



## LEGISLATIVE COUNCIL

2023

FIRST SESSION OF THE FIFTY-EIGHTH PARLIAMENT

# QUESTIONS AND ANSWERS

No. 49

MONDAY 17 JULY 2023

(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. 23 (Including Question Nos 0300 to 0355)	30 June 2023
Q & A No. 37 (Including Question Nos 0712 to 0739)	20 July 2023
Q & A No. 38 (Including Question Nos 0740 to 0741)	21 July 2023
Q & A No. 39 (Including Question Nos 0742 to 0790)	24 July 2023
Q & A No. 40 (Including Question Nos 0760 to 0763)	25 July 2023
Q & A No. 41 (Including Question Nos 0764 to 0831)	26 July 2023
Q & A No. 42 (Including Question Nos 0832 to 0856)	27 July 2023
Q & A No. 43 (Including Question Nos 0857 to 0858)	28 July 2023
Q & A No. 44 (Including Question Nos 0859 to 0861)	31 July 2023
Q & A No. 45 (Including Question Nos 0862 to 0862)	1 August 2023
Q & A No. 46 (Including Question Nos 0863 to 0870)	2 August 2023
Q & A No. 47 (Including Question Nos 0871 to 0906)	3 August 2023
Q & A No. 48 (Including Question Nos 0907 to 0908)	4 August 2023
Q & A No. 49 (Questions—Nil)	-

**26 JUNE 2023**

(Paper No. 34)

\* 0653 ATTORNEY GENERAL—SUCCESSFUL APPLICANTS FOR LEGAL SUPPORT FUNDING—Ms Sue Higginson to ask the Treasurer representing the Attorney General—

- (1) Through the Attorney General, legal advice and representation is provided to people in their dealings with investigative bodies, including the Law Enforcement Conduct Commission (LECC), the NSW Independent Commission Against Corruption (ICAC), or in relation to Royal and Special Commissions of Inquiry and also in select Coronial Inquests as directed by the Attorney General. Can the Minister provide information on the last three successful applications for this assistance?

Answer—

I am advised the last three successful applications are as follows:

- (1) In June 2023, a witness submitted an application under s 42 of the Crime Commission Act 2012 (CC Act) for legal assistance in relation to a Summons to appear and continue to give evidence at a hearing before the NSW Crime Commission and to produce any document or other thing. The application was approved by the Solicitor General, under delegation from the Attorney General, on 6 June 2023.
- (2) In May 2023, a witness submitted an application under s 77 of the Law Enforcement Conduct Commission Act 2016 (LECC Act) for legal assistance in relation to an appearance at a private examination conducted by the Law Enforcement Conduct Commission (LECC). The application was approved by the Secretary, under delegation from the Attorney General, on 26 May 2023.
- (3) In May 2023, a witness submitted an application under s 77 of the LECC Act for legal assistance in relation to a Summons to appear and give evidence at a public examination before the LECC. The application was approved by the Secretary, under delegation from the Attorney General, on 24 May 2023.

The relevant functions of the Attorney General under the LECC Act and the CC Act were delegated by former Attorney General, Mark Speakman SC MP on 27 April 2021.

The information is supplied in an anonymised form to ensure there is no breach of the secrecy provisions under s 180 of the LECC Act and s 80 of the CC Act.

\* 0654 EDUCATION AND EARLY LEARNING—MURWILLUMBAH EDUCATION CAMPUS DEMERGER—The Hon. Sarah Mitchell to ask the Minister for Finance, and Minister for Natural Resources representing the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney—

- (1) In relation to the Murwillumbah Education Campus project, can the Minister advise:
- (a) Will the classrooms and schools in Murwillumbah be modernised to inspire the learners of the future?
- (i) If yes, then why aren't students in Murwillumbah being provided with new, innovative learning spaces and facilities?
- (b) Has there been any consideration of the educational and emotional benefits of having two schools co-located on the one premise?
- (c) What will happen to students if they lose the continuity of learning and educational programs, being known, valued and cared for by staff who follow their entire educational journey from Kindergarten to Year 12, the KIN well-being structure developed for Murwillumbah Learning Community and the learning characteristic wheel that is already being implemented across the 4 schools if the demerger goes ahead?

