



## LEGISLATIVE COUNCIL

2019-20-21

FIRST SESSION OF THE FIFTY-SEVENTH PARLIAMENT

# QUESTIONS AND ANSWERS

No. 594

TUESDAY 28 SEPTEMBER 2021

(The Questions and Answers Paper published on Monday to Friday of each week will contain, by number and title, all questions to which answers have been received the previous day and any new questions asked that day. Consequently, the full text of any question will be printed only twice: when notice is given; and, when answered.)

Notice given on date shown.

---

<b>Publication of Questions</b>	<b>Answer to be lodged by</b>
Q & A No. 579 (Including Question Nos 7391 to 7402)	28 September 2021
Q & A No. 580 (Including Question Nos 7403 to 7417)	29 September 2021
Q & A No. 581 (Including Question Nos 7418 to 7425)	30 September 2021
Q & A No. 582 (Including Question Nos 7426 to 7435)	1 October 2021
Q & A No. 583 (Including Question Nos 7436 to 7443)	4 October 2021
Q & A No. 584 (Including Question Nos 7444 to 7455)	5 October 2021
Q & A No. 585 (Including Question Nos 7456 to 7459)	6 October 2021
Q & A No. 586 (Including Question Nos 7460 to 7489)	7 October 2021
Q & A No. 587 (Including Question Nos 7491 to 7519)	8 October 2021
Q & A No. 588 (Including Question Nos 7490 to 7538)	11 October 2021
Q & A No. 589 (Including Question Nos 7539 to 7560)	12 October 2021
Q & A No. 590 (Including Question Nos 7561 to 7571)	13 October 2021
Q & A No. 591 (Including Question Nos 7572 to 7600)	14 October 2021
Q & A No. 592 (Including Question Nos 7601 to 7602)	15 October 2021
Q & A No. 593 (Including Question Nos 7603 to 7621)	18 October 2021
Q & A No. 594 (Including Question Nos 7622 to 7626)	19 October 2021

**7 SEPTEMBER 2021**

(Paper No. 579)

- \* 7391 AGRICULTURE AND WESTERN NEW SOUTH WALES—NSW MAINLAND MARINE PARK NETWORK DRAFT—The Hon. Mark Banasiak to ask the Minister for Mental Health, Regional Youth and Women representing the Minister for Agriculture and Western New South Wales—
- (1) Have the Marine Park Advisory Committees been updated on the NSW Mainland Marine Park Network Draft Management Plan?
    - (a) If so, when did this happen?
    - (b) Has the Minister endorsed and approved this Draft Plan?
    - (c) When will community consultation begin?
      - (i) How long will it go for?
  - (2) Will this Draft Management Plan contain lines on maps when it comes to Sanctuary Zones?
    - (a) Will it be completed by the end of the year?
  - (3) Have the 5 Marine Park Advisory Committees seen the actual Draft Management Plan including any zoning maps before being publicly released?
    - (a) If no, why not?
  - (4) Have the 5 Marine Park Advisory Committees made any recommendations to increase or decrease the size of Sanctuary Zones as part of the Draft Plan?
  - (5) Has the Minister sought any input or advice for this Draft from any non-government appointed recreational fishing representatives or peak bodies?
    - (a) If so, which ones?
  - (6) Have all the positions for recreational fishing and spearfishing members and alternate members been filled on these Marine Park Advisory Committees?
    - (a) If not, what positions have not been filled?
      - (i) In which Marine Park Advisory Committees are these vacancies?
  - (7) How will this Draft Management plan be resourced?
    - (a) How much money will be allocated to each marine park?
  - (8) Will all proposed lockouts of recreational anglers be scientific evidence based with regards to Sanctuary Zones in the Draft Plan?
    - (a) Can you explain the role of a Sanctuary Zone?
    - (b) Will Sanctuary Zones be used to manage user conflict – e.g. Fishers / SCUBA divers?
    - (c) Will fishers be expected to trade off anything under this Draft Plan?
  - (9) Can you define low and minimal fishing practices that might be included in the Draft Plan?
  - (10) What localised baseline data will be provided as part of the Draft Management Plan to support the existing Sanctuary Zones in these 5 NSW Mainland Marine Park Network?

