



LEGISLATIVE COUNCIL

**QUESTIONS
AND
ANSWERS**

No. 148

WEDNESDAY 11 APRIL 2018

(The Questions and Answers Paper published for the first sitting day in each week will contain, by number and title, all unanswered questions, together with questions to which answers have been received on the previous sitting and any new questions. On subsequent days, new questions are printed, as are questions to which answers were received the previous day. Consequently the full text of any question will be printed only twice: when notice is given; and, when answered.)

Notice given on date shown

Publication of Questions	Answer to be lodged by
Q & A No. 142 (Including Question Nos 2071 to 2079)	11 April 2018
Q & A No. 143 (Including Question Nos 2080 to 2084)	12 April 2018
Q & A No. 144 (Including Question Nos 2085 to 2099)	17 April 2018
Q & A No. 145 (Including Question Nos 2100 to 2107)	18 April 2018
Q & A No. 146 (Including Question Nos 2108 to 2129)	19 April 2018
Q & A No. 147 (Including Question Nos 2130 to 2146)	15 May 2018
Q & A No. 148 (Including Question Nos 2147 to 2156)	16 May 2018

7 MARCH 2018

(Paper No. 142)

*2071 ENVIRONMENT—MACLEAY RIVER—Dr Faruqi asked the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for the Environment, Minister for Local Government, and Minister for Heritage—

- (1) What powers does the Office of Environment and Heritage and/or the Environment Protection Authority have to protect the Macleay River and its riverbanks, for example through preventing unrestricted access of stock animals, spraying and over-fertilising?
- (2) What steps has the Office of Environment and Heritage taken to encourage use of native vegetation to secure the riverbanks of the Macleay River?
 - (a) What plans does the Office of Environment and Heritage have to encourage the use of native vegetation to secure the riverbanks of the Macleay River?
- (3) What steps has the Office of Environment and Heritage taken to prevent the clearing of native vegetation, including the burning of logs, along the riverbanks of the Macleay River?
- (4) Is the Minister aware of any concerns regarding small dams on private properties which divert water from creeks/ivers and hasten evaporation?
- (5) What steps has the Minister taken to ensure that the Hillgrove Mine Tailing Dams is secure and does not pose a threat to the Macleay River, especially in the context of climate change?

Answer—

I am advised:

- (1) The Office of Environment and Heritage (OEH) has no statutory power in relation to the Macleay River and its riverbanks.
- (2) OEH works in partnership with Kempsey Shire Council to incorporate best practice riparian management.
- (3) Local Land Services is responsible for advising landholders on permissible native vegetation clearing under the Local Land Services Act 2013.
OEH is responsible for compliance with the Local Land Services Act and the Biodiversity Conservation Act 2016 for unlawful clearing and/or damage.
- (4) This information is not available.
- (5) This is a matter for my colleague the Minister for Primary Industries and the Minister for Regional Water, the Hon Niall Blair MLC.

*2072 LANDS AND FORESTRY—MACLEAY RIVER—Dr Faruqi asked the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry representing the Minister for Lands and Forestry, and Minister for Racing—

- (1) What powers does NSW Crown Lands have to protect the Macleay River and its riverbanks, for example through preventing unrestricted access of stock animals, spraying and over-fertilising)?
- (2) What steps have NSW Crown Lands taken to encourage use of native vegetation to secure the riverbanks of the Macleay River?
 - (a) What plans does Crown Lands have to encourage use of native vegetation to secure the riverbanks of the Macleay River?
- (3) What steps have Crown Lands taken to prevent the clearing of native vegetation, including the burning of logs, along the riverbanks of the Macleay River?
- (4) What is the current status of the 'Macleay Unregulated and Alluvial Water Sharing Plan'?
- (5) Is the Minister aware of any concerns regarding small dams on private properties which divert water from creeks/ivers and hasten evaporation?
- (6) What steps has the Minister taken to ensure that the Hillgrove Mine Tailing Dams is secure and does not pose a threat to the Macleay River, especially in the context of climate change?

