



## LEGISLATIVE COUNCIL

2019-20-21-22

FIRST SESSION OF THE FIFTY-SEVENTH PARLIAMENT

# QUESTIONS AND ANSWERS

No. 696

TUESDAY 8 MARCH 2022

(The Questions and Answers Paper published on Monday to Friday of each week will contain, by number and title, all questions to which answers have been received the previous day and any new questions asked that 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.

<b>Publication of Questions</b>	<b>Answer to be lodged by</b>
Q & A No. 681 (Including Question Nos 8311 to 8316)	8 March 2022
Q & A No. 682 (Including Question Nos 8317 to 8321)	9 March 2022
Q & A No. 683 (Including Question Nos 8322 to 8322)	10 March 2022
Q & A No. 684 (Including Question Nos 8323 to 8325)	11 March 2022
Q & A No. 685 (Questions—Nil)	-
Q & A No. 686 (Questions—Nil)	-
Q & A No. 687 (Including Question Nos 8326 to 8332)	16 March 2022
Q & A No. 688 (Including Question Nos 8331 to 8372)	17 March 2022
Q & A No. 689 (Including Question Nos 8373 to 8382)	18 March 2022
Q & A No. 690 (Including Question Nos 8383 to 8385)	21 March 2022
Q & A No. 691 (Questions—Nil)	-
Q & A No. 692 (Questions—Nil)	-
Q & A No. 693 (Including Question Nos 8387 to 8390)	24 March 2022
Q & A No. 694 (Including Question Nos 8391 to 8394)	25 March 2022
Q & A No. 695 (Including Question Nos 8395 to 8404)	28 March 2022
Q & A No. 696 (Including Question Nos 8405 to 8408)	29 March 2022

**15 FEBRUARY 2022**

(Paper No. 681)

- \* 8311 REGIONAL TRANSPORT AND ROADS—SMART UTE PROJECT—The Hon. Mark Latham to ask the Minister for Regional Transport and Roads—

Can the Minister please answer the Question on Notice 8127:

- (1) How much is the Government spending on its "Smart Ute" project in Dubbo designed to stop utes hitting kangaroos?
  - (a) Why aren't the international ute manufacturers responsible for funding this research?

Answer—

I am advised

The NSW Government will contribute \$2.672 million, over three years, on the Dubbo Automated Vehicle trial, with expenditure to date \$1.63 million.

Transport for NSW has partnered with leading industry, researchers, local councils and businesses to develop and co-deliver this trial.

The trial will help NSW proactively understand emerging technologies that could improve the safety of regional drivers, as well as support investment in the development of local technology skills and industry capability.

- \* 8313 ATTORNEY GENERAL—VACCINATION REQUIREMENTS AND NSW COURTS—The Hon. Mark Latham to ask the Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence representing the Attorney General—

- (1) What are the arrangements for vaccination requirements to enter the following courts in New South Wales:
  - (a) Supreme?
  - (b) District?
  - (c) Children's?
  - (d) Local?
- (2) Why did the Chief Justice of the Supreme Court announce vaccination requirements for attendance at Supreme Court premises on 15 December 2021, the same day as the Premier announced an end to vaccine mandates in New South Wales?
- (3) Why is the Supreme Court not complying with New South Wales Government policy?
  - (a) What action has the Attorney General taken to ensure compliance?
- (4) How can unvaccinated accused and their legal representatives have their matters heard in the Supreme Court under the Bathurst dictate?
  - (a) What has this done to case backlogs and delays in the NSW Supreme Court?
- (5) Since 15 December 2021, how many accused have declared themselves to be unvaccinated as a way of avoiding the hearing of their matter?

Answer—

I am advised:

As at 28 February 2022:

- (1)
  - (a) Vaccination requirements to enter the Supreme Court are detailed on the court's website and are contained in two protocols issued on 25 January 2022:

