



LEGISLATIVE COUNCIL

2023

FIRST SESSION OF THE FIFTY-EIGHTH PARLIAMENT

QUESTIONS AND ANSWERS

No. 118

FRIDAY 20 OCTOBER 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. 102 (Including Question Nos 1277 to 1283)	20 October 2023
Q & A No. 103 (Including Question Nos 1284 to 1326)	23 October 2023
Q & A No. 104 (Questions—Nil)	-
Q & A No. 105 (Including Question Nos 1327 to 1332)	24 October 2023
Q & A No. 106 (Including Question Nos 1333 to 1338)	25 October 2023
Q & A No. 107 (Including Question Nos 1339 to 1341)	26 October 2023
Q & A No. 108 (Including Question Nos 1342 to 1342)	27 October 2023
Q & A No. 109 (Including Question Nos 1343 to 1349)	30 October 2023
Q & A No. 110 (Including Question Nos 1350 to 1353)	31 October 2023
Q & A No. 111 (Including Question Nos 1354 to 1359)	1 November 2023
Q & A No. 112 (Including Question Nos 1360 to 1367)	2 November 2023
Q & A No. 113 (Questions—Nil)	-
Q & A No. 114 (Including Question Nos 1368 to 1391)	6 November 2023
Q & A No. 115 (Questions—Nil)	-
Q & A No. 116 (Including Question Nos 1392 to 1392)	8 November 2023
Q & A No. 117 (Including Question Nos 1393 to 1401)	9 November 2023
Q & A No. 118 (Including Question Nos 1402 to 1406)	10 November 2023

28 SEPTEMBER 2023

(Paper No. 102)

- * 1277 LOCAL GOVERNMENT—CODE OF CONDUCT FOR COUNCILLORS—Dr Amanda Cohn to ask the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales representing the Minister for Local Government—
- (1) Can the Minister advise, how many Code of Conduct complaints has the Office of Local Government received since 2018?
 - (a) How many of these complaints were regarding the conduct of a Councillor?
 - (b) How many of these allege misconduct in planning matters?
 - (c) How many complaints were dismissed?
 - (d) How many complaints resulted in a finding of misconduct?
 - (i) Of these, how many recommended action be taken?
 - (ii) How many recommended action not be taken?
 - (e) How many complaints were referred to the NSW Independent Commission Against Corruption (ICAC)?
 - (2) How much money have local governments in New South Wales spent on Code of Conduct complaints since 2018?
 - (3) The Independent Commission Against Corruption report “Investigation into the conduct of three former councillors of former Hurstville City Council, now part of Georges River Council, and others (Operation Galley)” makes 11 recommendations, including changes to the Model Code of Meeting Practice, guidelines, audits, and changes to both the *Local Government Act* and the Environmental Planning and Assessment Regulation, can the Minister advise, what work has the Government undertaken or will the Government undertake to implement these recommendations?

Answer—

- (1) The Office of Local Government (OLG) receives complaints about a wide range of local government and other issues, which can include complaints about councillors, staff, service delivery and statutory processes. OLG also receives complaints about how Councils manage service delivery in fields overseen by other agencies (such as water supply, environmental management, or planning).
Some matters are dealt with using OLG's regulatory powers, others are noted for information (e.g. mandatory referrals by Councils), others are treated as correspondence and replies provided.
- (1) (a)-(b) OLG does not categorise Code of Conduct matters in this way.
- (c) OLG has received 4289 complaints about Councils over the past 3 financial years (FY 20/21, 21/22 and 22/23). Of these:
 - 420 were referred for Preliminary Enquiry under section 734A of the *Local Government Act, 1993* (LG Act) and then discontinued based on an assessment of the information provided by councils;
 - 136 were investigated by OLG under section 440H of the LG Act as potential pecuniary interest matters;
 - 102 were investigated under section 440H of the LG Act for misconduct other than pecuniary interest;
 - 36 related to Public Interest Disclosures (PID) made either to OLG or made to an independent integrity agency and referred to OLG; and,
 - 2 related to political donations, which were matters for the NSW Electoral Commissioner.

