



LEGISLATIVE COUNCIL

**QUESTIONS  
AND  
ANSWERS**

No. 22

MONDAY 2 MARCH 2015

[House Prorogued]

(This paper includes answers which have been received since the rising of the House on 20 November 2014 and before the prorogation of the Legislative Council on 2 March 2015.)

Notice given on date shown

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<b>Publication of Questions</b>	<b>Answer to be lodged by</b>
Q & A No. 10 (Including Question Nos 0125 to 0136)	25 November 2014
Q & A No. 11 (Including Question Nos 0137 to 0140)	26 November 2014
Q & A No. 12 (Including Question Nos 0141 to 0153)	27 November 2014
Q & A No. 13 (Including Question Nos 0154 to 0160)	09 December 2014
Q & A No. 14 (Including Question Nos 0161 to 0162)	10 December 2014
Q & A No. 15 (Including Question Nos 0163 to 0175)	11 December 2014
Q & A No. 16 (Including Question Nos 0176 to 0183)	16 December 2014
Q & A No. 17 (Including Question Nos 0184 to 0193)	17 December 2014
Q & A No. 18 (Including Question Nos 0194 to 0194)	18 December 2014
Q & A No. 19 (Including Question Nos 0195 to 0210)	23 December 2014
Q & A No. 20 (Including Question Nos 0211 to 0233)	24 December 2014
Q & A No. 21 (Including Question Nos 0234 to 0270)	25 December 2014
Q & A No. 22 (Prorogation issue (no questions submitted))	-

**21 OCTOBER 2014**

(Paper No. 10)

\*125 TRANSPORT—MENTAL HEALTH TRAINING FOR BUS DRIVERS—Dr Faruqi asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Transport, and Minister for the Hunter—

- (1) What training do bus drivers receive to manage passengers with a mental health issue requiring assistance?
- (2) Has the Government considered providing mental health first aid training to bus drivers to deal with potentially difficult situations?

Answer—

I am advised:

- (1) and (2) The safety and comfort of customers is a key focus of all public transport operators in NSW. Bus operators are required to provide all customer facing staff with passenger service training to enable operators to assist a broad range of passengers.

Bus operators have additional support avenues, including access to the NSW Police Force and Ambulance Service of NSW.

\*126 TRANSPORT—LOCOMOTIVE BOILER—Dr Faruqi asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Transport, and Minister for the Hunter—

- (1) With regards to the restoration of the locomotive No. 60163 Tornado also known as the Pacific No. 3801:
  - (a) What is the status of the new boiler?
  - (b) Have there been any unforeseen setbacks?
  - (c) What is the estimated date of completion for the restoration?

Answer—

I am advised: The boiler for the 3801 steam locomotive will be brought back to Australia so that local experts can get the locomotive back on the tracks.

\*127 ENVIRONMENT—BAMBARA ROAD KARIONG—Dr Faruqi asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

- (1) What is the status of acquisition of Lot 478 to the south of Bambara Road Kariong for inclusion in the Brisbane Waters National Park?
- (2) What is the timeline for the completion of acquisition of Lot 478 to the south of Bambara Road Kariong, for inclusion in the Brisbane Waters National Park?

Answer—

I am advised as follows:

The Office of Environment and Heritage is working to secure the purchase of a number of parcels that surround Brisbane Waters National Park. Market value offers have been made to landholders.

\*128 ENVIRONMENT—MEETINGS AS MINISTER FOR THE ENVIRONMENT—Dr Faruqi asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

- (1) Has the Minister for the Environment met with any of the following since becoming the Minister:
  - (a) Mr Ron Greentree?
  - (b) If so:
    - (i) What is the total number of meetings?

- (ii) What are the dates of each meeting?
- (c) Mr Ken Harris?
- (d) If so:
  - (i) What is the total number of meetings?
  - (ii) What are the dates of each meeting?
- (e) Any representatives from Greentree Farming?
- (f) If so:
  - (i) What is the total number of meetings?
  - (ii) What are the dates of each meeting?

Answer—

No.

\*129 NATURAL RESOURCES, LANDS AND WATER—MEETINGS AS MINISTER FOR NATURAL RESOURCES, LANDS AND WATER—Dr Faruqi asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Natural Resources, Lands and Water, and Minister for Western NSW—

- (1) Has the Minister for Natural Resources, Lands and Water met with any of the following since becoming the Minister:
- (2) Mr Ron Greentree?
- (3) If so:
  - (a) What is the total number of meetings?
  - (b) What are the dates of each meeting?
- (4) Mr Ken Harris?
- (5) If so:
  - (a) What is the total number of meetings?
  - (b) What are the dates of each meeting?
- (6) Any representatives from Greentree Farming?
- (7) If so:
  - (a) What is the total number of meetings?
  - (b) What are the dates of each meeting?

Answer—

- (1) to (6) Information regarding scheduled meetings held with stakeholders, external organisations and individuals will be published in accordance with Memorandum 2014-07 - Publication of Ministerial Diaries.

\*130 LOCAL GOVERNMENT—OATLEY BOWLING CLUB—Mr Shoebridge asked the Minister for Fair Trading representing the Minister for Local Government—

- (1)
- (2) What contact has the Government had with Hurstville City Council in regard to the future of the former Oatley Bowling Club site?
- (3) If so:
  - (a) When did the contact take place?
  - (b) What was the result of the contact?

Answer—

Please refer to 2014-15 Budget Estimates Answers to Supplementary Questions on Notice.

\*131 POLICE AND EMERGENCY SERVICES—POLICE CRIMINAL CONVICTIONS—Mr Shoebridge asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney—

- (1) Of the currently serving police recruited since 1 September 2007 how many had a criminal conviction at time of recruitment?
- (2) What is the total number of all recorded offences of the currently serving police recruited since 1 September 2007 who have a criminal conviction?

Answer—

The NSW Police Force has advised me that as at 28 October 2014 the data is:

- (1) 77.
- (2) 102.

\*132 HEALTH—RAYMOND TERRACE GP SUPER CLINIC—Mr Searle asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

In relation to the construction of the Raymond Terrace GP Super Clinic about which questions were asked at the Finance and Services Budget Estimates hearing on Friday 22 August 2014:

- (1) What was the total budget for the project?
- (2) What was the total spend on the project?
- (3) What money was received from the Federal Government in connection with the project?
- (4) What Government funds, if any, were put into the project?
- (5)
  - (a) Does the Government currently hold any moneys from the Federal Government in relation to this project?
  - (b) If so, how much?
- (6)
  - (a) When was the last payment made by the Government to National Buildplan in connection with this project?
  - (b) Did the Government make any payment in connection with this project to the administrator or liquidator of National Buildplan?
  - (c) If so:
    - (i) How much?
    - (ii) When was this payment made?
    - (iii) Why was any such payment made to the administrator or liquidator?
    - (iv) What precise legal obligation caused the making of any such payment?
    - (v) What is the source of any legal obligation?
- (7)
  - (a) Why were moneys not held back for the benefit of subcontractors who performed work for National Buildplan but were not paid for that work?
  - (b) Who made those decisions?

Answer—

I am advised:

- (1) to (7) The total budget for the Raymond Terrace GP Super Clinic is \$15.15 million with a total spend of \$14.8 million to date.

The project is jointly funded, with the Federal Government providing \$7 million and \$8.15 million from the NSW Government.

All issues around the collapse of the head contractor, including the payment of accounts are being handled by the administrator BRI Ferrier. This matter falls under the portfolio responsibilities of the Minister for Finance and Services. Any enquiries should be redirected accordingly.

\*133 NATURAL RESOURCES, LANDS AND WATER—OATLEY BOWLING CLUB—Mr Shoebridge asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Natural Resources, Lands and Water, and Minister for Western NSW—

(1)

- (a) What contact has the Government had with Hurstville City Council in regard to the future of the former Oatley Bowling Club site?
- (b) If so:
  - (i) When did the contact take place?
  - (ii) What was the result of the contact?

Answer—

- (1) Information regarding scheduled meetings held with stakeholders, external organisations and individuals will be published in accordance with Memorandum 2014-07 - Publication of Ministerial Diaries.

\*134 PLANNING—OATLEY BOWLING CLUB—Mr Shoebridge asked the Minister for Fair Trading representing the Minister for Planning, and Minister for Women—

(1)

- (a) What contact has the Government had with Hurstville City Council in regard to the future of the former Oatley Bowling Club site?
- (b) If so:
  - (i) When did the contact take place?
  - (ii) What was the result of the contact?

Answer—

I am advised:

(1)

- (a) Hurstville City Council staff provided an update on this site, amongst a number of other matters, as part of its general regular meeting with the Department of Planning and Environment. This was held 23 February 2010 and there was no action arising.
- (b) here has been no other meeting between the Department Council specifically in regard to the future of the former Oatley Bowling Club site.

\*135 PRIMARY INDUSTRIES—NADGEE STATE FOREST—Mr Shoebridge asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Primary Industries—

- (1) Which compartments of Nadgee State Forest have been logged?
- (2) For each of the compartments in (1):
  - (a) When was it logged?
  - (b) What volume of sawlogs was removed from the forest?
  - (c) What volume of pulplogs was removed from the forest?

Answer—

I refer you to my answer to Question 0124.

\*136 POLICE AND EMERGENCY SERVICES—SECURITY LICENSING AND ENFORCEMENT DIRECTORATE—Mr Shoebridge asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney—

- (1) Has NSW Police's Security Licensing and Enforcement Directorate (SLED) concluded its investigation into allegations that there were unlicensed private undercover intelligence officers present at the protest camp in Maules Creek?
- (2) Will SLED be prosecuting any unauthorised intelligence officers and any company that hired them to carry out illegal spying?
- (3) Is NSW Police investigating claims by Whitehaven Coal that protestors rammed a utility vehicle at Maules Creek?
- (4) Has the Minister for Police and Emergency Services had any communication with Whitehaven Coal or Idemitsu or their subsidiaries regarding the use of police resources at Maules Creek?

Answer—

The NSW Police Force has advised me:

- (1) and (2) Barwon Local Area Command (LAC) is currently conducting an investigation into this matter.
- (3) Barwon LAC has conducted an investigation into reports of a vehicle involved in a fail to stop accident and malicious damage in the Leard State Forest, Maules Creek in May 2014. This investigation is now closed.
- (4) No.

## 22 OCTOBER 2014

(Paper No. 11)

\*137 FINANCE AND SERVICES—PAYMENT FOR SENIOR CARDS ADVERTISING SERVICES—Dr Kaye asked the Minister for Fair Trading representing the Minister for Finance and Services—

- (1) In the 2013-2014 financial year how much did Cellarmasters or its parent company Woolworths, pay the Government for advertising and special offer emails through the Seniors Card service?
- (2) In the current financial year to date, how much has Cellarmasters or its parent company Woolworths paid the Government for advertising and special offer emails through the Seniors Card service?

Answer—

These questions should be directed to the Hon John Ajaka, MLC in his capacity as the Minister for Ageing.

\*138 PREMIER—NEW SOUTH WALES ANTI-DISCRIMINATION BOARD—Revd Mr Nile asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Premier, Minister for Infrastructure, and Minister for Western Sydney—

Since the establishment of the New South Wales Anti-Discrimination Board:

- (1) What are the number of homosexual vilification complaints per financial year?
- (2) How many people have lodged homosexual vilification complaints received per year?
- (3) How many homosexual vilification complaints have been found to have no substance after investigation per financial year?
- (4) How many homosexual vilification complaints have been resolved via conciliation per financial year?
- (5) How many homosexual vilification complaints have been referred to the Civil and Administrative Tribunal or predecessor tribunals per financial year?
- (6) How many complaints have resulted in financial payments to the complainant, either by conciliation or as directed by the Tribunal?

(7) What is the average payment to the complainant?

(8)

- (i) How many cases have been taken against persons outside of New South Wales?
- (ii) Who are these people? Please list.
- (iii) Where are they located? Please list.

Answer—

I request that you answer Reverend Mr Nile's question in the following terms:

Information in relation to the number of homosexual vilification complains per year is available in the Anti-Discrimination Board of NSW Annual Report. This is available at [http://www.antidiscrimination.justice.nsw.gov.au/adb/adb1\\_publications/adb1\\_pub\\_annualreports.html?s=1539744797](http://www.antidiscrimination.justice.nsw.gov.au/adb/adb1_publications/adb1_pub_annualreports.html?s=1539744797).

\*139 LOCAL GOVERNMENT—SUTHERLAND SHIRE LOCAL ENVIRONMENT PLAN 2013—Revd Mr Nile asked the Minister for Fair Trading representing the Minister for Local Government—

In regards to the Sutherland Shire Local Environment Plan 2013:

(1)

- (a) How can the community approve an Local Environment Plan (LEP) with greatly increased heights, when there is no Development Control Plan (DCP) in place to provide the real time effects to the community of heights on shadows and solar access?
- (b) Should there be a period of at least four weeks where the DCP and LEP can be considered so residents can see the impacts of higher developments on solar access, privacy, overshadowing, setbacks and view sharing?

(2) Why is there no rezoning for a car park in central Cronulla in the 2013 draft LEP?

(3)

- (a) Will there be a traffic study to show the effects of the high rise intensification at Cronulla?
- (b) Where is the rezoning for commuter parking at Cronulla and Woolooware stations?

(4) Can councils explain an LEP to the community with clear visual aids displayed in public places and public information sessions in large venues to show the effect of zoning and height changes in their neighbourhood?

Answer—

This question falls within the portfolio of responsibility for the Minister for Planning.

I am advised by the Minister for Planning:

The Minister for Planning has no role in preparing or approving a DCP for Sutherland. A Draft DCP must be publicly exhibited by Council for at least 28 days and may be exhibited concurrently with a draft LEP.

The zoning of land for the purposes of a car park is a decision for Council. Council is also responsible for determining the effect of increased density in the draft LEP.

The community consultation strategies and material used during public exhibition is a decision for Council.

\*140 RESOURCES AND ENERGY—NSW VALUER GENERAL'S REPORT—Revd Mr Nile asked the Minister for Fair Trading representing the Minister for Resources and Energy, and Special Minister of State—

- (1) Is the Government aware of the 2014 NSW Valuer General's report titled "Study on the impact of the Coal Seam Gas industry on land values in NSW"?
- (2) Is it a fact that Australian Gas Limited released a statement to indicate the Valuer General's report found "no observable difference in property values based upon their distance from Coal Seam Gas activity"?

- (3) Is this AGL statement misleading because, according to the Hunter Valley Protection Alliance, the Valuer General has reduced the value of properties in this region by an average of 11.65 per cent, with some home property values reduced by 31 per cent?
- (4) Will the Minister for Resources and Energy review the 2014 Valuer General's report in its entirety and ensure the Government is well informed about the issues impacting the Hunter Valley and the potential impact Coal Seam Gas mining may have in the area?

Answer—

- (1) Yes
- (2) Yes
- (3) Land and Property Information (LPI) conducted the "Study on the impact of the Coal Seam Gas industry on land values in NSW" at the request of the Valuer General. Land values are based on sales of comparable properties and a range of market factors that can influence values. In this Study, LPI discovered a slight reduction in land values in the Broke to Bulga area between 2010 and 2014. LPI notes that one of the main factors impacting rural land values, particularly in the Broke/Pokolbin areas is the general downturn in the vineyard industry. Further, the areas that surround coal seam gas activity in the Hunter Valley were not investigated in the Study. There was insufficient sales data and a high level of open-cut coal mining activity in the area. In addition, it was considered difficult to differentiate between impacts on the market between coal mining activities and coal seam gas. Thus, AGL's statement falls in line with the findings of the Study.
- (4) I accept the Valuer General's conclusion that the lack of market evidence available limited the extent to which any conclusions could be drawn. With time, the level of market evidence that is available to analyse should increase and allow for more comprehensive research. I also accept the Valuer General's recommendation that valuers continue to closely monitor any coal seam gas development in their contract areas.

### 23 OCTOBER 2014

(Paper No. 12)

\*141 FINANCE AND SERVICES—REAL PROPERTY ACT 1900—Ms Barham asked the Minister for Fair Trading representing the Minister for Finance and Services—

- (1)
  - (a) Was a request for a stated case under s124(1)(a) of the Real Property Act 1900 made in February 2014?
  - (b) If so:
    - (i) Who made it?
    - (ii) Why did they make it?
- (2)
  - (a) Did the submission suggest questions for the Court's determination?
  - (b) If so, what were they?
- (3)
  - (a) Did the Registrar General decide to make the referral to the Supreme Court as requested?
  - (b) If not, why not?
- (4) What action did the Registrar General take to address concerns raised in the submission?

Answer—

A request for a stated case under s124(1)(a) of the Real Property Act 1900 was received in February 2014. The questions posed in the submission fall outside the scope of matters that can be determined by the Supreme Court under section 124 of the Real Property Act 1900. It does not authorise the canvassing of wide ranging legal principles, even though those principles may touch on matters incidental to land. Investigations into the issues raised in the submission are ongoing.

A sub-committee of the Interagency Riparian Boundaries Working Group has been established to consider a wide range of issues that impact on land title boundaries in the coastal zone. The sub-committee comprises representatives across a number of government agencies.

\*142 TRANSPORT—NORTH WEST RAIL LINK PROJECT—Dr Faruqi asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Transport, and Minister for the Hunter—

- (1) How much has the Government spent on the planning, design and management of the North West Rail Link Project in the following financial periods:
  - (a) 2010/2011?
  - (b) 2011/2012?
  - (c) 2012/2013?
- (2) How much has the Government spent on consultants for the North West Rail Link Project in the following financial periods:
  - (a) 2010/2011?
  - (b) 2011/2012?
  - (c) 2012/2013?
- (3)
  - (a) What is the total number of staff currently employed in the North West Rail Link Project Management Team?
  - (b) How many are government employees?
  - (c) How many are consultants?
- (4) How much is the Government spending on consultants project managing the North West Rail link project?

Answer—

I am advised:

Please refer to my answer to Question on Notice LC 5392.

\*143 ROADS AND FREIGHT—PORT BOTANY, PORT KEMBLA AND PORT OF NEWCASTLE—Dr Faruqi asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council—

- (1)
  - (a) Is compensation payable to the Port Botany leaseholder if container movements exceed an annual threshold at the Port of Newcastle?
  - (b) If so, what is the annual threshold?
  - (c) What is the amount of compensation per twenty-foot equivalent unit (TEU)?
- (2)
  - (a) Is the Port of Newcastle leaseholder required to pay the Government a fee for container movements through the Port of Newcastle on the same or similar terms as the Government is required to compensate the Port Botany leaseholder?
  - (b) If so, when did the Government undertake to pay compensation to the Port Botany leaseholder and to impose a fee on the Port of Newcastle leaseholder?
- (3) How many containers must be moved through Port Botany and Port Kembla before an extension is allowed in the number of container movements at the Port of Newcastle that do not attract the compensation payment and fee respectively?
- (4)
  - (a) Is the purpose of the fee charged of the Port of Newcastle leaseholder to constrain the number of containers passing through the Port of Newcastle?
  - (b) If not, what is the purpose of the fee?
- (5)

- (a) Is the purpose of the fee charged of the Port of Newcastle leaseholder to prevent development of a container terminal at the Port of Newcastle?
- (b) If not, what is the purpose of the fee?
- (6) Did the Government abolish the cap on container movements at Port Botany to increase the value of the lease to potential purchasers?
- (7) Did the Government agree to compensate the Port Botany leaseholder in respect of container movements at the Port of Newcastle to preserve the commercial value of the Port Botany lease?
- (8)
- (a) Was a cost-benefit study of the proposal to compensate the Port Botany leaseholder if container movements exceed an annual threshold at the Port of Newcastle undertaken?
- (b) If so, will the Government release it?
- (9)
- (a) Does it benefit the New South Wales economy to prevent competition between New South Wales ports for handling containers?
- (b) If so, how?
- (10) What are the estimated additional costs to the Northern New South Wales economy to require goods to be transported to Port Botany by truck for export as opposed to the Port of Newcastle?
- (11) What are the estimated additional costs to the Northern New South Wales economy to require imported goods to be transported between Port Botany and western Sydney before being transported by truck to northern New South Wales?
- (12) Does it benefit the New South Wales economy to predicate future growth in Port Botany container movements on transportation by truck?
- (13) What is the container-carrying capacity of the rail line serving Port Botany?
- (14)
- (a) Will the Government fund the Western Sydney Freight Line?
- (b) If not, who will fund this line?
- (15) When will the Commonwealth Government respond to the Government's request for funds to build stages 2 and 3 of the Northern Sydney Freight Corridor?
- (16) Is it true that there are no state or Commonwealth Government funds available for building the Western Sydney Freight Line and stages 2 and 3 of the Northern Sydney Freight Corridor?

Answer—

I am advised:

- (1) to (8) These are matters for the Treasurer.
- (9)
- (a) and (b) Refer to my answer to Budget Estimates 2014-15 Supplementary Question 249.
- (10) Specific analysis of this nature has not been undertaken by Transport for NSW. However, a significant proportion of exports originating in northern NSW are bulk exports, which can be processed at the Port of Newcastle..
- (11) Specific analysis of this nature has not been undertaken by Transport for NSW. However, 85 percent of Port Botany container imports have a destination within the greater Sydney metropolitan area.
- (12) It is necessary to model road and rail forecasts for container movements to and from Port Botany, so the NSW Government can respond with appropriate policy levers, and so industry can respond with appropriate business models. NSW Government forecasts of road and rail container movements take into account our commitment to double the 2011-12 container rail mode share by 2020.
- (13) The Australian Rail Track Corporation is the network operator of the port Botany rail line, which forms part of the Metropolitan Freight Network. Any questions relating to the network capacity are a matter for the Australian Rail Track Corporation.
- (14)
- (a) and (b) This is yet to be determined.

(15) This is a matter for the Commonwealth Government.

(16) Transport for NSW has allocated funding for planning works associated with the Western Sydney Freight Line. Residual funds from stage one of the Northern Sydney Freight Line have been allocated for planning for stage two.

\*144 TREASURER—LEASES FOR PORT BOTANY, PORT KEMBLA AND PORT OF NEWCASTLE—Dr Kaye asked the Minister for Fair Trading representing the Treasurer, and Minister for Industrial Relations—

- (1) In regard to compensation payable to NSW Ports, the Port Botany leaseholder, if container movements exceed an annual threshold at the Port of Newcastle:
  - (a) what is the annual threshold?
  - (b) how much compensation is payable per container?
- (2) Did the Government consult the Australian Competition and Consumer Commission when inserting compensation provisions into the leases for Port Botany, Port Kembla and Port of Newcastle?
- (3) Is the amount of compensation an amount between \$76 per twenty-foot equivalent unit (teu) and \$120 per teu, where \$76 is the fee currently charged by NSW Ports for an export container and \$120 is the fee currently charged for an import container?
- (4)
  - (a) Is the Port of Newcastle leaseholder required to pay the Government a fee for container movements through the Port of Newcastle on the same or similar terms as the Government is required to compensate the Port Botany leaseholder?
  - (b) If so, when did the Government undertake to pay compensation to the Port Botany leaseholder and to impose a fee on the Port of Newcastle leaseholder?
- (5) How many containers must be moved through Port Botany and Port Kembla before an extension is allowed in the number of container movements at the Port of Newcastle that do not attract the compensation payment and fee respectively?

Answer—

This question should be re-directed to the Minister for Roads and Freight.

\*145 HERITAGE—PROSECUTIONS FOR ABORIGINAL HERITAGE DESTRUCTION—Mr Shoebridge asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

- (1) How many prosecutions has your Department brought in the court for the destruction of Aboriginal heritage items in the last twelve months?
- (2) Of the prosecutions in (1) how many related to:
  - (a) Forestry practices?
  - (b) Mining operations?
  - (c) Planning and development of sites?
  - (d) Other types of destruction? please identify.