- Protocol for Criminal Proceedings - <https://www.supremecourt.justice.nsw.gov.au/Documents/Home%20Page/Announcements/2022/Criminal%20Protocol%20%282022%29%20v5.1%2025%20January%202022.pdf>
  - Supreme Court COVID Protocols, effective from 31 January 2022 - <https://www.supremecourt.justice.nsw.gov.au/Documents/Home%20Page/Announcements/2022/Supreme%20Court%20COVID%20Protocols%20from%20Mon%2031%20Jan%202022.pdf>
- (b) The District Court current guidance (16/02/22) is available at Practice Note 23 (crime) which can be found on the District Court Website: <https://www.districtcourt.nsw.gov.au/district-court/practice-and-procedure/practice-notes.html>.
- The guidance regarding civil matters can be found at the District Court updates: <https://www.districtcourt.nsw.gov.au/district-court/covid-19--coronavirus-/district-court-updates-covid-19--coronavirus-.html>.
- (c) The Children's Court has not imposed any vaccination requirements on court participants who attend Children's Courts in person. However, participation by AVL or telephone has been encouraged during COVID-19 outbreaks to reduce the risk of infection.
- (d) The Local Court does not require persons appearing before the court to be vaccinated. Where possible, the Court continues to provide alternatives to the need for physical appearance. The most recent changes announced by the Chief Magistrate are outlined on the Local Court website: <https://www.localcourt.nsw.gov.au/local-court/arrangements-for-covid-19--coronavirus-/chief-magistrate-s-memorandum.html#>
- (2) The Supreme Court's protocol released on 15 December 2021, and taking effect from 4 January 2022, replaced the previous protocol and was based on the court's assessment of risk to court users and mitigations available to the court.
- (3) The Supreme Court complies with all relevant and applicable public health orders.
- (a) Court protocols are determined by relevant heads of jurisdiction. The Office of the Sheriff completed a work, health and safety risk assessment and developed a Workplace Safety Plan for Court and Tribunal Operations, state-wide, which informed the court protocols. In my capacity as Attorney General, I have no role in determining specific court protocols.
- (4) In the Protocol for Criminal Proceedings, the Supreme Court notes that an accused person may not be vaccinated. This does not inhibit criminal matters from proceeding. The accused's vaccination status is not known when the matter is listed for hearing.
- (a) The vaccination status of accused persons has not affected the Supreme Court criminal listings as it is not known by the Court when the matter is listed.
- (5) Zero.

\* 8315 LANDS AND WATER—STATUS OF NSW WATER RESOURCE PLAN ACCREDITATION—Mr Justin Field to ask the Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth representing the Minister for Lands and Water, and Minister for Hospitality and Racing—

The Murray Darling Basin Authority (MDBA) website shows that the 20 NSW Water Resource Plans (WRPs) have been "withdrawn and being revised" :

- (1) On what date were each of the WRPs withdrawn by the MDBA?
- (2) For each WRP withdrawn, please identify if the MDBA provided the NSW Government recommendations for amendment?
- (3) Which, if any, water resource plans have been resubmitted to the MDBA and on what date were they resubmitted?
- (4) If any have not been submitted, when does the Minister intend to resubmit them?

- (5) Has the NSW Government sought an extension for the accreditation of WSPs from the MDBA or the Commonwealth Water Minister?
- (a) If so, when was the extension request made?
  - (b) What was the date being sought in any extension request?
  - (c) Has the extension been granted?
  - (d) To what date has the extension been granted?
  - (e) Does any extension apply to all 20 water resource plans?
    - (i) If not all, please list the granted extension for each WRP?

Answer—

- (1) No WRPs were withdrawn by the MDBA.
- (2) The MDBA did not formally recommend amendments.
- (3) The Border Rivers Alluvium water resource plan was resubmitted to the MDBA on 17 February 2022.
- (4) In due time.
- (5) Extensions were granted prior to the plans being initially submitted by 30 June 2020 and will be considered in line with Commonwealth Water Act 2007 obligations.

\* 8316 LANDS AND WATER—WATER RESOURCE PLANS AND WATER SHARING PLANS - CONCURRENCE PROCESS—Mr Justin Field to ask the Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth representing the Minister for Lands and Water, and Minister for Hospitality and Racing—

In regards to the requirement for concurrence by the Minister for Environment and Heritage before any water sharing plan is remade:

- (1) Has any consultation on draft water resource plans and resultant amendments to water sharing plans occurred with the Minister for the Environment or the Department of Environment, Energy and Sciences?
  - (a) If so, what is the nature of this consultation?
  - (b) If so, what have been the primary concerns raised?
- (2) Will concurrence for any resultant amendments to water sharing plans from the water resource plan process be sought by the Minister for the Environment and Heritage?
  - (a) If so, will this concurrence occur before or after the water resource plans are accredited?
- (3) How will any changes requested by the Minister for Environment and Heritage through the concurrence process feed into the water resource plan accreditation process being carried out by the Murray Darling Basin Authority?

