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FIRST SESSION OF THE FIFTY-EIGHTH PARLIAMENT

QUESTIONS AND ANSWERS

No. 432

MONDAY 10 FEBRUARY 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. 417 (Including Question Nos 3221 to 3222)	10 February 2025
Q & A No. 418 (Including Question Nos 3223 to 3242)	11 February 2025
Q & A No. 419 (Including Question Nos 3243 to 3250)	12 February 2025
Q & A No. 420 (Including Question Nos 3251 to 3256)	13 February 2025
Q & A No. 421 (Including Question Nos 3257 to 3268)	14 February 2025
Q & A No. 422 (Including Question Nos 3264 to 3273)	17 February 2025
Q & A No. 423 (Including Question Nos 3274 to 3283)	18 February 2025
Q & A No. 424 (Including Question Nos 3284 to 3291)	19 February 2025
Q & A No. 425 (Including Question Nos 3292 to 3294)	20 February 2025
Q & A No. 426 (Including Question Nos 3295 to 3296)	21 February 2025
Q & A No. 427 (Including Question Nos 3297 to 3317)	24 February 2025
Q & A No. 428 (Questions—Nil)	-
Q & A No. 429 (Including Question Nos 3318 to 3327)	26 February 2025
Q & A No. 430 (Including Question Nos 3328 to 3328)	27 February 2025
Q & A No. 431 (Including Question Nos 3329 to 3329)	28 February 2025
Q & A No. 432 (Including Question Nos 3330 to 3336)	3 March 2025

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?

Answer—

There is one prosecution in each of the calendar years 2020 to 2022, which has not been listed on the Department of Education's website because it did not result in a finding of guilt or a conviction. There are no prosecutions in the 2023 and 2024 calendar years that have not been published due to not resulting in a finding of guilt or a conviction.

In the calendar years 2020 to 2024, 70 breaches of the National Law or Regulations were not pursued as prosecutions due to plea negotiations. This consists of 16 breaches in 2020, nine breaches in 2021, four breaches in 2022, 28 breaches in 2023 and 13 breaches in 2024.

Following consideration of legal advice, the Executive Director, NSW Early Childhood Education and Care Regulatory Authority (ECEC RA) determines which breaches of the National Law are prosecuted and which are not. Once prosecution proceedings have commenced, the ECEC RA Legal Team determines any plea negotiations, subject to appropriate consideration.

The decision to commence prosecution proceedings is made in consideration of the Prosecution Guidelines published by the NSW Office of the Director of Public Prosecutions. In the calendar years 2020 to 2024, 63 matters were brought against the ECEC RA in NCAT in relation to the taking of an enforcement action. This consists of 11 matters in 2020, 10 matters in 2021, 12 matters in 2022, 14 matters in 2023 and 16 matters in 2024. Four of the NCAT cases were decided in favour of the applicant, three in 2020 and one in 2022. 15 of the NCAT cases did not proceed to a decision because the ECEC RA entered into an agreement with the applicant. This consists of three in 2020, three in 2021, four in 2022, four in 2023 and 1 in 2024. In relation to any settlement or other agreement with the applicant in the course of NCAT proceedings, one matter in 2023 involved a non-publication order. Five of the NCAT matters involved the execution of an Enforceable Undertaking by the applicant. This consists of one matter in 2021 and four matters in 2023.

The Relieving Executive Director, NSW ECEC RA requested a review of information that is published and then made a determination to increase the range of information made available. The decision to publish information on enforceable undertakings was made in December 2023. The decision was last considered in December 2023.

Prior to December 2023, the ECEC RA published information on prosecutions, cancellations and involuntary suspensions. After reviewing what other jurisdictions published, it was decided to include enforcement actions.

There is one Enforceable Undertaking not listed on the department's website due to non-publication orders.

In relation to the findings on regulatory officers "acted fairly and without bias" actions include:

- Mandatory training and testing for all authorised officers by the Australian Children's Education & Care Quality Authority in order to be authorised.
- The NSW RA's customised Regulatory Empowerment and Learning (REAL) Staff Training Program which ensures our regulatory officers are equipped with the latest skills and knowledge to be confident and capable regulatory practitioners.
- Clear policies and processes that guide decision making.
- Ongoing training and development of our operational teams with a focus on consistency and reflective practice designed to lead to improvements to regulatory officers acting fairly and without bias.
- Organisational redesign of our operational teams to allow better access to mentoring and skills uplift opportunities through improved span of control.
- Peer review of Assessment and Rating reports.