Answer—

In the last financial year, there were 14 compliance outcomes relating to Aboriginal cultural heritage. The Office of Environment and Heritage's approach to Aboriginal cultural heritage compliance is to both educate and guide the regulated community toward compliance and to improve staff capability and knowledge about Aboriginal cultural heritage compliance matters.

\*146 CENTRAL COAST, ENVIRONMENT—AGL ANNUAL LEAK DETECTION AND REPAIR SUMMARY REPORT 2013—Mr Donnelly asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

Given that the Environmental Protection Agency has identified many serious gas leaks not detected by AGL in its Annual Leak Detection and Repair Summary Report 2013:

- (1)
- (a) What action does the Minister for the Environment plan to take to ensure AGLs leak detection and repair program is more effective in the future?
  - (b) What steps will be taken specifically to enhance transparency of this program for residents of Menangle, Mount Annan and Spring Farm?
- (2)
- (a) Has the Minister or his office liaised with NSW Health to determine the long term health effects of exposure to fugitive gas emissions?
  - (b) Does the Office of Environment and Heritage undertake regular reviews of scientific literature surrounding this issue?
  - (c) What are the Office's findings?

Answer—

I am advised as follows:

- (1)
- (a) The Environment Protection Authority (EPA) requires AGL, under the conditions of its Environment Protection Licence, to carry out a Leak Detection and Repair (LDAR) Program. AGL is required to undertake LDAR monitoring using agreed protocols and report to the EPA as part of the company's Annual Return process. The EPA has undertaken its own gas inspection program to provide independent assessment. All leaks detected under the program have been addressed by AGL.
  - (b) The Protection of the Environment Operations Act 1997 requires parties holding an environment protection licence to make environmental monitoring data publicly available. AGL is required to make pollution monitoring data available to the public on its website.
- (2)
- (a) The NSW Government formed a Coal Seam Gas Working Group comprising representatives from various government agencies, including the Office of Coal Seam Gas, the EPA, NSW Health and the Department of Planning and Environment. This group ensures all agencies are aware of issues relating to coal seam gas activities in NSW. There are a number of scientific reports available that examine the medical impacts of methane on the human body. It is a scientific and medical area that is well understood within the health community and this is reinforced by NSW Health. The EPA has commissioned the CSIRO to undertake research into fugitive methane emissions from a range of industry types in NSW, including the CSG industry, with respect to emission rates and monitoring. The results will provide a greater understanding of background and current methane emission levels.
  - (b) and (c) Environment protection licence limits in relation to emissions are the responsibility of the EPA.

\*147 HEALTH, MEDICAL RESEARCH—1 ROCKY POINT ROAD KOGARAH—Ms Voltz asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1)
- (a) Has the Health Administration Corporation purchased or leased the property located at 1 Rocky Point Road, Kogarah?
  - (b) If so, how much was paid for the purchase or lease of the property by the Health Administration Corporation?
- (2)
- (a) Are there any terms associated with the purchase or lease?
  - (b) If so, what are they?
- (3) What is the Health Administration Corporation's plans for the site?
- (4) Who was consulted in the process?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

(1) to (4) The property located at 1 Rocky Point Road, Kogarah, was purchased by the Health Administration Corporation for \$3.8 million in May 2013. There are no particular terms associated with the purchase or lease of this site beyond the contract for the property.

The site was purchased to construct a new ambulance station as part of the Sydney Ambulance Metropolitan Infrastructure Strategy.

The Ministry of Health, NSW Treasury and the New South Wales Ambulance Service were consulted in the acquisition of this site.

\*148 PREMIER—CONSULTATION FOR CLUBS NSW MEMORANDUM OF UNDERSTANDING—Dr Kaye asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Premier, Minister for Infrastructure, and Minister for Western Sydney—

(a) During the development of the recently announced Memorandum of Understanding with Clubs NSW, did the Government consult with, or seek the opinion of:

- (i) Childcare experts?
- (ii) Aged care experts?
- (iii) Liquor regulation experts?
- (iv) Responsible gaming experts?
- (v) Planning experts?

(b) If so:

- (i) Who was consulted?
- (ii) What was the advice provided?

Answer—

Information regarding scheduled meetings held with stakeholders, external organisations and individuals will be published in accordance with Memorandum 2014-07 Publication of Ministerial Diaries.

\*149 HOSPITALITY, GAMING AND RACING—CONSULTATION FOR CLUBS NSW MEMORANDUM OF UNDERSTANDING—Dr Kaye asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Deputy Premier, Minister for Trade and Investment, Minister for Regional Infrastructure and Services, Minister for Tourism and Major Events, Minister for Hospitality, Gaming and Racing, and Minister for the Arts—

(1)

(a) During the development of the recently announced Memorandum of Understanding with ClubsNSW, did the Government consult with, or seek the opinion of:

- (i) Childcare experts?
- (ii) Aged care experts?
- (iii) Liquor regulation experts?
- (iv) Responsible gaming experts?
- (v) Planning experts?

(b) If so:

- (i) Who was consulted?
- (ii) What was the advice provided?

Answer—

Information regarding scheduled meetings held with stakeholders, external organisations and individuals will be published in accordance with Memorandum 2014-07 Publication of Ministerial Diaries.

\*150 FAMILY AND COMMUNITY SERVICES—PUBLIC HOUSING QUEANBEYAN LOCAL GOVERNMENT AREA—Mr Whan asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Family and Community Services—

(1) How many public housing properties are there in the Queanbeyan Local Government Area (LGA)?

- (2) What is the breakdown of those properties by the following type:
- (a) stand alone houses?
  - (b) units?
  - (c) aged persons units?
  - (d) other?
- (3)
- (a) What is the breakdown of management of the properties?
  - (b) How many are managed by non-government organisations?
- (4) How many public housing properties were there in the Queanbeyan LGA at 30 June 2011?

Answer—

- (1) to (3) Details of the number of social housing properties and types in the Queanbeyan allocation zone are available on the Department of Family and Community Services Housing Pathways website. Social housing properties are managed by the NSW Government and registered community housing providers.
- (4) Details of public housing properties in 2011 are available in the Department of Family and Community Services Annual report at [www.facs.nsw.gov.au](http://www.facs.nsw.gov.au).

\*151 HEALTH—NSW POLICE FORCE DOG UNIT FUNDING—Mr Shoebridge asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1) How much funding did NSW Health provide to the NSW Police Force Dog Unit in financial year 2013-14?
- (2) What performance indicators were set for the NSW Police Force Dog Unit in relation to funding from NSW Health in financial year 2013-14?

Answer—

I am advised by the Minister for Health and Medical Research:

- (1) and (2) None.

\*152 POLICE AND EMERGENCY SERVICES—DRUG DETECTION OPERATIONS—Mr Shoebridge asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney—

- (1) How many dogs met the operational standard for general drug detection operations in each of the following years:
  - (a) 2007?
  - (b) 2008?
  - (c) 2009?
  - (d) 2010?
  - (e) 2011?
  - (f) 2012?
  - (g) 2013?
  - (h) 1 January to 30 June 2014?
- (2) In which locations were drug detection dogs permanently based in each of the following years:
  - (a) 2007?
  - (b) 2008?
  - (c) 2009?
  - (d) 2010?
  - (e) 2011?
  - (f) 2012?

- (g) 2013?  
 (h) 1 January to 30 June 2014?
- (3) What was the cost of training, transporting and maintaining drug detection dogs in the financial year 2013?
- (4) What was the annual wage and the hourly wage for a dog handler in 2013?
- (5)
- (a) During general drug detection dog operations, what is the typical ratio and rank of police officers, other than the dog handler, assigned to each dog?  
 (b) In 2013, what was the hourly wage of each rank of officer?
- (6) In 2013, what was the total number of dog hours spent on general drug detection operations, on operations involving multiple dogs, calculated by multiplying the number of dogs by the length in hours of the operation?
- (7) In 2013, what was the total number of drug detection dog hours spent on operations other than general drug detection, on operations involving multiple dogs, calculated by multiplying the number of dogs by the length in hours of the operation?

Answer—

The NSW Police Force has advised me:

- (1)
- (a) 15  
 (b) 18  
 (c) 15  
 (d) 18  
 (e) 22  
 (f) 33  
 (g) 33  
 (h) 30 Dog numbers provided per year represent an average of accredited drug detection dogs for the specified period.
- (2)
- (a) Sydney  
 (b) Sydney  
 (c) Sydney  
 (d) Sydney and Tweed/Byron  
 (e) Sydney, Tweed/Byron, New England, Richmond, Mid North Coast and Newcastle  
 (f) Sydney, Tweed/Byron, Richmond, Mid North Coast, Newcastle, Coffs Harbour, Orana and Illawarra  
 (g) Sydney, Tweed/Byron, Richmond, Mid North Coast, Newcastle, Coffs Harbour, Orana, Illawarra and Wagga Wagga  
 (h) Sydney, Tweed/Byron, Richmond, Mid North Coast, Newcastle, Coffs/Clarence, Orana, Illawarra and Wagga Wagga
- (3) \$171,523 (excluding salary costs).
- (4) The Dog Unit has sworn Dog Handler positions at both Constable and Senior Constable rank. Annual wages are available on the NSW Police website.
- (5) Only the Dog Handler is assigned to a police dog.
- (6) and (7) It is not possible to provide an accurate response to this question as there is no mechanism for such information.

\*153 ATTORNEY GENERAL—SEARCHES OF PRISONERS—Mr Shoebridge asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Attorney General, and Minister for Justice—

- (1) How many strip searches were conducted on female prisoners in each of the following years:

- (a) 2007?
    - (i) How many of those searches detected contraband material?
  - (b) 2008?
    - (i) How many of those searches detected contraband material?
  - (c) 2009?
    - (i) How many of those searches detected contraband material?
  - (d) 2010?
    - (i) How many of those searches detected contraband material?
  - (e) 2011?
    - (i) How many of those searches detected contraband material?
  - (f) 2012?
    - (i) How many of those searches detected contraband material?
  - (g) 2013?
    - (i) How many of those searches detected contraband material?
  - (h) 1 January to 30 June 2014?
    - (i) How many of those searches detected contraband material?
- (2) How many strip searches were conducted on male prisoners in each of the following years:
- (a) 2007?
    - (i) How many of those searches detected contraband material?
  - (b) 2008?
    - (i) How many of those searches detected contraband material?
  - (c) 2009?
    - (i) How many of those searches detected contraband material?
  - (d) 2010?
    - (i) How many of those searches detected contraband material?
  - (e) 2011?
    - (i) How many of those searches detected contraband material?
  - (f) 2012?
    - (i) How many of those searches detected contraband material?
  - (g) 2013?
    - (i) How many of those searches detected contraband material?
  - (h) 1 January to 30 June 2014?
    - (i) How many of those searches detected contraband material?
- (3) How many strip searches were conducted on juvenile prisoners in each of the following years:
- (a) 2007?
    - (i) How many of those searches detected contraband material?
  - (b) 2008?
    - (i) How many of those searches detected contraband material?
  - (c) 2009?
    - (i) How many of those searches detected contraband material?
  - (d) 2010?
    - (i) How many of those searches detected contraband material?
  - (e) 2011?
    - (i) How many of those searches detected contraband material?
  - (f) 2012?
    - (i) How many of those searches detected contraband material?
  - (g) 2013?
    - (i) How many of those searches detected contraband material?
  - (h) 1 January to 30 June 2014?

- (i) How many of those searches detected contraband material?

Answer—

I am advised: That data is not retained in such a manner that would enable the figures to be provided.

#### 4 NOVEMBER 2014

(Paper No. 13)

- \*154 NATURAL RESOURCES, LANDS AND WATER, WESTERN NSW—WATER BILLS—Mr Primrose asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Natural Resources, Lands and Water, and Minister for Western NSW—

What action will you take to ensure that the sole resident of unit 8, 60-64 Bringelly Road, Kingswood does not continue to receive extreme and excessive water bills?

Answer—

The property is part of a townhouse complex which is leased to Mission Housing Australia. Each property is individually metered and Sydney Water provides bills to Mission Housing Australia. How those bills are then distributed within the complex is a matter for Mission Housing Australia.

- \*155 EDUCATION—PROFESSIONAL SUPPORT FOR ENGLISH AS A SECOND LANGUAGE PROGRAM—Dr Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Education—

- (1) In view of the findings of the recent Department of Education and Communities' commissioned report, Rethinking Multiculturalism, Reassessing Multicultural Education, that English as a Second Language (ESL) professional development was the main professional support need identified by teachers across the state,
- (a) What professional development programs or support in ESL teaching were provided to non-ESL specialist class teachers during 2014?
- (i) How many primary and secondary teachers in receive such support?
- (ii) Who delivered this professional development support?
- (iii) Was their effectiveness evaluated?
- (iv) If so, what were the outcomes?
- (b) What professional development programs or support were provided to ESL specialist teachers during 2014?
- (i) How many primary and secondary ESL teachers receive such support?
- (ii) Who delivered this professional development support?
- (iii) Was their effectiveness evaluated?
- (iv) If so, what were the outcomes?
- (c) What ESL professional support plans has the Department of Education and Communities developed to meet the ESL professional development needs of ESL specialist and class teachers from 2015?

Answer—

(1)

- (a) and (b) Professional learning and curriculum support continue to be priorities for the Department. The Department provides professional learning funds directly to schools to meet the identified and planned needs for all teachers to improve student learning outcomes, including those of students learning English as an additional language (EALD).

Principals are responsible for the effective leadership and management of their school, including working to enhance student learning for all students and teacher quality through professional learning. Professional learning and support is provided in schools to teachers by supervisors, colleagues and mentors.

Teachers and school leaders also have access to advisors with responsibility for supporting schools in the delivery of the curriculum for all students. Professional learning is embedded in the work of all state office teams. At the local level, officers in educational services teams continue to work with principals to provide advice and support through professional networks and via facilitators located in schools.

In 2014, a range of EALD professional learning programs were delivered to assist teachers in meeting the needs of EALD students. They were attended by both specialist EALD and non-specialist teachers.

(c) Schools will continue to be supported in the delivery of EALD education by advisors at the state level and in educational services teams at the local level. Professional learning will be delivered by facilitators in these teams and by trained facilitators with EALD expertise located in schools.

The Department provides teacher professional learning funds directly to schools to meet the professional learning needs of all teachers. This includes funds which may be used to support teachers' participation in EALD professional learning programs.

\*156 EDUCATION—PROFESSIONAL SUPPORT FOR ENGLISH AS A SECOND LANGUAGE PROGRAM—Dr Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Education—

- (1) Given the Government's recent confirmation of the retention of the 896 English as a Second Language (ESL) positions in the New South Wales ESL Program to be filled by ESL qualified teachers, please provide statistics on:
  - (a) the number of primary and secondary classroom and subject teachers who have been trained in ESL teaching approaches in 2014 compared with 2012 and 2013?
    - (i) What is the nature of this training?
  - (b) the number of teachers in ESL positions who have received ESL specialist training in 2012, 2013 and 2014?
    - (i) What is the nature of this training?
  - (c) the number of dedicated ongoing positions of personnel whose role it is to provide ESL professional development in 2012, 2013 and 2014?

Answer—

- (1) The responsibility for providing training in English as an Additional Language or Dialect (EALD) teaching approaches is shared by a large number of organisations and individuals. It includes training offered by universities in the Teachers of English to Speakers of Other Languages (TESOL) method for pre-service teachers as well as postgraduate TESOL diplomas and degrees. A range of registered and non-registered professional learning programs coordinated and facilitated by the Department of Education and Communities is delivered by educational advisors and trained school based facilitators. Professional learning is also provided locally by school executive and experienced EALD teachers.

Statistics about participation in this broad range of ESL training and professional learning programs are not held centrally by the Department.

\*157 EDUCATION—REPORTING AND TRANSPARENCY OF NEW ENGLISH AS A SECOND LANGUAGE FUNDING MODEL APPLICATION—Dr Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Education—

- (1) In reply to Question on Notice 5256, asking what accountability reporting arrangements will apply to English as a Second Language (ESL) education as part of New South Wales obligations under the National Reform Agreement, the Minister stated that, "Under Local Schools, Local Decisions, schools will be accountable, through the School Plan and the Annual School Report for the management of resources allocated to them", and that "English as a Second Language: Guidelines for Schools is being edited to reflect changes under the reform agenda."
  - (a) Is reporting on ESL currently mandatory for schools that have received an ESL allocation?
    - (i) If not why, not?

- (b) Do schools currently have the capacity, through the Department's Smart Data system, to provide disaggregated reports on the English language, literacy and numeracy results of the ESL student target group on NAPLAN tests?
- (c) If so, can results for the ESL student target group be disaggregated by year, gender, ESL phase, English proficiency level, time in Australian school, language background, test item, and test strand?
- (d) How many primary and secondary schools currently report on the English language, literacy and numeracy outcomes of ESL students using the Smart Data system?
- (e) What advice has been provided to schools about reporting on the English language, literacy and numeracy outcomes of ESL students?
- (f) What edits have been made to the English as a Second Language: Guidelines for Schools to reflect changes under the reform agenda?

Answer—

(1)

- (a) Yes.
- (b) Yes.
- (c) Yes.
- (d) There is no capacity to centrally determine how many primary and secondary schools report on English language, literacy and numeracy outcomes of ESL students using the Smart Data system.
- (e) The Annual School Report 2014 Support Guidelines require each school receiving funding to support the needs of students learning English as an Additional Language or Dialect (EALD) to report in their Annual School Report on the learning outcomes of these students.
- (f) The English as a Second Language: Guidelines for Schools is in the final stages of revision. When finalised it will include information about the new English Language Proficiency loading.

\*158 EDUCATION—RESOURCING OF ENGLISH AS A SECOND LANGUAGE IN NSW PUBLIC SCHOOLS—Dr Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Education—

- (1) What was the number of English as a second language (ESL) students indicated by the Department of Education and Communities' annual ESL survey data for each year between 2004 and 2014 for:
  - (a) primary,
  - (b) secondary,
  - (c) total altogether? Please provide information in spreadsheet, in excel or csv format.
- (2) What was the number of ESL teaching positions full time equivalent indicated by the Department of Education and Communities' annual ESL survey data for each year between 2004 and 2014 for:
  - (a) primary,
  - (b) secondary,
  - (c) total altogether? Please provide information in spreadsheet, in excel or csv format.
- (3) For each year in answer to 1(a):
  - (a) What was the number of students classed as Language Background Other Than English (LBOTE) that were assessed as requiring ESL assistance?
  - (b) What was the number of LBOTE students assessed as requiring ESL assistance who received ESL assistance?
  - (c) How many of those students were unable to receive ESL assistance?
  - (d) How many schools received an ESL teaching allocation?
  - (e) What was the face-to-face ESL teacher to ESL student ratio?
- (4) Does the Department monitor the number, ESL phase and location of students requiring but unable to receive ESL assistance to inform ESL program planning?
- (5) When was the last year that Department of Education and Communities increased the number of full time equivalent ESL teaching positions for allocation to schools?

- (6) How many additional full time equivalent ESL teaching positions were provided at that time?
- (7) Is the Department making plans to identify additional 'Gonski' funding resulting from English language proficiency loadings to increase the number of full time equivalent ESL teaching positions to meet identified shortfalls in ESL provision in schools?
- (a) If not, why not?

Answer—

- (1) At the time of the EALD Annual Survey (30 June each year), the number of students learning English as an Additional Language or Dialect (EALD), previously referred to as ESL students, was:

Year	Primary	Secondary	Total
2004	87,407	41,426	128,833
2005	87,961	39,616	127,577
2006	88,822	37,909	126,731
2007	90,387	36,030	126,417
2008	91,418	35,980	127,398
2009	93,324	34,750	128,074
2010	96,680	37,908	134,588
2011	97,677	38,508	136,185
2012	98,285	35,202	133,487
2013	101,078	35,295	136,373
2014	105,147	33,340	138,487

- (2) The distribution of positions across primary and secondary schools is made on the basis of student need.

Year	Primary	Secondary	Total
2004	610.6	265.4	876
2005	611.4	264.6	876
2006	611.6	264.4	876
2007	624.4	261.6	886
2008	625.0	261.0	886
2009	633.4	262.6	896
2010	634.0	262.0	896
2011	634.6	261.4	896
2012	635.6	260.4	896
2013	636.0	260.0	896
2014	638.0	258.0	896

- (3)

- (a) Refer to answer - 1
- (b) and (c) EALD teachers work with classroom teachers in the delivery of EALD programs to support EALD students. Details are not held centrally.
- d. Number of schools receiving an EALD teaching allocation:

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
773	747	750	738	735	733	726	734	737	732	751

e. Individual schools determine how EALD teaching allocations are used to support their EALD students.

(4) No.

(5) and (6) Ten additional full time equivalent positions were allocated to schools in 2009.

(7) On 20 November 2014 the Department released details of each school's 2015 funding, including the new English language proficiency loading under the Resource Allocation Model. In 2015, for the first time, every identified student in all four EALD phases (beginning, emerging, developing and consolidating) will receive funding. This is made possible by the additional funding flowing from the National Education Reform Agreement. In 2015 this will support 145,000 students in 1,250 schools. A school's allocation is based on student need as identified through the EALD learning progression tool. This instrument, developed by the Australian Curriculum and Reporting Authority, is used by schools to assess each student's level of English language proficiency and report on the school's overall need for English as an additional language support in the EALD Annual Survey.

The current 896 full time equivalent EALD teachers will be allocated based on need.

(a) Not applicable.

\*159 EDUCATION—ENGLISH AS A SECOND LANGUAGE AND DEPARTMENT CUTS—Dr Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Education—

(1) In reply to Question on Notice 5513, asking what specific roles and responsibilities were allocated to state office and educational services teams to fill the resulting service gaps and ensure service continuity in 2014 arising from cuts to the statewide network of 13 Multicultural/ESL consultant, 1.6 Refugee Support Officer and 17.2 Community Information Officer positions, the Minister stated that "the Department of Education and Communities will provide continuity of service delivery to government schools in 2014 through the educational service teams which are responsible for providing advice and support to schools in ESL education."

- What specific English as a Second Language (ESL) education advice and support have educational service teams provided to schools throughout 2014?
- Which officer/positions within the educational service teams have been involved in providing this advice and support?
- What ESL expertise and/or qualifications did these educational service teams officers have to enable them to provide this advice and support?
- What evaluation processes are the Department implementing to ascertain the appropriateness and effectiveness of the ESL advice and support provided to schools by educational service teams?

Answer—

Local Schools, Local Decisions provides a new model of support and service delivery to schools. Resources within the new model are responsive to the needs and demands of schools to provide the support and secure the services they need when they need it.

In 2014, support provided by educational services teams in relation to English as an Additional Language or Dialect (EALD) education, previously referred to as ESL, included responding to specific requests from individual schools and addressing their particular needs and local contexts by providing a range of professional learning programs. Teams included officers with expertise in teaching and leading EALD education as well as qualifications in Teaching English as a Second or Other Language (TESOL).

In 2015, for the first time, every identified student in all four EALD phases (beginning, emerging, developing and consolidating) will be funded under the Resource Allocation Model. This will provide support for 145,000 students in 1,250 schools.

Professional learning programs are evaluated at the local level using a range of indicators including course completion rates, participant learning outcomes, participant feedback and course satisfaction levels.

\*160 EDUCATION—FIRE ALARMS IN NEW SOUTH WALES PUBLIC SCHOOLS—Dr Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Education—

- (1) Why is there no requirement for New South Wales public schools to install fire-alarms in existing buildings?
- (2) What steps has the New South Wales government taken to provide funding for public schools to install fire-alarms to protect their students, staff and buildings from the spread of fire?