Answer—

The marine park advisory committees were provided with opportunities to attend a briefing on the draft Network Management Plan. These were held on 27 August and 1 September.

Under section 49 of the Marine Estate Management Act 2014 a draft management plan must be made available for a minimum of two months for the community to make submissions.

The draft Network Management Plan does not include any zoning maps. The detail of management rules (including zones) will be covered in stage 2 of the Network Management Plan process.

Information relating to Marine Park Advisory Committees is available from [www.marine.nsw.gov.au/advisory-bodies/marine-park-advisory-committees](http://www.marine.nsw.gov.au/advisory-bodies/marine-park-advisory-committees).

\* 7392 AGRICULTURE AND WESTERN NEW SOUTH WALES—DPI FISHERIES—The Hon. Mark Banasiak to ask the Minister for Mental Health, Regional Youth and Women representing the Minister for Agriculture and Western New South Wales—

- (1) The Recreational Fishing NSW Advisory Council, the Recreational Fishing Saltwater Trust Expenditure Committee and the Recreational Fishing Freshwater Trust Expenditure Committee comprise Department of Primary Industries (DPI) fisheries managers and ministerially-appointed representatives from the recreational fishing community. They are funded by New South Wales recreational fishing licences, receiving about \$15 million per year which is then distributed to applicants such as recreational anglers, fishing organisations, universities, councils, community groups and other individuals.

There has been notable delays in getting reports, minutes and application approvals (or rejections) approved by the minister's office and therefore published, in some cases over a year before this information is made public:

- (a) What is the reason for the repeated delays?
- (b) When is the minister's office expected to catch up with approving recommendations?
- (c) What is the number of applications that are caught in this backlog?
- (d) What is the dollar value of those projects?
- (e) What effect does the backlog of approvals have on the operations of DPI Fisheries, who fund more than 60 staff from these Trust Funds?
- (f) How are applications by DPI Fisheries for funds handled, compared to applications from other organisations and individuals?
  - (i) Are they fast-tracked or considered separately so that DPI Fisheries work is not interrupted?

Answer—

- (1)
- (a) Recreational Fishing NSW Advisory Council meeting summaries are available on the Department of Primary Industries website.
  - (b) Projects funded by the Recreational Fishing Trust are detailed on the Department of Primary Industries website.
  - (c) None.
  - (d) Zero.
  - (e) Departmental staff are not paid directly from the Recreational Fishing Trusts. Project funding from the Trusts is provided for operational and staffing costs associated with the management and delivery of recreational fishing projects.
  - (f) All applications from the Recreational Fishing Trusts are reviewed by the Recreational Fishing Saltwater and Freshwater Trust Expenditure Committees and all advice on expenditure priorities is provided to me through the Recreational Fishing NSW Advisory Council.
    - (i) No.

\* 7393 PLANNING AND PUBLIC SPACES—AEROTROPOLIS PENRITH AREA—The Hon. Mark Banasiak to ask the Minister for Mental Health, Regional Youth and Women representing the Minister for Planning and Public Spaces—

- (1) As the Minister with direct responsibility for the Aerotropolis.

In July 2019, residents in the Local Government Area (LGA) of Aerotropolis Penrith area received supplementary Notices of Assessment that was issued by the Valuer General of NSW for the period 01/07/2019. The Supplementary Notice also amended the zoning for the property as Enterprise, instead of Rural Landscape for the 2019 period.

The Supplementary Notice was issued under s60A(1)A of the Valuation of Land Act 1916 No 2, which holds that a Supplementary Notice may be issued if Council notifies that a change in Zoning has occurred.

Given that no such change in zoning occurred until the 1 October when under s2(1) of the State Environment Planning Policy (Western Sydney Aerotropolis) 2020 NSW the policy commenced:

- (a) Why were these supplementary notices issued citing a zoning change that hadn't occurred?
- (b) Who instructed the Valuer General to reflect a zoning change in supplementary notices that had not yet occurred?
- (c) What calculations/estimates were made by your department on the increase in land tax and council rates to be gained by this pre-emptive change?
- (d) Was this pre-emptive change designed to increase rates, therefore encouraging residents within the area of the proposed western Sydney airport to sell their properties?
- (e) Why were larger landholders within the LGA of Aerotropolis Penrith given discounted land valuations compared to smaller landholders up to 2018?
- (f) Why in 2019 after the sale of some of these larger landholdings did the land valuation rapidly increase in some cases by 700 per cent?

