recap. You engaged Ms Healy to do work to set up the bio commissioner's role. Ms Healy is put onto the selection panel. That selection panel interviews. They meet. They make a recommendation. The recommendation's sent to your office. Bearing in mind Ms Healy is on that panel, you reject that. What was the second part of the process? Did you go back to market and readvertise because you were unsatisfied with the applicant or applicants that were put to you?

**The Hon. TARA MORIARTY:** What the technical steps were after that, I think Mr Orr's outlined some of them, but I can't recall the specifics of the process. I'm happy to take that on notice. I think I already did. Where we landed is an outcome that I'm very happy with.

**Answer**

I am advised that there were two steps in the process that led to the appointment of Dr Healy.

The first step was an open call for applications which were assessed by an assessment panel that did not lead to the appointment of a person.

This process was completed and then a second process commenced. This second process saw the appointment of Rimfire Resources to conduct an executive search. It was through this second process that Dr Healy was identified and put forward for the Minister's consideration.

Consistent with the requirements of the Biosecurity Act 2015, the Independent Biosecurity Commissioner was appointed by the Governor on the recommendation of the Minister.

**Question 5 (Page 11)**

**The Hon. SAM FARRAWAY:** Ms Healy is, in fact, herself a consultant — strategic, technical and regulatory expert — particularly around agriculture and food safety, both domestic and international. Should the biosecurity commissioner be a dedicated role, though, rather than having someone in a role — and I don't know Ms Healy, for the record, but the reality is this is publicly available information. This is an important role that the New South Wales Government has filled. Do you think it is appropriate that any commissioner is also doing consultancy work in the same industry on the side?

**The Hon. TARA MORIARTY:** I'll check with the department. They might know now, but I'm sure all the right processes and probity checks were done. She's in a position that we've accommodated three days a week, roughly, for. Again, I think she's going to do a terrific job. She's the first person in the role. She's doing work to set it up now. I don't have any issue with that.

**Answer**

I am advised that the Independent Biosecurity Commissioner is not prevented from undertaking additional employment.

**Question 6 (Page 16)**

**The Hon. WES FANG:** No, did she declare it to Rimfire Resources?

**STEVE ORR:** Rimfire Resources were aware. There was no need to declare it because they were aware of the process which had been initially run and aware of what had occurred, and aware of the need to find people to put forward to the Minister for consideration.

**The Hon. WES FANG:** Mr Orr, how much did the recruiting program cost?

**STEVE ORR:** I'd take that on notice.

**Answer**

I am advised that the recruitment program cost \$28,500.

**Question 7 (Page 17)**

**The Hon. SAM FARRAWAY:** What are you doing with all the people that applied for the initial agriculture commissioner's role, with applications closing 29 January this year?

**The Hon. TARA MORIARTY:** Well, those people would have been advised, I assume — and, again, I can take that on notice — that we didn't proceed, in whatever terms they would have been told, but that we didn't proceed with doing things in the way that we were going to do them before. Now, in order to set up the role, I'll need to get the bill through the Parliament.

**Answer**

I am advised that all candidates who submitted applications to the Agriculture Commissioner role were advised that they were unsuccessful.

**Question 8 (Page 18)**

**The Hon. SAM FARRAWAY:** If Mick's name's there you never know what sort of support you'll get, Minister. Minister, did the Crown Solicitor have issues with your original proposal for the New South Wales agriculture commissioner?

**The Hon. TARA MORIARTY:** Off the top of my head, I don't know. Someone else might assist with that.

**The Hon. SAM FARRAWAY:** So, definitively, the Crown Solicitor didn't have an issue?

**The Hon. TARA MORIARTY:** Not that I can recall. I don't think so, but I'm happy to check and take it on notice.

**Answer**

I am advised that the Crown Solicitor did not provide advice on this matter.

**Question 9 (Page 19)**

**The Hon. SAM FARRAWAY:** Minister, when did Mr Tyndall start in the role of executive director within the office of the secretary?

**The Hon. TARA MORIARTY:** You'd have to ask the secretary.

**The Hon. SAM FARRAWAY:** Actually, Mr Tyndall, I'll ask you directly. Mr Tyndall, when did you start in the role of executive director within the office of the secretary?

**ADAM TYNDALL:** I'll take the exact date on notice, but I think it was in April of last year.

**Answer**

Refer to Supplementary Question 65.

**Question 10 (Page 19)**

**The Hon. SAM FARRAWAY:** What was the process between you leaving your role within Local Land Services and becoming the director of media strategy and ministerial services?

**ADAM TYNDALL:** I'll just talk you through. I didn't go from Local Land Services through to the office of the secretary role. I was appointed as director of planning at the Northern Rivers Reconstruction Corporation under the former head or CEO, which was David Witherdin. I had interviewed for an executive director role as part of that process. Unfortunately, I wasn't successful, but I was placed on a talent pool and I was taken from the talent pool into an acting position in the office of the secretary.

**The Hon. SAM FARRAWAY:** So, what was the timeline? When did you move from LLS to the reconstruction authority?

**ADAM TYNDALL:** I can take that on notice. I think it was around the time of the — just after the 2021 floods.

**Answer**

I am advised that Dr Adam Tyndall commenced employment with the Northern Rivers Reconstruction Corporation on 6 September 2022.

**Question 11 (Page 22)**

**The CHAIR:** What is the total number of vehicles supplied for Fisheries compliance?

**SEAN SLOAN:** I'd have to take that on notice.

**Answer**

I am advised that the total number is 66.

**Question 12 (Page 25)**

**The Hon. EMMA HURST:** Minister, last week there was an announcement of an investment of \$60 million to upgrade research facilities and emergency responses. That came from your office. I am just wondering, in regard to the research facilities, what the process was for determining which research facilities actually received those upgrades.

**The Hon. TARA MORIARTY:** Sure. These are facilities that are operated by my department. There are a number of research stations and facilities, and emergency services around New South Wales. We have allocated some \$60 million to upgrade seven of the research facilities or research stations and to upgrade five of the emergency points. They're seen as key stations around the place, but the decision was based on advice from the department.

**The Hon. EMMA HURST:** Was that a competitive grants process?

**The Hon. TARA MORIARTY:** These are government facilities, so we are upgrading facilities owned and operated by government. The places that were chosen were based on advice.

**The Hon. EMMA HURST:** One of the recipients of the funding is Wagga Wagga Agricultural Institute, and the press release states that "small and large animal houses will be upgraded". Specifically, it talks about methane emission research in both sheep and cows. Do you know how much funding that institute is going to receive and over how many years?

**The Hon. TARA MORIARTY:** I'm happy to take the breakdown for Wagga Wagga on notice. I'm sorry, I don't know the answer off the top of my head, but I am happy to come back to you with as much specific information as I can.

**The Hon. EMMA HURST:** Given it's talking about studies in methane emissions, will this also increase the number of animals that are used in experimentation with the use of fistulas?

**The Hon. TARA MORIARTY:** The department can correct me if I'm wrong, but there's research being conducted – if I specifically use the example of cows and methane emissions – which is in relation to feed and things that they're eating.

**The Hon. EMMA HURST:** That sounds like fistula research.

**The Hon. TARA MORIARTY:** I'm hoping that that will prove some success to reducing those gases. Does that answer your question?

**The Hon. EMMA HURST:** The question was: Will it increase the number of animals that are used in experimentation with the use of fistulas on the animal?

**The Hon. TARA MORIARTY:** Whether it will increase the use of animals or the amount of animals, perhaps the department can assist with that. Otherwise, I will take that on notice.

**STEVE ORR:** We might take that on notice, unless someone's got an answer.

**Answer**

I am advised:

\$350,000 in financial year 2025/2026 has been allocated to upgrade the laboratory, livestock feed preparation area and the animal holding pens at the Wagga Wagga Agricultural Institute.

It is not expected that the infrastructure upgrade will result in an increase in the number of animals with fistulas.

**Question 13 (Page 26)**

**The Hon. EMMA HURST:** From the research that you're describing, it does sound like — and I don't know if there will be an increase in the number of animals but, certainly, that's the research that does use fistulas. I guess my concern is that the grant is listed as an animal welfare grant but, obviously, the welfare impact of a fistula is quite large. A fistula is surgically installing a plug on the side of an animal's body, and there is quite a lot of leakage that happens with these plugs, which means that the content of their stomach is often leaking out and burning through their skin, for example. Why was it then listed as an animal welfare grant when we are actually looking at methane emissions and environmental issues?

**The Hon. TARA MORIARTY:** In relation to the specifics of the research that is conducted, I will either ask the department to provide some better information than I can or, again, I'm happy to take the details on notice. There are a number of different ways that research is being conducted to hopefully enable us to reduce methane emissions. In relation to whether this was described as animal welfare outcomes, I'll have to check the details of the announcement. I certainly understand where you're coming from, we're just not across the specifics of that research. But I'm happy to come back to you.

**The Hon. EMMA HURST:** Yes, if you could come back as to how that would be considered an animal welfare grant. Also — and this is probably another one to take on notice if you don't have the information on you — whether there will be fistulas used on sheep as well. I've only ever seen fistulas used on cows, but I imagine the welfare impact might even be higher for sheep because they've got wool and the issues associated there. If you're able, let me know if this will also include research with fistulas on sheep.

**The Hon. TARA MORIARTY:** Yes, I will have to take that on notice, but I am happy to come back to you with the details.

**Answer**

The Wagga Wagga Agricultural Institute was allocated \$350,000 in financial year 2025/2026 to upgrade the laboratory, the livestock feed preparation area and the animal holding pens. The new facilities will enhance animal welfare.

There are no plans to undertake research involving potential use of fistulas in sheep.

**Question 14 (Page 29)**

**Ms CATE FAEHRMANN:** So what does that mean? From your ministerial diaries it seems that you've met with Minister Sharpe and the Marine State Management Authority once since you've become Minister about the marine parks estate. Is that correct?

**The Hon. TARA MORIARTY:** I would have to check. I'm sure you've got an accurate diary. I know there have been discussions between our offices, between departments. There's, in fact, a plan that's currently being considered by government that I'm not in a position to talk about now. There are discussions at various levels. It's jointly administered for a reason and we're dealing with it through those structures appropriately.

**Answer**

Ministerial stakeholder meetings can be viewed via the Ministerial diary disclosure, which is published on the Cabinet Office website.

Our Ministerial Offices regularly collaborate on a range of initiatives, and with stakeholders that require a cross-portfolio response and will continue to do so.

**Question 15 (Page 30)**

**The Hon. WES FANG:** Minister, are you aware of the improved native forestry method that was submitted by the New South Wales Government to the Commonwealth as part of the ACCU?