Answer—

- (1) In NSW government schools smoke detection and alarm systems are installed in accordance with Building Code of Australia (BCA) requirements. The installation of full fire protection systems in school buildings where people do not sleep is not required by the BCA.
- (2) The Department of Education and Communities provides smoke detection and alarm systems in schools where stipulated by the BCA.

### 5 NOVEMBER 2014

(Paper No. 14)

\*161 ENVIRONMENT—RADIONUCLIDE CONTAMINATION—Dr Faruqi asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

- (1) Does the Environment Protection Authority (EPA) have any concerns regarding radionuclide contamination from the BlueScope Steel P/L Sinter Plant at Port Kembla?
  - (a) If so, what are these concerns?
- (2) Are there any environmental licences covering radionuclides that have been issued to any organisation or company to cover the BlueScope Steel P/L Sinter Plant at Port Kembla?
- (3) Is the EPA monitoring radionuclide contamination from the BlueScope Steel P/L Sinter Plant at Port Kembla?
  - (a) If so, please provide a summary of the findings from the data?
  - (b) If not, why not?
- (4) Does the EPA require any organisation or company to monitor radionuclides at the BlueScope Steel P/L Sinter Plant at Port Kembla?
  - (a) If so, please provide a summary of the findings from the data?
  - (b) If not, why not?

Answer—

I am advised as follows:

- (1) No. Radionuclides from the Sinter Plant were the subject of an independent investigation by the Australia Nuclear Science and Technology Organisation between 2000 2003. The 2003 investigation report concluded that the industrial contribution to the public radiation dose was very small, both in comparison with the natural background level and also the public dose limit. Since this study was undertaken, the production output at the Bluescope Steel Sinter Plant has halved due to the closure of a blast furnace. Sinter production has been further reduced following the Sinter Plant fire and during the interim operation of the Sinter Plant.
- (2) No.
- (3) In addition to the information provided at 1. above, and in response to community concerns raised following the Sinter Plant fire, radionuclides will also be considered in the health risk assessment being prepared under the conditions that EPA has required for interim operation of the Sinter Plant.
- (4) In addition to the information provided at 1. and 3. above, the EPA will consider any recommendation in relation to radionuclides that may come from the health risk assessment for the Sinter Plant Short Term Operational Arrangement.

\*162 HEALTH—CHEMOTHERAPY TREATMENT—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1) How many New South Wales hospitals provided chemotherapy treatment on 1 April 2011?
- (2) How many New South Wales hospitals provide chemotherapy treatment as of 1 November 2014?
  - (a) How many of those hospitals have a policy of a co-payment?
  - (b) How many of those hospitals do not seek a co-payment?
- (3) How many New South Wales residents had chemotherapy in 2011-12?
  - (a) How many of those patients paid a co-payment?
  - (b) How many of those patients did not pay a co-payment?
- (4) How many New South Wales residents had chemotherapy in 2012-13?
  - (a) How many of those patients paid a co-payment?
  - (b) How many of those patients did not pay a co-payment?
- (5) How many New South Wales residents had chemotherapy in 2013-14?
  - (a) How many of those patients paid a co-payment?
  - (b) How many of those patients did not pay a co-payment?

Answer—

I am advised:

- (1) to (5) A total of 25 hospitals provided chemotherapy treatment in April 2011. In November 2014 this number was 26. A statewide policy determines the payment of outpatient pharmaceutical co-payments for all local health districts. Data on patients who did, or did not, pay a co-payment are not collected centrally.

#### 6 NOVEMBER 2014

(Paper No. 15)

\*163 ENVIRONMENT—ENVIRONMENTAL PROTECTION AUTHORITY LICENSE—Dr Faruqi asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

- (1)
  - (a) What is the licence number for the BlueScope Steel particulate emissions licence referred to in the Environmental Protection Authority license 'Bluescope breaches licence limit at Port Kembla plant' on 20 June 2014?
  - (b) When was this licence issued?
  - (c) Has this licence been altered at any time?
  - (d) If so:
    - (i) How was it altered?
    - (ii) What were the alterations?
  - (e) What is the particulate emissions limit specified for this license?
  - (f) Has the emissions limit been altered at any time?
  - (g) If so:
    - (i) When?
    - (ii) Why?
  - (h) Was any community consultation undertaken for any licence variations since the licence was first issued?
    - (i) If so, what was the consultation?

Answer—

I am advised as follows:

The relevant environment protection licence (EPL) number is 6092. As with all EPLs, EPL 6092 is freely available on the Environment Protection Authority (EPA) public register at [www.epa.nsw.gov.au/prpoeoapp/](http://www.epa.nsw.gov.au/prpoeoapp/).

The community can provide submissions to the EPA on any EPL at any time, both electronically and in hard copy. More information about this process is available at [www.epa.nsw.gov.au/licensing/POEOreview.htm](http://www.epa.nsw.gov.au/licensing/POEOreview.htm). The EPA also attends the Port Kembla Pollution Meeting, at which it provides updates on EPL 6092.

\*164 PRIMARY INDUSTRIES—WILD DOGS—Mr Whan asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Primary Industries—

- (1) How many regional training sessions will be conducted for regional rate payers in the South East region for the Spring Offensive on Wild Dogs?
- (2) What are the total allocation funds for the Spring Offensive activities in the South East region and what is the allocation of those funds to the regions Local Land Services (LLS)?
- (3) How many baits will be laid across properties across the south east region neighbouring the Kosciusko National park?
- (4) What LLS members were part of the special LLS cross-regional team which presented the final report to the LLS Board of Chairs and the Government?
- (5)
  - (a) Did this special LLS cross-regional team conduct community consultation events?
  - (b) If so:
    - (i) When?
    - (ii) Where?
- (6)
  - (a) Is the report that the LLS presented to the LLS Board of Chairs and the Government publicly available?
  - (b) If so where?
- (7) Other than baiting on properties of local rate payers, what other activities will the LLS and Department of Primary Industries undertake during the Spring Offensive on wild dogs in the South East region?

Answer—

- (1) South East Local Land Services have conducted three training sessions during spring 2014 and offers training on an as-needs basis.
- (2) For the current year, expenditure on wild dog control programs in the South East Local Land Services will exceed \$500,000.
- (3) From the South East Local Land Services reporting database for the period 1 July 21 November 2014:
 

Cooma/Monaro & Snowy River:

Laid by private land managers 180 (4 holdings)

Laid by public land managers 1689

Laid by public land managers, AERIAL 1812

Bombala:

Laid by private land managers 1106 (17 holdings)

Laid by public land managers 1118
- (4) The Local Land Services Cross Regional Team (CRT) for wild dog management is chaired by Mr Kent Lee, (Chair of North Coast Local Land Services) and consists of members including; Mr John Lowe, (Board Member of Central Tablelands Local Land Services), Mr Chris Shannon, (Board Member of South East Local Land Services), Local Land Services staff and an Invasive Species Officer employed by the Department of Primary Industries.

- (5) The CRT for wild dog management was established to conduct an internal review of current practices and to work towards consistency in wild dog management in NSW.
- (6) Information on the Local Land Services Wild Dog Policy is available on the Local Land Services website at: <http://www.lls.nsw.gov.au/biosecurity/pest-control/wild-dogs/wild-dog-policy>.
- (7) Wild dog control activities including stakeholder contributions are outlined within individual wild dog management plans. Specific activities that the Department of Primary Industries and the South East Local Land Services are involved in include:
  - Facilitation of strategic and reactive wild dog control programs;
  - Supplementary wild dog trapping programs;
  - Aerial baiting for wild dogs as outlined in wild dog management plans;
  - Provision of technical advice and support to land managers in wild dog management programs;
  - Participation in community forums concerning wild dog control;
  - Preparation and provision of restricted chemical product pesticides;
  - Providing training and accreditation of landholders in the use of restricted chemical product pesticides.

\*165 PRIMARY INDUSTRIES—HENDRA VIRUS VACCINE—Mr Whan asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Primary Industries—

- (1) Since the availability of the Hendra virus vaccine in November 2012, how many doses of the vaccine have there been administered by veterinarians in New South Wales?
- (2) Since November 2012 how many outbreaks of Hendra virus have there been in New South Wales?
- (3) Have any animals been destroyed as a result of the failure to administer the vaccine at an appropriate time?
- (4) Is the Department of Primary Industries aware of incidences where horses have had adverse reactions to the vaccine?
- (5) Has the RSPCA or veterinary associations raised any concern with the Minister for Primary Industries or the Department about the strength of the Hendra virus vaccine and the administering of the vaccine to infected horses?

Answer—

- (1) 126,481.
- (2) Hendra virus infection has been detected on five NSW properties since the vaccine was introduced in November 2012.
- (3) Vaccines are prophylactic medicines designed to prevent rather than treat disease.
- (4) Data provided to the Department of Primary Industries indicates that the majority of adverse reactions to Hendra virus vaccination are minor reactions at the injection site. Serious reactions are occasionally seen with all vaccines. Reactions to Hendra virus vaccination currently sit at 0.05% which is similar to other animal vaccines.
- (5) No

\*166 HEALTH—DENTAL—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1)
  - (a) How many people were provided with dental treatment by or through the Government in 2011-12?
  - (b) How many of those were children?
  - (c) How many were over 65?
- (2)
  - (a) How many people were provided with dental treatment by or through the Government in 2012-13?

- (b) How many of those were children?
- (c) How many were over 65?
- (3)
  - (a) How many people were provided with dental treatment by or through the Government in 2013-14?
  - (b) How many of those were children?
  - (c) How many were over 65?
- (4) How many people are on the dental waiting list in New South Wales as of 1 November 2014?
- (5) What is the average wait for treatment in New South Wales?

Answer—

I am advised:

- (1) to (5) Public dental service data is available at [www.healthstats.nsw.gov.au](http://www.healthstats.nsw.gov.au) and [www.health.nsw.gov.au/](http://www.health.nsw.gov.au/).

\*167 HEALTH—DENTAL WORK IN PRISON—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1)
  - (a) How many prisoners were provided with dental treatment by or through the Government in 2011-12?
  - (b) What was the average wait for treatment?
- (2)
  - (a) How many prisoners were provided with dental treatment by or through the Government in 2012-13?
  - (b) What was the average wait for treatment?
- (3)
  - (a) How many prisoners were provided with dental treatment by or through the Government in 2013-14?
  - (b) What was the average wait for treatment?
- (4) How many prisoners are on the dental waiting list in New South Wales as of 1 November 2014?

Answer—

I am advised:

- (1) to (4) NSW custodial patients who contact the dental hotline are triaged according to clinical need. Those identified as requiring care immediately, within one week, or within one month, are consistently seen within identified timeframes.

The number of adult dental visits within NSW correctional centres are:

2011-12: 4,532

2012-13: 4,693

2013-14: 5,132

\*168 HEALTH—COOMA HOSPITAL EMERGENCY DEPARTMENT—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1)
  - (a) How many people attended Cooma Hospital's emergency department in 2012-13?
  - (b) Of those how many were:
    - (i) Triage one?
    - (ii) Triage two?

- (iii) Triage three?
- (iv) Triage four?
- (v) Triage five?

(2)

- (a) How many people attended Cooma Hospital's emergency department in 2013-14?
- (b) Of those how many were:
  - (i) Triage one?
  - (ii) Triage two?
  - (iii) Triage three?
  - (iv) Triage four?
  - (v) Triage five?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

- (1) and (2) Data relating to the emergency department performance of NSW hospitals is regularly published by the Bureau of Health Information.

\*169 EDUCATION—STATE-WIDE ROLL-OUT OF LEARNING MANAGEMENT BUSINESS REFORM SYSTEM—Dr Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Education—

(1)

- (a) Is it the intention of the Government and the Department of Education and Communities to roll out the Learning Management Business Reform (LMBR) IT system to New South Wales public schools other than the 229 pilot schools in Term 1, 2015?
- (b) If not:
  - (i) What date is the new expected roll-out of the LMBR to New South Wales public schools other than the 229 pilot schools to commence?
  - (ii) What are the specific barriers to rolling out the system beyond the 229 schools?
  - (iii) Will the eventual roll-out occur throughout every New South Wales public school at the same time or will a staged implementation occur?
  - (iv) Can New South Wales public schools implement the Government's Local Schools Local Decisions policy of individual schools having responsibility for 70 per cent of their global budgets if LMBR is not rolled out to those? Please explain how.

Answer—

(1)

- (a) No.
- (b)
  - (i) to (iii) The Government is currently considering the deployment dates and phasing for the remaining 2,000 schools.
  - (iv) Schools will use existing systems until LMBR is fully deployed.

\*170 EDUCATION—SMART AND SKILLED PROVIDER LIST—Dr Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Education—

For each provider approved to deliver training subsidised by Smart and Skilled and for each course they are approved to provide, what is the number of entitlements they are authorised to collect? Please provide a spreadsheet.

Answer—

For the Smart and Skilled entitlement, approved providers have been given a financial cap to deliver a range of qualifications in a region for which they are approved. The Government has not prescribed how many places they may deliver. Providers have the flexibility to use their cap to meet student demand.

\*171 EDUCATION—SMART AND SKILLED—Revd Mr Nile asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Education—

- (1) Does the Smart and Skilled program administration have an agenda under NSW VET Reform to give people the chance to gain skills they need to get a job and advance their careers?
- (2)
  - (a) Is it also the case that a reduced number of Registered Training Organisations (RTOs) have been granted a reduced portion of funding to deliver vocational training in metro and more particularly regional New South Wales?
  - (b) If so, will there be less opportunities for viable class groups to be formed, less chance for training in fields that have job creation opportunities and less likelihood of local employment?
- (3) Will the Minister for Education investigate the process used for funding allocation across industry sectors and create a transparent process for negotiation or review between the State Training Services and the RTOs and the industries and employers they represent?

Answer—

- (1) Yes.
- (2)
  - (a) Through the 338 providers contracted under Smart and Skilled the NSW Government is committing over \$440m in 2015 for new commencements.
  - (b) All contracted training providers need to ensure they have a sustainable business model, with a variety of funding sources. Providers can deliver training to subsidised students alongside commercial fee students, as is the case now in VET and across universities.
- (3) The decisions regarding contracts awarded were based on an objective, competitive assessment process. Under the guidance of the NSW Skills Board, a high-level steering committee oversaw the assessment process, which was conducted by a separate implementation committee. Both of these groups included external and independent advisors on probity and training quality. Providers may request feedback on their application from the Department of Education and Communities and this may assist them in applying for future opportunities that may arise.

\*172 POLICE AND EMERGENCY SERVICES—PARLIAMENTARY DECLARATIONS—Mr Whan asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney—

- (1) According to his evidence at the General Purpose Standing Committee (GPSC) No 4 hearing for the 2014 Budget Estimates inquiry on 20 August, the Minister for Police and Emergency Services said that he was advised that he was not required to disclose ownership of racehorses in his parliamentary declarations:
  - (a) What date was that advice provided?
  - (b) Was that advice provided in writing?
  - (c) Did the Minister undertake to provide a copy of that advice to GPSC No. 4?
    - (i) If so, did the Minister provide GPSC No. 4 with a copy of the advice?
    - (ii) If not, why not?
  - (d) How much did the Minister pay for his share of the racehorse Nextanix?
  - (e) Was the racehorse Nextanix a gift?
  - (f) If so, who from?
  - (g)
    - (i) How did the Minister find out about the racehorse Nextanix?
    - (ii) Who invited the Minister to invest in it?

Answer—

I have adhered to the requirements of the Pecuniary Interest Register and as advised during the Budget Estimates inquiry I am happy to release the advice provided by the Clerk.

- \*173 PRIMARY INDUSTRIES—CEMETERY PLOTS—Mr Veitch asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Primary Industries—

With regard to the payment in advance for cemetery plots in New South Wales:

- (1) Is the Minister for Primary Industries aware that some communities have complained that their payment for cemetery plots is now considered to have only been a deposit?
- (2) Does the Department of Primary Industries issue guidelines to councils and other managing entities of cemeteries to ensure that consumers are not misled?
- (3) Has the Department responded to any complaints of this nature?
- (4) Is there any mechanism that next of kin can use to complain, if they feel they have been deceived, given original purchasers will not be able to do so?

Answer—

- (1) No. However, it is important to note that there are several component costs associated with burial, of which payment for a cemetery plot is only one.
- (2) No. However, guidelines for the interment industry will be developed as part of implementing the Cemeteries and Crematoria Act 2013.
- (3) No.
- (4) Yes.

- \*174 FAIR TRADING—CEMETERY PLOTS—Mr Veitch asked the Minister for Fair Trading—

With regard to the payment in advance for cemetery plots in New South Wales:

- (1) Is the Minister for Fair Trading aware that some communities have complained that their payment for cemetery plots is now considered to have only been a deposit?
- (2) Does the Department of Fair Trading issue guidelines to councils and other managing entities of cemeteries to ensure that consumers are not misled?
- (3) Has the Department responded to any complaints of this nature?
- (4) Is there any mechanism that next of kin can use to complain, if they feel they have been deceived, given original purchasers will not be able to do so?

Answer—

NSW Fair Trading's records have identified one complaint regarding payments for the reservation of cemetery plots. Fair Trading provides extensive advice to consumers regarding their consumer rights, including a fact sheet on the funeral information standard applicable to all NSW funeral directors and any business in NSW that arranges and conducts funerals. Complaints can be lodged with Fair Trading at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

- \*175 FAIR TRADING—RESERVATION OF CEMETERY PLOTS—Mr Veitch asked the Minister for Fair Trading—

With regard to payments by consumers for the reservation of cemetery plots in New South Wales:

- (1)
  - (a) Has the Minister for Fair Trading received advice from the Fair Trading Advisory Council regarding those fees or payments?
  - (b) If so, what was that advice?
- (2) Are consumers or the executors of their estates protected by consumer law in New South Wales if they are misled by proprietors or managing authorities of cemetery plots?
- (3) What legislation covers these transactions?

Answer—

- (1) No.

- (2) and (3) Yes, the Australian Consumer Law prohibits any person, in trade or commerce, from engaging in misleading or deceptive conduct. Those who believe they have been misled regarding the terms and conditions of reserving a cemetery plot may lodge a complaint with NSW Fair Trading.

### 11 NOVEMBER 2014

(Paper No. 16)

\*176 PREMIER—MUSIC FESTIVAL DRUG USE—Revd Mr Nile asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Premier, Minister for Infrastructure, and Minister for Western Sydney—

- (1) Is it a fact that police officers were alerted to the unconscious young woman while they raided Harbourlife Music festival in Sydney, which led to the arrest of 78 people for drug offences and to the tragic death of 19 year old Georgina Bartter, due to a suspected adverse reaction to drugs, possibly ecstasy?
- (2) Is it a fact Superintendent Walton said "It does not matter what location they're held in, there's no doubt that the nature of the entertainment is intrinsically linked to that drug use,"?
- (3) What action is the Government taking to eradicate drugs from Music festivals and similar events?

Answer—

- (1) The NSW Government is deeply saddened by the tragic death of Georgina Bartter and extends sympathy to her family and loved ones. We are advised that the NSW Police Force conducted a drug detection operation at the Harbourlife music festival during which 78 arrests were made. Of these arrests, 77 were made on approach to the festival.
- (2) Questions about NSW Police Force officer statements should be directed to the NSW Police Force.
- (3) The NSW Government delivers a range of programs and initiatives to reduce the harms associated with illicit drug use at music festivals, similar events and in the broader community.

The NSW Police Force conducts drug detection operations, roadside drug testing of drivers, and targeted operations to disrupt and dismantle the organised criminal groups that import, manufacture and distribute illicit drugs. |

As recently as 29 November the NSW Police Force, as part of the Joint Organised Crime Group, announced the results of a major drug seizure operation which resulted in Australia's second largest drug seizure. Illicit drugs were seized with a street value in excess of \$1.5 billion.

The NSW Ministry of Health coordinates a range of programs and initiatives aimed at minimising the harms associated with illicit drug use, including counselling, advice and referral services, information resources and education and prevention programs for young people.

The NSW Government also provides funding to non-government organisations to provide harm minimisation and support services to illicit drug users, their families and the broader community.

\*177 HERITAGE—PROPOSED ABORIGINAL CULTURE AND HERITAGE LAWS—Mr Shoebridge asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

- (1) What is the current status of the review of the Government's proposed model Aboriginal culture and heritage laws?
- (2) How many submissions were received during the consultation period?
- (3)
  - (a) Are the submissions received as part of this consultation public?
  - (b) If not, why not?
- (4) What is the current timeline for the implementation of any changes?
- (5) Do the current New South Wales laws relating to Aboriginal culture and heritage meet proposed Commonwealth accreditation standards in relation to the protection of Aboriginal culture and heritage?

- (6) Do the proposed changes to Aboriginal cultural and heritage laws meet proposed Commonwealth accreditation standards in relation to the protection of Aboriginal culture and heritage?

Answer—

I am advised as follows: The NSW Government is committed to the reform of Aboriginal cultural heritage legislation. Over 1000 people participated in the consultation process which will inform the final proposed model for reform. The NSW Government is working closely with the Australian Government on the reform of Aboriginal cultural heritage legislation.

- \*178 HERITAGE—ECONOMIC MODELLING FOR PROPOSED ABORIGINAL CULTURE AND HERITAGE REFORM—Mr Shoebridge asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

- (1) What economic modelling has been undertaken to date on the cost of implementing proposed changes to Aboriginal cultural and heritage laws under the Government's proposed model?  
 (2) What further modelling is planned?

Answer—

I am advised as follows: The NSW Government is committed to the reform of Aboriginal cultural heritage legislation. The NSW Government is currently considering the consultation feedback, which will inform a final proposed model for reform.

- \*179 HERITAGE—RESEARCH REGARDING ABORIGINAL CULTURE AND HERITAGE LAWS—Mr Shoebridge asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

- (1) How much funding was allocated in 2013/14 for research on best practice Aboriginal heritage legislation?  
 (2) How much funding is allocated over future years to gather information about best practice legislation in this area?  
 (3) How much funding was allocated in 2013/14 to undertake economic modelling on new Aboriginal heritage laws?  
 (4)  
 (a) Has a cost benefit analysis of proposed changes to Aboriginal heritage laws been undertaken?  
 (b) If so:  
 (i) What was the outcome of this?  
 (ii) When will the report be publicly available?  
 (c) If not, why not?

Answer—

I am advised as follows: The NSW Government is committed to the reform of Aboriginal cultural heritage legislation. The Government is currently considering the consultation feedback which will inform a final proposed model for reform. Information on the budget for the Office of Environment and Heritage can be found in Budget Paper No. 3.

- \*180 POLICE AND EMERGENCY SERVICES—2014 POLICE CAR PURSUITS—Mr Shoebridge asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney—

- (1) How many police car pursuits were undertaken for the period 1 January 2014 to date?  
 (2) How many fatalities have occurred as a result of police car pursuits for the period 1 January 2014 to date?  
 (3) In each of the cases from 1 January 2014 to date, how many fatalities were:  
 (a) Police?

- (b) Drivers of vehicles being pursued?
  - (c) Passengers of vehicles being pursued?
  - (d) Bystanders including third party motorists?
- (4) How many injuries have occurred as a result of police car pursuits for the period 1 January 2014 to date?
- (5) In each of the cases from 1 January 2014 to date, how many injuries were:
- (a) Police?
  - (b) Drivers of vehicles being pursued?
  - (c) Passengers of vehicles being pursued?
  - (d) Bystanders including third party motorists?
- (6) What were the offences of persons pursued by police during the period 1 January 2014 to date?
- (7) What was the total cost of police pursuits for the period 1 January 2014 to date?
- (8) What was the total compensation paid to victims or others as a result of police car pursuit for the period 1 January 2014 to date?
- (9) What is the dollar amount of damage caused to police property as a result of police car pursuits for the period 1 January 2014 to date?

