

PORTFOLIO COMMITTEE NO. 4 - REGIONAL NSW

Tuesday 27 August 2024

Examination of proposed expenditure for the portfolio area

AGRICULTURE, REGIONAL NEW SOUTH WALES, WESTERN NEW SOUTH WALES

CORRECTED

The Committee met at 9:15.

MEMBERS

The Hon. Mark Banasiak (Chair)

The Hon. Greg Donnelly

Ms Cate Faehrmann

The Hon. Wes Fang

The Hon. Sam Farraway

Ms Sue Higginson

The Hon. Emma Hurst (Deputy Chair)

The Hon. Stephen Lawrence

The Hon. Cameron Murphy

PRESENT

The Hon. Tara Moriarty, *Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales*

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The CHAIR: Welcome to the first hearing of the Portfolio Committee No. 4 - Regional NSW inquiry into budget estimates 2024-2025. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Mark Banasiak and I am the Chair of the Committee. I welcome Minister Moriarty and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolios of Agriculture, Regional New South Wales, and Western New South Wales.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing, so I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures. To the witnesses, I welcome and thank you for making the time to give evidence. All witnesses will be sworn prior to giving evidence. Minister Moriarty, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

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Mr STEVE ORR, Secretary, Department of Primary Industries and Regional Development, affirmed and examined

Mr JAMES BOLTON, Deputy Secretary, Regional Development and Delivery, and Chief Executive, Regional Growth NSW Development Corporation, Department of Primary Industries and Regional Development, affirmed and examined

Ms RACHEL CONNELL, Deputy Secretary, Agriculture and Biosecurity, Department of Primary Industries and Regional Development, affirmed and examined

Mr SEAN SLOAN, Deputy Secretary, Fisheries and Forestry, Department of Primary Industries and Regional Development, affirmed and examined

Mr ROB KELLY, Executive Director, Regional Delivery, Local Land Services, Department of Primary Industries and Regional Development, sworn and examined

Dr ADAM TYNDALL, Executive Director, Strategy, Media and Ministerial Services, Department of Primary Industries and Regional Development, sworn and examined

Dr LISA SZABO, Acting Executive Director, Biosecurity and Food Safety, Department of Primary Industries and Regional Development, affirmed and examined

Mr DAVID McPHERSON, Executive Director, Forestry and Land Reform, Department of Primary Industries and Regional Development, affirmed and examined

Dr KIM FILMER, Chief Animal Welfare Officer, Department of Primary Industries and Regional Development, affirmed and examined

Mr ANSHUL CHAUDHARY, Chief Executive Officer, Forestry Corporation of NSW, affirmed and examined

Ms KATE LORIMER-WARD, Chief Executive Officer, Local Land Services, Department of Primary Industries and Regional Development, affirmed and examined

The CHAIR: Today's hearing will be conducted from 9.15 a.m. to 5.30 p.m. We are joined by the Minister for the morning session from 9.15 a.m. to 1.00 p.m., with a 15-minute break at 11.00 a.m. In the afternoon we will hear from departmental witnesses from 2.00 p.m. to 5.30 p.m., with a 15-minute break at 3.30 p.m. During these sessions there will be questions from the Opposition and crossbench members only, and then 15 minutes allocated for Government questions at 10.45 a.m., 12.45 p.m. and 5.15 p.m. We will begin with questions from the crossbench.

The Hon. EMMA HURST: Good morning, Minister. I'd like to ask you a few questions about Labor's election commitments regarding animal welfare reforms. Where is the puppy farm legislation up to?

The Hon. TARA MORIARTY: Sure. I also just apologise in advance, particularly to Hansard. It has been an eventful last four days, but we'll do the best we can to make sure I'm audible and picked up on the mics. On puppies in particular, as you would be aware and as others are aware, we did make an election commitment to end puppy farming in New South Wales, and also being mindful in that commitment of looking at what happens in other States and Territories. That commitment is well underway to being delivered. We are currently doing what I would describe as the final round of consultation with businesses in the sector.

I'm very, very keen to deliver on this election commitment because of course we want to stamp out bad operators—backyard operators who are not doing the right thing. But the truth of the matter is there is not a lot of information that exists about operators in New South Wales, good, bad or indifferent. There is a registry through DOGS NSW, but there is not a requirement for people who breed animals to register through that organisation. We're doing the final consultation round with industry just to make sure that, whilst we're really keen to weed out bad operators, I don't want to accidentally cause issues for people who are doing the right thing in this space. The work is almost completed, and I expect to be bringing a bill before the Parliament very soon.

The Hon. EMMA HURST: Do we have a date around that or not—like a month or anything like that that you're hopeful for?

The Hon. TARA MORIARTY: I expect to be bringing a bill very soon.

The Hon. EMMA HURST: The inquiry into puppy farming that was run by the Hon. Mick Veitch also made a recommendation to stop the sale of puppies and kittens at pet shops and to move these into adoption centres, which is still a very financial business model. That was because we heard at the inquiry that pet shops

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often act as smokescreens for puppy farms and that reputable breeders actually don't sell through pet shops. Does the bill propose to deal with that aspect, which was a recommendation supported by Labor in that inquiry?

The Hon. TARA MORIARTY: There are a couple of things that I'd say about that. I've got joint responsibility for this Act with the Minister for Local Government. Part of what happens in terms of animal welfare, as you would be well aware, is covered by POCTAA and the Companion Animals Act, which I don't have responsibility for. I'd say that at the outset. What we committed to was to put an end to puppy farming, and that's the bad backyard breeding operations. That's what the bill will be addressing.

As I said in my previous answer, there's just not a lot. It's really quite disgraceful that there's not a lot of information about how these breeders are operating across the State. I want to make sure that we are capturing the bad guys, as I said, without penalising the good ones, but at the same time making sure that we're setting things up for the future. The focus for the bill will be about, first of all, delivering the election commitment but also ensuring that there is at least some basic information going forward about these businesses and breeders that are operating in the State, including having them registered. That's the focus for this bill at this stage.

The Hon. EMMA HURST: Will pet shops be potentially looked at further on down the line?

The Hon. TARA MORIARTY: That will be something that the Government will have to consider.

The Hon. EMMA HURST: You mentioned when you first were talking more broadly about the legislation that you were also wanting to target backyard breeding. Within the other portfolio committee that I'm on, we have obviously been looking at pounds. The pounds were saying that backyard breeders were one of the biggest causes of animals ending up in the pounds. How will this legislation help to stop that backyard breeding? Are there plans to actually make backyard breeding itself illegal?

The Hon. TARA MORIARTY: Even I have used the term "backyard breeding" here, but it's actually a challenging term because there's not really a definition of what that means. There are good people who are breeding in those terms.

The Hon. EMMA HURST: By backyard breeding, I will just clarify that I mean unregistered breeders who may only have one or two animals but they are doing it for a quick buck. They are not qualified in any way or trained in any way.

The Hon. TARA MORIARTY: Yes, and I certainly understand where you're coming from. I think we're on the same page about this. Just for the public's information, there are not really definitions about what puppy farms are or about what backyard breeders are, for example, even though I have just used the term. I guess a better way to put it is to weed out rogue breeders or people who are not doing the right thing, but the legislation will, importantly, capture anyone who is breeding animals for the reasons that I outlined at the start. At the moment, even the bare minimum doesn't apply. There is just not information or requirements for people to register that they are breeding, whether they have one dog or 50. Part of what we will be doing is changing that so that there is a requirement to register, whatever you're doing. If you're breeding one or two dogs, or more than that, you will be required to register so that we can have a better chance of being able to monitor the rogues and the people who are doing the wrong thing.

The Hon. EMMA HURST: How will that monitoring take place? Will that be through the enforcement agencies or somewhere else?

The Hon. TARA MORIARTY: As I was saying, it also makes it easier for rogues to be able to be dealt with. At the moment, you might be a neighbour of somebody and you're not quite sure what is happening or not happening but, if you want to report it, there is not really any criteria to check it against. We'll have at least some bare minimum standards to ensure that breeders are registered so that these things can be checked. The plan will be—

The Hon. EMMA HURST: Sorry, who is doing the checks and the oversight? You said that it will help identify some of these rogue operators so that they can be checked on. Who is actually doing that work?

The Hon. TARA MORIARTY: Enforcement agencies who currently do animal welfare enforcement—including the RSPCA, the Animal Welfare League and, of course, the police—will be organisations that can continue to be contacted if people have concerns or if there are places that need to be reported.

The Hon. EMMA HURST: Given that will probably be an increase in workload for those three agencies, will there be an increase in funding when this legislation goes through?

The Hon. TARA MORIARTY: We will continue to work with animal welfare agencies as we are now. Government has got a round of funding open now, which the animal welfare agencies that are currently providing

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enforcement services are able to apply for. That's open at the moment. It's going to close, I think, from memory—someone will correct me—on 13 September.

The Hon. EMMA HURST: Will that include consideration of this legislation? Obviously, the legislation might not necessarily be passed while they're applying for that funding, so they may not necessarily know what kind of workload that would be.

The Hon. TARA MORIARTY: The funding that's open now out of this year's budget, which these organisations can apply for, is in relation to their enforcement activities as they stand. At the moment we've asked them—I've got to follow the grants guidelines, as I've talked about in the House a number of times, in relation to funding that is available for charitable organisations who do enforcement work. That round, again, is open now, and it is available for these organisations to apply for to cover enforcement work as it currently happens. But that's a matter for them.

The Hon. EMMA HURST: When will that decision be made on the amount of funding?

The Hon. TARA MORIARTY: The applications are open right now, so we're working closely with the existing operators. It will close—again, someone hasn't corrected me, but I think it's 13 September. So we'll consider the applications.

The Hon. EMMA HURST: When will your decision be made?

The Hon. TARA MORIARTY: They will close on 13 September, and I will consider the information that comes through after that. I want to get the money out the door as soon as possible.

The Hon. EMMA HURST: Do you have any kind of timeline—one week, two weeks, three months after the submissions close—for when you propose that you will have made a decision around those grants?

The Hon. TARA MORIARTY: Like I said, at this stage, the applications will close on the thirteenth and the department will consider the information that comes through. I will make some decisions after that.

The Hon. EMMA HURST: So there is no timeline, at this point, as to when those grants will be allocated or decided upon?

The Hon. TARA MORIARTY: Applications will close on the thirteenth, and then I will work through them with the department. I want to get the money out the door as soon as possible, but I've got to follow proper processes. So as soon as possible.

The Hon. EMMA HURST: Are you aware that Minister Kamper met with DOGS NSW in May this year to discuss puppy farming legislation?

The Hon. TARA MORIARTY: Sorry, I don't track the diaries of my colleagues. I believe that he did, if you're telling me that he did.

The Hon. EMMA HURST: So he hasn't spoken to you about that meeting at all?

The Hon. TARA MORIARTY: Colleagues meet with stakeholders all the time. I've talked broadly with people across the Government about the election commitments that we'll be delivering on in this space. I'm sure people have breeders in their electorates that they have been talking to as well, so I expect people would consult widely on it.

The CHAIR: Minister, I'm going to start with some questions around the independent NSW Agriculture Commissioner. Where are we up to with that? The last information on the department's website was from 14 December last year. Have we appointed somebody yet?

The Hon. TARA MORIARTY: In fact, I have just announced this morning that I'll be bringing in a bill.

The CHAIR: I must have missed it.

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

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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.

The CHAIR: As you alluded to, obviously one of the commissioner's roles will be to provide advice on various issues. One of those issues is land use planning and land conflicts that are happening at the moment. Particularly, at the front of a lot of people's minds is the conflict around renewable energy versus agricultural land. The last Government exhibited a map in late 2021 around State significant agricultural land. Where are we up to with providing an updated map based on community feedback? Is that your department or does that sit with someone else?

The Hon. TARA MORIARTY: That will be part of the role that we will ask the commissioner to fulfil. I'm aware of the previous map. What we need to do is have someone complete that work, and we'll certainly be tasking the ag commissioner with doing that. The ag commissioner and I will be consulting as widely as possible to make sure that we are getting that right.

The CHAIR: Has anyone been doing work on it in the meantime, or has it been sitting in stasis, waiting for the ag commissioner?

The Hon. TARA MORIARTY: No, Daryl Quinlivan was in place for quite a period of time. We are now looking to introduce this bill and put someone else into this new role as soon as possible.

The CHAIR: Do we have a finalised version of that matter from the former ag commissioner's work or not?

The Hon. TARA MORIARTY: No, not at this stage.

The CHAIR: Can I go to one of the other announcements made just the other day around the Forestry Industry Action Plan? How is industry going to be engaged in that process?

The Hon. TARA MORIARTY: I'm very keen to make sure that industry is engaged in the process. Yes, we did announce in the last little while that Government has established a forestry committee to look at plans for the forestry industry into the future. It's well past time that this was done. Unfortunately, it's been quite a tug of war of an issue and it's not fair for people who are operating in the industry, but also for people who feel passionately about the sector. We've asked Peter Duncan, who I understand is of the industry world, to chair that panel and to do that work. I want to hear from every part of industry as part of that, just as I do now. The industry action plan is really about developing a plan that makes it clear about what the forestry industry will look like, what it is going to be for, what the boundaries are, for want of a better way of putting it, for now into the next 20, 30 or 40 years so that there's certainty for everybody involved. I certainly will absolutely be including feedback from industry in developing those plans.

The CHAIR: Can you explain a bit how the process is going to work? I've had representations from industry saying, "How do I get on this panel?" or "How do I get on this committee?" Is it a case more that it's going to work like a parliamentary inquiry where the panel that you've established will interview and consult with industry and then they will provide a report? Is that how it will work?

The Hon. TARA MORIARTY: Yes. The panel will be led by Peter Duncan. Members will include Professor Mary O'Kane, former chief scientist in New South Wales, and, of course, Mick Veitch, who people know well in this place. They'll go out and consult with people and provide a report to Government about recommendations for plans for the long-term future of the industry.

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The CHAIR: Can I go back to the comments around the ag commissioner and the REZ? Are they going to be doing a body of work around calculating the amount of agricultural land that we need to feed this State and offsetting that against what we need for renewable energy? Will that be part of their scope of works?

The Hon. TARA MORIARTY: The first part of that is right. They will have a very important role in being I guess a voice, for want of a better way of putting it, for agricultural land across the State. It's really important, of course, that we protect agricultural land for food production. I certainly understand that as the Minister. It's more about the conflict issues that will be worked through with part of this role. Obviously, we're committed to developing the energy future that we need in New South Wales. As people would be aware, that was delivered under the previous Government and signed off in a bipartisan way. We're continuing the work that was agreed before. The role will be more about dealing with the stakeholder views but not so much interfering, again for want of a better way of putting it, in the plans for the energy future.

The CHAIR: Will they have any engagement with EnergyCo at all?

The Hon. TARA MORIARTY: I would imagine they would.

The CHAIR: They would be included in their list of stakeholders.

The Hon. TARA MORIARTY: I think it's important that EnergyCo and anyone working in the renewable space will be important organisation stakeholders for our commissioner to engage with, absolutely.

The CHAIR: The way you answered it implied that you won't be necessarily directing this ag commissioner to talk to specific people or do specific things. Will you have the power to direct the ag commissioner to look at particular issues, or direct the ag commissioner to engage with certain groups or engage with certain people?

The Hon. TARA MORIARTY: Yes. It will be a similar set-up to the biosecurity commissioner. The role itself will be independent but we want it to provide advice to me and to government about some of these issues. Yes, I will be engaging directly with this role to do some of that work and I'm sure others will, too.

The CHAIR: Is it your intention that he or she will appear before estimates like the last ag commissioner?

The Hon. TARA MORIARTY: We'll work through that as part of the process that is underway in drafting the bill but, again, it's similar to the biosecurity commissioner. The biosecurity commissioner can be directed by me; can also do work independently.

The CHAIR: Thank you. I might pass to the Opposition.

The Hon. SAM FARRAWAY: Good morning, Minister. First, do you believe that all employment appointments made by government should be conducted under a very transparent process?

The Hon. TARA MORIARTY: I think there should be transparency as much as possible in every decision that government makes. I'm certainly keen to be as transparent as possible. Obviously, some parts of government decision-making have to be kept confidential, including Cabinet processes, for very good reason, and that's in the best interest of the State. But, of course, I believe in transparency. That's why I'm here.

The Hon. SAM FARRAWAY: You would agree that any employment appointments should be conducted in a very transparent process. Do you agree with that statement?

The Hon. TARA MORIARTY: I think things that government does should be as transparent as possible, absolutely.

The Hon. SAM FARRAWAY: In your time as a Minister, have you ever made direct appointments?

The Hon. TARA MORIARTY: "Direct appointments" in what regard?

The Hon. SAM FARRAWAY: Employment appointments.

The Hon. TARA MORIARTY: In the department?

The Hon. SAM FARRAWAY: Yes.

The Hon. TARA MORIARTY: No. Obviously, the Secretary is within my remit, but that's gone through the public service process as well.

The Hon. SAM FARRAWAY: Have you ever given direction to the Secretary or to any other departmental staff member to appoint a particular individual within the department?

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The Hon. TARA MORIARTY: No. Actually, I should say, the Secretary works for Premier's. Anyway, proper process is involved, but that's the only position that I have a particular interest in. As I've said many times before, I don't get involved in the internal workings of the department. It's not my role.

The Hon. SAM FARRAWAY: Have you ever overridden an internal New South Wales government agency recommendations for the recruitment of a senior role?

The Hon. TARA MORIARTY: I don't think so. I can't think of any, but I don't think so.

The Hon. SAM FARRAWAY: You don't think that you've ever had to override a decision?

The Hon. TARA MORIARTY: I'm not sure, but if you've got a specific thing that you want to put to me, you can, but I'm not sure.

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.

The Hon. SAM FARRAWAY: Minister, who was on the selection panel for the biosecurity commissioner role?

The Hon. TARA MORIARTY: I can't remember. Perhaps someone in the department can remind me; otherwise, I'll take it on notice. Sorry—I just can't remember.

The Hon. SAM FARRAWAY: Mr Orr?

STEVE ORR: I can provide some assistance, if that's helpful, Mr Faraway. There was ultimately a two-step process which occurred, so there was an initial round and that didn't lead to an appointment. Then we engaged Rimfire Resources to go out and do some work—headhunting, if you like. They identified a number of candidates, who were ultimately put to the Minister and the Minister made a decision with that information.

The Hon. SAM FARRAWAY: You talk about two rounds. Round one—who was on the selection panel?

STEVE ORR: I'd need to come back to you on that.

The Hon. SAM FARRAWAY: Are you sure you don't know, Mr Orr?

STEVE ORR: In terms of the biosecurity—

The Hon. SAM FARRAWAY: There were only three of you. Who was on the panel?

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The Hon. TARA MORIARTY: He's entitled to take questions on notice.

The Hon. WES FANG: Mr Sloan looks like he wants to provide some—

The Hon. SAM FARRAWAY: If there's anyone on the panel, I can explore—

STEVE ORR: If I could just—are you talking about the first round?

The Hon. SAM FARRAWAY: Yes.

STEVE ORR: On the first round there was, in relation to the biosecurity commissioner, myself, Mr Sloan and Dr Healy.

The Hon. SAM FARRAWAY: So Ms Healy was actually on the selection panel for round one for the role of the biosecurity commissioner.

STEVE ORR: Correct. That process then ended. There wasn't a successful person who was selected. That was not the selection panel's decision; that was a decision of the Minister. Then we started a new process, which I outlined before.

The Hon. SAM FARRAWAY: But the Minister would've taken the recommendation of that panel. Correct?

STEVE ORR: The matter was for the Minister to decide.

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 Farraway.

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.

The Hon. SAM FARRAWAY: Minister, why did you reject the recommendation from the selection panel from round one?

The Hon. TARA MORIARTY: I would imagine that I probably wasn't satisfied with the candidates. People would be well aware, because it's been conducted in public, Dr Marion Healy did a bunch of work for us in helping us to establish this role and the biosecurity commissioner. I didn't know her before we asked her to do that work but I thought she was incredibly good at it so I'm actually really proud and delighted to have appointed her as the biosecurity commissioner through these processes. All of that's been open and transparent. She's going to do a terrific job.

The Hon. SAM FARRAWAY: So to confirm, you didn't know Ms Healy prior to her being selected for the role of the biosecurity commissioner?

The Hon. TARA MORIARTY: No, what I've just said is we engaged Dr Marion Healy to help us to do some work to—

The Hon. SAM FARRAWAY: Excuse me, Minister, if I could intervene to say you did say—and I'm happy for Hansard to correct me—you did not know Ms Healy prior to her doing the work to set up the biosecurity commissioner role. So my question is, again, just for clarity, did you know Ms Healy prior to her work with the department and prior to being appointed the biosecurity commissioner?

The Hon. TARA MORIARTY: Sure, and I'm very happy to answer that question, as I was doing, Mr Farraway. Dr Marion Healy was engaged by the Government to put together some work as we developed the biosecurity commissioner role. I did not know her before she was appointed to that role. I thought she was terrific

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in the work that she did to give us advice on how it should be established. In the end she has been appointed to that role and I think she's going to do a terrific job.

The Hon. SAM FARRAWAY: For the Committee's attention, I am going to table a Daily Telegraph article from 5 August 2023, and also some screenshots from your Facebook page, Minister, from 5 August as well. It's talking about, obviously, a bit of transparency. You've made plenty of comments in the past around the scrutiny and proper and transparent processes that governments should undertake. You've been quite vocal on this in your time as a Minister, so what I put to you, Minister, is we've just discovered and heard this morning in evidence that the biosecurity commissioner was in fact on the selection panel for the role that she was given from round one. A different candidate was put forward to your office from round one. Don't you think this requires far more transparency and far more scrutiny? Do you think this is something that perhaps you should review—this process—because from the outset it doesn't appear to be very transparent at all?

The Hon. TARA MORIARTY: No, I think it's extremely transparent and, as I've just said, we engaged Dr Marion Healy, who's got great expertise in this space, to assist the Government with setting up the role of the biosecurity commissioner. It's not something that's existed—

The Hon. SAM FARRAWAY: Just to redirect, Minister—

The Hon. TARA MORIARTY: You've got to let me answer the question, Mr Farraway. You're either going to let me answer the questions, or not.

The Hon. SAM FARRAWAY: Just to redirect, how is it transparent, Minister—

The CHAIR: Order!

The Hon. SAM FARRAWAY: I'd like to redirect from that first part of your answer. How—

The Hon. TARA MORIARTY: I'm going to answer the question.

The Hon. STEPHEN LAWRENCE: Point of order—

The CHAIR: I'll hear the point of order.

The Hon. STEPHEN LAWRENCE: A pretty serious contention was put to the Minister in relation to a lack of transparency. I think the nature of what was put should be taken into account in terms of what a reasonable opportunity to respond is, and I would suggest she's not being given that opportunity.

The CHAIR: Any points—

The Hon. SAM FARRAWAY: I mean to say I'm taking part of that and redirecting to the point of the question I was asking.

The CHAIR: For every Committee member's advisement we have got some advice from the Clerk regarding this notion of redirecting. Notwithstanding that there isn't anything in the standing orders around being able to do it or not do it, it's suggested that it be done in a way that doesn't impinge on the witness's right to courteous dealings. If we are going to redirect, I would ask that we allow there to be a pause in a respondent's answer so that would indicate that they're finished, potentially, or that they are finished—or it seems that they are finished. So we don't have this talking over the top of each other. I will allow the Minister to finish what she was saying, and then if you do wish to redirect, Mr Farraway, you can.

The Hon. TARA MORIARTY: Thank you, Chair. I think it's important that I do outline the process, given the questions that've just been put to me. I stand by the process. The transparency is, as the member has put, very important. Dr Marion Healy was engaged by the Government to do a piece of work on helping us to establish the biosecurity commissioner role. It's not something that's existed in New South Wales before. She has a great deal of expertise in the field and she was recommended to me as someone with that expertise to help us to design the role. She did that. I was very impressed with the work that she did. I engaged with her directly on it, as did the department. Yes, she was involved in a panel because, in fact, it would've been great to have her in the role sooner than now, but for whatever reasons she—we engaged her to do a piece of work to help us set up the role. We then engaged her to help us to select a person to fill the role. Recommendations have been made to me that weren't satisfactory. That's not an unusual thing. I want to make sure that the role is fulfilled by the right person. It has been filled by Dr Marion Healy, who has incredible expertise in this space. I stand by it. I look forward to the work she does.

The Hon. SAM FARRAWAY: Thank you, Minister. We've got limited time and I've given fairly fair latitude there. Minister, do you believe that your actions in this process have been transparent and meet all the recruitment guidelines under the New South Wales Government recruitment guidelines?

CORRECTED

The Hon. TARA MORIARTY: I've just outlined the process that took place and I'm pleased with the outcome that we've landed with.

The Hon. SAM FARRAWAY: Minister, do you believe that you have met all the requirements under the New South Wales Government's recruitment process and guidelines?

The Hon. TARA MORIARTY: I've just outlined the process that occurred and I'm pleased with the outcome.

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 re-advertise 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.

The Hon. SAM FARRAWAY: How is it transparent and right that the person that becomes the biosecurity commissioner was on the original selection panel that was part of making a recommendation—obviously for a different candidate—who didn't apply for the role and who was part of the interviewing and selection process. How is that right and transparent?

The Hon. TARA MORIARTY: She was also the person that we engaged to help set up the role because she's got expertise in this space. That's transparent. I've been very open about that.

The Hon. SAM FARRAWAY: To that point, Minister, how is it transparent and correct that the person that sets the role up ends up getting the role?

The Hon. TARA MORIARTY: The Government set the role up.

The Hon. SAM FARRAWAY: You just said that Ms Healy was commissioned to set up the role and you value her expertise, which I don't argue with. My point and the question is, Minister, how is it right that the person you engaged to assist the department to set up a significant role like the biosecurity commissioner is, one, put on the panel; and, two, you reject the recommended candidate from that panel and end up giving the role to the person who set up the role? How is that transparent?

The Hon. TARA MORIARTY: She didn't set up the role. The Government engaged Dr Marion Healy to provide us with advice on the setting up of the role. This is an election commitment—couldn't be more transparent than taking a position and a body like this to an election and asking people to vote for us off the back of it. They did. That's transparency. We openly engaged Dr Marion Healy because of her expertise in the space to provide advice on how it could be best set up in order to deliver on the election commitment and deliver in this space because she's an expert in the space. I'm delighted that she is the first biosecurity commissioner in New South Wales. I've talked about the process and people's involvement in it from the very beginning, including in the Parliament. Again, I'm really pleased with the outcome. She's going to do terrific work.

The Hon. SAM FARRAWAY: By leave, I table a document.

Document tabled.

The Hon. SAM FARRAWAY: Just with the biosecurity commissioner, Ms Healy, who I don't know, I noticed—and this is literally as of last night on Ms Healy's LinkedIn—that she has five other jobs. Have you appointed a part-time biosecurity commissioner?

The Hon. TARA MORIARTY: I haven't looked at her LinkedIn page, Mr Farraway.

The Hon. SAM FARRAWAY: Obviously she didn't go through too much of a selection process, and she has five other jobs.

The Hon. STEPHEN LAWRENCE: Point of order: I think there's an issue here about the reputation of the third party. It's been admitted by Mr Farraway that apparently last night he went on the internet and looked up LinkedIn. If you looked at my LinkedIn, I don't think it would necessarily be accurate. It's quite well understood that people leave positions and don't necessarily update their LinkedIn et cetera. I just don't know that it's a sound basis to be impugning the person's performance in the role, that Mr Farraway last night searched on the internet on LinkedIn.

CORRECTED

Ms SUE HIGGINSON: To the point of order: It does seem to be a heavy impugning of the person who's just not here to defend themselves. I realise that we've got the Minister, but we're straying into a procedural fairness issue for somebody who's just not here, who is an appointed employee.

The Hon. SAM FARRAWAY: A commissioner in a very public role—it's more than an employee. By the way, I've checked all those websites—the five other roles. They're all still current.

The Hon. TARA MORIARTY: I'm not bothered one way or another, Mr Farraway. The role of the biosecurity commissioner, as I understand it, is around three days a week. Again, I stand by the appointment. I think she's going to do really terrific work in the space. She's got terrific credentials. We engaged her to help us—to give us advice on setting this up because of her experience and credentials. I stand by it.

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.

The Hon. SAM FARRAWAY: How were the executive director roles for Mr Tyndall and Ms Blackfield—were they advertised and was there a formal advertising and recruitment process undertaken?

