



## LEGISLATIVE COUNCIL

2019-20-21-22

FIRST SESSION OF THE FIFTY-SEVENTH PARLIAMENT

# QUESTIONS AND ANSWERS

No. 842

FRIDAY 7 OCTOBER 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. 827 (Including Question Nos 9526 to 9535)	7 October 2022
Q & A No. 828 (Questions—Nil)	-
Q & A No. 829 (Including Question Nos 9536 to 9538)	11 October 2022
Q & A No. 830 (Including Question Nos 9539 to 9542)	12 October 2022
Q & A No. 831 (Questions—Nil)	-
Q & A No. 832 (Including Question Nos 9543 to 9548)	14 October 2022
Q & A No. 833 (Including Question Nos 9549 to 9565)	17 October 2022
Q & A No. 834 (Questions—Nil)	-
Q & A No. 835 (Including Question Nos 9566 to 9569)	19 October 2022
Q & A No. 836 (Including Question Nos 9570 to 9571)	20 October 2022
Q & A No. 837 (Questions—Nil)	-
Q & A No. 838 (Questions—Nil)	-
Q & A No. 839 (Including Question Nos 9572 to 9615)	25 October 2022
Q & A No. 840 (Including Question Nos 9616 to 9617)	26 October 2022
Q & A No. 841 (Including Question Nos 9618 to 9629)	27 October 2022
Q & A No. 842 (Including Question Nos 9630 to 9634)	28 October 2022

**14 SEPTEMBER 2022**

(Paper No. 827)

\* 9526 EDUCATION AND EARLY LEARNING—ABBOTSFORD PUBLIC SCHOOL—The Hon. Mark Latham to ask the Minister for Education and Early Learning—

- (1) Has Abbotsford Public School displayed Gay Pride and Transgender flags on its fencing?
  - (a) If so, why?
- (2) Are the actions in question (1), age appropriate for an infants and primary school?
- (3) What action will the Minister take to ensure the school is neutral on matters of sexuality and gender, and concentrates on the more important issue of literacy and numeracy instruction?
- (4) What displays does the school have for the Australian flag, building student and community pride in our nation?

Answer—

Abbotsford Public School has displayed flags on an internal fence for a number of months, including the Australian and Aboriginal and Torres Strait Islander flags. The school is located in the heart of a diverse community and promotes inclusion.

The celebration of diversity and inclusion does not detract from the school's focus on the fundamentals of learning such as literacy and numeracy instruction. Abbotsford Public School, like all New South Wales public schools, are bound by the Department's Controversial Issues in Schools policy.

The Australian flag is flown in a place of prominence at the front of the school on a daily basis. The school has received positive community feedback as a direct result of the display of the flags.

\* 9527 HEALTH—COSMETIC SKIN TREATMENTS—The Hon. Courtney Houssos to ask the Minister for Women, Minister for Regional Health, and Minister for Mental Health representing the Minister for Health—

- (1) What licensing are beauticians required to have in New South Wales?
- (2) Please outline, if any, what licensing beauticians are required to hold to administer facials in New South Wales?
- (3) Please outline what licensing is required to operate professional facial machinery in New South Wales?
- (4) Please outline, if any, what licensing is required in New South Wales to conduct the following facial procedures:
  - (a) Facial lasering?
  - (b) Chemical facial peels?
  - (c) Microdermabrasion?
  - (d) Skin needling?
  - (e) LED Light therapy?
- (5) How many complaints have been made in relation to facial procedures in New South Wales in the following years:
  - (a) 2018-2019?
  - (b) 2019-2020?
  - (c) 2020-2021?
  - (d) 2021-to date?
- (6) What penalties can be issued to operators or individuals who injure or provide an inadequate service to customers?

- (7) How many penalties have been issued in in relation to facial procedures in New South Wales in the following years:
- (a) 2018-2019?
  - (b) 2019-2020?
  - (c) 2020-2021?
  - (d) 2021-to date?

Answer—

I am advised that this is a matter for the Minister for Customer Service and Digital Government, Minister for Small Business, and Minister for Fair Trading. I refer the Member to the Minister's response at LC 9528.