Answer—

I am advised:

This is a matter for the Minister for Water, Property and Housing.

\* 7394 WATER, PROPERTY AND HOUSING—AEROTROPOLIS PENRITH AREA—The Hon. Mark Banasiak to ask the Minister for Mental Health, Regional Youth and Women representing the Minister for Water, Property and Housing—

- (1) As the minister with direct responsibility for the Valuer General.

In July 2019, residents in the Local Government Area (LGA) of Aerotropolis Penrith area received supplementary Notices of Assessment that was issued by the Valuer General of NSW for the period 01/07/2019. The Supplementary Notice also amended the zoning for the property as Enterprise, instead of Rural Landscape for the 2019 period.

The Supplementary Notice was issued under s60A(1)A of the Valuation of Land Act 1916 No 2, which holds that a Supplementary Notice may be issued if Council notifies that a change in Zoning has occurred.

Given that no such change in zoning occurred until 1 October when under s2(1) of the State Environment Planning Policy (Western Sydney Aerotropolis) 2020 NSW the policy commenced:

- (a) Why were these supplementary notices issued citing a zoning change that hadn't occurred?
- (b) Who instructed the Valuer General to reflect a zoning change in supplementary notices that had not yet occurred?
- (c) What calculations/estimates were made by your department on the increase in land tax and council rates to be gained by this pre-emptive change?
- (d) Was this pre-emptive change designed to increase rates, therefore encouraging residents within the area of the proposed western Sydney airport to sell their properties?
- (e) Why were larger landholders within the LGA of Aerotropolis Penrith given discounted land valuations compared to smaller landholders up to 2018

- (f) Why in 2019 after the sale of some of these larger landholdings did the land valuation rapidly increase in some cases by 700 per cent?

Answer—

I am advised:

- (1) Following the rezoning of lands surrounding the Western Sydney Aerotropolis on 1 October 2020 under the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020, Penrith City Council requested the Valuer General determine new valuations for rating purposes under Section 60A(1)(a) of the Valuation of Land Act 1916.

The supplementary notices were issued in December 2020, however Section 60A(3)(a) requires land to be valued at the current 1 July used for council rating purposes, being 1 July 2019. The valuation is to be recorded as made as at the time the relevant planning instrument was made, being the date of gazettal of the rezoning on 1 October 2020.

- (a) The supplementary notices were issued in December 2020, after the rezoning had occurred.
- (b) Penrith City Council requested new valuations for rating purposes following the rezoning.
- (c) The Valuer General does not levy rates or taxes and did not make any calculations or estimates regarding increases to land tax or council rates.
- (d) Supplementary notices were not issued pre-emptively, they were issued after the rezoning had occurred.
- (e) The value of larger holdings will generally have a lower value rate per square metre than smaller holdings. This is evident in the analysis of sales of larger properties compared to smaller.
- (f) The increase in land values reflects the higher permissible use of the land following the rezoning as reflected in the market sales of land in the aerotropolis area.

\* 7395 BETTER REGULATION AND INNOVATION—RENT REDUCTIONS FOR TENANTS—The Hon. Rose Jackson to ask the Minister for Finance and Small Business representing the Minister for Better Regulation and Innovation—

- (1) In relation to the Residential Tenancy Support Package:
- (a) What checks and processes are being put in place to determine that rent reductions for tenants have taken place?

Answer—

- (1)
- (a) Applicants must include a copy of the signed Rent Variation Agreement between the landlord and the tenant. Tenants are notified when an application has been made and the payment processed.

If a tenant is concerned that a landlord has received a payment where there has been no rent reduction provided, they can make a complaint with Fair Trading for further investigation.

To accept payment, landlords and agents must consent to the terms and conditions including that the amount paid cannot be recovered from the tenant.