The Hon. TARA MORIARTY: These are questions for the department. I don't interfere in the decisions of employment inside the department. I remember when I became the Minister, there were a whole bunch of former chiefs of staff for previous Ministers in your Government in the department. I don't get involved in internal workings.

The Hon. SAM FARRAWAY: Did you know Mr Tyndall before you were a Minister?

The Hon. TARA MORIARTY: Yes.

The Hon. SAM FARRAWAY: For how long?

The Hon. TARA MORIARTY: I couldn't say.

The Hon. SAM FARRAWAY: One year? Five years? Ten years?

The Hon. TARA MORIARTY: I don't—just from around is the best way I could describe it.

The Hon. SAM FARRAWAY: "Just from around." I'll come back to Mr Orr in the afternoon about the process.

The Hon. TARA MORIARTY: Sure.

The Hon. EMMA HURST: Just before, I was asking about the meetings that Minister Kamper had with DOGS NSW. You said that you didn't necessarily have some concerns about that, but you weren't aware that he had met with them. It just seems odd to me that he would meet with stakeholders to discuss legislation that you're putting up without then following up with you and explaining. It's not stakeholders within his electorate. It was actually DOGS NSW that he met with specifically. Do you not have concerns that he met with DOGS NSW about legislation and then hasn't come and followed up with you in regard to what came out of that meeting?

The Hon. TARA MORIARTY: Ms Hurst, all of these questions are perfectly fair enough. I'm not sure if Mr Kamper did or didn't. Obviously, as I've said when you asked me previously, if that's what he's disclosed, then I can understand that. People meet with stakeholders from across government on a regular basis. I have engaged with colleagues about how the bill is going to work. I'm continuing to do that. I don't have any particular concerns here, but if there's anything in particular you want to put to me, I'm happy to respond to it.

The Hon. EMMA HURST: My concern is that DOGS NSW has been on the record being against any legislation that would outlaw puppy farming. To me, it seems odd, given it's entirely outside of Minister Kamper's portfolio and you are actually putting up legislation, that a stakeholder—I would assume it would be fairly unusual for a stakeholder organisation to meet with a Minister that wasn't necessarily the one that was putting forward the legislation. You say that happens quite regularly?

CORRECTED

The Hon. TARA MORIARTY: I think my colleagues, whether they're Ministers or backbenchers, meet with stakeholders all the time. Again, I'm sure there are people who have breeders in their electorates that would have had discussions.

The Hon. EMMA HURST: No, he met with the organisation DOGS NSW.

The Hon. TARA MORIARTY: Sure. I don't find it unusual. I'm not aware of the meeting, but I'm happy to talk to my colleague about it. We've been very transparent. This is an election commitment, so regardless of who's meeting with who, we're delivering the election commitment. As I outlined at the start, I'm looking forward to introducing a bill very soon to do that.

The Hon. EMMA HURST: I'm going to ask the secretariat to get some images to you from a puppy farm that was investigated in New South Wales. You'll see from these images that the dogs are living in very small enclosures, they look very distressed and the living conditions are quite filthy. The RSPCA were called about this facility. They went out and inspected it but didn't take any action because they said that the laws don't suggest there is anything illegal happening at this facility, despite the awful conditions that you can see in the images. The RSPCA is obviously suggesting that the laws aren't adequate to stop the cruelty that we're currently seeing in those images. Can you talk us through how the legislation will deal with this? Is this the sort of facility that you would like to see changed in some way with your legislation?

The Hon. TARA MORIARTY: I'm looking at the images that you've given me. Obviously, I don't have any broader context, but I accept the proposition that you're putting to me. I actually say at the outset, I'd be concerned if—whatever sort of laws are in place for the size of spaces that the animals are kept in, if it seems like there is cruelty happening and the RSPCA are involved, they should be doing something with that. What we want to do with this legislation is make sure that we are getting rid of, or have the best opportunity to get rid of, the bad operators in New South Wales. That includes places that are keeping animals in poor conditions. Certainly the bill will go some way to do that. There's also other animal welfare legislation that should be enforced if any kind of cruelty is happening, with or without the puppy farm legislation.

The Hon. EMMA HURST: We mentioned the size of those enclosures. My understanding is that there is no real legislation around the size of an enclosure at a breeding facility. I think most people look at housing requirements for where you put your animal if you're going on a vacation, for example, and those enclosures are extremely small. They can be left inside these very small enclosures—legally, under our legislation—for 23 hours and 40 minutes a day. Are some of those aspects going to be included in this or is that something that's going to be done as regulations later? If it is regulations, is there a rough timeline of when we could potentially see that? I know a lot of facilities are looking to upgrade and they're waiting for new standards to come through.

The Hon. TARA MORIARTY: I think it's an excellent question. The issue that we've got here is that we're going to have to work through some of these things in stages. As I said, the puppy farms bill that we'll bring in will deliver on the election commitment to get rid of puppy farms. There is the guide that people are supposed to use if they've got animals that they're breeding on their properties—it's not compulsory at the moment. I've had a good look at that, and it certainly needs some work. It's not possible to deal with that as part of the bill that we are bringing in to deal with puppy farms, but that is not to say that there isn't going to be more work required to deal with some of these things in the longer term. We're certainly committed, as I know you are, to ensuring that there are better standards in place. I won't be able to do all of those things via the puppy farms bill or through our other commitment, which is to look at the POCTA Act in full. There are a number of other things that will require some work in order to get improved standards.

The Hon. EMMA HURST: One of the biggest concerns is that any puppy farm bill, rather than actually outlawing puppy farming, could actually make a certain type of puppy farming itself legal. For example—and I don't know what your legislation says; I haven't seen it—say there was a cap of 40 female dogs and those female dogs all have litters, and there's male dogs on the property for breeding. You're quickly getting over 250 dogs on one property, which many people would consider a puppy farm. Can you confirm that your bill won't actually allow for that in New South Wales, and that it doesn't just regulate puppy farming but actually does outlaw it?

The Hon. TARA MORIARTY: It's a very good question. Part of the answer is about why this has been actually more of a complicated process than I was anticipating before we started the work. As I said, that's because there's just not a lot of information or requirements for people to even register their operations. We've looked at those issues, and also at definitions for breeding animals and the best point to define when a breeding female dog becomes a breeding female dog. That's something that we are continuing to consult with industry on. I'm trying to keep it as simple as possible. When we are changing the law, I want to make sure that it's sufficient to deal with the election commitment that we made and to weed out the bad operators, but also simple enough that people can understand it and follow it without too much confusion. At the other end of the spectrum of your question is that I also don't want to cause unintended consequences which could lead to the unfortunate death of animals to get

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people under caps. I don't want animals to be discarded to meet an arbitrary cap that we put in place, so we're working across all of these issues.

The Hon. EMMA HURST: Rather than that being associated with the cap, wouldn't that just be in regard to the phase in of the legislation to give people time to make changes rather than killing dogs, and rather than making a very high cap which then legislates puppy farming? Wouldn't the more sensible approach be to have—which is what Victoria did; they had a period of time where they phased in that legislation. They had time to actually rehome the dogs that were in excess.

The Hon. TARA MORIARTY: These are all of the things that we're working through. It was a difficult process that took many, many years in Victoria. I would like to have this already completed, but as I said, it's been more complicated than I realised because there's just not a lot of information about how these things are operating. I'm trying to keep it as simple as possible, because we want people to be able to follow the law and we want to make it easy to weed out the rogues.

The Hon. EMMA HURST: You mentioned quite a bit of consultation with industry. You said that in these final stages you're talking with businesses in the sector. Are you also consulting with animal welfare groups? I know groups like Four Paws have reached out to you to meet specifically on this issue, but they haven't heard back from you. Will you commit to also meeting with those animal protection organisations in these final stages?

The Hon. TARA MORIARTY: We have been meeting with animal welfare groups throughout the process of drafting the bill, including the RSPCA and the Animal Welfare League. Of course, the views of animal welfare agencies, particularly those who are doing enforcement work, have been very appropriately and importantly considered as part of working this through. I'm happy to meet with anybody who wants to talk about it in order to get the best piece of legislation to protect animals.

Ms SUE HIGGINSON: Thank you, Minister, for plodding along. I can hear your efforts there. Can I go to the Forest Industry Action Plan? What's the timeline for that?

The Hon. TARA MORIARTY: I should know this of the top of my head, but someone might help me. We've got the panel in place now, and I'll come back to you about the timeline for completion—sorry about that. You would also be aware that we've got a whole bunch of consultation going on with the sector at the moment, not just in relation to the Forest Industry Action Plan but also in relation to the setting up of the Great Koala National Park.

Ms SUE HIGGINSON: With the action plan, is the purpose of the panel to provide ongoing feedback or will there be specific reporting guidelines with the recommendation windows? If they do have interim quick findings, is that something you're open to and willing to consider?

The Hon. TARA MORIARTY: The Government wants the panel to go out and do the work that we need it to do and make some recommendations, and report back to Government about how we can structure the industry and have plans for the industry, like I said earlier, for the next year, five years, 10 years and 50 years.

Ms SUE HIGGINSON: One of the responsibilities of the panel is to look at the sustainability of the industry. Are you suggesting that there are questions around the sustainability right now for the public native forest hardwood sector?

The Hon. TARA MORIARTY: There are a lot of challenges in the sector. At the moment they're being stopped from doing their work on a very regular basis, which is making it difficult for—

Ms SUE HIGGINSON: Sorry, Minister. I'm just going to the actual sustainability of the—

The Hon. TARA MORIARTY: This is about the sustainability. It's very difficult to meet contracts and do the work that you're required to do if you're constantly being stopped because of legal action.

Ms SUE HIGGINSON: If the panel came back to you—

The Hon. WES FANG: Point of order: The Minister hadn't completed her answer before the question was asked.

The Hon. EMMA HURST: There is no point of order.

Ms SUE HIGGINSON: With the panel, do you consider that it also has a responsibility or an ambit that, if it considered the end of public land native forest logging, that it is open to that panel to make that finding?

The Hon. TARA MORIARTY: We want the panel to give us some advice about what the structure of the industry might look like and how we can have a sustainable industry well into the future. The Government is committed to a sustainable industry into the future.

CORRECTED

Ms SUE HIGGINSON: If it found, Minister, that there is no capacity for a sustainable industry across public native hardwood, are you open to that?

The Hon. TARA MORIARTY: This is an industry action plan for, broadly, how the industry is going to operate well into the future so that people have certainty.

Ms SUE HIGGINSON: So are you suggesting—

The Hon. TARA MORIARTY: As part of that, I want all of these things to be considered. That includes how forests can be used for carbon abatement and the like, as you would have seen as a part of the announcement. There's a range of things that this panel is going to look at. I believe they're scheduled to report back to us by the end of the year, in answer to the earlier question.

Ms SUE HIGGINSON: Thank you.

The Hon. TARA MORIARTY: This really is about looking at all of those things to have plans in place for a sustainable industry into the future.

Ms SUE HIGGINSON: I think I'm hearing the answer is yes. You are open to that if this panel genuinely comes to the conclusion, based on all the evidence, that there is no sustainable future in the hardwood public native forest? You would take that recommendation as it is delivered to you because, of course, there is no predetermined political outcome here, is there?

The Hon. TARA MORIARTY: The predetermined outcome is that the Government is committed to a sustainable industry as well as delivering on the Great Koala National Park and we have tasked the panel—

Ms SUE HIGGINSON: Minister, respectfully, can I just keep you on track here?

The Hon. TARA MORIARTY: I am on track.

Ms SUE HIGGINSON: You know as well as I know, the forest industry is a broad-based industry. There are a number of arms to it. I am speaking about a very specific, very small arm of that industry. If the panel comes back and advises you there is no sustainable future, I think I'm hearing you say of course you would take that on board because there is no predetermined political outcome.

The Hon. TARA MORIARTY: I'm not predetermining what advice the panel gives us. This panel is set up to advise the Government on how to have a sustainable industry well into the future so that everyone involved in it can have some certainty about how it's operating. We've given it some criteria to consider and I'm looking forward to the advice and recommendations that they provide.

Ms SUE HIGGINSON: Minister, on 21 February 2024, in response to my question about continuing and consistent breaches of the Forestry Corporation, you said, "I don't accept the premise of your question." Last month, in July this year, the Land and Environment Court accepted the submission of the EPA that the Forestry Corporation has a pattern of environmental offending, and found that there is a high likelihood the Forestry Corporation would reoffend and that it does not have good prospects of rehabilitation. Has there been any work undertaken to assess or reform the corporate culture of the Forestry Corporation since February 2024?

The Hon. TARA MORIARTY: There's always work underway to make sure that Forestry is being the best corporate citizen, I guess, that it can be. There have certainly been some issues and we're seeing some recent court decisions reflecting things that happened in the past, four years ago, and fines that have been issued by courts in the last month or so for things that happened four years ago or so. I expect Forestry Corp to comply with the law.

Ms SUE HIGGINSON: You do say this consistently.

The Hon. TARA MORIARTY: They have made a significant amount of changes to—well, they do do that, but to improve, just as any corporation should.

Ms SUE HIGGINSON: Has there been any corporate culture work done within the Forestry Corporation?

The Hon. TARA MORIARTY: The specifics of corporate culture work that's been done is perhaps a question you can ask the CEO.

Ms SUE HIGGINSON: I will ask. Are you aware of any?

The Hon. TARA MORIARTY: It's a State-owned corporation, so they don't directly report to me, Ms Higginson. I respect the question and I do understand where you're coming from. It would be a question best directed to the CEO.

CORRECTED

Ms SUE HIGGINSON: After the judgement and the \$360,000 fine, you requested, or you stated you requested a meeting with Ms Loader and Mr Chaudhary. Has that meeting taken place?

The Hon. TARA MORIARTY: Yes.

Ms SUE HIGGINSON: Was there a specific request or direction from you, as Minister, to both of them about the behaviour or the culture of the corporation?

The Hon. TARA MORIARTY: Forestry Corp has to comply with the law and it has to do even better than the best in terms of environmental outcomes and operating within the law—

Ms SUE HIGGINSON: What was the actual outcome of that meeting then?

The Hon. TARA MORIARTY: I'm talking to that now. In that meeting I did convey those views. I'll also make the point that the issues that we're talking about happened some four years ago, maybe even further back than that—previous Government, previous leadership of the corporation—but that doesn't mean that I'm not going to have these conversations with Forestry Corp on a regular basis, which I do. You've got to comply with the law.

Ms SUE HIGGINSON: Are you aware that on 16 or 17 September there's another sentencing hearing where Forestry has pleaded guilty? Are you aware of what the maximum penalty for that upcoming court case sentencing might be?

The Hon. TARA MORIARTY: I'm not aware of the penalty, but I'll wait to see what the court determines. I'm not fobbing it off, but it is important to note that these are referring to incidents that occurred some four years ago. There have been significant improvements and work done, people employed in Forestry Corporation to assist with compliance and the like to improve their operations just as people would expect, and just as I expect as the Minister responsible for this policy area.

Ms SUE HIGGINSON: What has happened or what has been told to you, or what has satisfied you, that anything is any different? You've said some more people have been employed, but what has come out to you to suggest that the potential \$18 million maximum penalty next month won't keep repeating?

The Hon. TARA MORIARTY: Again, and I'm not making light of it—I take it very seriously—but they refer to incidents that happened four years ago. It's unfortunate that it has come to this point for these outcomes—

Ms SUE HIGGINSON: This most recent one isn't four years ago.

The Hon. TARA MORIARTY: Sure. I engage with Forestry Corp on a very regular basis. I expect them, as everybody does, as we all expect every corporation, to comply with the law and the best possible environmental standards. I'm satisfied that they are doing that now, but it's a conversation that we continue to have. They do this under enormous pressure. They are getting stopped from working and conducting their operations which they are legally required to do on a very regular basis. Their staff get harassed in the street. They've got people protesting literally in their workplaces. You can't chain yourself to a desk that I'm currently sitting at, but you can do it to a Forestry truck, which is outrageous. They're doing this work under extremely difficult circumstances, but they have to comply and they've got to do the right thing.

The Hon. WES FANG: Minister, in answer to a question from my colleague, the Hon. Sam Farraway, you indicated that the second round of the recruiting for the biosecurity commissioner was done by a recruiting company. Is that correct?

The Hon. TARA MORIARTY: I think Mr Orr actually did that, so I couldn't remember the specific details.

STEVE ORR: That's correct.

The Hon. WES FANG: What was that company?

STEVE ORR: Rimfire Resources.

The Hon. WES FANG: Sorry, say that again?

STEVE ORR: Rimfire Resources, Mr Fang.

The Hon. WES FANG: Rimfire Resources?

STEVE ORR: Correct.

The Hon. WES FANG: Thank you.

CORRECTED

STEVE ORR: Just in relation to Dr Healy and—

The Hon. WES FANG: I might ask a question before we get there because it might relate to the same point. Did that recruitment company put Dr Healy's name forward?

STEVE ORR: Yes, that's my understanding.

The Hon. WES FANG: If that's the case, Mr Orr, did Dr Healy declare that she was intimately involved in the first round of recruiting where the Minister rejected all the applicants put forward?

STEVE ORR: Just for clarity, because I'm mindful of the inference—

The Hon. WES FANG: No, Mr Orr—

STEVE ORR: If I can just answer your question?

The Hon. EMMA HURST: Order!

The Hon. WES FANG: That's what I'm hoping you will do.

The Hon. EMMA HURST: Order! Allow the witness to answer, please.

STEVE ORR: Dr Healy was the interim commissioner. Dr Healy was on the initial panel because she was the interim commissioner. That's why she was on the panel. She made it clear she was not, at that point, interested in the role. Right? Equally, all panel members had an obligation to declare any interest. So there was a clear disconnect between the first round and then the subsequent decision. There was also a passage of time.

The Hon. WES FANG: You haven't addressed the question that I asked.

STEVE ORR: Which is?

The Hon. WES FANG: Did Dr Healy declare that she was intimately involved in the first round of recruiting?

STEVE ORR: It was obvious she was around or involved in the first round of recruitment because we knew that. Why would she declare it?

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.

The Hon. SAM FARRAWAY: Minister, who is the acting NSW Agriculture Commissioner?

The Hon. TARA MORIARTY: We don't have someone acting in the role at the moment. I'll be looking forward to introducing the bill and filling the role.

The Hon. SAM FARRAWAY: Who is leading the process on the recruitment of the Agriculture Commissioner?

The Hon. TARA MORIARTY: I need to introduce the bill into Parliament and hopefully, with the support of the Parliament, pass it, and then I will look to appointing someone and having that process in place.

The Hon. SAM FARRAWAY: Has the role been advertised?

The Hon. TARA MORIARTY: I've announced today that we'll be introducing a bill to set up the role.

The Hon. SAM FARRAWAY: Yes, but has the role of the Agriculture Commissioner been advertised?

The Hon. TARA MORIARTY: In the form that we are going to be doing it, as I've announced it today, no, because I need to introduce a bill to create the position that we're going to be creating. As I said earlier, we were as a government looking at other—

The Hon. SAM FARRAWAY: Does that mean you've changed the structure? Because you have advertised. The applications closed on 29 January.

The Hon. TARA MORIARTY: That's what I was just saying. We were looking, as I think I outlined earlier this morning, at fulfilling the election commitment in a different way. We engaged, as I said earlier, the

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previous agriculture commissioner, Daryl Quinlivan, to put together a report with some options for how we could proceed to deliver on the election commitment. The original plan was to do it in a more staged way and deal with the statutory role down the track. In fact, we've decided to change that.

The Hon. SAM FARRAWAY: To confirm, it will be a statutory role when you introduce this to Parliament?

The Hon. TARA MORIARTY: I'll be introducing a bill to the Parliament. Once I've introduced that bill to the Parliament—

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.

The Hon. SAM FARRAWAY: Why the change?

The Hon. TARA MORIARTY: Because this is delivering on the election commitment in full, rather than in a staged way, as in step-by-step way that we were originally looking at. Stakeholders have been really clear to me—I engage with people across the sector—that they want this role to be delivered in this way, so I'm getting on with delivering it in this way—again, subject to the will of the Parliament.

The Hon. SAM FARRAWAY: Minister, I'm happy to be corrected, but you took this to the 2023 election. You've gone to market. Applications closed. You've now changed the structure. It is now 18 months since you formed government. There is still no full-time agriculture commissioner. You've changed the process. Don't you think stakeholders are getting a bit tired? Shouldn't the agriculture commissioner be full-time and should have already been appointed?

The Hon. TARA MORIARTY: No, I'm engaging with stakeholders about this and every other issue on a very, very regular basis. The issues that will be dealt with—

The Hon. SAM FARRAWAY: Eighteen months. Eighteen months, Minister.

The Hon. TARA MORIARTY: —by the agriculture commissioner are very important and I look forward to the new agriculture commissioner being able to assist the Government in those roles or with those issues, but the issues have been dealt with by the Government now and I engage with stakeholders in the sector all the time.

The Hon. SAM FARRAWAY: Yes, but it's 18 months and we still don't have an agriculture commissioner. Correct?

The Hon. TARA MORIARTY: Sure, but we'll have one soon.

The Hon. SAM FARRAWAY: How soon?

The Hon. TARA MORIARTY: Subject to passing the bill in the Parliament.

The Hon. SAM FARRAWAY: How soon?

The Hon. TARA MORIARTY: Well, do you commit to supporting my bill, Mr Farraway?

The Hon. SAM FARRAWAY: If the bill passes Parliament, how quickly will you appoint an agriculture commissioner?

The Hon. TARA MORIARTY: I want someone in place as soon as possible subject to the bill passing the Parliament.

The Hon. SAM FARRAWAY: Will you consider Mick Veitch as the New South Wales agriculture commissioner?

The Hon. TARA MORIARTY: I'm not going to be filling the role right here.

The Hon. SAM FARRAWAY: If I was the ag Minister, I would have appointed him 18 months ago.

The Hon. TARA MORIARTY: Well, I'm not interested in dealing with names right here in estimates, Mr Farraway. I will go through the right process.

The Hon. SAM FARRAWAY: Did Mr Veitch apply for the initial round?

CORRECTED

The Hon. TARA MORIARTY: I'm going to go through the process, as people would expect. Once we have passed the bill that I'll be introducing soon, we'll go through a process of filling the role. I want someone in the role as soon as possible.

The Hon. SAM FARRAWAY: Did Mr Veitch apply for the first round, with applications closing 29 January?

The Hon. STEPHEN LAWRENCE: Point of order: Surely that's a confidential matter, if that was the case.

The Hon. SAM FARRAWAY: We can say that.

The Hon. STEPHEN LAWRENCE: It shouldn't be asked. It's just being asked to make the suggestion.

The Hon. EMMA HURST: It is up to the Minister. I'm sure she's across what's confidential and what she can reveal or not.

The Hon. TARA MORIARTY: What was the question?

The Hon. SAM FARRAWAY: Did Mick Veitch apply for the initial round?

The Hon. TARA MORIARTY: We've had a previous process under way, which I've outlined. I'm being transparent about that. I don't plan to go into the details of who did or didn't; I don't think that's appropriate. I look forward to, again hopefully with your support, passing this bill in Parliament—

The Hon. SAM FARRAWAY: Bring it on.

The Hon. TARA MORIARTY: —so that we can get the role in place as soon as possible.

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.

The Hon. SAM FARRAWAY: Just explain to me—you've obviously introduced; you've done your media release; you're going to bring in a bill. Great, fine. What has been the hold-up? I don't understand, Minister, for 18 months what has been the hold-up in getting the agriculture commissioner in place?

The Hon. TARA MORIARTY: I wouldn't say there's been a hold-up, Mr Farraway. I've been very, very busy delivering a whole bunch of things—

The Hon. SAM FARRAWAY: Eighteen months, Minister.

The Hon. TARA MORIARTY: —including election commitments that we made.

The Hon. WES FANG: Lots of cuts.

The Hon. EMMA HURST: Order!

The Hon. TARA MORIARTY: We've talked about one that I've delivered, which is the biosecurity commissioner, just this morning.

The Hon. SAM FARRAWAY: We're talking about the agriculture commissioner now. My question is a legitimate one, and that is have you faced a lot of challenges internally in the Government or what is the issue? Why the hold-up? Eighteen months and we still don't have an agriculture commissioner. We have no-one acting in the role as of today. Yes, you're going to bring in a bill. I want to know up until today, for 18 months, clearly there has been a hold-up. What has been that hold-up?

The Hon. TARA MORIARTY: No, there hasn't been a hold-up. I've outlined what's been happening over that period of time right here this morning. I received a piece of advice on how we could do it in a staged way. We've decided to leapfrog that and deliver it in full, and to do that I need to introduce this bill into the Parliament. We're getting on with delivering on this election commitment—

The Hon. SAM FARRAWAY: But why didn't you introduce this bill 12 months ago?

CORRECTED

The Hon. TARA MORIARTY: —and in the meantime I'm continuing to engage with stakeholders in the space about the issues that are relevant.

The Hon. SAM FARRAWAY: This was a key election commitment for yourself. Why did you not introduce this bill sooner?

The Hon. TARA MORIARTY: I've been busy doing other pieces of legislation, Mr Farraway. There is only so many days in the Parliament and I'll get on with it—

The Hon. WES FANG: Should have had more sittings.

The Hon. SAM FARRAWAY: Do you really want that debate here?

The Hon. TARA MORIARTY: I'm looking to introduce it as soon as possible.

The Hon. SAM FARRAWAY: So, you engage and socialise and all of that with stakeholders.

The Hon. TARA MORIARTY: You love that word.

The Hon. SAM FARRAWAY: But the reality is, Minister, for 18 months you've been promising an agriculture commissioner and today they are told that you are essentially starting a new process. You'll need to wait until you can introduce that legislation into Parliament, bearing in mind that we have the least amount of sitting days for the last decade under this Government. How much longer will stakeholders have to wait before the New South Wales agriculture commissioner is appointed?

The Hon. TARA MORIARTY: Well, in fact, I've been engaging with stakeholders about exactly this decision before today. This wasn't a surprise piece of news to many stakeholders in the space. We've been talking to them regularly about how we are planning on delivering this commitment. I'll be looking to introduce the bill as soon as possible. I'll be hoping to pass it as soon as possible. Subject to the will of the Parliament, if that happens, I'll be looking to fill the role as soon as possible.

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.

The Hon. SAM FARRAWAY: April 2023?

ADAM TYNDALL: Correct.

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.

The Hon. SAM FARRAWAY: And then you moved into the office of the secretary, April 2023?

ADAM TYNDALL: That's correct.

The Hon. SAM FARRAWAY: Mr Tyndall, have you ever been a member of a political party?

ADAM TYNDALL: I might just get a ruling here from the Chair and the clerk. I understand that I may well be setting a precedent here for estimates that others will have to follow.

The Hon. WES FANG: Well, no. I think the Minister—

The Hon. EMMA HURST: Order! I will hear the witness. Go ahead.

CORRECTED

ADAM TYNDALL: I'm just wondering if this is consistent with the terms of reference for the Committee. I understand your interest, Mr Farraway; I'm not trying to be difficult.

The Hon. SAM FARRAWAY: We've both got a job to do, so that's fine.

The Hon. EMMA HURST: I'll just get some advice from the secretariat and we'll come back to that question.

The Hon. TARA MORIARTY: I'd hate to be in a position, Mr Farraway, where I had to ask everybody in the department if they were members of political parties.

The Hon. WES FANG: Well, you did it to Emma Watts, Minister.

The Hon. EMMA HURST: Order! We will come back to that question once we've got some advice.

The Hon. SAM FARRAWAY: Minister, are you aware of the new Federal law that comes into effect on 26 August around the right to disconnect?

The Hon. TARA MORIARTY: Yes.

The Hon. SAM FARRAWAY: Has your department briefed employees on how it will impact them?

The Hon. TARA MORIARTY: You would have to ask the department.

The Hon. SAM FARRAWAY: Do you think that LLS vets sit outside the "right to disconnect" laws?

The Hon. TARA MORIARTY: All people in workplaces that this law applies to, it will apply to. How this will be worked out in practice is a question for the secretary.

STEVE ORR: Mr Farraway, it's a Federal—

The Hon. SAM FARRAWAY: I'll come back to you, Mr Orr. We've got plenty of time in the afternoon. How will this work? In your view, as the Minister that is responsible for biosecurity measures and outbreaks, how will this impact the response in an emergency?

The Hon. TARA MORIARTY: Just like it would in every other workplace where there are emergency services provided. The details of individual employment relationships and how people are dealt with for work outside of standard hours will be dealt with by the department, just like they would in other workplaces where this could apply.