- (d) Of the complaints investigated by OLG, 29 resulted in findings of misconduct.
- (i) Action was taken on all 29 matters. Details on the actions are at <https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/councillor-misconduct/deputy-secretary-decisions-orders-and-statements-of-reasons/>
- (ii) See answer to (1)(d)(i)
- (e) The obligation to refer matters to the Independent Commission Against Corruption (ICAC), rests with the Secretary. Since 2018 the Department of Planning and Environment Secretary has referred 26 matters relating to local government issues to ICAC under section 11 of the *Independent Commission Against Corruption Act*
- (2) NSW Councils and County Councils reported that they spent \$6,737,140 on managing complaints between 2018-2022.
- (3) The NSW Government is still considering its response to the ICAC recommendations from Operation Galley.

* 1278 HEALTH—CESSNOCK HOSPITAL—Dr Amanda Cohn 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, what are the number of presentations to Cessnock Hospital Emergency Department per week, for each triage category, for the period from 1 January 2023 to 30 June 2023?
- (2) In the period referenced in (1), how many patients who reside in the catchment area for Cessnock Hospital were taken directly to Maitland Hospital by NSW Ambulance?

Answer—

I'm advised:

This information is not reported on weekly.

Data from the Bureau of Health Information (BHI) Healthcare Quarterly reports (January to March and April to June) are publicly available at Bureau of Health Information.

* 1279 TREASURER—MENOPAUSE—Dr Amanda Cohn to ask the Treasurer—

- (1) In the 2022-23 budget, the Government allocated \$40 million to menopause services including \$300,000 for a state-wide education and awareness campaign on perimenopause and menopause symptoms, education for GPs and employers, can the Minister please detail how the \$300,000 was spent?

Answer—

I am advised this question is more appropriately directed to the Minister for Health.

* 1280 ATTORNEY GENERAL—MEDICINAL CANNABIS COMPASSIONATE USE SCHEME—The Hon. Jeremy Buckingham to ask the Treasurer representing the Attorney General—

- (1) Can the Minister advise, in relation to the Medicinal Cannabis Compassionate Use Scheme:
- (a) as of 1 October 2023, how many terminally ill people are registered with this scheme?
- (b) as of 1 October 2023, how many carers are registered with this scheme?

Answer—

I am advised:

In relation to the Medicinal Cannabis Compassionate Use Scheme:

- (a) as of 1 October 2023, there are 27 terminally ill people registered with this scheme.
- (b) as of 1 October 2023, there are 44 carers registered to terminally ill people registered with this scheme:

- 4 people have 0 carers
- 12 people have 1 carer
- 1 person has 2 carers
- 10 people have 3 carers.

* 1281 POLICE AND COUNTER-TERRORISM—MEDICINAL CANNABIS COMPASSIONATE USE SCHEME—The Hon. Jeremy Buckingham to ask the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales representing the Minister for Police and Counter-terrorism, and Minister for the Hunter—

- (1) Can the Minister please advise, in relation to the Medicinal Cannabis Compassionate Use Scheme:
- (a) as of 1 October 2023, how many times have police exercised their discretion under this scheme?
 - (b) in the 2022-2023 financial year how many times did police exercise their discretion under this scheme?
 - (c) in the 2021-2022 financial year how many times did police exercise their discretion under this scheme?
 - (d) in the 2020-2021 financial year how many times did police exercise their discretion under this scheme?

Answer—

I am advised:

- (1) Police exercised discretion under the Medicinal Cannabis Compassionate Use Scheme:
- (a) From 1 July 2023 to 30 September 2023: on 10 occasions
 - (b) In 2022-2023: on six (6) occasions
 - (c) In 2021-2022: on one (1) occasion
 - (d) In 2020-2021: on two (2) occasions.

* 1282 AGRICULTURE—NSW FOREST INDUSTRIES INNOVATION FUND—Ms Sue Higginson to ask the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales—

- (1) I refer to the announcement of \$3 million under the NSW Forest Industries Innovation Fund in December 2019 to Pentarch Logistics Pty Ltd for the design, installation and commissioning of a briquette plant at the Eden woodchip mill, can the Minister advise with as much detail as possible, was this funding provided and used as intended?
- (a) With as much detail as possible was it repaid or used for another purpose?
 - (i) If used as intended, when was the briquette plant completed?
 - (ii) If not used as intended, has the funding been repaid; if so when?
 - (iii) If not used as intended, what was the funding used for?
- (2) What quantity of construction grade native hardwood timber has been produced in each year from 2018 to 2023, in the following regions:
- (a) Southern Region Forest Agreement?
 - (i) Please provide a breakdown for each year?
 - (b) Eden Region Forest Agreement?
 - (i) Please provide a breakdown for each year?