\* 7396 BETTER REGULATION AND INNOVATION—RESIDENTIAL TENANCY SUPPORT PACKAGE COMPLAINTS—The Hon. Rose Jackson to ask the Minister for Finance and Small Business representing the Minister for Better Regulation and Innovation—

- (1) Have you received any formal complaints in relation to the Residential Tenancy Support Package?
- (a) If so, how many?

Answer—

- (1) Yes.

- (a) As at 10 September 2021, one formal complaint has been received by the Minister for Better Regulation and Innovation.

\* 7397 BETTER REGULATION AND INNOVATION—RESIDENTIAL TENANCY SUPPORT PACKAGE LANDLORD APPLICATION—The Hon. Rose Jackson to ask the Minister for Finance and Small Business representing the Minister for Better Regulation and Innovation—

- (1) What was the average time for a Residential Tenancy Support Package landlord application to be processed and approved?

Answer—

- (1) Most applications are approved immediately if the required conditions are met (that is, a registered bond and a Rent Variation Agreement attached to the application). Once approved, applicants generally receive payment within two weeks.

\* 7398 BETTER REGULATION AND INNOVATION—RESIDENTIAL TENANCY SUPPORT PACKAGE—The Hon. Rose Jackson to ask the Minister for Finance and Small Business representing the Minister for Better Regulation and Innovation—

- (1) In total how many applications have been made by landlords to access the Residential Tenancy Support Package?

- (a) How many of these applications were:
- (i) Approved?
  - (ii) Provided with a land tax concession?

Answer—

Information on the Government's residential tenancy support payments including the number of applications received, number of applications approved or declined and the total amount released can be found on the Fair Trading website.

\* 7399 EDUCATION AND EARLY CHILDHOOD LEARNING—STEM SCHOOL—The Hon. Mark Latham to ask the Minister for Education and Early Childhood Learning—

- (1) How did the Government respond to representations from the Sydney Science Park in September 2017 to the then Minister for Education to limit the use of the term 'Science, technology, engineering, and mathematics (STEM) School' in New South Wales schools to protect the value of that terminology as used by the developers Celestino in their proposed Parramatta Catholic Diocese STEM School, which they planned to open in 2021?

- (a) Are there any restrictions on the use of the term 'STEM School' in the New South Wales education system?

Answer—

Under Section 27(2) of the Education Act 1990 (NSW), the Minister for Education has the power to name or change the name of government schools. The Department of Education's policy for naming Government schools accords with this section of the Education Act and is done so in consultation with the community.

There are no requirements or conventions regarding the naming of non-government schools in the NSW Education Standards Authority registration requirements.

\* 7400 TREASURER—HEAD OF REGULATORY AFFAIRS—The Hon. Daniel Mookhey to ask the Minister for Finance and Small Business representing the Treasurer—

- (1) Has icare hired a new Head of Regulatory Affairs?

- (a) If so:
- (i) Who was the successful candidate?
  - (ii) What was the process used to identify this candidate?

- (iii) Who does the head of Regulatory Affairs report to?
  - (iv) Who in iCare authorised the hiring decision?
  - (v) Who were the successful candidate's references?
  - (vi) What is their fixed remuneration?
- (2) Has iCare's board agreed KPIs with the iCare Head of Regulatory Affairs?
- (a) If so:
    - (i) Please list the KPIs
    - (ii) When will they be next assessed?
- (3) Is the Head of Regulatory Affairs entitled to any bonus or incentive payment?
- (a) If so, what is the maximum amount they can earn in a year?

Answer—

Mr James Camilleri has commenced at iCare in a permanent capacity as Head of Regulatory Affairs. This role reports to the Group Executive, Risk and Governance. The role was advertised on Seek, LinkedIn, iCare website careers page and internal platform – HUGO. Mr Camilleri applied for the role via a recruitment agency search firm, along with 21 other candidates. Of these, a total of five applicants were shortlisted by the recruitment agency search firm. All five of these shortlisted candidates were interviewed.

iCare's recruitment processes include numerous interviews, psychometric testing and other independent assessments of skills and experience including SHL and Hogan. Mr Camilleri was appointed to the role following this extensive merit-based process.