\* 9528 FAIR TRADING—COSMETIC SKIN TREATMENTS—The Hon. Courtney Houssos to ask the Minister for Finance, and Minister for Employee Relations representing the Minister for Customer Service and Digital Government, Minister for Small Business, and Minister for Fair Trading—

- (1) What licensing are beauticians required to have in New South Wales?
- (2) Please outline, if any, what licensing beauticians are required to hold to administer facials in New South Wales?
- (3) Please outline what licensing is required to operate professional facial machinery in New South Wales?
- (4) Please outline, if any, what licensing is required in New South Wales to conduct the following facial procedures:
  - (a) Facial lasering?
  - (b) Chemical facial peels?
  - (c) Microdermabrasion?
  - (d) Skin needling?
  - (e) LED Light therapy?
- (5) How many complaints have been made in relation to facial procedures in New South Wales in the following years:
  - (a) 2018-2019?
  - (b) 2019-2020?
  - (c) 2020-2021?
  - (d) 2021-to date?
- (6) What penalties can be issued to operators or individuals who injure or provide an inadequate service to customers?
- (7) How many penalties have been issued in in relation to facial procedures in New South Wales in the following years:
  - (a) 2018-2019?
  - (b) 2019-2020?
  - (c) 2020-2021?
  - (d) 2021-to date?

Answer—

- (1) NSW Fair Trading does not license beauticians in NSW. However, consumers are afforded protections under the Australian Consumer Law for goods and services, which NSW Fair Trading enforce.

Certain cosmetic procedures may require a health practitioner to administer the treatment, which would be regulated by NSW Health and not NSW Fair Trading. For example, there are additional requirements under the Public Health Act 2010 and Public Health Regulation 2022 for service providers who offer skin penetration procedures such as microdermabrasion.

- (2) Nil. See response to (1).
- (3) Nil. See response to (1).
- (4)
- (a) Nil. See response to (1).
- (b) Nil. See response to (1).
- (c) Nil. However, any business carrying out skin penetration procedure must be registered with the local council and authorised officers can inspect the business to ensure they are meeting their health obligations (for example hygiene standards, Personal Protective Equipment, infection controls in place).
- (d) Nil. However, as above, any business carrying out skin penetration procedures must be registered with their local council.
- (e) Nil. See response to (1).
- (5)
- (a) 23.
- (b) 26.
- (c) 28.
- (d) 12.
- (6) Under the ACL, false or misleading misrepresentations that services are of a particular standard, quality, value or grade or engaging in conduct that is liable to mislead the public as to the nature, the characteristics, the suitability for their purpose or the quantity of any services is a breach of the law.
- Suppliers are required to report product related services associated with the death or serious injury or illness of a person if this was caused, or may have been caused, by the use or foreseeable misuse of the consumer goods to which the services relate. A pecuniary penalty may be imposed for a contravention of this section.
- Under the Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulation 1991, breaches of Product Information Standards are pursuant to s194 of the ACL. Consumer goods that do not comply with safety standards are in breach.
- Penalties can result in a fine of \$5,500 to \$10,000,000 for corporations and \$750 to \$500,000 for individuals.
- (7)
- (a) Nil (Fair Trading).
- (b) Nil (Fair Trading).
- (c) Nil (Fair Trading).
- (d) Nil (Fair Trading).

\* 9529 CUSTOMER SERVICE AND DIGITAL GOVERNMENT—BEHAVIOURAL ADVISORS—The Hon. Penny Sharpe to ask the Minister for Finance, and Minister for Employee Relations representing the Minister for Customer Service and Digital Government, Minister for Small Business, and Minister for Fair Trading—

- (1) Noting the position of Behavioural Advisor has been advertised to “be involved in supporting the delivery of a partnership the [Behaviour Insights] Unit has established with Women NSW”:

- (a) What is the nature of the partnership formed between the Unit and Women NSW?
- (b) What will the partnership's goals be?
- (c) How many people will be/have been recruited to work across the Behaviour Insights Unit and Women NSW?
- (d) What outcomes will the advertised Behaviour Advisor/s be tasked with achieving in relation to their work with Women NSW?
- (e) What specific objectives of the Government's Women's Economic Opportunity Statement will the new Behaviour Advisor/s be working towards achieving?

Answer—

(1)

- (a) The NSW Behavioural Insight Unit in the Department of Customer Service is supporting Women NSW to apply behavioural insights in the design, delivery and evaluation of initiatives that support the Women's Economic Opportunity Statement.
- (b) The partnership aims to ensure initiatives led by Women NSW are informed by the best available evidence on human behaviour, are rigorously tested, accessible to as many people as possible and provide a good customer experience.
- (c) Two temporary FTE staff are funded to support Women NSW over two years.
- (d) The support of the NSW Behavioural Insights Unit will include:
  - advising on ways to remove barriers and reduce customer effort in accessing relevant government initiatives and services
  - advising on the application of behavioural science and good practice to support the design, delivery and evaluation of initiatives
  - advising on the conduct of user research, evaluation and testing to understand what initiatives work, when and why.
- (e) The Behavioural Insights Unit's support will commence with a focus on initiatives relating to the priority area of increasing women's workforce participation (priority area one in the Women's Economic Opportunity Statement) and improving the experience of women in the workforce (priority area two).