Answer—

I am advised by the Deputy Premier, Minister for Education and Early Learning and Minister for Western Sydney that:

Please refer to the answer to LC QoN 390.

- \* 0655 EDUCATION AND EARLY LEARNING—TEACHER VACANCIES - PERMANENT—The Hon. Sarah Mitchell to ask the Minister for Finance, and Minister for Natural Resources representing the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney—

(1) Can the Minister advise how many permanent teaching positions are currently vacant in New South Wales public schools?

Answer—

I am advised by the Deputy Premier, Minister for Education and Early Learning and Minister for Western Sydney that:

Please refer to the answer to LC QoN 390.

- \* 0656 EDUCATION AND EARLY LEARNING—TEACHER VACANCIES - PERMANENT BY SCHOOL—The Hon. Sarah Mitchell to ask the Minister for Finance, and Minister for Natural Resources representing the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney—

(1) Can the Minister advise how many permanent teaching positions are currently vacant in each New South Wales public school, broken down by school?

Answer—

I am advised by the Deputy Premier, Minister for Education and Early Learning and Minister for Western Sydney that:

The Minns Labor Government inherited a teacher shortage crisis from the former NSW Liberal Nationals Government. As of 18 May 2023, there was a total of 1820.90 FTE vacant teaching positions at NSW public schools. A table providing the breakdown by school is listed in Tab A attached.

- \* 0657 REGIONAL TRANSPORT AND ROADS—SEALING POONCARIE ROAD—The Hon. Sam Faraway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

(1) Can the Minister provide an update on the sealing of Pooncarie Road?

(2) How much of the State and Commonwealth jointly funded project has been completed to date?

Answer—

I am advised

Pooncarie Road is a regional road. Regional and Local roads are the responsibility of local councils. As stated on the Central Darling Shire Council website, the sealing of Pooncarie Road is forecasted to be completed by June 2024.

The Australian and NSW Governments jointly funded \$48.8 million. for the sealing of 87.5 kilometres of Pooncarie Road from dirt to bitumen. This includes 61 kilometres of road in the Central Darling Shire (northern section) and 26.5 kilometres in the Wentworth Shire (southern section). Of the 87.5 kilometres of Pooncarie Road to be sealed, 43 kilometres have been completed as of June 2023.

- \* 0658 REGIONAL TRANSPORT AND ROADS—TFNSW REVIEW ENGINEERING REPORTS—The Hon. Sam Faraway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

(1) Can the Minister advise if Transport for NSW has reviewed the engineering reports, design and construction works of Pooncarie Road?

Answer—

I am advised

Yes.

\* 0659 REGIONAL TRANSPORT AND ROADS—TRANSPORT FOR NEW SOUTH WALES SUPPORT—The Hon. Sam Faraway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

- (1) Can the Minister advise if Transport for NSW has deployed or offered any additional resources to either Central Darling Shire Council or Wentworth Shire Council for the completion of sealing Pooncarie Road as of 26 June 2023?
- (2) Can the Minister advise if Transport for NSW has deployed a project manager or support member to assist Central Darling Shire Council in the delivery of the sealing of Pooncarie Road as of 26 June 2023?
  - (a) If so, when did the Transport for NSW representative visit or meet with Central Darling Shire Council as of 26 June 2023?

Answer—

I am advised

- (1) Pooncarie road is a Regional road under the care and control of Central Darling Shire Council and Wentworth Shire Council. Sealing Pooncarie Road is a local council project funded by the NSW and Federal governments.
- (2) Yes.
  - (a) The most recent contact with Council occurred on 28 June 2023. Transport for NSW technical assistance is available to Wentworth Shire Council if requested.

