



LEGISLATIVE COUNCIL

QUESTIONS

AND

ANSWERS

No. 109

THURSDAY 9 JUNE 2005

(The Questions and Answers Paper published for the first sitting day in each week will contain, by number and title, all unanswered questions, together with questions to which answers have been received on the previous sitting and any new questions. On subsequent days, new questions are printed, as are questions to which answers were received the previous 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. 100 (Including Question Nos 2160 to 2176)	09 June 2005
Q&A No. 101 (Including Question No. 2177)	10 June 2005
Q&A No. 102 (Including Question Nos 2178 to 2187)	11 June 2005
Q&A No. 103 (Including Question Nos 2188 to 2215)	12 June 2005
Q&A No. 104 (Questions—Nil)	—
Q&A No. 105 (Questions—Nil)	—
Q&A No. 106 (Including Question Nos 2216 to 2220)	30 June 2005
Q&A No. 107 (Including Question Nos 2221 to 2224)	12 July 2005
Q&A No. 108 (Including Question Nos 2225 to 2236)	13 July 2005
Q&A No. 109 (Including Question Nos 2237 to 2251)	14 July 2005

3 MAY 2005

(Paper No. 100)

*2160 TREASURER—COAL MINING—Ms Rhiannon asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council representing the Treasurer, Minister for State Development, and Minister for Aboriginal Affairs—

- (1) What was the value of royalties received by the New South Wales Government from the coal mining industry per annum for the last five years?
- (2) What is the current total of unpaid royalties owed by the coal mining industry and the names of those mining corporations?
- (3)
 - (a) Has any coal mining corporation received corporate fines and/or cancellation of the mining title for unpaid royalties?
 - (b) If so, what was the amount of unpaid royalties in each case?
- (4) What is the value of concessions made to the coal mining industry in the form of deductions of mining costs per annum for the last five years?
- (5)
 - (a) Have any coal mining corporations received concessions in the past five years?
 - (b) If so, what was the amount received by each corporation?

Answer—

- (1) to (5) The above questions are more relevant to the Mineral Resources portfolio than those of Treasurer or Minister for State Development. The above queries should be directed to the Minister for Mineral Resources, the Hon Kerry Hickey MP.

*2161 POLICE—KIAMA RESIDENCE—Ms Cusack asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1) Does NSW Police own a residence in Kiama?
- (2) If so,
 - (a) How long has it been since this property was used as a police residence?
 - (b) What uses has it had since that time?
 - (c) What is the estimated value of the property?
 - (d) What options are being considered for its future use?
 - (e) Have representations been made by Kiama Council and/or the Kiama Community regarding possible uses of the residence?
 - (i) If so, what uses have been proposed?
 - (ii) What has your response been?

Answer—

- (1) and (2) I am advised that a number of options are currently under consideration in relation to the police residence at Kiama.

*2162 COMMUNITY SERVICES—ANTI-DOMESTIC VIOLENCE INITIATIVES IN KIAMA—Ms Cusack asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Minister for Community Services, and Minister for Youth—

- (1) Did your predecessor, The Hon Carmel Tebbutt MLC, meet with community representatives from Kiama during a Cabinet visit to the Illawarra region?
- (2) If so,
- (a) On what date was this meeting?
- (b) Was a submission put to the Minister seeking funding for anti-domestic violence initiatives?
- (c) What has been the progress or outcome of the Government's consideration of the Kiama submission?

Answer—

- (1) and (2) I am advised that a detailed submission is presently being developed by a local working party, which includes the Illawarra Women's Health Centre.

All funding applications to the Department of Community Services are determined in accordance with community needs and in consultation with government and non-government partners.

*2166 ENVIRONMENT—PORT STEPHENS AQUACULTURE DEVELOPMENT—Mr Cohen asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

Regarding the Aquaculture development in the Port Stephens Coastal Zone (DA 313/2003, Great Lakes Council):

- (1) Will the use of millions of litres of reticulated estuary salt water over a 24 hour period in an intensive land-based farm and then returning it to the Port be likely to cause problems?
- (2) Will the development destroy several hundred square metres of Seagrasses?

Answer—

- (1) I am advised by the Department of Environment and Conservation that there is no evidence to indicate that the proposal to circulate salt water drawn from Port Stephens through the land based aquaculture farm will cause deterioration in water quality in Port Stephens.
- (2) The issue relating to seagrasses is a matter for my colleague the Hon Ian Macdonald, Minister for Primary Industries.

*2167 ENVIRONMENT—EVANS HEAD—Mr Cohen asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) In regard to the land at Iron Gates, Evans Head, is anything preventing the Land and Environment Court orders from being executed to remediate the land?

- (2) (a) Are there unresolved legal issues preventing the execution of the Land and Environment Court's orders?
- (b) If so, what is the expected time frame for the resolution of such issues?
- (3) Are any steps being taken to ensure compliance with the orders given by the Land and Environment Court in 1997?

Answer—

- (1) to (3) The Court Orders were directed to the landowner, Iron Gates Developments Pty Ltd. The company has since been declared insolvent and this prevents the Court Orders from being implemented. I am unaware of any other unresolved legal issues.

*2168 ENVIRONMENT—MARINE PARKS—Mr Cohen asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) How are the monitoring programs for marine parks in New South Wales designed?
- (2) Is the level of funding that has been assigned to current and future monitoring programs adequate to ensure that the people of New South Wales will obtain appropriate information for assessing the effectiveness and improving the management of marine parks?

Answer—

- (1) Research and monitoring programs in marine parks are developed within the Strategic framework for the evaluation and monitoring of marine parks in NSW. This strategy provides a vision and structure for the development of research and monitoring programs in marine parks. Marine Parks Authority staff work with officers from the Department of Environment and Conservation, Department of Primary Industries and in collaboration with universities and other research institutions to develop and design monitoring programs.
- (2) Funding is adequate to obtain appropriate information for assessing the effectiveness and improving the management of marine parks. The Marine Parks Authority provides funding to establish core monitoring programs in marine parks. This funding is supplemented by external funding sources. For example, the Marine Parks Authority was successful in obtaining an Australian Research Council grant in collaboration with leading marine protected area researchers from the University of Tasmania and the CSIRO. This project is a national project monitoring the response of marine ecological communities to sanctuary zones.

*2169 ENVIRONMENT—RADIATA PLATEAU—Mr Cohen asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) Has the Government refused to acquire Radiata Plateau for inclusion in Blue Mountains National Park?
- (2) Is the Radiata Plateau home to 30 rare and significant plant species and approximately 50 bird species; the site of significant heritage values, including the Explorer's Tree and the Pulpit Hill first settlement; and the last remaining undeveloped peninsula in the area?
- (3) Given the unique values of Radiata Plateau, on what basis was the decision made that the cost of the land could not be justified as a conservation priority?
- (4) (a) Did the Minister acknowledge he oppose the development application by Transcendental Meditation between 1990 and 1993, along with 15 environment and local community groups, the Greens and the Premier?

- (b) Was the Development Application was withdrawn from council?
- (5) (a) Did the Minister attend a public meeting on 16 August 1991 for the Blue Mountains World Heritage Campaign?
- (b) If so, did the Minister support a motion, which was put at the meeting and carried unanimously, “to include Radiata Plateau in the nominated area for World Heritage”?
- (6) Will the Minister carry through with these earlier commitments and concerns about the development of Radiata Plateau and at place an Interim Protection Order on the site?

Answer—

- (1) to (6) The landscapes found on the Radiata Plateau are more than 80% reserved, well in excess of nationally agreed targets. In contrast, many of the bioregions in the Murray Darling Basin are less than 5% reserved. Accordingly, Radiata Plateau is a much lower priority than parts of western New South Wales for acquisition because its ecosystems are already so well represented in the reserve system.