- (3) What proportion of the total yield was construction grade native hardwood timber from the years 2018 to 2023 in the following regions:
 - (a) Southern Region Forest Agreement?
 - (b) Eden Region Forest Agreement?
- (4) What proportion of the yield has been exported in each year from 2018 to 2023 in the following regions:
 - (a) Southern Region Forest Agreement?
 - (i) Please provide a breakdown by year?
 - (b) Eden Region Forest Agreement?
 - (i) Please provide a breakdown by year?
- (5) What quantity, and what proportion of the yield has been for woodchips for the following regions:
 - (a) Southern Region Forest Agreement?
 - (b) Eden Region Forest Agreement?

Answer—

- (1) Funding to establish a briquette plant in Eden was provided to Pentarch through the Forest Industries Innovation Fund loan scheme, administered by the NSW Rural Assistance Authority.
 The funding provided is a loan over 17 years to be fully repaid. It is not a grant. Under the loan scheme, approved funds are drawn down on a reimbursement basis on proof of expenditure against items in the loan documentation.
 A briquette plant has been purchased and installed in Eden by Pentarch alongside the company's existing forestry operations and is fully operational. Operations at the site also include processing of hardwood logs and production of pallet boards.
 Value and use efficiency of timber processed at the site has been improved by timber that is unsuitable for sawlog, offcuts, wood shavings and sawdust, now being used to produce dense wood briquettes.
 It would be inappropriate to comment further as the matter remains commercial- in-confidence.
- (2-3) A breakdown of the volume of timber produced by State forest and product type is published in the annual Biomaterial Report, on the Forestry Corporation of NSW's website. From 2019-20, this information is reported under Timber Products in the [Sustainability Report](#). Previous reports are at the following link: <https://www.forestrycorporation.com.au/about/pubs/timber-volumes-and-modelling/biomaterial-reports>.
- (4) Forestry Corporation did not export any hardwood timber in any of these periods.
- (5) The annual Biomaterial Report details the log products produced by forest and category. See: <https://www.forestrycorporation.com.au/about/pubs/timber-volumes-and-modelling/biomaterial-reports>.

* 1283 HEALTH—VOLUNTARY ASSISTED DYING AND PALLIATIVE CARE—The Hon. Damien Tudehope 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 please advise, what are the details of the proposed capital expenditure on Voluntary Assisted Dying (VAD) for each financial year from 2023-24 and 2026-27 inclusive, totalling of \$2.789 million, including \$2.619 million as set out in Budget Paper No. 3.
- (2) Please advise details of expenditure on VAD in financial year 2022-23?
- (3) Please provide details of proposed expenditure on VAD, by year for the financial years from 2023-24 to 2026-27?
 - (a) Please include:

- (i) VAD Pharmacy Service?
 - (ii) VAD Care Navigators?
 - (iii) VAD Review Board?
 - (iv) VAD Training?
 - (v) provision of VAD in public hospitals?
 - (vi) any other VAD matters?
- (4) Can the Minister advise, when it is anticipated that the members of the VAD Review Board will be appointed?
- (a) When will they commence work?
- (5) Noting that in Budget Paper No. 2 for the 2022-23 Budget, the following provision for end of life and palliative care was made:
- "\$30.7 million recurrent expenses and \$2.0 million capital expenditure (\$650.4 million recurrent and \$93.0 million capital over five years) to enhance end of life and palliative care services for people across New South Wales through: – enhancing pain and other symptom management options – increasing capacity and ensuring equitable access to supportive and palliative care in NSW hospitals – enhancing outpatient and community health services providing end of life and palliative care – supporting consumer choice and excellence in end of life and palliative care, including an increase in First Nations palliative care staff, and the provision of education and training through scholarships and clinical placements"*
- (a) Can the Minister advise:
- (i) how much was expended on enhancing end of life and palliative care services in 2022-23?
 - (ii) please provide a breakdown of the expenditure by project?
- (b) Does the 2023-24 Budget include any provision for whatever remains to be spent of the \$650.4 million recurrent and the \$93.0 million capital committed in the 2022-23 Budget on enhancing end of life and palliative care services?
- (i) If so, please provide details?
 - (ii) If not, where have these funds been reallocated?
- (6) Have or will any of these funds been expended on planning for or providing Voluntary Assisted Dying services?