Answer—

The NSW Police Force has advised me:

- (1) 1,376 (as at 17 November 2014).
- (2) One (as at 17 November 2014).
- (3) The one fatality was an offending driver.
- (4) 53 (as at 17 November 2014).
- (5) Police: 15.

Driver/passenger in offending vehicle: 27.

Third parties: 11.

- (6) Traffic: 813.

Criminal: 137.

Stolen Vehicle: 175.

Not Stop RBT: 275.

Other: 2.

NB: A police pursuit may result in no charges or in multiple charges. This data therefore does not equal the number of pursuits for the period. The reason for initiation of a pursuit may not match the offence/s charged.

- (7) Accurate data for this question is not available from police systems.
- (8) Accurate data for this question is not available from police systems.
- (9) According to advice from the insurer, the NSW Police Force had incurred a net amount of \$19,563 in respect of police pursuits as at 31 October 2014.

\*181 AGEING, DISABILITY SERVICES, ILLAWARRA—SENIORS CONCERT 2015—Ms Voltz asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra—

Given that the Member for Myall Lakes Stephen Bromhead has circulated invitations to the 2015 senior's concert on the 3 March 2015 at the Club Forster auditorium stating that the NSW Nationals were a sponsor of the event. Could you please provide details of what financial or in kind support was provided by the NSW National Party to the event?

Answer—

This question should be referred to the NSW National Party.

\*182 NATURAL RESOURCES, LANDS AND WATER—MENINDEE LAKES—Mr Whan asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Natural Resources, Lands and Water, and Minister for Western NSW—

- (1)
  - (a) Is it true that as of December 2013 Menindee Lakes was at 55 per cent full?
  - (b) If not, what was Menindee Lakes' level in December 2013?
- (2) What significant releases have there been from Menindee Lakes since December 2013?
- (3) What volume of water has been released from Menindee Lakes since December 2013?
- (4)
  - (a) For what purposes have significant volumes of water been released from Menindee Lakes since December 2013?
  - (b) What was the total amount released?
  - (c) What was the purpose of the release?
- (5) For each significant release on whose authority was the release made?
- (6)
  - (a) Have releases been made from Menindee Lakes which have then contributed to outflows of water from the mouth of the Murray River into the sea?
  - (b) If so, who authorised releases and was there consideration given to the fact that North Western New South Wales had experienced a significant drought and inflows had as a result virtually ceased?
- (7)
  - (a) Was the Broken Hill community consulted or informed about plans for releases from the Menindee Lakes between December 2013?
  - (b) If so:
    - (i) What notification or consultation took place?
    - (ii) When did it take place?
- (8) What is the current volume of water in Menindee Lakes?
- (9) What is the estimated volume of water lost to evaporation between December 2013 and 11 November 2014?

Answer—

- (1) 54% of capacity.
- (2) to (8) Releases are made in accordance the Murray-Darling Basin Agreement Information on releases is available at [www.water.nsw.gov.au](http://www.water.nsw.gov.au).
- (9) 450 GL.

\*183 TOURISM AND MAJOR EVENTS, TRADE AND INVESTMENT—PUBLICATION OF TRIAL HOLIDAY RENTAL CODE OF CONDUCT REPORT—Ms Barham asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Deputy Premier, Minister for Trade and Investment, Minister for Regional Infrastructure and Services, Minister for Tourism and Major Events, Minister for Hospitality, Gaming and Racing, and Minister for the Arts—

When will the Minister for Trade and Investment and Minister for Tourism publish the results of the two year trial of the Holiday Rental Code of Conduct, given that the Government, in its response to the report on the GPSC3 Inquiry into Tourism in Local Communities has supported in principle Recommendation 15 "That the Government publish the results of the trial of the Holiday Rental Code of Conduct" ?

Answer—

The Holiday Rental Code of Conduct trial is an industry initiative and reporting its outcomes is a matter for the industry.

**12 NOVEMBER 2014**

(Paper No. 17)

\*184 PRIMARY INDUSTRIES—LOCAL LAND SERVICES ACT 2013—Dr Faruqi asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Primary Industries—

- (1) Does the Local Land Services Act 2013 allow property owners to enter into voluntary conservation agreements?
- (2) The Local Land Services Act 2013 mentions an object of the act is to "provide a framework for financial assistance and incentives to landholders, including, but not limited to, incentives that promote land and biodiversity conservation." Do the financial assistance and incentives mentioned in the Local Land Services Act 2013 allow for concessions, for example council rate reductions, for property owners entering into voluntary conservation agreements?
- (3) Does the Government provide financial assistance for a conservation agreement through the Local Land Services Act 2013?

Answer—

- (1) The Local Land Services Act 2013 allows for people to enter voluntarily into agreements and contractual arrangements with Local Land Services to deliver conservation outcomes, through a range of contracted mechanisms with different requirements. They are different in nature to the Conservation Agreements under section 69 of the National Parks and Wildlife Act 1974.
- (2) No. Area managed under a grant or incentive contracted by Local Land Services is not exempt from Local Government rates.
- (3) Local Land Services enters into voluntary contracts with landholders, governing financial assistance for conservation outcomes.

Local Land Services administers funds from the Australian Government and NSW Government and may offer grants, incentives or other financial assistance to landholders to deliver outcomes for these investors. These contractual arrangements may vary in timeframes and scope, depending on the outcomes sought by the investor.

\*185 EDUCATION—TAFE NSW—Revd Mr Nile asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Education—

- (1) What are the reasons for the Government in moving towards running TAFE NSW as a private business rather than a public service that is available to all the people of New South Wales?
- (2) Is it a fact that changes to the TAFE system have already blocked unemployed people from quality education and training in New South Wales?
- (3) Will changes to the TAFE system lead to a higher level of unemployed people and leave unemployed people with no skills for the work force in New South Wales?
- (4) Why has the NSW Treasury stopped all access to capital funding with the introduction of the Smart and Skilled funding model?
- (5)
  - (a) Will the Minister for Education cap the contestable funding available to private training companies?
  - (b) Has the vocational market system failed across Australia?
  - (c) Has this led to the closure of TAFE campuses?
- (6) Will the Government stop the introduction of Smart and Skilled and replace the TAFE course that they have already cut to give all the good people of New South Wales access to quality education and training?

Answer—

- (1) The Government is not privatising TAFE. The Government is committed to supporting TAFE NSW in its role as the public provider in delivering vocational education and training across New South Wales.

- (2) No.
- (3) No. Smart and Skilled funds training for qualifications on the NSW Skills List, which will give people the skills they need for jobs, career paths and higher learning opportunities. TAFE NSW Institutes will receive a direct allocation of Community Service Obligation funding to support disadvantaged students and the delivery of training in thin markets. Funding will also be made available to TAFE NSW for the delivery of Foundation Skills, for which students will pay an average of 10% of the cost of the course. Recipients of the Newstart Allowance for the unemployed are eligible for fee concessions under Smart and Skilled.
- (4) The capital expenditure budget for TAFE NSW for 2014-2015 is \$76.9 million, as shown in 2014-15 Budget Papers.
- (5)
- (a) Smart and Skilled supports competition on quality between training providers to deliver better outcomes for the NSW community.
- (b) No.
- (c) No TAFE NSW Campuses have closed since 1999.
- (6) No, the Government is committed to the commencement of the Smart and Skilled entitlement in 2015.
- \*186 RESOURCES AND ENERGY—WIND FARMS—Revd Mr Nile asked the Minister for Fair Trading representing the Minister for Resources and Energy, and Special Minister of State—
- (1) Is it a fact that wind farms cannot generate electricity in a gentle zephyr or a gale, cannot operate continuously and optimistically operate at 20 per cent of nameplate capacity?
- (2)
- (a) Is it a fact the environmental effects of wind farms are devastating?
- (b) Is it a fact that construction of wind farms in rural areas results in a decline in residents' mental and physical health, decreased property values and community disharmony?
- (3) Is it a fact in the United Kingdom (UK), renewable energy costs, principally from wind, create fuel poverty for 2 to 4 million people. In the 2012-2013 UK winter, there were an additional 35,000 deaths. This translates as six sick, elderly or vulnerable people killed every year for each installed wind turbine?
- (4) Will the Government consider all these reports throughout the world prior to the installation of any further wind farms?
- Answer—
- (1) While large areas within New South Wales offer the desired conditions to support the development of wind energy, the rated capacity and feasibility of any proposed wind farm development is a matter for private developers
- (2)
- (a) and (b) All major development proposals in NSW whether they are for coal mines, wind farms or residential towers have to meet stringent environmental and other criteria under NSW Planning laws. Matters regarding property values should be referred to the Minister for Finance and Services.
- (3) The matters referenced in your question do not fall within the scope of my portfolio as Minister for Resources and Energy in NSW.
- (4) Through the Renewable Energy Action Plan, the Government is fulfilling its promise to create regional jobs, drive economic benefits and build our renewable energy sector.
- \*187 PRIMARY INDUSTRIES—THE GAME AND PEST MANAGEMENT ADVISORY BOARD—Mr Shoebridge asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Primary Industries—
- Can the Minister for Primary Industries provide detail on what selection process was undertaken choosing board members for the Game and Pest Management Advisory Board?

Answer—

The Game and Pest Management Advisory Board was recruited according to the NSW Government Boards and Committees Guidelines (July 2013) and the Boards and Committees in the NSW Public Sector Appointment Standards (July 2013).

A standard NSW Government merit selection process was utilised to recruit the Game and Pest Management Advisory Board. This included the use of a recruitment panel to assess applications, cull unsuitable candidates and conduct interviews of shortlisted candidates. The panel also conducted referee checks for shortlisted candidates and recommended suitable candidates for consideration.

\*188 PRIMARY INDUSTRIES—APPROVED HUNTING ORGANISATIONS—Mr Shoebridge asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Primary Industries—

(1)

- (a) Can the Minister for Primary Industries advise how many approved hunting organisations currently exist in New South Wales?
- (b) Of this number, can the Minister advise how many have been approved by the NSW Police?

Answer—

(1)

- (a) 163.
- (b) Under the provisions of the Game and Feral Animal Control Act 2002, approved hunting organisations are not required to be approved by the NSW Police for Game Licensing purposes or for any other purposes.

\*189 HEALTH—CAESAREAN SECTION—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

(1)

- (a) How many women received caesarean sections in New South Wales in 2011-12?
- (b) What were the top 10 hospitals for providing the procedure?
- (c) How many women were between 15 and 20?
- (d) How many women were between 20 and 25?
- (e) How many women were between 25 and 30?
- (f) How many women were between 30 and 35?
- (g) How many women were between 35 and 40?
- (h) How many women were over 45?

(2)

- (a) How many women received caesarean sections in New South Wales in 2012-13?
- (b) What were the top 10 hospitals for providing the procedure?
- (c) How many women were between 15 and 20?
- (d) How many women were between 20 and 25?
- (e) How many women were between 25 and 30?
- (f) How many women were between 30 and 35?
- (g) How many women were between 35 and 40?

(3)

- (a) How many women received caesarean sections in New South Wales in 2013-14?
- (b) What were the top 10 hospitals for providing the procedure?
- (c) How many women were between 15 and 20?
- (d) How many women were between 20 and 25?
- (e) How many women were between 25 and 30?
- (f) How many women were between 30 and 35?

(g) How many women were between 35 and 40?

(h) How many women were over 45?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

(1) to (3) Information can be obtained from the Health Statistics website at: <http://www.healthstats.nsw.gov.au/>.

\*190 HEALTH—CONSULTATIONS - NSW HEALTH INFRASTRUCTURE—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

(1) How much was spent on consultants by NSW Health Infrastructure in 2011-12?

(2) How much was spent on consultants by NSW Health Infrastructure in 2012-13?

(3) How much was spent on consultants by NSW Health Infrastructure in 2013-14?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

(1) to (3) Expenditure on operating consultants by Health Infrastructure forms part of the audited financial statements of the Health Administration Corporation. These are published each year with the NSW Annual Report and are publically available on the NSW Health website at: [www.health.nsw.gov.au](http://www.health.nsw.gov.au).

\*191 HEALTH—CONSULTATION - OFFICE OF THE NSW MINISTER FOR HEALTH—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

(1) How much was spent on consultants by the office of the Minister for Health in 2011-12?

(2) How much was spent on consultants by the office of the Minister for Health in 2012-13?

(3) How much was spent on consultants by the office of the Minister for Health in 2013-14?

Answer—

I am advised that:

(1) to (3) Nil

\*192 HEALTH—CONSULTANTS - NSW HEALTH—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

(1) How much was spent on consultants by NSW Health in 2011-12?

(2) How much was spent on consultants by NSW Health in 2012-13?

(3) How much was spent on consultants by NSW Health in 2013-14?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

(1) to (3) Expenditure on operating consultants by Local Health Districts and Specialty Health Networks is contained within the audited annual financial statements of each District and Network.

\*193 HEALTH—CONSULTANTS - LOCAL HEALTH DISTRICTS—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

(1) In 2011-12, how much was spent on consultants by the following local health districts:

(a) Central Coast local health district?

(b) Illawarra Shoalhaven local health district?

- (c) Nepean Blue Mountains local health district?
  - (d) Northern Sydney local health district?
  - (e) South Eastern Sydney local health district?
  - (f) Sydney local health district?
  - (g) Western Sydney local health district?
  - (h) Far West health district?
  - (i) Hunter New England health district?
  - (j) Mid North Coast health district?
  - (k) Murrumbidgee health district?
  - (l) Northern NSW health district?
  - (m) Southern NSW health district?
  - (n) Western NSW health district?
  - (o) Sydney Children's Hospitals Network?
  - (p) Justice and Forensic Mental Health?
  - (q) St Vincent's Health Network?
- (2) In 2012-13, how much was spent on consultants by the following local health districts:
- (a) Central Coast local health district?
  - (b) Illawarra Shoalhaven local health district?
  - (c) Nepean Blue Mountains local health district?
  - (d) Northern Sydney local health district?
  - (e) South Eastern Sydney local health district?
  - (f) Sydney local health district?
  - (g) Western Sydney local health district?
  - (h) Far West health district?
  - (i) Hunter New England health district?
  - (j) Mid North Coast health district?
  - (k) Murrumbidgee health district?
  - (l) Northern NSW health district?
  - (m) Southern NSW health district?
  - (n) Western NSW health district?
  - (o) Sydney Children's Hospitals Network?
  - (p) Justice and Forensic Mental Health?
  - (q) St Vincent's Health Network?
- (3) In 2013-14, how much was spent on consultants by the following local health districts:
- (a) Central Coast local health district?
  - (b) Illawarra Shoalhaven local health district?
  - (c) Nepean Blue Mountains local health district?
  - (d) Northern Sydney local health district?
  - (e) South Eastern Sydney local health district?
  - (f) Sydney local health district?
  - (g) Western Sydney local health district?
  - (h) Far West health district?
  - (i) Hunter New England health district?
  - (j) Mid North Coast health district?
  - (k) Murrumbidgee health district?
  - (l) Northern NSW health district?
  - (m) Southern NSW health district?
  - (n) Western NSW health district?
  - (o) Sydney Children's Hospitals Network?
  - (p) Justice and Forensic Mental Health?

(q) St Vincent's Health Network?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

- (1) to (3) Expenditure on operating consultants by Local Health Districts and Specialty Health Networks is contained within the audited annual financial statements of each District and Network.

### 13 NOVEMBER 2014

(Paper No. 18)

\*194 POLICE AND EMERGENCY SERVICES—BUSHFIRE EMERGENCIES—Mr Veitch asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney—

- (1) Have all claims by local government for payments under section 44 bushfire emergencies relating to the 2013-14 bushfire season been paid?

(2)

- (a) Are any councils still awaiting payments?  
(b) If so, why?

Answer—

The NSW Rural Fire Service has advised me: As at 26 November 2014, there were 21 Councils with section 44 claims remaining to be paid, as follows:

- 12 claims were awaiting final review and authorisation, with payment expected imminently;
- 3 previously rejected claims were being reassessed at the request of Councils following the provision of additional evidence;
- 6 claims were yet to be assessed, relating to the final three section 44 declarations made in 2013-14.

### 18 NOVEMBER 2014

(Paper No. 19)

\*195 NATURAL RESOURCES, LANDS AND WATER—SNOWY ADVISORY COMMITTEE—Dr Kaye asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Natural Resources, Lands and Water, and Minister for Western NSW—

- (1) What steps has the Minister for Natural Resources, Lands and Water taken to establish and to seek nominations for the newly established Snowy Advisory Committee?

- (2) What persons or organisations has the Minister sought nominations from and what date did that occur?

- (3) Under which particular clause of the recently passed Snowy Hydro Corporatisation Amendment (Snowy Advisory Committee) Bill 2013 does the Minister believe it appropriate and the will of the Parliament to invite a representative of Snowy Hydro Limited to sit on the advisory committee?

(4)

- (a) Will the Minister invite a member of the Snowy River Alliance to sit on the Advisory Committee?  
(b) What measures has the Minister taken to contact the Snowy River Alliance with a view to ongoing consultation and inclusion on the Snowy Advisory Committee?  
(c) If none taken, why not?

Answer—

- (1) to (4) The formation of the new Snowy Advisory Committee will allow greater transparency of water allocation strategies in the Snowy Mountains. The formal nomination process will be implemented in early 2015 and will aim to ensure the appropriate level of water expertise, Aboriginal and local community representation. It will also be designed to allow additional specialised expertise to be incorporated into the Committee when required.

The NSW Office of Water has consulted with community groups, including the Snowy River Alliance, on numerous occasions regarding the establishment of the Snowy Advisory Committee and other matters relating to the release of environmental water to the Snowy and Snowy Montane Rivers.

- \*196 NATURAL RESOURCES, LANDS AND WATER—ABOVE TARGET WATER ANNUAL VOLUMES—Dr Kaye asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Natural Resources, Lands and Water, and Minister for Western NSW—

- (1) How much water is currently in Above Target Water in Snowy Hydro Limited storages?  
 (2) What are the annual volumes of Above Target Water held by SHL for each of the years since 2002? Please provide.

Answer—

- (1) 230GL on average (March April).  
 (2) This information is classified as commercial in confidence.

- \*197 PRIMARY INDUSTRIES—BELL MINER ASSOCIATED DIEBACK—Ms Barham asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Primary Industries—

- (1) How many hectares of land managed by the Forestry Corporation are affected by Bell Miner Associated Dieback?  
 (2) How many hectares of land managed by the Forestry Corporation are potentially susceptible to Bell Miner Associated Dieback?  
 (3)  
 (a) Has the Government estimated the cost that would be involved in rehabilitating all stands of State Forest currently affected by Bell Miner Associated Dieback?  
 (b) If so, what is the estimated cost?  
 (c) If not, why not?  
 (4)  
 (a) Does the Forestry Corporation accurately map the extent of Bell Miner Associated Dieback in their harvesting plans so that affected stands can be targeted for rehabilitation and monitored over time?  
 (b) If not, why not?  
 (5) Given the failure of Forestry Corporation management trials at Mount Lindesay and Donaldson State Forests to control Bell Miner Associated Dieback, will the Minister for Primary Industries exclude logging from affected areas until an effective management regime is identified that restores ecosystem health and vitality?  
 (6) Given that the Forestry Corporation's logging of stands affected by Bell Miner Associated Dieback targets the healthiest trees for removal and does not help in restoring stands to a healthy state, why is this logging not contrary to the basic principles of Ecologically Sustainable Forest Management, notably the Integrated Forestry Operations Approvals requirement to "restore and maintain the suite of attributes, ecological condition, species composition and structure of native forests, where forest health and vitality have been degraded"?

Answer—

- (1) Less than one per cent.  
 (2) Bell Miner Associated Dieback occurs across public and private land and most east coast areas could

be considered potentially susceptible.

- (3)
- (a) No
  - (b) N/A
  - (c) The scale deemed necessary, has not been finalised.
- (4)
- (a) Forestry Corporation of NSW considers the extent and severity of Bell Miner Associated Dieback in its harvest planning. The long term monitoring and rehabilitation of affected stands is not specifically related to harvesting and is not therefore part of the harvest planning process. Where appropriate Forestry Corporation will plan for and apply rehabilitation treatments following harvesting to ensure that regeneration is achieved.
  - (b) N/A
- (5) The NSW Scientific Committee has noted that expert opinion varies considerably as to the cause of Bell Miner Associated Dieback and that research and adaptive management are required to understand how to best manage it.
- (6) The premise of this question is not correct. Forestry Corporation's operations are carried out with the objective to both maximise harvesting of commercial timber and regenerate the forest. Healthy trees are retained for a variety of silvicultural and ecological purposes during harvesting operations, such as providing seed for regeneration or habitat for threatened species. As part of ecologically sustainable forest management all harvesting is planned and carried out in such a way as to promote forest regeneration.

\*198 ENVIRONMENT—ROYAL CAMP STATE FOREST—Ms Barham asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

Given the confirmation of Koala high use areas found by the North East Forest Alliance in July 2013, the Environment Protection Authority (EPA) concluded that compartments 13, 14, 15 and 16 of Royal Camp State Forest contain koala habitat, including areas of koala high use that is ongoing and contemporary and play an important role to Koala populations in the region, and the then Minister for the Environment requested the Environmental Protection Authority to determine the regional significance of the koala population, with the subsequent June 2014 report by Dr. Steve Phillips for the EPA finding a resident koala population within Royal Camp that "should be considered important at all levels of assessment" due to the koala populations of the encompassing Richmond Valley Local Government Area being found to be "endangered on the basis of international, national and state-based conservation criteria":

- (1) What action is being taken to ensure that the core koala habitat in Royal Camp State Forest is permanently protected?
- (2)
- (a) Will the Minister ensure a full assessment of core koala habitat is undertaken across the whole of Royal Camp State Forest and the nearby Carwon State Forest?
  - (b) If not, why not?
- (3)
- (a) What advice has the EPA provided to the Minister regarding Royal Camp State Forest koala assessments and will it be released?
  - (b) If not, why not?

Answer—

I am advised as follows:

No logging operations are currently taking place in the Royal Camp State Forest or the Carwon State Forest.

The Environment Protection Authority (EPA) funded and coordinated an independent koala survey of Compartment 13 in Royal Camp State Forest in 2013. In addition, the EPA is undertaking a project to improve approaches for identifying and protecting koalas and their habitat in native forest operations. The EPA will pilot this work in 2015 by carrying out fine-scale mapping of Royal Camp State Forest and

Carwon State Forest using airborne digital sensor imagery. The EPA will publically release the results of the fine scale mapping work in due course.

\*199 ENVIRONMENT—CABLE LOGGING—Ms Barham asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

- (1) What ecological assessments were undertaken in relation to the use of cable logging techniques used in the Bellingen/Coffs Harbour State Forest area?
- (2) What impact will cable logging have on the ecological values of areas in which the technique is being used, and in particular threatened species, soils, water quality and stream protection?
- (3) Is cable logging incompatible with a commitment to protect the ecological values of State Forests?

Answer—

I am advised as follows:

There has been no cable logging in Bellingen/Coffs Harbour State Forest. A cable logging trial has been proposed as part of the remake of the coastal Integrated Forestry Operations Approvals (IFOAs). The remake of the coastal IFOAs is ongoing.

\*200 ENVIRONMENT—INTEGRATED FORESTRY OPERATIONS APPROVALS—Ms Barham asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

- (1)
  - (a) What changes are being considered to the Integrated Forestry Operations Approvals (IFOA)?
  - (b) Will changes to the IFOA impact on the commitment to the protection of ecological values, in particular threatened species, soil quality, water quality and stream protection?
  - (c) When will the changes to the IFOA be announced?
  - (d) What public consultation has taken place in relation to changes to the IFOA?
  - (e) What scientific assessments and consultation has been or will be undertaken to inform changes to the IFOA?
- (2) Will the Minister for the Environment guarantee that changes to the IFOA will not result in a reduction of the ecological values of State Forests?