Answer—

- (1) Land ownership along rivers, including the Macleay River, varies. If the land is Crown land, the Crown Lands Act 1989 provides powers to ensure Trusts and occupiers manage the land in accordance with legislative requirements.
- (2) Crown Lands has a range of mechanisms to encourage sustainable use of native vegetation where Crown land is located on river banks. This includes environmental conditions on tenures, funding for Reserve Trust managers for environmental works and undertaking assessment of works applications involving Crown land.
- (3) Support has been provided to organisations to enable funding applications for weed control and bank stabilisation, which ultimately improve native vegetation condition.
- (4) Crown Land legislation contains provisions which prohibit habitat destruction, and the removal of fallen logs. These regulations apply to any users of Crown land.
- (5) This is a matter for the Minister for Regional Water.
- (6) This is a matter for the Minister for Regional Water.
- (7) This is a matter for the Minister for Resources, Minister for Energy and Utilities.

*2073 RACING—GREYHOUND RACING INTEGRITY COMMISSION—Dr Faruqi asked the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry representing the Minister for Lands and Forestry, and Minister for Racing—

- (1) How many staff is the Greyhound Racing Integrity Commission expected to employ when it is fully established?
 - (a) How many of these positions will be based at Bathurst?
 - (b) How many of these positions will be based outside of Bathurst?
 - (i) Please provide a list of locations and estimated staff numbers.
- (2) Will the Chief Commissioner be based at Bathurst?
- (3) Will Commissioner John Keniry be based at Bathurst?
- (4) Will Commissioner Clare Petre be based at Bathurst?

Answer—

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

- (1) The Commission is expected to have a staff of 60 full time employees.
 - (a) Approximately half of the Commission's staff are expected to be permanently based at its Bathurst head office, including its senior executive team consisting of the Chief Executive Officer, Chief Veterinary Officer, Chief Steward and Director, Legal Services.
 - (b) Approximately half of the Commission's staff will operate from regional areas across the state.
 - (i) The exact distribution of staff is yet to be determined, although staff will likely be located in the Hunter, Northern Rivers, Central West, Southern and Metropolitan regions.
- (2) to (4) All three Commissioners will be based at the Commission's Sydney office.

*2074 ENVIRONMENT—USED TYRE DISPOSAL—Dr Faruqi asked the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for the Environment, Minister for Local Government, and Minister for Heritage—

- (1) Does JLW Services have any license with the Environment Protection Authority (EPA) to dispose of used tyres?
 - (a) If yes, what are the details of that license?
- (2) Has the EPA ever investigated JLW Services as to whether they require a license to dispose of used tyres?
 - (a) What was the result of that investigation?
- (3) Is the EPA aware of any dumping of used tyres at an abandoned gold mine in the Cootamundra area?
- (4) Has the EPA ever received any complaints about JLW Services?

(a) If yes, what were these complaints regarding and what was the outcome/s of the complaints?

Answer—

I am advised:

- (1) Any licence may be viewed on the Environment Protection Authority (EPA) public register at www.epa.nsw.gov.au.
- (2) Refer to Answer 1.
- (3) The EPA was unable to verify such allegations.
- (4) The EPA assesses complaints on a case by case basis, and reports action taken via the EPA public register at www.epa.nsw.gov.au.

*2075 ENVIRONMENT—WATER CONTAMINATION AT RAAF BASE WILLIAMTOWN—Dr Faruqi asked the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for the Environment, Minister for Local Government, and Minister for Heritage—

(1) Is the Environment Protection Authority (EPA) aware of any plans to clear drains inside the 'red zone' relating to the water contamination at RAAF Base at Williamtown?

(a) If yes:

- (i) What are these plans?
- (ii) What advice has the EPA given regarding the prevention of further contamination as a result of clearing the drains?
- (iii) What controls will be in place to prevent further contamination?
- (iv) Is there any risk that the current plan will lead to further contamination?
- (v) Has the EPA advised agencies that intend to clear the drains to dump the contaminated sediment on private land, then organise to have the sediment removed at a later date?
- (vi) Is it a requirement of any resident within the 'red zone' who wishes to remove contaminated soil from their property that they must dispose of it in a licensed waste treatment facility?
- (vii) Is it a requirement of any contractor removing sediment that they must dispose of it in a licensed waste treatment facility?
- (viii) How will the EPA prevent contaminated water from moving downstream during the sediment clearing?

(b) Has the EPA tested the sediment contained in drains?

