



LEGISLATIVE COUNCIL

**QUESTIONS
AND
ANSWERS**

No. 127

WEDNESDAY 11 OCTOBER 2017

(The Questions and Answers Paper published for the first sitting day in each week will contain, by number and title, all unanswered questions, together with questions to which answers have been received on the previous sitting and any new questions. On subsequent days, new questions are printed, as are questions to which answers were received the previous day. Consequently the full text of any question will be printed only twice: when notice is given; and, when answered.)

Notice given on date shown

Publication of Questions	Answer to be lodged by
Q & A No. 120 (Including Question Nos 1746 to 1747)	17 October 2017
Q & A No. 121 (Including Question Nos 1748 to 1758)	18 October 2017
Q & A No. 122 (Including Question Nos 1759 to 1763)	19 October 2017
Q & A No. 123 (Including Question Nos 1764 to 1770)	24 October 2017
Q & A No. 124 (Including Question Nos 1771 to 1777)	25 October 2017
Q & A No. 125 (Including Question Nos 1778 to 1785)	26 October 2017
Q & A No. 126 (Including Question Nos 1786 to 1793)	14 November 2017
Q & A No. 127 (Including Question Nos 1794 to 1815)	15 November 2017

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- 1794 PREMIER—COST OF MEMBERS OF REMUNERATED BOARDS AND COMMITTEES—Mr Veitch to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Premier—
- (1) What is the total annual cost of members of remunerated Boards and Committees as listed in the Public Service Commission website for each of the following financial years:
- (a) 2011-12?
 - (b) 2012-13?
 - (c) 2013-14?
 - (d) 2014-15?
 - (e) 2015-16?
 - (f) 2016-17?
 - (g) 2017 to current?
- 1795 ATTORNEY GENERAL—ABORIGINAL DEATHS IN CUSTODY—Mr Shoebridge to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Attorney General—
- Of the 339 recommendations handed down by the Royal Commission into Aboriginal Deaths in Custody, how many have been implemented by the Department of Justice?
- 1796 POLICE—ABORIGINAL DEATHS IN CUSTODY—Mr Shoebridge to ask the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry representing the Minister for Police, and Minister for Emergency Services—
- Of the 339 recommendations handed down by the Royal Commission into Aboriginal Deaths in Custody, how many have been implemented by the NSW Police?
- 1797 CORRECTIONS—ABORIGINAL DEATHS IN CUSTODY—Mr Shoebridge to ask the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry representing the Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs—
- Of the 339 recommendations handed down by the Royal Commission into Aboriginal Deaths in Custody, how many have been implemented by Corrective Services?
- 1798 FAMILY AND COMMUNITY SERVICES—EX-STATE WARDS COMPENSATION TOTALS—Mr Shoebridge to ask the Minister for Early Childhood Education, Minister for Aboriginal Affairs, Assistant Minister for Education representing the Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault—
- (1) What is the total amount of compensation that has been paid to ex-state wards who were victims of abuse?
- (2) What is the average cost of compensation paid to ex-state wards who were victims of abuse?
- 1799 TRANSPORT AND INFRASTRUCTURE—POINT TO POINT TRANSPORT—Dr Faruqi to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for Transport and Infrastructure—
- (1) When did the Minister first announce that the Point to Point transport regulations, also known as the new public passenger transport regulations, would be put into place?
- (2) When was the business case regarding the necessary investments to implement the Point to Point transport regulations, also known as the new public passenger transport regulations, completed?
- (a) What were the findings?
 - (b) What was the benefit to cost ratio?

- (c) What was the amount of money required to implement this policy, including capital outlay for Information Technology and associated infrastructure and the operational and maintenance costs over the typically specified thirty year analysis period?
- (d) Did the economic analysis conducted in the business case incorporate the adverse effects of commuters and users shifting from public transport to motor vehicle transport in the form of ride sharing?
- (e) Did the analysis incorporate congestion costs, air pollution, greenhouse gases and adverse road safety outcomes such as the increase in car accidents?
- (f) Did Transport for NSW apply economic evaluation metrics consistent with those in the Principles and Guidelines Manual used to determine the viability of transport investments?
- (g) Was the financial and economic analysis that was conducted for Point to Point transport regulations, also known as the new public passenger transport regulations, conducted by internal staff of Transport for NSW or Roads and Maritime Services?
 - (i) If not, was this conducted by external consultants? If so, how much were they paid?
- (h) Will the Minister release the business case for the Point to Point transport regulations, also known as the new public passenger transport regulations, as well as any internal reviews and assessments conducted by Transport for NSW?