Answer—

I am advised as follows:

The NSW Government is committed to remaking the four coastal Integrated Forestry Operations Approvals (IFOA) into a single IFOA which is efficient, outcomes based, enforceable and reflects modern best-practice regulation. The Government is also committed to maintaining access to existing levels of wood supply with no erosion of environmental values.

[In August and September 2013, the Environment Protection Authority (EPA), the Forestry Corporation of NSW and the Department of Primary Industries - Fisheries NSW met with representatives from peak conservation and industry stakeholder groups to discuss key IFOA remake aspects. On 24 February 2014, the Government released a discussion paper outlining the key elements of the proposed IFOA for public comment. This paper is available on the EPA's website. Consultation on the discussion paper was supported by six independently-facilitated community information sessions held in Sydney and across coastal NSW. |

Between 24 February and 9 April 2014, the Government received 877 public submissions, including technical submissions, on the proposals in the IFOA remake discussion paper. Using internal and external expertise, the Government is considering this feedback and incorporating relevant information into a draft consolidated coastal IFOA. It is intended that a draft of the consolidated coastal IFOA will be released for public consultation in 2015.

\*201 LOCAL GOVERNMENT—PARRAMATTA CITY COUNCIL RESIDENCY REQUIREMENTS COMPLIANCE—Mr Shoebridge asked the Minister for Fair Trading representing the Minister for Local Government—

- (1)
- (a) How many candidates in the Parramatta City Council Local Government election did not reside in the Parramatta Local Government Area?
  - (b) Of these candidates, who are current Parramatta City Council Councillors?
  - (c) What political party do they belong to?
- (2)
- (a) How many complaints or objections were lodged with the NSW Electoral Commission regarding resident/s or candidate/s not fulfilling residency criteria in order to be enrolled for the Parramatta City Council Local Government election?
  - (b) What were the results of these complaints or objections?
  - (c) What was the average timeframe in determining complaints or objections?
  - (d) In how many cases were sworn statements provided to form all or part of the basis of a response to the complaints or objections?
  - (e) To what extent were these statements tested or investigated?
- (3)
- (a) How many complaints or objections were lodged with the Australian Electoral Commission regarding resident/s or candidate/s not fulfilling residency criteria in order to be enrolled for the Parramatta City Council Local Government election?
  - (b) What were the results of these complaints or objections?
  - (c) What was the average timeframe in determining complaints or objections?
  - (d) In how many cases were sworn statements provided to form all or part of the basis of a response to the complaints or objections?
  - (e) To what extent were these statements tested or investigated?

Answer—

I am advised that the Office of Local Government does not hold information about the residential addresses of candidates or about complaints made to the NSW Electoral Commission. This question would be more appropriately directed to the NSW Electoral Commission.

\*202 LOCAL GOVERNMENT—PARRAMATTA CITY COUNCIL CONFLICT OF INTEREST DECLARATION—Mr Shoebridge asked the Minister for Fair Trading representing the Minister for Local Government—

- (1)
- (a) Since 1 January 1994, have any Parramatta City Council Councillors declared a conflict of interest due to close family or personal relations regarding Parramatta City Council's consideration of building, construction, maintenance or service industry tenders?
  - (b) If so:
    - (i) Who?
    - (ii) On how many occasions was a conflict declared?

Answer—

I am advised that the Office of Local Government does not collect information in relation to the individual disclosures made by councillors at meetings.

\*203 PRIMARY INDUSTRIES—GLENBOG STATE FOREST—Mr Shoebridge asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Primary Industries—

- (1) What were the Net Harvest Area and yield estimates for Pulp and Sawlogs in the Harvest Plan for Glenbog State Forest Compartments 2301, 2311 and 2321?
- (2) What were the actual Net Harvest Area and actual yields for pulp and sawlogs for each of those compartments?
- (3) What was the reason for any difference between estimated and actual Net Harvest Area and Yields?

- (4)
- (a) Was any compensation paid to the logging contractor for lower than estimated Net Harvest Area and reduced yields?
  - (b) If so, what are the details?
  - (c) To whom was compensation paid?
  - (d) What was the amount and on what date was it paid?

Answer—

- (1) 90.1 hectares, 1,325 cubic metres of sawlog and 9,000 tonnes of pulp.
- (2) Approximately 69.4 hectares, 1,786 cubic metres of sawlog, 4,219 tonnes of pulp and 135 cubic metres of firewood to date. Compartment 2301 has been suspended and will be completed at a later date.
- (3) Site conditions and market demand. Compartment 2301 was suspended due to weather and will be completed at a later date.

- (4)
- (a) No.
  - (b) N/A
  - (c) N/A
  - (d) N/A

\*204 HEALTH—ATTACKS ON PARAMEDICS—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1) How many paramedics were injured during their course of duties in New South Wales in 2011-12?
- (2) How many paramedics were assaulted by members of the public during their course of duties in New South Wales in 2011-12?
- (3) How many paramedics were injured during their course of duties in New South Wales in 2012-13?
- (4) How many paramedics were assaulted by members of the public during their course of duties in New South Wales in 2012-13?
- (5) How many paramedics were injured during their course of duties in New South Wales in 2013-14?
- (6) How many paramedics were assaulted by members of the public during their course of duties in New South Wales in 2013-14?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

- (1) to (6) The total number of injury claims by occupation group is published annually in the NSW Health Annual Reports.

\*205 HEALTH—ATTACKS ON NURSES—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1) How many nurses were injured during their course of duties in New South Wales in 2011-12?
- (2) How many nurses were assaulted by members of the public during their course of duties in New South Wales in 2011-12?
- (3) How many nurses were injured during their course of duties in New South Wales in 2012-13?
- (4) How many nurses were assaulted by members of the public during their course of duties in New South Wales in 2012-13?
- (5) How many nurses were injured during their course of duties in New South Wales in 2013-14?
- (6) How many nurses were assaulted by members of the public during their course of duties in New South Wales in 2013-14?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

- (1) to (6) The total number of injury claims by occupation group is published annually in the NSW Health Annual Reports.

Data on the number of assaults that occur on hospital premises can be requested from the Bureau of Crime Statistics and Research, via email, by members of the public free of charge.

\*206 HEALTH—ATTACKS ON DOCTORS—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1) How many doctors were injured during their course of duties in New South Wales in 2011-12?
- (2) How many doctors were assaulted by members of the public during their course of duties in New South Wales in 2011-12?
- (3) How many doctors were injured during their course of duties in New South Wales in 2012-13?
- (4) How many doctors were assaulted by members of the public during their course of duties in New South Wales in 2012-13?
- (5) How many doctors were injured during their course of duties in New South Wales in 2013-14?
- (6) How many doctors were assaulted by members of the public during their course of duties in New South Wales in 2013-14?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

- (1) to (6) The total number of injury claims by occupation group is published annually in the NSW Health Annual Reports.

Data on the number of assaults that occur on hospital premises can be requested from the Bureau of Crime Statistics and Research, via email, by members of the public free of charge.

\*207 HEALTH—ATTACKS ON HOSPITAL AND HEALTH SYSTEM STAFF—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1) How many staff working in the hospital and health system were injured during their course of duties in New South Wales in 2011-12?
- (2) How many staff working in the hospital and health system were assaulted by members of the public during their course of duties in New South Wales in 2011-12?
- (3) How many staff working in the hospital and health system were injured during their course of duties in New South Wales in 2012-13?
- (4) How many staff working in the hospital and health system were assaulted by members of the public during their course of duties in New South Wales in 2012-13?
- (5) How many staff working in the hospital and health system were injured during their course of duties in New South Wales in 2013-14?
- (6) How many staff working in the hospital and health system were assaulted by members of the public during their course of duties in New South Wales in 2013-14?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

- (1) to (6) The total number of injury claims by occupation group is published annually in the NSW Health Annual Reports.

Data on the number of assaults that occur on hospital premises can be requested from the Bureau of Crime Statistics and Research, via email, by members of the public free of charge.

\*208 HEALTH—WHOOPING COUGH—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1) How many whooping cough cases were reported in New South Wales in:
  - (a) 2011-12?
  - (b) 2012-13?
  - (c) 2013-14?
- (2) In 2013-14, what were the top 10 local health districts in terms of the number of report cases of whooping cough?
- (3) How many deaths were attributed to whooping cough in:
  - (a)
    - (i) 2011-12?
    - (ii) What were the ages?
  - (b)
    - (i) 2012-13?
    - (ii) What were the ages?
  - (c)
    - (i) 2013-14?
    - (ii) What were the ages?
- (4) How much did the Government spend on whooping cough education programs in:
  - (a) 2011-12?
  - (b) 2012-13?
  - (c) 2013-14?
- (5) How much did the Government spend on whooping cough prevention programs in:
  - (a) 2011-12?
  - (b) 2012-13?
  - (c) 2013-14?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

(1) to (3) Data relating to the total number of whooping cough cases and recorded deaths is available on the NSW Health website.

(4) and (5) Pertussis prevention and education programs are conducted as part of routine prevention and education activities by Health Protection NSW, public health units, community health services, immunisation providers and paediatric services and are not separately identified.

\*209 HEALTH—TUBERCULOSIS—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1) How many tuberculosis (TB) cases were reported in New South Wales in:
  - (a) 2011-12?
  - (b) 2012-13?
  - (c) 2013-14?
- (2) How many deaths were attributed to tuberculosis in:
  - (a)
    - (i) 2011-12?
    - (ii) What were the ages?
  - (b)
    - (i) 2012-13?
    - (ii) What were the ages?

- (c)
  - (i) 2013-14?
  - (ii) What were the ages?
- (3) How much did the Government spend on TB education programs in:
  - (a) 2011-12?
  - (b) 2012-13?
  - (c) 2013-14?
- (4) How much did the Government spend on TB prevention programs in:
  - (a) 2011-12?
  - (b) 2012-13?
  - (c) 2013-14?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

(1) and (2) Data relating to the total number of tuberculosis (TB) cases and recorded deaths is available on the NSW Health website.

(3) and (4) TB prevention and education is undertaken as part of the TB prevention and control program. Local Health Districts have responsibility for the operation of TB prevention and control programs.

\*210 HEALTH—MENINGOCOCCAL—Mr Secord asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1) How many meningococcal cases were reported in New South Wales in:
  - (a) 2011-12?
  - (b) 2012-13?
  - (c) 2013-14?
- (2) How many deaths were attributed to meningococcal in:
- (3)
  - (a)
    - (i) 2011-12?
    - (ii) What were the ages?
  - (b)
    - (i) 2012-13?
    - (ii) What were the ages?
  - (c)
    - (i) 2013-14?
    - (ii) What were the ages?
- (4) How much did the Government spend on meningococcal education programs in:
  - (a) 2011-12?
  - (b) 2012-13?
  - (c) 2013-14?
- (5) How much did the Government spend on meningococcal prevention programs in:
  - (a) 2011-12?
  - (b) 2012-13?
  - (c) 2013-14?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

(1) and (2) Data relating to the total number of meningococcal disease cases and recorded deaths is

available on the NSW Health website.

(3) and (4) With the exception of the annual Meningococcal Disease Awareness print advertisement, Meningococcal disease prevention and education programs are not separately identified.

### 19 NOVEMBER 2014

(Paper No. 20)

\*211 ENVIRONMENT—SANDY POINT QUARRY—Mr Foley asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

(1)

- (a) Has the Environment Protection Authority (EPA) investigated Benedict Industries' compliance with its licensed permits in operating a quarry accessed from Heathcote Road and adjacent to Picnic Point, Sandy Point, the Georges River National Park and the Georges River?
- (b) Have any breaches been recorded?
- (c) If so, what are the details of any breaches?
- (d) Why does the EPA have staff with waste expertise regulating a quarry with blasting activities?

(2)

- (a) Is the Minister for the Environment aware that in 2013 local fire fighters who attended, on two occasions, a fire burning within the bund wall constructed from fibro and waste material transported onto the site contrary to licence approvals, had to subsequently undergo medical tests?
- (b) What is the result of EPA testing of the material contained in the bund wall?
- (c) Have asbestos clean-up notices been issued for any part of quarry site?
- (d) Will the Minister confirm if the operator has paid waste tipping levies for the 178,000 tonnes of material that has been used to construct the bund wall, in the vicinity of \$18,000,000 revenue that the State should be entitled to receive?
- (e) Former Environment Minister, Hon Robyn Parker MP, advised a residents' group on 7 April 2014 that the EPA's criminal investigation relating to the unauthorised importation of the bund wall materials had "almost concluded", what is the current status of that investigation?

(3)

- (a) Is the Minister aware of the operation of recycling activities currently occurring on the site?
- (b) Has a development application been lodged with the Department of Planning and Environment to permit the importation and storage of material on site, recycling and the processing crushing, grinding, blending and screening processes?
- (c) If so, what is the status of that development application?
- (d) What environmental studies, if any, have been conducted and submitted with the development application?
- (e) Why have the unapproved activities been allowed to continue in the interim?

(4)

- (a) Has an EPA investigation found evidence of the detrimental impact of blasting at the quarry site upon the 'Red Hand Cave', an Aboriginal heritage site in the Georges River National Park?
- (b) If so, what is the result of the investigations?
- (c) As the blasting extends to the east, what is the likelihood that Red Hand Cave will be irreparably damaged?
- (d) Has the operator secured an Aboriginal Heritage Impact Permit under section 90 of the National Parks and Wildlife Act?
- (e) Has the damage been reported to the Office of Environment and Heritage?

(5) What were the results of the EPA investigations relating to the July 2013 blasting activities that damaged homes in nearby Sandy Point?

(6) Why is there still no independent monitoring of the blasts that Orica conducts and monitors?

- (7) How has the effectiveness of the EPA measures intended to control airborne dust contamination from the quarry site been evaluated?
- (8) Is the Minister aware that the operator has without permission stripped the site, removing some 700 trees and the associated native habitat?
- (9)
  - (a) Is the Minister aware that the operator's employees enter and eject users of the nearby Georges National Park on days when blasting is occurring on the quarry?
  - (b) Does anyone other than an employee of the NPWS service have the authority to eject users of the Park?

Answer—

I am advised as follows:

- (1) The EPA reviews compliance with the conditions contained in environment protection licences, including environment protection licence 1924 (Licence 1924), on a regular basis. All penalty notices, clean-up notices and self-reports of non-compliances are recorded on the freely available POEO public register at [www.epa.nsw.gov.au/prpoeoapp/](http://www.epa.nsw.gov.au/prpoeoapp/).
- (2) The EPA is aware of a bush fire incident in 2013 that impacted a bund wall on the site subject to Licence 1924. No asbestos-containing material has been identified in the bund wall.  
As noted above, the EPA reviews compliance with the conditions contained in environment protection licences, including Licence 1924, on a regular basis. All penalty notices, clean-up notices and self-reports of non-compliances are recorded on the freely available POEO public register at [www.epa.nsw.gov.au/prpoeoapp/](http://www.epa.nsw.gov.au/prpoeoapp/).
- (3) The EPA does not have information that any recycling activities are occurring on the relevant site. Any development application is within the responsibility of the Minister for Planning.
- (4) Aboriginal Heritage is the responsibility of the Office of Environment and Heritage (OEH). The OEH has investigated the Red Hand Cave site and determined that no damage from the blasting has occurred.
- (5) All penalty notices, clean-up notices and self-reports of non-compliances are recorded on the freely available POEO public register at [www.epa.nsw.gov.au/prpoeoapp/](http://www.epa.nsw.gov.au/prpoeoapp/).
- (6) Under the polluter pays principle, licencees are responsible for monitoring required by an environment protection licence and annually reporting to the EPA any non-compliances with licence conditions. The EPA reviews the monitoring systems established by licencees.
- (7) The EPA has conducted site inspections to confirm the installation and operation of dust control measures.
- (8) This matter is the responsibility of the Sutherland Shire Council.
- (9) The EPA received an allegation from the community about such an ejection several months after the alleged event. The National Parks and Wildlife Service has not received reports from the community of this occurring. Any person authorised under the National Parks and Wildlife Act 1974 has the authority to enforce any part of that Act.

\*212 NATURAL RESOURCES, LANDS AND WATER—SANDY POINT QUARRY—Mr Foley asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Natural Resources, Lands and Water, and Minister for Western NSW—

- (1) The Crown Licence issued to Benedict Industries, the operator of a quarry accessed from Heathcote Road and adjacent to Picnic Point, Sandy Point, the Georges River National Park and the Georges River, covers lots 7307 and 7308. Is the Minister for Natural Resources, Lands and Water aware that:
  - (a) The 1967 DA permitting quarry-related activities only pertains to lot 7308, even though the Licensee is currently working the entire site?
  - (b) Activities including the importation and storage of material on site, recycling and the processing crushing, grinding, blending and screening processes are presently occurring on the site without environmental impact studies or Council Development Application approval?

- (c) A Development Application (DA) lodged with Sutherland Council by the Licensee in 2010 for these uses was refused and one of the grounds of refusal was that "the proposal was not in the best interests of the public"?
- (2) Why have the unapproved activities been allowed to continue?
- (3) Why was a second licence issued when the terms and conditions of first licence had not been met and the additional activity of recycling added?
- (4) Has the Minister sought legal advice as to whether that licence complies with Crown Land management principles under section 11 of the Crown Lands Act?
- (5) Is the Minister satisfied that the Crown's own Business Directive 7-9-2004, requiring a fair and impartial process ensuring public competition, was appropriately followed in issuing the Crown licence to Benedict Industries for quarry-related activities?
- (6)
- (a) Does the Crown licence contain provisions to permit other parties, apart from the Licensee, to conduct activities at the quarry site?
- (b) What is the role and relationship to Benedict Industries of entities known as 'Great Southern Rock Quarry' and 'Earth Exchange'?
- (c) What is the nature of breach notices issued to Benedict Industries for activities undertaken by Earth Exchange on the site?
- (7) Is the Minister aware that:
- (a) Benedict Industries' Environment Protection Authority annual report stated that 30,000 tonne of material had been extracted from the site during the reporting year of 2013?
- (b) A draft Environmental Impact Statement provided to Sutherland Council disclosed quarrying of 400,000 tonnes per annum during the same period. Crown Lands' annual returns also show a figure of 400,000 tonnes per annum at the site?
- (8) As the Government has been aware of this reported tonnage discrepancy for more than a year, has it commenced legal action in relation to the Benedict Industries' serious breach of corporate governance laws concerning the bonafides of annual reports?
- (9) Why have the questions and concerns about the health and safety of nearby residents in Sandy Point, Picnic Point, Pleasure Point, Voyager Point and Alford's Point about the impact of quarry site activities remained inadequately addressed by the Government for the last three and a half years?
- (10) When will the Minister comprehensively respond, as promised, to the residents' questions and concerns including an express desire for Crown Lands in its capacity as the landowner, to discontinue abrogating its responsibilities to other government agencies and assume the appropriate level of duty of care raised with him during a meeting in his office in August 2014?
- (11) In light of the illegal activities occurring on the site as well as the serious community health and safety concerns, will the Minister invoke clause 25 of the Crown licence which provides absolute discretion for the responsible Minister to revoke the licence at any time by serving a notice in writing that revokes the licence forthwith?
- (12) Are other possible uses for the site that will be of greater community benefit being raised or investigated?

Answer—

- (1)
- (a) The Licence permits Benedict to make use of the entire site.
- (b) There are no proven breaches of alleged activity.
- (c) Yes. The Development Application has now been assigned to NSW Planning for determination.
- (2) See answer to (1)b
- (3) A tenure over the site by way of a licence was issued whilst a lease was being negotiated. There are no proven breaches of conduct.
- (4) Yes.
- (5) Yes.
- (6)

- (a) Yes.
- (b) Wholly owned subsidiary of Benedict Industries and sub-contractor, respectively.
- (c) All environmental infringements relating to the site are listed on the NSW Environment Protection Authority website.
- (7) The NSW EPA, as the responsible authority.
- (8) This is not the responsibility of Crown Lands.
- (9) Concerns raised with Crown Lands are referred to the appropriate bodies for investigation.
- (10) See answer to (9).
- (11) See answer to (9).
- (12) No.

\*213 TREASURER—IMPACTS OF THE RONALD WILLIAMS V COMMONWEALTH OF AUSTRALIA—Dr Kaye asked the Minister for Fair Trading representing the Treasurer, and Minister for Industrial Relations—

- (1)
  - (a) Can the Treasurer please provide information regarding the status of federal government programs carried out in New South Wales following the June 2014 High Court ruling declaring the National Chaplaincy program to be constitutionally invalid?
  - (b) Is the Treasurer aware of any changes to the federal funding of programs carried out in New South Wales, such as the Green Army, to avoid a similar challenge of constitutionality in the High Court?
  - (c) Has the Treasurer been contacted by his federal counterpart regarding this issue?
  - (d) If so, what was the nature and outcome of this communication?
  - (e) Has the decision resulted in changes to the criteria for eligible applicants to programs including the Green Army that would have adverse impacts on the effectiveness of such programs being carried out in New South Wales?

Answer—

- (1)
  - (a) a) I am advised that this information is available at [www.federalfinancialrelations.gov.au](http://www.federalfinancialrelations.gov.au).
  - (b) b) No.
  - (c) and (d) There has been no communication between the Commonwealth Treasurer and NSW Treasurer on this matter.
  - (e) I am advised The Commonwealth Government released guidelines for the Green Army Round 2 in November 2014.

\*214 TREASURER—RACING—Dr Kaye asked the Minister for Fair Trading representing the Treasurer, and Minister for Industrial Relations—

- (1)
  - (a) Can the Treasurer please provide information on the expected delivery date of the report by the former Treasury secretary Michael Lambert into tax arrangements for the New South Wales thoroughbred racing industry?
  - (b) Will the report be made public?
- (2)
  - (a) Is the Government planning to make public the analysis submitted to the Government by Racing NSW arguing for an annual tax break?
  - (b) If not why not?

Answer—

The Government is considering this matter and will respond in due course.

- \*215 HOSPITALITY, GAMING AND RACING—HOTEL GAMING MACHINE DATA BY LOCAL GOVERNMENT AREA—Dr Kaye asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Deputy Premier, Minister for Trade and Investment, Minister for Regional Infrastructure and Services, Minister for Tourism and Major Events, Minister for Hospitality, Gaming and Racing, and Minister for the Arts—

What is the current number of gaming machine licences held by hotels in each Local Government Area, by Local Government Area?

Answer—

A table has been provided please see the Legislative Council Procedure Office.

- \*216 HOSPITALITY, GAMING AND RACING—REGISTERED CLUBS GAMING MACHINE DATA—Dr Kaye asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Deputy Premier, Minister for Trade and Investment, Minister for Regional Infrastructure and Services, Minister for Tourism and Major Events, Minister for Hospitality, Gaming and Racing, and Minister for the Arts—

- (1) What is the current number of gaming machine licences held by registered clubs in each Local Government Area (LGA), by LGA?
- (2) How much government revenue was raised in each LGA from gaming machine tax from registered clubs for the last financial year, by LGA?
- (3) For the last registered clubs gaming machine tax year, what was the total annual electronic gaming machine profits from all registered clubs in each LGA?

Answer—

A table has been provided please see the Legislative Council Procedure Office.