There is a wide variety of plants and animals on the Radiata Plateau, some of which would be considered significant at a more local level. However, only three species found on the plateau are recognised as threatened species in New South Wales under the *Threatened Species Conservation Act 1995*, and these are found in the areas already protected by current zoning.

The Explorers Tree and the Pulpit Hill first settlement are located towards the eastern end of the plateau. The land at this end of the plateau is owned by Blue Mountains City Council and/or landowners not connected with the land for sale on the plateau. I am not aware of any suggestion that there are development proposals affecting this end of the plateau.

Of two other peninsulas in the area, Narrow Neck is certainly more pristine than Radiata Plateau, and is already largely contained within the Blue Mountains National Park. The second, Shipley Plateau is partly developed, but the majority is in good condition.

The intent of an Interim Protection Order (IPO) is to protect a site’s natural, scientific and cultural values if they are under threat and until such time as an appropriate planning instrument comes into force. A Local Environment Plan (LEP), which I had actively supported, was gazetted in December 1991. It limited the type of development permitted on Radiata Plateau and protected conservation values. Accordingly an IPO is not considered appropriate for the Radiata Plateau at this time.

I have no recollection whatsoever of attending the public meeting in 1991 referred to, and I was not in public office at the time.

*2176 TREASURER—INVESTMENTS—Ms Rhiannon asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council representing the Treasurer, Minister for State Development, and Minister for Aboriginal Affairs—

- (1) Please provide details of the New South Wales Government’s or New South Wales Government’s Agencies or Corporations share portfolios in Australia and Overseas not limited to and including:
- (a) name of shares,
- (b) date of purchase,
- (c) purchase price,
- (d) increase or decreases in share price from date of purchase until 1 May 2005,
- (e) current sale price if still possessed,

- (f) dividends paid,
 - (g) trading name of shares,
 - (h) primary type of business shares are held in, and
 - (i) total current value of portfolio indicated both by shares held and by agency of all of the stocks and shares possessed (including stocks and shares owned, managed, held under trust, or sold) by T-Corp or other New South Wales Government agencies in the last 5 years.
- (2) Please provide details of New South Wales Government, New South Wales Government Agencies or New South Wales Government Corporations financial investments (not including personal property) in Australia and Overseas including:
- (a) type of investment,
 - (b) purchase price,
 - (c) date of purchase,
 - (d) current sale price if still possessed,
 - (e) dividends paid,
 - (f) trading name,
 - (g) primary type of business,
 - (h) type of investment including real estate, bonds, futures, foreign currency, precious metals and other financial instruments, and
 - (i) total current value of non-share portfolios indicated both by non share portfolios held and by agency portfolios.
- (3) Please provide all criteria, policies, regulations or laws that impact upon the purchase of investments by the New South Wales Government, with particular reference to ethical investment practices, including International Labour Standards, environmental considerations, and avoidance of particular products or industries.
- (4) Please provide all instances where T-Corp or other New South Wales Government agencies voted the decisions made corporations for which the New South Wales Government or its agencies is a share owner in the last 5 years, namely:
- (a) What was the decision that required a vote?
 - (b) Which corporation did the decision relate to?
 - (c) Why did the Government or its agency choose to vote?
 - (d) What was the effect of the vote?
- (5) Please provide all instances where T-Corp or other New South Wales Government agencies chose not to vote decisions of corporations for which the New South Wales Government is a shareowner in the last 5 years. Namely,
- (a) What was the decision that required a vote?
 - (b) Which corporation did the decision relate to?
 - (c) Why did the Government or its agency choose not to vote?

(d) What was the effect of the vote?

Answer—

- (1) The very detailed information sought above is not available.
- (2) The other financial investments held by NSW Government agencies, not including property holdings, are generally cash and bonds, which NSW Treasury Corporation generally manages on behalf of agencies.
- (3) The very detailed information sought above is not available.
- (4) The very detailed information sought above is not available.
- (5) The very detailed information sought above is not available.

5 MAY 2005

(Paper No. 102)

*2178 POLICE—THE POLICE OPERATION SUPPORT GROUP (RIOT SQUAD)—Ms Rhiannon asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1) What functions will the Police Operation Support Group undertake?
- (2) What additional training have the Police Operation Support Group had in comparison to non Police Operation Support Group police?
- (3) Who will head the Police Operation Support Group?
- (4) How many women will be in the Police Operation Support Group?
- (5) How many Non English speaking background police will be in the Police Operation Support Group?
- (6) What equipment will the Police Operation Support Group have?
- (7) (a) What additional equipment do the Police Operation Support Group have in comparison to non Police Operation Support Group police?
(b) What is the cost of this equipment?
- (8) What training in non-violent conflict resolution have Police Operation Support Group police had?
- (9) What cross-cultural and indigenous awareness training have the Police Operation Support Group police had?
- (10) Will Police Operation Support Group members always be individually identifiable whilst deployed?
- (11) How will the Police Operation Support Group travel around New South Wales?
- (12) What is the annual budget allocation for the Police Operation Support Group?
- (13) Will the Police Operational Support Group be exempt from any laws of New South Wales?

Answer—

NSW Police has advised me:

- (1) The Operations Support Group (OSG) is used to support Local Area Commanders in a range of situations including crowd and perimeter control, execution of searches and transfer of prisoners.

- (2) OSG officers undergo a three week training program relevant to their duties plus ongoing skills maintenance training.
- (3) The Deputy Commissioner, Operations has corporate responsibility for the OSG.
- (4) A specific figure is not available, however selection processes are merit based, not gender based.
- (5) A specific figure is not available.
- (6) and (7) OSG personnel have access to a range of equipment as required to carry out their duties.
- (8) NSW Police, including the OSG, rely on the situational tactical options model contained in the Australian Centre for Policing Research National Minimum Guidelines for incident management, conflict resolution and use of force. The guidelines recommend that police use the appropriate tactical option required to de-escalate a situation.
- (9) OSG personnel receive the same training in this area as other police.
- (10) OSG personnel wear standard police overall uniforms.
- (11) OSG personnel are based at Local Area Commands (LACs) and generally travel in standard police vehicles.
- (12) The OSG is LAC based and funded on a regional basis.
- (13) No.

*2179 POLICE—DEATH OF MR RENE RIVKIN—Revd Mr Nile asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1) Were there suspicious circumstances surrounding the tragic death of Mr Rene Rivkin?
- (2) Was Mr Rivkin found dead in a room at a penthouse with a tape over his mouth and a plastic bag over his head?
- (3)
 - (a) Will the police conduct a thorough investigation into Mr Rivkin's death in view of the still current investigation by the Australian Securities and Investments Commission (ASIC) into the alleged fraud concerning the \$53 million insurance payout for the destruction by fire of the Offset Alpine Printing Campus factory with only \$3 million of assets?
 - (b) Will the Government renew its investigation into this fire because of the claim by Mr Rivkin's chauffeur Gordon Wood that "the fire was a setup", especially as over \$25 million of the payment was deposited by Mr Rivkin in a Swiss bank account?

Answer—

As the matter is currently before the Coroner it would be inappropriate for me to comment.

*2181 FAIR TRADING—TAFE CREDENTIALS—Ms Cusack asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship—

- (1) On what date were concerns regarding a substation scam for TAFE credentials and issuing of building licences referred by the Department of Fair Trading to the Independent Commission Against Corruption (ICAC)?
- (2) Who signed the letter of referral?

Answer—

- (1) All available information held by the former Department of Fair Trading regarding the operations of the Australian College of Technology was forwarded to the Independent Commission Against Corruption on 18 March 2002. Further advice was sent on 28 March 2002.

This issue of TAFE qualifications was uncovered during the course the investigation of Fair Trading's concerns about the Australian College of Technology.

- (2) The letter of referral was signed by the Manager, Internal Audit, following approval from the Director General of the former Department of Fair Trading.