The Hon. SAM FARRAWAY: I'll come back with Mr Orr because, clearly, you don't know.

The Hon. TARA MORIARTY: No, that's actually not right. I literally just answered the question.

The Hon. SAM FARRAWAY: Why can't LLS vets take work vehicles home?

The Hon. TARA MORIARTY: It's a question for the department.

The Hon. SAM FARRAWAY: So you don't know. What do you consider a safe workday for LLS vets, Minister?

The Hon. TARA MORIARTY: The staffing arrangements for people inside of the department are a matter for the department, Mr Farraway.

The Hon. SAM FARRAWAY: Okay, don't know. Do you believe—

The Hon. CAMERON MURPHY: Point of order. The member is interrupting at the end of each answer to provide commentary, which isn't providing fairness to this witness. He should be called to order for this disorderly conduct.

The Hon. EMMA HURST: We can skip the commentary, thank you.

The Hon. SAM FARRAWAY: Minister, do you believe that it is fair that LLS vets must sometimes travel a 100-kilometre round trip to pick up a work vehicle to get out into the field?

The Hon. TARA MORIARTY: The individual arrangements for employees inside of the department are a matter for the department.

The Hon. SAM FARRAWAY: So you don't have a view on that at all?

The Hon. TARA MORIARTY: I don't interfere in the individual rosters or workplace arrangements of staff inside of the department. That would not be appropriate.

CORRECTED

The Hon. SAM FARRAWAY: Have you discussed the "right to work" legislation with Julie Collins, the new Federal agriculture Minister?

The Hon. TARA MORIARTY: No.

The Hon. SAM FARRAWAY: Have you met with Julie Collins?

The Hon. TARA MORIARTY: We've spoken.

The Hon. SAM FARRAWAY: So you haven't met in person, just over-the-phone conversation?

The Hon. TARA MORIARTY: We've met in the past. We've spoken over the phone.

The Hon. SAM FARRAWAY: Right.

The Hon. WES FANG: About agriculture?

The Hon. TARA MORIARTY: Was that a question?

The Hon. SAM FARRAWAY: What was discussed? What are the priorities from the Federal Government, working with the New South Wales Government?

The Hon. TARA MORIARTY: The New South Wales Government works closely with the Federal Government on a whole range of issues in agriculture.

The Hon. SAM FARRAWAY: Have you discussed with Julie Collins the live sheep export ban?

The Hon. TARA MORIARTY: No.

The Hon. SAM FARRAWAY: Have you discussed with Julie Collins the interest of New South Wales cattle producers in ensuring that there is no movement to a live cattle export ban?

The Hon. TARA MORIARTY: I haven't discussed that with her. I'm not aware of plans to do that.

The Hon. SAM FARRAWAY: Were you consulted by former Minister Murray Watts before the live sheep export ban was implemented?

The Hon. TARA MORIARTY: In Western Australia? No, I'm not consulted on what happens in Western Australia. I'm the Minister in New South Wales.

The Hon. SAM FARRAWAY: Do you accept, though, Minister, that there are consequences for other States and Territories from the live export ban in Western Australia?

The Hon. TARA MORIARTY: Mr Farraway, you'd be aware that we don't do live export from New South Wales, so that's a matter between the Federal Government and the Western Australian Government.

The Hon. SAM FARRAWAY: Do you accept that there are no consequences for the New South Wales economy to processing that excessive amount of sheep meat from Western Australia? Do you accept that there are no consequences and no opportunities or benefits because of that live export ban, so there is no involvement from New South Wales?

The Hon. TARA MORIARTY: So you're supporting the ban?

The Hon. SAM FARRAWAY: No, I'm asking you, Minister, about your advocacy and discussions with the Federal Labor Government around agriculture and the live export ban on sheep.

The Hon. TARA MORIARTY: Mr Farraway, the live export ban for Western Australia is a matter for Western Australia and the Federal Government. We don't do live export from New South Wales. It wouldn't be appropriate for the New South Wales Government to intervene in that decision by the Federal Government.

The Hon. SAM FARRAWAY: Have you discussed with Minister Ryan Park the issue that has developed around Norco and the supply of milk, which is impacted by the decision to withdraw from the NSW Health contract?

The Hon. TARA MORIARTY: I am aware of the issue surrounding Norco. I love Norco. As part of their reopening, which was a great pleasure, the New South Wales Government provided them with a significant amount of funding to rebuild, post-floods, in Lismore. My office has spoken to Mr Park's office, and the reason that has happened is because, as I outlined at the very beginning of estimates, I've been in bed for the last four days. My office has had that conversation because, until today, I couldn't really speak. It is an issue that is a matter for Health.

The Hon. SAM FARRAWAY: Have you spoken to Minister Ryan Park yourself?

CORRECTED

The Hon. TARA MORIARTY: Since the decision was made, I literally haven't had a voice, so my office has had those conversations.

The Hon. SAM FARRAWAY: Okay, so that's a no.

The Hon. GREG DONNELLY: Point of order—

The Hon. SAM FARRAWAY: She said no.

The CHAIR: What is the point of order, Mr Donnelly?

The Hon. GREG DONNELLY: Prior to you being here, there was a theme developing of Mr Farra way saying no every time an answer was provided.

The Hon. SAM FARRAWAY: That was the Minister's answer, Mr Donnelly.

The CHAIR: I remind members about procedural fairness. In the last 30 seconds, do you want to continue?

The Hon. SAM FARRAWAY: Were you consulted, Minister, on the decision to dump Norco from the NSW Health contract?

The Hon. TARA MORIARTY: These are processes that NSW Health and their relevant processes work through. That's a matter for Health and a question for Health.

The Hon. SAM FARRAWAY: Were you consulted?

The Hon. TARA MORIARTY: The Minister for Agriculture, and Minister for Regional New South Wales, isn't consulted on how Health conducts its procurement processes, Mr Farra way. I've raised the issues or my office have raised the issues with Mr Park's office, and the questions are best directed there.

The CHAIR: Noting what occurred while I was gallivanting at the other estimates hearing, the advice that I've received is that it is up to the witness to decide whether they will answer or not answer. Members are free to object to the question being pressed. If Mr Farra way chooses to press a question based on the terms of reference of budget estimates, but noting there is a wide latitude around budget estimates, it may not necessarily mean that it is considered out of order. I will leave it up to the member whether he wants to press it after the break. The witness may choose to answer it as they see fit. They may seek to take it on notice and get some advice. It is totally up to them how they address that question.

The Hon. STEPHEN LAWRENCE: Chair, if the question is put again, I'll take a point of order on it prior to the witness answering.

The CHAIR: Okay, noted.

Ms SUE HIGGINSON: I think I will take one, too.

The CHAIR: We'll be in chorus—excellent. Minister, how many Fisheries compliance officers do we currently have in New South Wales?

The Hon. TARA MORIARTY: Excellent question. I'm going to ask Mr Sloan.

SEAN SLOAN: A hundred and five at present.

The CHAIR: Do they all have access to a vehicle of their own?

SEAN SLOAN: No.

The CHAIR: How is that arrangement worked out? Is there a vehicle allocated to them when they are on duty?

SEAN SLOAN: That's how it works. Obviously, different stations have different requirements because they have different numbers of officers.

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

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

The Hon. WES FANG: Mr Tyndall, I'll rephrase the question that was asked by my colleague. Are you the same Adam Tyndall that was elected to the Labor Party's education policy committee in 2016?

The Hon. STEPHEN LAWRENCE: Point of order: It's clear that a public servant is entitled to be a member of a political party, and that's obviously so in the past as well as in the present day. There has been some

CORRECTED

evidence already given by the witness as to how he found himself in the position he is in. There is absolutely no evidence to ground any assertion of impropriety or favouritism or anything of the like. This would seem to be irrelevant, I would say, because it's just an attempt to cast an aspersion with absolutely no basis to it.

The Hon. WES FANG: To the point of order: I note that my colleague the Hon. Sam Faraway has already provided this Committee with both an article from *The Daily Telegraph* and the Minister's commentary, I believe on Twitter or perhaps Facebook—apologies—that indicates that there are questions around members of political parties being appointed to roles in the department. It is our assertion that Mr Adam Tyndall is a member of the Labor Party and was directly appointed by the Minister into a position in the same way that she has commented on in *The Daily Telegraph* article that has been tabled. That is certainly within the remit of estimates to explore, given that the Minister has publicly, on record, commented both on social media and in *The Daily Telegraph* about these matters. The Minister opened the door on this. The Minister has made direct appointments. It is our assertion that Mr Tyndall is a member of the Labor Party and that the Minister has appointed one of her Labor Party mates to a role in the department, and we wish to explore that. That is well within what is appropriate in estimates.

The Hon. CAMERON MURPHY: Further to the point of order—

Ms SUE HIGGINSON: Further to the point of order—

The CHAIR: I will go with Ms Higginson first, and then I will go back to the Government.

Ms SUE HIGGINSON: Chair, I would ask you to consider the discretionary powers of this Committee to consider the relevance of the unnecessary and potentially unfair interrogation of an individual's business outside of their office, their appointment and this Parliament. It really brings the entire budget estimates process into disrepute. The Opposition is well entitled to play this and forensically challenge this, but this is not the forum. This is budget estimates, and it is about the Government's priorities and the budgets and policies that we're discussing as part of the budget estimates process.

The Hon. WES FANG: Further to the point of order—

The CHAIR: I will go back to Mr Murphy.

The Hon. CAMERON MURPHY: Chair, this is an outrageous slur being made by the honourable member, verballing the witness in speaking to the point of order. It is clearly against the procedural fairness resolution that the House has put in place. He ought to be directed to withdraw the remarks he made as part of his contention over the point of order, or he should be called to order.

The Hon. WES FANG: To the contributions to the point of order from Ms Sue Higginson and the Hon. Cameron Murphy: I would draw your attention to the fact that we held a parliamentary inquiry into the appointment of Emma Watts—

Ms SUE HIGGINSON: This is budget estimates.

The Hon. WES FANG: Therefore, Ms Higginson—

The CHAIR: Order!

The Hon. SAM FARRAWAY: Point of order: Sue, come on.

The Hon. WES FANG: We had a whole parliamentary inquiry into the appointment of Emma Watts. It is appropriate for us to tease out these matters. Yes, budget estimates is the place to tease these issues out. It's a question to the Minister around appointments into her department, and the questions are lawful and appropriate. Chair, I don't see how these points of order could be ruled as anything other than seeking to waste time.

The CHAIR: Given that we're now into Government time, I propose to seek further clarification from the Clerk in the break. I'll make these comments to what has been said already. Mr Lawrence rightly points out that we need to tread carefully in making assertions about people. At that point in time, the honourable member hadn't made the assertion that something untoward had been done; he was merely putting a direct question about whether someone was a member of a political party or not. But then, in taking the point of order, he proceeded to make that assertion and make that case, which may have been better placed in a line of questioning rather than a point of order.

The Hon. WES FANG: You could be right, Chair.

The CHAIR: I'm going to take some advice about how we proceed, given that the assertion has already now been put on the public record and made et cetera.

CORRECTED

The Hon. TARA MORIARTY: Chair, I'd like to respond to it because the assertion was made in relation to me and my involvement in the appointment of this role. I'm going to respond to that on record and I'm going to do it before the break because that is an outrageous thing to say about a public servant who is doing a very good job. I've been clear that I haven't interfered in the appointment of staff inside of the department, and I was not interfering and did not have any involvement in the role that is under question here. That should be withdrawn—again, an outrageous thing to say about a public servant. The member has also made reference—

The Hon. WES FANG: I've ordered a full review of the office arrangements here.

The Hon. TARA MORIARTY: Excuse me, I'm speaking.

The CHAIR: Order!

The Hon. STEPHEN LAWRENCE: Point of order—

The Hon. TARA MORIARTY: The member has also inappropriately and outrageously made some assertions about comments that I've made around people in my department being members of political parties. I don't know who is a member of what political party inside of my department because, guess what? I don't ask people. If I did, I would imagine that there are quite a number of National Party members who work inside the department. But I don't ask the question because that is not appropriate, because people are public servants and I respect their work as public servants.

The Hon. WES FANG: No, you don't.

The CHAIR: Order!

The Hon. TARA MORIARTY: The articles that have been referred to in the point of order by the member relate to questions that were put to me by outlets and by others about the appointment of a role in the previous Government, which—

The Hon. WES FANG: That you leaked.

The Hon. TARA MORIARTY: Excuse me, I'm speaking.

The Hon. STEPHEN LAWRENCE: Point of order: I make a specific request that Mr Fang be called to order. He has abused the process of taking points of order in a way that his colleague did not by raising that allegation.

The Hon. WES FANG: Well—

The Hon. STEPHEN LAWRENCE: He is now interrupting me. He should be called to order, and perhaps consideration should be given—in his mind, at least—to the part of the standing orders that exists because of him. He shouldn't be allowed to disrupt this Committee.

The Hon. WES FANG: To the point of order: Mr Lawrence foreshadowed that he would be taking points of order if we asked what were already ruled by you as lawful questions that could be raised. It's clear that Mr Lawrence was going into that phase of questioning with a strategy. If anybody is to be called to order in this instance, it should be Mr Lawrence.

The Hon. STEPHEN LAWRENCE: That is a completely irrelevant and spurious contribution. With the greatest of respect, I don't even know what it means.

The CHAIR: To maintain the reputation of budget estimates, I'm going to suggest that we stop right now to allow me to make further inquiries with the Clerk. I will come back with a decision. If there are no questions from the Government, we will break and come back at 11.15 a.m.

The Hon. GREG DONNELLY: Chair, my only suggestion is, if the Minister is not provided with the time now to complete what she wished to say in regard to this matter, that she be provided with an opportunity after we return.

The CHAIR: I am happy to allow that after I make my ruling on the matter.

The Hon. TARA MORIARTY: Sure, but the reason I wanted to respond to it now is because I think it's relevant and the allegations that have been put—not as a question, just as an assertion, just willy-nilly, on record, without a question being put to me as the Minister, but as some sort of point of order—are an abuse of the processes of this Committee and an abuse of the processes of this Parliament. I'm happy to answer questions for the rest of budget estimates. I'll be back after the break to continue to answer questions, but I won't have very good public servants—from every political persuasion, I'm sure—being slurred by this member abusing this process. The article that was referred to was where things were put to me about appointments made by the previous

CORRECTED

Government, which I said I would look into, and that is what I did. I agree that it's not my place here, but the member should be called to order.

The CHAIR: I suggest we all have a cup of tea and a Bex in the break.

(Short adjournment)

The CHAIR: Welcome back after that brief break. I would like to make a few comments before we continue. There has always been wide latitude for questions during estimates. Witnesses need to be directly relevant but can otherwise answer the question as they see fit. The witness can also take the question on notice if they wish to seek further advice before answering. In terms of the point of order, the assertion regarding the Minister is now on the record. The witness or the Minister can choose to address these comments if they wish. I also remind members that, while they do have wide latitude, they should exercise caution and act in accordance with the procedural fairness resolution as adopted by the House.

In terms of the issue of points of order being used to make the assertion, I would note that, in the House, the President has chosen to, in some cases, call those members to order. Given that this is the first time that I am using this new power that I have before me, as Chair, I will give the general warning to all members that, if they use a point of order to then make assertions or comments that aren't to the point of order but are more to impugn or imply things about witnesses, they will be called to order. That is a general warning to everyone. I ask that we now proceed with normal broadcast and go to questions.

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.

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The Hon. EMMA HURST: Could you find out if that would increase the number of animals used in experimentation with the use of a fistula?

STEVE ORR: Ms Hurst, I can give you the information about Wagga, if you want to know the numbers.

The Hon. EMMA HURST: I might come back this afternoon, if that's all right. Did you visit the facility yourself, at any point, Minister?

The Hon. TARA MORIARTY: I have been to the Wagga Wagga facility, yes.

The Hon. EMMA HURST: Did you see the animals that have been used in that research?

The Hon. TARA MORIARTY: I don't think I've specifically seen animals relating to that piece of research, no.

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.

The Hon. EMMA HURST: I would like to also ask about the work of the Independent Office of Animal Welfare and where that is up to. Have you commenced consultation or any work in this space?

The Hon. TARA MORIARTY: Yes. As you are aware and many people would be aware, we did make a commitment to establish an Independent Office of Animal Welfare. Work is underway for trying to establish that office. As you would also be aware, it's not something that exists in other States and Territories, certainly not to my knowledge, so we are creating the first office of its kind. There is a lot of interest in the structure and set-up of this office, from a broad range of stakeholders. We have begun some of that consultation work and it will continue more broadly soon.

The Hon. EMMA HURST: When Ms Abigail Boyd put up her bill for an independent office, you said that you had some concerns with her bill because it didn't have adequate ministerial direction or oversight, and it lacked industry representation. What do you see the office as being independent from, if it's not going to be independent from government and it's not going to be independent from animal use industries? What does the independence part of that office mean to you?

The Hon. TARA MORIARTY: It's going to be part of the Government, so it will be an independent office.

The Hon. EMMA HURST: It won't be independent from government?

The Hon. TARA MORIARTY: It will be part of government. The Government is setting it up so it will be funded by government and it will be part of government, but it will be an office, the way I see it as, providing advice on welfare issues. That has to include the views of industry and stakeholders as well as welfare organisations because it is about advice, or will be about providing advice, on welfare standards, partially. We will be including the voices of industry in that.

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The Hon. EMMA HURST: What is it independent of then? We're talking about an independent office. What does that word "independent" mean to you? If it's not going to be independent from government or from the Minister, and it's not going to be independent from industries that use animals, what does the "independent" mean?

The Hon. TARA MORIARTY: The department. There is quite a lot of commentary about the department that a lot of this work sits within. This will be an independent office that will provide advice directly to me and to the Government in relation to animal welfare issues. Again, that will include representations and views from charitable and welfare organisations as well as industry. Obviously, industry has to comply with welfare standards.

The Hon. EMMA HURST: Sorry, you mean it's independent from the DPI? Is that where you see that independence from then?

The Hon. TARA MORIARTY: I mean it will sit in the Department of Primary Industries and Regional Development, because that's the department that I'm responsible for, but it will be an independent office within that department.

The Hon. EMMA HURST: But that's what I meant. Who are they independent from?

The Hon. TARA MORIARTY: Any more specific details, I won't be able to give you at the moment because we've got to work through the process for establishing it.

The Hon. EMMA HURST: I am just trying to understand. When an office is independent, it usually means it's independent, as in it's separate from the Minister, it's not influenced by the Minister, or it's not influenced by the department or from an industry. At the moment, your summary of it suggests that it will not be independent from any of those things. What is the independent part of the independent office?

The Hon. TARA MORIARTY: It's going to be a part of the Government so it can't be separate from the Government.

The Hon. EMMA HURST: But what is it independent of? I'm not asking what it's dependent of. What's it independent of?

The Hon. TARA MORIARTY: It's going to be an independent office of animal welfare that will sit within my department, but it will be operating as an independent office for animal welfare.

The Hon. EMMA HURST: Independent from what?

The Hon. TARA MORIARTY: That's a commitment.

Ms CATE FAEHRMANN: Morning, Minister. In budget estimates earlier this year, I asked you when you would restore the six sanctuary zones in Batemans Bay marine park where the former Government allowed a fishing amnesty and that continues under your Government. You said that you're engaging with communities and are committed to protecting marine parks in your response. How's that going?

The Hon. TARA MORIARTY: A couple of things. There's a statutory review due next year on the marine estate. These things, along with other things that would occur as part of a statutory review, will form part of that. That will include consultation with people and communities who have views on this, and that will include fishing groups. I've also been seeking advice from the department about any impacts or otherwise of the zones in certain areas so that I can collect the factual information before we make any consideration for what these things look like going forward.

Ms CATE FAEHRMANN: Do you see it as your responsibility to balance, to also have conservation as a priority in marine parks? You just mentioned fishing groups in terms of consulting with them. You didn't mention anybody else. Do you see it as your role to protect the marine life, to protect threatened species in our oceans?

The Hon. TARA MORIARTY: I do, and I see it as the Government's role to protect marine life as well as managing other uses of our waters, including fishing. I'm of course the Minister responsible for Fisheries. The marine parks are jointly administered by me and the Minister for the Environment and we work together on these issues and will continue to do so.

Ms CATE FAEHRMANN: Who are you engaging with from the community when it comes to threatened marine life, marine conservation? Are you meeting with people in that regard?

The Hon. TARA MORIARTY: We will, once the statutory review is underway, which again I believe—someone will correct me—is due next year. Yes, it's due to commence late this year in fact. Work will be conducted, as people would expect, in accordance with the statutory review. We'll be engaging with all kinds

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of stakeholders that have an interest in this space. The Government's role is to certainly protect marine life but also again the fishing and other uses for these areas and will be consulting on that as part of the review.

Ms CATE FAEHRMANN: Minister, your ministerial diaries for the first half of this year show that in terms of meeting with anybody about fishing matters during those first six months, you met in fact with no conservation bodies whatsoever and nobody representing those interests, but nine times all-up on fishing matters in those entire six months. Is there a reason why you're not meeting with conservation groups?

The Hon. TARA MORIARTY: That's a particular point in time. I have met with conservation groups. It is jointly administered between myself and the environment Minister and I am the fisheries Minister, so people would expect that that would be, at this stage, the bulk of the meetings. But the Government will be dealing with these things as a government, as part of this statutory review process.

Ms CATE FAEHRMANN: Have you issued any directions to Fisheries NSW in relation to enforcing the rules pertaining to the sanctuary zones in Batemans Bay since you came to office?

The Hon. TARA MORIARTY: No.

Ms CATE FAEHRMANN: Why is it then that you're happy to allow the directive issued by the former fisheries Minister, who in fact did it with no legal basis and who basically just instructed Fisheries NSW to essentially not enforce the law? There's no regulation that has come in since then. You're happy to just continue going on with that circumstance?

The Hon. TARA MORIARTY: We'll review it as part of that statutory review towards the end of this year and over the course of next year, so we'll hear from—

Ms CATE FAEHRMANN: You're comfortable with Fisheries NSW essentially not enforcing the law in sanctuary zones that a Labor Government put in place more than a decade ago?

The Hon. TARA MORIARTY: We'll look at all of these issues, as we've said that we would.

Ms CATE FAEHRMANN: By the time you do this statutory review, are you expecting there to be any increases in marine protection under your Government within this term of government?

The Hon. TARA MORIARTY: We're of course committed to making sure that we've got marine protection in place. I won't pre-empt what's in the review. We're going to engage with people. I've already asked our department to start putting together some work for me on—

The Hon. SAM FARRAWAY: "Engage", "engage".

The CHAIR: Order!

The Hon. TARA MORIARTY: —whether there's been impact and, if so, what it's been in these zones as part of the beginning of that work. I look forward to receiving their advice.

Ms CATE FAEHRMANN: Minister, are you aware of the Auditor-General's report recently into threatened species management that was released a few weeks ago?

The Hon. TARA MORIARTY: Yes. I can't remember it in detail, but I am aware of it, yes.

Ms CATE FAEHRMANN: Did you read the part where the Auditor-General stated that in fact there were coordination challenges for the delivery of threatened species conservation projects because threatened species are listed under the Fisheries Management Act and are managed by the Department of Primary Industries?

The Hon. TARA MORIARTY: Yes.

Ms CATE FAEHRMANN: Are you aware of why she said this?

The Hon. TARA MORIARTY: There are issues raised which the Government and I will take seriously from the Auditor-General in relation to our coordination across government, coordination inside my department. I'll consider the report and recommendations in detail and respond accordingly.

Ms CATE FAEHRMANN: What does that mean? Does that mean that you'll put in place, finally, threatened species priority action statements that aren't in place? For example, the grey nurse shark, which is very overdue in terms of updating that priority's action statement? Is that what that means when you say, take this seriously?

The Hon. TARA MORIARTY: Maybe. I'll consider the report in detail. I certainly take the findings in the report around that coordination seriously, and I'll consider it.

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Ms CATE FAEHRMANN: Minister, why is everything in your department in relation to marine parks protection and threatened species management so out of date? It's like you, as Minister, have done nothing in this area. You've hardly had any meetings in relation to Fisheries. In fact, pretty much all of the meetings you've had, bar two, in the almost 18 months you've been a Minister are for recreational fishing interests, not conservation?

Why is it so difficult for you, as Minister, to prioritise marine parks? It seems like it's the lowest priority.

The Hon. TARA MORIARTY: That's not true, and I reject the assertion that you've made. Of course it's a priority. The marine park estate is jointly administered by myself and the Minister for the Environment and so, appropriately, we'll be coming together from the different perspectives of our respective portfolios to consider the management of the estate. That's exactly why it's been structured in this way.

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.

Ms CATE FAEHRMANN: Just to be clear, in terms of any changes in the extent of areas protected in our oceans that are protected from fishing—in terms of this process you're saying will begin at the end of the year, it doesn't look like that there are going to be any changes, is that correct? Over the next, say, two years can we expect anything to come out of that process by that time?

The Hon. TARA MORIARTY: I'm not going to pre-empt what the statutory review work will do. We're considering a plan that's before government but, again, I'm not going into the details of that now because it's being considered by government. We'll work through these issues—

Ms CATE FAEHRMANN: Is any of this public, Minister?

The Hon. TARA MORIARTY: —in an appropriate way, as I've said.

Ms CATE FAEHRMANN: Is any of it public, because I've had numerous conversations with people who are very involved in marine conservation efforts in this State and they say that absolutely zero is happening. There is no progress; they've heard nothing.

The Hon. TARA MORIARTY: The statutory review will begin at the end of this year, as I've said. The Government will consider relevant information as far as through our processes.

Ms CATE FAEHRMANN: Thank you, Minister. I don't think I'll get anything fresh from you on this topic.

The Hon. TARA MORIARTY: Okay.

Ms CATE FAEHRMANN: Can I quickly turn to shark nets? When you announced that shark nets would be—

The Hon. WES FANG: Point of order: Ms Sue Higinson raised a point of order previously on my friend and colleague the Hon. Sam Faraway in relation to comments made after the Minister answered—

Ms SUE HIGGINSON: To the point of order: It wasn't me. Sorry.

The Hon. EMMA HURST: It wasn't Sue. There were multiple when there was a point of order called.

Ms CATE FAEHRMANN: Can I just finish my question, Chair?

The CHAIR: Regardless, can we just avoid the commentary after questions and answers given. I'll allow this latitude for you to ask that question.

Ms CATE FAEHRMANN: Thank you. When you announced that shark nets would be going back in the water but for one month less, you also said that you're considering councils in the future as to whether shark nets go back in the ocean. Councillors that I've spoken to are very confused about that. They don't know what that means. What consultation have you had with councils going forward in terms of allowing them, if the Government isn't brave enough to not put shark nets back in the water, to make the decision?

The Hon. TARA MORIARTY: The announcement that we made in relation to shark nets for the next summer was very clear. The shark nets will be returning from 1 September but we have made the decision to take them out a month earlier, at the end of March. As I have repeatedly and consistently said, as Minister I'll look at

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the information and make decisions based on the evidence, and that includes continuing to trial the new technologies, which are very expensive but are in place for monitoring for sharks. They're coming out a month earlier because the advice I've received is that that's the peak period for turtle interactions and breeding in our waters, and it's also a time where there are less people swimming at our beaches. For next summer we've got the balance right. We'll continue to monitor and look at the results of the new technology that is worth \$21 million-odd a year—the smart drum lines and the like—to make sure that they're working. The long-term plans are to move away from shark nets, but we've got to be sure, or as sure as we can be, that this new technology is going to play the role that it needs to in keeping swimmers and beachgoers safe.

We're also trialling some additional things over the summer that will enhance protections for marine life, which is also really important. We'll be monitoring the nets more regularly than before. We're trialling lights to deter some marine life from getting into the nets, and I look forward to seeing the results of that. In relation to councils, there are mixed views from councils about shark nets being put in to communities or not. We will continue to engage with councils and there will be engagement specifically over the course of the summer about longer term decision-making. There are some councils that are absolutely adamant that the nets should stay and there are some councils that are absolutely adamant that they should go. We need to engage with councils on local decision-making whilst also making sure that there are protections in place for beachgoers.

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.

The Hon. WES FANG: Within environment, do you who had the lead on that?

The Hon. TARA MORIARTY: Inside of the department?

The Hon. WES FANG: Yes.

The Hon. TARA MORIARTY: I don't know who's inside of the department, sorry.