\* 0660 REGIONAL TRANSPORT AND ROADS—COMPACTION TEST RESULTS—The Hon. Sam Faraway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

- (1) Can the Minister advise, what is the current standard Transport for NSW requires for compaction test results to comply with the sealing of regional roads?
- (2) Has Transport for NSW reviewed any compaction tests in relation to the sealing of Pooncarie Road within the Central Darling Shire Local Government Area?
  - (a) If so, what are the results of the compaction test results?
    - (i) With regard to (1), do they meet the standard required for the sealing of regional roads?

Answer—

I am advised

Local councils determine requirements for road projects that are applicable to the road being serviced and the material being used. Transport for NSW has not published standards for compaction test results for use by local councils on their local and Regional roads. Transport for NSW's standards are required for works on State-managed roads.

Transport for NSW, as part of the technical assistance being provided to Central Darling Shire Council, has reviewed the compaction test results and found them to be in accordance with the requirements determined by Council for its road sealing project.

The results of the compaction test are a matter for Central Darling Shire Council.

\* 0661 REGIONAL TRANSPORT AND ROADS—CENTRAL DARLING SHIRE POONCARIE ROAD—The Hon. Sam Faraway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

- (1) Can the Minister advise, has Transport for NSW briefed the Environmental Protection Authority on any possible breaches with land clearing associated with the sealing of the Pooncarie Road within the Central Darling Shire Local Government Area?
- (2) Can the Minister advise whether they have met with the Administrator or General Manager of Central Darling Shire Council in relation to concerns raised in the community over the quality of the sealing of Pooncarie Road as of 26 June 2023?

Answer—

I am advised

- (1) Pooncarie Road is a Regional road. Regional and Local roads are the responsibility of local councils. Any breaches in relation to land clearing associated with the sealing of the Pooncarie Road within the Central Darling Shire Local Government Area is a matter for the relevant regulatory agency and Central Darling Shire Council.
- (2) On my appointment, I wrote to all Councillors, Mayors, General Managers and Members of Parliament inviting them to contact me with any concerns they have. My diary disclosures are made public in accordance with the Ministerial Code of Conduct via the Department of Premier and Cabinet website.

\* 0662 REGIONAL TRANSPORT AND ROADS—INDEPENDENT ASSESSMENT POONCARIE ROAD—The Hon. Sam Faraway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

- (1) Can the Minister advise, has Transport for NSW engaged an independent assessment on the quality of works completed to date for the sealing of Pooncarie Road as of 26 June 2023?

Answer—

I am advised

The Australian and NSW Governments have provided joint funding to seal of 87.5 kilometres Pooncarie Road from dirt to bitumen. Pooncarie Road is a Regional road. Regional and Local roads are the responsibility of local councils.

Works on the northern section of road is being completed by the Central Darling Shire Council. Menindee. The works for the southern section of road are being completed by the Wentworth Shire Council.

I understand the former Minister for Regional Transport and Roads the Hon Sam Faraway was asked to instigate formal independent investigations into Pooncarie Road works in May and June 2022 and that no such investigations were undertaken.

\* 0663 REGIONAL TRANSPORT AND ROADS—MENINDEE COMMUNITY POONCARIE ROAD—The Hon. Sam Faraway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

- (1) Can the Minister advise whether they met with members of the Menindee community in relation to concerns raised over the quality of the sealing of Pooncarie Road as of 26 June 2023?

Answer—

I am advised

My diary disclosures are made public in accordance with the Ministerial Code of Conduct via the Department of Premier and Cabinet website.

\* 0664 REGIONAL TRANSPORT AND ROADS—VISIT POONCARIE ROAD—The Hon. Sam Farroway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

(1) Can the Minister advise whether they have visited Pooncarie Road as of 26 June 2023?

Answer—

I am advised

My diary disclosures are made public in accordance with the Ministerial Code of Conduct via the Department of Premier and Cabinet website.

\* 0665 REGIONAL TRANSPORT AND ROADS—SEALING AND COST POONCARIE ROAD—The Hon. Sam Farroway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

(1) Can the Minister advise, have any Transport for NSW Senior staff inspected the sealing of Pooncarie Road since 26th March 2023?