*2183 JUVENILE JUSTICE, WESTERN SYDNEY AND INFRASTRUCTURE AND PLANNING (PLANNING ADMINISTRATION)—MINISTERIAL OFFICES—Ms Cusack asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)—

- (1) How many physical offices does the Minister have (Electorate, Ministerial, Parliamentary) and what is the staffing for each Office?
- (2) What agency is the source of funds for your Ministerial Office?
- (3) Does expenditure on your Ministerial Office have any consequences for funding for the Department of Juvenile Justice, the Department of Infrastructure and Planning or the Office of Western Sydney?
- (4) If Ministerial Office costs are attributed, what is the breakdown across portfolios?

Answer—

- (1) to (4) Parliament provides Members of the Legislative Assembly and Legislative Council with an office to facilitate the performance of their Parliamentary duties. Parliament also provides Members of the Legislative Assembly with an electorate office to assist them in undertaking their electorate work.

The Government provides Ministers with a separate office to carry out their portfolio responsibilities. Minister's office budgets are determined by the Budget sub-Committee of Cabinet and are reported in financial statements of their host agency. Details of the ministerial office budgets were provided to the Budget Estimates Committee by the Premier on 20 October 2004.

*2184 JUVENILE JUSTICE—DETENTION CENTRES—Ms Cusack asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)—

- (1) Will the Minister table a copy of the consultant's report regarding alternative options to Kariiong Detention Centre referred to on pages 89-91 of the Department of Juvenile Justice's submission to the Legislative Council Select Committee on Juvenile Offenders?
- (2) Which Detention Centres were being considered for smaller maximum-security units?
- (3) Which Detention Centres had been ruled out as unsuited for incorporating a maximum-security unit?

Answer—

- (1) The report has been tabled to the Upper House Select Committee into Juvenile Offenders.

(2) and (3) I refer the Honourable member to Select Committee hearing transcripts and report.

*2187 COMMUNITY SERVICES—INTER-COUNTRY ADOPTION—Ms Hale asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Minister for Community Services, and Minister for Youth—

- (1) Have the regulations relating to accreditation of inter-country adoption service providers been finalised?
- (2) (a) If not, given that the previous Minister committed to have the regulations finalised by December 2004, what is the cause of the delay?
(b) When are they due to be finalised?
- (3) Is the Office of Children's Guardian the body responsible for the accreditation of inter-country adoption service providers?
- (4) (a) Is the position of Children's Guardian currently filled in a temporary acting capacity only?
(b) If so, how many days per week does the current acting Children's Guardian work?
(c) When will the position be filled on a more permanent basis?
- (5) If the position has now been filled on a part-time basis, as this influenced the capacity of the Department to finalise the accreditation of inter-country adoption service providers?

Answer—

- (1) to (5) The Regulation is being finalised in full consultation with key stakeholders and carefully planned to ensure the accreditation process protects the interests of the child and its adoptive parents.

The Department of Community Services and the Office of the Children's Guardian are working together to address the issues raised by stakeholders.

Once finalised, the Regulation will be published in accordance with the *Subordinate Legislation Act 1989*.

The appointment of the Children's Guardian is in accordance with the *Public Sector Employment and Management Act 2002* and the *Children and Young Person's (Care and Protection) Act 1998*.

6 MAY 2005

(Paper No. 103)

*2188 JUSTICE—PRISON LABOUR—Ms Rhiannon to ask the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship—

- (1) Does the Minister recall issuing “memo regarding call for papers number 171” in which it was stated “... NSW has the best system in the world to protect local jobs from prison labour”?
- (2) What nations were studied to draw this conclusion?
- (3) What government's treatment of prison labour was examined to come to this conclusion?

Answer—

- (1) to (3) The member should refer to my statement in full. It is self explanatory.

*2189 POLICE—TASERS—Ms Rhiannon asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1) How many tasers are currently used by NSW police?
- (2) How much does each taser cost?
- (3) Under what conditions are police able to use tasers?
- (4) What additional training have NSW Police had in the use of tasers?
- (5)
 - (a) Will all police be given tasers?
 - (b) If not what police officers will be given tasers?
- (6) How will NSW police decide whether or not to use tasers?
- (7) How will the Minister for Police guarantee that tasers will not be used against people involved in strike action or civil disobedience?
- (8)
 - (a) Will police assess the health of people they intend to use tasers against?
 - (b) If yes how will this assessment be made?
- (9)
 - (a) Is the Minister aware of Amnesty International's serious concerns about tasers?
 - (b) If so, how will the Government respond to these concerns?
 - (c) If not, why not?

Answer—

- (1) to (9) The issue of tasers to NSW Police is highly restricted; tasers are for use only in high-risk situations and operators must be trained in their use. The widespread distribution of tasers to police is not being considered at this time.

The use of tasers by persons other than police is regulated by the *Weapons Prohibition Act 1998*. The Act requires that, for a person to use or possess a taser, a prohibited weapons permit must be obtained and, in doing so, the applicant must satisfy the strict probity and genuine reason requirements of the legislation.

*2190 EDUCATION—PUBLIC PRIVATE PARTNERSHIPS—Ms Rhiannon asked the Minister for Education and Training—

- (1) For each of the public schools in New South Wales whose facilities are subject to a Public Private Partnerships contract, can the Minister please provide a list of penalties, fines or other charges or withholding of payments imposed on the contractor or contractors, including:
 - (a) the date the penalty was imposed;
 - (b) the size of the penalty; and
 - (c) the reason for which the penalty was imposed?
- (2) What steps have been taken in each case to ensure that the cause of the imposition of the penalty has been rectified?

Answer—

- (1) I am advised that a total of \$7,398.05 in penalties has been imposed on contractors since the first Public Private Partnerships schools opened in January 2004. The Department of Education and Training currently maintains records of penalties according to the total for each penalty period rather than the size of each penalty.

The following are indicative of the reasons for which these penalties were imposed:

- dual data outlet not installed as per plan,
- fault in Telstra lines,
- alarm fault,
- power points not functioning,
- broken toilet seat,
- missing tap handle,
- toilet cistern filling too slowly,
- loose door locks,
- blown fuse,
- broken window latches,
- air vent unable to be opened,
- bench trim missing,
- damaged roller shutter door.

(2) I am informed that all incidents incurring penalties have been rectified.

The strict performance regime detailed in the contract ensures that it is in the contractor's interest to rectify problems as soon as possible or suffer the consequence of further financial penalty.

*2191 EDUCATION—ABORIGINAL EDUCATION—Ms Rhiannon asked the Minister for Education and Training—

- (1) What action is the Government taking, and within what timeframe, to respond to the 2004 report of the review of Aboriginal education in New South Wales?
- (2) (a) Which recommendations from the report of the review of Aboriginal education in New South Wales will the Government adopt?
(b) When will these recommendations be adopted?
- (3) (a) Which recommendations from the report of the review of Aboriginal education in New South Wales will the Government not adopt?
(b) Why will these recommendations not be adopted?
- (4) (a) Has implementation of the report of the review of Aboriginal education in New South Wales been costed?
(b) If so, to what amount?
(c) When will these costings be publicly released?
- (5) (a) Has the Government allocated any funding to implement recommendations from the report of the review of Aboriginal education in New South Wales?
(b) If so, how much?
(c) Over what time period?
- (6) Will you rule out devolving responsibility for public schools in New South Wales to Aboriginal communities?

Answer—

- (1) to (6) The Government is committed to overcoming the multiple disadvantages facing Aboriginal students, and supports the recommendations contained in the Report which are aimed at developing flexible, innovative approaches to meeting the diverse learning needs of Aboriginal students.

An additional \$53 million has been allocated over the next four years to support a range of initiatives designed to improve learning outcomes for Aboriginal school students. These initiatives will include individualised learning plans, teacher incentive packages, curriculum revision and extended student assessment and testing.