Answer—

I'm advised:

The NSW Government delivers safe, high-quality, and compassionate health care to the people of NSW.

The 2023-24 Budget includes more than \$1.7 billion over four years to 2026-27 for palliative care. Palliative care funding will be 6.8% higher in 2023-24 compared to 2022-23 with budget forecasts indicating funding will increase again by 8% in 2024-25.

The 2023-24 NSW Budget also includes a \$93 million capital investment, to redevelop and refurbish NSW Health facilities, including new dedicated palliative care units at Westmead, Nepean, Orange, Wyong, and Tamworth hospitals.

The 2023-24 Budget includes separate funding of \$97.4 million over four years (\$94.6 million recurrent expenses and \$2.8 million capital expenditure) to enable safe and equitable access to voluntary assisted dying for eligible people in New South Wales.

Publicly available information about capital works expenditure to support safe and equitable access to Voluntary Assisted Dying services is contained in Budget paper No.3.

NSW Voluntary Assisted Dying Board member appointments take effect on commencement of the Act (28 November 2023).

20 OCTOBER 2023

(Paper No. 118)

- 1402 PREMIER—THE VOICE AND GOVERNMENT EMPLOYEES—The Hon. Tania Mihailuk to ask the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage representing the Premier—
- 1) Can the Minister assure government employees who voted ‘No’ at the referendum, that they will not suffer any repercussions in their workplace?
- 1403 CLIMATE CHANGE—VOICE TO THE NSW PARLIAMENT—The Hon. Tania Mihailuk to ask the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage—
- (1) On the 14th of October, New South Wales voted to overwhelmingly reject The Voice to Parliament, with the latest count of the ‘No’ vote at of over 60 percent, will the Government respect the decision of the New South Wales voters, who resoundingly rejected the Voice to Parliament, and rule out legislating a Voice to the New South Wales Parliament?
- 1404 ABORIGINAL AFFAIRS AND TREATY—TREATY LISTENING TOUR—The Hon. Tania Mihailuk 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 representing the Minister for Aboriginal Affairs and Treaty, Minister for Gaming and Racing, Minister for Veterans, Minister for Medical Research, and Minister for the Central Coast—
- (1) The Government has announced \$5 million has been allocated for a year long "listening tour" asking Indigenous communities about a treaty, please provide an update on how the consultation is being undertaken including:
 - (a) locations,
 - (b) times, and
 - (c) dates of the community consultations?
 - (2) Specify which entities, organisations and individuals are receiving a share of the \$5 million for the listening tour?
- 1405 LOCAL GOVERNMENT—WRAN LEISURE AQUATIC CENTRE—The Hon. Tania Mihailuk to ask the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales representing the Minister for Local Government—
- (1) The Wran Leisure Centre is now planned for closure, however construction for the replacement community centre has not begun, which will deprive local residents, including many elderly and social housing tenants of the only publicly available recreational facility in the area, why is the Council closing the Wran Leisure & Aquatic Centre prior to the construction of the Community Centre at Thurina Park, given it is planned for another section of the Park?
 - (2) Will the Government intervene and stop the Council from depriving local residents of the only publicly available facility in the area?
- 1406 HOUSING—REGIONAL HOMELESSNESS—The Hon. Tania Mihailuk 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) What resources will be made available to alleviate the rising rates of homelessness in regional NSW, given there has been an increase in homelessness, especially in regional NSW, namely:
 - Eden-Monaro - a 15.4% increase from the previous census date,
 - Hunter Valley - a 32.5% increase from the previous census date,
 - Mid North Coast - a 25.9% increase from the previous census date, and
 - Murray - a 31.4% increase from the previous census date.

David Blunt AM
Clerk of the Parliaments

Authorised by the Parliament of New South Wales