



LEGISLATIVE COUNCIL

2023

FIRST SESSION OF THE FIFTY-EIGHTH PARLIAMENT

**QUESTIONS
AND
ANSWERS**

No. 79

MONDAY 28 AUGUST 2023

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

Notice given on date shown.

Publication of Questions	Answer to be lodged by
Q & A No. 23 (Including Question Nos 0300 to 0355)	30 June 2023
Q & A No. 64 (Including Question Nos 0999 to 1004)	28 August 2023
Q & A No. 65 (Including Question Nos 1005 to 1021)	29 August 2023
Q & A No. 66 (Including Question Nos 1022 to 1030)	30 August 2023
Q & A No. 67 (Including Question Nos 1031 to 1031)	31 August 2023
Q & A No. 68 (Including Question Nos 1032 to 1036)	1 September 2023
Q & A No. 69 (Including Question Nos 1037 to 1096)	4 September 2023
Q & A No. 70 (Including Question Nos 1097 to 1100)	5 September 2023
Q & A No. 71 (Including Question Nos 1101 to 1102)	6 September 2023
Q & A No. 72 (Questions—Nil)	-
Q & A No. 73 (Including Question Nos 1103 to 1124)	8 September 2023
Q & A No. 74 (Including Question Nos 1125 to 1133)	11 September 2023
Q & A No. 75 (Including Question Nos 1134 to 1136)	12 September 2023
Q & A No. 76 (Including Question Nos 1137 to 1145)	13 September 2023
Q & A No. 77 (Including Question Nos 1146 to 1147)	14 September 2023
Q & A No. 78 (Including Question Nos 1148 to 1151)	15 September 2023
Q & A No. 79 (Including Question Nos 1152 to 1157)	18 September 2023

7 AUGUST 2023

(Paper No. 64)

* 0999 ROADS—DOUBLE-DEMERIT PERIODS—The Hon. Tania Mihailuk to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy—

- (1) Can the Minister advise, is there evidence for the effectiveness of double-demerit periods for improving road safety?
 - (a) If so, please provide details?
- (2) Are there any plans to conduct a review of double-demerit periods to increase the evidence base for their effectiveness?
 - (a) If not, why not?

Answer—

I am advised

The Demerit Point Scheme in NSW is based on a nationally agreed system and is designed to encourage safe driving and act as an incentive to drive within the law, in conjunction with enforcement and public education campaigns.

Demerit point schemes have been shown to shift unsafe driver behaviour, particularly as drivers move closer to their demerit point limit.

Monitoring since the introduction of demerit points in 1997 indicates there is strong community support and self-reported behaviour change during holiday periods.

The doubling of demerit points during public holiday long weekends increases the incentive for drivers to drive safely and obey the law during a time where there is increased crash risk due to higher volumes of traffic on the road network, with many motorists also travelling longer distances or on unfamiliar roads as they travel for holidays.

Crash analysis demonstrates the ongoing effectiveness of double demerit points in NSW in conjunction with enforcement and public education campaigns operating during holiday periods. Analysis conducted by Transport for NSW shows that average fatalities per day are lower during double demerit periods than periods outside of double demerits.

Double demerit points fall over periods where travel on the network is higher due to school holidays or long weekends. This means a greater number of people are exposed to risk on the network which drives increased trauma. Double demerits are one of the mechanisms that deter risk taking behaviour during these higher risk periods.

Based on the above, there are currently no plans to review the double-demerit periods.

* 1000 ATTORNEY GENERAL—REVIEW ANTI-DISCRIMINATION ACT—The Hon. Tania Mihailuk to ask the Treasurer representing the Attorney General—

- (1) In regard to the the recently commenced review of the Anti-Discrimination Act by the NSW Law Reform Commission:
 - (a) Can the Minister advise, what are the timeframes for the review to be completed?
 - (b) Will a draft proposal be made available for public consultation?

Answer—

I am advised:

(1)(a)

The Attorney General referred the *Anti-Discrimination Act 1977* to the NSW Law Reform Commission (NSWLRC) for review on 19 June 2023. The Terms of Reference for this review are available on the NSWLRC's website:

https://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_current_projects/ADA/ADA_Project.aspx.

The Terms of Reference do not specify a due date for the review to be completed. However, I am confident the NSWLRC is best placed to balance the complex and comprehensive task it has been given.