\* 9531 HEALTH—MEDICAL CARE DURING BIRTH—The Hon. Penny Sharpe to ask the Minister for Women, Minister for Regional Health, and Minister for Mental Health representing the Minister for Health—

- (1) How many complaints has NSW Health received in relation to the medical care provided in NSW Health facilities during the birth process in:
  - (a) 2021-22?
  - (b) 2020-21?
  - (c) 2019-20?
- (2) How many of the complaints received in relation to the medical care provided in NSW Health facilities during the birth process were upheld in:
  - (a) 2021-22?
  - (b) 2020-21?
  - (c) 2019-20?
- (3) How many of the complaints received in relation to the medical care provided in NSW Health facilities during the birth process related to care provided by doctors in:
  - (a) 2021-22?
  - (b) 2020-21?

- (c) 2019-20?
- (4) How many of the complaints received in relation to the medical care provided in NSW Health facilities during the birth process related to care provided by nurses in:
- (a) 2021-22?  
 (b) 2020-21?  
 (c) 2019-20?
- (5) How many of the complaints received in relation to the medical care provided in NSW Health facilities during the birth process related to an alleged failure to seek the consent of birthing mothers for procedures relating to the birth in:
- (a) 2021-22?  
 (b) 2020-21?  
 (c) 2019-20?
- (6) How many of the complaints received in relation to the medical care provided in NSW Health facilities during the birth process related to an alleged failure to seek the consent of birthing mothers for procedures relating to the birth were upheld in:
- (a) 2021-22?  
 (b) 2020-21?  
 (c) 2019-20?

Answer—

I am advised that NSW Health does not collect complaint data centrally.

\* 9532 HOSPITALITY AND RACING—DRINK SPIKING IN HOSPITALITY—The Hon. Penny Sharpe to ask the Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism representing the Minister for Lands and Water, and Minister for Hospitality and Racing—

- (1) How many instances of drink spiking were reported to Government bodies in:
- (a) 2021-22?  
 (b) 2020-21?  
 (c) 2019-20?  
 (d) 2018-19?  
 (e) 2017-18?
- (2) Noting that the Minister for Hospitality stated at the Budget Estimates hearing on 2 September 2022 that, in relation to drink spiking, the Government is “exploring ways to enhance industry guidance and how licensees should deal with patrons that are removed from the premises if there’s a reasonable belief that a person’s drink has been spiked”:
- (a) In what way is the issue of drink spiking being explored by the Government?  
 (b) Has this government response come at the urging of the industry?  
 (c) Has this government response come at the urging of the New South Wales Police Force?  
 (d) How is industry being consulted?
- (3) In regards to recording of alleged drink spiking incidents by licenced venues:
- (a) Are licenced premises that do not trade after midnight required to keep an incident register of any kind?  
 (b) What is the process for all licenced venues to follow if they have a suspected drink spiking incident on their premises reported at the time of the offence?

- (c) Are all licenced venues required to report alleged drink spiking incidents to the New South Wales Police Force?
- (d) What is the process for all licenced venues to follow if they have a suspected drink spiking incident on their premises reported after the suspected offence has taken place?

Answer—

- (1) The New South Wales Police Force is the custodian of this data and therefore this question should be directed to the Minister for Police.

(2)

- (a) As part of action 15 of the 24-hour Economy Strategy for Greater Sydney, the Government has committed to exploring the introduction of a new risk-based liquor licence model. Further announcements will happen in due time.
- (b) No.
- (c) No.
- (d) Consultation with industry stakeholders will occur via the Discussion Paper on potential liquor licensing reform which will likely be released later this year.

(3)

- (a) Yes, in certain circumstances.
- (b) Drink spiking is a criminal offence and NSW Police can take enforcement action against individuals involved in drink spiking under the Crimes Act 1900. To facilitate this, industry guidance materials include contact information for venues to report incidents to Police. The guidance material also advises venues to keep contact information on hand for local taxi and counselling services that may be relevant, depending on the circumstances of each case.