Answer—

- (1) The Department of Planning and Environment (DPE) - Water hold regular discussions regarding water sharing plans and water resource plans with their counterparts of DPE - Environment, Energy and Sciences.
- (2) Any amendment to a water sharing plan requires concurrence from the Minister for the Environment under s45(3) of the Water Management Act 2000.
  - (a) Either is possible.
- (3) This is a hypothetical scenario.

**8 MARCH 2022**

(Paper No. 696)

8405 EDUCATION AND EARLY LEARNING—SAP PAYROLL SYSTEM—The Hon. Mark Latham to ask the Minister for Education and Early Learning—

- (1) What is the Department of Education's 'BCR1400 project'?
- (2) Since the introduction of the SAP payroll system in November 2018, how much have the Department's staff been overpaid?
  - (a) Have the funds been recouped?
- (3) Have the problems with the SAP system leading to overpayment been corrected?
- (4) How many payroll errors have occurred in the following years:
  - (a) 2020?
  - (b) 2021?
  - (c) 2022 to date?

8406 EDUCATION AND EARLY LEARNING—VACCINATION STATUS—The Hon. Mark Latham to ask the Minister for Education and Early Learning—

- (1) How many notifications of vaccination status has the Department of Education forwarded to NSW Health for:
  - (a) Teachers?
  - (b) Non-teaching staff?
  - (c) Students?
- (2) Is the Department aware of the Commonwealth privacy laws prohibiting the storage and sharing of employee vaccination status by employers?
  - (a) Why haven't these laws been followed?
- (3) Was the information in (1) above shared via email?
  - (a) What precautions were taken to guarantee the security of this sharing of private health information against hacking and other privacy breaches?

8407 EDUCATION AND EARLY LEARNING—BUNGENDORE HIGH SCHOOL—The Hon. Courtney Houssos to ask the Minister for Education and Early Learning—

- (1) The Department of Education advised in response to a request under the Government Information (Public Access) Act (GIPA Act) for any records setting out anticipated student numbers at Bungendore High School (ref GIPA-20-708) that the projected student demand was 478 (in 2026), 511 (2031) and 566 (2036):
  - (a) Is any estimate available for the proposed opening date for the school (Term 1, 2023)?
  - (b) Please advise the basis on which the above estimates were made?
    - (i) What assumptions were made?
    - (ii) What catchment area was anticipated?
    - (iii) Were existing enrolments at Sutton, Tarago and Captains Flat Public Schools, and Braidwood Central School considered?
    - (iv) Did the assessment consider Bungendore's context as a rural centre, servicing surrounding townships and properties, given that the Environmental Impact Statement referred to Bungendore as a "suburb"?
    - (v) GHD (the consulting engineer on various aspects of the development application) noted the failure to account for the broader catchment was a "major limitation" in the

- data it used to prepare its reports. Will GHD be provided with more appropriate catchment data in order to update its reports?
- (vi) What population forecasts for Bungendore and the region were used?
  - (vii) Did those population forecasts consider planned subdivisions at East Bungendore, North Elmslea, Ashby and other areas?
- (c) The Department has refused requests under the GIPA Act to disclose the basis or the assumptions underlying these estimates (ref GIPA-21-466) on the basis that such information may “prejudice the functions of the department” or comprise “information relating to the business interests of the Department”:
- (i) Does the Department maintain that these grounds for refusal are satisfied?
  - (ii) Given the significant and growing public interest in this matter, is the Department able to reconsider this decision?
- (d) Do these numbers reflect the Department’s current expectations?
- (i) If not, when were the forecasts most recently updated?
  - (ii) Can the Minister please provide updated estimates?
  - (iii) Can the Minister please set out the basis and assumptions on which those estimates are made?
- (2) The Environmental Impact Statement states that “the proposal seeks approval for development of a new high school in Bungendore with capacity for up to 450 students”:
- (a) Is it expected that this will remain the initial capacity in accordance with the final and approved plans?
  - (b) If not, what is the expected initial capacity?
    - (i) How will any increase be achieved?
  - (c) How does the design allow for future increase in capacity?
    - (i) What form would this take?
  - (d) Will any demountables be placed on any outdoor play areas in:
    - (i) Bungendore?
    - (ii) Bungendore Park?
    - (iii) Bungendore Common?
  - (e) The Development Application states that Mick Sherd Oval will not be available to children as a general play area. The school footprint includes extremely limited open space and the quadrangle on the western side of Majara Street is identified for future construction, this is set to fall further if additional construction is necessary to relieve overcrowding:
    - (i) How will any future increase in capacity allow for adequate outdoor learning and play spaces?
- (3) The “high growth” scenario set out in the Bungendore Structure Plan contemplates a population of 12,000 by 2048. This is almost triple the current population:
- (a) How will the proposed school accommodate the resulting demand?
- (4) In relation to Braidwood Central School (BCS):
- (a) How will the proposed Bungendore High School affect Braidwood Central School?
  - (b) Has the Department considered whether BCS will experience a fall in enrolments?
  - (c) Will this affect the viability of BCS continuing to offer HSC pathways?
- (5) Elevated lead levels have been identified in and around the proposed site:
- (a) Have all investigations (including on Bungendore Common) now been completed?

