



LEGISLATIVE COUNCIL

2023-24

FIRST SESSION OF THE FIFTY-EIGHTH PARLIAMENT

QUESTIONS AND ANSWERS

No. 296

WEDNESDAY 17 JULY 2024

(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.

Publication of Questions	Answer to be lodged by
Q & A No. 281 (Including Question Nos 2496 to 2503)	17 July 2024
Q & A No. 282 (Including Question Nos 2504 to 2514)	18 July 2024
Q & A No. 283 (Including Question Nos 2515 to 2520)	19 July 2024
Q & A No. 284 (Including Question Nos 2521 to 2525)	22 July 2024
Q & A No. 285 (Including Question Nos 2526 to 2526)	23 July 2024
Q & A No. 286 (Including Question Nos 2527 to 2534)	24 July 2024
Q & A No. 287 (Including Question Nos 2535 to 2542)	25 July 2024
Q & A No. 288 (Including Question Nos 2543 to 2553)	26 July 2024
Q & A No. 289 (Questions—Nil)	-
Q & A No. 290 (Including Question Nos 2554 to 2557)	30 July 2024
Q & A No. 291 (Including Question Nos 2558 to 2563)	31 July 2024
Q & A No. 292 (Including Question Nos 2564 to 2566)	1 August 2024
Q & A No. 293 (Including Question Nos 2567 to 2569)	2 August 2024
Q & A No. 294 (Including Question Nos 2570 to 2572)	5 August 2024
Q & A No. 295 (Including Question Nos 2573 to 2578)	6 August 2024
Q & A No. 296 (Including Question Nos 2579 to 2580)	7 August 2024

26 JUNE 2024

(Paper No. 281)

* 2496 AGRICULTURE—CHICKEN CULLING AT HAWKESBURY FARM—Ms Abigail Boyd to ask the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales—

- (1) Media reports indicate two egg farms in the Hawkesbury region have now been infected with avian influenza. Has avian influenza H7N8 been confirmed at both facilities?
- (2) How many chickens have been killed or will be killed at each facility?
- (3) Has all killing been undertaken or scheduled to be undertaken at the two facilities?
- (4) How many biosecurity officers will be present during the killing?
 - (a) How many animal welfare officers will be present?
- (5) What method will be used for the infected hens at the two Hawkesbury facilities?
 - (a) What animal welfare oversight will be in place and documented?
- (6) Your media release on 20 June stated that "8,000 birds died from the flu over the last 48 hours" and that "this process will take up to 5-7 days to depopulate 240,000 birds." What is the revised number of birds who have died, prior to being killed?
 - (a) Why was the immediate humane euthanasia not arranged?
- (7) For each facility, what was the process in which the chickens are being disposed of and where?

Answer—

- (1) Yes. High pathogenicity avian influenza (HPAI) H7N8 was confirmed by CSIRO's Australian Centre for Disease Preparedness (ACDP) in a poultry (egg) farm on 19 June 2024. On 22 June 2024, HPAI H7N8 was confirmed in a second, poultry (meat) farm in the surrounding area.
- (2) Depopulation of all 237,000 birds at the first infected premises was completed on 25 June 2024 date. Depopulation of all 87,000 birds at the second infected premises was completed on 25 June 2024.
- (3) Yes, as above.
- (4) It is a requirement of the response that at least one Authorised Officer is present during the depopulation. As such, at least one Authorised Officer was on site during the depopulation. One additional departmental staff member was also present, some of whom were Authorised Officers, depending on availability.
 - (a) A registered veterinarian was present during parts of the depopulation process.
- (5) Depopulation is undertaken according to industry best-practice and under the supervision of Authorised Officers under the NSW Biosecurity Act (2015).
 - (a) Carbon dioxide gassing is recognised as industry best practice and was carried out by trained and accredited personnel, under the supervision of Authorised Officers. This approach is approved in the nationally agreed AUSVETPLAN, which incorporates recommendations from industry, government, technical and animal welfare experts.
 - (b) NSW Department of Primary Industries and Regional Development (the Department) ensured that the method of depopulation maintained the highest standard of animal welfare. The process was thoroughly documented as per AUSVETPLAN protocols.
- (6) Mortality of birds prior to depopulation varied from shed to shed and ranged from 10%-40%. At the first property a total of 120,000 birds died between first identification of clinical signs and the completion of depopulation. At the second farm, due to the early nature of detection, no birds died prior to the completion of depopulation. As described in 5(a), humane depopulation occurred as quickly as practically possible.