This follows the release of the “Report of the Review of Aboriginal Education”, which has confirmed that while many Aboriginal students achieve outstanding results, it is also clear that average measures of performance indicate a significant gap still exists between Aboriginal students and their non-Aboriginal peers.

The Department of Education and Training has also re-established the Director General’s Advisory Group on Aboriginal Education with majority Aboriginal membership to provide advice on the implementation of the recommendations, and has established and recently advertised the position of Director, Aboriginal Education to ensure that the Department maintains a significant focus on Aboriginal Education.

*2195 PREMIER—AIR POLLUTION—Ms Rhiannon asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council representing the Premier, Minister for the Arts, Minister for Citizenship—

Considering the growing body of international and Australian scientific evidence of the significant risks posed by traffic related air pollution, and the growing case for implementing ethanol as a clean alternative to petrol, what is the Government doing to progress such an initiative?

Answer—

Decisions to use alternative fuels need to be informed by the fuel’s overall emissions performance, including greenhouse gas emissions and emissions affecting air quality throughout its full life cycle. Comparison of transport fuel’s emissions shows that alternative fuels including ethanol can produce benefits for some emissions but not others. The environmental impacts of ethanol vary markedly between different ethanol blends, vehicle technologies and airsheds.

The NSW Government’s approach is to encourage consideration of the full suite of fuels and vehicle technologies to improve air quality. Information to support this decision making process has been developed under the NSW Cleaner Vehicles Action Plan and gives benchmarks based on the environmental performance of vehicles as measured by tailpipe emission of greenhouse gases and noxious pollutants. Whole of Government procurement options for alternative fuels in New South Wales are also considered prior to the renewal of Government fuel contracts.

I recognise that the production of ethanol represents an important opportunity for regional development. Environmental policy development considers how best to achieve environmental improvement alongside support for ethanol production initiatives.

*2196 PREMIER—RECENT ROYAL TOURS AND EVENTS—Ms Rhiannon asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council representing the Premier, Minister for the Arts, Minister for Citizenship—

- (1) (a) What events did the Government organise for the British royal tour?
- (b) How much was spent on each of the events?
- (c) How much did the Government spend on security for these events?
- (2) (a) What events did the Government organise for the Danish royal tour?

- (b) How much was spent on each of the events?
- (c) How much did the Government spend on security for these events?
- (3) How much did the Government spend closing the Sydney Harbour Bridge to promote the Formula 1 Grand Prix on 27 February 2005?

Answer—

- (1) and (2) It is customary for State Governments to provide hospitality and support to Heads of State, Heads of Government and other dignitaries undertaking Official Visits.

The Premier hosted a State Luncheon on 28 February 2005 for the recent visit of the Crown Prince and Princess of Denmark. Her Excellency the Governor hosted a State Dinner for the Prince and Princess on 3 March 2005.

A State Luncheon Reception was also organised for the visit of His Royal Highness, the Prince of Wales at Government House on the 4 March 2005. The luncheon was hosted by Her Excellency, the Governor of New South Wales.

The cost of each function was organised and paid for by the respective hosts. Security requirements for these functions were coordinated through the NSW Police.

- (3) Since hosting the 2000 Olympics and the Rugby World Cup, Sydney and New South Wales are now recognised as one of the leading event destinations in the world.

The Harbour Bridge Overdrive was coordinated as a promotional event between the NSW Government and the Australian Grand Prix Corporation. The event aimed to not only promote the Australian Grand Prix and motor-sport, but to showcase New South Wales and Australia as an international destination for events and tourism.

The event received significant international media attention as well as national.

All of the State agencies involved in the event absorbed costs within their own budgets for the services they delivered.

*2197 EDUCATION—DROUGHT AFFECTED SCHOOLS POLICY—Ms Rhiannon asked the Minister for Education and Training—

- (1) How many, and which schools, applied to receive the benefit of the Government's drought affected schools policy in:
 - (a) 2003?
 - (b) 2004?
 - (c) 2005?
- (2) How many, and which schools, received benefits and of what specific kind (including a reprieve from staff losses), from the Government's drought affected schools policy in:
 - (a) 2003?
 - (b) 2004?
 - (c) 2005?
- (3) How many, and which schools, were declined and did not attract any benefit from the Government's drought affected schools policy in:

- (a) 2003?
- (b) 2004?
- (c) 2005?

Answer—

- (1) to (3) The Government continues to deal compassionately on a case-by-case basis with the staffing of schools in drought-affected areas.

Factors taken into account in approving school assistance not supported by the normal enrolment-based formula include local demographic information, a school's enrolment pattern/trend and its special needs.

While the full range of supports able to be used by schools in drought-affected areas is not comprehensively captured in the Department of Education and Training's data collection system, a number of schools continue to receive various forms of benefit, including teaching positions.

I am advised that in 2003, 54 schools in drought-affected areas received teacher support.

I am advised that as at the end of the 2004 teaching year, 22 schools retained above-entitlement teaching positions as a result of drought support.

I am advised that in 2005, nine schools are receiving drought support, while a further eight schools which had previously received drought support secured sufficient enrolments to maintain teacher staffing levels without supplementation. An additional two schools are receiving teacher supplementation where drought has not been a determining factor.

Enrolments and other relevant considerations at schools that have not continued to receive assistance in 2005 will continue to be closely monitored.

*2198 ENERGY AND UTILITIES—BHP WATER USAGE—Ms Rhiannon asked the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands representing the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer) and Minister Assisting the Premier on the Arts—

- (1) How much money has Sydney Water charged BHP for each megalitre of water they are using to keep the Cataract River flowing?
- (2) How much money has Sydney Water charged BHP for each megalitre of water they are using to keep the Georges River flowing?

Answer—

- (1) and (2) I am advised by Sydney Water that it provides a water supply to BHP operations in the Appin water supply area in accordance with pricing levels set by the Independent Pricing and Regulatory Tribunal. There are no special arrangements in place between Sydney Water and BHP for the purchase of water specifically for the purpose of maintaining flows in either the Georges or Cataract Rivers.

*2199 JUSTICE—LONG BAY CORRECTIONAL COMPLEX—Ms Rhiannon asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship—

- (1) Can the Minister confirm that prisoners at Long Bay Correctional Complex were locked down from 3.30pm Thursday on 24 February 2005 until Saturday 26 February 2005?
- (2) (a) Were prisoners at Long Bay Correctional Complex again locked down on Monday 28 February 2005?

- (b) If so, how long were prisoners locked down for on this occasion?

Answer—

- (1) The Long Bay Correctional Complex was not locked down from 3.30pm Thursday 24 February 2005 until Saturday 26 February 2005.
- (2) On 28 February 2005:
- 209 inmates at the Metropolitan Special Programs Centre were locked in their cells from 8.00 am to 12.00 pm to facilitate a search of the centre.
 - 320 inmates in Long Bay Hospital Area 2 were locked in cells due to police and coronial inquiries taking place following a death in custody. The segregation unit within the Intensive Case Management Unit was locked down from 6.45 am, and the remainder of the centre was locked down at 11.46 am until normal lock-in at 4.00 pm.

*2201 EDUCATION—CONSULTANTS—Ms Rhiannon asked the Minister for Education and Training—

- (1) For each of the years 1999 to 2005, using either budget years or school years which ever the data are available, can the Minister provide:
- (a) The full time equivalent number of educational consultants or equivalent positions employed by the Department of Education and Training?
- (b) The full time equivalent number of itinerant teachers or equivalent positions employed by the Department?
- (c) The total expenditure on educational consultants?
- (d) The total expenditure on itinerant teachers employed by the Department?
- (2) (a) Were 25 per cent of consultants lost from the system as a result of the restructure of 12 months ago?
- (b) If not, how many positions existed before the restructure?
- (c) How many will exist after the restructure has been completed?
- (3) Can the Minister provide for each of the years 1999 to 2005, using either budget years or school years:
- (a) The number of Chief Education Officers employed by the Department?
- (b) The number of Principle Education Officers employed by the Department?
- (c) The number of Senior Education Officers Class II employed by the Department?
- (d) The number of Senior Education Officers Class I employed by the Department?