- \*217 HOSPITALITY, GAMING AND RACING—ANNUAL CLUB GAMING MACHINE TAXATION AND PROFIT FIGURES—Dr Kaye asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Deputy Premier, Minister for Trade and Investment, Minister for Regional Infrastructure and Services, Minister for Tourism and Major Events, Minister for Hospitality, Gaming and Racing, and Minister for the Arts—

- (1) For the last registered clubs gaming machine tax year what was the total annual electronic gaming machine profits from all registered clubs in each of the following ranges of annual gaming machine profits:
  - (a) More than \$0 and less than or equal to \$25,000?
  - (b) More than \$25,000 and less than or equal to \$200,000?
  - (c) More than \$200,000 and less than or equal to \$400,000?
  - (d) More than \$400,000 and less than or equal to \$1,000,000?
  - (e) More than \$1,000,000 and less than or equal to \$1,800,000?
  - (f) More than \$1,800,000 and less than or equal to \$5,000,000?
  - (g) More than \$5,000,000 and less than or equal to \$10,000,000?
  - (h) More than \$10,000,000 and less than or equal to \$20,000,000?
  - (i) More than \$20,000,000?
- (2) For the last registered clubs gaming machine tax year what was the total annual electronic gaming machine tax from all registered clubs in each of the following ranges of annual gaming machine profits:
  - (a) More than \$0 and less than or equal to \$25,000?
  - (b) More than \$25,000 and less than or equal to \$200,000?
  - (c) More than \$200,000 and less than or equal to \$400,000?
  - (d) More than \$400,000 and less than or equal to \$1,000,000?
  - (e) More than \$1,000,000 and less than or equal to \$1,800,000?
  - (f) More than \$1,800,000 and less than or equal to \$5,000,000?
  - (g) More than \$5,000,000 and less than or equal to \$10,000,000?

- (h) More than \$10,000,000 and less than or equal to \$20,000,000?  
 (i) More than \$20,000,000?

Answer—

- (1) The total annual electronic gaming machine profits from all registered clubs for the last registered clubs gaming machine tax year ending 31 August 2014 in each of the following ranges of annual gaming machine profits is shown below:

More than	Less than or equal to	Profit Clubs
\$0	\$25,000	\$1,027,768.19
\$25,000	\$200,000	\$27,316,124.40
\$200,000	\$400,000	\$39,615,381.71
\$400,000	\$1,000,000	\$117,594,546.91
\$1,000,000	\$1,800,000	\$170,258,204.45
\$1,800,000	\$5,000,000	\$517,018,771.92
\$5,000,000	\$10,000,000	\$622,173,613.36
\$10,000,000	\$20,000,000	\$569,292,889.37
\$20,000,000		\$1,555,215,152.70

Club gaming machine profit figures are provided for the club taxation year ending 31 August 2014.

It should be noted that gaming machine profit is a statutory term that is not equivalent to the usual commercial definition of profit. It is more analogous to gross revenue from gaming machine play by patrons.

- (2) The total annual electronic gaming machine tax for the last registered clubs gaming machine tax year ending 31 August 2014 from all registered clubs in each of the following ranges of annual gaming machine profits is shown below:

More than	Less than or equal to	Tax Clubs
\$0	\$25,000	\$0.00
\$25,000	\$200,000	\$0.00
\$200,000	\$400,000	\$13,213.37
\$400,000	\$1,000,000	\$122,779.69
\$1,000,000	\$1,800,000	\$12,443,795.29
\$1,800,000	\$5,000,000	\$75,474,793.21
\$5,000,000	\$10,000,000	\$111,399,287.81
\$10,000,000	\$20,000,000	\$118,239,951.48
\$20,000,000	.	\$374,069,769.54

Club gaming machine tax figures are provided for the club taxation year ending 31 August 2014.

Club gaming machine tax figures are provisional only. Minor variations may occur due to ClubGRANTS assessments being finalised.

- \*218 HOSPITALITY, GAMING AND RACING—ANNUAL HOTEL GAMING MACHINE TAXATION AND PROFIT FIGURES—Dr Kaye asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Deputy Premier, Minister for Trade and Investment, Minister for Regional Infrastructure and Services, Minister for Tourism and Major Events, Minister for Hospitality, Gaming and Racing, and Minister for the Arts—

- (1) For the last hotels gaming machine tax year what was the total annual electronic gaming machine profits from all hotels in each of the following ranges of annual gaming machine profits:
- More than \$0 and less than or equal to \$25,000?
  - More than \$25,000 and less than or equal to \$200,000?
  - More than \$200,000 and less than or equal to \$400,000?
  - More than \$400,000 and less than or equal to \$1,000,000?
  - More than \$1,000,000 and less than or equal to \$1,800,000?
  - More than \$1,800,000 and less than or equal to \$5,000,000?
  - More than \$5,000,000 and less than or equal to \$10,000,000?
  - More than \$10,000,000 and less than or equal to \$20,000,000?
  - More than \$20,000,000?
- (2) For the last hotels gaming machine tax year what was the total annual electronic gaming machine tax from all hotels in each of the following ranges of annual gaming machine profits:
- More than \$0 and less than or equal to \$25,000?
  - More than \$25,000 and less than or equal to \$200,000?
  - More than \$200,000 and less than or equal to \$400,000?
  - More than \$400,000 and less than or equal to \$1,000,000?
  - More than \$1,000,000 and less than or equal to \$1,800,000?
  - More than \$1,800,000 and less than or equal to \$5,000,000?
  - More than \$5,000,000 and less than or equal to \$10,000,000?
  - More than \$10,000,000 and less than or equal to \$20,000,000?
  - More than \$20,000,000?

Answer—

- (1) The total annual electronic gaming machine profits from all hotels in each of the following ranges of annual gaming machine profits for the last hotels gaming machine tax year ending 30 June 2014 is shown below:

More than	Less than or equal to	Annual Profit Hotels
\$0	\$25,000	\$719,028.77
\$25,000	\$200,000	\$48,831,449.31
\$200,000	\$400,000	\$79,147,810.52
\$400,000	\$1,000,000	\$224,861,086.45
\$1,000,000	\$1,800,000	\$233,747,957.59
\$1,800,000	\$5,000,000	\$736,439,011.38
\$5,000,000	\$10,000,000	\$438,971,087.51
\$10,000,000	\$20,000,000	\$20,606,113.99
\$20,000,000	.	\$0.00

Hotel gaming machine profit figures are provided for the hotel taxation year ending 30 June 2014.

It should be noted that gaming machine profit is a statutory term that is not equivalent to the usual commercial definition of profit. It is more analogous to gross revenue from gaming machine play by patrons.

- (2) The total annual electronic gaming machine tax from all hotels in each of the following ranges of annual gaming machine profits for the last hotels gaming machine tax year ending 30 June 2014 is shown below:

More than	Less than or equal to	Annual Tax Hotels
\$0	\$25,000	\$0

\$25,000	\$200,000	\$343,446.14
\$200,000	\$400,000	\$8,231,274.65
\$400,000	\$1,000,000	\$51,865,080.58
\$1,000,000	\$1,800,000	\$67,482,084.82
\$1,800,000	\$5,000,000	\$241,769,508.49
\$5,000,000	\$10,000,000	\$165,565,598.84
\$10,000,000	\$20,000,000	\$8,711,057.01
\$20,000,000	.	\$0.00

Hotel gaming machine tax figures are provided for the hotel taxation year ending 30 June 2014.

\*219 POLICE AND EMERGENCY SERVICES—DISCIPLINARY ACTION FOLLOWING RACHEL GARDNER V STATE OF NEW SOUTH WALES—Mr Shoebridge asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney—

- (1) What disciplinary action has been taken to date against the officers named in relation to the offences of assault or trespass to the person and wrongful arrest in the case of Rachel Gardner v State of New South Wales?
- (2) If no action has been taken to date, what action is anticipated in the coming months?
- (3) If no action has been taken, why not?

Answer—

The NSW Police Force has advised me:

The Police Integrity Commission has taken over the investigation of Ms Gardner's complaint. In line with the requirements of the Police Integrity Commission Act 1996, the NSW Police Force is prohibited from conducting any further inquiries into the matter.

\*220 POLICE AND EMERGENCY SERVICES—DISCIPLINARY ACTION FOLLOWING FINDINGS RE ROBERTO CURTI—Mr Shoebridge asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney—

- (1) What disciplinary action has been taken to date against the officers the subject of adverse findings in the Coroner's report concerning the death of Roberto Curti?
- (2) If no action has been taken to date, what action is anticipated in the coming months?
- (3) If no action has been taken, why not?

Answer—

The NSW Police Force has advised me:

On 16 November 2012, the Police Integrity Commission (PIC) took over the investigation of the complaint in relation to this matter. In line with the requirements of the Police Integrity Commission Act 1996, the NSW Police Force is prohibited from conducting any further inquiries into the matter.

Four of the officers involved were charged with assault offences. On 16 December 2014, three officers were found not guilty. A fourth has been found guilty, subject to appeal. This outcome of the trial is a factor the NSW Police Force will consider in determining whether management (disciplinary) action is taken. The officers are currently subject to appropriate Interim Risk Management Plans.

\*221 POLICE AND EMERGENCY SERVICES—DISCIPLINARY ACTION FOLLOWING FINDINGS RE THE DEATH OF ADAM SALTER—Mr Shoebridge asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney—

- (1) What disciplinary action has been taken to date against the officers the subject of adverse findings by the Police Integrity Commission following the investigation into the death of Adam Salter?
- (2) If no action has been taken to date, what action is anticipated in the coming months?
- (3) If no action has been taken, why not?

Answer—

The NSW Police Force has advised me:

Criminal charges have been laid against four of the officers involved and these are currently before the courts. The officers are currently subject to appropriate Interim Risk Management Plans. Until such time as the criminal proceedings are completed, the NSW Police Force is not in a position to decide or implement management (disciplinary) action.

Police have completed a complaint investigation into three further officers involved in this matter. Sustained findings were made in relation to two of these officers and they have been subject to non reviewable management action in accordance with s173 of the Police Act 1990. No adverse findings were made by police against the third officer and no disciplinary action was taken in this case.

\*222 PREMIER—PARRAMATTA CITY COUNCIL RESIDENCY REQUIREMENTS COMPLIANCE—Mr Shoebridge asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Premier, Minister for Infrastructure, and Minister for Western Sydney—

- (1)
  - (a) How many candidates in the Parramatta City Council Local Government election did not reside in the Parramatta Local Government Area?
  - (b) Of these candidates, who are current Parramatta City Council Councillors and what political party do they belong to?
- (2)
  - (a) How many complaints or objections were lodged with the NSW Electoral Commission regarding resident/s or candidate/s not fulfilling residency criteria in order to be enrolled for the Parramatta City Council Local Government election?
  - (b) What were the results of these complaints or objections?
  - (c) What was the average timeframe in determining complaints or objections?
  - (d) In how many cases were sworn statements provided to form all or part of the basis of a response to the complaints or objections?
  - (e) To what extent were these statements tested or investigated?
- (3)
  - (a) How many complaints or objections were lodged with the Australian Electoral Commission regarding resident/s or candidate/s not fulfilling residency criteria in order to be enrolled for the Parramatta City Council Local Government election?
  - (b) What were the results of these complaints or objections?
  - (c) What was the average timeframe in determining complaints or objections?
  - (d) In how many cases were sworn statements provided to form all or part of the basis of a response to the complaints or objections?
  - (e) To what extent were these statements tested or investigated?

Answer—

- (1) A list of candidates and elected councillors and their political affiliations is available on the NSW Electoral Commission's website.

- (2) The NSW Electoral Commission is aware of one complainant who made three objections to the enrolment of resident/s or candidate/s in the Parramatta City Council Local Government area in the lead up to the 2012 ordinary Local Government Elections.

The NSW Electoral Commission has advised that, due to the joint enrolment procedure between New South Wales and the Commonwealth, complaints to do with enrolment relating to the 2012 Local Government Election were referred to the Australian Electoral Commission. The objections relating to the Parramatta City Council Local Government Election in 2012 have been referred to the Australian Electoral Commission.

- (3) These questions should be directed to the Australian Electoral Commission.

\*223 PLANNING—CANTERBURY LOCAL ENVIRONMENT PLAN 2012 - RESIDENTIAL DEVELOPMENT STRATEGY—Mr Shoebridge asked the Minister for Fair Trading representing the Minister for Planning, and Minister for Women—

- (1) What role has the Department of Planning played in developing changes to the Canterbury Local Environment Plan that was approved by the Gateway Determination of 8 May 2014?
- (2) Has the Department of Planning received any submissions from residents regarding the proposed rezoning of the following sites as proposed in changes to the Canterbury Local Environment Plan:
  - (a) 1112-1186 Canterbury Road, Roselands?
  - (b) 1375 Canterbury Road, Punchbowl?
  - (c) 548-568 Canterbury Road, Belmore?
  - (d) 5-9 Croydon Street and 56-57 Croydon Street, Lakemba?
- (3) What steps has the Department of Planning taken to ensure that Canterbury Council has followed consultation and exhibition requirements in making changes to the Canterbury Council Local Environment Plan 2012?
- (4) What road and traffic studies were considered by the Department of Planning in approving changes to the Canterbury Local Environment Plan 2012?

Answer—

I am advised: Changes to the Canterbury Local Environment Plan were developed by Canterbury Council and were exhibited for 31 days.

\*224 PLANNING—WEST BYRON URBAN RELEASE AREA—Ms Barham asked the Minister for Fair Trading representing the Minister for Planning, and Minister for Women—

- (1) With respect to the West Byron Urban Release Area, can the Minister for Planning advise:
  - (a) What are the minimum lot sizes?
  - (b) What is the maximum number of dwellings allowable on the site?
  - (c) What traffic movement assessments have been conducted in relation to the lot sizes and maximum number of dwellings?
- (2) Is the Minister satisfied that the traffic congestion created by the increased development on Ewingsdale Road will not exceed the road capacity capability or cause a loss of service?
- (3) Is the Minister satisfied that the increased traffic on Ewingsdale Road generated by the West Byron Urban Release Area approval will not impact negatively on Byron Bay's tourism appeal and result in a negative economic impact for the town and region?
- (4) What independent reports informed the Government's position that the Byron Bypass will alleviate traffic congestion in Byron Bay?
- (5) Is the Minister satisfied that the bypass will absorb the additional traffic impacts generated by the West Byron Urban Release Area approval?
- (6)
  - (a) Did the Roads and Maritime Services (RMS) provide support for the West Byron Urban Release Area proposal?
  - (b) Was support provided on the basis that MR545, Ewingsdale Road was capable of accommodating the additional traffic load created by the proposal?

- (7) Did the RMS provide support for the Byron Bypass to accommodate the additional traffic capacity created by the West Byron Urban Release Area approval?

Answer—

I am advised: Information regarding the West Byron Urban Release Area can be found at <https://majorprojects.affinitylive.com/public/99e996d8d76ef71ecbc92575ae82156f02%20West%20Byron%20Bay%20Assessment%20Report.pdf> and at [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=3547](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3547).

- \*225 NATURAL RESOURCES, LANDS AND WATER—BRUNSWICK CROWN RESERVE HOLIDAY PARKS—Ms Barham asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Natural Resources, Lands and Water, and Minister for Western NSW—

Regarding the Crown Reserve Holiday Parks in Brunswick Heads:

- (1) Was the Government aware of the long-running dispute over caravan park boundaries and public access issues in these parks when the former Minister adopted the Plans of Management on 2 June 2014?
- (2) What action did the Government take to assess the following aspects of the proposed Plans of Management before they were adopted:
  - (a) The quality and accuracy of information and 'concept drawings' provided in relation to park boundaries and public access on 'encroached lands'?
  - (b) The appropriateness of the use of Ordinance 71 and Byron Shire Council licence agreements?
- (3) Can the Minister for Natural Resources, Lands and Water advise why, and on whose decision, Byron Shire Council's 'interim licence', granted on 9 May 2013, was used as the 'agreed' boundaries of the caravan parks in the exhibited Plans of Management?
- (4) Can the Minister explain why, and on whose decision, no information on Byron Shire Council's new licence agreement and preferred boundaries and conditions, adopted by council in August 2012, with support reiterated in Council's Minutes of 9th May 2013 [13-237], was included in the exhibited Plans of Management?
- (5) Did the North Coast Accommodation Trust or Crown Lands NSW engage in negotiations with Byron Shire Council and community stakeholders regarding the exhibited park boundaries and licence conditions and if so, when did the parties reach agreement?
- (6) The Plans of Management for Massy Greene, the Terrace and Ferry Reserve Crown Reserve Holiday Parks as approved by the Minister on 2 June 2014, rely on exemptions and savings provisions under Ordinance 71:
  - (a) Can the Minister provide evidence to indicate where these exemptions and savings provision apply in regard to specific locations and sites in the each of the caravan parks to support the continuing reliance upon a now repealed Ordinance 71, as this information was not included in the Plans of Management?
  - (b) What evidence has the Minister relied on to establish that these sites existed in 1986?
- (7) Is the Minister satisfied with the "in-house" approval processes for new works that have resulted in the Brunswick Heads community having no opportunity to see or comment on design plans or the size and scale of any proposed works until after the structure is erected, including the new ablution block under construction in Terrace Park?
- (8) What avenues for redress are available to the public who have concerns about compliance, amenity or environmental impacts of new works?
- (9) Can the Minister assure the Parliament that the procedure adopted by Park Management to acquire and close public roads, including Riverside Crescent, without any formal notification to residents that live in these streets, and without any public notification or signage to inform road users of changed conditions, has complied with the Roads Act and Byron Shire Council regulations and licence conditions?

Answer—

- (1) Yes

- (2)
- (a) The Department conducted a review of the draft and final Plans, including review and analysis of submissions and the NSW Crown Holiday Parks Trust's response to the public exhibition process. The drawings contained in and exhibited in association with the Plans of Management were based on a topographic survey of the land undertaken by registered surveyors and interpretation of aerial photography.
  - (b) Matters relating to Ordinance 71 and Byron Shire Council license agreements relate to the licensing and regulation of holiday parks under the provisions of the Local Government Act 1993, for which Byron Shire Council is the responsible regulatory authority.
- (3) Boundaries included in the Plans of Management were determined by the NSW Crown Holiday Parks Trust.
- (4) The content of the Plans of Management was determined by the NSW Crown Holiday Parks Trust as manager of the reserves.
- (5) Boundaries included in the Plans of Management were determined by the NSW Crown Holiday Parks Trust, following negotiations with Byron Shire Council.
- (6)
- (a) As per 2(b)
  - (b) As per 2(b)
- (7) Yes
- (8) Concerns about works undertaken by the NSW Crown Holiday Parks Trust should be addressed to the Trust Board in the first instance. Concerns about regulation of those works should be addressed to the relevant regulatory authority.
- (9) Yes.

\*226 HEALTH—ASBESTOS-RELATED DISEASES IN BARYULGIL—Ms Barham asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

Regarding Baryulgil, a remote Aboriginal community north of Grafton, where asbestos was mined and milled from the early 1940s until 1979:

- (1)
- (a) Has the Government carried out an assessment of the extent of damage to the health of the residential Aboriginal community caused by asbestos exposure?
  - (b) If so, when was it conducted and what were the conclusions?
- (2) Is the Government engaging in any ongoing monitoring of asbestos-related disease risks and incidence in the Baryulgil community?
- (3) Has the Government implemented any programs or services, for example, health checks, to address the issue of asbestos-related health impacts in the Baryulgil community and in the few surviving miners who worked at Baryulgil?
- (4) How is the Government responding to and liaising with local doctors who, according to the ABC News report of 30 January 2014, state that they 'are diagnosing new cases of asbestos-related illnesses regularly' both in the few surviving miners as well as in the people who, as children, played 'in the pile of asbestos tailings left lying around.'?

Answer—

I am advised by the Minister for Health and Minister for Medical Research:

- (1) to (4) In 1984 a Parliamentary Inquiry into The Effects of Asbestos Mining on the Baryulgil Community - Report of the House of Representatives Standing Committee on Aboriginal Affairs was conducted. The full report is available on the Parliament of Australia website.

Past mining activities and adverse health claims have been investigated and are the subject of ongoing monitoring and management by the Dust Diseases Board, which falls under the responsibilities of the NSW Minister for Finance and Services, The Hon. Dominic Perrottet MP.

The NSW Health Public Health Unit continues to provide public health advice and support to

responsible regulatory agencies and departments concerning dust related diseases

\*227 FINANCE AND SERVICES—ASBESTOS IN BARYULGIL—Ms Barham asked the Minister for Fair Trading representing the Minister for Finance and Services—

Regarding Baryulgil, a remote Aboriginal community north of Grafton, where asbestos was mined and milled from the early 1940s until 1979:

(1)

(a) Has the Government carried out an assessment of the extent of asbestos contamination of the buildings, land and the waterways in the community of Baryulgil?

(b) If so, when was it conducted and what were the conclusions?

(2) Is the Government engaging in any ongoing monitoring of asbestos contamination of buildings, land and water in the Baryulgil community?

(3) Have any actions been initiated to remove asbestos dust and residues from buildings and to remediate the land and the water in Baryulgil, whether prior to or under the Government's State-wide Asbestos Plan?

Answer—

These questions should be directed to the Hon Anthony Roberts, MP in his capacity as the Minister for Resources and Energy.

\*228 FINANCE AND SERVICES—WORKERS COMPENSATION LEGISLATION AMENDMENT ACT 2012—Mr Primrose asked the Minister for Fair Trading representing the Minister for Finance and Services—

Since the commencement of the Workers Compensation Legislation Amendment Act 2012:

(1) What are the criteria used to assess whether a payment, a bonus or an incentive based performance fee, is to be paid out of the Scheme to an insurer?

(2) What are the bonuses or incentive-based performance fees paid for?

Answer—

(1) A portion of the total remuneration available in this period relates to incentive-based performance fees payable out of Scheme savings delivered. This information is considered commercial-in-confidence under the individual Scheme agent contracts.

(2) The performance-based fees include measures of return to work, financial outcomes and legislative reform implementation, together with appropriate work capacity decision making, premium calculation and collection, data quality, internal controls and seriously injured worker claim management.

\*229 FAMILY AND COMMUNITY SERVICES—ADOPTION ORDERS 2014—Mr Donnelly asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Family and Community Services—

(1) In 2014 how many adoption orders were made for:

(a) Single persons?

(b) Heterosexual de facto couples?

(c) Homosexual de facto couples?

(d) Married couples?

Answer—

Information relating to the characteristics of adoptive families, is available by financial year from the Australian Institute of Health and Welfare website at [www.aihw.gov.au/adoptions-publications/](http://www.aihw.gov.au/adoptions-publications/).

\*230 FAMILY AND COMMUNITY SERVICES—ADOPTION ORDERS 2013—Mr Donnelly asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Family and Community Services—

- (1) In 2013 how many adoption orders were made for:
- (a) Single persons?
  - (b) Heterosexual de facto couples?
  - (c) Homosexual de facto couples?
  - (d) Married couples?

Answer—

Information relating to the characteristics of adoptive families, is available from the Australian Institute of Health and Welfare website at [www.aihw.gov.au/adoptions-publications/](http://www.aihw.gov.au/adoptions-publications/).

- \*231 FAMILY AND COMMUNITY SERVICES—ADOPTION ORDERS 2012—Mr Donnelly asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Family and Community Services—

- (1) In 2012 how many adoption orders were made for:
- (a) Single persons?
  - (b) Heterosexual de facto couples?
  - (c) Homosexual de facto couples?
  - (d) Married couples?

Answer—

Information relating to the characteristics of adoptive families, is available from the Australian Institute of Health and Welfare website at [www.aihw.gov.au/adoptions-publications/](http://www.aihw.gov.au/adoptions-publications/).