- (7) Depopulation of birds on the two infected properties was arranged to be achieved in the most efficient timeframe possible, considering animal welfare, biosecurity and operational factors. Euthanised birds were 'biosecurely transported' to a commercial waste facility for deep burial, with NSW Environmental Protection Authority approval. On-site burial was not an option due to the proximity of the properties to natural waterways.

* 2497 EDUCATION AND EARLY LEARNING—DEPARTMENT OF EDUCATION POLICIES—Ms Abigail Boyd to ask the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, 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 Department of Education's 2023 guidance to school leaders, teachers and other staff "Supporting the school community during the current conflict in the Middle East", what legal advice did the Department seek and receive with regards to the policy?
- (a) Did the Department receive any legal advice regarding the policy with particular regard to its interaction with protections under the Anti-Discrimination Act 1977?
 - (b) Did the Department receive any legal advice regarding the policy with particular regard to its interaction with the Department's own anti-racism policy?
 - (c) Who was consulted in the formation of this policy?
 - (d) What form of consultation was undertaken?
 - (e) How many teachers or school staff have been disciplined or cautioned as a result of breaches of this policy?
 - (f) How many students have been disciplined or cautioned as a result of breaches of this policy?
 - (g) How many times has the Director, Educational Leadership, been consulted with by school leaders with regards to the application of this policy?

Answer—

The resource 'Supporting the school community during the current conflict in the Middle East' provides suggested approaches for school leaders on how to support students, staff and the community members who may be impacted by the conflict in the Middle East. The resource is not a policy. No legal advice was received for the development of the resource.

The resource contains messages for staff about the importance of being sensitive to the feelings and reactions of all students and in ensuring that no student or staff member suffers from discrimination or harassment.

The resource provides advice to school leaders on providing safe and supportive environments for all students, staff and community members. Content is consistent with the Anti-Racism Policy and the department's NSW Community Resilience and Response Plan (COMPLAN) commitments.

As the resource is not a policy, the Professional and Ethical Standards Directorate has not been involved.

The department does not collect central data on the number of times Directors Educational Leadership have been consulted by school leaders on this resource.

* 2498 EDUCATION AND EARLY LEARNING—PALESTINIAN STUDENTS IN NEW SOUTH WALES SCHOOLS—Ms Abigail Boyd to ask the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources representing the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney—

- (1) Are Palestinian students able to nominate their nationality as Palestinian on the NSW Department of Education student enrolment forms at all schools?
- (2) How many disciplinary actions have been taken against students for wearing a Palestinian flag insignia as part of their uniform?
- (3) Are students permitted to wear a Keffiyeh or other Palestinian cultural items with their school uniform?

- (a) Are Palestinian students permitted to wear a keffiyeh or other Palestinian cultural items on days which other students are permitted to wear cultural items representing their cultural background, such as on "Harmony Day"?

Answer—

- (1) The Application to Enrol in a NSW Government School (paper and online) form does not ask for information about a student's nationality.
- (2) The Department of Education does not keep data on instances of breach of school uniform. Students are expected to follow the Behaviour Code for Students to 'meet the school's agreed uniform policy or dress code'.
- (3) Community consultation processes inform school uniform attire decisions. The chosen uniform must comply with the department's procedure which includes health and safety requirements, anti-discrimination legislation and considers the diverse nature of a school's student population.
 - (a) Schools may allow students to wear something other than their uniform on a special day, such as Harmony Day. The School Uniform Guidelines Checklist provides some considerations for principals when communicating suitability of clothing choices for students and their families when participating in Harmony Day celebrations. This can include closed in shoes for practical work classrooms, sun protection wear, such as a wide brimmed hat, or ensuring no offensive language or slogans on clothing. Principals make decisions about the most appropriate ways to build understanding of cultural diversity, different perspectives and foster harmony within their local context. Harmony Day provides one opportunity for schools to build intercultural understanding, respect and trust within their school community. Some schools promote wearing orange during Harmony Day.