(1) (b)

The NSWLRC has invited preliminary submissions on issues relevant to the Terms of Reference for the review of the *Anti-Discrimination Act 1977*. The call for submissions is available on the NSWLRC's website:

https://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_current_projects/ADA/ADA_Project.aspx.

The website also describes the NSWLRC's law reform process, including the consultation it undertakes:

https://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_aboutus/Our_law_reform_process-.aspx.

* 1001 HEALTH—DENIAL OF LUNG TRANSPLANT—The Hon. Tania Mihailuk to ask the Minister for Finance, and Minister for Natural Resources representing the Minister for Health, Minister for Regional Health, and Minister for the Illawarra and the South Coast—

(1) Can the Minister advise, with regard to recent media reports into the case of 16-year-old Leukemia patient Dazelle Peters being denied a lung transplant, has the decision as to whether she receives a lung transplant been reviewed?

(a) If not, will the decision be reviewed?

(b) If not, why not?

Answer—

I am advised:

For privacy considerations, I am unable to comment on specific details of individual patient care.

I have been assured that clinicians providing care follow protocols aligned with the International Society of Heart/Lung Transplantation recommendations, and the Transplant Society of Australia and New Zealand guidelines.

* 1002 ATTORNEY GENERAL—VILIFICATION PROVISIONS - ANTI-DISCRIMINATION ACT—The Hon. Tania Mihailuk to ask the Treasurer representing the Attorney General—

(1) Can the Minister advise, what steps has the Attorney-General taken, or will take, to ensure that the vilification provisions in the Anti-Discrimination Act will not be used for frivolous or vexatious actions, particularly in light of the recent amendments to include religious belief or activity (or lack of religious belief of activity) as a protected ground against vilification?

Answer—

I am advised:

Under the *Anti-Discrimination Act 1977* (**the Act**) vilification complaints are made at first instance to the President of the Anti-Discrimination Board. The Act includes provisions that govern how a complaint is made and when it may be declined. These provisions include:

- Section 88, which provides standing requirements for making a vilification complaint. These requirements mean the complainant must have or claim to have the characteristic (without sufficient reason to doubt) that is the ground for the complaint.
- Section 89B, which allows the President of the Anti-Discrimination Board to decline a complaint for several reasons, including if no part of the conduct complained of could amount to a contravention of the Act.
- Section 92, which allows the President to decline a complaint during investigation if the President considers that the complaint is frivolous, vexatious, misconceived or lacking in substance.

The NSW Law Reform Commission is currently conducting a comprehensive review of the Act. This review will consider all aspects of the Act, including the adequacy and accessibility of complaints procedures and remedies, and the powers and functions of the Anti-Discrimination Board of NSW and its President.

* 1003 HEALTH—DENIAL OF LUNG TRANSPLANT—The Hon. Tania Mihailuk to ask the Minister for Finance, and Minister for Natural Resources representing the Minister for Health, Minister for Regional Health, and Minister for the Illawarra and the South Coast—

- (1) In regard to recent media reports into the case of 16-year-old Leukemia patient Dazelle Peters being denied a lung transplant:
- (a) Has the Minister received any representations regarding this matter?
- (b) Will the Minister investigate this matter?

Answer—

I am advised:

Yes, the Minister for Health and Minister for Regional Health has received representations about this case, including from Dazelle's family, and has provided a considered response.

I have been assured that the clinicians providing her care have followed protocols aligned with the International Society of Heart/Lung Transplantation recommendations, and the Transplant Society of Australia and New Zealand guidelines.

* 1004 TRANSPORT—SYDNEY METRO – PROTECTED INDUSTRIAL ACTIONS—The Hon. Damien Tudehope to ask the Minister for Jobs and Tourism, Special Minister of State, Minister for Roads, Minister for the Arts, and Minister for Music and the Night-time Economy representing the Minister for Transport—

- (1) Can the Minister advise, on how many occasions in 2022 was planned work by Sydney Metro cancelled or limited due to protected industrial action?
- (a) Which projects of Sydney Metro were impacted by these cancellations or limitations?
- (i) For each project impacted, what is the estimated effect on the total cost of the project?
- (ii) For each project impacted, what is the estimated delay in completing the project?

Answer—

I am advised

Sydney Trains experienced approximately 12 months of continuous industrial action in 2021-22 resulting in the cancellation of more than 22 rail possessions scheduled by Sydney Metro to deliver the City and Southwest Metro line works.

