



LEGISLATIVE COUNCIL

2023-24-25

FIRST SESSION OF THE FIFTY-EIGHTH PARLIAMENT

QUESTIONS AND ANSWERS

No. 417

FRIDAY 17 JANUARY 2025

(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. 397 (Including Question Nos 3076 to 3080)	10 January 2025
Q & A No. 399 (Including Question Nos 3111 to 3119)	14 January 2025
Q & A No. 400 (Including Question Nos 3120 to 3122)	15 January 2025
Q & A No. 401 (Including Question Nos 3123 to 3127)	16 January 2025
Q & A No. 402 (Including Question Nos 3128 to 3131)	17 January 2025
Q & A No. 403 (Including Question Nos 3133 to 3152)	20 January 2025
Q & A No. 404 (Including Question Nos 3153 to 3156)	21 January 2025
Q & A No. 405 (Including Question Nos 3157 to 3161)	22 January 2025
Q & A No. 406 (Including Question Nos 3162 to 3166)	23 January 2025
Q & A No. 407 (Questions—Nil)	-
Q & A No. 408 (Including Question Nos 3167 to 3184)	28 January 2025
Q & A No. 409 (Including Question Nos 3185 to 3185)	29 January 2025
Q & A No. 410 (Including Question Nos 3186 to 3186)	30 January 2025
Q & A No. 411 (Including Question Nos 3187 to 3191)	31 January 2025
Q & A No. 412 (Including Question Nos 3192 to 3192)	3 February 2025
Q & A No. 413 (Including Question Nos 3193 to 3209)	4 February 2025
Q & A No. 414 (Including Question Nos 3210 to 3211)	5 February 2025
Q & A No. 415 (Including Question Nos 3212 to 3216)	6 February 2025
Q & A No. 416 (Including Question Nos 3217 to 3220)	7 February 2025
Q & A No. 417 (Including Question Nos 3221 to 3222)	10 February 2025

6 DECEMBER 2024

(Paper No. 397)

* 3079 TREASURER—COUNSELLING SERVICES FOR TREASURY STAFF—The Hon. Mark Latham to ask the Treasurer—

- (1) What counselling services were offered to staff in the Treasury following Donald Trump's election victory in the United States last month?
 - (a) Who provided the service?
 - (b) How many employees used it?
 - (c) How much did it cost?

Answer—

I am advised:

The Treasurer is currently on approved leave. Following discussions, an answer will be provided on the Treasurer's return.

10 DECEMBER 2024

(Paper No. 399)

* 3112 TREASURER—REMEDIATION OF BILLBERGIA LAND—The Hon. Mark Latham to ask the Treasurer—

- (1) I refer you to your comments in the Sydney Morning Herald of 16 November 2020 that the remediation of the Billbergia land at 6 Grand Avenue Camellia and neighbouring sites could cost the New South Wales taxpayer between \$100 and \$700 million. What was the final cost to the Budget of remediation at 6 Grand Avenue?
 - (a) What was the final cost to the Budget of remediation of other sites in Camellia?
- (2) How much did the Government pay Billbergia for the 6 Grand Avenue property?
- (3) Given that the Auditor General found "we are unable to exclude the possibility that the (Billbergia) transaction was affected by misconduct or corruption", what cost recovery have you made from the company?
- (4) What representations have you received from the Rosehill Camellia Landowners Alliance, comprising Billbergia, Abacus Property, Wentworth Capital and the Australian Turf Club, for its \$25 billion, 45,000 dwelling Masterplan released in March 2024?
 - (a) What cost estimates have you received for the provision of Government infrastructure supporting the Masterplan?
 - (i) What are the details?

Answer—

I am advised:

The Treasurer is currently on approved leave. Following discussions, an answer will be provided on the Treasurer's return.

11 DECEMBER 2024

(Paper No. 400)

* 3121 TREASURER—RELATION OF BILLBERGIA GROUP TO GOVERNMENT—The Hon. Mark Latham to ask the Treasurer—

- (1) Do you recall telling the Sydney Morning Herald on 8 March 2021 your concerns about the influence of the Billbergia Group land developer in the New South Wales planning system, such

that, "No individual landowner could dream of countering the power of a developer with regular access to the State's top planners"?