The Hon. WES FANG: Was it National Parks and Wildlife Service?

The Hon. TARA MORIARTY: It may well have been; I don't know. I'm happy to try and check for you.

The Hon. WES FANG: If you're not aware that it was National Parks and Wildlife that was leading that work, is it fair to say you weren't consulted on the method?

The Hon. TARA MORIARTY: The method was determined and submitted by the department of environment. I'm not sure if my department and the environment department engaged directly on it. Perhaps my department could respond to that.

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?

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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.

The Hon. WES FANG: Is it fair to say then that you're the Minister responsible for forestry, the New South Wales Government has made a submission to the Commonwealth Government in relation to a forestry method, you're not across the detail and you're not aware of the detail enough to say whether you're supportive or not?

The Hon. TARA MORIARTY: No, I'm supportive of the Government's plans and the Government's submissions.

The Hon. WES FANG: You're supportive of the plan. Are you comfortable, as forestry Minister, with the New South Wales Government submitting a proposal to the Commonwealth to receive funding in the form of carbon credits for the cessation of harvesting for the purpose of the conversion from productive to protected forests?

The Hon. TARA MORIARTY: These are things that we're considering. These are things that the New South Wales Government is considering, that the Federal Government is considering and that the Forestry Industry Action Plan panel are considering. We want to look at all of the best ways and opportunities for us to manage our forest estate in New South Wales to its full and best benefit. That includes timber supply but it can also—and I spoke about it this morning—be in relation to carbon abatement.

The Hon. WES FANG: Minister, you'd be aware there was a delegation of forestry workers that were here in Parliament a few weeks ago. Did you meet with those workers?

The Hon. TARA MORIARTY: I am aware that they were here and I did meet with them. I met with both of their unions and the workers who came through from the industry. I talk to both of the unions and workers and people from the industry on a very regular basis. I'm always happy to do so.

The Hon. WES FANG: Did you indicate to them that you supported the New South Wales Government's proposal to the Commonwealth?

The Hon. TARA MORIARTY: We didn't discuss it.

The Hon. WES FANG: Minister, why were there other proposals that provided a full range of opportunities for generating carbon credits in our native forestry sector that were not developed or submitted under the Commonwealth ACCU process by the New South Wales Government?

The Hon. TARA MORIARTY: Mr Fang, we're looking at a whole range of opportunities for a plan for our forest estate going forward. This is one part of the work that has to be done in conjunction with the Federal Government. There's a whole range of work being done on possibilities for the forest estate going forward. We're dealing with as many of those as we can as a government.

The Hon. WES FANG: Minister, in your answer you said that you're looking at a whole range of solutions or processes that were available. There were a number that were put forward to you, but none of those were even developed or submitted in relation to this. Why was that the case?

The Hon. TARA MORIARTY: When you say a number were put forward to me, what do you mean? By who, when? Where? How? Why?

The Hon. WES FANG: I believe that there were a number of industry proposals that were put forward that the New South Wales Government elected not to progress through to submission to the Commonwealth Government. Is that correct?

The Hon. TARA MORIARTY: If there were submissions made through the process that I've outlined that the environment Minister followed, I can't answer that; that would be a question for her. But I regularly engage with the industry. There are a number of mechanisms and processes that they are currently making submissions, suggestions and ideas for a sustainable industry into the future. That's one. The other is the industry action plan. Yet another is the boundaries for the koala national park—plenty of opportunities to engage with industry, and I do it as much as possible.

The Hon. WES FANG: You understand the community concerns, though, don't you, Minister: that you've got the Minister for forestry who's not involved in a submission from the New South Wales Government that effectively suggests to the Commonwealth Government that what we can do to increase the carbon credits is to stop forestry in New South Wales. You were not consulted, you're not across the detail, and you failed to put

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forward any other proposal that would have seen forestry and those forestry jobs continue. Do you understand the community concern?

The Hon. TARA MORIARTY: I reject the premise of your question, Mr Fang, respectfully. I've just outlined—

The Hon. WES FANG: But that is a summary of the answers you've provided.

The Hon. TARA MORIARTY: I'm trying to answer the question. I'm going to answer the question. I've outlined, just in these last couple of minutes and most of the morning, a whole range of processes for engaging with the sector about what plans for a sustainable industry can look like into the future. Nothing's off the table. I'm engaging on this. The Minister for the Environment is engaging on this. I believe the Treasurer is engaging on this. The whole Government is doing some work on what an industry plan can look like going forward.

The Hon. WES FANG: But, Minister, the only proposal that was put forward by the New South Wales Government in relation to this scheme was stopping the forestry industry in New South Wales. Does that concern you?

The Hon. TARA MORIARTY: The Government is committed—I've said it today and we've said it consistently—to a sustainable industry. We're working through a whole range of plans and processes to determine, with stakeholder feedback, what that will look like.

The Hon. WES FANG: You briefly touched on this in some of your answers: How is the development of the forestry industry action plan going?

The Hon. TARA MORIARTY: I think we announced it yesterday—

Ms SUE HIGGINSON: It was announced yesterday.

The Hon. TARA MORIARTY: —but work is going well.

The Hon. WES FANG: I note the scoffing from Ms Sue Higginson next to me, but certainly you've announced something, Minister, and that would indicate that some work has already been undertaken. Can you provide the Committee some details in relation to the initial fact-finding done with the industry?

The Hon. TARA MORIARTY: In relation to the industry action plan that we announced yesterday, that work will get underway from now, but there is a range of other things that are happening—some of which I've outlined, again, in the last couple of minutes but also this morning—about how we're engaging on the day-to-day issues in the sector, of which there are many, but also the long-term plan for the future of the industry. I regularly engage with industry, with business and with workers.

The Hon. WES FANG: You've provided that answer previously. When will that consultation occur? When will you open to submission, public hearings and round tables?

The Hon. TARA MORIARTY: We've appointed a panel to do this work, which is being led by Peter Duncan. They're due to report back to government, I believe, at the end of this year. I look forward to them undertaking the work that we've asked them to do in the way that they will determine. I'm sure we'll work closely together on that process. The Government constantly and regularly engages in various ways with people in the sector, inside and outside of this process, and we'll continue to do that.

The Hon. WES FANG: Minister, is there a plan to bring into effect the native vegetation maps at a point soon?

The Hon. TARA MORIARTY: Yes. This is something that we are working, again, across government. The Minister for the Environment and I have worked together on preparing the whole-of-government response to a number of reviews that were done: Ken Henry's review and the LLS statutory review in relation to land clearing. I will do some further work in relation to the broader issues in relation to land clearing and use.

The Hon. WES FANG: Minister, can I just seek some clarity?

The Hon. TARA MORIARTY: Sure.

The Hon. WES FANG: Do you have a date for when the maps will be brought into effect?

The Hon. TARA MORIARTY: I don't. That will be a question for the environment Minister.

The Hon. WES FANG: You haven't been provided advice?

The Hon. TARA MORIARTY: About a specific date?

The Hon. WES FANG: Yes.

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The Hon. TARA MORIARTY: No, I have not.

The Hon. WES FANG: What if I told you that impacted stakeholders have had it indicated to them that it will be 24 September?

The Hon. TARA MORIARTY: I haven't been provided with that date. To be fair, that doesn't mean that the department haven't had discussions or that other discussions haven't been had, but I'm answering honestly: I haven't been provided with that date.

The Hon. WES FANG: If it is 24 September, that would indicate that we are less than one month away from these maps being enacted. As Minister for Agriculture and Minister for Regional New South Wales, you should be aware, should you not, that these maps are about to be implemented?

The Hon. TARA MORIARTY: I've already answered that they are; I just didn't have a specific date for you. They are about to be implemented, and we'll work through—

The Hon. WES FANG: But you should also be aware of the date that the implementation is planning to occur.

The Hon. TARA MORIARTY: I'm not so fussed about a specific date. This is an ongoing discussion and piece of work across government. I deal it from the agricultural perspective. We'll continue to do that.

The Hon. WES FANG: Can I confirm that you said that you weren't that fussed about the date as to when it was being implemented?

The Hon. TARA MORIARTY: No, whether I had been advised of the specific date. Of course, this is a really significant issue that I take seriously.

The Hon. WES FANG: It is a significant issue. That's why I'm asking questions about it, Minister.

The Hon. TARA MORIARTY: I'm trying to answer, Mr Fang. Please let's not speak over each other. There's a lot of interest in this as an issue. Whether I was told of a specific date or not is my point: It doesn't necessarily matter. They are being dealt with soon, and I'll continue to work with people across the ag sector about what that means.

The Hon. WES FANG: Minister, you've just said that it is an important issue for landholders. Can you outline to me your understanding of why it would be important to landholders?

The Hon. TARA MORIARTY: Mr Fang, being able to manage land for agricultural purposes is a very key part of the work of farmers and people who are landholders who are managing their land in a way to produce food and the like.

The Hon. WES FANG: Minister, that's probably a broader explanation. I'm talking more about the implementation of these maps. Can you explain to me why the implementation of these maps would be of critical importance to those landholders?

The Hon. TARA MORIARTY: Of course they're important, because it determines criteria for how people can make decisions without having to engage, or engaging, with government about how land is managed. That's something that we'll continue to work with people across the sector on. We've made an election commitment to deal with excess land clearing. We'll do that but I'm also very conscious, as the agriculture Minister, that we've got to work with people across the ag sector about managing land in a way that is environmentally responsible but also allows for food production.

The Hon. WES FANG: They were very broad statements. I'm more going to focus—"laser-like focus," as one of your colleagues likes to say—in on the issues and try and tease out your understanding, as a Minister, of the responsibilities you have once these maps are implemented. Do you understand what agencies you have under your direct control that would be part of the implementation of these maps?

The Hon. TARA MORIARTY: Yes. We'll be working closely with people in the ag sector through—

The Hon. WES FANG: Which departments, Minister?

The Hon. TARA MORIARTY: Through Local Land Services, Mr Fang. Is that satisfactory for you?

The Hon. WES FANG: Yes. What is your understanding, Minister, of what Local Land Services may be asked to do in relation to these maps?

The Hon. TARA MORIARTY: Local Land Services will be required to complete the work that they currently do with landholders across New South Wales.

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The Hon. WES FANG: That they currently do?

The Hon. TARA MORIARTY: Yes. The maps will change—

The Hon. WES FANG: So the implementation of these maps won't affect their—

The Hon. TARA MORIARTY: Yes, it will.

The Hon. WES FANG: Okay, and how will it affect their—

The Hon. TARA MORIARTY: No—let me rephrase it. I'm going to answer that question without being interrupted. Local Land Services do work with people across the ag sector and landholders about managing land. They will continue to do that. The maps will have an impact, absolutely, on how land is managed. Local Land Services will continue their work working with people in the sector on managing land, just as they do now.

The Hon. WES FANG: Given that you weren't briefed on the 24 September start, has LLS provided you any briefing in relation to their understanding of the accuracy of the maps?

The Hon. TARA MORIARTY: I know that there are views on some of the detail of the maps from the perspective of—let me put it this way: If you're looking at a satellite image that shows land that's been cleared, it's not necessarily always clear about the specific details of what's occurred across a geographical area. I have those discussions with the department regularly, and I'll continue to do that to make sure that we're getting this work right.

The Hon. WES FANG: If I'm to take your answer that you've just given me in the context that I understand it, you've had ongoing conversations with LLS about the inaccuracy of those maps.

The Hon. TARA MORIARTY: No, that's not what I said. I said there are a range of views about it, and these things have to be, and will be, considered. These are, obviously, geographical maps. There are views on particular areas. We'll work through that just as people would expect.

The Hon. WES FANG: Has the department provided you a brief as to the accuracy of the maps?

The Hon. TARA MORIARTY: I have had regular and ongoing discussions with the department in preparation for what's happening. I've also got responsibility for working with the department and for managing these issues across our agricultural sector. I will continue to do that. We have regular discussions about what this looks like—about what it looks like through a broad geographical perspective, and about what it looks like from a local perspective.

The Hon. WES FANG: Minister, can I then tease that out a little bit more? Given that you've had ongoing discussion with the department, and given that you're indicating that those maps are going to be enacted rather soon, is it fair to say you have 100 per cent confidence in the accuracy of the maps? Let me rephrase that, Minister—it might make it easier for you to answer—would the New South Wales Government enact maps if they were aware that they were inaccurate?

The Hon. TARA MORIARTY: I don't think the way that you're posing the question is right, Mr Fang. The question of accuracy isn't necessarily the right question—and I mean this respectfully—because this is obviously a contentious and challenging issue for landholders. It's a question of how we manage these things with landholders from local perspectives with a broad policy view, and that's what I will be doing, whilst also dealing with broad land-clearing issues.

The Hon. WES FANG: I've got limited time, so I just want to understand this. It is important for a number of landholders, and they've asked me to ask these questions.

The Hon. TARA MORIARTY: It's very important.

The Hon. WES FANG: Is it fair to say then, Minister, that if the New South Wales Government enacts these maps—and if the date is right, and it is 24 September—that there is 100 per cent confidence within the New South Wales Government that those maps are accurate, and that you are happy to start enforcing proceedings on the basis of those maps being accurate?

The Hon. TARA MORIARTY: The maps will be implemented—again, I don't have confirmation about 24 September, but I'll have to assume that's correct—and we'll work through what that means for local landholders. Again, it's not a question about accuracy in the way that you're putting it to me—and I understand the seriousness of this. It's a question of what the issues are from a local perspective. What type of vegetation may have been cleared off.

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The Hon. WES FANG: If the New South Wales Government implements these maps, and they can be demonstrated to be inaccurate, are you prepared, as Minister, to indicate now that you will not follow through with any enforcement or prosecutions that relate to the maps if they can be demonstrated to be inaccurate?

The Hon. TARA MORIARTY: Mr Fang, I have not accepted the premise of your question. I am not suggesting that they're inaccurate.

The Hon. WES FANG: I'm asking you Minister, in that circumstance then, are you 100 per cent confident that the maps are accurate if the New South Wales Government continues with implementation on 24 September?

The Hon. TARA MORIARTY: Mr Fang—

The Hon. WES FANG: It's got to be one or the other, Minister.

The Hon. TARA MORIARTY: It's not. I accept that the maps will be in place. I want to be clear: This isn't a debate about whether the maps are accurate or not—they are.

The Hon. WES FANG: So they're accurate. Okay, you've just said that they're accurate. I understand, thank you.

The Hon. TARA MORIARTY: It's a question of how we are dealing with issues that arise from a local perspective, and what is defined as being cleared or not.

The CHAIR: Minister, cultural fishing—there are currently only two local management plans that are on trial at the moment in over a decade and a half since section 21AA was passed. When are those two trial plans being reviewed, firstly?

The Hon. TARA MORIARTY: You're right, there are only two. I would like to see more in place. That's certainly the aim. I'm sorry, I didn't quite hear the last part of the question—when will they be reviewed?

The CHAIR: When will those two be reviewed? I think they were a two-year trial, so that should be coming up.

The Hon. TARA MORIARTY: I will take advice from Mr Sloan about when they are scheduled to be reviewed. I do want to see more of them in place.

SEAN SLOAN: We have two trials, one for the Tweed and one for the Hastings. They both have been extended for 12 months while they are reviewed with those communities. We've also commenced some work with the Worimi community in Port Stephens on another local management plan.

The CHAIR: When you say they're being reviewed with those communities, is that the whole community or are we just talking about the Aboriginal community?

SEAN SLOAN: In the first instance, because those two plans relate to the Aboriginal communities in both those locations, the first step is to work with those communities. There's a group of Elders that sit on a steering committee that we work with. That's the process that is currently underway. I can say that both of the trials of those local management plans have been hugely successful. They have engaged the community, and we consider them to be a successful model for working with Aboriginal communities.

The CHAIR: You said you were working with another one.

SEAN SLOAN: Yes, with the Worimi community which is in Port Stephens.

The CHAIR: Port Stephens. How close are we to that being enacted? Is that going to be another trial or is it going to—

SEAN SLOAN: It's a little unclear at this point how that community will want it to be framed. We have had a number of meetings with the Elders in that community. I suspect it will be another trial, but that doesn't have to be the case. This is something that we will work with the community on.

The CHAIR: Given the Minister's comments just then that she would like to see more, what are we doing to actually see more of these developed and not taking another decade and a half to resolve this issue?

SEAN SLOAN: We work with our Aboriginal Fishing Advisory Council on mapping that process out. We certainly have the ambition to work with other communities, particularly in the inland and freshwater space. The trial of these two areas was intended to be a blueprint for how we can move forward and roll that same model out across other communities.

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The CHAIR: Are we looking to engage with the South Coast? Particularly given that that has been a hotspot for conflict and concerns around section 21AA and how it's managed.

The Hon. TARA MORIARTY: It's certainly something that we would like to do. There are obviously some challenges, which I say respectfully to everybody involved, in relation to the South Coast. What I will say is I recently travelled down to Merimbula and met with local Aboriginal community leaders and fishers on country, at my request, to engage with them directly about the issues that are being faced on the South Coast, but also the opportunities that we might have to be able to work together.

The CHAIR: Did you meet with the abalone industry while you were down there?

The Hon. TARA MORIARTY: I did. I met with, yes, Aboriginal leaders to discuss how we can begin some work to move forward. I thought it was a worthwhile discussion, to go down—I think I'm the first one to have done that—to their country to talk to them about how we can work through some of the issues, and I say "issues" respectfully, and opportunities that we have to potentially work together in relation to Aboriginal cultural fishing in the community. I want to continue those discussions. I did also meet with the abalone industry as part of that visit. It was a great opportunity to be briefed by industry leadership about the challenges that they are facing, particularly in relation to abalone fishing in that part of New South Wales, and I also look forward to continuing those discussions with the industry.

The CHAIR: Let's unpack one of those issues or challenges that they're facing. Minister, you're aware that the total allowable abalone catch is set at 100 tonnes?

The Hon. TARA MORIARTY: Yes.

The CHAIR: Who leads the independent statutory body that sets the total allowable catch?

The Hon. TARA MORIARTY: Mr Sloan might be able to help me, or I'm happy to take that on notice, but I know that they have provided me with recent advice to keep the levels at the same level.

The CHAIR: Yes, I've got the document here that says it's at 100 tonnes.

SEAN SLOAN: The chair of the Total Allowable Fishing Committee is Will Zacharin, and then there's a series of members that have economic, biological and fisheries management expertise. The committee has autonomy to set those catch limits from the Minister and from the Government, so they have a full autonomy to set catch limits across fisheries where we have those quotas set.

The CHAIR: If I go directly to the document, on the second page it states:

A preliminary draft Harvest Strategy for the Abalone Fishery was developed in 2015 in consultation with industry and a working group ... No further progress has been made to finalising this draft strategy.

Why has that draft strategy not been finalised?

The Hon. TARA MORIARTY: Sorry, I just missed the beginning of the question.

The CHAIR: There was a working group set up to draft a harvest strategy for abalone fisheries, so essentially to go away from the current model and go to a harvest strategy. That was decided in 2015, but no progress has been made. Why has no progress been made, in your opinion or the department's opinion?

The Hon. TARA MORIARTY: Is that to me? I don't know what happened in 2015.

The CHAIR: Perhaps Mr Sloan might be able to answer as to what are the stumbling blocks, in the department's opinion.

SEAN SLOAN: Chair, I'm not familiar with the 2015 working group or harvest strategy. That was before my time. But I have had discussions with the industry about developing a harvest strategy for the abalone fishery and actually for the dive fishery in general, so with urchins and turban shell, and that's something that we will work on with the industry going forward. But we've prioritised species that have had particular challenges, in our harvest strategy development so far, and the abalone fishery is certainly, I would say, on the priority list to move forward with.

The CHAIR: I'm not too sure what feedback you've been given by the industry, but the industry have given me the feedback that there's no point going to a harvest strategy when there is so much illegal take going out the back door and, unless you can resolve that, you won't have a working and functional abalone industry. I'd just like to pass to the Minister a graph that has been provided to me by the industry showing their catch in comparison to the illegal or unidentifiable catch over the last decade and a half. As you can see if you look at the lower half, in the past couple of years, the illegal or unidentifiable catch has actually overtaken their catch. Does it concern you, as the Minister, that we've got such a highly valued fishery and such an important fishery—not

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just economically but because of the health of the system and what the abalone does for the marine environment—and you've got close to 50 tonnes of abalone going out the back door and being funnelled to outlaw motorcycle gangs and Chinese gangs to be sold on the black market?

The Hon. TARA MORIARTY: Look, Mr Banasiak, these are really important questions and this is certainly a challenging issue that we need to manage, from the Government's perspective. There are a number of—

The CHAIR: Sorry, can you see the correlation in the graph between—

The Hon. TARA MORIARTY: I can see the graph, but I'd like to answer the question because it is a complicated situation, as you would be aware. There are native title claims afoot. There are, in fact, traditional owners. There are issues before the courts in relation to these matters in relation to, first of all, abalone and, secondly, in relation to native title defences.

The CHAIR: That's already been resolved.

The Hon. TARA MORIARTY: Well, no, it hasn't.

The CHAIR: The case has come down and said that the department has the burden of proof now. What does that mean for the department in terms of enforcement? Does that mean you are going slightly hands-off or more hands-off than you have been? You've looked at the graph, and that's what it indicates. Towards the last couple of years, you've gone hands-off and the amount of illegal take has surpassed the commercial legal take.

The Hon. TARA MORIARTY: In relation to the first part of the question, that is not right. From Fisheries' perspective, Fisheries has a responsibility to manage our fisheries, as you know. Where there have been prosecutions undertaken and we then have a situation where a native title defence is—I'm not sure of the legal term, but claimed, I guess, but again I mean this very respectfully, we're then restricted from being able to proceed because there is information that the Government is working through to manage these issues more broadly that Fisheries doesn't have access to. When I mentioned earlier in my original answer about going down to meet with Aboriginal leaders and groups as well as the abalone industry, that is in relation to the questions that you're asking now.

These are really complex, important issues that we have to work through. Certainly, from my perspective as the fisheries Minister but also from the whole Government's perspective, we need to find a resolution here so that we can have our cultural fishing requirements and commitments met. I want to see Aboriginal communities on the South Coast thrive and I want to continue to work with them about how to do that. I'm also working closely with the industry and, as I've indicated, with the abalone industry down there to consider these issues. It's really complex, but we have to find a solution. I'm certainly doing my part, as part of the whole of government, to work through these issues. You're right to raise the questions, but we're working through the complexity.

The Hon. EMMA HURST: I want to go back to some of the questions that Ms Cate Faehrmann was asking you on shark nets. You mentioned that there is going to be a consultation with councils. When will that consultation commence? I'm assuming it will start after the next council elections?

The Hon. TARA MORIARTY: I should know this, but when are the council elections? I think they're coming up in the next couple of weeks.

The Hon. EMMA HURST: On 14 September, yes.

The Hon. TARA MORIARTY: I don't think I have any time to consult with people before then, and I think they're all in caretaker mode anyway. We have said that we're going to consult with councils. We do want to get to a situation where there can be local decision-making. It's not as simple as just going to a council and saying, "What do you think?" because at the moment the government taxpayers are paying for \$20-odd million a year of new technology and the drum lines, drones and all of the other things that we're trialling across the coast. That isn't done beach by beach; it's done across geographical areas. We will be consulting with councils about local views. I don't have a specific timeline for that. We will be certainly engaging with local councils again about that decision-making but also factoring in what the broader State Government's responsibilities are and particularly what broader taxpayers are paying for this stuff.

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

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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.

The Hon. EMMA HURST: That's quite a different thing if it's going to research.

The Hon. TARA MORIARTY: Sure.

The Hon. EMMA HURST: It's quite different to implementation of the alternatives. You talked about local decision-making. Will the councils have powers in some way to determine nets go in or don't go in, or is it more of a consideration of what the local councils want?

The Hon. TARA MORIARTY: At this stage it's going to be both because, at the moment, I certainly want to consult with local communities and local councils about their views, but the shark mitigation tools that we use are rolled out across a geographical area. It's not as easy as saying opt in, opt out and we'll continue to pay for it in some areas or not. The consultation is going to be genuine. I genuinely want to hear from local communities about their views. Some of them have been expressed quite clearly. As I indicated this morning, there are councils that are adamant that they want to keep the nets and there are councils who have indicated that they are adamant that they don't. We'll work through with local communities about that at the same time as working through what it means from a whole mitigation work perspective.

The Hon. EMMA HURST: Just to take this quote which is, "Councils would need to take responsibility for the safety of the community if they wish to negotiate on shark mitigation methods." Is this an attempt to cost shift onto councils? I'm just wondering why councils would need to prove that they're keeping beachgoers safe when, for starters, the control over the program and all the technology that's being used is actually run at the moment by the DPI? But also the research itself shows that shark nets are actually not keeping beachgoers safe now. If we've got one method that we know is ineffective—that is not me saying that; that is university research saying that—why is it now on the councils to have to prove this?

The Hon. TARA MORIARTY: It's going to have to be a conversation between the Government and councils. At the moment, the State Government is paying for all of this and councils are responsible for swimmer safety and beach safety on their local beaches.

The Hon. EMMA HURST: So this is a bit of cost shifting onto councils?

The Hon. TARA MORIARTY: The discussion will have to include the resources that are currently being put in by the State Government. I'll give you an example of one that is probably a little easier to have conversations about. The smart drum lines are operated through us, but there are drones that we're operating through Surf Life Saving NSW. The surveillance can probably be conducted in a more localised way, but these are the conversations we're going to have to have. At the moment it is fully paid for by the State Government, that is why we're making the decisions.

The Hon. EMMA HURST: So the effort going forward is to share some of those costs. Is that what you have in mind? That sounds like what you're suggesting.

The Hon. TARA MORIARTY: No, I'm not pre-empting it. I'm saying we're going to consult with councils about local decision-making but that includes what local decision-making means. I fully respect the views of local councils and I absolutely want to hear them. It is all well and good for them to offer an opinion but the State Government is currently paying for it.

The Hon. EMMA HURST: Are you expecting, through this process, that next year there may be some council areas that won't have shark nets put in because they've moved to alternatives?

The Hon. TARA MORIARTY: I'm not going to pre-empt anything for next year. I've outlined the plan and the Government has outlined the plan for the upcoming summer. We'll consult with people about that, consult with councils and local communities about that, and we'll look at the data at the end of the summer, just as we did this year.

The Hon. EMMA HURST: Just to move on to the \$21 million that was in the budget in regards to spending on animal welfare, I know you mentioned earlier that the first step is that you're allowing enforcement

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agencies to apply for some or all of that money. If the organisations were to receive that entire \$21 million, what would happen to the other animal welfare initiatives that you're working on, such as the Independent Office of Animal Welfare? Will there be other money allocated for those projects?

The Hon. TARA MORIARTY: The amount of money in this year's budget is \$21 million. As I've outlined this morning, we have opened up a process for enforcement agencies for charitable organisations to be able to apply for funding. They've got to provide us with information on their enforcement costs and activities. Up until now, that just hasn't been provided. I can't even guess a figure because there's just no information provided between enforcement agencies and government as to what money is for and spent on before now. We've asked them to apply—

The Hon. EMMA HURST: Sorry, just on that, I know that the DPI had done an assessment on the funding that was required by those enforcement agencies and obviously, through that assessment, they would have provided a plan for exactly how much money that they were proposing that they needed within the department of primary industries and they made a recommendation to you. What happened to that assessment and why are we now saying that nothing has been provided up until now, so therefore we have to go through this budget bid process when we've already done that DPI process? What happened with that and why are we now doing this on top of that?

The Hon. TARA MORIARTY: A couple of things on this. First of all, this is the first year we've had to have this process in place because our Government put in grants guidelines as a new Government last year sometime—I can't remember exactly when—to make sure that money being spent in this way is properly accounted for. That's an appropriate thing to do. It's just that this year than other years, because that process and that requirement wasn't in place. We've had to put it in place because money has gone out the door through grants funding that hasn't properly been accounted for. We enacted laws to make sure that it would be. The charitable organisations, the opportunity is open now for them to make their submissions on enforcement costs.

The Hon. EMMA HURST: Sorry, I just want to talk about that DPI process. You said that the RSPCA hasn't provided any information to the Government in regard to what money they need to actually enforce animal protection laws. My understanding is that obviously they have because they went through a lengthy process with the department of primary industries prior to this grants program opening. What happened to all of that information? I understand that there's a grants program, but why hasn't that information been included in that? Why are we starting all over again?