The Sydney Metro Independent Review Interim Report has outlined the estimated effect on the total cost to the project and time delay. The Interim Report summary is available on the Transport for NSW website.

28 AUGUST 2023

(Paper No. 79)

1152 MENTAL HEALTH—WESTMEAD MOTHER AND BABY UNIT—The Hon. Susan Carter to ask the Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast—

- (1) Can the Minister advise, how many inpatients are currently in the Westmead Hospital Mother and Baby Unit?
- (2) How long is the waitlist for the Westmead Hospital Mother and Baby Unit?
- (3) Since its inception how many inpatients has the Westmead Hospital Mother and Baby Unit served?
- (4) What is the average length of stay of an inpatient at the Westmead Hospital Mother and Baby Unit?
- (5) How many mental health nurses are employed full time at the Westmead Hospital Mother and Baby Unit?
- (6) How many casual mental health nurses are employed at the Westmead Hospital Mother and Baby Unit?

- (7) How many Aboriginal mental health clinicians are employed full time at the Westmead Hospital Mother and Baby Unit?
 - (8) How many casual Aboriginal mental health clinicians are employed at the Westmead Hospital Mother and Baby Unit?
 - (9) How many child and family health nurses are employed full time at the Westmead Hospital Mother and Baby Unit?
 - (10) How many casual child and family health nurses are employed at the Westmead Hospital Mother and Baby Unit?
 - (11) How many psychiatrists are employed full time at the Westmead Hospital Mother and Baby Unit?
 - (12) How many casual psychiatrists are employed at the Westmead Hospital Mother and Baby Unit?
 - (13) How many paediatricians are employed full time at the Westmead Hospital Mother and Baby Unit?
 - (14) How many casual paediatricians are employed at the Westmead Hospital Mother and Baby Unit?
 - (15) How many peer workers are employed full time at the Westmead Hospital Mother and Baby Unit?
 - (16) How many casual peer workers are employed at the Westmead Hospital Mother and Baby Unit?
 - (17) How many social workers are employed full time at the Westmead Hospital Mother and Baby Unit?
 - (18) How many casual social workers are employed at the Westmead Hospital Mother and Baby Unit?
 - (19) How many clinical psychologists are employed full time at the Westmead Hospital Mother and Baby Unit?
 - (20) How many casual clinical psychologists are employed at the Westmead Hospital Mother and Baby Unit?
 - (21) How many occupational therapists are employed full time at the Westmead Hospital Mother and Baby Unit?
 - (22) How many casual occupational therapists are employed at the Westmead Hospital Mother and Baby Unit?
 - (23) How many exercise physiologists are employed full time at the Westmead Hospital Mother and Baby Unit?
 - (24) How many casual exercise physiologists are employed at the Westmead Hospital Mother and Baby Unit?
- 1153 HEALTH—WESTMEAD MOTHER AND BABY UNIT—The Hon. Susan Carter to ask the Minister for Finance, and Minister for Natural Resources representing the Minister for Health, Minister for Regional Health, and Minister for the Illawarra and the South Coast—
- (1) Can the Minister advise, how many inpatients are currently in the Westmead Hospital Mother and Baby Unit?
 - (2) How long is the waitlist for the Westmead Hospital Mother and Baby Unit?
 - (3) Since its inception how many inpatients has the Westmead Hospital Mother and Baby Unit served?
 - (4) What is the average length of stay of an inpatient at the Westmead Hospital Mother and Baby Unit?
 - (5) How many mental health nurses are employed full time at the Westmead Hospital Mother and Baby Unit?
 - (6) How many casual mental health nurses are employed at the Westmead Hospital Mother and Baby Unit?
 - (7) How many aboriginal mental health clinicians are employed full time at the Westmead Hospital Mother and Baby Unit?
 - (8) How many casual aboriginal mental health clinicians are employed at the Westmead Hospital Mother and Baby Unit?