- (i) What were the results of these investigations?
  - (b) How will the risk to students attending the proposed school be managed?
  - (c) How will the risk of airborne or water-born contamination affecting surrounding areas and waterways be managed during construction?
- (6) In relation to the timing of the development application and the anticipated opening of the school:
  - (a) The State-significant development application (SSDA) was lodged in September 2021, was this later than the Department's original plan?
    - (i) When did the Department expect to lodge the SSDA?
    - (ii) If there was a delay, please explain?
  - (b) When does the Department expect to finalise its response to submissions?
  - (c) What is the current status of the Department's discussions with the State Design Review Panel?
  - (d) Does the Department anticipate any material changes to the design lodged with the development application?
    - (i) If so, please summarise these changes?
  - (e) When is the school expected to open?
    - (i) If this is not in time for Term 1, 2023, as previously advised by the Minister for Education, the Department of Education and the former Member for Monaro, could the Minister please provide the reasons for any delay?
  - (g) Mr Dizdar stated that the school will commence operations with Years 7 and 8, is this the current plan?
    - (i) Was this always the Department's intention?
    - (ii) If not, what was the original plan?
    - (iii) When did this plan change?
    - (iv) Why did this plan change?
  - (h) Will construction be complete upon opening, or is ongoing construction and a phased opening anticipated?
- (7) Mick Sherd Oval is proposed to serve as the school oval, it is not subject to the compulsory acquisition process, please advise:
  - (a) How does the Department propose to secure school access to Mick Sherd Oval?
  - (b) Who will be responsible for the maintenance of Mick Sherd Oval?
  - (c) What restrictions are anticipated to be placed on public access to Mick Sherd Oval?
  - (d) Please advise during the school term in each year, how many hours of sunshine Bungendore receives?
    - (i) How many of those hours Mick Sherd Oval will be open to the general public?
  - (e) Is the Department satisfied that any access arrangements will be permitted under the Crown Land Management Act, noting the Supreme Court's decision in Application of Willoughby City Council (as manager of the Talus Reserve Trust) & anor [2016] NSWSC 1717)?
    - (i) What legal advice has the Department received in relation to this?
- (8) The Environmental Impact Statement notes that "two new games courts are also proposed to the north of Mick Sherd Oval to provide additional open play space for students during supervised curriculum activities." The proposed acquisition notice does not include the site for these facilities. Please advise:
  - (a) How does the Department propose to procure these facilities?