Answer—

- (1) (a) Education Consultant Positions FTE (All CEOs, PEOs, SEOs II, SEOs I) as at 30 June:

2000	2001	2002	2003	2004	2005
961.6	977.5	1042.2	1033.2	923.8	932.4

Source: DET Personnel System

NB: All Positions may not be occupied throughout the year. Figures for 2005 are as at May 2005. Department's computerised Personnel System does not hold comparable data on 'education consultants' for 1999.

- (b) Itinerant Teachers (including Itinerant Executive) as at 30 June:

1999	2000	2001	2002	2003	2004	2005
568.7	651.5	664.2	704.1	737.3	763.1	783.6

Source: DET Personnel System

NB: Figures for 2005 are as at May 2005.

- (c) \$475.2 million.

Source: DET Permanent Employees Payroll System

NB: Calculations are based on actual salary costs, not including on costs.

Figures for 2005 are as at May 2005.

- (d) \$281.3 million

Source: DET Personnel System

NB: Calculations are based on actual salary costs, not including on costs.

(2) and (3) See answers to Question 1.

*2202 TREASURER—NEW MARDI GRAS ORGANISATION—Revd Mr Nile asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council representing the Treasurer, Minister for State Development, and Minister for Aboriginal Affairs—

- (1) (a) Does the organisation "New Mardi Gras" have outstanding State taxes or rates?
- (b) If so, how much?
- (2) Does the Government or any of its departments provide any financial assistance, donations, or sponsorship to the organisation?
- (3) Does the Government or any of its departments provide any material, logistical or resource support for the organisation?
- (4) Does the Government or any of its departments provide any personnel support, including the secondment of staff, for the organisation?

Answer—

- (1) Under the secrecy provision of Part 9, Division 3, Section 81 to 85A of the *Taxation Administration Act 1996*, I am unable to respond to this part of the question.
- (2) to (4) None of the agencies under my administration provide such assistance.

*2205 HEALTH—EFFECTS OF ALCOHOL ON UNBORN CHILDREN—Revd Mr Nile asked the Minister for Education and Training representing the Minister for Health—

- (1) Is the Minister aware of the effects that alcohol can have on the development of an unborn child?
- (2) Has a growing body of evidence shown that even small and moderate amounts of alcohol can lead to intellectual delay, mental retardation and 'Foetal Alcohol Syndrome'?
- (3) Is the Minister aware that there has been an increase in the incidents of binge drinking amongst the young female population?
- (4) Will the Minister seek to better educate women and general practitioners on the dangers of alcohol consumption during pregnancy?

Answer—

- (1) and (2) I am advised that the National Alcohol Strategy (NAS) Fact Sheet 11, Alcohol and Pregnancy (2003) provides guidelines for women who are pregnant or might soon become pregnant, based on evidence available up until 2001 about the effects of alcohol on the unborn child.

The 2001 data provided clear evidence that drinking above guidance levels during pregnancy considerably increases the risk of harmful effects on the unborn child.

With respect to the consumption of low to moderate levels of alcohol, the NAS Fact Sheet indicates that evidence is less clear, but that there may be possible subtle effects that are unable to be detected and as such women may choose to not drink at all during pregnancy.

- (3) I am advised by the NSW Health Centre for Drug and Alcohol that comparisons from the Australian Institute of Health and Welfare's (AIHW) statistics on drug use in Australia 2002 and the 2004 National Drug Strategy Household Survey – first results, show a decrease in alcohol consumption at levels considered to be a high risk of alcohol related harm amongst women aged 14-19 and a slight increase in high risk drinking amongst young women aged 20-29.
- (4) The New South Wales Alcohol Summit 2003 recommended the continued distribution and implementation of the Neonatal Abstinence Syndrome Guidelines to improve outcomes for drug dependent pregnant women, mothers, newborn infants and their families. I am advised that the guidelines are used by health workers involved in the care of pregnant women and mothers and their newborn infants, who are affected by drugs or alcohol.

The summit also recommended the development of new information resources for pregnant Aboriginal women outlining issues relating to drug and alcohol use in pregnancy, that will address all drug types and associated risks.

The resources will be distributed to all Aboriginal Community Controlled Health Services, Area Health Services and through the Aboriginal Maternal and Infant Health Programme in 2005.

In addition, NSW Health public maternity services have systems in place where women are screened in the early antenatal period for medical, obstetric and psychosocial risk factors that may have a potential impact on the pregnancy, foetus and/or parenthood.

Antenatal screening enables the detection of a number of factors, such as excessive alcohol consumption that may contribute to the possible development of foetal alcohol syndrome. Once risk factors are detected, appropriate support and follow up are offered and arranged. Foetal alcohol syndrome is not always detectable at birth.

*2206 PRIMARY INDUSTRIES—TRIAL BAY MOORINGS—Mr Gay asked the Minister for Primary Industries—

- (1) Are local Trial Bay residents concerned that the illegal mooring of longliners to safety buoys at Trial Bay has occurred?

- (a) If so, has the Department of Primary Industries (Fisheries) taken action to investigate these concerns?
- (b) If so, what have been the findings of these investigations?
- (2) Is the Department of Primary Industries (Fisheries) taking action to prevent the illegal use of fishing nets in the Trial Bay area in order to ensure local charter operators, small scale commercial fishers and the local tourist industry is not disadvantaged?

Answer—

- (1) (a) and (b) This matter is the responsibility of the NSW Maritime Authority.
- (2) Yes. There is a 100-metre net fishing closure around the two buoys.

*2207 ENVIRONMENT—BIOSOLID WASTE—Ms Rhiannon asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) Where is biosolid waste deposited in New South Wales by Government agencies, agents or contractors?
- (2) How many tonnes of biosolid waste have been deposited in New South Wales?
- (3) What was the price of biosolid waste per cubic tonne at 5 May 2005?
- (4) What safeguards are put in place to guarantee the chemical and Ph level consistency of biosolid waste deposited in New South Wales?
- (5) What are the chemical and Ph level standards used by the Government when testing biosolid waste?
- (6) (a) On how many occasions has biosolid waste been in breach of the chemical and Ph level standards since their introduction?
- (b) What was the result of these breaches of standards?
- (7) Who does the New South Wales Government utilise to test biosolid waste?
- (8) When does the New South Wales Government test biosolid waste?
- (9) Where does the New South Wales Government test biosolid waste?
- (10) What tests does the New South Wales Government utilise when testing biosolid waste?
- (11) How does the New South Wales Government protect the oyster industry from excessive chemical and Ph levels in biosolid waste?
- (12) Does the New South Wales Government utilise any additional measures when biosolid waste is used on or near national parks?
- (13) Does the New South Wales Government utilise any additional measures when biosolid waste is used on or near water catchment areas?

Answer—

Records of the amount and location of biosolids deposited in New South Wales are retained by individual water utilities and water authorities.

Prices for biosolids are set by individual water utilities. Further questions relating to water utilities should be referred to the Minister Energy and Utilities, the Hon Frank Sartor MP.

The Department of Environment and Conservation has developed guidelines, “Environmental Guidelines – Use and Disposal of Biosolids Products”, which specify the safeguards that must be put in place for depositing biosolids in New South Wales and also specify how to manage biosolids for all levels of contaminants.

Testing of biosolids is arranged by individual water utilities at accredited laboratories in accordance with the standards set out in “Environmental Guidelines – Use and Disposal of Biosolids Products”.