- (2) Are you aware of the involvement of Billbergia Group in ICAC's Operation Tolosa (2023) which found serious corrupt conduct against the Canada Bay Mayor and former Federal Labor candidate Angelo Tsirekas, leading to his removal from civic office in December 2023?
- (3) In light of (1) and (2) above; and that you were aware of and commented publicly on three referrals of Billbergia Group to ICAC during this period (two at Rhodes and one at Camellia), I ask, when you appeared with the Premier at Rosehill Racecourse on 7 December 2023 for the announcement of that land development project, did you alert the Premier to your integrity concerns about Billbergia, especially given the collaboration between the Australian Turf Club and Billbergia in the Rosehill-Camellia Landowners Alliance with their joint \$25 billion development plan for 45,000 new dwellings over an amalgamated 90-hectare site?
- (4) What referrals of Billbergia to ICAC have you personally made in the past five years?
 - (a) What are the details?
- (5) What action have you taken to ensure Billbergia is not involved in the Government's assessment and development of the Australian Turf Club's unsolicited proposal at Rosehill-Camellia?
- (6) What action have you taken to ensure extra probity measures and precautions are taken due to Billbergia's involvement?

Answer—

I am advised:

The Treasurer is currently on approved leave. Following discussions, an answer will be provided on the Treasurer's return.

12 DECEMBER 2024

(Paper No. 401)

* 3126 PLANNING AND PUBLIC SPACES—PUBLIC NOTIFICATION OF HOUSING DELIVERY AUTHORITY WORKS—The Hon. Mark Latham 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) What public notification will there be for the new Housing Delivery Authority when it receives applications?
- (2) What public notification will there be for the new Housing Delivery Authority when it processes them through various stages?
- (3) What public notification will there be for the new Housing Delivery Authority when it makes final determinations?

Answer—

I am advised:

The Housing Delivery Authority (HDA) will review Expression of Interest (EOI) applications monthly, considering proposals received during the previous month. Following the review by the HDA of an EOI for a major residential development, a record of decision will be made publicly available within 14 days of the HDA's decision on the Department's website. This record will include the time and date of the meeting, attendees, any declarations, key issues discussed and the recommendation of the HDA to the Minister for a proposal to be declared State Significant Development.

For any application which is lodged as SSD, following the HDA's recommendation and subsequent declaration as state significant, the usual public notification requirements for a development application or rezoning will continue to apply.

The HDA does not make final determinations for projects, rather it makes the recommendation to the Minister for a project to be declared state significant. The Minister, or delegate, remains the consent

authority on any projects which are assessed as SSD and these determinations will follow the usual public notification requirements.

13 DECEMBER 2024

(Paper No. 402)

- * 3128 HEALTH—COUNSELLING FOR DEPARTMENT STAFF—The Hon. Mark Latham 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) What counselling services were offered to staff in the Department of Health following Donald Trump's election victory in the United States last month?

- (a) Who provided the service?
- (b) How many employees used it?
- (c) How much did it cost?

Answer—

I am advised:

There were no specific requests for counselling services received or offered to staff in the NSW Ministry of Health.

As a long standing general arrangement, employees of the Ministry of Health and their immediate family members have access to an Employee Assistance Program (EAP). The EAP is a short-term confidential counselling and advice service for any personal or work-related problem.

- * 3129 ENVIRONMENT—COUNSELLING FOR DEPARTMENT STAFF—The Hon. Mark Latham to ask the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage—

(1) What counselling services were offered to staff in the Department of Climate Change, Energy, the Environment and Water following Donald Trump's election victory in the United States last month?

- (a) Who provided the service?
- (b) How many employees used it?
- (c) How much did it cost?

Answer—

I am advised:

There were no specific or additional counselling services were organised by the Department of Climate Change, Energy, the Environment and Water following Donald Trump's election victory in the United States.

Staff have ongoing access to counselling services via the Employee Assistance Program (EAP). The nature of an EAP interaction is private. It is therefore not possible to ascertain the total number or for that matter if any staff whatsoever accessed the EAP concerning the election of Donald Trump.

- * 3130 SPECIAL MINISTER OF STATE—EVIDENCE OF ORGANISATIONS AT ROSEHILL RACECOURSE COMMITTEE HEARINGS—The Hon. Mark Latham 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—

(1) Are you aware of the submissions and hearing evidence (22 July 2024) provided by Business Western Sydney to the Legislative Council Select Committee on the Development of Rosehill Racecourse strongly in support of the development of 25,000 dwellings by the Australian Turf Club, the largest real estate deal in New South Wales history, where Business Western Sydney made no

declaration of interests to the Committee despite admitting to receiving \$18,000 in funding per annum from the Australian Turf Club?