In relation to the findings on "understanding of current issues and needs of the sector", actions include:

- Events such as ECE Connect engagement sessions. These focus on needs and issues relevant to the sector. In 2024, there were 25 sessions held (18 on line and seven face-to-face). In 2025, there are four blocks of events proposed to be held throughout the year, each block containing several face-to-face and online sessions.
- Regular meetings with large providers.

- Regulatory meetings with advisory groups including the ECE Advisory Group and Gudjagang Gulgul (Aboriginal advisory group) and subgroups as needed.
- Regular separate meetings with peaks as needed or on specific issues of interest.
- Continued use of surveys and consultation on key initiatives.
- Review of complaints data to identify themes and trends.

The transfer of the Regulatory Authority to the Operations Division of the department occurred in January 2024. The decision to transfer under the Operations Group was based on an administrative realignment within the overall department structure. Results from the sector survey are used internally within the Regulatory Authority to seek sector sentiments and identify areas for improvements. The survey results do not inform operational decisions made by the department as a wider organisation.

* 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?

Answer—

Senior field officers and field officers—undertake compliance and monitoring, including follow up of incidents and complaints, and quality assessment and rating audits to ensure continual performance uplift of the ECEC sector, and provide regulatory guidance to address issues.

Field support officers—provide administrative services to support the work of field staff and may attend site visits with field officers to support quality assessment and monitoring.

Investigators—undertake investigations into serious incidents and allegations, and complex compliance matters and complaints.

Senior field officers are required to have completed a diploma or degree in a relevant discipline. Field officers must hold a degree or diploma or be in the process of attaining a diploma in a relevant discipline. Field support officers do not require specific formal qualifications. Investigators must hold a tertiary qualification in a relevant discipline or demonstrate equivalent knowledge, skills, and experience.

Further information is provided in answer to LC QON 3211.

All investigator roles operate on a statewide basis. Investigators are not assigned to geographic regions but visit any of the more than 6,000 ECEC and outside schools' hours care services across NSW depending on where complex non-compliance matters and serious incidents arise.

There are 15 Investigators who operate on a statewide basis, they are not assigned to a region.

Investigators have an average case load of 10 cases at any one-time dependant on the complexity of the case. Investigators undertake investigations into serious incidents and complex compliance matters and complaints as cases arise in any of the more than 6,000 ECEC and outside school hours care services across NSW.

10 FEBRUARY 2025

(Paper No. 432)

3330 MUSIC AND NIGHT TIME ECONOMY—NIGHT ECONOMY RESTRICTIONS—The Hon. Mark Latham to ask the Special Minister of State, Minister for Transport, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism—

- (1) After two years in government applying a central planning approach to the night-economy, involving seminars, so-called strategic planning and the employment of extra bureaucrats, what evaluation has been undertaken of the cost-effectiveness of this approach, especially as opposed to the deregulation of liquor, entertainment and venue laws?
- (2) What evidence is there for the Government's approach to the night-economy boosting economic activity, growth and employment?
- (3) Under this Government, what restrictions apply to the service of drinks in:
 - (a) Sydney?
 - (b) Newcastle?
 - (c) Wollongong?
- (4) Under this Government, what restrictions apply to venue operating hours in:
 - (a) Sydney?
 - (b) Newcastle?
 - (c) Wollongong?
- (5) Why can sober patrons not buy spirit drinks on-the-rocks, that is, over ice that melts, without the mandatory addition of a mixer, such as a dash of water?

3331 GAMING AND RACING—NIGHT ECONOMY RESTRICTIONS—The Hon. Mark Latham to ask the Special Minister of State, Minister for Transport, 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

Aboriginal Affairs and Treaty, Minister for Gaming and Racing, Minister for Veterans, Minister for Medical Research, and Minister for the Central Coast—

- (1) After two years in government applying a central planning approach to the night-economy, involving seminars, so-called strategic planning and the employment of extra bureaucrats, what evaluation has been undertaken of the cost-effectiveness of this approach, especially as opposed to the deregulation of liquor, entertainment and venue laws?
- (2) What evidence is there for the Government's approach to the night-economy boosting economic activity, growth and employment?
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- (5) Why can sober patrons not buy spirit drinks on-the-rocks, that is, over ice that melts, without the mandatory addition of a mixer, such as a dash of water?