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- (b) Who will be responsible for the operation and maintenance of these facilities?
  - (c) What restrictions are anticipated to be placed on public access to these facilities?
  - (d) Is the Department satisfied that any arrangements will be permitted under the Crown Land Management Act, noting the Supreme Court’s decision in Application of Willoughby City Council (as manager of the Talus Reserve Trust) & anor [2016] NSWSC 1717)?
    - (i) What legal advice has the Department received in relation to this?
- (9) The Environmental Impact Statement notes that the proposed development will include “construction of new community building to replace existing Bungendore Community Centre to provide for a community library, Council shopfront and community health hub”:
- (a) Do these facilities remain part of the proposed plan?
    - (i) If not, when did this change?
    - (ii) If not, why did this change?
    - (iii) Has the Department advised the community of this change?
  - (b) Given that construction of these facilities was promoted as a major advantage of the current proposal, was any community consultation undertaken before making such change?
- (10) Section 29(2) of the Land Acquisition (Just Terms Compensation) Act 1991 (the Just Terms Act) provides that: “If Crown land is subject to a dedication or reservation that (by virtue of any Act) cannot be removed except by an Act, that land may not be compulsorily acquired. However, this prohibition does not apply if the dedication or reservation is not affected by the compulsory acquisition of the land.” Bungendore Park and Bungendore Common are dedicated and reserved Crown land (respectively). Pursuant to the Crown Land Management Act 2016, the dedication and reservation can only be removed in accordance with that Act:
- (a) What advice has the Department received on the impact of Section 29(2) of the Just Terms Act?
  - (b) Is the Department satisfied that it may acquire the relevant Crown land sites free and clear of any restriction arising under the Crown Land Management Act?
    - (i) How has the Department reached that conclusion?
- (11) Is there any precedent in New South Wales for the compulsory acquisition of Crown land which is dedicated or reserved for public recreation, in order to permit development?
- (a) If so, please describe the relevant circumstances?
- (12) Mr Manning stated before the Committee that: “we were having a conversation with the council about the complexity of the land transfer, issues in terms of council administration and the problems around getting it valued. The agreement with council was that as we moved to compulsory acquisition...”
- (a) What were the issues around complexity of the land transfer?
  - (b) What were the issues in terms of council administration?
  - (c) What were the problems around getting it valued?
  - (d) When was the Council’s “agreement” to such compulsory acquisition expressed?
    - (i) By whom?
    - (ii) In what form of words?
  - (e) Noting that the Council was still in good-faith negotiations to sell the relevant sites to the Department:
    - (i) When did the Department first advise the Council that it intended to acquire the relevant land pursuant to the Just Terms Act?
    - (ii) Why did the Department conclude that it should break off negotiations to pursue compulsory acquisition?

- (iii) Was this in order to circumvent statutory protection given to dedicated and reserved Crown land?
- (f) Noting the limitations under s377(1)(h) of the Local Government Act, was any such “agreement” legal?
- (13) In relation to the compulsory acquisition process:
  - (a) Does the Department propose to complete the compulsory acquisition of the site in March 2022 in accordance with the proposed acquisition notices?
  - (b) Noting the prescriptive statutory timeframes, why did the Department commence this process so far ahead of any likely development consent?
  - (c) How will the Department use this land if development consent is not granted or does not permit development in accordance with the Department’s plans?
  - (d) Is it prudent that the Department will acquire land which it may not be able use as intended?
    - (i) What will the Department do with this land if it is unable to be used as intended?
  - (e) What are the implications for the proposal if the compulsory acquisition notices are withdrawn (or deemed to be withdrawn)?
    - (i) Under what circumstances could a further notice be delivered?
- (14) The Department stated in its “FAQs” of 18 September 2020 that: “The new pool will feature a heated, eight-lane, 25m covered pool.” Please advise:
  - (a) On what basis was the Department able to make this statement?
  - (b) Is this still the Department’s expectation?
    - (i) If not, why not?
  - (c) How will this pool be funded?
- (15) What is the amount of compensation the Department expects due to Queanbeyan-Palerang Regional Council following completion of the compulsory acquisition process?
  - (a) How has this been calculated?
- (16) What community consultation was undertaken before the announcement of the proposed Bungendore High School site in August 2020?
  - (a) Please advise:
    - (i) The individuals/organisations consulted?
    - (ii) How those individuals/organisations were identified?
    - (iii) The format of such consultation?
    - (iv) The feedback provided?
- (17) In relation to any letters, calls or emails the Department or the Minister for Education has received from the public or community organisations in relation to the project since the site was announced:
  - (a) How many such letters, calls or emails have been received?
  - (b) What proportion have expressed opposition to (or concerns about) the proposed site, regardless of whether they expressed in-principle support for a high school in Bungendore?
- (18) What is the current total project budget, including any grants proposed to replace Council facilities?
  - (a) Has there been any change from the \$34.7 million originally allocated in the State Budget?
    - (i) If so, please explain the reason for any change?
- (19) The proposed school in Bungendore is significantly smaller, and appears significantly more expensive than the proposed high school in Jerrabomberra (allocated \$25.9 million):
  - (a) Why are the costs associated with this project so much higher than a comparable project in the region?