1800 PRIMARY INDUSTRIES—LAND MANAGEMENT CODES—Dr Faruqi to ask the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry—

- (1) Has there been an assessment of the extent of clearing that could occur using each of the land management codes, and if so can the Minister advise the extent of clearing for each code?
- (2) Will there be special considerations and limitations based on the regional extent of native vegetation, such as the over cleared North West floodplains and lower slopes east of Moree?
- (3) Will the use of the Land Management codes enable landholders to clear category 2 (higher conservation remnant vegetation) down to just 10 per cent of category 2 vegetation retained per property.
- (4) Will the Local Land Services (LLS) be able to refuse clearing applications in over cleared landscapes when the application is consistent with the codes?
- (5) Will the Equity Code enable landholders to broadscale-clear woodlands, open forests and grasslands previously not cleared?
- (6) Can the Equity Code still clear up to 625 hectares or down to 10 per cent category 2 remnant vegetation per property?
- (7) Can Invasive Native Species thinning clear up to 900 hectares, including trees up to 30cm in diameter and breast height (dbh), and retain just 20 trees per hectare? (includes Bimble box and River Red gum Koala preferred food trees)?
- (8) Can the Pasture Expansion Code thin trees up to 90cm dbh, providing the area does not to exceed 30 per cent of total property
- (9) Can the Farm Plan Code remove up to 25 per cent of category 2 remnant vegetation on a property?
- (10) For category 1 land, how will property vegetation planning be incorporated to consider the landscape significance of the vegetation and factors such as soil erosion, salinity recharge and discharge areas, protected lands, stream buffers, landscape corridors, and protection of hollow trees?
- (11) Does the principle of no net loss apply for the regulations?
 - (a) How do those aims and targets relate to catchment targets?
- (12) Despite set aside areas being described as in perpetuity agreements is it the case that Local Land Services may amend the public register to remove any area (or part of an area) that has ceased to be a set aside area?
 - (a) Under what circumstances can a set aside area be removed from the register?
- (13) Invasive Species Code - divisions 3 and 4 - will enable the clearing of up to 1000 hectares and destruction of ground level habitat to facilitate sowing of pastures. Is it the intention of this code to be used in remnant vegetation to change land use?

- (a) It appears the only limitation to the use of this code is vulnerable land, can it be applied to all endangered ecological communities in category 2 land?
 - (b) The code allows the clearing of trees up to 30cm dbh, how are trees of that size considered to be invasive regrowth?
 - (c) Two of the invasive species listed to be cleared are koala preferred trees Bimble box and River Red gum. Where is Bimble box an invasive species in the north west of New South Wales?
 - (d) Why is River Red gum listed as an invasive species when it is restricted to riparian zones and flood ways that should not be cleared?
- (14) The Pasture Expansion Code will allow the clearing of remnant woodland trees up to 90cm dbh that will lead to loss of many hollow mature trees, how is the loss of hollow habitat to be compensated when the loss of Hollow-Bearing Trees is a Key Threatening Process?
- (15) Is the Pasture Expansion Code limited to vegetation communities that are not Ecological Endangered Communities (EECs)?
- (a) If that is the case, is it correct that clearing on the floodplain will target non EECs communities that are koala habitat of Bimble box, Belah, Baradine Red gum, and River Red gum?
- (16) Is it correct that the Mosaic Code division 3 could fragment high conservation remnants into 5 hectare patches, has no minimum extent of category 2 remnant vegetation to retain after treatment and can allow the clearing of up to 30 per cent of the total area of the property?
- (17) Property Vegetation Plan (PVP) Transition, allows LLS to change an existing PVP to allow clearing in a set aside, please explain how this would occur?
- (a) Under what circumstances would an existing PVP be changed?
 - (b) Are PVP offsets be maintained and included in sensitive or vulnerable category 2 remnant vegetation land to be registered and protected?
 - (i) If not, why not?
- (18) Is it correct that the Equity Code could allow clearing up to 625 hectares of remnant woodland of higher conservation value?
- (19) Where is the consideration for loss of hollow trees and logs or extent of habitat to sustain viable populations of species?
- (20) What is the scientific justification for the 50 per cent reduction to set aside requirement by using an EEC as the set aside, or a remnant that is considered by LLS to have strategic landscape significance?
- (a) Please explain how the Equity Code will not lead to declines of all species, and what science underpins its use?
- (21) Vast areas of the over cleared floodplain are paddock trees or small patches of trees surrounded by cleared category 1 land. Could the impact of Farm Plan Code be catastrophic for biodiversity in the over cleared floodplains?
- (a) Will the code allow broad scale clearing of woodland or open forest up to 25 per cent of the extent of category 2 native vegetation on a property?
- (22) What is the scientific justification for the formulae for set asides in cleared category 2 land?
- (23) What is the scientific justification to allow the planting of new trees in a cleared paddock to compensate for the loss of mature and often hollow trees?
- (24) The lower limit for application of the codes of the category 2 land retained is just 10. This is a very low standard considering that conservation biologists advocate that 30 per cent is the minimum. It is well documented that the effects of fragmentation become more intense when retained habitat is less than 30 per cent. What is the justification for setting the lower limit for application of the code to just 10 per cent of the category 2 land retained?