- (i) If yes, is the level of contamination in the sediment in the drains higher than that of the water in the drains?

Answer—

I am advised there is no 'red zone'.

*2076 POLICE—COMMISSIONER OF POLICE AND COMBAT SPORTS PERMITS—Ms Voltz asked the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry representing the Minister for Police, and Minister for Emergency Services—

(1) How many amateur permits were revoked or cancelled by the Commissioner of Police or their delegate in 2016-17?

- (a) Of these, how many permits were revoked or cancelled on the day of the fight event?
- (b) Of these, how many permits were revoked or cancelled the day before the fight event?
- (c) Of these, how many permits were revoked or cancelled within the 5 days before the fight event?

(2) On what grounds were these permits revoked or cancelled?

(3) On what dates were each of these permits revoked or cancelled?

(4) What venues were each of the fights due to be held at?

(5) By what method were promoters or fight organisers notified of the revocation?

Answer—

I am advised:

Data relating to the revocation or cancellation of amateur permits is not discretely captured in policing systems and is therefore not readily available.

The Combat Sports Authority may revoke a permit at any time before the combat sport contest is held. In addition, a police officer of the rank of Assistant Commissioner or above may, at any time before a combat sport contest is held, revoke the permit if satisfied that if the contest were held there would be a risk to public health or safety, or a risk of substantial damage to property.

The NSW Police Force must approve the issuance of a permit for any combat sport contest. Police Area Commands liaise directly with the event promoter relating to risk management at the local level, prior to informing the Combat Sports Authority whether it approves the issuance of a permit.

***2077 SPORT—NSW RUGBY HEADQUARTERS—**Ms Voltz asked the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for Western Sydney, Minister for WestConnex, and Minister for Sport—

Has the Government committed any funds to the relocation of NSW Rugby Headquarters to UNSW's David Phillips Sports Complex and/or the construction of the NSW Rugby Centre of Excellence at this site?

Answer—

No.

***2078 SPORT—COMBAT SPORTS AUTHORITY PERMIT AND APPLICATION FEES—**Ms Voltz asked the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for Western Sydney, Minister for WestConnex, and Minister for Sport—

(1) How much revenue was recovered by the Combat Sports Authority (Office of Sport) in total for registration fees and permit application fees in the following financial years:

- (a) 1 July 2013 - 30 June 2014?
- (b) 1 July 2014 - 30 June 2015?
- (c) 1 July 2015 - 30 June 2016?
- (d) 1 July 2016 - 30 June 2017?
- (e) 1 July 2017 - current?

Answer—

Registration and permit fees enable the NSW Government to recover some of the operating costs of the Combat Sports Authority.

I am advised Combat Sports Authority registration and permit application fees received between 1 July 2013-31 December 2017 total \$696,720.

***2079 SPORT—EARLWOOD WANDERERS FOOTBALL CLUB—**Ms Voltz asked the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for Western Sydney, Minister for WestConnex, and Minister for Sport—

(1) Why has Earlwood Wanderers Football Club, with nearly 1,000 players, received no repayments under the Active Kids rebate?

(2) Given the Earlwood Wanderers have spent 60 hours of telephone calls attempting to ascertain a solution to ensure parents receive a rebate, why has this problem not been resolved?

(3) How many other clubs have not received their Active Kids Rebates as of 7 March 2018?

Answer—

I am advised the Earlwood Wanders Football Club has had a total of \$23,000 paid to their nominated bank account since 28 February 2018 for vouchers redeemed under the Active Kids program.

All clubs who have registered and activated their Service NSW accounts have been able to redeem vouchers and receive payments for those redemptions.

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(Paper No. 148)

- 2147 LOCAL GOVERNMENT—SEEKING FURTHER INFORMATION REGARDING QUESTION NUMBER 2058—Mr Primrose to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for the Environment, Minister for Local Government, and Minister for Heritage—

In response to my question on notice number 2058, which sought information on research or development activities planned or underway for 2018-19 by the Office of Local Government, you advised that 'such information can be found in the Office of Local Government's Annual Report.'

- (1) Under what section/s and on what page/s in the latest Annual Report (for 2016 / 17) can this information be found?