- (19) How does the anticipated cost of the Bungendore High School project compare to typical costs for typical high school developments in regional New South Wales?
- (a) What factors explain any divergence?
- (20) Nichole Overall, recently elected as Member for Monaro, stated at a “Meet the Candidates” event in Wamboin prior to the recent by-election that the budget for the Bungendore High School proposal was actually \$50m:
- (a) Please advise:
- (i) Was Mrs Overall correct?
- (ii) How did this differ from the actual budget?
- (iii) Does the Department know how Mrs Overall may have arrived at that figure?
- (iv) What information was provided to Mrs Overall by the Department, the Minister’s office or the Minister for Education in relation to the Bungendore High School project prior to Mrs Overall’s election?
- (21) In relation to funds allocated to the current proposal:
- (a) Would those funds be available for a high school project on a different site?
- (i) What approval process would be required to reallocate those funds to a Bungendore high school on a different site?
- (b) It is uncertain that the current proposal will receive development consent, what would happen to those funds if the current proposal does not receive planning permission?
- (22) Regarding the “Service Needs Report - Queanbeyan Yass SCG Package” dated 14 November 2019:
- (a) Did this report reach any conclusion on the need for a high school in Bungendore (or additional high schools in the region)?
- (i) What conclusion did it reach?
- (b) Does this conclusion remain valid?
- (i) If not, what has changed?
- (23) Regarding the proposed site at 175 and 217 Tarago Road proposed by the Taubenschlag and King families for the Bungendore High School (the Tarago Road Site)
- (a) Mr Dizdar stated that “we ran through a very detailed time line” in relation to that site, what was the timeline identified for that site?
- (i) How relevant was this “time line” analysis to the Department’s decision to terminate negotiations to proceed with the Tarago Road Site?
- (b) What time line analysis was undertaken in relation to the Bungendore Park site?
- (i) How relevant was this analysis to the Department’s decision to proceed with the Bungendore Park site?
- (d) Mr Manning stated that: “There were a number of issues with the site that did not lend itself to a school, not least the fact that it is not a serviced site both for water and sewerage. It also floods. It has some significant environmental issues and, as you say, it is in close proximity to a waste transfer station.” Please advise:
- (i) What assessment was undertaken regarding the provision of water and sewerage?
- (ii) What conclusions were reached in (23)(d)(i)?
- (iii) Did the Department examine the Palerang Shire Council flood maps?
- (iv) The Tarago Road Site is 80ha, which parts of the site were identified as being subject to flooding?
- (v) What proportion of the site in (23)(d)(iv) did this represent?

- (vi) What were the “significant environmental issues”?
  - (vii) What proportion of the site in (23)(d)(vi) did these issues affect?
  - (viii) If these issues were identified in the Biodiversity Constraints Assessment prepared by Eco Logical?
  - (ix) If these were not identified in (23)(d)(viii), how were they identified?
  - (e) Please specify by reference to an email or file note, when the proximity to Bungendore Recycling Centre was identified as presenting a serious problem for the Tarago Road Site?
    - (i) By whom?
    - (ii) In what terms?
  - (f) Was any site visit undertaken to investigate the issue identified in (23)(e)?
  - (g) Was any odour or prevailing wind assessment undertaken in relation to the Bungendore Recycling Centre?
  - (h) What due diligence had been undertaken on the Tarago Road Site when the decision was taken to exclude this site from the selection process?
  - (i) The proponent recently again offered the Ashby property (175 Tarago Road) to the Department as a “market-led proposal.” Did the Department assess this proposal?
    - (i) If not, why not?
    - (ii) Please advise the conclusion the Department reached and the basis for reaching that conclusion?
- (24) Referring to the “Bungendore High School Site Search Summary Report” dated March 2020:
- (a) The report states that “there are no suitable Government or Queanbeyan–Palerang Regional Council (QPRC) owned sites available”. It specifically considered Bungendore Park and concluded that it was “not suitable”:
    - (i) Why did the Department select the Bungendore Park site notwithstanding this conclusion?
  - (b) The report states that “A further review of private owned land provided five sites that may be suitable for a high school... Further due diligence is recommended on these privately owned sites in the event that the EOI process [on the Tarago Road Site] is unsuccessful”:
    - (i) Where were these sites?
    - (ii) What due diligence was undertaken on these sites?
    - (iii) If due diligence was not undertaken on these sites, why was this not done?
  - (c) The report sets out (in Attachment A) the Department’s site selection criteria, was the Bungendore Park site assessed against this criteria?
    - (i) What was the outcome of that assessment?
    - (ii) Noting that it would appear the Bungendore Park site fails many of those criteria, for example in relation to: zoning, single allotment; irregular shape; legal overlays; water, electricity and gas easements; contamination; inappropriate neighbouring development (the railway line); audit and heritage, how does the Department justify the divergence from those criteria?
- (25) As evidenced in an email chain dated 3 April 2020 (2.39 pm – BHS-103) from Melanie May to the proponent of the Tarago Road Site, Queanbeyan-Palerang Regional Council proposed two sites for the Bungendore High School, outside the public EOI process:
- (a) What sites were these?
  - (b) When was that proposal made?
    - (i) By whom?