In line with liquor laws, licensees that are required to keep incident registers must record:

- any incident that involves possession or use of a substance that the licensee suspects of being a prohibited plant or drug
- any incident that results in a patron requiring medical assistance
- any incident that results in a person being turned out of the licensed premises (for example, due to intoxication).

Licensees must also record the details of any action taken in response to any such incident in the incident register.

In addition, crime scene preservation orders apply to licensed premises in the Kings Cross and Sydney CBD Entertainment precincts under clause 97 of the Liquor Regulation 2018. These require licensees to preserve the scene where there is an act of violence involving an injury to a person on the premises. This requirement can also be imposed on other licensed premises by way of a licence condition.

- (c) There is no requirement for this to occur, however industry guidance material on drink spiking recognises that it is a criminal offence and includes contact information for NSW Police.
- (d) Measures outlined in response to 3(b) above are relevant for incidents reported after the suspected offence has taken place.

\* 9533 POLICE—DRINK SPIKING—The Hon. Penny Sharpe to ask the Minister for Education and Early Learning representing the Deputy Premier, Minister for Regional New South Wales, and Minister for Police—

- (1) How many instances of drink spiking were reported to the New South Wales Police Force in:

- (a) 2021-22?
- (b) 2020-21?



- (c) 2019-20?
  - (d) 2018-19?
  - (e) 2017-18?
- (2) How many instances of drink spiking were reported to the New South Wales Police Force by licensees or employees of licenced venues in:
- (a) 2021-22?
  - (b) 2020-21?
  - (c) 2019-20?
  - (d) 2018-19?
  - (e) 2017-18?
- (3) At the Budget Estimates hearing on 2 September 2022, Chief Executive Officer of Hospitality and Racing stated that “anecdotal information” indicated a rise in drink spiking incidents. In what way is the issue of drink spiking being investigated by the New South Wales Police Force?
- (a) Has the New South Wales Police Force advocated for a review into how licensees deal with the issue of drink spiking?

Answer—

I am advised:

- (1) The following data is in relation to drink spiking incidents over the past five years:
- (a) 161.
  - (b) 108.
  - (c) 91.
  - (d) 100.
  - (e) 103.
- (2) Data not held, as it is not specified within the NSW Police Force Computerised Operational Policing System (COPS).
- (3) The NSW Police Force’s response to drink spiking incidents is to treat them like any other criminal investigations.

Licensed premises are subject to appropriate control and preventative measures in place, such as Liquor Licence conditions, Liquor Accord Precinct conditions, the Liquor Act 2007 and Liquor Regulations 2018. It is the NSW Police Force’s expectation that licensed premises cooperate with criminal investigations undertaken by police officers.

\* 9534 PREMIER—AUSTRALIAN CLAY TARGET ASSOCIATION—The Hon. Penny Sharpe to ask the Minister for Finance, and Minister for Employee Relations representing the Premier—

- (1) Premier, in relation to the \$5.5 million grant you approved to the Australian Clay Target Association in Wagga Wagga through the Regional Growth Environment and Tourism Fund under the Restart NSW Funding Act in August 2017:
- (a) Which of the "purposes" outlined in section 6(1)(b) of the Restart NSW Fund Act 2011 (NSW) applied to the \$5.5 million grant provided by the Government to the Australian Clay Target Association in Wagga Wagga from the Regional Growth-Environment and Tourism Fund?
  - (b) Given the criteria of the Regional Growth-Environment and Tourism Fund expressly stated that projects were not eligible for grants under the fund if they were “on private land and/or have exclusive private benefits”, what was the criteria you used to sign off on the \$5.5 million grant to the Australian Clay Target Association?

- (c) Infrastructure NSW raised concerns regarding the grant because it was not on public land, and it did not provide value for money; did Infrastructure ever provide you with information regarding their concerns?
- (d) Could the Minister please advise how it is possible that a grant that was not eligible under the Restart NSW Fund Act, nor the guidelines for the Regional Growth Environment and Tourism Fund, nor meet benefit-cost ratio requirements from Infrastructure NSW, was approved?

Answer—

Questions in relation to the Restart NSW Funding Act should be directed to the Treasurer.

Questions in relation to the Regional Growth Environment and Tourism Fund should be directed to the Minister for Regional NSW.