- 2148 HEALTH—SAMPLING/TESTING FOR POLYCHLORINATED BIPHENYL IN EDIBLE SEAFOOD IN NEW SOUTH WALES—Mr Field to ask the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry representing the Minister for Health, and Minister for Medical Research—

- (1) What is the level of polychlorinated biphenyl (PCB) contamination in seafood that NSW Health considers safe for human consumption?
- (2) What is the basis of that safe level determination?
- (3) Is any edible seafood caught and sold in New South Wales for human consumption sampled / tested for PCB contamination?
 - (a) If so, what is the nature of this sampling / testing including:
 - (i) Where does this sampling / testing occur?
 - (ii) What species are tested?
 - (iii) Who conducts this testing?
 - (iv) How often does this sampling / testing occur?
 - (v) Are the results of this testing publicly available?
 - (vi) Has any sampling / testing shown PCB levels above safe levels?
- (4) Has the Government received, or is it aware of any evidence to suggest that levels of PCB in seafood, available for sale or consumption in New South Wales, are higher than what is considered safe for human consumption?
 - (a) If so,
 - (i) What is this evidence?
 - (ii) What actions has the Government taken in regards to this evidence?

- 2149 HEALTH—SAMPLING/TESTING FOR METALS AND METALLOIDS IN EDIBLE SEAFOOD IN NEW SOUTH WALES—Mr Field to ask the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry representing the Minister for Health, and Minister for Medical Research—

- (1) What is the level of metal and metalloid contamination in edible seafood that NSW Health considers safe for human consumption?
- (2) What is the basis of that safe level determination?
- (3) Is any edible seafood caught and sold in New South Wales for human consumption sampled / tested for metal and metalloid contamination?
 - (a) If so, what is the nature of this sampling / testing including:
 - (i) Where does this sampling / testing occur?
 - (ii) What species are tested?
 - (iii) Who conducts this testing?
 - (iv) How often does this sampling / testing occur?
 - (v) Are the results of this testing publicly available?
 - (vi) Has any sampling / testing shown metal and metalloid levels above safe levels?

- (4) Has the Government received, or is it aware of any evidence to suggest that levels of mercury and other metals or metalloids in fish, available for sale or consumption in New South Wales, are higher than what is considered safer for human consumption?
- (a) If so,
- (i) What is this evidence?
- (ii) What actions has the Government taken in regards to this evidence?
- 2150 HEALTH—HUMAN HEALTH IMPACTS OF PLASTICS CONSUMED BY EDIBLE SEAFOOD—Mr Field to ask the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry representing the Minister for Health, and Minister for Medical Research—
- (1) Has NSW Health done any research, or sampling / testing of edible seafood caught in New South Wales, to assess whether plastic ingested by fish acts as a vector for the bioaccumulation of other contaminants, leading to higher levels of toxicity for human consumption?
- (a) If so, what research, or sampling / testing has been conducted?
- (b) If not, is the Government aware of any external research that suggests plastic ingested by fish acts as a vector for the bioaccumulation of other contaminants, leading to higher levels of toxicity for human consumption?
- 2151 ENVIRONMENT—SAMPLING/TESTING OF EDIBLE SEAFOOD IN NEW SOUTH WALES—Mr Field to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for the Environment, Minister for Local Government, and Minister for Heritage—
- (1) What sampling / testing programs have been conducted of edible seafood in New South Wales in the last two years that have involved the Environment Protection Authority (EPA)?
- (a) For each of the sampling / testing programs:
- (i) What was the reason for the sampling / testing program being initiated?
- (ii) What Government departments / bodies are involved in the sampling / testing program?
- (iii) What were the dates of the sampling / testing of the program?
- (iv) What is the current status of the sampling / testing?
- (v) Where was sampling / testing done?
- (vi) What species were sampled / tested?
- (vii) What was tested for?
- (viii) Has the sampling / testing resulted in any form of action (ie. dietary advice)?
- (ix) Have the results of the sampling / testing been made public?
- (x) What is the status of the testing / sampling program? (is it ongoing, or has the sampling / testing program concluded, have reports on the testing been received)
- (2) Is the Minister aware of any sampling / testing of edible seafood that has occurred over this same period that has not involved the EPA?
- 2152 PRIMARY INDUSTRIES—TESTING OF CONTAMINATION OF FISH SOLD FOR CONSUMPTION IN NEW SOUTH WALES—Mr Field to ask the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry—
- (1) What research or sampling / testing programs have been conducted (including contracting any external research) in the past two years by the Department of Primary Industries on contamination of edible seafood in New South Wales?
- (a) For each of the sampling / testing programs:
- (i) What was the reason for the sampling / testing program being initiated?
- (ii) What Government departments / bodies are involved in the sampling / testing program?
- (iii) What were the dates of the sampling / testing of the program?
- (iv) What is the current status of the sampling / testing?
- (v) Where was sampling / testing done?
- (vi) What species were sampled / tested?
- (vii) What was tested for?