- (2) Are you aware of the submissions and hearing evidence (22 July 2024) provided by Western Sydney Leadership Dialogue to the Legislative Council Select Committee on the Development of Rosehill Racecourse strongly in support of the development of 25,000 dwellings by the Australian Turf Club, the largest real estate deal in New South Wales history, where Western Sydney Leadership Dialogue made no declaration of interests to the Committee despite receiving \$30,000 in funding per annum from the Australian Turf Club?
- (3) Given that Business Western Sydney and Western Sydney Leadership Dialogue were at the Committee to advocate and lobby on behalf of one of their clients, and in their other public work do the same for other clients, are you aware that both organisations have failed to register with the NSW Electoral Commissions Lobbyists Register, in breach of New South Wales law?
- (4) What action will you now take as the Special Minister of State?

Answer—

I am advised;

(1)-(2) I have not examined the transcript of the hearing.

- (3) It is any organisation's responsibility to ensure it is in compliance with relevant laws and regulatory obligations. The NSW Lobbyists Code of Conduct (Code) imposes ethical standards of conduct on all individuals and bodies lobbying NSW Government officials. Suspected breaches of the Code may be reported to the NSW Electoral Commission, which enforces compliance with the Code and may investigate any alleged breaches.

* 3131 ARTS—DECLARATIONS OF INTEREST OF PRESIDENT OF NSW APPLIED ARTS AND SCIENCES TRUST—The Hon. Mark Latham 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—

- (1) In appointing David Borger, the Executive Director of Business Western Sydney, as the President of the NSW Applied Arts and Sciences Trust on 10 December, what declarations of interests did you receive from Mr Borger?
 - (a) Did this include the full list of clients of Business Western Sydney and the annual funding they provide in contributing to Business Western Sydney and the payment of Mr Borger's salary?
- (2) What conflict of interest provisions have you put in place for when Business Western Sydney clients are seeking access to and engagement with the various facilities of the Trust Mr Borger now heads?
- (3) Are you aware of evidence at the Rosehill Select Committee that Mr Borger has performed lobbying on behalf of one of his clients, being the Australian Turf Club, without registering as a Third-Party Lobbyist with the NSW Electoral Commission?
- (4) Will you now enforce the provisions of the NSW Lobbyists Code of Conduct such that Mr Borger, as the Executive Director of Business Western Sydney, "must not lobby on a matter that relates to the functions of a NSW Government board (of which he is a member)", that is, he must separate his role as the newly appointed Trust President from the interests of his Business Western Sydney clients related to the arts, culture, science and associated activities?

Answer—

- (1) As per the NSW Boards and Committees Guidelines, David Borger OAM returned a completed Member's Pecuniary Interests Declaration and Undertaking form which declared the necessary detail in relation to income, memberships of board and committees, interests and positions in corporations, partnerships, and/or businesses and interests and positions in trade unions, professional, business or community associations and organisations.
 - (a) No this is not a requirement of the [NSW Government Boards and Committees Guidelines form](#).

- (2) Powerhouse Trustees are subject to Powerhouse policies, including Code of Conduct (which covers Conflicts of Interest as per the Code of Ethics and Conduct for NSW Government employees), and the Public Interest Disclosure policy.

The declaration of conflicts of interest is a standing agenda item at the commencement of each Trust meeting. This is in compliance with, and managed as per [Section 8A of the Museum of Applied Arts and Sciences Act 1945](#).

David Borger OAM has been a member of the Powerhouse Museum Trust since 1 January 2019.

- (3) The transcript of evidence from the Select Committee on the proposal to develop Rosehill Racecourse, Monday 22 July 2024 notes:
- The Australian Turf Club is not a client of Mr. Borger's.
 - Mr. Borger has not been paid by the Australian Turf Club to represent their views.
 - Mr. Borger is not a third-party lobbyist.
- (4) I am advised Mr. Borger is not a third-party lobbyist. Business Western Sydney is a not-for-profit organisation.