\* 9535 WOMEN'S SAFETY AND THE PREVENTION OF DOMESTIC AND SEXUAL VIOLENCE—NEW SEXUAL VIOLENCE AND DOMESTIC AND FAMILY VIOLENCE PLANS—The Hon. Penny Sharpe to ask the Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence—

- (1) The Government has drafted new sexual violence and domestic and family violence plans in 2022:
  - (a) When will the final NSW Domestic and Family Violence Plan 2022-27 be released?
  - (b) When will the final NSW Sexual Violence Plan 2022-27 be released?
  - (c) What is the budget allocation for the delivery of 2022-23FY actions which will be in the NSW Domestic and Family Violence Plan 2022-27?
  - (d) What is the budget allocation for the delivery of the 2022-23FY actions which will be in the NSW Sexual Violence Plan 2022-27?

Answer—

I am advised:

The NSW Domestic and Family Violence Plan 2022-27 and the NSW Sexual Violence Plan 2022-2027 are intended to be released following the Federal Governments release of the National Plan to end Violence against Women and Children 2022-2032. As the both the NSW Domestic and Family Violence Plan 2022-27 and NSW Sexual Violence Plan 2022-2027 are still being finalised, it is not possible to advise on the budget allocation at this time.

## 7 OCTOBER 2022

(Paper No. 842)

9630 PLANNING—NSW PLANNING SYSTEM—The Hon. Mark Latham to ask the Minister for Women, Minister for Regional Health, and Minister for Mental Health representing the Minister for Planning, and Minister for Homes—

- (1) Which recommendations for improving the New South Wales planning system in the Productivity Commissioner's White Paper final report have been implemented by the Government?
- (2) Which recommendations of the Productivity Commissioner's White Paper final report have not been implemented?
  - (a) What are the reasons for non-implementation?

9631 HEALTH—ADVERSE PATIENT OUTCOMES—The Hon. Courtney Houssos to ask the Minister for Women, Minister for Regional Health, and Minister for Mental Health representing the Minister for Health—

- (1) With regards to the answer provided to Budget Estimates Q22/437, which states "From 1 January 2020 to 19 September 2022 of the serious adverse event reviews completed by NSW Ambulance, there have been 4 incidents identified where a NSW Ambulance response delay was the primary causal factor for the adverse patient outcome": Could the Minister please outline the details of each

of these incidents, including the date, location, patient details, hospital details, and what the adverse patient outcome was?

9632 WOMEN'S SAFETY AND THE PREVENTION OF DOMESTIC AND SEXUAL VIOLENCE—RESTORATIVE JUSTICE—The Hon. Penny Sharpe to ask the Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence—

- (1) What therapeutic programs and services are available to perpetrators of sexual offences who are:
  - (a) Adults
    - (i) Charged with a sexual offence?
    - (ii) Have no charges against them?
  - (b) Under 18 years old?
    - (i) Charged with a sexual offence?
    - (ii) Have no charges against them?

9633 HEALTH—SEXUAL ASSAULT SERVICES—The Hon. Penny Sharpe to ask the Minister for Women, Minister for Regional Health, and Minister for Mental Health representing the Minister for Health—

- (1) Across the 64 Sexual Assault Services (SAS) in New South Wales, how many patients utilised the service in 2021-2022?
  - (a) How many occasions of service were there?
- (2) What is the current average number of people on the waiting list to access these sexual assault services for those who experienced a sexual assault over seven days before presentation?
- (3) In the 2021-22 Budget, what amount was committed to:
  - (a) NSW Health for the 64 Sexual Assault Services?
  - (b) NewStreet Services for young people using harmful behaviours?
- (4) In the 2022-23 Budget, what amount was committed to:
  - (a) NSW Health for the 64 Sexual Assault Services?
  - (b) NewStreet Services for young people using harmful behaviours?

9634 WOMEN'S SAFETY AND THE PREVENTION OF DOMESTIC AND SEXUAL VIOLENCE—PREMIER'S RECIDIVISM PRIORITY—The Hon. Penny Sharpe to ask the Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence—

- (1) An answer given on notice following the 24 August Budget Estimates hearing on Women's Safety and the Prevention of Domestic and Sexual Violence, the Government has allocated over \$110 million between 2019 and 2023 on programs to directly support the Premier's Priority "to reduce domestic violence recidivism":
  - (a) What programs have been funded in that \$110 million allocation?
  - (b) What was the funding allocation to each of these programs in:
    - (i) 2019-20?
    - (ii) 2020-21?
    - (iii) 2021-22?
    - (iv) 2022-23?
- (2) How was each program's success in reducing domestic violence recidivism measured?

David Blunt  
Clerk of the Parliament

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Authorised by the Parliament of New South Wales