**The Hon. TARA MORIARTY:** I am aware of it, yes.

**The Hon. WES FANG:** How do you believe it would impact native forestry in New South Wales?

**The Hon. TARA MORIARTY:** I'm aware of it; I don't know that I'm in a position to answer detailed questions on the submission. As you would be aware, that has, I believe, come through the Environment department – and people will correct me if I'm wrong. The details of that plan would be best directed to the Minister for the Environment. I'm always mindful, as the Minister responsible for forestry policy and for the industry, about the impacts and opportunities for the sector. The plan should have both.

**The Hon. WES FANG:** You indicated that you thought it was the department of environment. Do you know who the lead agency was on that?

**The Hon. TARA MORIARTY:** I believe it was environment, but I'm happy to check and take that on notice.

**Answer**

I am advised the Department of Climate Change, Environment, Energy and Water (DCCEE) is the lead agency.

**Question 16 (Page 30)**

**The Hon. WES FANG:** We could perhaps do that in the afternoon session. Minister, given that the title of the submission was the improved native forestry method, how do you feel about being the forestry Minister and not being consulted on a piece of substantial work that was submitted on behalf of the New South Wales Government to the Commonwealth?

**The Hon. TARA MORIARTY:** I engage across government, including with the Federal Government, about plans for the forestry sector in New South Wales and I'll continue to do that. I'll remind you that we've announced our Forestry Industry Action Plan to consider issues like this. In this particular case this work was done and submitted by the department that's not mine.

**The Hon. WES FANG:** So you're supportive of the proposal?

**The Hon. TARA MORIARTY:** Of course, it's the Government's proposal, but I'll be honest and say I'm not sufficiently across the detail to be able to get into it with you this afternoon. I'm happy to take it on notice. But it's the Government's proposal.

**Answer**

I refer you to an answer provided page 30 of the transcript.

**Question 17 (Page 37)**

**The Hon. EMMA HURST:** Will that also consider the fact that taxpayers are paying for shark nets?

**The Hon. TARA MORIARTY:** They are. They are paying \$2 million a year as opposed to \$20 million a year for new technology. I've got to make sure it works. That's the responsible thing to do.

**The Hon. EMMA HURST:** Can you provide a breakdown of where you got the figure of \$20 million and the figure of \$2 million? When you throw out a figure like that, it's unclear whether a lot of that money is going into research into these alternatives or that is how much the alternatives actually cost to run, which is quite a different consideration.

**The Hon. TARA MORIARTY:** It's a little bit of both. I might have the numbers wrong. I think it is a total of \$21 million a year. Again, someone will correct me.

**SEAN SLOAN:** I can provide a breakdown.

**The Hon. EMMA HURST:** If you can on notice provide a bit of a breakdown.

**The Hon. TARA MORIARTY:** That's fine. It includes all of those things.

**Answer**

I am advised that the NSW Shark Management Program has a budget of \$21.4 million per annum from 2022-26, for:

- 51 Shark nets across 8 LGAs, ~ \$2.7 million per annum
- 305 SMART drumlines across 19 LGAs, ~ \$12.5 million per annum
- 37 Tagged shark listening stations across 25 LGAs, ~ \$0.4 million per annum
- 50 Drones operated by SLS NSW across 25 LGAs, ~ \$3 million per annum
- SharkSmart (incl. research) across 25 LGAs, ~ \$2 million per annum
- Surfing NSW partnership and incident response across 25 LGAs, ~ \$0.8 million per annum

**Question 18 (Page 40)**

**The Hon. SAM FARRAWAY:** We'll make sure that he reaches out to your office and you jump onto 2WEB and get an update. I'd like to move now to — what is it? DPIRD, the new acronym for the merged department. How many jobs are based at the headquarters in Orange? Have we seen a reduction or an increase since budget estimates last year?

**The Hon. TARA MORIARTY:** As to how many people are based in Orange, I will ask the department. Otherwise, I'll have to take the specifics on notice. I don't know how many people work out of Orange off the top of my head.

**Answer**

I am advised that as at 31 August 2024, there were 393 non-casual staff based at 105 Prince Street, Orange.

**Question 19 (Page 41)**

**The Hon. SAM FARRAWAY:** Which you said in a previous answer. Thank you for that. To redirect that part of the question, which office is the largest office for the DPIRD in New South Wales?

**The Hon. TARA MORIARTY:** I'll take the specifics of the breakdown of where 5,500 people work —

**The Hon. SAM FARRAWAY:** Which office has the most staff, Minister?

**The Hon. TARA MORIARTY:** I'll take the details of the breakdown of where some 5,500 people work. Again, I'm pretty sure it is 200-odd presences spread over regional New South Wales. We're not planning on shrinking the footprint of the department spread across the regions. It's important that the various sections of the department are well represented so that they're easily accessible for and embedded in our regional communities. That's how we get the best advice. That's how I get the best advice.

**Answer**

I am advised that as at 31 August 2024, the office at 105 Prince Street, Orange had the most staff.

**Question 20 (Page 41)**

**The Hon. SAM FARRAWAY:** In a response to representations to the member for Goulburn in May 2024, you advised that the New South Wales Government no longer considers blackberry to be a noxious weed. However, on the New South Wales Government Environment and Heritage website it says, verbatim: Blackberry has been declared a noxious weed in NSW and is also listed as a Weed of National Significance. Can you please confirm today and make it clear if blackberry is a noxious weed?

**The Hon. TARA MORIARTY:** I would have taken advice on that, and I'll take advice on that now. If the department would like to confirm – otherwise I'll take it on notice.

**Answer**

I am advised that the term “noxious weed” is no longer used in NSW legislation.

All pest plants, such as blackberry, are regulated under the *Biosecurity Act 2015*. The *Biosecurity Act 2015* sets out a general biosecurity duty to prevent, eliminate or minimise any biosecurity risk they may pose.

**Question 21 (Page 42)**

**The Hon. SAM FARRAWAY:** In August last year, The Daily Telegraph reported in relation to the number of media staff in your department, and you were quoted in that article saying the figure was absurd. I think we discussed this at a previous estimates. Do you remember that?

**The Hon. TARA MORIARTY:** I do.

**The Hon. SAM FARRAWAY:** In August of last year, can you recall how many media staff were in your department at that time?

**The Hon. TARA MORIARTY:** I don't know how many media people were in the department in August last year. I'm happy to take it on notice.

**Answer**

I am advised that there are 33 media staff across the Department of Primary Industries and Regional Development (the Department), including Local Land Services.

**Question 22 (Page 42)**

**The Hon. SAM FARRAWAY:** That's fine, but do you know the number, Minister? How many media staff or comms staff are in the Department of Primary Industries and Regional Development as of August this year?

**The Hon. TARA MORIARTY:** As of August this year, I don't know off the top of my head—

**The Hon. SAM FARRAWAY:** It's 26.

**The Hon. TARA MORIARTY:** —but I'm happy to take that on notice.

**Answer**

Refer to Question 21.

**Question 23 (Page 47)**

**The Hon. EMMA HURST:** Because I couldn't get any answers this morning from the Minister, I wanted to double-check where that review was up to. I'm specifically asking about that review at the moment, if that helps clarify the question. Did that review include speaking to the enforcement agencies in any capacity, or was it just a review on funding elsewhere generally?

**KIM FILMER:** My team didn't do the actual review. I'm pretty sure they were consulted to feed into that process but, in terms of the details of that, I'm not able to give that to you.

**The Hon. EMMA HURST:** Which team did it? I thought it was coming from DPI.

**KIM FILMER:** Yes, from DPI but not in my direct team.

**The Hon. EMMA HURST:** Not the animal welfare section.

**KIM FILMER:** A section that does animal welfare work, but not directly under me. I'm familiar with the review but, in terms of the exact detail of that, I'm unable to give that to you.

**The Hon. EMMA HURST:** Which section was it?

**RACHEL CONNELL:** I can help you with that, Ms Hurst. The team that undertook the review was in my policy team.

**The Hon. EMMA HURST:** Who was involved in that process? Can you give me some details about how long that process took?

**RACHEL CONNELL:** I would have to take that on notice, but I can get the answers to those questions and come back to you this afternoon. I understand we spoke to a range of agencies including external parties, including the RSPCA and Animal Welfare League, but I'll confirm that and come back to you.

**Answer**

I am advised that the Department met with both approved charitable organisations (RSPCA NSW and Animal Welfare League NSW).

The Department also consulted with other states and the Australian Capital Territory. (Animal welfare enforcement activities are not performed by the RSPCA in the Northern Territory.) The process took several months.

**Question 24 (Page 47)**

**The Hon. EMMA HURST:** As part of that process, the RSPCA and the Animal Welfare League were consulted. There was a broader review on what other States were doing.

**RACHEL CONNELL:** Yes. My understanding is it was a comparative benchmarking exercise. We looked at the funding approaches that were taken in other jurisdictions to gather some information to look at what the approaches were across different States and different compliance efforts, if you like. My understanding is that we also looked at some of the compliance functions internal to the department to get an understanding of costs and approaches to enforcement and compliance under other regulatory frameworks.

**The Hon. EMMA HURST:** Did it also include any kind of consideration in regard to the cost of the enactment of POCTAA more generally – how much it would actually cost to fund the enforcement of that criminal legislation?

**RACHEL CONNELL:** My understanding is that the review was undertaken to get a better understanding for what would be reasonable enforcement and compliance costs for the POCTAA framework.

**The Hon. EMMA HURST:** Did that report include any recommendations, or was it just a general review that was given to the Minister?

**RACHEL CONNELL:** I'd have to take that on notice. I've only been in the role for three weeks, but we can come back to you this afternoon on that

**Answer**

The Review did not include recommendations.

**Question 25 (Page 48)**

**The Hon. EMMA HURST:** The \$21 million was only given very recently. It's those quarterly reports that have come through since that larger amount of funding, which was just over a year ago.

**RACHEL CONNELL:** We can take that on notice and come back to you. Just to clarify, you're seeking information about whether we've requested those reports over the last 12 months?

**The Hon. EMMA HURST:** Whether the DPI has requested those quarterly reports around the 21. I imagine previously they would have only been going to DPI. They wouldn't have gone to the Office of Local Government, because it was only that \$21 million that actually came from the Office of Local Government.

**STEVE ORR:** Correct. The arrangement with that money is with the Office of Local Government. I'm aware we've asked for one of those reports just to understand the spending pattern, but there may well have been others. We'll come back to you, as Ms Connell has alluded to.