* 2499 REGIONAL TRANSPORT AND ROADS—OXLEY HIGHWAY—Ms Cate Faehrmann to ask the Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism representing the Minister for Regional Transport and Roads—

- (1) What is the current status of the Stage two Oxley Highway and Wrights Road intersection upgrades?
 - (a) When are the upgrade works expected to commence?
 - (b) When are the upgrade works expected to be completed?
- (2) What interim solutions have been considered in the meantime to address safety and congestion concerns?
 - (a) What is the outcome of any interim options considered?

Answer—

I am advised

Transport for NSW is developing a proposal to improve traffic flow at several intersections along the Oxley Highway at Port Macquarie. Key intersections include Lake Road, Wrights Road, and the Pacific Highway and Oxley Highway Interchange.

A strategic business case is being developed to progress priority works east of the Pacific Highway corridor. The investigations are in the strategic development phase.

Federal funding for further development beyond the strategic business case was removed from Stage two of the Oxley Highway upgrades in November 2023, as an outcome of the Independent Strategic Review of Infrastructure Investment Program. Transport is seeking alternative funding pathways to continue work on these important intersections, noting funding for implementation will need to be identified before the project moves into environmental assessment and detailed design.

* 2500 REGIONAL TRANSPORT AND ROADS—INTEGRATED TRANSPORT PLANS—Ms Cate Faehrmann to ask the Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism representing the Minister for Regional Transport and Roads—

- (1) Could you please provide a breakdown of each Local Government Area that has completed and adopted a Regional Integrated Transport Strategy in partnership with the Government?
- (2) Could you please provide a breakdown of each Local Government Area that has completed and adopted a Regional Integrated Transport Network Plan in partnership with the Government?

Answer—

I am advised

The development of the Strategic Regional Integrated Transport Plans is currently underway. The Strategic Regional Integrated Transport Plans will expand on existing Regional Transport Plans to better reflect the needs of regional communities.

Transport for NSW is developing Strategic Regional Integrated Transport Plans for the Hunter and the South East and Tablelands Regions as a priority, with other regions to follow late 2024 to early 2025.

The Strategic Regional Integrated Transport Plans will include actions and initiatives identified through consultation and collaboration with key stakeholders and community groups and cover all Regional Local Government Areas. Further information is publicly available at:

<https://www.haveyoursay.nsw.gov.au/sritp>

In addition to the Strategic Regional Integrated Transport Plans, Transport for NSW has partnered with a number of regional councils to co-design local Integrated Transport Plans.

The below plans have been completed and adopted. Planning is generally done by region not LGA:

Tamworth Integrated Transport Plan	<ul style="list-style-type: none"> • Draft content completed. • Transport for NSW collaborated with Tamworth Council to develop the draft Integrated Transport Plan. • Council placed the document on public display for community feedback. • Transport for NSW is currently working with Council on a consultation summary report.
Port Macquarie Integrated Transport Plan	<ul style="list-style-type: none"> • Transport for NSW collaborated with Port Macquarie/Hastings Council in developing the draft Integrated Transport Plan. • The document has been placed on public exhibition by Port Macquarie/Hastings Council. • Council has an expectation that the document will be co-branded and Transport for NSW is working with Council towards finalising the content so that both organisations are happy to endorse the document.
Coffs Harbour Movement and Place Strategy	<ul style="list-style-type: none"> • The Coffs Harbour Movement and Place Strategy was adopted by Council on 28 September 2023. • The development of the Strategy was led by the Council in collaboration with Transport for NSW and other NSW Government agencies. • The Strategy received NSW Government ministerial approval for cobranding in January 2024.
Wagga Wagga Transport Plan	<ul style="list-style-type: none"> • Wagga Wagga Transport Plan – published, Transport branded - https://www.future.transport.nsw.gov.au/future-transport-plans/wagga-wagga-transport-plan • Integrated Transport Strategy 2040 - https://wagga.nsw.gov.au/the-council/planning-and-reporting/community-planning/current-community-plans/wagga-wagga-integrated-transport-strategy-2040

Illawarra-Shoalhaven Regional Transport Plan	<ul style="list-style-type: none"> • The Illawarra-Shoalhaven Regional Transport Plan was on public exhibition from 30 November 2020 to 29 January 2021 with final release in August 2021. • The Plan is to be superseded by Illawarra-Shoalhaven Strategic Regional Integrated Transport Plan.
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* 2501 WATER—WILCANNIA WEIR PROJECT STATUS—Ms Cate Faehrmann to ask the Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast—