- (viii) Has the sampling/testing resulted in any form of action (ie. dietary advice)
- (ix) Have the results of the sampling/testing been made public?
- (x) What is the status of the testing/sampling program? (is it ongoing, or has the sampling/testing program concluded, have reports on the testing been received)

2153 FINANCE, SERVICES AND PROPERTY—RESIDENTIAL LAND VALUES—Mr Mookhey to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for Finance, Services and Property—

- (1) What is the total unimproved value of land used for residential purposes and eligible for land tax in New South Wales for each financial year since 2010-11?
- (2) What is the total unimproved value of land of those properties referred to above within the following values and the total amount of land tax revenues received within those values:
 - (a) Below \$629,000?
 - (b) Above \$629,000?
 - (c) Above \$1 million?
 - (d) Above \$2 million?
 - (e) Above \$3 million?
 - (f) Above \$3.846 million?
 - (g) Above \$4 million?
 - (h) Above \$5 million?
 - (i) Above \$6 million?
 - (j) Above \$7 million?
 - (k) Above \$8 million?
 - (l) Above \$9 million?
 - (m) Above \$10 million?

2154 FINANCE, SERVICES AND PROPERTY—COMMERCIAL LAND VALUES—Mr Mookhey to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for Finance, Services and Property—

- (1) What is the total unimproved value of land used for commercial purposes and eligible for land tax in New South Wales for each financial year since 2010-11?
- (2) What is the total unimproved value of land of those properties referred to above within the following values and the total amount of land tax revenues received within those values:
 - (a) Below \$629,000?
 - (b) Above \$629,000?
 - (c) Above \$1 million?
 - (d) Above \$2 million?
 - (e) Above \$3 million?
 - (f) Above \$3.846 million?
 - (g) Above \$4 million?
 - (h) Above \$5 million?
 - (i) Above \$6 million?
 - (j) Above \$7 million?
 - (k) Above \$8 million?
 - (l) Above \$9 million?
 - (m) Above \$10 million?

2155 FINANCE, SERVICES AND PROPERTY—VACANT LAND VALUES—Mr Mookhey to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for Finance, Services and Property—

- (1) What is the total unimproved value of vacant land eligible for land tax in New South Wales for each

financial year since 2010-11?

- (2) What is the total unimproved value of vacant land within the following values and the total amount of land tax revenues received within those values:
- (a) Below \$629,000?
 - (b) Above \$629,000?
 - (c) Above \$1 million?
 - (d) Above \$2 million?
 - (e) Above \$3 million?
 - (f) Above \$3.846 million?
 - (g) Above \$4 million?
 - (h) Above \$5 million?
 - (i) Above \$6 million?
 - (j) Above \$7 million?
 - (k) Above \$8 million?
 - (l) Above \$9 million?
 - (m) Above \$10 million?

2156 INDUSTRIAL RELATIONS—CONSTRUCTION INDUSTRY HARRASSMENT PROTECTION—Revd Mr Nile to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Treasurer, and Minister for Industrial Relations—

- (1) Is the Minister aware of the report in the recent Civil Contractors Federation Bulletin concerning threats to freedom of association and allegations of harassment on New South Wales construction sites?
- (2) What is the Government's position concerning the balance between, on one hand the display of symbols, such as the Eureka flag, and on the other hand managing how they are used, for example to harass the 90 per cent of whom are not union members.
- (3) What action is the Government taking to protect non-union workers from threats, intimidation and harassment by CFMEU members?

David Blunt
Clerk of the Parliaments