**Answer**

I am advised that the Office of Local Government (OLG) received the quarterly reports as part of the acquittal process. The department requested the FY23/24 Q1 and Q3 reports, which were provided by OLG.

**Question 26 (Page 48)**

**STEVE ORR:** Correct. The arrangement with that money is with the Office of Local Government. I'm aware we've asked for one of those reports just to understand the spending pattern, but there may well have been others. We'll come back to you, as Ms Connell has alluded to.

**The Hon. EMMA HURST:** Have any of those reports, to your understanding, then gone to the Minister, or is it something that's just stayed within the department?

**STEVE ORR:** I'll need to confirm, but I think it's just stayed within the department, Ms Hurst.

**Answer**

Once received, the Department did not provide the reports to the Minister's Office.

**Question 27 (Page 49)**

**The Hon. SAM FARRAWAY:** Mr Orr, I want to go back to the biosecurity commissioner's role because, and I quote the Minister earlier, "I've got to follow proper processes." That's what she said in an answer to my colleague Ms Hurst. I still find lots of grey areas here, so let's go through it from the beginning. Ms Healy was the Interim Biosecurity Commissioner, correct?

**STEVE ORR:** Yes.

**The Hon. SAM FARRAWAY:** When did you first advertise or when was the selection panel established for round one, as you described earlier?

**STEVE ORR:** This is before my time in this role, just for clarity. I was sitting on that panel as the CEO of Local Land Services at the time.

**The Hon. SAM FARRAWAY:** We might pause there. I'll go to Mr Sloan, then. You were the acting director-general at the time, correct?

**SEAN SLOAN:** Correct.

**The Hon. SAM FARRAWAY:** If you were the acting director-general, you set up the selection panel. Is that correct?

**SEAN SLOAN:** I'm just pausing because I don't think it was me that set up the selection panel. This is some time ago now, Mr Farraway. I did chair the selection panel. Can I take that on notice please?

**The Hon. SAM FARRAWAY:** That's fine. Can you take that on notice, and we'll see if we can maybe resolve that before the end of the day.

**SEAN SLOAN:** Sure.

**Answer**

Refer to Supplementary Question 84(c).

**Question 28 (Page 49)**

**The Hon. SAM FARRAWAY:** Do you remember how many applicants there were in total for the advertised position at the time?

**SEAN SLOAN:** I don't recall. There were a number of applicants, but I don't recall how many.

**The Hon. SAM FARRAWAY:** Are you able to take that on notice? I'm not looking for their names, just the number.

**SEAN SLOAN:** I can take that on notice.

**Answer**

Refer to Supplementary Question 84(b).

**Question 29 (Page 50)**

**The Hon. SAM FARRAWAY:** As the chair of the selection committee or panel, you sent a recommendation that was obviously a recommendation that yourself and the two other members, including Ms Healy, had concluded that there was a potential candidate that you had selected, and that candidate was sent to the Minister's office for approval. Is that correct?

**SEAN SLOAN:** That's correct, but it was a consensus by the panel of putting candidates forward to the Minister for consideration.

**The Hon. SAM FARRAWAY:** Was there a shortlist or just one candidate?

**SEAN SLOAN:** There was a shortlist.

**The Hon. SAM FARRAWAY:** How many were on the shortlist?

**SEAN SLOAN:** I don't recall, actually. There was a shortlist. I'll have to take that on notice.

**The Hon. SAM FARRAWAY:** You send a recommendation from the selection panel for either a candidate or a shortlist, which you will take on notice and come back to us.

**SEAN SLOAN:** Yes.

**Answer**

Refer to Supplementary Question 84(f).

**Question 30 (Page 51)**

**The Hon. SAM FARRAWAY:** Did the Minister's office ever supply to you – or to you, Mr Sloan, in your previous role, or any DPI representative here – a reason as to why the initial candidate or candidates were not suitable and a reasoning as to why they should go back to market or go and have another look?

**STEVE ORR:** Not directly to me, Mr Farraway, for the reasons I outlined before.

**The Hon. SAM FARRAWAY:** Mr Sloan?

**SEAN SLOAN:** Not directly to me.

**The Hon. SAM FARRAWAY:** To anyone? Any reasoning? Mr Orr, obviously, in any government agency you have a pay scale and a band. What is the band or pay scale for the biosecurity commissioner's role?

**STEVE ORR:** My understanding, Mr Farraway – and again I'll confirm this – is that it's equivalent to a senior executive band 1

**Answer**

I am advised that the salary is equivalent to a Senior Executive Band 1.

**Question 31 (Page 51)**

**The Hon. SAM FARRAWAY:** Okay. I'm not sure if you've got this information now, but do you know the dates when Rimfire recruitment started the selection process and when they concluded it?

**STEVE ORR:** I'll take it on notice, Mr Farraway.

**Answer**

I am advised that Rimfire Resources commenced the search process on 19 March 2024 and concluded on 27 May 2024.

**Question 32 (Page 52)**

**The Hon. SAM FARRAWAY:** Was there more than one successful applicant in the recommendation from Rimfire?

**STEVE ORR:** I'll need to take that on notice, Mr Farraway.

**Answer**

I am advised that there was one successful applicant recommended to the Minister.

**Question 33 (Page 52)**

**The Hon. SAM FARRAWAY:** You may need to take on notice the date that the recommendation was sent to the Minister.

**STEVE ORR:** I'm happy to, Mr Farraway.

**Answer**

I am advised the date was the 7 June 2024.

**Question 34 (Page 53)**

**The Hon. SAM FARRAWAY:** How many people applied for the ag commissioner's role prior to today's announcement, bearing in mind that I think we were able to ascertain that the applications closed on 29 January this year? How many people had applied?

**STEVE ORR:** I'll need to take that on notice. I wasn't involved in that process.

**The Hon. SAM FARRAWAY:** Is that something we can take on notice and maybe come back to us a bit later in the day?

**STEVE ORR:** If we can.

**Answer**

I am advised that there were 6 applicants.

**Question 35 (Page 53)**

**The Hon. SAM FARRAWAY:** If that's the case and with today's process obviously making the role statutory, possibly some changes to the role and the introduction of legislation, has the department written to those applicants that applied for the ag commissioner's role —

**STEVE ORR:** Initially.

**The Hon. SAM FARRAWAY:** — to advise them that they'll have to either have another crack or that there's been changes to the role?

**STEVE ORR:** My understanding, Mr Farraway — again I'll confirm this with you later today — is that the applicants who applied back in the time frame which you talked about have been advised that they were not successful and that happened a little while ago.

**Answer**

Refer to Question 7.

**Question 36 (Page 54)**

**Ms SUE HIGGINSON:** I have some questions about forestry, so it may be Mr Chaudhary or it could be Mr McPherson or Mr Sloan, I'm not sure, whoever wants to answer them. I want to raise the point that it appears that 45 per cent of the logging operations planned and underway in the north-east region are located within the footprint of what we understand will be the Great Koala National Park, and certainly within the assessment area. Even though that's only 20 per cent of that region, earlier this year, the Minister had stated to me that, in her words, "We're getting on with the job of delivering the park" — the Great Koala National Park — "and as part of that work I issued a directive to Forestry Corporation to hold all harvesting in the areas identified as koala hubs within the proposed park. I also stated that there was to be no increase in forestry operations elsewhere in the State to make up for the shortfall." You probably recall that that was the position, by discontinuing logging in the hubs. I'm just curious if you could let me know what percentage of delivered timber decreased since that direction was made to Forestry Corporation?

**ANSHUL CHAUDHARY:** I can answer that question. I don't have the exact figures, but since that decision was handed down to stop harvesting in the koala hubs, we have been doing that. That was an area of about 8,400 hectares. Then I think if you take into account the surrounding areas, the access into the koala hubs, that was about another 3,000 hectares. So all up, about 12,500 hectares, or 12,000 hectares rather, was affected. In terms of volumes, I don't have that information on hand, Ms Higginson, but we haven't been harvesting in that area.

**Ms SUE HIGGINSON:** I am interested in the volumes that have been forgone, so to speak. Is that something you can provide on notice?

**ANSHUL CHAUDHARY:** Yes.

**Answer**

I am advised that Forestry Corporation estimates that it would be prevented from harvesting about 34,000m<sup>3</sup> of all timber products in the first 12 month period after the announcement of the introduction of the protocol amendments.

**Question 37 (Page 56)**

**DAVID McPHERSON:** As far as I know, if I understand what you're asking, the area of plantation that has been excluded out of the assessment area for the Great Koala National Park is now fixed.

**Ms SUE HIGGINSON:** It is fixed?

**DAVID McPHERSON:** Yes.

**Ms SUE HIGGINSON:** Do you have the date of when that was fixed? Is that something that you can provide to me —

**DAVID McPHERSON:** We can come back to you.

**Answer**

This question should be directed to the Minister for the Environment.

**Question 38 (Page 59)**

**The Hon. WES FANG:** I just wanted to make the point. Dr Tyndall, let's shift gears, as we were talking about. You were approached for the role. How did you apply for the role?

**ADAM TYNDALL:** I conducted a short interview with Ms Fox and I was appointed to the role in an acting position. That's consistent with the public sector employment framework.

**The Hon. WES FANG:** Was that a one-on-one interview?

**ADAM TYNDALL:** Yes, it was at the time.

**The Hon. WES FANG:** How long was the interview?

**ADAM TYNDALL:** I would have to take that on notice. It was quite some time ago, Mr Fang.

**Answer**

I am advised the interview was 45 minutes.

**Question 39 (Page 59)**

**The Hon. WES FANG:** How long was the period from the initial approach to starting in the role?

**ADAM TYNDALL:** Again, I'd have to take that on notice, Mr Fang. It was more than a year ago. I think you can probably appreciate that I don't have the exact figure in front of me.

**Answer**

Refer to Supplementary question 65.

**Question 40 (Page 60)**

**The Hon. WES FANG:** How long after the interview was it before you were told that you would have the role? Were you told on the day, or did you have to wait for a period of time?

**ADAM TYNDALL:** Forgive me, Mr Fang, but I think you've asked this question before and I said that I would take it on notice.

**Answer**

I am advised that the interview took place on 22 March 2023. The acting role was offered on 29 March 2023.

**Question 41 (Page 61)**

**The Hon. WES FANG:** Mr Orr, how many people were directly appointed into roles since you've been secretary? Were people that were required to change position with the change in the arrangements in the department required to reapply for their jobs or were they directly appointed from one position into another?