- \*232 FAMILY AND COMMUNITY SERVICES—ADOPTION ORDERS 2011—Mr Donnelly asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Family and Community Services—

- (1) In 2011 how many adoption orders were made for:
- (a) Single persons?
  - (b) Heterosexual de facto couples?
  - (c) Homosexual de facto couples?
  - (d) Married couples?

Answer—

Information relating to the characteristics of adoptive families, is available from the Australian Institute of Health and Welfare website at [www.aihw.gov.au/adoptions-publications/](http://www.aihw.gov.au/adoptions-publications/).

- \*233 ATTORNEY GENERAL, JUSTICE—ANTI-DISCRIMINATION—Revd Mr Nile asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Attorney General, and Minister for Justice—

- (1) "The Annual Reports of the New South Wales Anti-Discrimination Board show that it has been in consultation since 2008 primarily with gay and lesbian groups and unions, including the Sydney Beat Project, regarding anti-discrimination laws as they apply to religious organisations and private educational institutions. These reports do not indicate that religious organisations or private educational institutions were invited to participate in any consultations regarding anti-discrimination laws.

Furthermore, a website run by the Sydney Beat Project states that it aims to: "Seek legislative change to remove homophobic laws and decriminalise public sex in NSW, looking at the Amsterdam model and similar moves in the UK for direction."

- (a) Does the Attorney-General believe that it is appropriate for the New South Wales Anti-Discrimination Board to run consultations regarding anti-discrimination laws as they apply to religious organisations and private educational institutions, especially when those consultations do not include religious organisations or private educational institutions but do include an organisation seeking to decriminalise sex in public?

- (b) Can the Attorney-General rule out any plans to remove exemptions to anti-discrimination laws for religious organisations and public schools ?
- (c) Can the Attorney-General confirm that this Government has no plans to decriminalise sex in public?

Answer—

I am advised:

- (1)
- (a) The NSW Anti-Discrimination Board is an independent statutory authority which has a range of statutory functions in relation to consultations.
- (b) The NSW Government has no current plans to remove the exemptions to anti-discrimination laws for religious organisations and public schools.
- (c) The NSW Government has no current plans to amend existing offences as they apply to sexual acts in public places.

### 20 NOVEMBER 2014

(Paper No. 21)

\*234 ENVIRONMENT—MANGROVE MOUNTAIN LANDFILL—Dr Faruqi asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

- (1) What was the tonnage of all waste received at the Mangrove Mountain Landfill for each year of the Environmental Protection Authority issued licence 11395?
- (2)
- (a) Is the Government aware of any alternative routes to the Mangrove Mountain Landfill site which bypass the site's weighbridge?
- (b) If so, what measures are in place to deter truck drivers and others offloading waste to the site, from using these routes to avoid the weighbridge?

Answer—

I am advised as follows:

- (1) The following table is in relation to waste received under EPL 11395.

Year	Total Received (tonnes)
2002-03	1011
2003-04	14,314
2004-05	47,145
2005-06	37,119
2006-07	42,119
2007-08	43,609
2008-09	125,560
2009-10	73,199
2010-11	102,845
2011-12	37,761
2012-13	31,050
2013-14	17,650

2014-15	0
Total	573,381

- (2) There is one access point to the Mangrove Mountain Landfill. The access point leads directly to the weighbridge. The weighbridge and area surrounding the weighbridge is supervised during operating hours and the site is locked afterhours. The landfill tipping area is also supervised. EPA surveillance, including video surveillance, has been in operation since July 2011. No discrepancies have been detected since the surveillance has been in place.

\*235 ROADS AND FREIGHT—CASTLEREAGH STREET—Dr Faruqi asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council—

Regarding the proposed Castlereagh Street 'part time' Cycleway:

- (1) How will the proposed cycleway operate?
- (2)
  - (a) Is the Government aware of any other successful similar 'part time' cycleway models from either Australia or around the world?
  - (b) If so, what are these models?
- (3) What has been the consultation process for this cycleway?
- (4)
  - (a) How many times has the Government met with bicycle user groups on this proposal?
  - (b) When was each meeting? Please provide a list.
  - (c) Which user groups met? Please provide a list.
- (5)
  - (a) Does the Government have any concerns about cyclist safety on the proposed Castlereagh Street cycleway?
  - (b) If so, what are those concerns?
- (6) Does the Government have any plans to make any other existing or future cycleways part time?
- (7) How does the Government intend to enforce the part time nature of the cycleway?
- (8) Will cyclists be able to use the cycleway 24 hours a day?
- (9) What will the Government recommend cyclists do if there is a conflict between a parked vehicle and the cycleway?
- (10)
  - (a) Was a full time cycleway considered by the Government?
  - (b) Why did the Government choose not to make Castlereagh Street a full time cycleway?
- (11) When will the design be finalised and publicly shared for review and consultation?
- (12) When will construction begin?
- (13) Does the Government consider the Castlereagh Street cycleway to be a replacement for the College Street cycleway?

Answer—

I am advised:

(1) and (8)-(9) During the six month trial, the section of the proposed Castlereagh Street cycleway between King Street and Liverpool Street will operate exclusively for cyclists during peak times; Monday to Friday from 6am to 10am and 3pm to 8pm. On weekends, cyclists will have exclusive access from 10am Saturday to 8pm Sunday. At other times, vehicles will be able to park on the cycleway within designated areas, for the purposes of loading. As is current practice in the Sydney CBD, cyclists can ride on the street in both peak and off-peak periods. Cyclists also have the option of dismounting and walking along the footpath. Between Liverpool Street and Hay Street, the cycleway will operate exclusively for cyclists 24 hours a day, seven days a week.

(2)

(a) and (b) Yes, part time cycleways are in use in Adelaide and Melbourne.

(3) An extensive consultation program started on 7 July 2014 and stakeholders were able to formally respond until 1 August 2014. Since then, discussions with stakeholders have been ongoing, and the Government has held discussions with representatives of the commercial delivery industry. The consultation process included:

- public display of concept designs
- doorknocking of 70 businesses to speak directly with owners and operators
- 250 letters sent directly to stakeholders
- 36,000 4-page brochures about the cycleways project and Castlereagh Street concept design exhibition delivered between Central and Circular Quay
- 3,000 8-page brochures featuring the concept design letterboxed in Castlereagh Street
- advertisements in local and metropolitan newspapers
- meetings with residents, businesses and other stakeholders

(4)

(a) to (c) There have been four meetings between Roads and Maritime Services officers and Bicycle NSW and Bike Sydney since June 2014.

(5)

(a) and (b) Safety will be a key consideration in finalising the terms of the trial. A comprehensive education program will be developed before implementation, to ensure cyclists and the delivery industry are aware of the arrangements. To enhance safety for all users, including pedestrians and cyclists, the speed limit has been reduced to 40 kilometres per hour in a large part of the CBD.

(6) There are no current plans to make existing or future cycleways part time, however, the Government may consider further part-time cycleways in the future.

(7) Through appropriate signage, roadway markings and regular traffic enforcement channels.

(10)

(a) and (b) The original design concept was for a cycleway that did not incorporate parking on the cycleway during off-peak hours to accommodate loading activity. The current design reflects feedback during the consultation process.

(11)-(12) A design is now being reviewed and will be finalised in early 2015. Subject to final design and approval, construction is expected to start in early 2015.

(13) Plans to replace the College Street cycleway with the Castlereagh Street cycleway remain unchanged.

\*236 PRIMARY INDUSTRIES—CULTURAL FISHING—Ms Barham asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Primary Industries—

- (1) What steps has the Minister for Primary Industries taken to ensure that the Department of Primary Industries provides clear advice to Aboriginal people of New South Wales about their Native Title rights to fish and, in particular to advise them that neither the Fisheries Management Act 1994 (NSW) nor the Marine Parks Act 1997 (NSW) impacts upon their native title rights to fish or gather marine resources?
- (2) What steps has the Minister taken to progress New South Wales' implementation of the National Indigenous Fishing principles, and in particular principles 4 and 6?
- (3) Why is the amendment containing section 21AA of the Fisheries Management Act 2009 yet to commence, after having been passed by this Parliament in 2009?

Answer—

- (1) The native title right to fish is provided for under the Commonwealth's Native Title Act 1993 (NTA). The Department of Primary Industries directs people with questions associated with fishing under native title rights to read the relevant provisions of the NTA and suggests that if clarification is needed they seek legal advice. The legislation has numerous criteria that need to be met for anyone looking to invoke their native title fishing rights and each potential occasion has its own specific circumstances that needs to be considered against the legislative criteria.

- (2) Progress continues on developing cultural fishing regulation in NSW. Aboriginal community consultation was undertaken between July and September of this year with the outcomes now being reviewed by the Department of Primary Industries in consultation with the Aboriginal Fishing Advisory Council.
- (3) Section 21AA is to be commenced in concert with cultural fishing regulation.

\*237 FAMILY AND COMMUNITY SERVICES—FOOD INSECURITY—Ms Barham asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Family and Community Services—

- (1) Is the Minister for Family and Community Services aware that one in seven Australians live below the poverty line and are therefore food-insecure?
- (2) Is the Minister aware that charities are reporting an increased demand for emergency food supplies?
- (3) Will the Minister commit to improving food security for vulnerable groups in our community such as homeless people and families living below the poverty line?
- (4) Will the Minister ensure that community kitchens across New South Wales that cater for these vulnerable people are adequately funded to continue the amazing work they do, often with volunteer staff, to feed vulnerable people?
- (5) What is the total amount of money that has been spent this year supporting local community kitchens across New South Wales?

Answer—

I am advised by the Department of Family and Community Services (FACS) that FACS administers the NSW Food Program which transports and distributes food throughout NSW to support disadvantaged children, individuals and families, and strengthens disadvantaged communities.

\*238 FAMILY AND COMMUNITY SERVICES—ACCOMMODATION ACCESS—Dr Faruqi asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Family and Community Services—

- (1)
  - (a) Has the Government increased access to accommodation specifically for women and children needing emergency or longer term accommodation?
  - (b) If so, by what measure has the Government increased access to this group specifically?
- (2) Is there a plan for new investment in emergency accommodation for victims of domestic and family violence?
- (3) What are the targets and commitments to reduce turn away rates from emergency housing for women and children affected by domestic and family violence?
- (4) What mechanisms are in place to ensure that generalist services who won packages to cater for women and children affected by domestic and family violence are adequately served by specialist staff in order to provide appropriate services to this high risk group?
- (5) What provision has the Government made to ensure that extra domestic violence accommodation and support will be available to cover for the present gaps in services over the high risk Christmas and New Year season?
- (6) Can the Government ensure that public housing tenants who can no longer afford rent due to substantial increases and the sale of public housing will not be competing for access to the same homelessness services as women and children leaving domestic and family violence?

Answer—

Details of the Going Home Staying Home reforms are available on the Housing NSW website at <http://www.housing.nsw.gov.au/Help+with+Housing/Homelessness/Going+Home+Staying+Home/>

\*239 PLANNING—BARANGAROO DEVELOPMENT AUTHORITY—Mr Shoebridge asked the Minister for Fair Trading representing the Minister for Planning, and Minister for Women—

- (1) What are the estimated financial implications for the New South Wales Budget of the Barangaroo Development Authority's loss of the court case, on 21 August in the Court of Appeal, against Lend Lease in relation to the Barangaroo site, noting it has been estimated at \$500 million?
- (2) Given this financial impact, is the Barangaroo project still anticipated to fund itself?
- (3) What is the anticipated cost of remediation and works on the Barangaroo site as a result of the decision in this case?
- (4) What steps is the Government taking to address the implications of any financial impact of this case?
- (5)
  - (a) What analysis has been undertaken on the reasons why the Barangaroo Development Authority lost this court case?
  - (b) What were the results of this analysis?
  - (c) Have any findings been made as a result of this analysis about the complexity of the contract from June 2012?
- (6) Has the Government put on hold any decisions in relation to development applications for the "Packer Casino" pending a deal with Lend Lease?

Answer—

I am advised: This question is more appropriately considered by the Premier of New South Wales, the Hon. Mike Baird, in his capacity as Minister for Infrastructure.

\*240 PLANNING—NEWCASTLE PLANNING—Mr Shoebridge asked the Minister for Fair Trading representing the Minister for Planning, and Minister for Women—

- (1)
  - (a) Are there current plans to sell or gift the James Fletcher Hospital site?
  - (b) If so, what are these?
  - (c) If not, what are the plans for the site?
- (2)
  - (a) Are there current plans to sell the Newcastle Court House Annex?
  - (b) If so, what are these?
  - (c) If not, what are the plans for the site?
- (3)
  - (a) Are there plans to demolish the Wickham School of Arts building?
  - (b) If so:
    - (i) Where is the funding for this demolition coming from?
    - (ii) What process was undertaken to ensure that those making decisions about this demolition did not have conflicts of interest?
  - (c) If not, what are the plans for the site?

Answer—

I am advised:

There are no current plans to demolish the Wickham School of Arts Building.

Questions relating to the sale of the James Fletcher Hospital site or the sale of the Newcastle Court House Annex should be referred to the Hon. Dominic Perrottet, Minister for Finance and Services, and the Hon. Brad Hazzard, Attorney General, and Minister for Justice, respectively, as the responsible Ministers.

\*241 POLICE AND EMERGENCY SERVICES—POLICE SUBMISSIONS ON LIQUOR LICENCE APPLICATIONS—Dr Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney—

- (1)

- (a) In the past 12 months, how many formal submissions to the Independent Liquor and Gaming Authority have been made by Police Local Area Commands (LACs) in regards to liquor licence applications in their respective areas?
- (b) What submissions were made by LACs? Please provide a list.
- (c) What was the position of the police who took on the application? Please provide a list.

Answer—

The NSW Police Force has advised me:

NSW Police Force policy requires licensing officers to comment on all licensing applications submitted to the Independent Liquor and Gaming Authority (ILGA). There are over 40 types of liquor licensing applications made to the ILGA, ranging from new applications to changes of boundary or operating times, transfer of licences etc, totalling thousands of applications per year.

I am advised the specific information sought by the Member is not readily available from police systems and its extraction would represent an unreasonable diversion of policing resources.

\*242 NATURAL RESOURCES, LANDS AND WATER—BLUE MOUNTAINS SEWAGE PUMP-OUT SCHEME—Dr Kaye asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Natural Resources, Lands and Water, and Minister for Western NSW—

(1)

- (a) Referring to the Priority Sewage Program (PSP), in what way specifically did the "residents in the Blue Mountains who were receiving the pump out subsidy did not meet the PSP's criteria and were never included in the proposed servicing plans for the region" as stated in a letter Dr Kaye received from the Minister for Natural Resources, Lands and Water in relation to this issue dated 20 October 2014?
- (b) When were these residents first made aware that they "did not meet the PSP's criteria and were never included in the proposed servicing plans for the region"?

Answer—

(1)

- (a) and (b) Advertisements were placed in the Penrith Press on 4 October 2005 and in the Blue Mountains Gazette on 5 and 12 October 2005 inviting the public to view the Review of Environmental Factors for the Priority Sewage Program (PSP).

Community information sessions were held on 12 October 2005 and 18 March 2007 to advise local communities of the eligibility for 'residential' zoned customers to receive sewer connections and upcoming work. The sessions gave local residents an opportunity to discuss the scheme with Sydney Water. Properties that were zoned 'Rural' or 'Residential Bushland Conservation' were considered not eligible in the program.

\*243 PRIMARY INDUSTRIES—SAFETY OF KANGAROO MEAT—Dr Kaye asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Primary Industries—

- (1) Is the Minister for Primary Industries aware that in August of this year Russia extended its 2008 ban on the importation of kangaroo meat from Australia amid concerns of high levels of bacteria, including E.Coli, that could potentially be harmful to human health?
- (2)
  - (a) To what standards does NSW Food Authority assess acceptable levels of bacteria in kangaroo meats sold in New South Wales?
  - (b) What are the differences in hygiene standards for kangaroo meat destined for human and pet consumption?
- (3) What strategies are in place to monitor the presence and levels of bacteria and other pathogens in kangaroo meat sold in New South Wales?
- (4)

- (a) Are NSW Food Authority staff responsible for the monitoring and enforcement of "The Australian Standard for Hygienic Production of Game Meat for Human Consumption"?
- (b) If so:
  - (i) What is the frequency of inspections conducted in New South Wales over the past year to ensure compliance with the standard?
  - (ii) What is the location of inspections conducted in New South Wales over the past year to ensure compliance with the standard?
- (5) What is the involvement of the NSW Food Authority in assessing and monitoring the procurement of kangaroo meat during the following stages of production:
  - (a) Eviscerating and handling the carcasses?
  - (b) Storage?
  - (c) Transportation?

Answer—

- (1) I am aware that Russia has extended its ban on the importation of kangaroo meat.
  - (2)
    - (a) Kangaroo meat sold in New South Wales must comply with the Australian Standard for Hygienic Production of Game Meat for Human Consumption (AS 4464:2007).
    - (b) Kangaroo meat sold in New South Wales must comply with the Australian Standard for Hygienic Production of Game Meat for Human Consumption (AS 4464:2007). Pet meat consumption must comply with the Standard for Hygienic Production of Pet Meat PISC Technical Report 88 (2009).
  - (3) Kangaroo is a raw meat product and, like other raw meat products, it will contain bacteria and must be handled and stored accordingly. The objectives of AS 4464:2007 include ensuring wild game meat for human consumption is wholesome and AS 4464:2007 sets out requirements to meet this objective. In addition, the NSW Food Authority licenses kangaroo harvesters, chillers, processors and export processors. The licensing regime is further supported by food safety programs, auditing and inspections as appropriate to maintain compliance with AS 4464:2007.
  - (4)
    - (a) Yes.
    - (b)
      - (i) Harvesters are inspected at least every two (2) years; Chillers are inspected annually; Processors are inspected at least annually; Export processors are inspected at least every six (6) months. The NSW Food Authority conducts audits on these establishments under an MOU with the Commonwealth to ensure export requirements are being met.
- Locations where inspections were conducted at some time between November 2013 and November 2014 were: Angledool, Armidale, Ashley, Baradine, Barraba, Bingara, Blandford, Bourke, Brewarrina, Broken Hill, Bungendore, Cardross, Carlaminda, Cobar, Coonamble, Curlwaa, Dareton, Deniliquin, Dubbo, Dunedoo, Eglinton, Enngonia, Garah, Gilgandra, Glen Innes, Hay, Hillston, Inverell, Ivanhoe, Lake Cargelligo, Lightning Ridge, Llangothlin, Louth, Lyndhurst, Mendooran, Menindee, Merriwa, Moree, Moulamein, Mungindi, Narrabri, Narromine, Nevertire, Nyngan, Orange, Peel, Pomona, Pooncarie, Quambone, Quirindi, Red Cliffs, Red Range, Rockley, Running Stream, Scone, Swan Hill, Tarago, Tibooburra, Tumut, Walgett, Wanniasa, Warialda, Warren, Wilcannia, Wentworth, West Tamworth and Yeoval.
- (5)
    - (a) to (c) The NSW Food Authority does not directly oversee harvesting and processing of kangaroo meat but instead implements arrangements to ensure kangaroo meat is harvested, processed, stored and transported in accordance with AS 4464:2007. See answers 3 and 4 for further detail.

\*244 HEALTH—OUTDOOR DINING SMOKING BAN—Dr Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Health, and Minister for Medical Research—

- (1)
- (a) Is it correct that after 6 July 2015 patrons in outdoor areas of pubs and clubs in which food is not served will still be permitted to smoke?
  - (b) If so, what is the Minister for Health doing to reduce the harmful impacts of second-hand smoke for workers who must attend these areas and for non-smoking patrons who wish to sit in these areas?
  - (c) Does the Minister expect more of these areas to be created within pubs and clubs and if so what steps has the Minister taken to prevent this?
- (2)
- (a) Are there any circumstances or areas within restaurants and cafes where smoking may be permitted outdoors where food is not served?
  - (b) Would venue owners of restaurants and cafes be permitted by the law to create such a space so as to allow smokers to continue to smoke at their establishment?

Answer—

I am advised:

- (1) and (2) The amendments to the Smoke-free Environment Act 2000 (the Act) banning smoking in a range of outdoor public places came into effect in January 2013. The Government is currently focussing its efforts on successful implementation of outdoor smoking bans and the introduction of bans on smoking in commercial outdoor dining areas in July 2015.

For information relating to the amendments to the Smoke-free Environment Act 2000 and its parameters, the full legislative text is publically available.

\*245 EDUCATION—SMART AND SKILLED REGIONAL DATA—Dr Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Education—

- (1)
- (a) Who are the providers, by TAFE NSW region, that are approved to provide subsidised training under Smart and Skilled?
  - (b) For each provider, by TAFE NSW region, which course entitlements can be collected for each region? Please provide a list.
  - (c) For each course that provider is entitled to operate and receive entitlements, what is the number of entitlements that provider can receive in that region? Please provide a list.

Answer—

- (1)
- (a) The Course Finder on the Smart and Skilled website allows a search of all approved providers by region.
  - (b) The Course Finder on the Smart and Skilled website allows a search of all approved providers by region, and lists all of the courses that each provider has been approved to deliver.
  - (c) Providers can deliver any mix of their approved qualifications as long as they do not exceed their financial cap. This allows the provider to respond to student demand.

\*246 EDUCATION—YOUTH CONNECTIONS—Dr Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Education—

- (1) Given that Youth Connections a federally funded program that will be cut from the federal budget at the end of 2014, how will the Government and the Department of Education and Communities support at-risk youth who have disengaged from school without these services?
- (2) Has the Minister for Education written to his Federal colleague Christopher Pyne in support of retaining the Youth Connections program?

Answer—

- (1) The NSW Government remains committed to supporting students who are at risk of disengaging from school. A range of programs including VET in Schools, School-Based Apprenticeships and

Traineeships, Pre-apprenticeship programs, Links to Learning, Work Placement, Careers and Transition Advisers in schools and the provision of Student Support Officers are provided to support student engagement.

(2) Yes

\*247 EDUCATION—SMART AND SKILLED—Dr Kaye asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Education—

(1) Has legal advice been sought on the level and nature of funding for disability support under Smart and Skilled and in particular with respect to legal obligations that might arise under the Disability Discrimination Act 1992? Please provide that advice or a summary of that advice.

(2)

(a) Has legal advice been sought on the level and nature of funding for disability support in TAFE under evolving funding arrangements and in particular with respect to legal obligations that might arise under the Disability Discrimination Act 1992? Please provide that advice or a summary of that advice.

(b) If not, then why has no such advice been sought?

Answer—

(1) and 2. Whether or not advice has been obtained regarding the Disability Discrimination Act 1992 is privileged information.

\*248 RESOURCES AND ENERGY—ELECTRICITY PRICING FOR NON-FOR PROFIT ORGANISATIONS—Dr Kaye asked the Minister for Fair Trading representing the Minister for Resources and Energy, and Special Minister of State—

(1) Is the Minister for Resources and Energy aware that some electricity retailers are charging not-for-profit organisations, including community groups, commercial rates for electricity?

(2) Has the Minister received any complaints of this nature?

(3) If so, what has been the Minister's response?

(4) What is the distinction between 'residential' and 'commercial' rates for the purposes of charging electricity customers in New South Wales?

(5) Does the Minister intend to pursue any reforms to ensure that not-for-profit organisations are not unfairly charged for their electricity consumption?

Answer—

(1) Instances of such charges do indeed exist.

(2) My office has received complaints of this nature.

(3) I receive a lot of correspondence from all types of electricity customers. My advice to customers who wish to seek a better plan is to get active and look for a better deal.

(4) It is a matter for retailers to classify their customers in line with the National Energy Retail Law and the National Energy Retail Rules.

(5) The NSW Government has taken a number of steps to help all small residential and business customers in the electricity market.