The Hon. TARA MORIARTY: Fair enough question. It hasn't been a process through the department. The charitable organisations—and I would say in particular the RSPCA—put in a budget bid. As organisations do, they made a submission, they wrote to myself and I think probably the Treasurer.

The Hon. EMMA HURST: But there was a DPI process before that to advise you on how much money that the DPI thought should be allocated to the enforcement of POCTAA.

The Hon. TARA MORIARTY: No, it's not a question of what the department thinks should be allocated. In the past, these organisations were provided half a million dollars, a couple of hundred thousand dollars a year for enforcement activities. A year or so ago, through the Office of Local Government, they were provided an amount of \$20 million-something for various things, which included enforcement activities. But it also included funding for facilities and a whole range of other bits and pieces that we've tried to work through so as to not delay this process. Putting in a I guess a budget bid and writing a letter to the Minister saying, "This is how much we want from the New South Wales Government," is very different—and I respect lots of organisations do that and that is perfectly fine. But for us to go through the process, we're now saying to them, "You need to provide us with specific information." We're going to pay for some costs for enforcement work through this, not random facilities and other bits and pieces that came out of the last funding, but enforcement. They have to provide us with the detail on what that means. That's the process that's currently being worked through. It's not a question of the department coming up with a figure. Part of what we've committed to do is allocate—not just deal with funding in the short term but work through what it needs to be, year on year, going forward so that we're not in this situation every year, if that helps.

The Hon. SAM FARRAWAY: Minister, I'd like to go back to the recent announcement that Norco had its contract cut to supply milk through the NSW Health contract. Firstly, are business support measures still available for farmers on the North Coast recovering from the 2022 floods?

The Hon. TARA MORIARTY: I think there are two different questions. Norco—

The Hon. SAM FARRAWAY: The next part of it is will these support programs, if there are any that are still in place, be extended to Norco dairy farmers who are impacted by the Government's decision to withdraw milk through the NSW Health contract?

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The Hon. TARA MORIARTY: Okay. Look, the decision in relation to Norco was made through NSW Health, or however their procurement processes work. That decision is really a question for Health, as I indicated this morning. My office has had discussions with the health Minister's office about community concerns. I know that there are community concerns. Certainly the member for Lismore is very vocal about raising things on behalf of her community, and I appreciate her for that.

The Hon. SAM FARRAWAY: With your Parliamentary Secretary, and the member for Lismore—do you support her position, which is calling to have this decision reversed? Do you support Janelle Saffin with that call?

The Hon. TARA MORIARTY: I think Janelle Saffin is a fantastic local member who is a great advocate for her community, and she is campaigning for an issue that matters to her community, and that is exactly her job.

The Hon. SAM FARRAWAY: Do you support her calls to have this decision reversed, as the Minister for Regional New South Wales?

The Hon. TARA MORIARTY: These are questions for the health Minister. I'm not able to influence Health procurement. But my office has, as I indicated this morning, raised concerns, as people would expect, as the Minister for Regional New South Wales, and the decisions are a matter for them. If there are any issues from farmers' perspectives as a result of this, then I'll have to assess that information and the Government will have to assess that information. I don't have any information to that effect now. But if it does arise, then we'll look at it.

The Hon. SAM FARRAWAY: Minister, are you familiar with Radio 2WEB?

The Hon. TARA MORIARTY: Yes.

The Hon. SAM FARRAWAY: Recently, Rod from Radio 2WEB, with the shadow Minister for Western New South Wales, just this week made a bit of a call-out to get you on the program and said on air that your office has rejected several requests to jump onto 2WEB, based out in Bourke, as the Minister for Western New South Wales, and Minister for Agriculture. Can you commit today to Rod and the team and western New South Wales that you'll jump on 2WEB and give them an update on what is happening in western New South Wales from the New South Wales Government?

The Hon. TARA MORIARTY: Of course. I'm always happy to do radio, particularly in western New South Wales. I'll probably have to bump Stephen Lawrence off the list.

The Hon. STEPHEN LAWRENCE: Feel free.

The Hon. SAM FARRAWAY: No-one wants to hear from him anyway, so don't worry about it.

The Hon. TARA MORIARTY: The Government is communicating broadly with western New South Wales, and Stephen Lawrence is a fantastic person to be doing that. But sure, of course.

The Hon. SAM FARRAWAY: I know Rod, and I've been on there in a previous life. He would genuinely appreciate that, Minister.

The Hon. TARA MORIARTY: Of course—genuinely happy to do it.

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.

The Hon. SAM FARRAWAY: Mr Orr, we'll come back to you in the afternoon on the specifics. But as the Minister, can you commit today that Orange will remain the headquarters for the Department of Primary Industries and Regional Development?

The Hon. TARA MORIARTY: Well, the Department of Primary Industries and Regional Development is based all around regional New South Wales. We have 200 offices, apparently, or various places of work across the regions. I'm certainly very proud to have a presence across regional New South Wales. Orange is—

The Hon. SAM FARRAWAY: But it's fair to say, Minister, that when that department was decentralised all those years ago, and for the past 20-odd years, Orange has been the home of the Department of

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Primary Industries, the Department of Agriculture—a lot of different names over history. It is, fair to say, the home of the Department of Primary Industries. It has been the head office for DPI forever, since it was decentralised. Will that remain the case under Minister Moriarty?

The Hon. TARA MORIARTY: There are no plans to move operations out of Orange, but it hasn't been a standalone department since you guys were in government because you guys were the ones who merged it into Regional New South Wales. It wasn't a standalone department when I became the Minister; it was part of Regional New South Wales. It's now part of—

The Hon. SAM FARRAWAY: But it was its own business unit, correct, Minister?

The Hon. TARA MORIARTY: You guys put it—

The Hon. SAM FARRAWAY: It was its own defined business unit with its own—

The Hon. TARA MORIARTY: No, it was a part of—

The Hon. SAM FARRAWAY: Yes, it was—with its own defined director-general.

The Hon. TARA MORIARTY: No, it's part of the Department of Regional New South Wales. I know that the National Party and the leader likes to talk up a big game about moving it. He didn't while he was the Minister. I don't know why he didn't. He had the opportunity because he was the Minister. Now we've consolidated into a new department called the Department of Primary Industries and Regional Development to focus our attention and resources on where they are needed across agriculture, across Local Land Services, across regional New South Wales. I want to make sure that the resources are used appropriately.

The Hon. SAM FARRAWAY: Can you commit today that there will be no job cuts or losses from the DPIRD out of Orange?

The Hon. TARA MORIARTY: There are no plans to move anything out of Orange, but the Department of Primary Industries and Regional Development has a presence all over regional New South Wales. We've got people based in a whole—

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.

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.

The Hon. SAM FARRAWAY: According to the Local Land Services website:

Local Land Services works in partnership with local councils to ensure best practice management of natural resources, including weed management and pest control ...

Can you please advise how much funding is provided to the New South Wales councils for weed management, and do you, as the Minister, think that this is adequate to control the critical invasion of blackberries?

The Hon. TARA MORIARTY: Pests and weeds are absolutely a massive issue across regional New South Wales; there is no question about that. The funding that we're providing at the moment is the same as was provided under the previous Government. We've also allocated \$10 million towards a good neighbour program. And, as has been well canvassed today, we've set up a biosecurity commission with a biosecurity commissioner in place to help to provide advice to me and to the Government and to the Parliament on how best

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to manage these things going forward. Certainly it's a massive issue—no question about that—and how we look to resource and deal with these things going forward will be a key part of the biosecurity commissioner's work.

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.

The Hon. SAM FARRAWAY: But you said it was absurd.

The Hon. TARA MORIARTY: What I said at the time, which I still say is: We've got to allocate resources where they are best serving the people of regional New South Wales. Having a very large comms team inside the department may not be the best use of resources, particularly in a very difficult budget situation, which we did inherit when we formed government. I want to make sure that we are allocating and using the finite resources that we have to best advocate for and work for people across regional New South Wales.

The Hon. SAM FARRAWAY: In August last year you referred to the number of media staff as absurd, and I've gone back and had a look through some of the answers. There were 15 in the Department of Regional NSW and there were five for the Department of Primary Industries. Can you tell me today how many media staff the new Department of Primary Industries and Regional Development has, considering that you said that 15 and five—20 staff—in your department a year ago was absurd? Do you know how many the DPIRD has in media staff as of today?

The Hon. TARA MORIARTY: Those weren't the numbers that I was referring to last year, which is why you're saying media staff and I'm saying comms. It was a very large number of people in that section. Again, I say this a lot: I don't get involved in the internal workings of the department but I do need to make sure—

The Hon. SAM FARRAWAY: How many comms staff are in your DPIRD as of August?

The Hon. TARA MORIARTY: —that taxpayer dollars are being spent in the right way and that resources inside of my department are being used to best work for people.

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.

The Hon. SAM FARRAWAY: Moving on to the McPhillamys mine, you may have seen that—

The Hon. TARA MORIARTY: I would be interested to check where you got the figures from. Do you want to just give me the document you are referring to so I can check?

The CHAIR: Order! Can we not talk over the top of each other.

The Hon. SAM FARRAWAY: Minister, you may have seen that your boss, Chris Minns, the Premier of New South Wales, has come out and backed the McPhillamys goldmine near Blayney and is at odds with Tanya Plibersek. I notice the Prime Minister has just recently—today; you may not have seen—come out and supported Chris Minns, the Premier of New South Wales. My question to you is: Do you support the McPhillamys goldmine at Blayney, and have you advocated around the Cabinet table in recent days to find a solution for regional New South Wales and for Central West New South Wales to save this billion-dollar project and the 800 good-paying jobs that will come with it?

The Hon. TARA MORIARTY: I certainly support the views that the Premier has expressed on this issue. Jobs, particularly at this scale, across regional New South Wales and in the Central West are vital, and I was certainly disappointed by the decision. I think the Premier has expressed the views of the New South Wales Government very well, and I support him wholeheartedly. You're right to say that I was not aware that the Prime

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Minister has commented today, because I've been very focused on giving answers here at estimates. But I'm glad if it's the case that that the Prime Minister has supported the New South Wales Government's view, if that's right.

The Hon. SAM FARRAWAY: Minister, have you reached out to Regis Resources or Blayney Shire Council as the Minister for Regional New South Wales about a State significant project that has essentially been axed? Have you reached out to either the mayor, council staff or the actual developer, being Regis Resources, to see what your office could do to assist?

The Hon. TARA MORIARTY: Regis Resources is being ably assisted with finding a way forward through the appropriate Minister, which is Minister Houssos, the Minister for Natural Resources. She, as I understand it and as I'm advised, is working closely with them to try and find a pathway forward, and I certainly hope that is achieved.

The Hon. SAM FARRAWAY: Have you spoken to Minister Houssos?

The Hon. TARA MORIARTY: As I've said a few times today, I haven't spoken to anyone for the past four or five days.

The Hon. SAM FARRAWAY: Have you sent a text message or an email? Have you got your chief of staff to ring her office? What have you done in the past two days to advocate for or support the Blayney Shire and the Central West, as the Minister for Regional New South Wales, with your Cabinet colleagues?

The Hon. TARA MORIARTY: I'm saying it right now, just as the Government has said publicly—

The Hon. SAM FARRAWAY: You've been sick in bed.

The Hon. TARA MORIARTY: I'm sorry if that's offensive to you, but it happens.

The Hon. SAM FARRAWAY: No, if that's the case, that's the case; it's fine.

The Hon. TARA MORIARTY: The Premier has ably explained the position of the New South Wales Government, and I support him completely.

The Hon. SAM FARRAWAY: Will you speak with Minister Houssos and advocate for regional New South Wales, advocate for the Central West and advocate for the 800 good-paying jobs that are associated with that development that have essentially been axed by the Federal environment Minister?

The Hon. TARA MORIARTY: Of course I'm always happy to speak to my colleague Minister Houssos, but I know she is already ably dealing with this issue, and I support her 100 per cent.

The Hon. SAM FARRAWAY: With regard to the ag commissioner and renewable energy zones, my colleague in the chair asked a pretty diligent question earlier about what power, essentially, the ag commissioner will have, in your view, in the legislation you're bringing forward. From memory, you said that the ag commissioner could provide a voice for farmers around land use conflicts. Do you believe that the ag commissioner should have more than just a voice? Is there any power that you are considering giving the ag commissioner in the legislation you bring forward to give the ag commissioner some real meat, some real teeth, around advocating for and protecting farmers from what is a completely unbalanced onslaught of renewable energy projects in the Central West region?

The Hon. TARA MORIARTY: The ag commissioner will have a really important role to play in advocating in this sector. They're not going to have the power to overrule planning rules and the renewable energy zones that were, again, enacted by your previous Government and had bipartisan support. But they are going to have the ability to raise the issues and concerns of people in the ag sector and across regional New South Wales, and I will want them to do that. I'll be interested in their advice about how to best manage these issues because we do need to push forward with delivering our energy future, but we also need to make sure—and I certainly want to work with landholders in agriculture to make sure—that we're protecting ag land and food production land as best we can.

The Hon. SAM FARRAWAY: Last week, during an announcement of funding around research stations or during the presser, you slipped in that a review is being undertaken into research stations. Whose idea it was to conduct the review? Who in your department is managing this review, and who is drafting the terms of reference for this review?

The Hon. TARA MORIARTY: I didn't slip in, in a press conference, that I'm doing a review. We've announced that I've engaged Professor Mary O'Kane, the former chief scientist in New South Wales, along with others on a panel, to conduct some work for me and for the Government looking at the State's research strategy. It hasn't been looked at for over 10 years, and so it's appropriate that we look at the research strategy that we've

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got in New South Wales. As I said publicly with the Premier last week, technology has improved. There are different issues in the sector than there were 10 years ago.

The Hon. SAM FARRAWAY: Who in the department is going to be managing this process?

The Hon. TARA MORIARTY: The secretary manages my requests. Whoever manages it inside of the department, I'm not sure. I'm happy to defer to him to provide a name.

The Hon. SAM FARRAWAY: That's all right. Mr Tyndall, are you managing that process?

ADAM TYNDALL: Not me, specifically and individually, no.

The Hon. SAM FARRAWAY: Minister, will you rule out any job losses in regional New South Wales as a part of this review?

The Hon. TARA MORIARTY: We're reviewing the research strategy. I have asked Professor Mary O'Kane and a panel of people who have expertise in this field to review the research strategy for the State. I want to make sure that it's fit for purpose. I'm going to work with stakeholders about how we are conducting our research, both now and into the future.

The Hon. SAM FARRAWAY: But can you give comfort to the good people that work in our 21 research stations across regional New South Wales that their jobs are not on the line and that, as the Minister for Agriculture, and Minister for Regional New South Wales, you will emphatically, from the beginning, rule out job losses across those research stations and look specifically at the structure of how those research stations deliver, rather than any job losses?

The Hon. TARA MORIARTY: I certainly will take this opportunity to thank all of the fantastic people who are working in our research facilities around the State. They do absolutely phenomenal, terrific work that I don't think gets highlighted enough. I take every opportunity I can as Minister—and the people sitting around me will be sick of me saying it—to highlight the fantastic work that occurs.

The Hon. SAM FARRAWAY: Are you prepared to rule out any job losses as part of this review into the 21 research stations?

The Hon. TARA MORIARTY: I want to celebrate the great work that happens in these research facilities around the State.

The Hon. SAM FARRAWAY: I think you're answering it for me.

The Hon. TARA MORIARTY: As I've previously answered, I've asked Professor Mary O'Kane and a panel of experts in this field to look at our research strategy because, again, it hasn't been looked at for 10 years or so.

The Hon. SAM FARRAWAY: Separately to that, will you rule out the prospect of selling off any of the land or the research stations as part of the review?

The Hon. TARA MORIARTY: We're looking at our research strategy because it hasn't been looked at for the last 10 years. We've announced \$60 million to upgrade a number of research facilities because they haven't properly been invested in. There's some terrific research going on, but we need to look at the research strategy to make sure that what we're doing is fit for purpose, that we're working with industry in the right way, and that we're embracing technology and helping research to manage climate change in the ag sector. All of these things will have a different perspective now than they did 10 years ago, when it was last looked at, and I look forward to the advice that they give me on that.

The Hon. CAMERON MURPHY: No questions, Chair.

The CHAIR: That concludes our time with you, Minister.

(The Minister withdrew.)

(Luncheon adjournment)

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Mr PETER TURNELL, Acting Executive Director, Fisheries, Department of Primary Industries and Regional Development, sworn and examined

Ms HARRIET WHYTE, Executive Director, Regional Programs and Partnerships, Department of Primary Industries and Regional Development, affirmed and examined

Ms KATE MEAGHER, Deputy Secretary, Community Engagement Group, Premier's Department, affirmed and examined

Dr JACQUELINE TRACEY, Executive Director, Policy, Local Land Services, Department of Primary Industries and Regional Development, before the Committee via videoconference, affirmed and examined

The CHAIR: Welcome back to the afternoon session of Budget Estimates 2024-2025. We will swear in Mr Turnell, Ms Whyte, Ms Meagher and Dr Tracey. Picking up from where we left, Mr Orr—and feel free to direct this possibly to Mr Sloan or Mr Turnell—around cultural fishing and the issue of the abalone. I passed a copy of a graph showing the illegal catch against what the commercial catch is. Over a decade and a half, it shows quite clearly a pattern of where the confusion is around what is and what isn't cultural fishing, and how that's led to an influx or an increase in illegal take of abalone down on the South Coast. My question is: Noting the Minister's dancing around the issue saying it's a complex issue and we need to work through it, if we boil it down to the core issue, which is resource management, isn't that what we should be caring about—resource management? How is it good resource management to have 45 to 50 tonne of abalone being totally unaccounted for, potentially, and going out the back door and being sold illegally? Shouldn't that be our primary concern—addressing the resource management issue that is potentially half the total allowable catch [TAC] going out the back door?

STEVE ORR: Chair, noting the comments of the Minister earlier on today, I might ask Mr Sloan to respond.

SEAN SLOAN: Thank you, Chair. Certainly the figures that you presented—I've seen those figures, and I'm aware of those figures, and that certainly is of great concern to Fisheries. We have, obviously, a role. Our primary role is to ensure sustainability of our fish stocks. That's on behalf of all people in New South Wales and it's all fishing sectors—commercial, recreational, Indigenous. The practical challenge that we have is on the South Coast, where there is a native title claim. That claim was lodged in 2017 to the Government but has been an ongoing challenge on the South Coast. We, and our Fisheries officers in the field, have to monitor the take of fisheries resources within the laws that we have. For the commercial fishery that's a quota and, as you alluded to, there's a total allowable catch that's set by an independent committee that's set up under the fisheries Act and has autonomy from Ministers and department. They set the quota, and they've said the quota for the last two or three years at 100 tonnes.

Our Fisheries officers, based on their field observations—based on apprehensions of illegal activity but also on other observations with dumps of shells that have been caught, processed on the rocks and then taken off somewhere else, whether they're sold or whether they're taken into communities, our Fisheries officers estimate the amount of illegal catch that is taken as part of that activity. I want to say unregulated catch. We're not regulating that take from the fishery, and that's the problem. That does get taken into account in the assessment of the status of the resource and the viability of the resource, and that's what comes out of that Total Allowable Fishing Committee.

The CHAIR: Can I just stop you on that? If you look at the document, when it talks about it, it says that the main indicator is drawn from fishery-dependent data. Are you including those observations of Fisheries compliance officers as part of that fishery-dependent data? How I understood it to be—when you say fishery-dependent data, I'm talking about the data from the commercial fishers themselves in terms of their returns and their own compliance within the Act. So you're saying fishery-dependent data includes observations from compliance officers.

SEAN SLOAN: The Total Allowable Fishing Committee will make an assessment of the health of the abalone resource, and they base that on statistics we get from the commercial fishery. That's usually catch rates—so the kilograms per day that divers catch. We have quite sophisticated data in the fisheries. We have that information and then our compliance officers who are operating in the field will estimate what they believe is the unregulated catch outside of that system. The figures that you were presenting earlier today are those figures. Our compliance officers don't have an absolute number or an absolute count of that unregulated catch but they estimate it based on their observations. That's been steadily increasing, so we are deeply concerned about that issue.

The CHAIR: Is part of that estimation also looking at the size of that unregulated catch in terms of whether it's of the legal size or whether it's undersized? Obviously the commercial guys have a legal size that they

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adhere to, and it's slightly larger than the recreational size. Is there any data around how much of that unregulated catch is undersized?

SEAN SLOAN: There is, and the majority of the unregulated catch—and this is based on the apprehensions that have occurred, but also on the shells that are dumped on rocks near the shoreline. The majority of that—in fact, we estimate about 80 per cent of that—is undersized or immature abalone. That means those abalone haven't had the opportunity to reproduce. When you take the biology of abalone—which is that they are very site-attached and they're very localised on reefs—you can have a biologically or genetically distinct stock of abalone on one side of a reef headland which is a kilometre away from the other side of the headland, and they'll be completely discrete genetic stocks. So you can actually, with that biology, remove the abalone that are undersize and immature. If they're not able to reproduce on those patches of reef, you can actually remove them from those reefs altogether. What we're seeing, particularly on the east coast, with the increase in numbers of urchins, is that urchins will then take over that habitat. Because of how dominant they are in those habitats, there won't be any room for any other animals.

The CHAIR: My understanding is that they're not as geographically attached when it comes to breeding as abalone are. Abalone actually keep the sea urchin in check, and they also keep the kelp in check as well, so the abalone are a key part of balancing that marine environment. To go back to your point about not regulating it, where are we at with actually getting a regulation up or drafted that will feed from section 21AA and then feed into the local management plans? My understanding is that there was a draft regulation in 2015 that went nowhere. It seems like that is the missing link here in terms of dealing with this issue of what is cultural fishing and when it steps into what is clearly becoming a commercial enterprise—at the moment, an illegal commercial enterprise—for many people down there.

SEAN SLOAN: The first point I would make is that we are regulating the take in the fishery, but we have to operate within the legal framework that we've got. There have been some significant challenges, particularly where native title claims exist. There's a distinction between cultural fishing and native title. Cultural fishing is where an Aboriginal person is taking fish for their own personal, domestic, communal, cultural or spiritual needs. Native title is the same; however, native title has a set of rights associated with it which are much stronger than, say, an average cultural fishing—

The CHAIR: Does the native title allow them to sell?

SEAN SLOAN: That's, I think, a really critical question which is something that has been the subject of numerous court cases in recent times. There was a case that recently was referred to the Court of Criminal Appeal which did draw conclusions on three key points, which were about the purpose of the activity, the activity itself and who bears the onus of proving native title.

The CHAIR: But nothing around whether it entitles them to actually sell that take for a commercial enterprise.

SEAN SLOAN: There was, and that was, I think, quite a landmark ruling by the Court of Criminal Appeal in that native title holders cannot sell catch outside of the community. That means that this issue that has been bouncing around in the courts for some years has now got a very clear ruling, so that will mean there's some clarity for how we address those issues going forward.

The CHAIR: Given that this decision has come down, when will you draft regulation that reflects some sort of mechanism for your Fisheries compliance officers to crack down at that point when it's not cultural fishing anymore, it's not native title and they've gone to sell it? That's when this regulation comes into effect. When will we see a regulation that deals with that ruling?

SEAN SLOAN: Our laws already state that. However, native title does override laws of the State when it comes to the native title rights that fishers have. But where, to some extent, the grey area has been is the nature of a native title right versus a general cultural fishing right. The cultural fishing regulation, which is the one that you're referring to, won't address the native title issue. That's a separate order of right. I can explain that in a bit more detail if necessary.

The CHAIR: Yes, we'll probably pick it up when I come back to my turn.

The Hon. EMMA HURST: Dr Filmer, this morning I was asking the Minister about the DPI's assessment of the funding that went into the enforcement agencies. I think in the last estimates you told me that the DPI had completed that process and had made a recommendation to the Minister. Is that correct?

KIM FILMER: A review has been done but, as the Minister said this morning, I wouldn't go so far as to say it has made a recommendation. There's been a review undertaken that looked at the various enforcement agencies around the country in different States to see how they fund their agencies.

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STEVE ORR: Ms Hurst, can I just provide a point of clarification. The distinction between the review and understanding what funding needs might actually be versus the granting of funding are two quite distinctive processes. As the Minister alluded to earlier today, we have grant guidelines and we are legally obliged to follow those grant guidelines. That's the process we're in the midst of at the moment.

The Hon. EMMA HURST: Yes, I understand the difference, absolutely, but my understanding was that the DPI was doing its review—and I believe it might have even been an election commitment prior to this whole grants process occurring—as a completely separate process.

STEVE ORR: Correct.

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.

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.

The Hon. EMMA HURST: If you could take that on notice, that would be fantastic. Does the DPI receive the quarterly reports on the spending of the previous amount of funding, or does that just go to OLG?

STEVE ORR: My understanding is that that goes to the Office of Local Government.

The Hon. EMMA HURST: Has DPI ever requested a copy of those reports or is it only received by OLG?

STEVE ORR: I believe we did.

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RACHEL CONNELL: The issue would be over what period of time we requested that information. We can find that out. I also understand they've now moved to publish those quarterly reports. I understand RSPCA and Animal Welfare League have both published reports from the last couple of financial years on their website.

The Hon. EMMA HURST: I think the change was just very recent, because the reports that they have published are very different, I believe, to the ones that have been made to the departments. I think they have agreed to make them public, but there were some complicating factors in regard to the information that was contained in those reports being public. I think there is still a process to go before that occurs. I just want to clarify, you said you would need to find out over what period DPI were requesting the quarterly reports of the funding spending. I'm just a bit confused, sorry.

RACHEL CONNELL: My understanding is RSPCA and Animal Welfare League have been undertaking enforcement compliance functions under the legislation for over a decade now.

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.

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.

The Hon. EMMA HURST: Going back to Dr Filmer, in regard to animal research, I've asked a few times about how the DPI is shifting to a system that is going to make it easier and quicker to publish the animal use statistics in animal experimentation. The latest statistics that we have currently available are still from 2022. Can you give me an update on where we are up to with that new online reporting system that will ensure that that data can be available much faster?

KIM FILMER: Yes, I can. I spoke—a couple of years ago now, I think it was—about changing the process, and we have digitalised the ability for people to put the data in. It still requires, at this stage, a fair bit of data cleansing, I think it's referred to—checking to make sure that the data that is actually produced is accurate. As you know from the numbers in this space, there can be room for error. We do a lot of crosschecking to ensure that that data is as accurate as it possibly can be. We have recently—in the last 12 months—undertaken to train somebody else to help in that process. That is, at the moment, one of the steps along the chain that takes a bit more time. At the moment, the data comes in at the end of March. We look at it. It usually gets into ARRPP by the end of the year, and then it goes to the Minister's office.

There's a bit of a lag in that sense, but the reason is that we are trying to ensure that the data is as accurate as it possibly can be. We are looking at some other processes though that will enable the input data to be almost clean and looked at better as it comes in, so using technology to make that process more efficient. We're continuing to look at that to try to make it as streamlined as possible. It's always going to be behind because a year happens—it's on a calendar year—and then the data comes in at the end of March, and it then has to be looked at. The report needs to be written and it has to be approved by ARRPP. There's a whole process. As you know, ARRPP doesn't meet every week, so you've got to wait for an ARRPP meeting to come around, or whatever. That takes a little bit of time.

The Hon. EMMA HURST: At the moment there is a delay of at least 2½ years for that data to come out. With that new trained person, do you have a goal in mind as to how quickly—obviously 2½ years is an extremely long time to be cleansing data and to be going through that process.

KIM FILMER: No, it's not 2½ years of cleansing data. The data comes in at the end of March and then it—

The Hon. EMMA HURST: Sorry, cleansing the data and then going through those processes was my statement. At the moment the data 2½ years old. That's the most recent data that we have available.

CORRECTED

KIM FILMER: No, it's not 2½ years old. It's 1½ years since the last bit of data was actually—at the end of 2022. That data comes to us in March 2023, and then it's looked at by the department. Then it goes to ARRP to be approved, and then it goes to the Minister. We're in the middle of 2024 now, so it's 18 months since that last—

The Hon. EMMA HURST: But the last data we have is 2022.

KIM FILMER: The last end of 2022 data is 18 months old right now, but it was published earlier this year, if my maths is correct.

The Hon. EMMA HURST: No, I don't think so.

The CHAIR: We might do some maths work in the break while the Opposition have their time.

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.

The Hon. SAM FARRAWAY: You are chairing the selection panel, of which Mr Orr is a member, correct?

SEAN SLOAN: Correct.

The Hon. SAM FARRAWAY: And Ms Healy is a member?