**STEVE ORR:** Within the public sector there is a thing called mobility in terms of you can move senior executives around. That's a right which I have as secretary. You can move someone from an ED position – exec director position – over here into one over here if you believe that they can do the job. That's one general principle. To your question about what has actually happened in terms of direct appointments, there were a number of direct appointments in the structural change into ED roles. Those direct appointments occurred largely where there was minimal change to the role, in my mind. In terms of numbers, I'd need to take that on notice. I don't have it all in my mind.

**Answer**

I am advised there were 2.

**Question 42 (Page 64)**

**The Hon. EMMA HURST:** The number of animals subject to major physiological challenge, which is obviously the most extreme category below death as an endpoint, went up in 2022 from about 20,000 animals to over 28,000 animals. Do we have any idea on why this has increased so much? Is that something that either the department or ARRPP panel looks into?

**KIM FILMER:** I'd need to take that notice to get that specific data for you

**Answer**

I am advised the numbers in impact procedure categories will vary year to year depending on types of research being conducted.

**Question 43 (Page 64)**

**The Hon. EMMA HURST:** I also want to ask what work the Animal Research Review Panel or the DPI has done to make sure that research institutions in New South Wales are aware of the new ban on forced swim and smoking experiments. Is that correspondence that will actually be sent out to animal ethics committees?

**KIM FILMER:** I think there was information — I might need to take that on notice to be totally accurate, but there is a newsletter that goes out to the research establishments. I think it may have been in there, but I would need to just double-check that to be sure.

**Answer**

Refer to the answer on page 83 of the transcript.

**Question 44 (Page 64)**

**The Hon. EMMA HURST:** Are you aware if the panel or the department of primary industries have received any correspondence from research institutions about these new laws — any feedback, clarifications or concerns?

**KIM FILMER:** No, I haven't.

**The Hon. EMMA HURST:** Are you aware if the panel has? Are you able to take that on notice?

**KIM FILMER:** I can take that on notice.

**Answer**

I am advised that the Department received correspondence from a research institution relating to the Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Bill 2024.

I am advised that the Animal Research Review Panel (ARRP) has not received any direct correspondence from research institutes on these new laws. However, there has been correspondence from a chair of an Animal Welfare Committee that oversees a research institute.

**Question 45 (Page 64)**

**The Hon. EMMA HURST:** Are you aware if any animal ethics committees have applied for or had approved a 12-month extension for any forced swim or smoking experiments?

**KIM FILMER:** I'm not aware of that.

**The Hon. EMMA HURST:** Are you able to take it on notice?

**KIM FILMER:** I can take that on notice, yes.

**Answer**

I am advised that Animal Ethics Committees do not apply for extensions for smoke and swim procedures. Researchers apply for renewal of animal research authorities (ARAs) which can be issued for a maximum of 12 months.

I am advised that the Department does not collect information on animal research authority applications, however, is aware of one establishment that has applied to renew its ARAs for forced smoking procedures.

**Question 46 (Page 64)**

**The Hon. EMMA HURST:** It's well-known that the Centenary Institute is one of the only research institutions left in New South Wales still doing the nose-only smoking experiment. Do you know if they have applied for or received a 12-month extension?

**KIM FILMER:** I'd have to take that on notice.

**Answer**

I am advised that researchers at the Centenary Institute have applied to its Animal Ethics Committee to renew their animal research authorities. This is consistent with the new legislation.

Approval to renew the animal research authorities has been granted for five projects to date.

**Question 47 (Page 64)**

**The Hon. EMMA HURST:** Has the department had any meetings with the Centenary Institute specifically about the smoking experiments done there?

**KIM FILMER:** There has been oversight by ARRP over time in that, but in terms of specifically the department having conversations, again I'd have to take that on notice and check with the compliance team.

**Answer**

I am advised that the Department met with the Centenary Institute on 4 March 2024 to discuss the provisions of the Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Bill 2024.

**Question 48 (Page 64)**

**The Hon. EMMA HURST:** Has the Centenary Institute sent any correspondence to ARRPP in the last six months about the legislation or the ban on smoking experiments? If you're able to take that on notice, can you also provide the committee with a copy if that is the case?

**KIM FILMER:** I can check for you.

**Answer**

I am advised that the Centenary Institute has not directly sent any correspondence to Animal Research Review Panel (ARRP) in the last six months about the legislation or the ban on smoking experiments. However, there has been correspondence from the chair of the Animal Welfare Committee that oversees the Centenary Institute.

**Question 49 (Page 64)**

**The Hon. EMMA HURST:** Thank you. I note that the animal use statistics for 2022 still state that the reporting on the use of crustaceans and cephalopods is still optional. I assume, with the legislative changes, that that will change from 2024 onwards. Are you aware if that's been communicated to research facilities?

**KIM FILMER:** I'm not aware of that either, sorry, I'll have to take that on notice.

**The Hon. EMMA HURST:** Just to clarify with that one, the Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Bill 2024 adopted the definition of "fish" from the Fisheries Management Act, which includes crustaceans and cephalopods. That was an adoption broadly across the whole Animal Research Act. I'm just wondering, with that change of the definition, what that will mean for reporting going forward and whether that's been communicated with research facilities.

**Answer**

I am advised that there has been no communication to research facilities regarding changes to the reporting requirements for cephalopods and crustaceans.

**Question 50 (Page 65)**

**The Hon. EMMA HURST:** Just to clarify with that one, the Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Bill 2024 adopted the definition of "fish" from the Fisheries Management Act, which includes crustaceans and cephalopods. That was an adoption broadly across the whole Animal Research Act. I'm just wondering, with that change of the definition, what that will mean for reporting going forward and whether that's been communicated with research facilities. I also have some questions for Mr Rob Kelly. While you're sitting down there, I want to raise some concerns that have been brought to me by a sanctuary called the Contented Pig Inn in the Northern Tablelands. They were actually issued a biosecurity order that they had to construct a pen or enclosure within 42 days to keep wild pigs out. This is a charity that relies on fundraising. They posted the biosecurity notice online and asked people to donate so that they could actually build that fence. In response to this, the sanctuary actually received a legal threat from the LLS. I can give you a copy of that, which I will find in a second. They said that the sanctuary was using misinformation to obtain financial benefit by deception, and said they were getting legal advice and urged her to reconsider what she was doing. Can I get a clarification on what's actually happened here? Given that this is a sanctuary that was ordered to build a fence and was trying to comply with that, why would they then get a legal threat for attempting to fundraise to be able to afford to comply with the direction?

**ROB KELLY:** Thanks for the question. I'll have to take that on notice, because I'm not aware of the issue and it hasn't been raised with me.

**Answer**

I am advised:

The Contented Pig Inn approached Local Land Services (LLS) in August 2023 for help controlling feral pigs. LLS provided \$3,000 worth of control tools at no cost to the sanctuary. After culling 10 feral pigs, the sanctuary chose to stop the control program and returned the unused tools. However, the sanctuary continued to feed and care for the feral pigs, which violated the Biosecurity Act 2015. This led to an increase in the feral pig population, causing issues for neighbouring properties.

LLS, in consultation with the Department of Primary Industries (DPI), issued an Individual Biosecurity Direction (IBD) to the Contented Pig Inn in May 2024, requiring them to construct a fence to prevent contact between feral and domestic pigs within 42 days. The sanctuary completed part of the fencing but had yet to add low-cost electric fencing.

After the IBD deadline, the Contented Pig Inn set up a fundraiser under the title "Help save 120 rescue pigs!" claiming that LLS was targeting them and threatening the sanctuary's operation. This was inaccurate, as LLS was not threatening to shut down the sanctuary. LLS informed the sanctuary via email that they would seek legal advice due to the misrepresentation in the fundraising post, as it could mislead donors. This was not a legal threat but a way to address the seriousness of misrepresenting the facts. After the sanctuary updated the post to correct the misrepresentation, no legal action was pursued.

**Question 51 (Page 65)**

**The Hon. EMMA HURST:** Thank you — if you could. I might give these documents to you as well in regards to that legal threat. Does that surprise you, that the LLS branch would ask her to put up this fence and then issue a legal threat to someone that's just a member of the community that is trying to comply with what they'd asked for?

**ROB KELLY:** I'm not across the details, so I can't comment on something that I haven't been provided the details of the exact situation.

**The Hon. EMMA HURST:** Are you happy to look into this situation further? I know it's causing a lot of distress to the sanctuary owners. Can I ask you to look further into this?

**ROB KELLY:** Yes. I'll take that on notice and look into it.

**Answer**

Refer to Question 50.

**Question 52 (Page 65)**

**Ms CATE FAEHRMANN:** My questions are directed to Mr Sloan, at this point. I want to go back to the Auditor-General's report into threatened species that I was asking the Minister about earlier this morning, where it stated that, as I'm sure you are aware, there are 42 threatened marine species and four ecological communities. As I understand it, the threatened species management Act requires that a Priorities Action Statement is also prepared. Is there a PAS, or Priorities Action Statement, for all of those threatened species?

**SEAN SLOAN:** Thanks, Ms Faehrmann. I'll have to take on notice whether or not we've got one for all of those. We've got a threatened species program in Fisheries. They obviously have to prioritise their work across a whole range of those species. We've also —

**Answer**

I am advised that a Priorities Action Statement is prepared by the Department at the time of listing under the *Fisheries Management Act (1994)* for each of the 35 threatened species, 5 endangered populations, 4 endangered ecological communities and 8 key threatening processes.

These can be found at: <https://www.dpi.nsw.gov.au/fishing/threatened-species/priorities-action-statement>

**Question 53 (Page 66)**

**Ms CATE FAEHRMANN:** When you said — what is it — a threatened species unit or something, is it?

**SEAN SLOAN:** Yes, that's right.

**Ms CATE FAEHRMANN:** What's that called?

**SEAN SLOAN:** We've got a whole team of people that work on threatened species — essentially, the threatened species that we deal with in the aquatic space.

**Ms CATE FAEHRMANN:** Could you please provide on notice for me exactly what those positions are and what they work on? That would be excellent.

**SEAN SLOAN:** Ms Faehrmann, I can say that they work on everything from threatened shark species to freshwater species. There's quite a lot of small-bodied native fish species. We've got a breeding program up at Grafton research station that deals almost exclusively with small-bodied native fish. So we've got quite a large group of species that we work on, but I'm happy to provide you with those details.

**Answer**

I am advised that the Habitat & Threatened Species Program within the Department has carriage of administrating the threatened species provisions of the *Fisheries Management Act*, in conjunction with planning, coordinating and delivering priority recovery actions for listed threatened species.

The program is serviced by 14 roles; led by a Program Leader, with nine roles focused on specific threatened species-related projects (2 Senior Fisheries Managers; 4 Fisheries Managers; 3 Project Officers).