- (9) How many child and family health nurses are employed full time at the Westmead Hospital Mother and Baby Unit?
- (10) How many casual child and family health nurses are employed at the Westmead Hospital Mother and Baby Unit?
- (11) How many psychiatrists are employed full time at the Westmead Hospital Mother and Baby Unit?
- (12) How many casual psychiatrists are employed at the Westmead Hospital Mother and Baby Unit?
- (13) How many paediatricians are employed full time at the Westmead Hospital Mother and Baby Unit?
- (14) How many casual paediatricians are employed at the Westmead Hospital Mother and Baby Unit?
- (15) How many peer workers are employed full time at the Westmead Hospital Mother and Baby Unit?
- (16) How many casual peer workers are employed at the Westmead Hospital Mother and Baby Unit?
- (17) How many social workers are employed full time at the Westmead Hospital Mother and Baby Unit?
- (18) How many casual social workers are employed at the Westmead Hospital Mother and Baby Unit?
- (19) How many clinical psychologists are employed full time at the Westmead Hospital Mother and Baby Unit?
- (20) How many casual clinical psychologists are employed at the Westmead Hospital Mother and Baby Unit?
- (21) How many occupational therapists are employed full time at the Westmead Hospital Mother and Baby Unit?
- (22) How many casual occupational therapists are employed at the Westmead Hospital Mother and Baby Unit?
- (23) How many exercise physiologists are employed full time at the Westmead Hospital Mother and Baby Unit?
- (24) How many casual exercise physiologists are employed at the Westmead Hospital Mother and Baby Unit?

1154 ROADS—ACCELERATED INFRASTRUCTURE FUND ROUND 3 – TRANSPORT FOR NSW PROJECTS—The Hon. Scott Farlow to ask the Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism—

- (1) Regarding Round 3 of the Accelerated Infrastructure Fund, can the Minister advise, will the Government commit to delivering each of the following projects which are to be delivered by Transport for NSW, in full:
 - (a) \$15 million for the Daniels Road Bus Link, Marsden Park in Blacktown Local Government Area?
 - (i) What is the current delivery status?
 - (b) \$13.5 million for McEvoy Street and Botany Road, Waterloo intersection improvements in the City of Sydney Local Government Area?
 - (i) What is the current delivery status?

1155 PLANNING AND PUBLIC SPACES—ACCELERATED INFRASTRUCTURE FUND ROUND 3 – METROPOLITAN NSW—The Hon. Scott Farlow to ask the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage representing the Minister for Planning and Public Spaces—

- (1) Regarding Round 3 of the Accelerated Infrastructure Fund, can the Minister advise, will the Government commit to delivering each of the following projects in full:
 - (a) \$10 million for the Barton Park Recreational Precinct in Bayside Local Government Area?
 - (b) \$15 million for the Daniels Road Bus Link, Marsden Park in Blacktown Local Government Area?

- (c) \$3.83 million for the Railway Terrace Basin 3 in Blacktown Local Government Area?
 - (d) \$4.32 million for Tallawong Road in Blacktown Local Government Area?
 - (e) \$18.06 million for Dickson Road and Town Centre Entry in Camden Local Government Area?
 - (f) \$3.71 million for Woolgen Park Road in Camden Local Government Area?
 - (g) \$6 million for Colongra Sporting Complex in Central Coast Local Government Area?
 - (h) \$9.56 million for Gwandalan Sewerage Treatment Plant Upgrade in Central Coast Local Government Area?
 - (i) \$4.61 million for Gosford Sewer Upgrade Package 7 in Central Coast Local Government Area?
 - (j) \$13.5 million for McEvoy Street and Botany Road, Waterloo intersection improvements in the City of Sydney Local Government Area?
 - (k) \$2 million for Lidcombe Town Centre – High Street Activation and Remembrance Park Upgrade in the Cumberland Local Government Area?
 - (l) \$500,000 for the Lytton Street Park Masterplan in the Cumberland Local Government Area?
 - (m) \$4.74 million for the Fourth Avenue Upgrade between Fifth and Sixth Avenue, Austral in the Liverpool Local Government Area?
 - (n) \$7.61 million for Western Corridor Road Infrastructure Upgrades in Newcastle Local Government Area?
 - (o) \$9.42 million for the delivery of a new Granville Town Centre in Parramatta Local Government Area?
 - (p) \$5 million for the F.S. Garside Park Upgrade in Parramatta Local Government Area?
 - (q) \$8.11 million for the Carter Street Bridges and Cycleway in Parramatta Local Government Area?
 - (r) \$10.56 million for a new north-south pedestrian spine through the centre of Parramatta CBD, named “Civic Link Block 3” in Parramatta Local Government Area?
 - (s) \$1.55 million for Epping Town Centre East Upgrades in the Parramatta Local Government Area?
 - (t) \$660,000 for the delivery of walking and cycling path improvements for key links to Granville Town Centre and to complement upgrades through the Parramatta Road Urban Amenity Improvement Program, named “Connecting Granville” in Parramatta Local Government Area?
 - (u) \$2.8 million for Parramatta CBD Southern Precinct Upgrades in the Parramatta Local Government Area?
 - (v) \$1.16 million for the Regional Route 03 Cycleway between Macquarie Park and West Ryde in the Ryde Local Government Area?
 - (w) \$7 million for Constitution Road Infrastructure Upgrades in Ryde Local Government Area?
 - (x) \$6.05 million for the Meadowbank Park Masterplan – Delivery of part of Stages 3 and 4 in Ryde Local Government Area?
 - (y) \$1.13 million for construction of a 190m shared path along Hermitage Road, West Ryde in Ryde Local Government Area?
 - (z) \$2.62 million for traffic lights on the junction of Parkes Street and Blaxland Road in Ryde Local Government Area?
 - (aa) \$5.98 million for Kirrawee Library, Technology and Community Hub in Sutherland Local Government Area?
 - (bb) \$2.99 million for Seymour Shaw Park Masterplan Implementation Stage 2 in Sutherland Local Government Area?
 - (cc) \$8.23 million for a bridge over Killarney Chain of Ponds – Boundary Road, Box Hill in The Hills Shire Local Government Area?
 - (dd) \$890,000 for a new culvert under Terry Road supporting the future Brindle Parkway Reserve Sports Field development in The Hills Shire Local Government Area?
- (2) What is the current delivery status for each project listed in (1)?