Most recently, we deregulated retail prices for electricity on 1 July 2014. This will encourage more retailers into the market, which will help promote competition. A competitive market place benefits consumers. This change means that all electricity retailers set their own prices.

\*249 ATTORNEY GENERAL—COASTAL CROWN LAND—Ms Barham asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Attorney General, and Minister for Justice—

What advice has the Government received concerning whether legislation that would extinguish Aboriginal land claims over beaches and coastal lands but preserves other private interests over the same lands is consistent with, or in breach of, the Commonwealth Racial Discrimination Act 1975?

Answer—

I am advised: This question should be referred to the Hon Kevin Humphries MP, Minister for Natural Resources, Lands and Water, and Minister for Western NSW.

\*250 FINANCE AND SERVICES—COASTAL CROWN LAND—Ms Barham asked the Minister for Fair Trading representing the Minister for Finance and Services—

Has the Government conducted, or caused to be conducted, any valuations of coastal Crown land that are currently the subject of unresolved Aboriginal land claims lodged under the legislation in New South Wales?

Answer—

Land and Property Information has not conducted any specifically requested valuations on coastal Crown land for the purposes of Aboriginal land claims lodged under the legislation in New South Wales.

\*251 FAMILY AND COMMUNITY SERVICES—KEEP THEM SAFE OUTCOMES EVALUATION—Ms Barham asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Family and Community Services—

(1)

(a) Has the Government completed its analysis of the Keep Them Safe Outcomes Evaluation reports?

(b) If not, when does the Government expect to complete its analysis?

(2) Has the Government identified any possible actions or implemented any policy and program changes in response to the findings of the Keep Them Safe Outcomes Evaluation?

(3) Given the cost-effectiveness of early intervention services in reducing the number of Risk of Significant Harm reports as indicated in the Keep Them Safe Outcomes Evaluation, will the Government give consideration to significantly increasing funding of early intervention support services in order to deliver better outcomes in child safety, welfare and wellbeing and future savings in statutory child protection and out-of-home care?

Answer—

The NSW Government is continuing its analysis of the Keep Them Safe Outcomes Evaluation Report. More information on the Keep Them Safe Outcomes Evaluation Report can be found at [http://www.keepthemsafe.nsw.gov.au/kts\\_evaluation/outcomes\\_evaluation](http://www.keepthemsafe.nsw.gov.au/kts_evaluation/outcomes_evaluation)

\*252 FAMILY AND COMMUNITY SERVICES—BRIGHTER FUTURES—Ms Barham asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Family and Community Services—

(1) Now that Brighter Futures is required to take children at Risk of Significant Harm, what supports are available to children and families who do not meet this threshold but still require support so that their problems don't escalate and they enter the child protection system?

(2)

(a) Can the Minister for Family and Community Services confirm that some referrals received by Brighter Futures are assessed to be too high-risk for the program but then the cases are closed by Family and Community Services due to competing priorities or lack of available resources?

(b) If so, what supports are available to these families?

Answer—

The Department of Family and Community Services (FACS) provides funding to non-government organisations to provide community development, targeted prevention and early intervention programs across NSW. For more information on these programs visit <http://www.community.nsw.gov.au/>

\*253 NATURAL RESOURCES, LANDS AND WATER—COASTAL CROWN LAND—Ms Barham asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Natural Resources, Lands and Water, and Minister for Western NSW—

- (1) Given the Land and Environmental Court's decision regarding the Aboriginal land claim at Red Rock acknowledged that the beach was not claimable land and instead it imposed an easement on the claim granted for adjoining land to ensure public access to the beach in perpetuity, on what basis did the Minister claim, in comments reported in the Sydney Morning Herald on 2 November, that legislation was required to ensure that "our beaches should not be privately owned by anyone"?
- (2) Given the Government's commitment that beaches and associated coastal land will remain owned by and accessible to the public, will the Minister rule out entering into any long-term lease arrangements that would commercialise and prevent public access to coastal land?
- (3) Did the Government consult with the NSW Coastal Panel, the statutory authority whose role it is to provide expert advice on coastal issues, before introducing legislation that would have created definitions of "core beach land" and "Crown beach and coastal land" that are inconsistent with the existing definitions and concepts regarding beaches and coastal lands?

Answer—

- (1) Please refer to the answer to question without notice asked on 4 November 2014 by Ms Barham 'Beaches and Coastal Land' and answered on 9 December 2014.
- (2) Please refer to the answer to question without notice asked on 4 November 2014 by Mr Buckingham 'Beaches and Coastal Land' and answered on 9 December 2014.
- (3) Please refer to the answer to question without notice asked on 6 November 2014 by Ms Barham 'Coastal Crown Land' and answered on 11 December 2014.

\*254 AGEING, DISABILITY SERVICES—HOME CARE—Ms Barham asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra—

- (1)
  - (a) What will the Government take into consideration when assessing tenders for the Home Care Services?
  - (b) Will it look at the organisation's track record in meeting care quality standards and contract obligations, both in Australia and internationally?
  - (c) If not, why not?

Answer—

The NSW Government will undertake an open and competitive tender process to select a new operator for the Home Care Service of NSW (Home Care). Key considerations will include continuity of service and client support. The operations of parties seeking to acquire Home Care will be fully examined.

All community care and disability service providers will continue to be required to comply with the service standards of their funding agreement with either the NSW or Commonwealth Governments.

\*255 AGEING, DISABILITY SERVICES—DISABILITY COUNCIL—Ms Barham asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra—

Noting that the Government's "Disability Inclusion Bill 2014: Your feedback, our response" report on the Draft Disability Inclusion Bill stated that "we will write regulations that clearly require, as far as possible, for Disability Council members to be representative of a range of people with disability," why did the Government release a Draft Disability Inclusion Regulation that did not include any provisions regarding the representativeness of the Disability Council?

Answer—

I am advised that the appointment of members to the Disability Council is compliant with Section 16 (2) of the Disability Inclusion Act 2014.

- \*256 FAMILY AND COMMUNITY SERVICES—CARER ALLOWANCES—Ms Barham asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Family and Community Services—

Following the commencement of the Child Protection Legislation Amendment Act 2014, has the Government implemented or does the Government plan to implement any changes to the eligibility criteria, durations, assessment processes or payment amounts for the Statutory Care Allowance or Supported Care Allowance?

Answer—

I am advised by the Department of Family and Community Services (FACS) that there are no changes to the Statutory Care Allowance. Those who moved to guardianship orders will continue to receive the care allowance at the same rate.

The changes to supported care arrangements only apply to arrangements entered into after 29 October 2014. As each supported care arrangement is different, FACS will complete an assessment to determine if an allowance through the Supported Care Allowance is paid.

- \*257 FAMILY AND COMMUNITY SERVICES—OUT-OF-HOME CARE—Ms Barham asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Minister for Family and Community Services—

Noting that the proportion of statutory out-of-home care (OOHC) placements delivered by non-government organisations (NGOs) in 2013-14 was forecast to be 58 per cent but the actual proportion was revised downward in the 2014-15 Budget to 52 per cent:

- (1) Can the Minister for Family and Community Services advise what factors account for the failure for the transition of OOHC to NGOs to have occurred at the forecast rate?
- (2) Has the Government revised its plans or policies regarding the transition in light of the slower rate of transition?
- (3) Has the higher than expected amount of involvement in OOHC resulted in any changes to policies, programs or casework allocations for staff in the Department of Family and Community Services?
- (4)
  - (a) Is the Department of Family and Community Services currently recruiting additional foster carers?
  - (b) If so, in which districts/areas and within specialised areas of care, for example Aboriginal carers, siblings?

Answer—

The NSW Government has an ongoing commitment to the transition of Statutory Out-of-Home Care (OOHC) from the Department of Family and Community Services (FACS) to the non-government sector and has not revised its plans. Information relating to the transition of OOHC, including transition rates, can be found on the transition dashboard which is available on the FACS website.

- \*258 PLANNING—NORTH COAST E ZONES—Ms Barham asked the Minister for Fair Trading representing the Minister for Planning, and Minister for Women—

When will the final report on the review of environmental zones on the Far North Coast will be released, noting that submissions on the Interim Report closed on the 5 June 2014?

Answer—

I am advised: The review of environmental zones on the Far North Coast remains under consideration.

- \*259 PLANNING—NORTH BYRON PARKLANDS—Ms Barham asked the Minister for Fair Trading representing the Minister for Planning, and Minister for Women—

- (1)
  - (a) What are the details of all breaches of consent conditions since the commencement of the approved five year trial period at the North Byron Parklands site Yelgun New South Wales?
  - (b) What are the details of any changes to the consent conditions by either the Director General of

Planning or delegate? Please list.

- (2) Is the Minister for Planning aware that the Department of Planning and Environment has repeatedly told North Byron Parklands to provide noise attenuation to the homes of sensitive receivers R12 & R13 in accordance with consent conditions because these residents are getting the brunt of the noise during events, but that Parklands have held three festivals and still have not complied with this requirement?
- (3) Is the Minister also aware that the Department of Planning and Environment sent an independent noise engineer to investigate attenuation for these sensitive receivers, and the Department's consultant issued clear guidelines as to what needs to be done, yet no noise attenuation has occurred at these properties?
- (4) Noting that the Parklands 'trial' festival site is located in an ecological hotspot, what action is the Minister or Department taking to ensure that the required ecological monitoring at Parklands for determining the impacts of festivals on flora and fauna is adequate and effective?
- (5)
  - (a) Is the Minister aware that the Department of Planning attended the 2014 Splendour in the Grass festival and found serious breaches of the noise levels, but did nothing at the time to reduce the levels?
  - (b) Is the Minister also aware that after the event the Department imposed a very small fine for breaching the noise consent conditions at Splendour in July, and despite this are allowing an increase in attendance numbers for the New Years Eve Falls Festival?
- (6)
  - (a) Is the Minister aware that the Department of Planning and Environment appear ready to approve the draft Acoustic Monitoring Plan for the Falls Festival 2014/15, despite the fact that the Parkland's noise engineers are basing critical baseline data on flawed baseline noise measurements that were taken by Parklands previous engineers during cyclonic wind conditions in late February, early March 2013?
  - (b) Is the Minister also aware that there was attended noise monitoring taken at numerous sensitive receivers post cyclonic conditions, yet these measurements were not considered in the above mentioned draft?

Answer—

I am advised:

Details regarding the North Byron Parklands site consent conditions and compliance report can be found at [www.northbyronparklands.com](http://www.northbyronparklands.com) and [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au), respectively.

Matters relating to noise attenuation have been referred to the Secretary for resolution in accordance with the Project Approval.

The Department is awaiting the final Acoustic Monitoring Plan and Noise Management Plan for the Falls Festival 2014-15 for consideration prior to approval.

In response to concerns raised regarding the suitability of the 2013 noise data, the Department has advised North Byron Parklands to utilise noise data collected in 2010, in addition to new data collected leading up to the Falls Festival 2014-2015 to validate this data.

\*260 AGEING, DISABILITY SERVICES—CHANGING PLACES ACCESSIBLE TOILETS—Ms Barham asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra—

- (1) Does New South Wales provide Changing Places accessible toilets anywhere through the state?
- (2)
  - (a) Noting that the Victorian Government recently announced \$750,000 to provide six Changing Places accessible toilets offering additional facilities such as height adjustable adult-sized changing benches, tracking hoists, space for a person with a disability and two carers, can the Minister for Ageing and Disability Services advise if there are any plans by your department to fund these facilities in New South Wales?
  - (b) If so, will the Government be developing criteria to determine the most suitable locations for Changing Places?

Answer—

- (1) and (2) As you are aware, NSW is committed to fostering greater inclusion of people with disability as expressed in the Disability Inclusion Act 2014, which commenced on December 3, 2014.

The NSW Government has undertaken research on accessible toilet facilities and has engaged Spinal Cord Injuries Australia to conduct an accessible toilet mapping project. The project includes mapping existing oversized accessible toilets that would potentially be appropriate for retrospective installation of adult change facilities. The results of this project will inform the State and local government of future planning.

I am advised the Department of Family and Community Services is holding a workshop in early 2015 which will bring together the research and expertise on change facilities and accessible toilets to date and consider the best way forward.

\*261 AGEING, DISABILITY SERVICES—HOMECARE SERVICE OF NSW—Ms Barham asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra—

- (1) What are the details on whether the following client groups of the Home Care Service will be eligible to receive direct individualised funding services once services are transferred to the non-government sector:
- (a) Clients over the age of 65 currently receiving disability support services such as Community Support Program?
  - (b) Clients within the Community Care Support Program?
- (2) Will all clients have the option to choose their own service provider if they are not happy with the level of care being provided by the new owner of Home Care after 2015?

Answer—

- (1) and (2) Clients of the Home Care Service of NSW (Home Care) will have the same choices when ownership is transferred. After the transfer, all Home Care clients with individualised funding arrangements can choose to move to a different service provider if they wish.

\*262 PREMIER—EMPLOYABILITY—Ms Barham asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Premier, Minister for Infrastructure, and Minister for Western Sydney—

Noting that EmployABILITY is a Government strategy to increase employment opportunities for people with a disability in the New South Wales public sector with a target to increase the representation of people with a disability requiring an adjustment to 1.5 per cent by 2013:

- (1) What is the progress of this strategy including providing the number of additional people with disability that have been employed across the three years 2010-2013?
- (2) Has the 1.5 per cent target been reached and if not what is the current percentage of employees with disability in the New South Wales public sector requiring a workplace adjustment?
- (3) According to the National Disability Strategy NSW Implementation Plan 2012 2014 Progress Report, EmployABILITY is still being implemented and will be reviewed in 2014 however the strategy has the time frame of 2010 2013, what is the current status of this strategy?
- (4) Can you explain why the EmployABILITY link on the Premier and Cabinet's website is no longer active?

Answer—

Improving job and career outcomes for people with disability, and building more inclusive and diverse workplaces in the NSW public sector is a key priority for the NSW Government.

Statistical information regarding people with disability in the NSW public sector is available in the Public Service Commission's Workforce Profile Report.

The EmployABILITY strategy encourages agencies, managers and employees at every level to focus on ability, not disability, and to explore opportunities to value and build a workforce that reflects the diversity of our society.

EmployABILITY is currently being reviewed by the Public Service Commission. The EmployABILITY strategy is available at <http://www.psc.nsw.gov.au/Sector-Support/Equity-and-Diversity/People-with-a-disability>.

\*263 AGEING, DISABILITY SERVICES—STOCKTON CENTRE—Ms Barham asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra—

- (1) Will the Minister for Ageing and Disability Services provide details regarding a proposal by the NSW Ombudsman to the Department of Ageing, Disability and Home Care (ADHC) for an independent review of the plans for Stockton Centre residents and whether the agency will agree to this?
- (2) Given the complex needs of many of the residents, can you provide details of whether residents have been given access to, or sort the services of disability advocates on the accommodation options available to them with the closure of Stockton Centre?

Answer—

- (1) and (2) The NSW Government is committed to a disability service system that increases choice and control for people with disability, which is why the NSW Government became the first state to sign a historic agreement with the Commonwealth to implement the National Disability Insurance Scheme (NDIS).

The Stockton Centre is being redeveloped because it does not meet contemporary standards for supported accommodation. This approach recognises that people with a disability should be able to enjoy a quality of life that is available to other NSW citizens, including opportunities to live in the broader community.

I am advised due to confidentiality requirements, Ageing, Disability and Home Care (ADHC) is unable to obtain consent for the external review of plans under the National Disability Insurance Scheme. ADHC will work with the National Disability Insurance Agency to engage independent expertise in reviewing various aspects of the planning process and address the Ombudsman's concerns. ADHC also participates in the NSW Ombudsman's Roundtable and reports regularly on the implementation of the Stockton Project and other projects.

I understand all residents of Large Residential Centres can access disability advocates to assist them to make decisions, including accommodation options available to them in the redevelopment of the centre.

\*264 TRANSPORT—ACCESSIBLE TRANSPORT—Ms Barham asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council representing the Minister for Transport, and Minister for the Hunter—

- (1) What is the selection process is for upgrading rail stations within the Transport Access Program and who is consulted before decisions are made?
- (2) Does this include independent advice and people with disability?
- (3) Are Opal Cards available with tactile markings so that people with vision impairments can have confidence in using the appropriate card when using public transport, and if not, has Transport for NSW consulted with representative bodies to look at the most appropriate options for people who are blind or have vision impairments?

Answer—

I am advised:

In 2012, the Government announced the Transport Access Program which is delivering accessible, modern, secure and integrated transport infrastructure where it is needed most. This includes station upgrades, better interchanges and commuter car parks. This program includes more than \$770 million for improvements over four years.

More planning and design work will now occur to see which projects will come next, centred on evidence based criteria including: current and future patronage, the needs and demographics of customers who use the location, whether important services such as hospitals or educational facilities are nearby and the accessibility of other nearby transport interchanges and facilities.

Transport for NSW continues to consult with advocacy groups and stakeholders to improve the accessibility of the transport network. Currently, customers who have vision impairments and who qualify for the Vision Impaired Persons Pass are not obliged to use an Opal card.

\*265 FAIR TRADING—AUSTRALIAN DISABILITY ENTERPRISES—Ms Barham asked the Minister for Fair Trading—

- (1) Noting that Australian Disability Enterprises (ADEs) employ over 20,000 people with a disability nationally, can the Minister for Fair Trading provide a list of ADEs operating in New South Wales?
- (2)
  - (a) Given that around half of those employed in ADEs are paid under the Business Services Wage Assessment Tool (BSWAT) which was deemed by a recent Federal Court ruling to be unfair, can the Minister for Fair Trading provide a list of those businesses operating under the BSWAT and also the fairer Supported Wage System (SWS)?
  - (b) If not, given that there are around 30 wage assessment tools currently being used in ADEs, can the Minister establish a register in New South Wales, listing all ADEs and the type of award they are operating under to ensure there is an open, transparent and fair process of Disability Enterprise work place practices?

Answer—

Neither the services provided by Australian Disability Enterprises or employee workplace rights and entitlements fall under the portfolio responsibilities of the Minister for Fair Trading.

\*266 ENVIRONMENT—IRON GATES—Ms Barham asked the Minister for Fair Trading representing the Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning—

- (1) Can the Minister for the Environment advise of what action his agency is taking:
  - (a) To ensure the restoration of land at Evans Head, known as Iron Gates, which was the subject of a Land and Environment Court decision in 1997 that determined the road be removed and the environment remediated?
  - (b) In response to recent clearing of the Iron Gates site that was undertaken without approval?

Answer—

I am advised as follows: The Office of Environment and Heritage does not have a role in relation to orders issued by the Land and Environment Court. The Office of Environment and Heritage is investigating the alleged illegal clearing of native vegetation on the Iron Gates site.

\*267 ATTORNEY GENERAL, JUSTICE—FEMALE GENITAL MUTILATION—Revd Mr Nile asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Attorney General, and Minister for Justice—

- (1) Is the Government aware that an Islamic bookshop in Lakemba is still selling several books that advocate female genital mutilation (FGM)?
- (2) Is it fact that in May 2014 the Government tripled the sentence for performing FGM to 21 years' jail and introduced a new offence of removing a woman or girl from New South Wales to have it performed?
- (3) What is the number of convictions and sentenced years with those convictions that have come about since this new law in May 2014?

Answer—

I am advised:

- (1) to (3) The Crimes Amendment (Female Genital Mutilation) Act 2014, which commenced on 20 May 2014, amended the Crimes Act 1900 to increase the maximum penalty for performing female genital mutilation from seven years to 21 years imprisonment, and created a new offence of removing a person from New South Wales with the intention of having female genital mutilation performed on that person.

\*268 ATTORNEY GENERAL, JUSTICE—COURT BUDGET COSTS—Mr Searle asked the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra representing the Attorney General, and Minister for Justice—

- (1) What is the total budget cost in the 2014-2015 budget year of:
  - (a) A Supreme Court status judge?
  - (b) A District Court judge?
  - (c) A Magistrate?
  - (d) An Industrial Relations Commissioner?
  - (e) A full-time Member of the NSW Civil and Administrative Tribunal?
  - (f) In answering 1-5 above, what is the separate costs of the judicial officer/tribunal member and any administrative support cost that may be factored in for each position?
- (2) What was the cost of the Equal Opportunity Division of the Administrative Decisions Tribunal for its final twelve months of operation in that form?
- (3) What is the budget in the 2014-2015 Budget year for matters arising under the Anti-Discrimination Act and which are to be dealt with by the NSW Civil and Administrative Tribunal?
- (4) What is the budget in the 2014-2015 Budget year for the Occupational and Regulatory Division of the NSW Civil and Administrative Tribunal?
- (5) How many full-time and how many part-time members does the NSW Civil and Administrative Tribunal have for the 2014-2015 budget year?
- (6) How many full-time and how many part-time members did the statutory predecessors of NSW Civil and Administrative Tribunal have for the 2013-2014 budget year?
- (7) What is the remuneration for each full-time and for each part-time member of the NSW Civil and Administrative Tribunal?
- (8) How many sitting days did the Administrative Decisions Tribunal have for its final twelve months of operation, by Division?
- (9) How many decisions did the statutory predecessors of NSW Civil and Administrative Tribunal deliver in their final twelve months, by decision-type?

Answer—

I am advised:

- (1) Budget costs vary across the court hierarchy and NCAT for judges, members and support staff.
- (2) The costs of the Equal Opportunity Division were met under the relevant operating budget.
- (3) and (4) The costs of such matters are covered by the relevant operating budget.
- (5) and (6) The government appoints members to NCAT as required to meet demand for services.
- (7) Remuneration varies depending upon the type of member and whether they work full or part time.
- (8) Details of the sitting days for each Division have not been retained.
- (9) This data is not centrally collected .

\*269 RESOURCES AND ENERGY—COMMUNITY BENEFITS FUND—Mr Buckingham asked the Minister for Fair Trading representing the Minister for Resources and Energy, and Special Minister of State—

- (1)
  - (a) Will the full value of any upfront payments that gas companies choose to make into the proposed Community Benefits Fund, announced as part of the NSW Gas Plan, be credited against future royalty payments or only a lesser amount?
  - (b) If lesser, what percentage will this be?
- (2)
  - (a) Will the Government make co-contributions to the Community Benefits Fund?
  - (b) At what rate will these co-contributions be made, relative to the contribution of the gas

company?

- (c) Will any Government co-contributions be taken from the company's future royalty payments?

Answer—

(1)

- (a) and (b) A company's royalty liability will be reduced by \$1 for every \$2 that a company contributes to the Community Benefits Fund, up to 10 per cent of the royalty take for each petroleum project in each year.

(2)

- (a) The Government will not make direct contributions into the Community Benefits Fund.  
(b) N/A  
(c) A company's royalty liability will be reduced by \$1 for every \$2 that a company contributes to the Community Benefits Fund, up to 10 percent of the royalty take for each petroleum project in each year.

\*270 ROADS AND FREIGHT—ROSE BAY WEST BAY—Mr Shoebridge asked the Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council—

- (1) What section of water is being referred to in the Roads and Maritime Services letter to Addenbrooke PTY LTD dated 7 November 2014 ref MOD14/0448 is it the Navigational channel between Arm A and B of Point Piper Marina and Arm A of Rose Bay Marina or the Rose Bay West bay which currently holds 24 commercial swing mooring?  
(2) What protections are in place to ensure that the 24 commercial swing moorings in Rose Bay West once relinquished by the Point Piper Marina will not be replaced by private swing moorings?

Answer—

I am advised:

- (1) Rose Bay West bay.  
(2) The water space will remain under NSW Maritime's management as a public resource for shared use by all water users. As such, NSW Maritime has imposed a condition that the water space between the two marinas is reserved for unobstructed navigation, and will be free of swing moorings or other built structures.

David Blunt  
Clerk of the Parliaments