(2) Can the Minister and Transport for NSW advise the cost per kilometre for the sealing of Pooncarie Road within the Wentworth shire Local government area with works undertaken by Wentworth Shire Council?

(3) Can the Minister and Transport for NSW advise the cost per kilometre for the sealing of Pooncarie Road within the Central Darling Shire Council local government area with works undertaken by Central Darling Shire council?

Answer—

I am advised

(1) Senior Engineers from Transport for NSW have met with the Central Darling Shire Council at the Pooncarie Road work site. The project is being delivered during an unusually high rainfall period and is regularly subject to flash flooding leading to more scouring of the batters. In light of the heavy rainfall, the Council is progressing favourably with the available material.

(2-3) Regional and Local roads are the responsibility of local councils. Local councils are the delegated legal roads authority for these roads. As such, the cost for sealing of Pooncarie Road within the Wentworth Local Government Area and the Central Darling Local Government Area are a matter for the Wentworth Shire Council and the Central Darling Shire Council respectively.

\* 0666 REGIONAL TRANSPORT AND ROADS—CULVERTS POOCARIE ROAD—The Hon. Sam Farroway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

(1) Can the Minister advise why the contractor deployed by Central Darling Shire Council and Transport for NSW did not remove or transport the concrete culverts on site prior to the January 2023 flooding in the region?

Answer—

I am advised

Regional and local roads are the responsibility of local councils.

Transport for NSW was not involved in the deployment of a contractor for the transportation of concrete culverts and this is a matter for Central Darling Shire Council.

\* 0667 REGIONAL TRANSPORT AND ROADS—ADDITIONAL FUNDING POONCARIE ROAD—The Hon. Sam Farroway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

- (1) Can the Minister advise whether they have approved any additional funding for betterment upgrades to the sealing of Pooncarie Road?

Answer—

I am advised

The NSW Government has inherited the largest debt handed from one State government to another with \$187 billion in debt over the forward estimates and over \$7 billion in unfunded programs.

The NSW State Budget will be handed down in September.

\* 0668 REGIONAL TRANSPORT AND ROADS—DISASTER DECLARATION FUNDING POONCARIE ROAD—The Hon. Sam Farroway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

- (1) Can the Minister advise, how much disaster declaration funding has been granted for the Pooncarie Road following the January 2023 flooding? Please include any Category A, B, C or D Funding.

Answer—

I am advised

At this time, there has been no funding granted under Category B of the Disaster Recovery Funding Arrangements relating to the 'AGRN 1034 NSW Flooding from 14 September 2022 onwards' event, which includes the January 2023 event in Central Darling Local Government Area.

Although there have been a series of declared natural disaster events for which Central Darling Shire Council would be eligible to claim natural disaster funding, Transport for NSW has not received any additional claims from Central Darling Shire, or Wentworth councils to date, in relation to damage which may have been caused to Pooncarie Road. Transport for NSW continues to support councils in making natural disaster funding submissions.

Categories A, C, D and E of the Disaster Recovery Funding are not administered by Transport for NSW.

\* 0669 REGIONAL TRANSPORT AND ROADS—COMPLETION DATE POONCARIE ROAD—The Hon. Sam Farroway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

- (1) Can the Minister advise what the completion date for the sealing of Pooncarie Road is?

Answer—

I am advised

As stated on the Central Darling Shire Council website, the sealing of Pooncarie Road is forecasted to be completed by June 2024.

\* 0670 REGIONAL TRANSPORT AND ROADS—COMMUNITY EXPECTATION POONCARIE ROAD—The Hon. Sam Farroway to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Regional Transport and Roads—

- (1) Can the Minister and Transport for NSW guarantee the work completed to date meets the communities expectation and safety standards?

Answer—

I am advised



The Pooncarie Road sealing project is a council-led project being delivered by Central Darling and Wentworth local councils.

**17 JULY 2023**

(Paper No. 49)

Nil Questions submitted.

David Blunt AM  
Clerk of the Parliaments