The program, and other threatened species-related actions, is supported by all branches in the Department through research activities, monitoring and evaluation, hatchery support, environmental flow management advice, delivery of infrastructure projects such as reinstatement of fish passage and installation of pump screens, issue of permits and management advice, statutory assessment of activities that impact on threatened species and habitats and compliance actions to progress Priority Action Statement (PAS) actions.

The program coordinates internal Threatened Species Working Groups for 19 priority listed species and leads a portfolio of 17 collaborative projects that directly deliver on specific PAS outcomes for individual species. Ranging from aquatic habitat mapping, large scale resnagging activity in the Darling-Baaka River, delivery of the Threatened Fish Management Plan under Snowy Hydro 2.0, genetic management planning and captive breeding, translocation and reintroduction of 15 threatened species.

**Question 54 (Page 66)**

**Ms CATE FAEHRMANN:** Okay. Is your website out of date, then, when it seems to indicate that, in the chart for finalised recovery and threat abatement plans, the last plan was finalised in 2011 for the black rock cod?

**SEAN SLOAN:** I'll take that on notice, Ms Faehrmann, and just come back to you with some details on those. As I mentioned, we've got everything from seahorses that we're breeding at the moment – which we have in tanks at Port Stephens – and the freshwater species at Grafton. We've got a whole raft of species that we deal with. In terms of the threat abatement plans and recovery plans, I'll need to take that on notice and come back with the detail on that.

**Answer**

I am advised that the NSW Government has previously utilised Recovery Plans and Threat Abatement Plans under the provisions of Division 5 of the *NSW Fisheries Management Act (1994)* to manage recovery actions, however the Priority Action Statement (PAS) process is now the preferred instrument to ensure consistency with other state and Commonwealth processes.

The Secretary retains the ability to request the development of a Recovery Plan or Threat Abatement Plan if deemed necessary.

The Department has committed to progressing recovery plans that have already commenced. The focus will be on implementing the actions in approved Recovery Plans and Threat Abatement Plans, as well as PAS actions.

The Department website indicates the PAS process is now the preferred method to guide recovery actions.

**Question 55 (Page 66)**

**Ms CATE FAEHRMANN:** Would it be fair to say, though, considering under the Fisheries Management Act it does say that the secretary is to prepare and adopt a Priorities Action Statement for every species listed under that, that you believe that there should be a Priorities Action Statement for those species that are listed as threatened?

**SEAN SLOAN:** That's my understanding, Ms Faehrmann, but I'll take advice on that and come back to you. The other thing I will say is that we do have a Threatened Species Scientific Committee, which I'm actually meeting with in a week or two's time. They meet regularly and have the role of determining which species should be listed as threatened in the aquatics space. We work with that committee as well. I'm happy to come back to you with that detail on the plans that you are referring to.

**Answer**

I am advised that under S220ZVB of the *Fisheries Management Act 1994*, the Secretary is to prepare a Priorities Action Statement (PAS) for each listed threatened species, population, ecological community and key threatening process.

These can be found at: <https://www.dpi.nsw.gov.au/fishing/threatened-species/priorities-action-statement>. There is a PAS for each listed threatened species in NSW.

**Question 56 (Page 66)**

**Ms CATE FAEHRMANN:** Let's stick with the grey nurse shark, then, because that is a particular passion of mine. According to your website, there is a Priorities Action Statement that has replaced the 2002 Grey Nurse Shark Draft Recovery Plan. That appears to have been prepared and uploaded in 2013, not updated and not an official document as far as we can tell. What is the formal recovery strategy – the plan – for the grey nurse shark that the department has, that is in place and in force?

**SEAN SLOAN:** I'm happy to provide some specific details to you on that, but my understanding is that, with grey nurse sharks, which is a species that's listed on the east coast as critically endangered, we have a number of areas that are designated as critical habitat for grey nurse sharks, and they are protected. In addition to that, we have a range of controls around fishing so that any sorts of interactions are limited.

**Answer**

I am advised that in 2002, NSW prepared a State Greynurse Shark Draft Recovery Plan. Before the document was finalised the Government commenced a process for amending threatened species legislation in NSW.

In 2004, the NSW State Government amended the *Fisheries Management Act 1994* to include a requirement for the Director-General of DPI (now Secretary of the Department of Primary Industries and Regional Development) to prepare and adopt Priorities Action Statements (PAS) for threatened species, populations, ecological communities and key threatening processes.

A PAS has been developed for the Greynurse Shark which replaces the 2002 State Greynurse Shark Draft Recovery Plan. It contains a species profile and strategies to be adopted to promote the recovery of Greynurse Sharks.

The overall objective of the PAS is to ensure the recovery and ongoing viability of Greynurse Shark populations along the NSW coast. There is a National Recovery Plan for Greynurse Shark made under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. If a species or ecological community has a national recovery plan, PAS actions are focused on delivering the priorities for NSW as set out in the National Plan. This more effectively coordinates recovery actions across multiple jurisdictions, recovery partners and communities over the entire species range. The PAS for Greynurse Shark is current and active with the strategies and actions linked directly to those listed in the Commonwealth Recovery Plans.

**Question 57 (Page 67)**

**Ms CATE FAEHRMANN:** Some of those critical habitat areas, such as the Montague Island one, with respect, are part of the sanctuary zones that were partially revoked by the former Government and not restored under this Government. Isn't that correct?

**SEAN SLOAN:** Yes, at Montague Island there is an area. My understanding is that when it was originally set up — I'm not sure exactly of the timing, but about 20 years ago — its original intention was to protect habitat for grey nurse sharks and, as you'd expect with all scientific information, it evolves over time and we get better information. So my understanding with that particular location is that the grey nurse sharks are actually potentially in a different location around the island.

**Ms CATE FAEHRMANN:** Could you please provide the evidence or science that you're basing that on? Because, as far as I understand and recall, the decision by Mr Constance and Minister Marshall in 2019 wasn't based on any science or evidence. It was purely based on politics. But if you've got some science since then, that would be much appreciated.

**SEAN SLOAN:** Yes, I'm happy to provide that information.

**Answer**

I am advised that Barunguba/Montague was identified and declared as a seasonal Critical Habitat for the Greynurse Shark in 2002, four years prior to the establishment of Batemans Marine Park in 2006.

Threats to the Greynurse Shark were managed through fishing restrictions within the Critical Habitat site at the northern end of Barunguba/Montague and an adjacent buffer area that surrounded the entire island to a distance of 1000 m. Diving activities within critical habitats were also regulated. The original buffer zone surrounded the entire island on the basis that Greynurse Sharks had been tracked moving away from, and returning to, their core aggregation sites and aimed to mitigate impacts of fishing within these areas.

Upon declaration of Batemans Marine Park, the Montague Island Critical Habitat site was incorporated into the Montague Island Inner Habitat Protection Zone and fishing rules were further strengthened including the following seasonal restrictions between 1 November and 30 April each year to protect Greynurse Sharks, including:

- No fishing with bait;
- No fishing at anchor;
- No fishing with a wire trace line;
- No nets (but landing nets are allowed).

The Department undertook a review of information on Greynurse Shark occupation in known aggregation and habitat areas and previously non-recognised sites in 2020-21. Based on site characterisation, there are five aggregation and/or habitat areas within the Batemans Marine Park that are of high importance to GNS (including two critical habitat sites). Four of these areas are currently protected in sanctuary zones. The remaining area, Montague Island (northern shark gutters) is currently within the Montague Island (Inner) Habitat Protection Zone that permits line fishing with some temporal and gear restrictions. Three areas within the Batemans Marine Park have been characterised as

being of medium importance to Greynurse Sharks. Two of these, Montague Island (western gutters, cave and pinnacles) and Belowla Island, are within a Habitat Protection Zone and a General Use Zone respectively.H

**Question 58 (Page 67)**

**Ms CATE FAEHRMANN:** What is the department doing to ascertain the numbers of grey nurse sharks and whether they are recovering in number, considering they are critically endangered and considering your responsibilities under the Act?

**SEAN SLOAN:** There are indications that the population is recovering and I'm happy to provide those details, Ms Faehrmann.

**Ms CATE FAEHRMANN:** Not what the department is doing, though.

**SEAN SLOAN:** I'm happy to come back to you with those details.

**Answer**

I am advised that the Department supports the CSIRO, through the Commonwealth National Environmental Science Program, to assess the current population status of Grey nurse sharks along the east coast of Australia.

The Department staff provide tissue samples to utilise the 'close-kin mark-recapture' method.

Adult Grey nurse shark abundance in 2023 is estimated to be 1,463 individuals. The model further estimates the annual rate of population increase to be at 5 per cent.

**Question 59 (Page 69)**

**The Hon. SAM FARRAWAY:** Excuse my ignorance, but in the event of an FMD outbreak, we have a vaccinate-to-kill policy. Is that still correct?

**LISA SZABO:** I would have to take that one on notice. We don't have a vaccine in the country for FMD. We are looking to use messenger, mRNA, to develop one.

**Answer**

I am advised:

In the event of a foot-and-mouth disease incursion, the decision to vaccinate or not would be made in conjunction with the National Consultative Committee on Emergency Animal Diseases (CCEAD), which is chaired by Australia's Chief Veterinary Officer and provides technical advice in the event of emergency animal disease outbreaks.

**Question 60 (Page 70)**

**The Hon. SAM FARRAWAY:** Within the department, do we have a vaccination program or initial draft vaccination program drawn up in the event of an FMD or lumpy skin outbreak in Australia and do we have the mRNA vaccine ready to roll out? I suppose you've actually already answered that, haven't you, because it is December before we can test the effectiveness offshore, correct?

**LISA SZABO:** That is correct. The mRNA vaccines are not available.

**The Hon. SAM FARRAWAY:** Do we have a draft rollout plan in the event of an outbreak that could occur in our State?

**LISA SZABO:** I will take that on notice. But when we do respond — and there are in Ausvet plans for lumpy skin disease as well as for FMD. There's quite a considerable amount of detail in that and I'm just not familiar enough to say whether there is a vaccine policy part in that.

**The Hon. SAM FARRAWAY:** That's alright. I am happy for you to take that on notice.

**RACHEL CONNELL:** I just say again, Mr Farraway, it is important to note that there are obviously some quite onerous regulatory requirements imposed by the Australian Government that would have to be complied with.

**The Hon. SAM FARRAWAY:** Of course, but in the event of an outbreak it would be quite sensible for DPI to have a draft or some form of plan to pull off the shelf, because it is a constant threat that is never really going to go away any time soon.

**RACHEL CONNELL:** As Ms Szabo said, we will take it on notice. But the Ausvet plan is the national framework under which that be put in place, so we would act consistently with the national framework.