1801 ENVIRONMENT—SPRING GULLY, BUNDEENA—Dr Faruqi to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for the Environment, Minister for Local Government, and Minister for Heritage—

- (1) Why did the Minister answer Budget Estimates 2017-2018 Supplementary Question 133 (g) "No" when it appears that site diagrams were redacted from the bushfire consultant's report submitted by the applicant?
 - (2) Can the Minister confirm with regard to the recently exhibited proposal for a road easement through the Royal National Park to the proposed eco-tourist facility at 60-70 Bournemouth St, Bundeena, whether all documents provided by the applicant and referred to in the Review of Environmental Factors and whether all appendices to the Statement of Environmental Effects, Recreation Camp were exhibited?
 - (3) Why did the Minister answer "this matter is currently being assessed" to Budget Estimates 2017-2018 Supplementary Questions 133 (h), (i), (j) and (k), in relation to threatened species relevant to the proposal, when National Parks and Wildlife Service was able to conclude their assessment and formalise approval of the Review of Environmental Factors just one week later?
 - (4) When did the NPWS advise the proponent that the Review of Environmental Factors had been approved?
 - (5) When did the Minister, or her office, become aware that the Review of Environmental Factors had been approved
- 1802 TRANSPORT AND INFRASTRUCTURE—OPAL CARD RECYCLING—Dr Faruqi to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for Transport and Infrastructure—
- (1) Are Opal Cards recyclable?
 - (a) If yes, how can members of the public recycle their Opal Cards?
 - (b) If no, are there any plans to make Opal Cards recyclable in the future?
 - (2) How many Opal Cards are estimated to be disposed of each year?
- 1803 PRIMARY INDUSTRIES—FARM TRESPASS POLICY MEETINGS—Dr Faruqi to ask the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry—
- Please provide the dates, location and attendees of further workshops or meetings since the August 2015 meeting regarding the Farm Trespass Policy?
- 1804 ROADS, MARITIME AND FREIGHT—SYDNEY GATEWAY—Dr Faruqi to ask the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry representing the Minister for Roads, Maritime and Freight—
- (1) What projects comprise the Sydney Gateway?
 - (2) How much will be invested for the tollway component, including the capital, operational and maintenance cost of the tollway component?
 - (a) What is the benefit cost ratio and net present value (at a discount rate of 7 per cent) for the toll road component?
 - (3) What is the capital, operational and maintenance cost of the Botany Bay rail duplication component?
 - (a) What is the benefit cost ratio and net present value (at a discount rate of 7 per cent) for the rail duplication component?
 - (4) Why is the Government not proceeding with full priority on the Botany Bay rail duplication component?
 - (5) Has the Government received an unsolicited proposal from any organisation to build the Sydney Gateway?
 - (a) If yes, who from?
 - (b) Will the Government be going to tender for the Sydney Gateway?
 - (c) What is the expected cost to the Government, including staff time, for the assessment of the unsolicited proposal?
 - (d) Will the proponent of the unsolicited proposal be required to compensate the Government for assessing the unsolicited proposal?