3332 TREASURER—NIGHT ECONOMY RESTRICTIONS—The Hon. Mark Latham to ask the Treasurer—

- (1) After two years in government applying a central planning approach to the night-economy, involving seminars, so-called strategic planning and the employment of extra bureaucrats, what evaluation has been undertaken of the cost-effectiveness of this approach, especially as opposed to the deregulation of liquor, entertainment and venue laws?
- (2) What evidence is there for the Government's approach to the night-economy boosting economic activity, growth and employment?
- (3) Under this Government, what restrictions apply to the service of drinks in:
 - (a) Sydney?
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 - (c) Wollongong?
- (4) Under this Government, what restrictions apply to venue operating hours in:
 - (a) Sydney?
 - (b) Newcastle?
 - (c) Wollongong?
- (5) Why can sober patrons not buy spirit drinks on-the-rocks, that is, over ice that melts, without the mandatory addition of a mixer, such as a dash of water?

3333 MUSIC AND NIGHT TIME ECONOMY—NIGHT ECONOMY INITIATIVES—The Hon. Mark Latham to ask the Special Minister of State, Minister for Transport, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism—

- (1) What is the Data After Dark platform, how much has it cost taxpayers and what has it achieved?
- (2) What is Neon Sydney 2024, how much has it cost taxpayers and what has it achieved?
- (3) Which new committees, units, executive positions, seminars, planning bodies, information platforms, bureaucracies and other Government-funded night economy initiatives have you created since March 2023, and in each case, how much have they cost and what have they achieved?

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- (4) Why does the Sydney night economy seem no different to when you were first elected?
- (a) What evidence do you have for improved economic growth, employment and vibrancy?
- (5) What evidence have you established that anywhere in the world a Government-led, centrally planned approach to the night economy works better than deregulation and lowering business costs?
- 3334 JOBS AND TOURISM—ATTENDANCE OF DESTINATION NSW STAFF AT EVENTS—The Hon. Mark Latham to ask the Special Minister of State, Minister for Transport, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism—
- (1) For each of the past three years, which conferences, seminars, meetings and other events have the staff of Destination NSW attended outside of New South Wales, including the Asia Pacific Incentives and Meetings Event (AIME) in Melbourne (February 2025)?
- (a) How much did each event cost in total, covering all related travel, accommodation, promotion, allowance and other expenses?
- (b) How many employees attended each event?
- (2) What evaluation has been undertaken of the cost-effectiveness of each of the events and outlays in (1) above?
- (a) What does this show?
- 3335 JOBS AND TOURISM—LUNAR NEW YEAR VISITORSHIP—The Hon. Mark Latham to ask the Special Minister of State, Minister for Transport, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism—
- (1) What sources of information and data does Destination NSW use in publishing claims about visitor numbers and its own performance?
- (2) From the claims of the Destination NSW Acting CEO in the Insights document published in January 2025 regarding the 'Lunar New Year Visitor Boom for NSW', why is there no data about hotel take-up rates from Asian markets?
- (a) What does the data actually show about:
- (i) recorded airport arrivals in New South Wales?
- (ii) recorded hotel take-up rates?
- (iii) relevant expenditure surveys for this 2025 Lunar New Year Visitor Boom compared to 2024 and pre-Covid years 2019 and 2018?
- (3) In 2023-2024, what was the cost of the following Destination NSW activities, broken down by their 'engagement' with Asian, European, American and other markets:
- (a) integrated partnership marketing programs?
- (b) training programs?
- (c) seminars and workshops?
- (d) familiarisation visits?
- (e) regionally-focused events such as the Focus on North Asia trade event?
- (4) In each case in (3) above, what evaluation studies have been undertaken on the cost-effectiveness of these expenditures and what do the studies show?
- 3336 SPORT—SAM KERR MURALS—The Hon. Mark Latham to ask the Treasurer representing the Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism, and Minister for Sport—
- (1) What has been the cost of the new murals featuring the soccer player Sam Kerr at Allianz Stadium in:
- (a) design and production?

- (b) installation?
- (2) Did Venues NSW raise the suitability of proceeding with this project with you, given that Ms Kerr had been charged with the racial and other abuse of a United Kingdom policeman?
 - (a) How did you respond?
- (3) Are you still supportive of Ms Kerr and the project?
- (4) Did the Chair of Venues NSW raise any other concerns about Ms Kerr involving criminal behaviour from his time as the CEO of the Football Federation Australia from 2012-2019 with you?
 - (a) What are the details?

David Blunt AM
Clerk of the Parliaments