17 JANUARY 2025

(Paper No. 417)

3221 EDUCATION AND EARLY LEARNING—DISPUTES RELATING TO ECEC SERVICE PROVIDERS AND EDUCATORS—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) The Department of Education [website](#) lists details of providers, nominated supervisors and other individuals who have pled guilty to or who have been found guilty or convicted of offences under education and care services legislation. For each calendar year from 2020 to 2024, how many prosecutions were brought which are not listed on the site because they did not result in a finding of guilt or a conviction?
- (a) In each calendar year from 2020 to 2024, how many breaches of the national law or regulations were not pursued as prosecutions due to a settlement or other agreement being entered into with the party or parties who would otherwise have been prosecuted against?
- (b) Who is responsible for determining which breaches of the National Law are prosecuted and which are not?
- (i) On what basis is that decision made?
- (2) For each calendar year from 2020 to 2024, how many providers, nominated supervisors or other individuals brought action against the ECEC (Early Childhood Education and Care) Regulatory Authority or the Department in NCAT (New South Wales Civil and Administrative Tribunal) in relation to an enforcement action, such as a compliance notice, prohibition notice or cancellation or suspension, taken against them by the ECEC Regulatory Authority?
- (a) How many of those NCAT cases were decided in favour of the applicant?
- (b) How many of those NCAT cases did not proceed to a decision because the Department or the ECEC Regulatory Authority entered into a settlement or other agreement with the applicant?
- (c) In relation to any settlement or other agreement with the applicant in the course of NCAT proceedings, how many involved a confidentiality provision, suppression order or similar?
- (i) How many involved the execution of an Enforceable Undertaking by the applicant?
- (3) Other Australian jurisdictions, such as [Victoria](#), [Queensland](#) and Western Australia, provide far more detailed information in relation to enforcement actions and regulator activities under the National Law and Regulations than New South Wales does, for example, the Department's site does

not even disclose the name of the party entering into an enforceable undertaking. Whose decision was it to disclose limited information only?

- (a) When was this decision first made?
 - (b) When was this decision last considered?
 - (c) Why was the decision made to continue to disclose less information than other states and territories?
 - (d) Are there any Enforceable Undertakings or other enforcement actions which are not listed on the New South Wales website because of confidentiality obligations or suppression orders?
- (4) Among other things, the [New South Wales ECEC Regulatory Authority Sector Survey 2024 key findings](#) showed that almost one in four respondents were unable to agree that regulatory officers "acted fairly and without bias", and over 40 per cent of respondents could not agree that the Regulatory Authority understood the current issues and needs of the sector. What specific actions are the Regulatory Authority and the Department taking to address these findings?
- (a) Were these findings considered when making a decision to transfer the Regulatory Authority to a different section of the Department structurally?

3222 EDUCATION AND EARLY LEARNING—AUTHORISED OFFICERS AND REGIONAL STAFFING FOR ECEC REGULATORY AUTHORITY—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) What are the main responsibilities of the ECEC (Early Childhood Education and Care) Regulatory Authority's senior field officers, field officers, field support officers and investigators?
 - (a) What are the qualifications required for each of these positions?
 - (b) What region is each senior field officer based in?
 - (c) What region is each field officer based in?
 - (d) Which region is each field support officer based in?
 - (e) Which region is each investigator based in?
- (2) In relation to each region, i.e. Regional North, Regional Mid North Coast, Newcastle, Central Coast and Hornsby, North Sydney and Beaches, Sydney West and Blue Mountains, Hawkesbury and Hills, Parramatta, Campbelltown and Southern Highlands, Bankstown, Canterbury, Sydney Central and East, Sutherland and Wollongong, Regional South East and Regional South West, please provide the following details for staffing in that region:
 - (a) how many have been authorised by the Department to carry out specific functions under the Education and Care Services National Law?
 - (b) how many are senior field officers?
 - (c) how many are field officers?
 - (d) how many are frontline roles that undertake visits or other on-site duties?
 - (e) how many are investigators?
 - (i) How many children is each investigator responsible for?
 - (f) How many positions are for back office functions?
- (3) Response to LC Question on Notice 2940 stated that there were 15 investigators. Where is each of these investigators based?
- (4) How many full time equivalent positions exist for investigators under the National Law, and how many of these positions were filled as of 1 January 2025?

- (5) In relation to the 211 full time equivalent positions for authorised officers referred to in response to LC Question on Notice 2940, how many children are these authorised officers responsible for regulating?
- (6) How many authorised officers resigned in 2024?
- (7) How many authorised officers were hired in 2024?

David Blunt AM
Clerk of the Parliaments