**Answer**

I am advised that the principles and criteria for applying vaccination in a foot-and-mouth disease outbreak have been prepared by through national Animal Health Committee and Australian Veterinary Emergency Plan (AUSVETPLAN) processes.

Implementation would depend on the extent and location of the outbreak.

**Question 61 (Page 71)**

**The Hon. SAM FARRAWAY:** I have a question regarding Norco. Has the Department of Primary Industries had any consultation or discussions with Norco, or has Norco or any dairy farmers associated with Norco and the co-op spoken to the department around NSW Health's decision to withdraw Norco milk as part of their contract? Maybe firstly to you, Mr Orr.

**STEVE ORR:** We are certainly aware of the issue, Mr Farraway. But in terms of what discussions have actually occurred with Norco, I couldn't really comment.

**The Hon. SAM FARRAWAY:** Is the department playing a role, or has the department been approached by stakeholders — anywhere from NSW Farmers to dairy farmers to anyone else internally within government — seeking your counsel or consultation about this?

**STEVE ORR:** That could well have happened. There are a lot of people in the department, as you are aware, Mr Farraway. In terms of those conversations between any of our staff and Norco, and any of our staff and any other agencies, I'd just need to take that on notice.

**The Hon. SAM FARRAWAY:** You're happy to just take it on notice to see if there's anything else happening?

**STEVE ORR:** Sure.

**Answer**

I am advised that the Department has not been approached by representatives of Norco, industry organisations or individual farmers about this matter.

As noted in the hearing, decisions made by NSW Health related to the procurement and supply of goods and services are a matter for NSW Health.

**Question 62 (Page 72)**

**The Hon. SAM FARRAWAY:** Category B provisions — is the Department of Primary Industries and Regional Development in any discussions with the Commonwealth Government or your Federal counterparts in the Federal agencies around category B provisions for the farming sector for the recovery phase and how to possibly support farming operations across the State in these events?

**STEVE ORR:** I'm not aware of any conversations, but I just look to my colleagues.

**KATE LORIMER-WARD:** The agency has been engaging as part of the review that has been undertaken, which is more universal around the programs that are in place. But I'd have to take on notice whether there has been specific consultation around category B

**Answer**

The NSW Reconstruction Authority is the NSW agency responsible for the management of natural disaster declarations, in consultation with the National Emergency Management Authority (NEMA).

**Question 63 (Page 72)**

**The Hon. SAM FARRAWAY:** I have a follow-up question. Can you take on notice what the department is doing from a department-to-department level from here in New South Wales with the Commonwealth around disaster assistance for the agricultural sector that reflects the magnitude of the damage rather than whether it comes from a single or from multiple events? It's one thing, obviously, Minister to Minister, but I'd be interested to know if we are there fighting with our bureaucrats in Canberra who don't really understand on the ground, to be frank, like State agencies do, about some of these category B provisions and how we could do things better.

**STEVE ORR:** We are happy to provide that, noting it is a portfolio responsibility for another Minister, specifically.

**The Hon. SAM FARRAWAY:** I am only looking for the ag sector stuff, obviously.

**STEVE ORR:** We certainly play a role, particularly the Rural Assistance Authority, through the provision of that support. But we will take your question on notice.

**Answer**

I am advised:

Departments provide the NSW Reconstruction Authority access to damage reports from a variety of sources including NSW State Emergency Service (SES), NSW Rural Fire Service (RFS), Transport for NSW (TfNSW), Department of Primary Industries and Regional Development, Local Land Services (LLS) and relevant Local Government Areas (LGAs).

These damage reports are then presented to National Emergency Management Agency (NEMA) by NSW Reconstruction Authority with a determination being made based on the damage to both public and private property.

Each event is assessed individually to ensure a comparable and commensurate level of assistance is provided in proportion to the extent of the event, both in financial and non-financial terms. Following on from above, in addition to the seven (7) Category B that have been declared in NSW to assist primary producers this year, a further 19 were declared in 2023.

**Question 64 (Page 72)**

**The CHAIR:** That information in the documents I've seen never went to any media outlet.

**SEAN SLOAN:** It was a while ago now, so I can't recall exactly, but I think we fielded questions — I fielded questions — in the last budget estimates session in February on that issue and did explain some of this. That's my recollection.

**The CHAIR:** But the documents that were received under GIPAA don't reflect that this information was actually provided to media and provided to the public.

**SEAN SLOAN:** I would have to take it on notice, Chair. I'm not sure why it wasn't, but it's certainly not something that has, from my perspective, been hidden. Police were first on the scene. If I recall, I explained that it was sort of a holiday period and fisheries officers were at Cronulla the day before, but then they had a planned operation that took them to another location on the day of this event, so police were first on the scene.

**The CHAIR:** If you can take on notice why this seemed to be omitted from any information to media or any information to the public, that would be great.

**SEAN SLOAN:** Would be happy to.

**Answer**

I am advised that numerous media outlets were informed of the way in which PINs are on the spot fines and that maximum penalties are only open to court prosecution.

**Question 65 (Page 73)**

**The CHAIR:** So when we're looking at assessing stock levels — I know, Mr Sloan, you've spoken about it in the past — we assess at a whole-fishery level. Given the distinct environmental systems that ICOLLs are and given that they open and close intermittently, and during those periods of being open are obviously a great opportunity for spawning of fish, why are we not examining ICOLLs separately in terms of fish stock levels? Why are we not doing some research in that space about how those open and closed time periods are potentially impacting on fish stocks and how that is interacting with rec and commercial take? Are we doing any work in this space to understand what is happening during those time periods and how we could maybe better manage fish stocks during those time periods of the opening and closing?

**SEAN SLOAN:** Yes, Chair. We do have a piece of work being done on ICOLLs and, obviously, every one of them is different. I think that's the point you are getting to: how do we manage and how do we inform with information that we collect how a particular ICOLL should be managed. We do have a piece of work under the Marine Estate Management Strategy to look at that. In terms of the detail, obviously with so many of them, as r Turnell pointed out, it's hard to get exact information on all of them, so we use the information that we have from things like our commercial fishing logbook program to inform what fish stocks are doing in those areas. In terms of the detail that we have on all of them, I'd have to take it on notice, unless Peter has something.

**PETER TURNELL:** They all vary. Some are open more often than not; some are closed more often than not. You've got species like bream, tarwhine, snapper and salmon that won't spawn inside those estuaries if they're closed. They prefer the near coastal offshore waters or near coastal waters. Silver biddies, on the other hand, will probably spawn in a closed system. So getting our heads around what happens in particular ICOLLs, depending on how often they're closed, is a very important — we're more than happy to work with stakeholders to improve our knowledge on that in these areas.

**The CHAIR:** Do you have a time frame in terms of that body of work, Mr Sloan, that you were referring to that's being done through marine estate?

**SEAN SLOAN:** I'm sorry —

**The CHAIR:** I'm happy for you to take it on notice.

**SEAN SLOAN:** I'll take it on notice, Chair.

**Answer**

I am advised that the Marine Estate Management Strategy ICOLL management project is led by The Department of Primary Industries and Regional Development—Fisheries, with partners in DCCEEW (Biodiversity Conservation & Sciences) and DPHI (Planning and Crown Lands) under Initiative 2 - *Delivering healthy coastal habitats with sustainable use and development*.

The project aims to develop a framework for consistent approvals and management of ICOLLs that can be included in Coastal Management Programs. The project specifically undertakes an audit of multi-agency ICOLL approvals (e.g. permits, licences, consents) for entrance management/openings, including a review of the types of approvals, their

conditions and recommendations on improvements in clarity, consistency and enforceability. Audits of the management arrangements of 62 ICOLs has been completed, with 8 ICOLL audits remaining. The draft report is expected to be finalised for approval and publication by late 2025.

**Question 66 (Page 73)**

**The CHAIR:** Can I just switch over to the Mulloway harvest strategy? When was the last time the Mulloway Harvest Strategy Working Group actually met? To give you a helping hand, there are no minutes for a meeting that was, I think, in December 2023. Sorry, the last meeting was in March 2024, but there are no actual minutes on the website for it. There is a chair's summary, but no minutes.

**SEAN SLOAN:** Yes, Chair, I think they have met since then. I'll have to take that on notice, but they have a process of clearing their minutes and then, once they have done that, posting them on the website. I believe they have met since March. That's my understanding.

**Answer**

I am advised that the Mulloway Harvest Strategy Working Group most recently met on 18-19 March.

This was the 12<sup>th</sup> meeting.

The Chair Summary of this meeting is published on the Department's website. The minutes of the meeting are yet to be adopted by the Working Group and will be published once adopted.

**Question 67 (Page 73)**

**The CHAIR:** Why would it take so long to clear a set of minutes from March 2024?

**SEAN SLOAN:** Every committee works differently, but usually a process would be that these are working groups and they would wait until they meet again until they clear their minutes. I'll have to take it on notice, Chair. I'm not across the detail of all of these working groups.

**Answer**

I am advised that the meeting minutes are typically reviewed and confirmed by Harvest Strategy Working Groups at the following meeting.

The minutes of the 12<sup>th</sup> meeting of the Mulloway Harvest Strategy Working Group are currently going through an out-of-session endorsement process so they can be adopted and published before the next meeting.

**Question 68 (Page 73)**

**The CHAIR:** Yes, okay. When was the last stock assessment done on Mulloway? Do we know?

**SEAN SLOAN:** Yes. It was updated earlier this year, I understand. I'm happy to provide clarification on that, but we provide stock assessment input to the national fish stock status report, which happens every two years, and I believe we updated Mulloway as part of that exercise.

**Answer**

I am advised that the most recent Status of Australian Fish Stocks (SAFS) assessment was completed in 2023, and published in 2024 following the SAFS review process as part of SAFS species updates.

**Question 69 (Page 74)**

**The CHAIR:** Is that stock assessment public or front facing?

**SEAN SLOAN:** Yes, it would be if it's part of the national fish stock status report, and I believe that that is public.

**The CHAIR:** Would you be happy just to check?

**SEAN SLOAN:** I'm happy to check that.

**Answer**

I am advised that the Status of Australian Fish Stocks (SAFS) assessment is published on the SAFS website at <https://www.fish.gov.au/report/368-Mulloway-2023>, and also on the Department website at <https://www.dpi.nsw.gov.au/fishing/fisheries-research/fisheries-resource-assessment/stock-assessment/status-of-australian-fish-stocks-2024>

**Question 70 (Page 74)**

**The Hon. EMMA HURST:** Concerns have been raised with my office about a particular exhibited animal facility that travels around the local area and shoots unwanted bobby calves and horses, and takes them back to the zoo to use as food. Has the DPI received complaints about this type of activity at all?