Given his recent commencement in the role, KPIs have yet to be agreed and set, however as Mr Camilleri's role is not part of the Group Executive or Senior Leadership Group, his KPIs do not require Board approval. The role is eligible to receive a bonus subject to performance outcomes for the performance year and only if approved by the Board.

\* 7401 HEALTH AND MEDICAL RESEARCH—WORKFORCE OF JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK—The Hon. Tara Moriarty to ask the Minister for Mental Health, Regional Youth and Women representing the Minister for Health and Medical Research—

- (1) How many people work with and for the Justice Health and Forensic Mental Health Network in New South Wales as of 7 September 2021?
- (a) Broken down by:
    - (i) Permanent staff?
    - (ii) Full-time staff?
    - (iii) Part-time staff?
    - (iv) Casual staff?
    - (v) Contractors?
- (2) Please provide a breakdown of the Justice Health and Forensic Mental Health Network workforce by their geography?

Answer—

- (1-2) Information on workforce figures for Justice Health and Forensic Mental Health Network in NSW is available in its annual publication *Our Network*.

The breakdown of staff is publicly available in the 2020 NSW Workforce Profile Report, which includes the Network's profile as part of the overall NSW Health workforce. The data is broken up by metropolitan and regional areas.



\* 7402 HEALTH AND MEDICAL RESEARCH—MEDICAL EXEMPTION CRITERIA FOR COVID-19 VACCINATION—Reverend the Hon. Fred Nile to ask the Minister for Mental Health, Regional Youth and Women representing the Minister for Health and Medical Research—

(1) We have received correspondence from a concerned constituent who has been diagnosed with chronic immunocompromised medical condition for over ten years. This constituent does not want to take a COVID-19 vaccine out of concerns for her pre-existing medical condition. The current medical exemption criteria only allows for those who have had a serious allergic reaction to a dose of vaccination to be exempt from the Covid-19 requirement. This constituent is also a dedicated employee of NSW Health:

(a) Will the Minister consider broadening the medical exemption criteria for COVID-19 vaccination?

Answer—

(1)

(a) People with immunocompromised medical conditions have an increased risk of severe illness and adverse outcomes from COVID-19. The Australian Technical Advisory Group (ATAGI) Clinical guidance on use of COVID-19 vaccine in Australia in 2021 recommends COVID-19 vaccine for people who are immunocompromised because of their increased risk of severe illness with COVID-19.

NSW Health will continue to provide COVID-19 vaccines in line with advice from ATAGI.

### 8 SEPTEMBER 2021

(Paper No. 580)

\* 7406 CUSTOMER SERVICE—NSW COVID SAFE APP—Mr David Shoebridge to ask the Minister for Finance and Small Business representing the Minister for Customer Service, and Minister for Digital—

(1) What if any personal information collected by or from the Service NSW COVID Safe Check-in app has been retained beyond the 28 day period specified in the FAQs?

(2) Per day how many check ins are conducted on the app?

(3) How many records are accessed each day for COVID related contact tracing purposes?

(4) Have there been any audits or reviews of the use of the app either internally, or by the Information and Privacy Commissioner, the Ombudsman, the Auditor-General or any other external agency?

(5) Was consideration given when the app was built to include functionality enabling notifications of exposures to be directly delivered to app users who had checked in at a relevant location?

(a) If not, why not?

(6) How much is it costing to enable this additional functionality?

(7) How long will it take before this is available as an update for users?

(8) How many times, if any, have New South Wales Police accessed the data and what protections, if any, are there to prevent this occurring?

Answer—

(1) No Information collected by the COVID Safe check-in has been stored by Service NSW beyond 28 days.

(2) The average number of check ins per day from 12 August 2020 to 16 September 2021 was 1,815,241.

(3) Contact tracing is a matter for the Minister for Health and Medical Research.

(4) The Information and Privacy Commission has been regularly briefed on the COVID Safe product and its enhancements.