SEAN SLOAN: Correct.

The Hon. SAM FARRAWAY: At what point did you have a conversation with Ms Healy as to whether she was interested in becoming the biosecurity commissioner full-time when you were acting in the role?

SEAN SLOAN: I had no conversation with her.

The Hon. SAM FARRAWAY: Did Ms Healy give you any indication, when she was the interim commissioner, that she had an interest in becoming the full-time commissioner?

SEAN SLOAN: Not as I recall.

The Hon. SAM FARRAWAY: How many meetings did the selection panel have?

SEAN SLOAN: As I recall, we held interviews over the course of a single day. I think we resolved the business in a single day. I don't recall us having any further sessions, but that's actually stretching my memory, Mr Farraway.

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.

CORRECTED

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.

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.

The Hon. SAM FARRAWAY: How quickly were you advised by the Minister or Minister's office that the candidate or candidates were unsatisfactory to the Minister?

SEAN SLOAN: I don't recall, Mr Farraway, to be honest. The job of the panel was to put forward advice to the Minister. The panel did that and it was then a matter for the Minister, and I don't recall the process from there.

The Hon. SAM FARRAWAY: At what stage was round two commenced? Did you have any conversations with the Minister's office—anyone in the office, including the chief of staff—as to commencing on the Minister's advice or direction, a round two recruitment process? Or did you pick that up, Mr Orr?

SEAN SLOAN: I didn't have any involvement in that round two process.

The Hon. SAM FARRAWAY: Mr Sloan, once you sent the recommendation on, as the chair of the selection panel, you've met; you've shortlisted; there could be a candidate or a couple of candidates—you will come back to us on that; and you've sent the recommendation in to Minister Moriarty's office. At that point, is that where you finish with the process?

SEAN SLOAN: That's correct.

The Hon. SAM FARRAWAY: Mr Orr, where do you pick up in the process, bearing in mind that you were on the panel?

STEVE ORR: Yes. I think Mr Sloan has covered off on the process of the first panel. Also, to be clear, all panel members have an obligation to declare any interests and my understanding was there was certainly not an application from Dr Healy. She wasn't interested in the role. That was my understanding of all of that. So the process as described by Mr Sloan played out. There was then a group called Rimfire Resources who were engaged as an executive search group to look in the market, find potential applicants and bring back some recommendations for the consideration of the Minister.

The Hon. SAM FARRAWAY: Where did you pick up the process where the external recruitment agency was engaged when you became—

STEVE ORR: That happened prior to my appointment to this job.

The Hon. SAM FARRAWAY: To Mr Orr or Mr Sloan, where was the advice from the Minister's office that the applicant or applicants were not suitable, and the reasoning? Where is that in this timeline?

STEVE ORR: It obviously happened following the advice up to the Minister's office that they weren't suitable, and then we started, as I understand it, the process which I've just described with Rimfire Resources.

The Hon. SAM FARRAWAY: So it would have either gone to the acting director-general or the new secretary.

CORRECTED

STEVE ORR: No, I don't think it was the new secretary; I think it was the former secretary. That is my understanding.

The Hon. SAM FARRAWAY: Would it have been the former secretary that then instructed HR to engage a recruitment firm?

STEVE ORR: That's my understanding.

The Hon. SAM FARRAWAY: Mr Orr, once the recruitment firm was engaged, did you have any approaches from Ms Healy or did you in fact have any conversation with Ms Healy about her interest in becoming the biosecurity commissioner?

STEVE ORR: No, I didn't. Again, this started before my time in the role, Mr Farraway, so I didn't have any direct discussions with Dr Healy about coming in to the role.

The Hon. SAM FARRAWAY: I don't know Ms Healy, for the record—probably quite an accomplished person—but this timeline and such a change in attitude from someone who wasn't interested in the job to then be interested in the job and get the job doesn't sit well with me, and it doesn't sit well with stakeholders and, quite frankly, people in your agency who have approached me about it. I need to ask: At what point did Ms Healy declare to you that she was interested in applying for that role?

STEVE ORR: I've answered the question.

The Hon. SAM FARRAWAY: I'm asking again, though: When did she declare that to you, Mr Orr?

STEVE ORR: She didn't declare that to me, Mr Farraway.

The Hon. SAM FARRAWAY: The first you knew that she was interested in becoming the full-time biosecurity commissioner is when her name popped up through—what was it?

STEVE ORR: Rimfire.

The Hon. SAM FARRAWAY: Rimfire recruitment.

STEVE ORR: That's my recollection but, again, that process had started before my time in this role.

The Hon. SAM FARRAWAY: Yes. When you saw her name on a shortlist or as a recommendation from a third-party recruitment firm, did you raise concerns that the person that was being recommended was part of the initial recruitment process and you sat on a panel with this person for the role to begin with?

STEVE ORR: It was pretty clear in my mind, Mr Farraway, that in that initial process Dr Healy was not interested in the role. She was interested in being part of the selection process to find someone to be in the role. That process ran its course. The Minister made the decision, which the Minister is open to make, and then another process started, and through that process Dr Healy indicated that she'd be willing to take on the role.

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.

The Hon. SAM FARRAWAY: Band 1 senior executive, okay.

STEVE ORR: It's the equivalent to in terms of the pay scale. It's not an SEB1. There's a difference. I'm just saying it's equivalent to.

The Hon. SAM FARRAWAY: Equivalent to?

STEVE ORR: Yes.

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?

CORRECTED

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

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.

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.

The Hon. SAM FARRAWAY: Moving on, if that is the case—

The Hon. WES FANG: Just before you do, can I ask: Mr Orr, was the band—the pay scale—when the role was an interim role the same as it is now?

STEVE ORR: Correct. That's my understanding.

The Hon. WES FANG: So there has been no change in the pay?

STEVE ORR: Correct.

The Hon. SAM FARRAWAY: While we're still on the biosecurity commissioner, Dr Healy seems very credentialled, but with biosecurity as one of the most significant priorities for the State, for agriculture and for your agency, do you believe that it probably should be a full-time role? What is it at the moment? About three days a week or something like that, as the Minister mentioned earlier?

STEVE ORR: Yes, three days a week. I think whether it's a full-time or part-time role is up to the Minister and Dr Healy. I think that's what it was before, although I'm happy to be corrected, in terms of the role Dr Healy played as the Interim Biosecurity Commissioner and, with that in mind, the work program for Dr Healy reflects the time which she has to commit to the role.

The Hon. SAM FARRAWAY: Have you designed the role around her available time rather than what is actually needed, though?

STEVE ORR: I think what's needed and then, in terms of some of the initial work for Dr Healy—there's a number of things which she's working on, one of which is some of the governance arrangements which exist. There's a bit about communication, particularly ensuring people understand some of their obligations. There's another bit which is about broader enforcement and how enforcement is working across, and Dr Healy is going to be now working through that. The other issue or the other priority for Dr Healy is actually working across government, so working with different agencies to understand some of the issues and challenges in terms of biosecurity with other agencies, and the role has been designed to fit in with those particular authorities.

The Hon. SAM FARRAWAY: I totally agree with that because that's what you need to do. My concern is Ms Healy seems to be a very busy person. She has five other positions and, based on the Minister's commentary over the past 18 months, a priority for her is biosecurity. It is for any stakeholder that you speak to in the agriculture space. Don't you think that we should be budgeting towards a full-time biosecurity commissioner?

STEVE ORR: That's a matter clearly for government, Mr Farraway. The other thing I would probably say it's not just Dr Healy. Dr Healy will have a small support team, which will be put in place to support her in fulfilling her obligations and the roles which we've talked through, so there will be a support team. Then there's a department and the department has considerable biosecurity resources to also assist Dr Healy.

The Hon. SAM FARRAWAY: Moving to the ag commissioner role, has the Crown Solicitor's office approached you or anyone in your agency with concerns about the appointment of the ag commissioner—

STEVE ORR: No.

The Hon. SAM FARRAWAY: —prior to the Minister's media release and restructure today?

STEVE ORR: No.

The Hon. SAM FARRAWAY: No issues have been raised from the Crown Solicitor's office?

STEVE ORR: No.

The Hon. SAM FARRAWAY: Internally, in terms of the process, what is holding this up? The Minister put a brave face on this morning about the fact that it is 18 months since the election. Having an ag commissioner is probably one of the most important policy areas that farmers and the ag sector and stakeholders like

CORRECTED

NSW Farmers are calling for that they want to see actioned. What's the hold up, Mr Orr, in your view? I notice you haven't been there the whole time. As the leader in the department, what's the hold up?

STEVE ORR: Again, I haven't been here all the time, so I can't provide a view. What I can say is that it has been a priority for the Minister since I've been in this role and the Government has formed a view that they want to have the role as a statutory position, as the Minister outlined earlier today, so it's enshrined in legislation.

The Hon. SAM FARRAWAY: Was it not a statutory position before today's announcement.

STEVE ORR: No. It never has been. Again, just for clarity, the arrangements in the past were a contract. Mr Quinlivan, for instance, was a contractor within the role.

The Hon. SAM FARRAWAY: Will it be full-time, the ag commissioner?

STEVE ORR: The Government needs to work through exactly what it wants to have in its bill, Mr Farraway. What it wants to have, the role, the functioning, how it's going to operate are no doubt matters which will be in the bill.

The Hon. SAM FARRAWAY: Is it your understanding that it will be the same band or at least at the same level and commitment and resourcing as the biosecurity commissioner?

STEVE ORR: Well, again, that's a matter for government to work through. But I think, Mr Farraway, the Minister alluded this morning to the fact that there will be similar in terms of the model for the biosecurity commissioner.

The Hon. SAM FARRAWAY: After this morning's announcement, who is leading the process in your agency for the introduction of that legislation and the process behind the scenes within the agency?

STEVE ORR: In terms of now the Government has made the decision which it has, obviously it will be joined together with Rachel's team, who's sitting here to my left. She's only been here for three weeks.

The Hon. SAM FARRAWAY: I'll go easy, don't worry.

STEVE ORR: So Rachel and our legal team, and to the Minister's point earlier, she intends to introduce the bill as soon as possible but subject to the order of Government business.

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.

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.

The Hon. SAM FARRAWAY: Mr Sloan, I want to talk about LLS. I know Ms Lorimer-Ward is the new CEO, but the questions I have are during your time. I've been inundated with LLS staff who have spoken to me around the travel budget cuts that have come across DPI which impacted LLS, and impacts everyone's role. In particular, they are now having to travel five hours a day to do some of their outreach work, some of their practical on-the-ground work. This has been happening for months and months and months now, or the majority of 2024. In the previous role with LLS did you advocate for a bigger budget to address some of the WHS concerns around LLS staff out in the field?

STEVE ORR: Mr Farraway, just to clarify, Mr Sloan was formally Fisheries.

The Hon. SAM FARRAWAY: No, it was you, Mr Orr, wasn't it?

CORRECTED

STEVE ORR: Yes.

The Hon. SAM FARRAWAY: Sorry, Mr Orr.

STEVE ORR: I was waiting for something to happen.

The Hon. SAM FARRAWAY: I take all that back. It's to Mr Orr, same question. Sorry.

STEVE ORR: Do you want to repeat it?

The Hon. SAM FARRAWAY: I have been approached by multiple staff within LLS that there are WHS concerns because of the travel budget cuts that have been implemented over the course of the last 12 months, that staff are travelling five hours a day to do outreach work because there is no budget for overnight accommodation. Do you think that's appropriate?

STEVE ORR: Ms Lorimer-Ward or Mr Kelly may be more appropriate to answer. But in terms of travel, obviously travel is important in terms of the delivery of services, so we understand that. The department—as was discussed back at estimates earlier this year, there was a reduction in overall travel budget as part of broader government savings. We operated well within that budget, so that was certainly achieved. In making decisions across the department—and Ms Lorimer-Ward and Mr Kelly may be able to comment—but the safety of people was paramount, as well as the delivery of services. Those two things were really important in terms of the broad narrative within the department about the way in which travel was to be considered—safety and the welfare of staff—as well as ensuring that we are doing the BRU and delivering the services which need to be delivered. I'm not familiar with any specific cases. I'm happy to talk about specific cases, but that was the broad message which went in my time at LLS into LLS.

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.

Ms SUE HIGGINSON: How has Forestry Corporation of NSW made up for that shortfall?

ANSHUL CHAUDHARY: We have not been able to make up for that shortfall. In fact, last financial year, FY24, we have not been able to meet certain wood supply agreements on the north coast because of a number of factors. Not being able to harvest in the koala hubs would be one of those reasons.

Ms SUE HIGGINSON: Could you tell me what the other reasons are?

ANSHUL CHAUDHARY: Yes. There have been disruptions to native forestry as a result of the loss of production days from things like protesters, for example. We also had stop work orders and injunction applications to stop work. All of that has resulted in the loss of production days, which has prevented us from meeting our supply commitments.

Ms SUE HIGGINSON: Has any compensation been paid to any of the holders of the wood supply agreements?

CORRECTED

ANSHUL CHAUDHARY: No, no compensation has been paid to the holders of the wood supply agreements. They have raised concerns about us not meeting wood supply agreements. We are in conversation with our customers at this stage.

Ms SUE HIGGINSON: Is it likely that compensation will be paid?

ANSHUL CHAUDHARY: That's a difficult question to answer at the moment because we're going through a potential legal process. We'll have to see how that goes, Ms Higginson.

Ms SUE HIGGINSON: Without disclosing anything you can't, when you say "a legal process", are you suggesting that lawyers are engaged and those discussions are happening between timber companies and the Forestry Corporation?

ANSHUL CHAUDHARY: We have contractual obligations and, therefore, by not meeting the supply commitments, there are questions about the contractual obligations. Yes, we're working through our legal team as well—but working with the customers to see what their concerns are and see how we can address them.

Ms SUE HIGGINSON: Forgive me if I'm wrong, but it sounds like there is likely some form of compensation that might be required for those discussions around a actual failure to supply and some kind of remedy around that failure to supply. Would that be a fairly correct assertion?

ANSHUL CHAUDHARY: I wouldn't jump to that conclusion. We have not supplied to the contracted volume, that's clear, and we have advised our customers of that. We have discussed the broad range of reasons as to why we haven't. Now we're working through the next phase.

Ms SUE HIGGINSON: That is options of what to do about that?

ANSHUL CHAUDHARY: That's right. The contracts have certain provisions in them, and we are working through that.

Ms SUE HIGGINSON: Are you considering the option of looking for further volumes of timber that might be available somewhere else? Is that something you're looking at?

ANSHUL CHAUDHARY: We haven't ruled anything out at this stage, Ms Higginson. We are quite early in our discussions with the customers.

Ms SUE HIGGINSON: But that would be very problematic, wouldn't it, looking for timber that just isn't there when we're going to create a national park? If the koala hubs were an issue, which is a tiny part of the forest estate, do you have a—

ANSHUL CHAUDHARY: Just on that, I think it's important to realise that the timber volume is still there. The reasons we weren't able to supply that were, as I had just explained, due to number of factors, including disruptions to our operations. The timber is still there. It's not like it has been affected by fires.

Ms SUE HIGGINSON: But they were koala hubs. They will never be available for—

ANSHUL CHAUDHARY: With the exception of the koala hubs.

Ms SUE HIGGINSON: And then there will be other areas—obviously, the Great Koala National Park. Do you have a date for when any logging will cease within the footprint of the Great Koala National Park?

ANSHUL CHAUDHARY: No, I don't have date or a direction on that.

Ms SUE HIGGINSON: We have actually been told that it will be later this year. Later this year is coming very quickly. Have you still been told that we are looking at later this year that logging will stop within the Great Koala National Park?

ANSHUL CHAUDHARY: I think that's probably a question for my colleagues.

Ms SUE HIGGINSON: I am certainly looking somewhere over at that end of the table. Is there a date?

DAVID McPHERSON: Ms Higginson, there is no firm date at this stage. It still has to go to Government. But the work is ongoing at the moment, looking at the assessment of all the values within that park and the potential impact on jobs and the industry and timber supply.

Ms SUE HIGGINSON: Mr McPherson, the way you are looking at the process at the moment, do you think that it is still likely that there will be a decision towards the end of this year, as the Minister has put on record?

DAVID McPHERSON: That's what we've been working towards.

CORRECTED

Ms SUE HIGGINSON: Is it your understanding that the decision will be made to not log any more of the Great Koala National Park? Do you know what that decision will look like? Will it be once it has gone to Cabinet, or will you keep logging once it has gone to Cabinet? Do you have any idea?

DAVID McPHERSON: No, I can't speculate on that at this stage. We're still waiting for the information to come forward about the values within the park and the impacts on jobs and timber supply and other factors. Until we've got that information, it's hard to speculate.

Ms SUE HIGGINSON: I am also curious about the forest management zone plantation layer. Our understanding is that the plantation layers have just been increasing within the Great Koala National Park assessment area. Is there a date when that cuts off? Has it cut off? Is the understanding of the plantation area within the Great Koala National Park assessment area currently fixed and defined, or is that still a movable feast?

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.

Ms SUE HIGGINSON: Thank you very much. I'm just also—

DAVID McPHERSON: Just on that, it's probably best to ask National Parks. They've been managing and running that process, so they would be able to give you the most accurate information.

Ms SUE HIGGINSON: I will ask them as well, but if you could give your version, that would be great. I'm curious about how the Forestry Corporation is dealing with the latest research that goes to the koala acoustic method—the acoustic monitoring and the methods. We know that Forestry Corp has been monitoring the male koalas to estimate koala population health and density. I'm sure you're aware that in June this year new peer-reviewed research demonstrated that there was a reason not to rely on that methodology, in particular for health and density. What are the Forestry Corporation and the department doing about that?

DAVID McPHERSON: Just in terms of who is doing the research, the department has been doing that research on koalas using acoustics. We've been doing that across a number of years—I think seven years now of research and 25,000 hours of acoustics. It's a significant program of research in many, many State forests and including national parks and private land as well. It's a significant study looking at male koalas and their bellowing. It's very difficult to do a comparison between that and the other research that you're referring to, which was done by Smith and Pile, I think.

Ms SUE HIGGINSON: With the greatest respect, could I redirect you very quickly to answer the question? What are you doing about the fact that this new research is contrary—

DAVID McPHERSON: Yes. We have asked our scientists to have a look at that research and understand what the differences are between that.

Ms SUE HIGGINSON: And you're waiting for an outcome on that?

DAVID McPHERSON: Correct.

The CHAIR: I might just pick up where we left off, Mr Sloan—if that's all right with you, Mr Orr—around the cultural fishing/native title issue. Just to recap, the case in the Court of Criminal Appeal was handed down. It stipulated that native title doesn't actually allow for sale. We know cultural fishing doesn't include sale. When are we going to see a regulation that ties that all up and recognises that as soon as someone steps over that line of whether it's cultural fishing or a native title practice and actually sells, then it becomes an offence where your compliance officers can actually fine or move to prosecute to try to curb this illegal or unidentifiable catch that seems to be pillaging our abalone stocks on the south coast?

SEAN SLOAN: Chair, coming back to the explanation I was giving earlier about the differences in native title and cultural fishing and, obviously, the other forms of fishing, native title, as stipulated in the Native Title Act, is fishing for domestic, personal, communal and non-commercial needs. There is this practice of barter and trade which has, over time, been used as a defence for the process of selling. That's where some area of grey has been in this issue, and the Court of Criminal Appeal has just clarified that.

CORRECTED

The CHAIR: But the barter and trade has traditionally been between Aboriginal people and Aboriginal people, not Aboriginal people and outlaw motorcycle gangs or Aboriginal people and Chinese crime gangs. Barter and trade is between two cultural people or two cultural groups, not outlaw gangs.

SEAN SLOAN: What I'm explaining here is that, over a long period of time and through various court procedures, there has been consideration of that issue about what barter and trade actually means and whether or not an Aboriginal person with a native title claim can use that defence as satisfying their own personal needs, and the Court of Criminal Appeal just clarified that. It's certainly a very strong clarification in the monitoring of that activity.

The CHAIR: So, essentially, they can barter or trade with people outside their cultural group.

SEAN SLOAN: No. There were three key findings in the Court of Criminal Appeal. The first one, which I think you were referring to earlier this morning, was who bears the onus? A native title holder has to discharge an evidentiary burden. They have to be able to identify as a person connected with that community—that native title area. Once they've done that, the onus is now on the department to prove or disprove that they're a native title holder. That was one finding. The other finding was that there can be no selling of catch outside the community. That is clearly not possible under the Native Title Act. The other thing that's not possible is sharing the resource outside of the community. Those two practices cannot be undertaken by native title holders.

The CHAIR: Now that we've got, seemingly, some legal clarification in terms of a court precedent or a court ruling, when are we going to see a regulation that ties that all together and draws a line in the sand that your Fisheries compliance officers can actually stand by and use to curb what is the illegal take and sale, which is clearly happening, versus what is a legitimate cultural fishing or native title pursuit? When are we going to see that regulation being drafted to support section 21AA and the local management plans? It seems like that's the missing link in all of this: There needs to be a regulation that supports what is there in legislation and there in those management plans, which is the nitty-gritty of how we manage on the ground. When are we going to see that regulation drafted and utilised?

SEAN SLOAN: In fact, the situation is that you have the Native Title Act that stipulates what can happen, which is the catch for personal, domestic, communal and non-commercial need, and you have the fisheries Act, which says the same thing. There doesn't need to be a regulation to stipulate that you can't sell the catch. That court precedent has now clarified that issue. The regulation that you're referring to—the cultural fishing regulation—is something separate to dealing with native title. The Attorney General is responsible for dealing with native title claims, so that's not DPIRD. The Attorney General will be dealing with the South Coast native title claim, and the way that those claims are settled is usually through a determination and then an Indigenous land use agreement. That process will run its course and be led by the Attorney General, and there will be input from Fisheries to that. Separate to that, there will be a regulation for cultural fishing which would apply to all other Aboriginal people who are not part of native title claims, so this will be a statewide regulation that would apply to Aboriginal people and allow them to practise cultural fishing.

The CHAIR: Where are we up to with that part?

SEAN SLOAN: That one is, I think, well advanced. There's been a whole process of consultation through the Aboriginal Fishing Advisory Council. The Office of Parliamentary Counsel has done a lot of work to draft a regulation, and there is now, I think, a piece of work just being done to respond to concerns that were raised by the NTSCORP and the NSW Aboriginal Land Council about how that cultural fishing regulation intersects with native title and to make sure that that intersection doesn't cause any problems for native title holders. That piece of final work is being undertaken, so cultural fishing regulation is actually, to my understanding, not far away from going through and being out for consultation.

The CHAIR: That's half of my question sorted. We don't need the regulation to sort out the native title component; we just need proper enforcement. The court decision has given you a clear line as to what you can and can't enforce, so when are we going to see proper enforcement based on this legal clarity now of this clearly disturbing issue where we're losing potentially half of our TAC of a balone and impacting the marine health down in that area? When are we going to see that enforcement, and do you think you require more resources to get on top of this issue in the initial instance?

SEAN SLOAN: At the moment we have five cases that are on foot for offences that relate to a balone on the South Coast where native title defences are part of those cases. They've been on hold while that Court of Criminal Appeal case was being carried out. Now that that case is made or there's been a judgement on that matter, those other five cases will now have to be reviewed against the precedent that came out of that Court of Criminal Appeal. So there are those five matters. There are also joint operations that Fisheries do with police, and there's at least one matter that's being taken forward by police. We also have permits that we issue for cultural fishing,

CORRECTED

and since permits were available for this purpose there's been over 150 issued and probably half of those have been issued on the South Coast.

As the Minister was saying this morning, it's quite a complex matter. You have native title, and that's an Attorney General's matter, and there will be an Indigenous land use agreement that will, over the course of the future, be used to address that matter. There's our enforcement role, which is about the laws that exist in the Act, and our Fisheries officers will be enforcing those with the precedent that came out of the Court of Criminal Appeal. Then there's cultural fishing, which is the regulation that you were referring to, and then we have local management plans, which are really about a local community. They're not native title claims; they are where communities want to work with the Government on a particular area, which is about their cultural fishing interests. So we've got a number of things that we are using to support cultural fishing and native title. It is quite a complex space, so we're using all of those tools to manage the situation.

The CHAIR: In the 10 seconds I've got, I'm switching the issue to the blue groper. With the GIPAA documents that have been received, it became quite clear there were discussions within the department about the reasons why DPI only fined one of the offenders a certain amount. That was really the crux of why people were so upset—it was around why the fine was so low—on all sides of the argument, fishermen included. Why was that not communicated to the media or to the public as to the reasons why you only fined this person X amount, given that that was the very crux of the issue as to why people were upset? Why did the Minister not include that in her media statements, given that that was one of the big reasons why people were peeved off about it?

SEAN SLOAN: I think we did explain the fact that there was a \$500 on-the-spot fine and—

The CHAIR: But not the reason why it wasn't more. You quoted figures around \$11,000 and \$22,000 maximum fines, but then didn't explain the very technical reason why you weren't able to prosecute, take him to court or give a higher fine, and that was really the crux of why people were so vexed about this issue. If that was communicated better, you probably wouldn't have found yourself in such a situation. I am just wondering why the decision was taken not to communicate that technical reason as to why you couldn't find—

SEAN SLOAN: There were two matters. There was the spearfishing at Cronulla, which was a police intervention with an on-the-spot fine.

The CHAIR: Yes, which is what I'm referring to.

SEAN SLOAN: Fisheries officers then fined that individual another \$300 for a separate offence. And then there was a separate incident, which was in Jervis Bay and which, I think, involved three groper that were taken illegally. That person was prosecuted and the court made a determination to fine them. I don't have the exact figure.

The CHAIR: I'm just conscious of time. I might throw back to the Opposition and we might pick this up later.

The Hon. WES FANG: Dr Tyndall, could you provide to me the title of the job that you went into when joined the department? You indicated that was just after the election last year. Is that correct?

ADAM TYNDALL: No, that's not correct, Mr Fang. I joined the department—it would have been about seven years ago. I entered the public service in 2016 in the Premier's department. The Premier at the time was the Hon. Mike Baird.

The Hon. WES FANG: The role where you were working under Rebecca Fox that I believe you started in April last year—what role was that?

ADAM TYNDALL: That was the executive director of the office of the secretary.

The Hon. WES FANG: And before that you were—

ADAM TYNDALL: Sorry, Mr Fang. Just for clarification, I was acting in that role at the time.

The Hon. WES FANG: Prior to that, I think you said you were just on a holding panel. Is that right?

ADAM TYNDALL: No, *Hansard* might be able to make sure this is correct, but I think what I said was I was a director of planning at the Northern Rivers Reconstruction Corporation.

The Hon. WES FANG: So you were immediately taken out of the director of planning role and put into the executive director role.

ADAM TYNDALL: Yes, and, again, for probably your benefit and for the Committee's benefit, I had interviewed for an executive director role at the Northern Rivers Reconstruction Corporation. As is pretty routine in the public service, I was found to be suitable at that level but wasn't appointed at that level.

CORRECTED

The Hon. WES FANG: These things happen all the time in the public service; that's understood. Dr Tyndall, how did you find out about the executive director role under the secretary?

ADAM TYNDALL: I was approached by Ms Fox.

The Hon. WES FANG: Had you indicated to Ms Fox previously that you were interested in that role?

ADAM TYNDALL: I was approached by Ms Fox herself.

The Hon. WES FANG: Had you worked with Ms Fox previously?

ADAM TYNDALL: No, I hadn't, but I understand that I was recommended to her as a person who might be suitable for the role.

The Hon. WES FANG: Ms Fox had never worked with you before and didn't know you. All of a sudden, she's approached you to take on this executive director role. Is that usual?

ADAM TYNDALL: That's probably a question best addressed to Ms Fox, Mr Fang.

The Hon. WES FANG: I would ask her but, obviously, the Minister terminated her employment after she terminated other people's employment, which is interesting. But I will return to your position now. You've indicated that you were approached and that she had received a recommendation to approach you, having never worked with you before. Who provided her with that recommendation, do you know?

ADAM TYNDALL: I'm not sure, Mr Fang—obviously, a question best answered by Ms Fox.

The Hon. WES FANG: But it was just after the election—is that right?—and the change in Government.

ADAM TYNDALL: It was in April of 2023, Mr Fang.

The Hon. WES FANG: Just after election, so there was a new Minister in the department. Just shifting gears a little bit—

The Hon. GREG DONNELLY: You mean out of reverse?

The CHAIR: Order!