“Environmental Guidelines – Use and Disposal of Biosolids Products” also specifies the protection measures for the use of biosolid waste in areas such as oyster growing areas, national parks and water catchments.

*2208 EDUCATION—ASBESTOS IN BARYULGIL—Mr Cohen asked the Minister for Education and Training—

- (1) Is the Department of Education and Training taking steps to clear asbestos from playground and school areas in Baryulgil?
- (2) If so, what is the timeframe?

Answer—

- (1) The Department of Education and Training undertook works in the grounds of Baryulgil Public School during 2004 involving the resurfacing of asphalt, caulking the concrete slab joints and the laying of new paths at a total cost of \$15,894.00.
- (2) All works were completed by November 2004.

*2209 ENVIRONMENT—ASBESTOS AT BARYULGIL—Mr Cohen asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

Will the Environmental Protection Agency (EPA) investigate the poisoning of the water supply at Baryulgil by asbestos tailings?

Answer—

The Baryulgil Asbestos Mine is a derelict mine.

The Government has spent \$2.1 million on major rehabilitation works and more than \$60,000 in maintenance works to ensure the stability of the site and protect the environment. This funding has come through the Derelict Mines Program, managed by the Department of Primary Industries.

The Department of Environment and Conservation (DEC) is unaware of any reports concerning pollution of the water supply at Baryulgil. However, if the Honourable Member has any further information, I ask that he forward it to me. I will then ask DEC to investigate the matter as necessary.

*2210 POLICE—CAR STEREO NOISE POLLUTION—Mr Ryan asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1) How many on-the-spot fines have police issued for car stereo noise pollution since the Government changed the regulations regarding this offence in 1998?
- (2) How many on-the-spot fines were issued during each of the following years:
 - (a) 1999?
 - (b) 2000?

- (c) 2001?
- (d) 2002?
- (e) 2003?
- (f) 2004?

(3) What are the top five 'hot spots' for this offence?

Answer—

Statistical information relating to this matter is compiled by the Infringement Processing Bureau, Office of State Revenue. The Honourable Member's question should be directed to my colleague, the Treasurer, for response.

*2211 ENVIRONMENT—CAR STEREO NOISE POLLUTION—Mr Ryan asked the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

How many on-the-spot fines have Environment Protection Authority officers issued for car stereo noise pollution since the Government changed the regulations regarding this offence in 1998?

Answer—

The Protection of the Environment Operations (Noise Control) Regulation 2000 commenced on 1 September 2000. Since that date, 65 on-the-spot fines for causing or permitting offensive noise to be emitted from a motor vehicle sound system have been issued by Environment Protection Authority officers (Clauses 17 and 17A of the Regulation).

*2214 PREMIER—REDFERN HEALTH FACILITY—Ms Hale asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council representing the Premier, Minister for the Arts, Minister for Citizenship—

(1) In regards to the Government's response of 22 February 2005 to the Legislative Council Inquiry into Redfern Waterloo, which stated that "The Redfern Waterloo Partnership Project will facilitate community consultation on the services to be provided by the Community health facility in April 2005" (p.12), and which also noted that "the creation of the community health facility will be complemented by a community based education campaign on the rationale for harm minimisation"; and the development proposal submitted to the City of Sydney Council for the Lawson Street Health Centre (D05/00520, 120-122 Lawson Street) on 29 April 2005 to convert the building into a community health service:

- (a) Was community consultation undertaken prior to the submission of the development application?
 - (i) If not, why not?
- (b) Was a harm minimisation education campaign undertaken in advance of the development application?
 - (i) If not, why not?
- (c) Was the undertaking to "facilitate community consultation on the services to be provided by the community health facility in April 2005" honoured?
 - (i) If not, why not?
 - (ii) When will the community consultation and education campaign occur?

Answer—

(1) (a) to (c) I am advised that:

The Lawson Street community health centre was proposed in response to previous community concerns about the mobile needle and syringe service and evidence provided at the Upper House inquiry into Redfern and Waterloo.

Consideration by the City of Sydney Council of the development application for the health centre has been deferred until a community consultation has taken place. This will commence in June 2005.

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2237 TRANSPORT—OFFENSIVE ADVERTISEMENTS ON PUBLIC TRANSPORT—Revd Mr Nile to ask the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Minister for Transport—

- (1) (a) Do New South Wales buses and railway stations have full size billboard advertisements for Triumph Sloggi Hot Hip g-strings?
- (b) Do these advertisements feature four life-size women wearing only the aforementioned g-string?
- (2) Are these advertisements placed in areas where the public crowd for transport embarkation, where the public has no place other than the ceiling and floor to divert their gaze?
- (3) (a) Given that this material is embarrassing and offensive to many members of the public, and that exposing children to such material is inappropriate, will the advertisements be removed from such places of public exposure?
- (b) If not, why not?

2238 TRANSPORT—SYDNEY RAIL NETWORK—Dr Chesterfield-Evans to ask the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Minister for Transport—

- (1) Could the Minister for Transport provide maps of the maximum extent of rail and tram tracks in Sydney?
- (2) (a) How many of these tracks are able to be re-activated?
- (b) Which of these tracks have been sold or destroyed?
- (c) Would the Minister for Transport please provide a map illustrating the above?
- (3) What tunnels exist in the CBD and elsewhere in greater Sydney that were designed for rail or light rail and could be re-activated?
- (4) (a) What easements exist for the extension of the rail network?
- (b) Would the Minister for Transport please provide a map illustrating the above?
- (5) What costing data exists for each extension?
- (6) (a) Is there any easement for a rail extension to the northwest sector?
- (b) If not, why not?

- (c) What plans are there for rail in this area?
- (7) (a) Is there any easement for a rail extension up the western orbital?
- (b) If not, why not?
- (c) What plans are there for rail in this area?
- (8) (a) Could the tunnel from the Balmain peninsula to Greenwich be used for trams, if it were adequately waterproofed?
- (b) If not, why not?
- (9) (a) Does a tram tunnel exist from North Sydney to the Cremorne area?
- (b) If so, what is its exact location and status?
- (c) Could it be extended to serve a line going over the Spit Bridge to the northern beaches?
- (d) If not, why not?

2239 LANDS—PROPERTY VALUATION—Revd Mr Nile to ask the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands—

- (1) Has the Real Estate Institute (REI) of New South Wales called on the Government to introduce one property valuation system for all state and local government charges and taxes?
- (2) Has REI called on the Government to report the New South Wales Department of Lands' annually adjusted property values to all landowners?
- (3) In light of the considerable benefits to both property owners and the Government, will these aspects be introduced into legislation?

2240 TRANSPORT—RAIL TICKET FINES—Revd Mr Nile to ask the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Minister for Transport—

- (1) Are rail passengers being fined \$200 for failing to present a ticket on inspection?
- (2) Are rail passengers faced with stations that are not manned for ticket sales and have ticket machines that are unserviceable?
- (3) Are motor vehicles drivers who endanger lives by driving 30km over the speed limit fined \$208?
- (4) (a) Will more railway staff be provided for New South Wales' railway stations?
- (b) If not, why not?
- (5) (a) Will an incremental scale for ticket fines - for example, \$50 to \$100 for a first time offence, \$200 to \$250 for a second, \$300 to \$400 for fines thereafter - be implemented?
- (b) If not, why not?