- (5) Functionality for notifications of exposure was not specifically included in the initial build
- (a) NSW Health manage communication to close or casual contacts. Inclusion of notifications for exposures was not in scope for Service NSW during the development of the COVID Safe Check-in.
- (6) Service NSW has an existing notifications capability which could be leveraged to include notifications for the COVID Safe Check-in, if required.
- (7) Service NSW and NSW Health are exploring options to use this functionality.
- (8) NSW Police can access deidentified aggregate check-in data for the purpose of compliance checks, via the Service NSW Spot Check tool. Service NSW has not provided or made available to NSW Police any COVID Safe Check-in data, as personal information is only shared with NSW Health for contact tracing.

Service NSW and NSW Health are the only organisations who have access to the Service NSW COVID check-in data in accordance with the Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021.

## 28 SEPTEMBER 2021

(Paper No. 594)

7622 CUSTOMER SERVICE—COVID-19 REOPENING ROADMAP—The Hon. Mark Latham to ask the Minister for Finance and Small Business representing the Minister for Customer Service, and Minister for Digital—

- (1) Under the New South Wales COVID-19 reopening roadmap, from 11 October to 1 December 2021, when commercial premises will have only vaccinated staff and customers, will premises that experience a COVID-19 infection have to:
- (a) Close down for deep cleaning?
- (b) Isolate their staff as close contacts for 2 weeks?
- (i) What are the details?
- (2) How will this policy depart from past COVID health practices in New South Wales?

7623 HEALTH AND MEDICAL RESEARCH—COVID-19 REOPENING ROADMAP—The Hon. Mark Latham to ask the Minister for Mental Health, Regional Youth and Women representing the Minister for Health and Medical Research—

- (1) Under the New South Wales COVID-19 reopening roadmap, from 11 October to 1 December 2021, when commercial premises will have only vaccinated staff and customers, will premises that experience a COVID-19 infection have to:
- (a) Close down for deep cleaning?
- (b) Isolate their staff as close contacts for 2 weeks?
- (i) What are the details?
- (2) How will this policy depart from past COVID health practices in New South Wales?

7624 REGIONAL NEW SOUTH WALES, INDUSTRY AND TRADE—COVID-19 REOPENING ROADMAP—The Hon. Mark Latham to ask the Minister for Education and Early Childhood Learning representing the Deputy Premier, and Minister for Regional New South Wales, Industry and Trade—

- (1) Under the New South Wales COVID-19 reopening roadmap, from 11 October to 1 December 2021, when commercial premises will have only vaccinated staff and customers, will premises that experience a COVID-19 infection have to:
- (a) Close down for deep cleaning?
- (b) Isolate their staff as close contacts for 2 weeks?

- (i) What are the details?
- (2) How will this policy depart from past COVID health practices in New South Wales?
- 7625 PLANNING AND PUBLIC SPACES—GATEWAY DETERMINATION—The Hon. Mark Latham to ask the Minister for Mental Health, Regional Youth and Women representing the Minister for Planning and Public Spaces—
- (1) Further to the Minister's answer to Question on Notice 7351:
- (a) In enforcing the 3400 residential dwelling cap at the Sydney Science Park, will the Department of Planning, Industry and Environment (DPIE) also be enforcing the Gateway Determination signed off by Marcus Ray on 9 July 2015 for the staging rate of permissible dwelling approvals, with the cumulative dwelling approvals not to be exceeded until the relevant quantity of employment floor space is completed?
- 7626 TRANSPORT AND ROADS—CELESTINO—The Hon. Mark Latham to ask the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts representing the Minister for Transport and Roads—
- (1) Further to the Minister's answer to Question on Notice 7366:
- (a) Will the Minister ask Sydney Metro to check its records on advice received about the Government's promise to Celestino, circa 2011-13, to build a rail line and rail station at Luddenham as part of the Sydney Science Park land development?
- (b) In the past 12 months, has any Sydney Metro Property Acquisition Manager reported that post-2012, Celestino believed that the Government would deliver to them the publicly-funded infrastructure even though it was not part of Transport for NSW's planning at that time?
- (i) What are the details?
- (2) In light of this record-checking, will the Minister now apologise for and withdraw his answer 7366, which appears to have provided inaccurate information to the Parliament?
- (3) What steps will the Minister take if a review of the records indicates that answer 7366 was inaccurate?

David Blunt  
Clerk of the Parliament