1156 PLANNING AND PUBLIC SPACES—ACCELERATED INFRASTRUCTURE FUND ROUND 3 – REGIONAL NSW—The Hon. Scott Farlow to ask the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage representing the Minister for Planning and Public Spaces—

- (1) Regarding Round 3 of the Accelerated Infrastructure Fund, can the Minister advise, will the Government commit to delivering each of the following projects in full:
- (a) \$10.2 million for the construction of Kerr Road from Thurgoona Drive to Table Top Road and Upgrade to Thurgoona water and wastewater trunk mains, known as “Thurgoona Growth Support – Thurgoona Link Road - Kerr Road, Stages 4 and 5 and Water & Wastewater Infrastructure” in Albury Local Government Area?
 - (b) \$16.82 million for the Wollombi Road Cessnock – Road Widening and Intersection Improvements in Cessnock Local Government Area?
 - (c) \$5.85 million for North Boambee Valley West road raising and bridge infrastructure in Coffs Harbour Local Government Area?
 - (d) \$9.23 million for the Construction of River Street West Collector Road (Stage 1) in Dubbo Local Government Area?
 - (e) \$11.53 million for the South Moruya Housing Enabling Infrastructure project in Eurobodalla Local Government Area?
 - (f) \$11.26 million for the Goulburn Waste Water Treatment Plant Upgrade Project (Stage 2) in Goulburn Mulwaree Local Government Area?
 - (g) \$5.51 million for the Northern (Chisholm) Catchment Sportsground in Maitland Local Government Area?
 - (h) \$4.56 million for the “Accelerated Infrastructure in High Growth Areas - Hallidays Point and Old Bar” project in Mid-Coast Local Government Area?
 - (i) \$16.6 million for the Tripoli Way Extension Project in Shellharbour Local Government Area?
 - (j) \$25 million for the Moss Vale Sewage Treatment Plant Upgrade in Wingecarribee Local Government Area?
- (2) What is the current delivery status for each project listed in (1)?

1157 EDUCATION AND EARLY LEARNING—NSW PUBLIC SCHOOL ENROLMENT CAPS—The Hon. Scott Farlow to ask the Minister for Finance, and Minister for Natural Resources representing the Deputy Premier, Minister for Education and Early Learning, Minister for Western Sydney, and Minister for Skills, TAFE and Tertiary Education—

- (1) Can the Minister please provide a list of the current enrolment cap in every New South Wales public school:
- (a) broken down by school?
 - (b) broken down by State electorate?
- (2) Can the Minister please provide a list of the most recent enrolment figures in every New South Wales public school:
- (a) broken down by school?
 - (b) broken down by State electorate?
- (3) When will the enrolment cap for New South Wales public schools next be revised?
- (4) How often are enrolment caps for New South Wales public schools revised?

David Blunt AM
Clerk of the Parliaments