2241 COMMERCE—WORKCOVER ACCREDITATION—Revd Mr Nile to ask the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council—

- (1) Has CMS Rehabilitation Management Services (RMS) been a long established and respected private rehabilitation organisation achieving high industry and accreditation standards in New South Wales?
- (2) Did CMS RMS recently experience financial difficulty and go into voluntary management, due to changes in the occupational health and safety industry?
- (3) Did the company undergo restructuring and enter into an arrangement with creditors to pay 100 cents in each dollar owed?
- (4) Were all parties satisfied with the aforementioned arrangements and was management subsequently returned to the company directors?
- (5) Has acting general manager of Workcover, Rob Thomson, now sought to close the company down in the next few days, by withdrawing accreditation and informing insurers to refer work elsewhere?
- (6) Has Mr Thompson cited the previous voluntary management as a breach of clause 7 of the conditions of accreditation?
- (7)
 - (a) What was the original intent with regard to this clause?
 - (b) How it was to be implemented for both private and publicly listed organisations?
- (8)
 - (a) Will urgent action be taken to ensure CMS RMS maintains its current accreditation and thus continued operation, subject to future review?
 - (b) If not, why not?

2242 INFRASTRUCTURE AND PLANNING—CROWN ROAD RESERVE—Mrs Pavey to ask the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands representing the Minister for Infrastructure and Planning, and Minister for Natural Resources—

Does local council have a legal capacity to charge adjoining landowners, by way of a levy, for the full cost of converting a Crown Road reserve into a road, and for any ongoing maintenance?

2243 LOCAL GOVERNMENT—CROWN ROAD RESERVE—Mrs Pavey to ask the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands—

Does local council have a legal capacity to charge adjoining landowners, by way of a levy, for the full cost of converting a Crown Road reserve into a road, and for any ongoing maintenance?

2244 MINERAL RESOURCES—BLACKMAN'S FLAT—Ms Rhiannon to ask the Minister for Primary Industries representing the Minister for Mineral Resources—

- (1)
 - (a) Did the Environment Protection Authority (EPA) recently vary POEO Licence No. 4911 (Pine Dale mine) and approve the spreading of boiler ash from Carter Holt Harvey in Oberon over mine land within the township of Blackman's Flat, 200 metres from residential properties?
 - (b) If so, on what grounds was this approval given?
- (2) What testing has been conducted on this boiler ash?
- (3) Has Enhance Place Pty Ltd spread formaldehyde-contaminated particleboard, manufacturing waste and green waste from the Bankstown area contaminated with exotic weed seed and gross litter, on mine land in this area?
- (4) What action, if any, has the EPA taken in regard to this formaldehyde and weed contamination?

- (5) Is this contamination, in addition to cumulative dust, surface and groundwater pollution from major industrial sources, close to residential property?
- (6) (a) Will a detailed analysis of the chemical and heavy metal components in boiler ash be provided to residents of Blackman's Flat?
- (b) If so, will this analysis include any details on the following contaminants:
- (i) The pH range of the boiler ash?
 - (ii) Formaldehyde?
 - (iii) Dioxins, Furans, PCBs?
 - (iv) PAHs?
 - (v) Fluoride?
 - (vi) Chromium (III) and Chromium (VI)?
 - (vii) Arsenic?
 - (viii) Beryllium?
 - (ix) Cadmium?
 - (x) Copper?
 - (xi) Lead?
 - (xii) Mercury?
 - (xiii) Nickel?
 - (xiv) Selenium?
 - (xv) Zinc?
- (c) If not, why not?

2245 ENVIRONMENT—BLACKMAN'S FLAT—Ms Rhiannon to ask the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) (a) Did the Environment Protection Authority (EPA) recently vary POEO Licence No. 4911 (Pine Dale mine) and approve the spreading of boiler ash from Carter Holt Harvey in Oberon over mine land within the township of Blackman's Flat, 200 metres from residential properties?
- (b) If so, on what grounds was this approval given?
- (2) What testing has been conducted on this boiler ash?
- (3) Has Enhance Place Pty Ltd spread formaldehyde-contaminated particleboard, manufacturing waste and green waste from the Bankstown area contaminated with exotic weed seed and gross litter, on mine land in this area?
- (4) What action, if any, has the EPA taken in regard to this formaldehyde and weed contamination?
- (5) Is this contamination, in addition to cumulative dust, surface and groundwater pollution from major industrial sources, close to residential property?
- (6) (a) Will a detailed analysis of the chemical and heavy metal components in boiler ash be provided to residents of Blackman's Flat?
- (b) If so, will this analysis include any details on the following contaminants:
- (i) The pH range of the boiler ash?
 - (ii) Formaldehyde?
 - (iii) Dioxins, Furans, PCBs?
 - (iv) PAHs?
 - (v) Fluoride?
 - (vi) Chromium (III) and Chromium (VI)?

- (vii) Arsenic?
- (viii) Beryllium?
- (ix) Cadmium?
- (x) Copper?
- (xi) Lead?
- (xii) Mercury?
- (xiii) Nickel?
- (xiv) Selenium?
- (xv) Zinc?

(c) If not, why not?

2246 PREMIER—POTTERY ESTATE TENANTS' RIGHTS—Ms Rhiannon to ask the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council representing the Premier, Minister for the Arts, Minister for Citizenship—

- (1) Were twenty-one families evicted from their miner's cottages in Lithgow due to the redevelopment of the Pottery Estate in Lithgow?
- (2) Is Gerard Martin MP, the Member for Bathurst, an ex-employee of Coalex, the mining company that owned that land and sold it to developers?
- (3) (a) Was a request made to the government to protect the tenancy rights of the residents who lived in those cottages?
(b) If so, what services were provided?
- (4) (a) Will this land be compulsorily acquired from the developer and returned to the residents?
(b) If not, why not?

2247 ENERGY AND UTILITIES—GROUNDWATER TESTING—Ms Rhiannon to ask the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands representing the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer) and Minister Assisting the Premier on the Arts—

- (1) (a) What groundwater and surface water testing is currently undertaken to detect potentially toxic components, additives and breakdown products of water-soluble hydraulic oils, used in large quantities in long-wall coal mining in the western coalfields, and as an injected fracturing fluid in underground mines such as the Moonee Colliery in the Newcastle coalfields?
(b) If no current ground water or surface drinking water sampling for water-soluble hydraulic oils, their additives and break-down products is currently being conducted, will such sampling be initiated as a matter of urgency?
(c) If not, why not?

2248 ENVIRONMENT—GROUNDWATER TESTING—Ms Rhiannon to ask the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) (a) What groundwater and surface water testing is currently undertaken to detect potentially toxic components, additives and breakdown products of water-soluble hydraulic oils, used in large quantities in long-wall coal mining in the western coalfields, and as an injected fracturing fluid in underground mines such as the Moonee Colliery in the Newcastle coalfields?

- (b) If no current ground water or surface drinking water sampling for water-soluble hydraulic oils, their additives and break-down products is currently being conducted, will such sampling be initiated as a matter of urgency?
- (c) If not, why not?