The Hon. WES FANG: Chair, seeing as we've had the interruptions, I'd ask you to call those members to order who continually interject.

The CHAIR: We know interjections are disorderly.

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.

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.

The Hon. WES FANG: I'm usually pretty good at recalling some of those things, but I understand if you're not. You had been appointed to this role. What was your understanding of what the role entailed? I'm sure, in the initial contact, you would have been provided guidance as to what the role involved.

ADAM TYNDALL: It was similar to the role that was in place at the time. I spoke directly with the former executive director of the office of the secretary about what the role required. I also spoke with Ms Fox about the role itself.

The Hon. WES FANG: There was somebody in the role at the time when you spoke to them. Why were they not continuing in the role?

ADAM TYNDALL: It's probably a question best addressed to them, Mr Fang.

CORRECTED

The Hon. WES FANG: Given that you were recommended for the role, what did Ms Fox indicate was in your experience or your education profile that deemed you as somebody that she should approach for the role?

ADAM TYNDALL: Forgive me, Mr Fang. I know I've given this response a number of times, but it's probably a question best addressed to Ms Fox in terms of her motivations.

The Hon. WES FANG: But she must have told you in the interview. I mean, she would have said that.

ADAM TYNDALL: No.

The Hon. WES FANG: Did she indicate to you how many other people were approached for the role and asked to apply?

ADAM TYNDALL: No, she did not.

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.

The Hon. WES FANG: No, I'm just curious as to whether she might have told you in the interview that you'd received the role.

ADAM TYNDALL: No, not during the interview, Mr Fang.

The Hon. WES FANG: Mr Orr, how many executive directors in the department do you believe have been directly appointed?

STEVE ORR: Over time?

The Hon. WES FANG: No, I'll make it easier for you. How many have been appointed in your time as secretary?

STEVE ORR: Into roles?

The Hon. WES FANG: Appointed—or promoted, I should say—directly into roles of executive director or above.

STEVE ORR: Sorry, I'm a little unclear, Mr Fang. How many people since I've been in this role—

The Hon. WES FANG: Since you've been the secretary, how many people have been promoted or appointed directly into roles of executive director or above?

STEVE ORR: We've been through a change in the department, which I think you're familiar with, Mr Fang.

The Hon. WES FANG: Yes.

STEVE ORR: That led to a structural change, and you're probably familiar with some of the people who are—

The Hon. WES FANG: Machinery-of-government changes, yes.

STEVE ORR: No, it wasn't a machinery-of-government change; it was a structural change within the department.

The Hon. WES FANG: Yes, which occurred as part of the machinery-of-government changes, yes.

STEVE ORR: Well, no, it wasn't a machinery-of-government change; it was a structural change within the department, and a number of roles were changed. There were new people who'd come in, some of which are sitting around me. Ms Lorimer-Ward has come in as Chief Executive Officer of Local Land Services. Ms Connell has come in.

The Hon. WES FANG: I appreciate all that. Was it a direct appointment for these members and other people, or were they required to reapply for their positions?

STEVE ORR: There are a few bits to this, Mr Fang, so it might take a bit of time for me to explain it, if you're willing to indulge me.

The Hon. WES FANG: I'd like the really short "explain it like I'm five years old" experience. Let's pretend that I am; that's fine. I know they're going to make their joke across the aisle.

CORRECTED

The Hon. STEPHEN LAWRENCE: I thought you were changing gears.

The Hon. WES FANG: But seriously—

Ms SUE HIGGINSON: We want a fast gear.

The Hon. WES FANG: No, crack all the jokes you want. But this is actually quite serious, so just stop.

The CHAIR: Order!

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.

The second part to that is where the role was substantially new. Either the role itself was new—for instance, the role Ms Connell is in and the role Mr Sloan is in. They were new roles. We went to market for those new roles and we tested the market, so it really just depended on what actually was occurring with the role in terms of the process, which was then used to appoint people into them.

The Hon. WES FANG: Can I then summarise that answer to say that if the role was similar, you could shift somebody across, but if the role changed substantially, or there was a promotion involved, you would go to market?

STEVE ORR: The view which I took was that where there was substantial change to the role—i.e. it had become a new role—I went to market. The reason it would become a new role is that there was significant additional functionality, or it was a brand-new role so the role didn't previously exist, such as the roles which Ms Connell and Mr Sloan are in.

The Hon. WES FANG: Dr Tyndall has indicated that he was working for recovery—sorry, reconstruction—and that he was then moved into the department under Ms Fox. He had interviewed for an ED role but was in a director role at the time, and was then promoted into an ED role in your department. It was a direct appointment from the Minister—somebody who she knew through Labor connections previously—and that was something that we already had. I know it wasn't under you, Mr Orr, but would that happen under you today?

STEVE ORR: No, and it didn't happen previously. Dr Tyndall has outlined the process, and the process he has outlined is entirely consistent with the legislation so there's nothing unusual about it.

The Hon. WES FANG: Who was required to sign off that appointment?

STEVE ORR: It's entirely consistent with the legislation. I didn't sign off on it but it would've been Ms Fox. Ms Fox, or the secretary, is responsible for all senior exec recruitment within the department.

The Hon. WES FANG: Who recommended Dr Tyndall to Ms Fox?

STEVE ORR: It was well before my time.

The Hon. WES FANG: Was it the Minister?

STEVE ORR: As Dr Tyndall has suggested to you, that's something you'd need to ask Ms Fox.

ADAM TYNDALL: With the Chair's grace, could I clarify one issue?

The CHAIR: By all means, yes.

ADAM TYNDALL: In terms of my acting arrangement, I was appointed in an acting position from a talent pool. For my substantive role, I went through a merit assessment process that was advertised externally.

The Hon. SAM FARRAWAY: Just a quick follow-on. Mr Orr, did any of your team sitting here today have to reapply for their roles due to the changes within the department?

STEVE ORR: I think I've, in some ways, answered the question. The people who are sitting here—Ms Lorimer-Ward—

CORRECTED

The Hon. SAM FARRAWAY: So there's movement; I get that.

STEVE ORR: I'll just run through it for you. I left LLS. The role became vacant. We went to the market for the role. Ms Lorimer-Ward was successful in securing the role. Ms Connell—new role; went to market. Ms Connell was successful in securing the role. Mr Sloan—went to market. Mr Sloan was successful in securing the role. Those two roles were new roles. The LLS role was vacant. We went to market to fill the role.

The Hon. SAM FARRAWAY: For that example, if you don't mind, Ms Lorimer-Ward, because Mr Orr used you as an example here, you obviously applied for the job as CEO of LLS.

KATE LORIMER-WARD: Correct.

The Hon. SAM FARRAWAY: Mr Orr, you have had a process to fill Ms Lorimer-Ward's previous role, or has that role been—

STEVE ORR: That's a matter for Ms Connell. I think there's someone acting in that role at the moment, but Ms Connell could speak to that.

The Hon. SAM FARRAWAY: But my point is that no-one was forced within the department to have to reapply for their job. If they reapplied, it was because they were looking to change jobs or you had the ability to move ED and above within similar roles to fit the business structure or to fit the organisational department structure of what you wanted as a secretary. Is that a fair assumption?

STEVE ORR: Broadly, that would be a fair comment.

The Hon. WES FANG: Dr Tyndall, how long after you were appointed did you help set up Ms Moriarty's office?

ADAM TYNDALL: I was never involved in setting up Ms Moriarty's office, Mr Fang.

The Hon. WES FANG: You never helped set up the office.

ADAM TYNDALL: No.

The Hon. WES FANG: Did you ever work in relation to the Minister's office as a liaison?

ADAM TYNDALL: No.

The Hon. SAM FARRAWAY: Mr Orr, back to LLS staff, why can't they take a work vehicle home overnight if they're departing early of a morning or arriving back to their home base late of an evening?

STEVE ORR: Mr Farraway, I've been out of LLS now for four months so it might be more appropriate if I ask Ms Lorimer-Ward, if it's okay.

The Hon. SAM FARRAWAY: I'm happy for that but, in fairness, this has been going on for longer than four months.

STEVE ORR: That's okay, but Ms Lorimer-Ward is the CEO now and it's appropriate that she responds.

The Hon. SAM FARRAWAY: You are the secretary, but Ms Lorimer-Ward?

KATE LORIMER-WARD: I understand that, according to the policy, people can get approval if it's part of their trip planning to be able to take a vehicle home, if it makes sense in terms of their time efficiency or from a work health and safety measure, but not permanently garage a vehicle at home. The main reason for that decision around not endorsing any sort of permanent arrangement is that there are industrial relations issues that we need to get on top of, particularly around fringe benefits tax and whether that is something that would be incurred or payable if that vehicle was permanently garaged at home.

The Hon. SAM FARRAWAY: If an LLS vet or an LLS field officer was on three consecutive days of field work in different locations, they could take that vehicle home for those three overnights to ensure they had it to depart early of a morning and arrive back late at night, but once those field trips concluded they return the car to the depot?

KATE LORIMER-WARD: Provided their manager or a senior executive approves some sort of trip planning.

The Hon. SAM FARRAWAY: So for every trip that in LLS field officer or vet needs to do, they have to get a trip plan approved?

KATE LORIMER-WARD: Until we resolve the industrial relations issues, we would be putting staff in a very difficult position if they ended up with some sort of permanent or ongoing arrangement.

CORRECTED

The Hon. SAM FARRAWAY: Does the right to disconnect laws that are being introduced by the Federal Government apply to LLS staff, in particular LLS vets?

KATE LORIMER-WARD: My understanding is no. However, staff do have, and are aware of, the opportunity that they don't have to take a call at night if they choose not to.

The Hon. SAM FARRAWAY: So that's an existing policy framework or with their State award?

KATE LORIMER-WARD: Or an existing practice.

The Hon. SAM FARRAWAY: Has LLS seen a significant reduction to their travel budget in the last 12 months, and is that limiting the work, in particular some of the statutory work, that they need to do?

KATE LORIMER-WARD: I can't comment on the past but what I can comment on is the budget they have this year. My understanding is that the budget that's been allocated to travel this year is sufficient to meet everyone's obligations in a safe manner.

The Hon. SAM FARRAWAY: Firstly, to you Ms Lorimer-Ward, do you have enough travel budget to meet all your statutory obligations for field visits?

KATE LORIMER-WARD: The initial advice I have is that we do.

The Hon. SAM FARRAWAY: Do you have enough travel budget to oversee any contingency if there was an outbreak where it required an LLS response, or would that require an additional request to the secretary?

KATE LORIMER-WARD: I'm not sure in terms of what buffer there is but, in terms of planned business—of which we do have planned emergency provision within that—there is a provision there that can accommodate a certain level of emergency response. Over and above that, that is something that we would have to look at.

STEVE ORR: Mr Faraway, if we were to get into that circumstance, the rules change because the emergency response arrangements kick in. There are different funding arrangements in relation to that if we were dealing with an outbreak of whatever disease. That then changes the game in terms of how travel is dealt with.

The Hon. SAM FARRAWAY: They're genuine questions here because I actually have a great deal of respect for all your agencies and the work you do. My question is, Mr Orr, whether it's Fisheries, Forestry or LLS, what buffer or contingencies do they have in their travel budgets to allow for BAU? But BAU can move, because if you have some weed outbreak and LLS need to get on top of it, it might require more fieldwork and sending more people out. It's not an outbreak that triggers other provisions with the State or Commonwealth governments, but it's a higher level of BAU. Do your department heads now have a contingency in their travel budget to allow for that?

STEVE ORR: Ms Lorimer-Ward may want to comment, but everyone's been allocated their travel budget. I think it's prudent management to ensure you've got a bit of buffer in terms of how you deal with that.

The Hon. SAM FARRAWAY: Do they have a buffer?

STEVE ORR: I can't comment on each one of them individually. Perhaps I could come back to you in relation to that, Mr Faraway. The budget that we have for travel is the same as we had for travel last year. Last year the budget was \$19.5 million. This year it's slightly less—it's \$19.3 million—but we only spent \$15 million last year.

The Hon. SAM FARRAWAY: I've run out of time. We'll come back to that.

The CHAIR: That takes us to 3.30 p.m., which means we'll have a 15-minute break. We'll come back at 3.45 p.m.

(Short adjournment.)

The Hon. EMMA HURST: I'll start with some questions. Dr Filmer, we were talking before about the latest statistics on animal use in research. The latest statistics that are available online are from 2022. When do we expect to see the 2023 animal use statistics published?

KIM FILMER: As I explained earlier, the statistics for 2023 are submitted by the end of March 2024, so they've been submitted now. They'll go through a process of looking at the data, making sure it's accurate. Once that's been done, they'll be formatted into a report, which will go to the Animal Research Review Panel—or ARRP—to be approved. Then, once they're happy with them, they'll be submitted to the Minister. Then, once we get that process, we will publish them.

CORRECTED

The Hon. EMMA HURST: I know you mentioned that there was a new person trained up to help speed that process along. Do you have any timeline in mind? Are we looking in the next six months, hopefully, or even sooner?

KIM FILMER: ARRPs only meet every nine weeks—I think that's the right number—so you've got to catch an ARRPs meeting for a start. That can make over two months difference. We'd be aiming to get—the data is in, you've got to check to make sure it's all there and then look at it. That takes months. As I said, we are training up an extra person that can be helping in that, so hopefully that will speed that part of the process up. Then again, you've got to catch the ARRPs meeting and then get it through the Minister's office, and then publish it and format it. That's the other thing: we've changed the formatting—you might have noticed—in the last couple of years, to make it easier to read. We're always aiming to try to do that by the end of the year, but I certainly can't commit to that. It just depends what else is going on and the priorities and whatever and, again, whether it just catches or just misses an ARRPs meeting can make nine weeks difference.

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 ARRPs panel looks into?

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

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.

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.

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.

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.

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 ARRPs 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.

The Hon. EMMA HURST: Has the Centenary Institute sent any correspondence to ARRPs 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.

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?

CORRECTED

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. 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.

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.

The Hon. EMMA HURST: I might hand these documents up to you as well so you've got copies of what I'm talking about.

ROB KELLY: Yes, that's fine.

The Hon. EMMA HURST: The LLS branch went on to trap and shoot dozens of pigs just outside of her property in very close proximity to the domestic pigs that she houses. Is that standard, for LLS to shoot pigs right outside a person's property very close to other domestic animals?

ROB KELLY: The process for obtaining consent for an aerial shoot program—I'm assuming this is—

The Hon. EMMA HURST: I don't believe it was aerial shooting. That's not my understanding.

ROB KELLY: What was that, sorry?

The Hon. EMMA HURST: I don't know if it was aerial shooting or not.

ROB KELLY: We wouldn't be involved in ground shooting, as the LLS. If LLS is involved in the destruction of pest animals, whether that be through aerial shooting or through coordinated ground control, any of those landholders participating in an LLS-run program have to provide written approval or authorisation to not only undertake the works but also, on the forms, it requires the landholder to tick which pest species they will allow us to control on their property. If a landholder does not consent to those activities being undertaken, we do not undertake the works.

The Hon. EMMA HURST: Thank you. I'll come back to that.

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?

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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—

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.

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.

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.

Ms CATE FAEHRMANN: Is there a reason why—as I understand it, this is what the Auditor-General also pointed out—really the only statutory program for protecting threatened species in the State is the Saving our Species program? That doesn't include the species that aren't a part of the Biodiversity Conservation Act—so species like sharks and rays. Is there a reason why Fisheries doesn't have its own targeted, dedicated Saving our Species program for marine threatened species?

SEAN SLOAN: We do.

Ms CATE FAEHRMANN: What's that called?

SEAN SLOAN: We have a whole unit that is a threatened species unit within the Fisheries division of the department. They work on everything, from those species that I've mentioned—species like grey nurse sharks, trout cod, and we have a whole range of small bodied native-freshwater species, seahorses—

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.

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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.

Ms CATE FAEHRMANN: When I look at the website of the DPI for the grey nurse shark Priorities Action Statement, the webpage that has that Priorities Action Statement actually states at the bottom that the Priorities Action Statement actions for grey nurse sharks are taken from the approved Commonwealth recovery plan for this species and that the department will be responsible for implementing only those actions of relevance to New South Wales. That is confusing to me because under the Fisheries Management Act there is the responsibility to have in place a Priorities Action Statement. The grey nurse shark is critically endangered, yet at a State level it seems that we don't have a Priorities Action Statement in place. We're relying on a Commonwealth one. Indeed, it is very unclear, when looking at this, exactly what actions the New South Wales Government has to enforce to protect the grey nurse shark. What's going on with threatened species management within the department? Honestly, it doesn't seem to be prioritised.

SEAN SLOAN: No, that's not true. As I mentioned, we've got a team of people that work on threatened species and, with respect to the grey nurse shark, there are 11 areas that are designated as critical habitats—

Ms CATE FAEHRMANN: Which has been the case for about two decades now.

SEAN SLOAN: Yes.

Ms CATE FAEHRMANN: In fact, at least. That is when I kind of first became aware of this issue and was active on it at the Nature Conservation Council. For at least 20 years we've known about critical habitat areas and the department has known about that as well. Right now it doesn't seem as though there is an in force, up-to-date Priorities Action Statement—a plan—to protect the critically endangered grey nurse shark, which we know former politicians like Bob Carr have called the labrador of the ocean. Why is that the case?

SEAN SLOAN: I'm happy to look into that, Ms Faehrmann, and look at the issue of what our plans are.

Ms CATE FAEHRMANN: Surely it's one of the most iconic species. It is like if you came here from the environment department and didn't know how to answer questions about the koala recovery plan, the Koala Strategy. I mean, surely this is not rocket science for your department.

SEAN SLOAN: What I'm explaining is that there is a plan in place. I mean, there are a whole range of areas which are designated as critical habitat for grey nurse sharks. There are 11 of them. I can read them out if you'd like me to. That is a key part of the plan—

Ms CATE FAEHRMANN: I know what the critical habitat areas are. I'm very well aware of those. Just one last question—

SEAN SLOAN: So we are dealing with grey nurse sharks.

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.

The Hon. SAM FARRAWAY: Mr Orr, I just wanted to touch on where we left off in the last session. We've discussed some of the restructure, people in different positions and how they came into those positions.

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Has the restructure of the Department of Primary Industries and Regional Development, which was once DPI and Regional NSW, concluded?

STEVE ORR: What's happened, Mr Farraway, is that the top level—that is, those people reporting to me—is complete. As I alluded to before, Mr Sloan, Ms Connell and other people have recently arrived. They will need to think about their structures in terms of what sits beneath them. That will be a matter for them, which they'll be considering over the coming months.

The Hon. SAM FARRAWAY: Holistically, as the secretary for DPIRD now, how many more jobs need to go for you to meet your efficiencies and targets for Treasury?

STEVE ORR: What efficiencies and targets?

The Hon. SAM FARRAWAY: Don't you need to reduce your overall staffing structure? We've prosecuted this through previous estimates with the former secretary, that there are executive director positions across the board that have either gone or need to go in time. So you're saying that you have your top-level structure now set in place?

STEVE ORR: Yes.

The Hon. SAM FARRAWAY: A question, possibly, to Ms Lorimer-Ward, Ms Connell or Mr Sloan is how long are your individual restructures going to take in your departments or your areas before they are concluded?

STEVE ORR: I think what you're alluding to is SEB numbers, senior executive numbers, within the department.

The Hon. SAM FARRAWAY: Yes.

STEVE ORR: We have a target which we need to hit. That is well known in terms of government policy. We have 165 senior executives within the department at the moment. That's what our number is. Our target is 157, so we've got to reduce in terms of a further eight roles, and we've got a couple of years to do that. There's no busting urgency to get it all done. As you'd expect—

The Hon. SAM FARRAWAY: Are executive directors in that band that you're talking about?

STEVE ORR: When I say "senior executive band", there are four bands in the senior executive. One is the secretary, which is a band 4. Then there's band 3, which are deputy secretaries, a number of which are here. Ms Lorimer-Ward is also a band 3. Then there's band 2, which are executive directors, and then there's band 1, which are directors. In total, we currently have 165 of those bands when all put together.

The Hon. SAM FARRAWAY: So you've got eight more positions to be disposed of, essentially, or moulded into your overall mix to meet your target.

STEVE ORR: Correct, and there's a time period for that—there's a couple of years—which we'll work towards, Mr Farraway.

The Hon. SAM FARRAWAY: That's fine. Dr Filmer might be the right one to ask about this, or maybe not. It's about lumpy skin, MRNA and foot-and-mouth. I wanted to confirm that, in the event of a foot-and-mouth or FMD outbreak, we have a "vaccinate to kill" policy. Is that still correct?

KIM FILMER: I'm probably not the right person to answer your question.

The Hon. SAM FARRAWAY: Sorry, I'm coming to you on a different question. I got confused, sorry.

RACHEL CONNELL: It's probably more appropriately addressed to Dr Szabo.

STEVE ORR: Is your question broadly about a response?

The Hon. SAM FARRAWAY: It is about our current policy around an FMD outbreak.

STEVE ORR: Which is a national framework.

The Hon. SAM FARRAWAY: Correct, but if the outbreak were to occur in New South Wales, do we take the lead on behalf of the Commonwealth, or is that separate?

STEVE ORR: I will let Dr Szabo explain the arrangements but it's coordinated at a national level.

LISA SZABO: Yes. When we have a disease outbreak, if it were to occur, for example in New South Wales, then if it's an animal disease the Department of Primary Industries and Regional Development would take the lead on that response. That means we would start the process of developing a response plan. That plan would

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be taken to a Consultative Committee for Emergency Animal Diseases, which is a collective of individuals from all the jurisdictions around Australia as well as industry, in particular the affected industry of whatever the response was, for consideration and agreement in terms of going forward.

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.

The Hon. SAM FARRAWAY: I have a heap of questions. We will see if we can get through them, but if you need to take some on notice, more than happy for that. Is it fair to say, though, once that we have the mRNA vaccine for FMD we will no longer need to kill vaccinated animals as the dye method currently used in live vaccines won't be needed?

LISA SZABO: I understand that that the key feature in using mRNA vaccines is that you do have the ability to distinguish an animal that has been vaccinated from an animal that has had the disease.

The Hon. SAM FARRAWAY: Do you have an update on the results of the mRNA vaccine trials for border disease at the EMAI?

LISA SZABO: I do. From July last year through to May this year the mRNA vaccines have been shown to stimulate protective and long-lasting immune response in sheep for the border disease as a model. In August, just this month, the mRNA vaccine against lumpy skin disease virus was also shown to give a very strong antibody response in some animal models. Similarly, the mRNA vaccines against foot-and-mouth disease virus were shown to give a strong antibody response in animal models.

The Hon. SAM FARRAWAY: As I understand it—and excuse my ignorance of some of this—we needed to develop the border disease mRNA vaccine to get the template to develop the FMD and lumpy skin mRNA vaccines. Is that correct?

LISA SZABO: Yes, it's correct. It was used as a model to see if the mRNA vaccine technology would work with these sorts of viruses.

The Hon. SAM FARRAWAY: How far off are we from developing a successful mRNA vaccine for foot-and-mouth and lumpy skin disease? And the reason I ask is the bit of work that was done by a former ag Minister and former Government, around August 2023. August 2023, under the former Government, was the target, wasn't it, to have a vaccine developed here. I don't think we're anywhere near that, are we?

LISA SZABO: No. My understanding is that by the end of this calendar year, in December 2024, we are hoping to have that proof of concept achieved for mRNA vaccines against foot-and-mouth disease as well as lumpy skin disease, bearing in mind that we won't be doing that testing in animals in this country. That will be done by one of the overseas partners in this project.

The Hon. SAM FARRAWAY: So, just explain that part.

RACHEL CONNELL: Can I add there, Mr Faraway, that in terms of success, there are also the requirements that the regulatory authorities in relation to the use of these kinds of vaccines impose. It would be subject to the Therapeutic Goods Administration and APVMA approving the use of the product.

The Hon. SAM FARRAWAY: To your point about this calendar year, it's only at that point that we—and excuse my ignorance—are at a point where we can then go ahead to test the vaccine, or then to actually produce the vaccine—test in animals but offshore?

LISA SZABO: It's to be able to test that it is effective in animals that have been deliberately infected with the virus.

The Hon. SAM FARRAWAY: Yes, which we obviously have to do offshore.

LISA SZABO: Offshore, yes. Not that it is commercially available.

The Hon. SAM FARRAWAY: Are we still in a contractual agreement with, is it Tiba Biotech, to deliver the vaccines for FMD and lumpy skin?

LISA SZABO: Yes. The collaborators in the development of these vaccines are the Canadian Food Inspection Agency, the University of NSW RNA Institute, the Friedrich-Loeffler-Institut in Germany, and as you said, the Tiba Biotech company in the US.

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The Hon. SAM FARRAWAY: Have we partnered with anyone else in the development or it's still the same partners that we originally agreed to have a contractual agreement with?

LISA SZABO: To my knowledge, those are the partners in the agreement.

The Hon. SAM FARRAWAY: Once we have the mRNA vaccines for FMD and lumpy skin, are we still planning on manufacturing those vaccines here in New South Wales?

LISA SZABO: I do acknowledge that the New South Wales Government did provide a significant investment of \$96 million into the NSW RNA pilot facility, which is now being built at Macquarie University. It would be anticipated if that were available that potentially those vaccines could be produced here.

The Hon. SAM FARRAWAY: The plan is still to manufacture those vaccines here in New South Wales? That is still the overall plan—a part of it?

LISA SZABO: Yes. We ventured down this particular path of mRNA vaccine technology, so that as a sovereign nation we would have the ability to have these vaccines available, rather than be dependent on bringing them in from other countries.

The Hon. SAM FARRAWAY: I have a question around resources. Does the department have all the resources needed, including the financial allocation, to deliver the mRNA vaccine for FMD and lumpy skin?

LISA SZABO: Yes. There is \$11.3 million from the New South Wales Government, \$8.5 million from Meat and Livestock Australia and half a million dollars from the Queensland Department of Primary Industries who have invested in this project and this technology development.

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.

The Hon. SAM FARRAWAY: I suppose from some of the evidence and answers I have heard here today, am I right in saying that once we have the foot-and-mouth and lumpy skin mRNA vaccines, do you believe we would then have the capability to develop a new mRNA vaccine to combat any new animal based diseases once we have the initial mRNA vaccine tested and working? What is the scope internally, if it all works, for the next phase, or is there one?

LISA SZABO: I think at present the focus has been on border disease as a model and then on lumpy skin disease and then on foot-and-mouth disease, because of the threats that exist in those areas just north of Australia and the prospect of it coming into these shores and then consequently the impact that it would have on industries if it arrived. But having that base technology there, that experience in developing those vaccines presents opportunity to explore further if needed.

The Hon. SAM FARRAWAY: Thank you very much. That is very helpful. Dr Filmer, I've got an Animal Welfare League question. I don't know if you can help me with this one, but I would like to know a little bit more about animal care facilities that could possibly be funded by the New South Wales Government through DPI. I read in the Animal Welfare League July newsletter that an animal welfare facility is being established in

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Orange. Do you know anything about that, and what it does, and some of the funding that might be associated with it?

KIM FILMER: The Animal Welfare League has branches and groups in various towns. I think what that would be referring to is a focused group that are members of the Animal Welfare League that are based in Orange.

The Hon. SAM FARRAWAY: They have promoted that this is being funded by the New South Wales Government, to my understanding, and that this was a trial of a new animal care facility in partnership with some funding from the Government. Do we know anything more on AWL funding and any trials? It was raised with me in this newsletter because people in the AWL in and around the Central West actually don't know much about it.

KIM FILMER: I think what is probably being referred to—and I don't know for sure. The use of the word "trial", I don't think fits in this space, but it's probably referring to the mobile animal care grant—the MACS grant, it was called—that was delivered by the Government probably 12—

The Hon. SAM FARRAWAY: What was that? The mobile—

KIM FILMER: The Mobile Animal Care Services grant. The Animal Welfare League received over \$1 million for that, and some of that was to run the animal care truck—or vet truck, as it used to be called—into remote areas to provide services such as vaccination, desexing et cetera for people that weren't able to afford vet services otherwise, or going to areas where there was a shortage of veterinary services, so towns that might not have had a vet service available. I think what you are probably referring to is the MACS grant, as it was called.

The Hon. SAM FARRAWAY: But other than that, to your knowledge, there are no other incentives, programs or trials going on with the Animal Welfare League?

KIM FILMER: No.

The Hon. SAM FARRAWAY: Who do I ask about pounds?

KIM FILMER: That might be me.