**KIM FILMER:** No, I'm not aware of that.

**The Hon. EMMA HURST:** Not that you're aware of. Can you take it on notice?

**KIM FILMER:** I can

**Answer**

I am advised that the Department has not received complaints about this activity. If the Hon. Member has any details about this alleged activity, the information can be provided to the Department.

**Question 71 (Page 74)**

**The Hon. EMMA HURST:** What about thoroughbreds? Have you heard any allegations that ex-racing thoroughbreds are being used to feed animals in zoos?

**KIM FILMER:** No.

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

**KIM FILMER:** I can.

**Answer**

I am advised that the Department has not received complaints about this activity. If the Hon. Member has any details about this alleged activity, the information can be provided to the Department.

**Question 72 (Page 76)**

**The Hon. WES FANG:** Yes, thank you. I'm aware of those things. I'm asking in particular for LLS's numbers.

**STEVE ORR:** In terms of LLS's number, I think there was a slight decline over time, but I don't think that was peculiar.

**The Hon. WES FANG:** How do you define "slight decline"?

**STEVE ORR:** I'd need to go back and look at the specific numbers.

**The Hon. WES FANG:** Can you take that on notice?

**STEVE ORR:** Okay. But I don't think there was anything which was any different to broadly what happened within the department. I think there was a decline within the department. The engagement score – which is one of the key attributes of the survey – for the department was 68 per cent. I think LLS was a similar number, either 68 or 69, from memory. I don't think there was any particular change between the department –

**The Hon. WES FANG:** Seeing as you've taken it on notice, we'll get the exact numbers. I think that's probably the best thing and then we can have a look at those and I'd appreciate that.

**Answer**

I am advised that the PMES Engagement Score results for the past 2 years as a comparison between LLS/DRNSW/Sector are as follows:

	2022	2023
LLS	71	68
DRNSW	69	67
Sector-wide	64	64

**Question 73 (Page 76)**

**STEVE ORR:** Sure. Do you just want to understand LLS over the last couple of years. Is that it?

**The Hon. WES FANG:** Yes. From your time as CEO.

**STEVE ORR:** Quite specific to me, Mr Fang?

**The Hon. WES FANG:** No. I'm just curious so that we can put a time frame on it because I imagine you'll have access to that. In relation to the software myLLS, what's the total cost of that package so far?

**KATE LORIMER-WARD:** I'd have to take that on notice in terms of amount spent so far.

**The Hon. WES FANG:** If you could.

**Answer**

I am advised the total spent since project inception in 2018 until June 2024 is \$13.85m.

**Question 74 (Page 77)**

**KATE LORIMER-WARD:** There are some modules that are in use but in terms of the complete program, no.

**The Hon. WES FANG:** If want to take it on notice, that's fine. If you could provide the budgeted cost, the total cost to date, which modules are operational, which modules are inoperative and how long the time frame is before you expect a complete rollout of the myLLS software, I'd appreciate that.

**KATE LORIMER-WARD:** Sure.

**Answer**

I advised that two modules are operational:

- Land Management and Private Native Forests.
- The Property module is currently in User Acceptance Testing.

A further two modules are to be delivered:

- the Pests & Poisons module and
- the Permits module.

The vendor developing the software was purchased by another tech company, and there have been project delays. LLS is working with the vendor to identify a way forward with the project. The timeline is currently unknown while LLS continues discussions with the vendor - ReadyTech/Open Office.

The original Treasury allocation for the program was \$12.74m in 2017/2018. Since this time a total of \$13.8m has been spent on the program, with a direct vendor payment of \$3.58m since 2018.

**Question 75 (Page 77)**

**The Hon. WES FANG:** Understanding there were some, did you let the board know that you were seeking KPMG to do these reviews, Mr Orr?

**STEVE ORR:** The board?

**The Hon. WES FANG:** Yes. The LLS board.

**STEVE ORR:** Yes.

**The Hon. WES FANG:** You did? What was the budget for those reviews?

**STEVE ORR:** This was quite some time ago, Mr Fang.

**The Hon. WES FANG:** I appreciate that; I'm just asking the question.

**STEVE ORR:** I'll take on notice what the budget was.

**Answer**

I am advised that the budget was \$891, 773.

**Question 76 (Page 77)**

**The Hon. WES FANG:** My understanding is that the board did not know. When the board were provided the reviews from KPMG, did they accept those reviews and implement them?

**STEVE ORR:** One was service delivery, one was enabling services and then there was one other, which may come to my mind in a minute. In terms of enabling services and the changes which we made regarding enabling services, that was certainly discussed with the board. In terms of service delivery, that was certainly discussed with the board. The final piece, which just escapes me at the moment, was more internally facing in terms of a particular data matter, from memory. I'd need to check my notes in terms of exactly what went on regarding those ones.

**Answer**

I am advised that the LLS Board was briefed on the scope of the LLS Business Operations Enabling review and the Data controls review. The Board was provided with regular updates on the progress of the review, the recommended outcomes and finalisation of actions. The consultants also briefed the LLS Board on the final report for the Enabling review at a face to face meeting. The same for the Data controls review. The Board was briefed on the scope of works and the final report. A status update on the actions closed out was also provided to the Board. The Board was advised of the progress of the Service Delivery Strategy development on 16th February 2023. The Board considered the Service Delivery Strategy prepared by KPMG at its August 2023 meeting and referred it to a Board working group to refine. This was subsequently approved by the Board.

**Question 77 (Page 78)**

**The Hon. WES FANG:** Who selected KPMG under that procurement process?

**STEVE ORR:** Who selected?

**The Hon. WES FANG:** Yes.

**STEVE ORR:** Again, I'll take on notice in terms of how we did the assessment.

**Answer**

I am advised:

The three KPMG reviews between 2022 and 2023 were engaged through the Prequalified Scheme: Performance and Management Services:

- KPMG was selected for the Enabling Services review off the Procure NSW panel as they had undertaken the initial SPA review and engagement of departments 18 months earlier so had a working knowledge of the service catalogues and operating model. This procurement met the NSW procurement guidelines.
- KPMG were selected for the data controls review as the KPMG data team has a few months earlier been engaged through an open procurement process to review data governance and controls for DRNSW and subsequently had knowledge of existing DRNSW data controls, work and knowledge which was scalable to the LLS data controls review.
- For the Service Delivery Review, LLS requested a quote from six providers from the Prequalified Scheme. Three submissions were received and assessed by a by a procurement panel using the DRNSW - Procurement Evaluation Scoring Worksheet and KPMG was selected. The Procurement Evaluation Report was endorsed by two directors and two business partners and approved by the CEO.

Mr Orr was only the final signatory in one of these three engagements.

**Question 78 (Page 81)**

**The CHAIR:** That's all I need to know. Thank you, Mr Chaudhary. Ms Connell, what recent advice has been provided to the ACOs regarding biosecurity, given the number of incursions we're having of different biosecurity threats—varroa mite, threats of lumpy skin, avian bird flu, all of them. What advice has been provided to the ACOs, the RSPCA or the Animal Welfare League about steps they should be taking before entering properties to do inspections? I've had several reports from concerned farmers that RSPCA particularly are just jumping fences, not announcing their presence to the farmer, and traipsing all over their properties, presumably to respond to complaints or do inspections. Is that something that really adheres to good biosecurity controls?

**RACHEL CONNELL:** I'd have to take the question on notice about what advice we have been giving to the ACOs in relation to the circumstances you're presenting. I'm not aware of those in particular, so I can't comment on those, but I'll take on notice what advice we've provided.

**Answer**

I am advised that:

Division 2 of the *Prevention of Cruelty to Animals Act 1979* gives inspectors power to enter land for the purpose of exercising functions under this division of the *Prevention of Cruelty to Animals Act 1979*. The RSPCA NSW governance framework includes:

- inspectorate standard operating procedures regarding investigating and responding to complaints; and
- the inspectorate biosecurity policy.

To further support inspectorate biosecurity, in 2020 the Department published [Guide: Managing animal biosecurity risks during authorised officer farm visits \(nsw.gov.au\)](https://www.nsw.gov.au/guide-managing-animal-biosecurity-risks-during-authorized-officer-farm-visits) on its website. This document received input from approved charitable organised organisations, LLS, DPI and the Rural Crime Prevention Unit.

The NSW *Biosecurity Act 2015* (the Act) prohibits some high-risk activities and materials and provides a general obligation on people to be aware of their surroundings and take action to prevent the introduction and spread of pests, diseases, weeds and contaminants.

The NSW *Biosecurity Act 2015* (the Act) prohibits some high-risk activities and materials and provides a general obligation on people to be aware of their surroundings and take action to prevent the introduction and spread of pests, diseases, weeds and contaminants.

**Question 79 (Page 81)**

**The Hon. EMMA HURST:** Mr Orr, in regards to animals that are potentially accidentally killed in a shark net, are any of the animals then taken by the DPI for further research if that animal has been accidentally killed through the shark net?

**STEVE ORR:** I might direct that question to Mr Sloan.

**SEAN SLOAN:** I think in some instances they would be, depending on the species – particularly if it was a protected or threatened species – but not in all cases. I can take it on notice and give you a more fulsome and detailed answer.

**Answer**

I am advised that all animals caught in the NSW Shark Meshing Program are reported in the Annual Performance Reports available on the Department website:

<https://www.sharksmart.nsw.gov.au/shark-nets>

Biological samples were taken from 143 deceased animals in 2021/22:

Common Name	Sample Type and Number
Australian Cownose Ray	Whole = 1
Broadnose Sevengill Shark	Genetics & vertebrae = 10
Bronze Whaler	Genetics & vertebrae = 17
Bull Shark	Genetics & vertebrae = 8, Whole = 1
Common Blacktip	Genetics & vertebrae = 10
Dusky Whaler	Genetics & vertebrae = 5
Great Hammerhead	Genetics & vertebrae = 2
Green Turtle	Genetics = 10
Greynurse Shark	Genetics & vertebrae = 4
Leatherback Turtle	Genetics = 3
Shortfin Mako	Genetics & vertebrae = 5
Silky Shark	Genetics & vertebrae = 2
Smooth Hammerhead	Genetics & vertebrae = 36
Southern Eagle Ray	Genetics & vertebrae = 6, Whole = 2
Spinner Shark	Genetics & vertebrae = 1
Tiger Shark	Genetics & vertebrae = 3
White Shark	Genetics & vertebrae = 16
Whitespotted Guitarfish	Genetics & vertebrae = 1

Biological samples were taken from 101 (9 alive, 92 dead) animals in 2022/23:

Common Name	Sample Type and Number
Australian Angel Shark	Genetics = 1
Australian Cownose Ray	Genetics = 7*, Whole = 1
Broadnose Sevengill Shark	Genetics = 2
Bronze Whaler	Genetics = 8

Common Blacktip	Genetics = 4
Common Dolphin	Genetics = 1, Whole = 1
Dusky Whaler	Genetics = 7
Great Hammerhead	Whole = 1
Green Turtle	Genetics = 1
Grey nurse Shark	Genetics = 2*, Whole = 1
Indo-Pacific Bottlenose Dolphin	Genetics = 2, Whole = 2
Leatherback Turtle	Genetics = 1
Loggerhead Turtle	Whole = 1
Shortfin Mako	Genetics = 2
Smooth Hammerhead	Genetics = 40
Southern Eagle Ray	Genetics = 2*, Whole = 1
Spinner Shark	Genetics = 1
Tiger Shark	Genetics = 1, Whole = 1
White Shark	Genetics = 4, Whole = 6

\* denotes that some genetic samples were taken from animals that were 'released alive' as part of the SMP tagging program or University research projects. Samples taken from live animals included: 7 Australian Cownose Ray samples, 1 Southern Eagle Ray sample, and 1 Grey nurse Shark sample.