- (1) The Project Status of the Wilcannia Weir Replacement Project says that the "design of the new weir and fishway has changed". Could you please provide the reasoning behind the change of design?
 - (a) Could you please provide the full list of stakeholders consulted with about the new design?
 - (b) Could you please advise how the new design has considered cultural heritage and the wishes and needs of First Nations members of the community?
 - (c) Could you please advise the expected cost of the old upgrade design?
 - (d) Could you please advise the expected cost of the new upgrade design?
 - (e) What is the capacity of the current weir?
 - (i) What is the capacity of the old upgrade design?
 - (ii) What is the capacity of the new upgrade design?
 - (f) Why is the fish passage in the new design on the North bank, when previously it was on the South bank?
 - (g) Why does the fish passage in the new design use a vertical slot fishway?
 - (h) Why does the new design not have gates?
 - (i) What is the cost for biodiversity offsets and how this is broken down?
- (2) How will the new design deliver on the following reported benefits:
 - (a) improved water security and quality for Wilcannia?
 - (b) additional sources of potable water in times of drought?
 - (c) enhanced cultural connection to the river?
 - (d) improved water management of the weir pool?
 - (e) increased tourism and investment opportunities?
 - (f) better recreational amenity to walk, swim, picnic and fish?
 - (g) improved native fish migration?

Answer—

I am advised:

- (1) The change in design of the weir and fishway resulted from significant environmental impacts and operational concerns that were raised by stakeholders and agencies.
 - (a) Stakeholder consultation has been conducted with the Barkandji Native Title Group Aboriginal Corporation, Central Darling Shire Council Wilcannia Local Aboriginal Land Council, the Wilcannia Tourism Association, and the Australian Floodplain Association. Community information and drop-in sessions have also occurred, providing the broader Wilcannia community the opportunity to ask questions and provide their input to the project.
 - (b) The new design has considered cultural heritage by ensuring the fish traps on the existing weir are preserved after feedback from the community, and a smaller weir pool causes less

inundation of identified cultural heritage sites. The location of the new weir ensures the weir pool is held through town, enhancing cultural connection to the river. The project also includes delivery of the Community River Place, on Union Bend, to facilitate cultural practices. This has been developed in consultation with the community, incorporating local school children's artworks, yarns, and cultural dreamtime stories.

- (c) The estimated cost was \$120 million (nominal).
 - (d) The estimated cost of the new design is \$76 million (nominal).
 - (e) The total storage capacity of the current weir pool is 4,207 ML. This assumes full supply level of the existing weir. With its current failed state and leakage, the actual weir pool volume is lower but the exact volume cannot be quantified.
 - (i) The total storage capacity of the previous design weir pool was 7,832 ML in drought operation mode and 4,755 ML in normal operation mode (i.e. the majority of the time).
 - (ii) The total storage capacity of the new design weir pool is 4,755 ML - the same as the EIS design in normal operation mode.
 - (f) The previous design also had the fish passage on the North bank, which has not changed since the first concept designs were developed in 2021.
 - (g) The new design uses a vertical slot fishway. This is recommended by NSW Fisheries as the most suitable for native fish, with the design being proven in multiple locations across NSW and Australia. The revised design includes allowance for a high flow rock ramp fish passage on the South bank – effectively providing fish passage on both sides of the river and catering for all flow events.
 - (h) There are no gates on the revised design to reduce complexity, make the weir easier to maintain, and reduce capital and operating costs. The weir pool and passage of flows downstream in the new design can be managed via the vertical slot fishway and manually operated low flow valves designed into the structure. The operating arrangement of the previous design required remote controlled and automated gates and an exclusion zone upstream and downstream of the gates.
 - (i) The old design with a 1 metre raise in river height along a 60 km stretch of the Darling-Baaka has a range of aquatic biodiversity offsets estimated at between \$17 million and possibly over \$20 million, depending on the mitigating factors incorporated into the operation of the infrastructure. Reducing the weir height reduces the biodiversity offset costs down to \$3 million. Terrestrial biodiversity offsets are also payable for the impacts from construction, which are estimated at \$1.5 million.
- (2)
- (a) The new design will increase surface water storage by 400ML for Wilcannia. The project also includes provision of an additional groundwater source for emergency use, in a different location to existing groundwater sources.
 - (b) The new weir pool is 400ML larger than the existing weir. Combined with the proposed new groundwater source, this provides water security for Wilcannia for up to 5 years in drought conditions.
 - (c) The new design enhances cultural connection to the river by enabling the weir pool to be held through the town. Additionally, the Community River Place, a cultural and recreation area on Union Bend, is being delivered as part of the project. This includes infrastructure to enable cultural practices and is being developed in consultation with the local community.
 - (d) The new design will allow the weir pool to be managed via passage of flows through the vertical slot fishway and manually operated low flow release valves.
 - (e) The new design is 5km downstream of the existing weir, extending the weir pool through town, improving visual amenity and social connection. The procurement strategy for the weir includes provision for local training and employment. The improved water security for Wilcannia will also give basis for increased investment in Wilcannia.