- 1805 ENVIRONMENT—ECOLOGICAL CONSULTANTS—Dr Faruqi to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for the Environment, Minister for Local Government, and Minister for Heritage—
- (1) Who is delivering training and accreditation on the new Biodiversity Assessment Methodology?
 - (2) Has the Minister received concerns about the lack of training and accreditation opportunities for ecological consultants on the new Biodiversity Assessment Methodology? If yes:
 - (a) Who has raised these concerns?
 - (b) What is the Government doing to address the shortage of training and certification opportunities for ecological consultants?
- 1806 WESTCONNEX—WESTCONNEX—Dr Faruqi to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for Western Sydney, Minister for WestConnex, and Minister for Sport—
- Please provide the budgeted capital expenditure (capex), the financing charges and the total project cost of the WestConnex Project.
- 1807 PLANNING—KOALAS—Dr Faruqi to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for Planning, Minister for Housing, and Special Minister for State—
- In light of the increasing number of koalas being killed on roads in the Greater Macarthur area (such as Appin Rd), and the fact that an additional 143,000 dwellings are projected to be built in this area (including additional roads such as the widening of Appin Road and the Georges River Parkway), what measures is the Department proposing to protect koalas within the Wollondilly and Campbelltown local government areas?
- 1808 ENVIRONMENT—WASTE MANAGEMENT—Dr Faruqi to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for the Environment, Minister for Local Government, and Minister for Heritage—
- (1) When did the Minister become personally aware that recycling companies are land filling or otherwise disposing of recyclable materials, which according to some estimates is up to 50 per cent?
 - (2) For the Environment Protection Authority 'Bin Trim' program in the financial year 2016/2017, please provide:
 - (a) The total program budget, a list of the contractors and regions that they serviced?
 - (b) How many businesses were provided 'bin trim' consultancies, broken down by region?
- 1809 TRANSPORT AND INFRASTRUCTURE—CYCLE WAYS—Dr Faruqi to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for Transport and Infrastructure—
- (1) How many metres of new cycle ways does the Government plan to install during the 2017-18 financial year? How many of these are in Sydney and how many in the rest of New South Wales?
 - (2) Has the number of cyclists in New South Wales has been decreasing?
 - (a) If so, what is the Government's plan to bring the numbers up?
 - (3) Does the Government have an aim to achieve a certain mode share percentage for cycling?
 - (a) If so, what is the percent goal and when is the Government expected to achieve this number?
 - (b) If not, why not?
 - (4) What is the planned breakdown by project of the \$62 million set aside for Cycling Infrastructure over the 2017-18 State Budget?
- 1810 LANDS AND FORESTRY—CROWN PUBLIC ROADS—Dr Faruqi to ask the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry representing the Minister for Lands and Forestry, and Minister for Racing—

- (1) How many kilometres of Crown public roads exist in New South Wales?
 - (2) Does the Government have an annual budget for maintaining Crown public roads? If yes:
 - (a) What was that budget in 2016/2017
 - (b) What is that budget in 2017/2018?
 - (c) If no, who maintains these roads if the Government does not?
 - (3) Does the Government maintain Gibraltar Road near Marulan?
 - (a) What is the budget for maintaining this road in 2017/2018?
 - (4) Has the Government been approached about maintaining Gibraltar Road near Marulan?
 - (a) If yes, by whom?
 - (5) Would the Government be liable if damage to the surface of Gibraltar Road led to damage to property or injury or death to a person?
 - (a) If yes, how does the Government manage that liability?
- 1811 ROADS, MARITIME AND FREIGHT—ELLERTON ROAD EXTENSION—Dr Faruqi to ask the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry representing the Minister for Roads, Maritime and Freight—
- (1) Why has Roads and Maritime Service changed the noise barriers for the Ellerton Road Extension from Autoclaved aerated concrete to timber?
 - (2) Are there any fire safety implications related to the timber noise barriers?
- 1812 LOCAL GOVERNMENT—ELLERTON ROAD EXTENSION—Dr Faruqi to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for the Environment, Minister for Local Government, and Minister for Heritage—
- (1) Was Queanbeyan-Palerang Regional Council in caretaker period on 15 September 2017?
 - (2) Under what authority did the Queanbeyan-Palerang Regional Council enter into an agreement regarding the Ellerton Road Extension on 15 September 2017?
- 1813 LOCAL GOVERNMENT—COUNCIL MEETINGS—Mr Primrose to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Minister for the Environment, Minister for Local Government, and Minister for Heritage—
- (1) Is it the case that the Model Code of Conduct (in particular clauses 3.7 and 3.8) prohibits a Councillor meeting with either an applicant seeking planning approval or an objector to an application, even if a council officer nominated by the Council's General Manager is also present?
 - (a) If not, is it considered best practice for a Councillor meeting with either an applicant seeking planning approval or an objector to an application, to meet on Council premises and with a Council staff member (nominated by the General Manager) present?
 - (2) Does the Model Code of Conduct or any other relevant instrument require that mail personally addressed to an individual Councillor, and delivered to the offices of the Council, be opened by Council Staff and scanned into the Council's Record system?
- 1814 PREMIER—DEPARTMENT TERMINATION PAYMENT—Ms Voltz to ask the Minister for Resources, Minister for Energy and Utilities, Minister for Arts, Vice-President of the Executive Council representing the Premier—
- Did Monica Morona, the Director of Intergovernmental and Stakeholder Relations at the Department of Primary Industries receive a termination payment at the end of her employment with the Department?
- 1815 PRIMARY INDUSTRIES—DEPARTMENT TERMINATION PAYMENT—Ms Voltz to ask the Minister for Primary Industries, Minister for Regional Water, Minister for Trade and Industry—
- Did Monica Morona, the Director of Intergovernmental and Stakeholder Relations at the Department of

Primary Industries receive a termination payment at the end of her employment with the Department?

David Blunt
Clerk of the Parliaments

Authorised by the Parliament of New South Wales