2249 ENVIRONMENT—BLACKMAN'S FLAT CONSOLIDATED COAL LEASE—Ms Rhiannon to ask the Minister for Justice, Minister for Fair Trading, Minister Assisting the Minister for Commerce, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) Why was an Interim Protection Order or Stopwork Order, under section 114 of the *Threatened Species Conservation Act 1995*, not issued to prevent the destruction of the threatened species, *Derwentia blakelyi*, listed as vulnerable on Schedule 2 of the *Threatened Species Conservation Act 1995* and identified as occurring on Consolidated Coal Lease (CCL) 770 in Blackman's Flat in an Environmental Impact Statement?
- (2) Why have operations on CCL 770 in Blackman's Flat been allowed to proceed under Protection of Environmental Operations (POEO) Licence No. 4911, in the absence of any plan of management for two populations of Bathurst Copper Butterfly, *Paralucia spinifera*, and critical habitat for *P. spinifera* (*Bursaria spinosa* subsp. *Lasiophylla* and attendant ant *Anonychomyrma itinerans*), listed as endangered on Schedule 1 of the *Threatened Species Conservation Act 1995*, and vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999*?
- (3) Why was the consent authority, Lithgow City Council, allowed to proceed with the approval process for the Pine Dale mine proposal (DA 461-04), lodged on 1 October 2004, without lodging a Referral to DEH under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, due to the known presence on site of Bathurst Copper Butterfly (*Paralucia spinifera*), listed as vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999*?
- (4) Why has Enhance Place Pty Ltd not been required to clean-up putrid smelling highly alkaline formaldehyde-contaminated particleboard manufacturing waste in Blackman's Flat, dumped on site on June 2003, without Environment Protection Authority approval?
- (5)
 - (a) What research was relied upon to support the switch from wet disposal of fly ash to dry disposal of fly ash at Wallerawang power station, given that atmospheric dust pollution from Kerosene Vale fly ash dam is already unacceptably high for human health and the environment?
 - (b) Why do open-tip trucks hauling dry fly ash from Wallerawang power station to Kerosene Vale only operate at night?
- (6)
 - (a) What action will be taken to reduce dust plumes continually blowing from fly ash dams associated with Mount Piper and Wallerawang Power Stations, and the adverse impact this is having on human health, the environment, visibility, and visual amenity of the Lidsdale, Wallerawang, and Blackman's Flat areas?
 - (b) Has fly ash been dumped in open air dams associated with Wallerawang power station since it first opened in 1957?
- (7)
 - (a) Has Mount Piper's ash pile been allowed to grow to tower forty metres above the surrounding landscape and township of Blackman's Flat, highly exposed to wind erosion from all directions?
 - (b) If so, why?
- (8) Why is Delta Electricity not using any number of relatively inexpensive dust-suppressant chemicals, geo textile fabrics, biodegradable plastics, or other alternatives to keep dust down until such time as these fly ash dams are permanently capped?

- (9) Why has Delta Electricity not been required to revegetate the raw and eroding embankments of these ash dams, which are a source of erosion and sedimentation for local waterways such as Neubeck's Creek and the Cox's River, and have a significant scenic and visual amenity impact on the local area for residents and travellers along the Castlereagh Highway?
- (10) Why are power station toxic industrial waste facilities, such as fly ash dams, not a separately licensed activity to the main power generation plant, with their own set of air and water quality licence conditions?
- (11) (a) Is it adequate that the current Wallerawang and Mount Piper power station POEO Licence No. 766 focuses on the most obvious power station infrastructure, overlooking the toxic solid industrial waste dumps such as fly ash dams, which are located out of sight of these major facilities?
- (b) Will this issue be addressed?
- (c) If not, why not?
- (12) (a) Why has an independent joint industry dust, air, noise and water quality monitoring system not been established in the Wallerawang – Blackman's Flat area of New South Wales?
- (b) Is there a need for such a system?
- (c) If not, why not?
- (13) Why did the Environment Protection Authority approve the use of municipal green-waste from the Bankstown area on the Enhance Place mine site (POEO Licence No. 6312), contaminated with plastics and other gross litter and seeds of weeds totally foreign to this area, given this could introduce new invasive weed species into the upper catchment of the Hawkesbury-Nepean River?
- (14) Why is Enhance Place Pty Ltd being allowed to discharge water containing pollutants (acid drainage, heavy metals, leachate from formaldehyde contaminated particle-board manufacturing waste, oil and grease) into old underground mine workings on the Pine Dale mine site (POEO Licence No. 4911), potentially causing pollution of the groundwater supply, relied upon by many local property owners as their main source of household water and drinking water for stock?

2250 MINERAL RESOURCES—BLACKMAN'S FLAT CONSOLIDATED COAL LEASE—Ms Rhiannon to ask the Minister for Primary Industries representing the Minister for Mineral Resources—

- (1) Why was an Interim Protection Order or Stopwork Order, under section 114 of the *Threatened Species Conservation Act 1995*, not issued to prevent the destruction of the threatened species, *Derwentia blakelyi*, listed as vulnerable on Schedule 2 of the *Threatened Species Conservation Act 1995* and identified as occurring on Consolidated Coal Lease (CCL) 770 in Blackman's Flat in an Environmental Impact Statement?
- (2) Why have operations on CCL 770 in Blackman's Flat been allowed to proceed under Protection of Environmental Operations (POEO) Licence No. 4911, in the absence of any plan of management for two populations of Bathurst Copper Butterfly, *Paralucia spinifera*, and critical habitat for *P. spinifera* (*Bursaria spinosa* subsp. *Lasiophylla* and attendant ant *Anonychomyrma itinerans*), listed as endangered on Schedule 1 of the *Threatened Species Conservation Act 1995*, and vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999*?
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- (4) Why has Enhance Place Pty Ltd not been required to clean-up putrid smelling highly alkaline formaldehyde-contaminated particleboard manufacturing waste in Blackman's Flat, dumped on site on June 2003, without Environment Protection Authority approval?
- (5) (a) What research was relied upon to support the switch from wet disposal of fly ash to dry disposal of fly ash at Wallerawang power station, given that atmospheric dust pollution from Kerosene Vale fly ash dam is already unacceptably high for human health and the environment?
- (b) Why do open-tip trucks hauling dry fly ash from Wallerawang power station to Kerosene Vale only operate at night?
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- (7) (a) Has Mount Piper's ash pile been allowed to grow to tower forty metres above the surrounding landscape and township of Blackman's Flat, highly exposed to wind erosion from all directions?
- (b) If so, why?
- (8) Why is Delta Electricity not using any number of relatively inexpensive dust-suppressant chemicals, geotextile fabrics, biodegradable plastics, or other alternatives to keep dust down until such time as these fly ash dams are permanently capped?
- (9) Why has Delta Electricity not been required to revegetate the raw and eroding embankments of these ash dams, which are a source of erosion and sedimentation for local waterways such as Neubeck's Creek and the Cox's River, and have a significant scenic and visual amenity impact on the local area for residents and travellers along the Castlereagh Highway?
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- (14) Why is Enhance Place Pty Ltd being allowed to discharge water containing pollutants (acid drainage, heavy metals, leachate from formaldehyde contaminated particle-board manufacturing waste, oil and grease) into old underground mine workings on the Pine Dale mine site (POEO Licence No. 4911),

potentially causing pollution of the groundwater supply, relied upon by many local property owners as their main source of household water and drinking water for stock?

2251 ROADS—PROPOSED ROAD RAMPS—Ms Hale to ask the Minister for Roads, Minister for Economic Reform, Minister for Ports, and Minister for the Hunter—

- (1) Did a representative of the Roads and Traffic Authority (RTA) at a public meeting held on 16 December 2004 about the proposed ramps from Southern Cross Drive to Gardeners Road, say words to the effect that ‘because this is Housing Commission [sic] territory, the RTA can do as it wants’?
- (2) Will the proposed ramps pass within 20 metres of Department of Housing residences, specifically Longworth Court?
- (3)
 - (a) Have details of the ramp proposal been communicated to the Department of Housing?
 - (b) Has a response to this communication been received?
 - (c) Will the response be made public when it is received?
- (4)
 - (a) Has the RTA deviated from its Policy and Guidelines (“Community Involvement Practice Notes and Resource Manual”) by not using an independent facilitator for community consultation?
 - (b) If so, why?
- (5) Has the RTA relied solely upon the Member for Heffron to facilitate community consultation, when she has declared that “make no mistake - I support the ramps”?
- (6) Was the idea to build the ramps conceived by the RTA?
- (7)
 - (a) Is it the RTA’s intention to disperse ramp traffic into the neighbouring residential streets?
 - (b) If not, how does the RTA propose to avoid this outcome?
- (8) What assurances can residents be given that the construction of these ramps will not repeat mistakes already made in the area, such as underestimating traffic flow?
- (9) What measures is the RTA putting in place to disperse the particulate matter that will be trapped in the vicinity of Longworth Court due to its ‘unique geometry’?

John Evans
Clerk of the Parliaments