- (f) The new design includes the Community River Place on Union Bend as a cultural and recreation area.
- (g) The vertical slot fishway is recommended by NSW Fisheries as the most suitable for native fish, with the design being proven in multiple locations across NSW and Australia. Most importantly, the new fishway design is simpler and safer to operate which generally leads to less time required for maintenance, and hence more time in operation.

* 2502 FAMILIES AND COMMUNITIES—MINISTERIAL INTERVENTIONS—The Hon. Natasha Maclaren-Jones to ask the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage representing the Minister for Families and Communities, and Minister for Disability Inclusion—

- (1) How many times have you intervened to assist families with adoption since becoming Minister?
 - (a) Were the families case managed by the Department of Communities and Justice, non-Aboriginal Community-Controlled Organisation Non-Governmental Organisation or an Aboriginal Community-Controlled Organisation?
 - (b) Which districts?
- (2) How many times have you intervened to assist families with guardianship since becoming Minister?
 - (a) Were the families case managed by the Department of Communities and Justice, non-Aboriginal Community-Controlled Organisation Non-Governmental Organisation or an Aboriginal Community-Controlled Organisation?
 - (b) Which districts?

Answer—

I am advised:

The Minister for Families and Communities regularly receives and acts upon representations from potential adoptive parents, guardians, families, Members of Parliament and other stakeholders.

* 2503 HEALTH—DRUG SUMMIT—The Hon. Chris Rath to ask the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources representing the Minister for Health, Minister for Regional Health, and Minister for the Illawarra and the South Coast—

- (1) Has a date been set for the Drug Summit?

Answer—

The NSW Government will deliver on our commitment to hold a Drug Summit within the first term.

17 JULY 2024

(Paper No. 296)

2579 PLANNING AND PUBLIC SPACES—WINDSOR BRIDGE REPLACEMENT PROJECT—Ms Cate Faehrmann to ask the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage representing the Minister for Planning and Public Spaces—

- (1) As part of the Windsor Bridge Replacement Project, three Salvage reports were commissioned as follows: (i) the Windsor Bridge Replacement Salvage Excavation Report - Aboriginal Heritage, AAJV dated August 2019; (ii) the Windsor Bridge Replacement Project Salvage Excavation Report - Maritime Archeology, Cosmos Archaeology, dated 2019; and (iii) the Windsor Bridge Replacement Project Salvage Excavation Report - Area 1 - Historical Archaeology, AAJV, dated September 2019 (also known as the non-Aboriginal Salvage Report). What is the status of the non-Aboriginal Salvage Report?
 - (a) Why has the non-Aboriginal Salvage Report not been approved by the Department of Planning, Housing and Infrastructure?
 - (b) When will the non-Aboriginal Salvage Report be approved?

- (c) When will the non-Aboriginal Salvage Report be published?
- (d) When will the non-Aboriginal Salvage Report be provided to the Hawkesbury Council?

2580 REGIONAL TRANSPORT AND ROADS—COFFS HARBOUR BYPASS VEGETATION—The Hon. Sam Faraway to ask the Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism representing the Minister for Regional Transport and Roads—

- (1) In an interview about the Pacific Bay Noise Wall on 28 April 2024, you stated on Triple M Radio that you "have been at other parts of the state where we have had vegetation like that removed, similar sized trees in fact, and I've been back 12 months later and they have been quite advanced what they've got in the replacement." Could you please provide the locations you have visited and the species of vegetation planted there?

David Blunt AM
Clerk of the Parliaments