The Hon. SAM FARRAWAY: I'm not an expert on this, and I do acknowledge that there is an inquiry going. From DPI's view and position, how often are you talking to the Office of Local Government around how fit for purpose older and existing pounds are, and also a building design and template for the future build and replacement of pounds in local government areas?

KIM FILMER: There are a couple of things going on in that space. We talk to the Office of Local Government fairly frequently. As you know, they also have responsibility, under their Minister, for POCTAA. In terms of pounds specifically, there was a pounds inquiry held earlier this year, I think it was.

The Hon. SAM FARRAWAY: It's still ongoing, I think.

KIM FILMER: Yes, and the report for that is not out yet. I think, in terms of answering that question, at the moment the conversation—well, I guess we're waiting for that report to come out.

The Hon. SAM FARRAWAY: I suppose the question for you, Dr Filmer, is this: Is the Office of Local Government coming to DPI seeking any additional advice or consultation around how to build fit-for-purpose future pounds on different scales for local councils across regional New South Wales?

KIM FILMER: I'm not aware of any of that consultation with my team.

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.

CORRECTED

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

STEVE ORR: Sure.

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.

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.

The CHAIR: I might return to my questioning of you, Mr Sloan. The secretariat is just about to hand out the document I was referring to. For those playing at home, it is an email from Jamie Jones requesting information on behalf of the Minister's office regarding dot points in terms of compliance, prosecution and fines regarding the spearfishing incidents in Sydney and Jervis Bay, as they were trying to pitch a story to the media. If I go to the response from Dr Andrew Moriarty, he outlines the instances between Cronulla and Jervis Bay. I take you to dot points two and three, where it states:

Police chose to issue an on the spot fine of \$500 for taking blue groper by any method other than by line. Fine amounts are set out in Schedule 8 of the Fisheries Management (General) Regulation, which cannot be varied unless by a change to the legislation.

The third dot point states:

When Police chose to issue the on the spot fine, Fisheries Compliance can then not instigate a prosecution or any other compliance action for this breach, unless the person of interest elects to have the fine heard in court, which they did not do.

In all the other documents where there are details going back and forth around media releases, holding statements and information going out to the public on this issue, the explanation as to why you couldn't instigate a higher fine or take the person to court was totally omitted from any information going out to the public or to the media.

My question is why was such a crucial piece of information omitted from any statements to the media or statements to the public, given that that was largely what kicked off a lot of the angst? The question in everyone's mind was "Why wasn't this person fined more?" You threw it out there that you could fine them upwards of \$22,000 and prosecute, but you never explained why that didn't happen. I'm really curious to get an explanation, given that you had this explanation here, which clearly sets out why you couldn't do that. Why was that not included in any communication with the media or with the public? I would surmise that if you had done that, it might have cooled down the situation in the public quite a fair bit.

SEAN SLOAN: Obviously, we provided this information for use in the media that was occurring at the time. It was a while ago—

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.

CORRECTED

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.

The CHAIR: Can I, with your permission, invite Mr Turnell up? I want to talk about ICOLLs for a minute. I know he answered some questions about ICOLLs at the last session. For Hansard, ICOLLs means intermittently closed and open lakes and lagoons. How many of them do we have in New South Wales, Mr Turnell or Mr Sloan?

PETER TURNELL: I believe there are about 135 estuaries in New South Wales, about 70 of which are ICOLLs. Most of them exist south of Sydney.

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 Mr 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.

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.

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.

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

CORRECTED

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.

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. What I can say, Chair, is that that report does show that there are some signs of recovery of Mulloway. Thankfully, on the back of those two years of significant flooding, that has helped some activity of spawning with Mulloway and there have been some signs of recruitment into the fishery.

The CHAIR: Has the Mulloway harvest strategy actually been finalised, or do you have a date for finalisation?

SEAN SLOAN: The working group has finalised a draft harvest strategy, and the process we go through is to go through the advisory councils for commercial, recreational and Aboriginal fishing. Essentially, once we have all their input, we usually then go out for public consultation. So we're at the stage where that draft is going through the advisory councils, and it will soon come out for public consultation. It's a complicated species in fisheries, with its biology, so it has taken the working group some time, but it's not far away.

The Hon. EMMA HURST: Dr Filmer, I've got some more questions for you. I know we've talked a lot before about the standards for exhibiting animals in New South Wales and the fact that those standards are very out of date. For example, the dolphin standards were published in 1994. Has the DPI been doing any work on updating those standards? Has there been any progress at this point?

KIM FILMER: On dolphins specifically?

The Hon. EMMA HURST: On exhibited animals in New South Wales generally.

KIM FILMER: Not in the last 12 months since the last budget estimates, no.

The Hon. EMMA HURST: It's my understanding that the Coffs Coast Wildlife Sanctuary, formerly known as Dolphin Marine Magic, has exemptions to its licence which allow it to keep dolphins and seals in pools that are much smaller even than the 1994 dolphin standards allow. Is that correct?

KIM FILMER: No, that's not correct.

The Hon. EMMA HURST: What's your understanding of the situation there?

KIM FILMER: My understanding is that the pools—there are three dolphins up there at the moment. The pools that they're being kept in are big enough to house, according to the standards, up to six dolphins. So they more than meet the standards. The size of that pool is 1689.55 cubic metres. As I said, that exceeds the minimum size for three, because it's actually big enough to hold six.

The Hon. EMMA HURST: Is it possible for the DPI to actually issue an exemption if a facility doesn't meet certain aspects of the standards or if it is a small difference, or is that outside the scope of the DPI—or the powers, I should say?

KIM FILMER: There would be some discretion in terms of the degree to which something was outside a standard, but the standards are there for a reason. The standards are there to ensure the welfare of the animals meet a minimum standard.

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.

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.

CORRECTED

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

KIM FILMER: I can.

The Hon. EMMA HURST: Would that be considered illegal, to your knowledge? Is that something that would be investigated if that was to come to the attention of the DPI?

KIM FILMER: Are you talking about horses generally or thoroughbreds?

The Hon. EMMA HURST: I'm talking about any of these animals potentially being shot—unwanted bobby calves or horses being shot and taken to the zoo for food. Would that be something that you would hand over to, say, the Food Authority or somebody like that? Would there be concerns with that if a complaint came through?

KIM FILMER: It depends what the complaint was. If the complaint was around an illegal knackery, for example, then that would certainly that should be licensed and so would come into the compliance section. If it's somebody who has access to, say, bobby calves and they're humanely euthanising them and then using them to feed to zoo animals, that's not breaking the law. It's not illegal to euthanise an animal provided you do it humanely. It depends on the circumstance, I think, and what the type of animal it is and what the source of it is and then, provided it's killed humanely, from a welfare point of view that's obviously the objective.

The Hon. EMMA HURST: The number of primates that have been used in research in those 2020-22 statistics is quite high—188, I believe—and this has been an upward trend, it seems, in the past three years or so from the date of those statistics. Do you have any information as to why such a high number of primates are still being used in experimentation and why that number has gone up?

KIM FILMER: I think there's a little bit of confusion around the use of the word "used". When the research statistics are reported at the moment—apart from dogs and cats, which is now reported more fully—the numbers that are reported are the usage. A single animal may be used once, twice, three times in a year and it gets counted every time it gets used. The usage of animals in research overinflates the numbers of animals that are used in research, and that applies across the statistics, except for the dog and cat section, which now has reporting on the usage as well as the numbers kept. That does cause a little bit of confusion. In fact, it confused me when I first started looking at these numbers a few years ago. In terms of the baboon colony, the baboons used, I specifically had interest in that myself and went to the baboon area and had a look at them to get an idea of the numbers. The numbers weren't fluctuating like the statistics indicated because it's a usage, not the actual numbers kept.

The Hon. EMMA HURST: It's the number of experiments that are occurring that has increased, not the number of animals that have been used?

KIM FILMER: Yes. An animal might be used for something really minor one week, and two months later might get used for something else very minor, and then again two months later, something else. It can be used more than one, and obviously the more usage you get, particularly in those minor things, the better because that means you've got less animals being required to be in that situation in the first place.

The Hon. EMMA HURST: But the number of experiments has still gone up. Have we got any information as to why the number of experiments themselves have gone up then, if it's not the actual usage of animals?

KIM FILMER: The statistics I've got here around baboons, specifically, are that only five of them were actually used in research projects and the rest of them were used in breeding and stock maintenance categories. So you understand from the statistics, they're reported against different types of categories. It's not the specific experiment. One of the categories is called breeding and stock maintenance.

The Hon. EMMA HURST: That 188 could be an animal that is bred and then just maintained at the Wallacia facility and never used for research at all?

KIM FILMER: That's right. Exactly. I'm not sure which line you're getting your stats out of, but the other thing that happened in the 2022 statistics was that 40 other primates, which was the description, were actually chimpanzees and gorillas used in research, but what actually happened was that blood and faecal samples were opportunistically collected while they were having other veterinary treatment. They may well have been zoo animals that just happened to have some blood tests taken while they were having some other procedures done as an opportunistic thing. The number of 40 has been quoted there, so I think that accounts for what looks like an increase in the numbers of things happening because there was that plus the baseline number of baboons that are kept at Wallacia.

CORRECTED

The Hon. EMMA HURST: What are you able to tell me about the five experiments that you are aware of? Are you able to tell me any details around those?

KIM FILMER: No. As you know, the animal ethics committees oversee the experiments that are being done, so that information isn't reported back to the department. You can imagine with the vast array of different types of experiments that are undertaken by all different organisations, it's impossible to try to collate that data, so it comes back to us in the form of a descriptor around that type of use as opposed to the actual specifics of the experiments. No, we can't provide you with that data.

The Hon. EMMA HURST: The New South Wales Government recently established a Non-Animal Technologies Network, which is a new expert body that will develop and promote alternatives to using animals in experimentation. I know that has come from a different portfolio. It has come from the medical research portfolio. I am just wondering if the DPI or ARRP will have any involvement in that group, or have you been included in any kind of consultations around how that's going to work?

KIM FILMER: Certainly I was involved initially because that grant for that project, as you know, started off as a \$7 million grant. Early on I had discussions with the department of health around how that grant should be administered. As you know, it was split into two, so \$4.5 million was left with the department of health to administer, which is the part that you're referring to. The other \$2.5 million came across to DPI to be used to help increase the numbers of animals that are rehomed. That grant is still open; it hasn't been awarded yet. In terms of the \$4.5 million that the department of health is administering, I've had some overview of what they're planning to do and conversations about it early on, but as it's progressed, they've done their part, we're doing our part, is probably where it has landed.

The Hon. WES FANG: Mr Orr, in relation to the People Matter Employment Survey that is conducted through LLS, in particular, both from the time that you were in charge there but also now I guess as secretary and Ms Lorimer-Ward is in charge, have those results been steady? Have they increased and improved, or have they decreased and shown a decline in the morale of staff?

STEVE ORR: Are you talking about across the department, Mr Fang, or are you talking about specifically to Local Land Services?

The Hon. WES FANG: Local Land Services.

STEVE ORR: Ms Lorimer-Ward may wish to comment. The People Matter Employment Survey is a survey which goes right across the public service. It's out at the moment and closes in a couple of weeks time. We've been encouraging staff to complete the survey.

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.

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. Is it operational yet?

CORRECTED

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.

The Hon. WES FANG: Mr Orr, did you engage KPMG to review some of the LLS service delivery issues and the model?

STEVE ORR: I'd need to think carefully about the timing, but KPMG did a number of pieces of work for Local Land Services I'm going say in 2022.

The Hon. WES FANG: I think it might have been 2023, and after the election. Would that fit?

STEVE ORR: If I could just finish, I'll just cover off the bits of work. One of which was to look at the enabling services within Local Land Services. Those are all the finance, HR et cetera.

The Hon. WES FANG: Yes, the governance model, the communications review and the service delivery model. Does that sound familiar?

STEVE ORR: There were three bits of work, Mr Fang.

The Hon. WES FANG: Not four?

STEVE ORR: My understanding is that there were three bits of work.

The Hon. CAMERON MURPHY: Point of order—

STEVE ORR: One was what I just—

The CHAIR: Mr Orr, sorry to interrupt you, I'll hear the point of order.

The Hon. CAMERON MURPHY: Chair, just as a matter of fairness, the witness is trying to answer and he's being peppered with some form of questions mixed in with statements about what Mr Fang thinks the answer should be. He should be allowed to just answer the question that he is asked before another one is asked.

The CHAIR: Can I ask that we don't adopt what I call the "Mookhey Method" and fire off 15 questions in one sentence and just allow one question, answer, question, answer.

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.

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.

The Hon. WES FANG: Did you put that out to tender, those reviews?

STEVE ORR: There is a procurement framework.

CORRECTED

The Hon. WES FANG: Yes. Did you put it out to tender?

STEVE ORR: Whatever the procurement rules were at the time were complied with.

The Hon. WES FANG: I'll take that as a, no; it didn't go out to tender.

STEVE ORR: No, sorry.

The Hon. WES FANG: I am just asking the question.

STEVE ORR: You asked but the answer is the procurement process was complied with. Irrespective of what that process was, it was complied with.

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.

The Hon. WES FANG: Do you have a history of working with KPMG, Mr Orr?

STEVE ORR: No.

The Hon. WES FANG: No? As in, have you worked with them in a collaborative way in other roles, prior to your role with LLS?

STEVE ORR: We did a piece of work with KPMG—I'm going to say back in 2020-21. That was regarding the service partnership arrangement between the department, as it was back then, the Department of Planning, Industry and Environment.

The Hon. WES FANG: Did you ever work in local government?

STEVE ORR: No.

The Hon. WES FANG: So prior to your history with LLS, you hadn't worked in another role in a collaborative sense with KPMG?

STEVE ORR: With KPMG?

The Hon. WES FANG: Yes.

STEVE ORR: Going right back, I had a connection with KPMG—I'm going to say 2015-16—in local government reform but I didn't work in local government; i.e. a council, if that's what your point is?

The Hon. WES FANG: No. Sorry, I meant in the field of local government you did some work with KPMG and then when you were head of LLS, you appointed KPMG without a tender process. Is that broadly correct?

STEVE ORR: No, sorry, respectfully. Whatever went on in terms of the appointment process was done in accordance with the procurement guidelines, whatever that process was.

The Hon. WES FANG: I accept that. Mr Chaudhary, could I just put some questions to you. Has demand for hardwood saw logs decreased or increased lately?

ANSHUL CHAUDHARY: Demand for hardwood saw logs?

The Hon. WES FANG: Yes. Noting that you gave answers previously about not being able to fulfil the supply contracts, I imagine it will increase, but I'm just seeking your guidance on that.

ANSHUL CHAUDHARY: We have contracted supply. That means that the amount of timber that we supply to our customers is a set amount per year. I can't comment on the market demand.

The Hon. WES FANG: Which of the hardwood products are driving the highest demand for sawn logs in New South Wales? What are the key industries relying on these products?

ANSHUL CHAUDHARY: Sure. Saw logs, definitely. Saw logs go into—if you're talking about hardwood here specifically—building homes, so basically your flooring timber and structural timber. Then you've got your essential products like power poles, bridge girders as well as wharf piles and, of course, pallets to transport food. Those would be some of the key products for hardwood.

CORRECTED

The Hon. WES FANG: The construction industry's demand for hardwood—things like flooring and decking and cladding that you mentioned in your answer—is influencing the need for saw logs out of the State forests, isn't it?

ANSHUL CHAUDHARY: Yes, that's correct.

The Hon. WES FANG: Is it housing that drives the demand for hardwood timber products, effectively?

ANSHUL CHAUDHARY: It's a combination of factors. Mainly it's the renovations market—or alterations/additions, we call it—that drive hardwood for homes. But hardwood is also used in a variety of other products, as I said, like power poles and your structural timbers that go into bridges, and we shouldn't forget pallets that transport food.

The Hon. WES FANG: Of course. I guess it's fair to say that the Labor Government has obviously made housing one of their key targets so a lack of supply of hardwood timber is really going to impact housing supply, isn't it?

ANSHUL CHAUDHARY: It goes into housing construction but not to the same extent as softwood timber does. Softwood from our forests go more into the structural timber for frames and trusses. Hardwood goes to a lesser extent for home construction but more for kitchen—

The Hon. WES FANG: Renovations and the like.

ANSHUL CHAUDHARY: —cabinetry and the flooring, particularly decking and that sort of thing.

The Hon. WES FANG: When activist groups claim that the hardwood division of forestry isn't profitable, what are they missing there?

ANSHUL CHAUDHARY: That's a good question. I think the point is we manage two million hectares of land for the State and we manage it for a variety of reasons. Timber is part of it but we also manage it for things like fire control, weed management, pest, recreation and so forth. So land management is a big cost, as you would expect, for any organisation and any land management agency such as Parks or Local Land Services to incur. Native forest is the majority of our land estate so we do spend, I think on average, somewhere between \$15 to \$20 a hectare in managing the land.

The Hon. WES FANG: What's driving a shortage of hardwood from the State forests?

ANSHUL CHAUDHARY: Specifically for New South Wales, as I was explaining earlier, there's a number of factors at play that has prevented us from supplying timber the last financial year and some constraints also this financial year. They are things like disruptions to our operations. Whenever there's a protest activity we stop operations. There are injunction applications. Native forestry is a contested space at the moment so there's those sorts of things. Regulatory changes or stop-work orders all have impact as well.

The Hon. WES FANG: That would be the EPA changing the rules at every opportunity that they get, wouldn't it?

ANSHUL CHAUDHARY: The EPA is the regulator for native forests.

The Hon. WES FANG: Let's assume that Ms Higginson gets her way and gets Penny Sharpe to shut down the hardwood industry in New South Wales. Where would we get our hardwood timber from?

ANSHUL CHAUDHARY: States like Victoria and WA have also shut down, or made decisions to cease, native forest harvesting. The timber, if it is not produced in our publicly managed State forest, will probably be imported, I suspect. Plantations are an opportunity, but I think we need to understand that trees take a number of years to grow—at least, hardwood trees somewhere between 30 to 50 or 60 years. We need a lot of land to establish those plantations—land that will be competing with agriculture and other uses.

The Hon. WES FANG: Would it be fair to say that, where you've got other States that are shutting down their timber industries, that's putting a greater reliance on New South Wales timber and then, where there's potential to shut down our industry here in New South Wales, it will mean importing timber from other places? If we did that, what would be the carbon cost of that timber—to import timber from overseas?

ANSHUL CHAUDHARY: Mr Fang, I can't comment on the carbon cost, but what I can say is that we manage the forest for a whole range of things. Carbon is part of it. The tree sequesters carbon, as we know. The product that it's converted into stores carbon and, in its place, we have more trees that are grown. For every tree we take out, there are about four or five trees that grow in its place and sequester more carbon.

The Hon. WES FANG: Could you describe the current protections that are in place to manage and protect greater gliders and what happens under the forestry rules at the moment?

CORRECTED

ANSHUL CHAUDHARY: We operate under what is called the coastal IFOAs, which is a set of rules that was developed by scientists and experts many years ago. It's quite a comprehensive rule set. It's actually one of the most stringent rule sets in the world, which I think is a very good thing for us. It gives us that assurance that our operations are carried under very strict rules. Recently we had the Environment Protection Authority change some of the rules specific to the greater gliders, and that meant setting aside more trees, conducting different searches to protect those species.

The Hon. WES FANG: Forestry in New South Wales is such an important industry, the State Government must heavily subsidise the industry. Can you provide the details of what the State Government provides in subsidies to the hardwood division?

ANSHUL CHAUDHARY: No, we don't get subsidies for hardwood division.

The Hon. WES FANG: None at all?

ANSHUL CHAUDHARY: No, we don't get subsidies for hardwood division. We get something called a community services obligation. That's there to fund community projects or community-specific costs like community firefighting, for example, or providing certain roads for direct community or public access.

The Hon. WES FANG: That's fascinating. I genuinely appreciate that. I would have thought it would be heavily subsidised, but it's not at all. Can you provide an idea of what the impact is of illegal protesters? What impact does it have on harvesting operations? Does it have an impact on the mental health of Forestry Corp workers?

ANSHUL CHAUDHARY: It is obviously difficult when—the main point here is that we want to make sure that everybody is safe, and I want to make sure that we have a safe workplace where our staff can go. They're doing an honest job. They're implementing the current Government policy, and they should feel safe in doing so—our staff and our contractors. Any time there's a protest, we want to make sure that it's done in a safe and respectful manner. Therefore, we have our forests that are closed when there's an active harvesting operation going on. We do find sometimes protesters have gone into closed forests that do put themselves and others at risk. It does take a toll on everybody.

The Hon. WES FANG: Those illegal protesters, they do more than just target the forestry; they target the workers. Can you provide some context around how they threaten workers in their hometowns? What is the extent of that harassment?

ANSHUL CHAUDHARY: Yes. There have been instances where our staff have been confronted in certain places, particularly in public places. We don't condone any of that sort of behaviour. We do support our staff because they go through a lot of psychological issues as a result of that as well. Again, the point is that we want to make sure that everything is done in a safe and respectful way—nothing against protesters, of course, but we want to make sure it's done in a safe manner.

The Hon. WES FANG: On behalf of the Committee, I want you to please pass on our concerns for your workers and thank them for the great work that they do.

The CHAIR: Hear, hear!

The Hon. WES FANG: Mr Tyndall, in the last two minutes that I have, I wanted to return to you. There are a number of people who have been watching the broadcast and they've indicated to us that there's—

Ms SUE HIGGINSON: There are three of them.

The Hon. WES FANG: Maybe more than three, I suspect. They've indicated that there may have been some miscommunication in some of the questions I've put, so I'm just going to re-put some of them, maybe in a different way. Did you have any other roles, acting or otherwise, in the office of the secretary before you were appointed as the acting executive director?

ADAM TYNDALL: No.

The Hon. WES FANG: Without being formally appointed as a liaison, did you spend lengthy periods of time in the Minister's office after the election outside of what you would consider to be reasonable meetings?

ADAM TYNDALL: You'd need to define "lengthy", Mr Fang.

The Hon. WES FANG: It has been put to me, and a number of our staff, that there were periods of time where the staff in the department were provided updates to say that you would be spending the week in the Minister's office to help with the set-up. Would that be accurate?

ADAM TYNDALL: I'd need to look at the details of that, Mr Fang.

CORRECTED

The Hon. WES FANG: After you were appointed in the secretary's office, your evidence is that you didn't spend a period of time helping the Minister in the capacity of helping her set up her office. Is that correct?

ADAM TYNDALL: No, that's not correct. Could you repeat the question, sorry, Mr Fang? I'm just having some trouble understanding the premise.

The Hon. WES FANG: I understand. You are under oath, so I want to make sure the question is crystal clear, Mr Tyndall. Did you spend a period of time after you were appointed in the Minister's office, during the time the Minister was setting up the office—did you assist with that task?

ADAM TYNDALL: No.

The CHAIR: In the short remaining time I've got, Mr Chaudhary, just picking up on Mr Fang's comments around psychosocial impacts of protesters on your workers, have you recently lost any people from the hardwood division because of these psychosocial hazards—in particular, any managers?

ANSHUL CHAUDHARY: I wouldn't go into specific individuals, Mr Chair, because I want to respect their privacy, but we have had a couple of members that have left the organisation.

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.

The CHAIR: I'm sure the advice wouldn't say, "Jump the fence and don't announce yourself."

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.

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.

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.

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.

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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.

The Hon. WES FANG: Where was your normal place of work when you were first appointed?

ADAM TYNDALL: My home office was in Gosford, but we have an office here in Sydney.

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.

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.

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.

The Hon. WES FANG: But you have had a pass to the Minister's office. Is that correct?

ADAM TYNDALL: I do have one now, yes.

The Hon. WES FANG: You have one now?

ADAM TYNDALL: Yes, Mr Fang.

The Hon. WES FANG: How often do you work out of the Minister's office now?

ADAM TYNDALL: I don't work out of the Minister's office, Mr Fang.

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.

The Hon. WES FANG: Mr Orr, how many of your staff do you believe would have access to the Minister's office directly?

STEVE ORR: Generally, it would be those staff who attend meetings with the Minister. Basically, it would be people such as Ms Lorimer-Ward, Ms Connell and Mr Sloan. Basically, band 3 and band 2 staff members. I wouldn't say it's all band 2 staff members. It would just depend on whether or not those people had interactions with the office.

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.

The Hon. WES FANG: Because certainly the questions at the first part of the day indicated that you weren't at all in the Minister's office. We now discover that you've got a pass to the Minister's office.

The Hon. CAMERON MURPHY: Point of order—

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ADAM TYNDALL: Just to be clear, Mr Fang, I never asserted that I was never in the Minister's office. I was asked a number of questions about whether I set up the Minister's office, and I said that I had not.

The CHAIR: I'll hear the point of order in the 12 seconds we've got left.

The Hon. CAMERON MURPHY: Chair, not only is that a complete mischaracterisation of the evidence that was given earlier, it's not even a question. It's a statement from Mr Fang.

The Hon. WES FANG: We are getting a lot more clarity now, Chair, as to the depths with which this may go. We'll follow it up at another time. Thank you, Chair.

The CHAIR: Given the time has lapsed, I won't necessarily rule on the point of order.

The Hon. WES FANG: That's fair.

The CHAIR: I'll throw to the Government to see whether they have any questions for the remaining 15 minutes.

The Hon. CAMERON MURPHY: No questions, Chair.

The Hon. GREG DONNELLY: Not at this stage.

The CHAIR: This is the only stage you get, Mr Donnelly. Speak now, or forever hold your peace.

The Hon. GREG DONNELLY: No. We have no questions, Chair.

STEVE ORR: There are a couple of mop-up issues, if we could deal with those?

The CHAIR: Sorry, I forgot my favourite segment: clear the homework. Let's go.

STEVE ORR: I might go to Ms Connell first.

RACHEL CONNELL: In relation to Mr Farraway's question about vaccinate to kill, in the event of a lumpy skin disease or foot-and-mouth disease incursion, the decision to vaccinate or not would be made in conjunction with the Consultative Committee on Emergency Animal Diseases, which is a national body chaired by Australia's chief vet, which provides technical advice in the event of emergency animal disease outbreaks. In relation to the Deputy Chair's question about how was the forced swim test bill communicated by the department once it was assented to, it was communicated in three ways: information was published on our website, information was published on the Animal Ethics Infolink website and also disseminated to stakeholders through an animal research circular newsletter.

SEAN SLOAN: Chair, you asked a question about how many vehicles our Fisheries compliance team had. The answer is that we currently have 66 vehicles that the Fisheries compliance unit uses. Mr Farraway asked a question about how many applications there were for the biosecurity commissioner role—there were 11—and how many there were for the Agriculture Commissioner. There were six. Ms Faehrmann asked some questions about the threatened species unit within the Fisheries division and how many staff there were. There are actually currently nine staff in that team. They work with our Fisheries compliance and Fisheries research team.

That area of our business is a collaborative effort, but there are nine dedicated staff. There was also a question about threat abatement plans and Priorities Action Statement. There was a move some time ago for the adoption of a common assessment method, which was a collaborative effort with the Commonwealth around threatened species management. We moved away from threat abatement plans to the use of the Priorities Action Statement. We do have Priorities Action Statement either finalised or in draft form for all of our threatened species, but it does appear that we do need to do some work to update our website. I will certainly look into that.

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. The stock assessment report for Mulloway was finalised late last year, it is public and it's part of that national fish stock assessment process, so it's on the website and we can certainly provide—

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. In terms of the management of ICOLLS, we do have a project that was funded under the Marine Estate Management Strategy. It's led by DPIRD, but has partners, you know, partnered with DCCEEW and other agencies. It was about getting consistency in management and approvals across ICOLLS and it was auditing where

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we're at with ICOLL management across the State. There are over 60 that are in that process and there's a report that isn't finalised yet, that's pending, so that's the response to that one.

The CHAIR: Thank you. Any other?

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.

The Hon. WES FANG: I appreciate it.

The CHAIR: Anything else?

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. There was another one around whether the statistics are communicated to research facilities. Again, that was in a research circular on 5 August 2024 to inform them that the 2022 statistics were available on the Animal Ethics Infolink website.

The Hon. EMMA HURST: Sorry, what was that question related to?

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.

The CHAIR: Thank you very much for your time and your candour. I believe you've still taken quite a few questions on notice, despite clearing the decks a bit at the end, so the Committee secretariat will be in touch with you in the time frame to get those answers back to us. Thank you once again for your time and enjoy the rest of your afternoon.

(The witnesses withdrew.)

The Committee proceeded to deliberate.