Biological samples were taken from 110 animals (4 from alive, 106 from deceased) in 2023/24:

Common Name	Sample Type and Number
Australian Cownose Ray	Isotope = 1, Genetics = 2*, Anal Swab = 1
Broadnose Sevengill Shark	Whole = 2
Bronze Whaler	Isotope = 2, Genetics = 5, Vertebrae = 2, Whole = 1
Common Blacktip	Genetics = 2, Vertebrae = 1
Common Dolphin	Whole = 1
Dusky Whaler	Genetics = 6, Vertebrae = 3
Great Hammerhead	Genetics = 3, Vertebrae = 3
Green Turtle	Genetics = 2, Whole = 4
Grey nurse Shark	Genetics = 4, Vertebrae = 2, Whole = 2
Hawksbill Turtle	Whole = 1
Indo-Pacific Bottlenose Dolphin	Genetics = 1, Blubber = 2, Whole = 1
Leatherback Turtle	Genetics = 4
Loggerhead Turtle	Whole = 1
Shortfin Mako	Genetics = 2, Vertebrae = 1
Silky Shark	Genetics = 1, Vertebrae = 1
Smooth Hammerhead	Genetics = 44, Whole = 2
Smooth Stingray	Genetics = 1
Southern Eagle Ray	Isotope = 1, Genetics = 10, Vertebrae = 2
Spinner Shark	Genetics = 1, Vertebrae = 1
Tiger Shark	Isotope = 1, Genetics = 1
White Shark	Isotope = 1, Genetics = 3*, Whole = 1

\* some genetic samples were taken from animals that were 'released alive' as part of the SMP tagging program or University research projects. Samples taken from live animals included: 2 Australian Cownose Ray samples, and 2 White Shark sample.

**Question 80 (Page 81)**

**The Hon. EMMA HURST:** I have a couple of follow-up questions, and I think you might need to take them on notice. I am wondering about the number of animals that have been accidentally killed in shark nets, say in the last three years, that have then been used in research.

**SEAN SLOAN:** I would have to take that on notice.

**Answer**

Refer to Question 79.

**Question 81 (Page 81)**

**The Hon. EMMA HURST:** That's fine. Which department or research facility would that go to? Is that part of the DPI's own research, to your knowledge?

**SEAN SLOAN:** It would depend. We do have collaborations with universities, and there may be instances where we've partnered with other research institutions. I'll take it on notice and provide you with some details.

**Answer**

I am advised that Department is the lead agency for the management and collaborative research programs with animals caught in the meshing program as part of the 2024 Management Plan for the Shark Meshing Program.

The Department collaborates with institutions in NSW, including DCCEEW, Taronga Zoo, the universities of Macquarie, New South Wales and Sydney, as well as other interstate institutions and agencies such as James Cook University, Flinders University, Australian Museum, University of Tasmania, Commonwealth Scientific and Industrial Research Organisation, Queensland Department of Agriculture and Fisheries, and the National Environmental Science Program.

**Question 82 (Page 81)**

**The Hon. EMMA HURST:** Thank you, I really appreciate that. Mr Orr, I think this one is for you but please hand it on if it is not. At the previous budget estimates I'd asked the Minister and the DPI questions about *cestrum nocturnum*. It's a dangerous weed and it's killed two horses in northern New South Wales that I am aware of. The concern is that the plant was still legal to sell in New South Wales, and it was actually being sold by some plant nurseries. I was advised at the time that there was work being done to consider whether or not to make the sale of this particular plant illegal. Is that something that you have any updates on or know anything about what's happened with those considerations?

**STEVE ORR:** I do remember that issue and the loss of those stock. I'll see if any of my colleagues have a specific update regarding—I think the question was the sale of that particular plant in nurseries and whether or not it was still allowed or not. We might respond to you on notice unless any of my colleagues have any further information, but it wouldn't appear so.

**Answer**

I am advised that *cestrum parqui* is listed as a Priority Weed under the Regional Strategic Weed Management Plans for most of NSW. These plans recommend *Cestrum parqui* should not be bought, sold, grown, carried or released into the environment and that people should notify local control authorities if they find it.

*Cestrum nocturnum* is currently being assessed for inclusion on the Schedule 3 ban from sale list under the Biosecurity Act 2015.

**Question 83 (Page 82)**

**The Hon. WES FANG:** Dr Tyndall, just returning to your appointment, could you outline for me what tasks and roles you did have in the first two months when you were appointed, and what locations you worked out of?

**ADAM TYNDALL:** I'm happy to take that on notice for you, Mr Fang. It was quite some time ago.

**Answer**

I am advised that Dr Adam Tyndall worked out of the following locations: Coffs Harbour, Dubbo, Lismore, Newcastle, Orange, Paterson, Sydney.

Dr Adam Tyndall's tasks were consistent with the role description for the position as well as relevant public sector policies and guidelines.

**Question 84 (Page 82)**

**The Hon. WES FANG:** Did you undertake any tasks in the Minister's office in your first two months after being appointed?

**ADAM TYNDALL:** What do you mean by any tasks, Mr Fang? That's a pretty broad statement.

**The Hon. WES FANG:** Did you attend the Minister's office in the first two months of your appointment?

**ADAM TYNDALL:** Yes, I did, but I'm happy to take it on notice.

**Answer**

Yes, noting that meetings between the Department, Secretary and the Minister occurred in the Minister's Office.

**Question 85 (Page 82)**

**The Hon. WES FANG:** Were those times that you were working out of the Minister's office for part of the day? Did you ever work out of there for the whole day?

**ADAM TYNDALL:** Mr Fang, I do understand your laser-like focus on this issue.

**The Hon. WES FANG:** Oh good, I'm glad.

**ADAM TYNDALL:** I would take that question on notice.

**Answer:**

Refer to Question 84.

**Question 86 (Page 82)**

**The Hon. WES FANG:** Did you have a pass for the Minister's office?

**ADAM TYNDALL:** At which point, Mr Fang?

**The Hon. WES FANG:** In the first two months after your appointment, did you have a pass to the Minister's office in 52 Martin Place?

**ADAM TYNDALL:** I'd need to take it on notice when I first had a pass. It's not unusual for senior public servants to have a pass for 52 Martin Place.

**Answer:**

I am advised:

Security passes for the Parliamentary Precinct and 52 Martin Place are required to be issued in accordance with the Parliament House Security Pass Policy and 52 Martin Place security procedures and the associated Privacy and Surveillance Statement.

**Question 87 (Page 82)**

**The Hon. WES FANG:** How often do you have to renew your pass?

**ADAM TYNDALL:** I'd need to take that on notice. I think it's an administrative thing that's managed by Martin Place.

**Answer**

Refer to Question 86.

**Question 88 (Page 82)**

**The Hon. WES FANG:** Mr Tyndall, did you ever attend the Minister's office without first attending your other office in the office of the secretary?

**ADAM TYNDALL:** I can take that on notice, Mr Fang. Obviously I'd need to check that so I don't mislead the Committee. I'll take that on notice.

**Answer**

See answer 84.

**Question 89 (Page 83)**

**SEAN SLOAN:** On the questions about Mulloway Harvest Strategy, the working group did, in fact, meet last in March, on 18-19 March. The process they go through is that they adopt their minutes at the following meeting, so that's why there is a delay. I'll take that on notice and look into whether or not they can be finalised any sooner, but that's the working group's process.

**Answer**

Refer to Questions 66-67.

**Question 90 (Page 83)**

**The CHAIR:** Your website or the national website?

**SEAN SLOAN:** It would be on the national website, but we have a link to that so we can provide that as well.

**Answer**

Refer to Question 69.

**Question 91 (Page 84)**

**STEVE ORR:** Just a quick couple from me, Chair, if there are no others. We did get asked this morning whether we can divulge the details of the people Mr Sloan alluded to in terms of the applicants for those particular roles and the advice we've got back is, no, we can't, because it's private information. Secondly, Mr Fang, the third bit from KPMG was a data review, to your question earlier.

**The Hon. WES FANG:** Are you sure there weren't four?

**STEVE ORR:** No.

**The Hon. WES FANG:** Okay.

**STEVE ORR:** Well, I mean there could well have been, I'll confirm it on notice, but I only recall three. My recollection is that I wasn't the decision-maker regarding the appointment of KPMG. In fact, the only time I can recall being the decision-maker was with that piece on the service partnership agreement, which I alluded to before, but I'll confirm that on notice.

**Answer**

Refer to Question 77.

**Question 92 (Page 84)**

**KIM FILMER:** I've got a couple here. There was a question from Ms Hurst about whether Centenary had received correspondence about smoking experiments. There was a research circular sent out on 5 April, so they have received that.

**The Hon. EMMA HURST:** Sorry, it was the other way around: Had the panel received correspondence from Centenary?

**KIM FILMER:** Okay. We'll take that back on notice then and sort that out.

**Answer**

Refer to Question 48.

**Question 93 (Page 84)**

**KIM FILMER:** According to this, animal use statistics. The question was: Are you aware what has been communicated to research facilities?

**The Hon. EMMA HURST:** Is that about the change, having to report about cephalopods and crustaceans?

**KIM FILMER:** No, I've got that as a separate thing, but I'll take that on notice so I can get it right for you and make sure they're the right questions and answers, thanks.

**Answer**

Refer to Question 49.