(c) Please set out the specifics of the relevant proposal?

- (26) In an email dated 15 June 2020 (4.47 pm – BHS-120), Geoff Waterhouse advised Tahlee Smith that, “we have confirmed our preferred site location for the new high school at Bungendore. The preferred site is the ‘Mick Sherd Sports Oval’ located adjacent to the existing Bungendore Primary School.”

In a further email dated 26 June 2020 (12.57 pm – BHS-124), Colin Constantinou advised Tahlee Smith that, “the Bungendore project has taken a significant change in direction as discussed with Geoff Waterhouse and Martin Berry. The preferred site has swung towards the Mick Sherd oval and School Infrastructure NSW (SINSW) has and continues to engage with council and the Deputy Premier, both supporting the oval as the preferred site. SINSW is actively undertaking due diligence on the oval site in readiness for a final approval that the oval will be the new school site.” Please advise:

- (a) What due diligence had been undertaken on the “Mick Sherd Sports Oval” site as of 15 June 2020?
- (i) By whom?
- (b) What consultation had been undertaken with Development & Transactions (D&T) at of 15 June 2020?
- (c) Who made the decision in relation to the “preferred site location”?
- (i) What briefing was given to the relevant decision-maker?
- (d) When did this “significant change in direction” occur?
- (i) Why?
- (e) When did D&T become aware that such change was proposed?
- (i) If D&T had not been consulted, and given D&T had been engaged to advise on this process, why was it not consulted?
- (ii) Had the Department lost confidence in D&T?
- (g) When did the Deputy Premier express support for the oval as the preferred site?
- (i) In what format of words?
- (h) When did the Council express support for the oval as the preferred site?
- (i) In what format of words?
- (ii) Given that Council advised (in response to a Question on Notice) that Councillors first became aware of the current proposal in a workshop on 8 July 2020, how was the Department able to state as early as 26 June that the proposal had Council’s support?
- (i) When was the Minister for Education advised that the oval was the preferred site?
- (i) In what format of words?
- (ii) What briefing was given to the Minister in relation to this decision?
- (27) The Minister for Education said on ABC Canberra radio that in recent weeks the Tarago Road Site was unsuitable due to proximity to Bungendore Recycling Centre:
- (a) When was the Minister advised that the proximity to Bungendore Recycling Centre was problematic?
- (i) In what format of words?

8408 EDUCATION AND EARLY LEARNING—BIRRONG GIRLS AND BOYS HIGH SCHOOL—The Hon. Mark Buttigieg to ask the Minister for Education and Early Learning—

- (1) In 2021/22, Birrong Girls and Boys High School have been allocated \$4.9 million for upgrades:
- (a) What was the amount allocated for Birrong Boys High School?

- (b) What was the amount allocated to Birrong Girls High School?
- (2) What capital works projects will be undertaken at Birrong Boys High School with this expenditure?
  - (a) What is the completion date of these works?
- (3) What capital works projects will be undertaken at Birrong Girls High School with this expenditure?
  - (a) What is the completion date of these works?
- (5) What is the current capacity of Birrong Boys High School?
  - (a) What are the actual student numbers of Birrong Boys High School?
- (6) What are the number of equivalent full-time (EFT) teacher positions at Birrong Boys High School?
  - (a) How many vacancies are there at Birrong Boys High School as of the 8 March 2022?
- (7) What is the current capacity of Birrong Girls High School?
  - (a) What are the actual student numbers of Birrong Girls High School?
- (8) What are the number of EFT teacher positions at Birrong Girls High School?
  - (a) How many vacancies are there at Birrong Girls High School as of the 8 March 2022?

David Blunt  
Clerk of the Parliament