



## LEGISLATIVE COUNCIL

2023-24

FIRST SESSION OF THE FIFTY-EIGHTH PARLIAMENT

# QUESTIONS AND ANSWERS

No. 176

WEDNESDAY 24 JANUARY 2024

(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.

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| <b>Publication of Questions</b>                     | <b>Answer to be lodged by</b> |
|---|-------------------------------|
| Q & A No. 161 (Including Question Nos 1623 to 1654) | 24 January 2024               |
| Q & A No. 162 (Including Question Nos 1655 to 1657) | 25 January 2024               |
| Q & A No. 163 (Questions—Nil)                       | -                             |
| Q & A No. 164 (Including Question Nos 1658 to 1663) | 30 January 2024               |
| Q & A No. 165 (Questions—Nil)                       | -                             |
| Q & A No. 166 (Including Question Nos 1664 to 1665) | 1 February 2024               |
| Q & A No. 167 (Including Question Nos 1666 to 1671) | 2 February 2024               |
| Q & A No. 168 (Including Question Nos 1672 to 1672) | 5 February 2024               |
| Q & A No. 169 (Including Question Nos 1673 to 1675) | 6 February 2024               |
| Q & A No. 170 (Including Question Nos 1676 to 1686) | 7 February 2024               |
| Q & A No. 171 (Including Question Nos 1687 to 1687) | 8 February 2024               |
| Q & A No. 172 (Including Question Nos 1688 to 1688) | 9 February 2024               |
| Q & A No. 173 (Questions—Nil)                       | -                             |
| Q & A No. 174 (Including Question Nos 1689 to 1707) | 13 February 2024              |
| Q & A No. 175 (Including Question Nos 1708 to 1709) | 14 February 2024              |
| Q & A No. 176 (Including Question Nos 1710 to 1712) | 15 February 2024              |

**20 DECEMBER 2023**

(Paper No. 161)

\* 1623 TRANSPORT—FATAL ROAD ACCIDENTS AND DRUGS—The Hon. Jeremy Buckingham 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 Transport—

- (1) How many road users were killed in crashes for each of the financial years from 2018-19 until the most recent financial year for which data is available? Please provide data broken down by year.
  - (a) In what number and /or percentage of those fatal crashes, listed by each reporting year, was alcohol, and no other drug, a factor in the crash?
  - (b) In what number and /or percentage of those fatal crashes, listed by each reporting year, were alcohol and drugs other than alcohol a factor in the crash?
  - (c) In what number and /or percentage of those fatal crashes, listed by each reporting year, were drugs other than alcohol a factor in the crash?
  - (d) In what number and /or percentage of those fatal crashes, listed by each reporting year, was cannabis the only drug that was a factor in the crash?

Answer—

I am advised

This is a matter for the Minister for Roads.

\* 1624 HEALTH—COUNSELLING OF PATIENTS ON VOLUNTARY ASSISTED DYING—The Hon. Susan Carter to ask the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources representing the Minister for Health, Minister for Regional Health, and Minister for the Illawarra and the South Coast—

- (1) Have you obtained legal advice about the impact of *Carr v Attorney-General (Cth) [2023] FCA 1500* on the administration of Voluntary Assisted Dying (VAD) in New South Wales?
- (2) Have you caused the Health Department to cease using carriage services (including email, Facebook, Instagram and X) to transmit material which directly or indirectly counsels patients in relation to accessing or attempting to access VAD?
- (3) Have you caused all clinicians to cease using carriage services (including email, Facebook, Instagram and X) to transmit material which directly or indirectly counsels patients in relation to accessing or attempting to access VAD?
- (4) Have you caused the Health Department and all clinicians to cease using carriage services (including email, Facebook, Instagram and X) to transmit material which directly or indirectly counsels patients in relation to accessing or attempting to access VAD?
- (5) Have you caused the Health Department to cease using the NSW Health website, or any other websites, to counsel patients in relation to accessing or attempting to access VAD?
- (6) Have you caused the Health Department to provide advice to doctors and other VAD providers about the use of tele-health to counsel patients in relation to VAD?

Answer—

I'm advised :

Before the commencement of the Voluntary Assisted Dying Act 2022, NSW Health obtained legal advice from the NSW Crown Solicitor on the potential impact of the Commonwealth Criminal Code on voluntary assisted dying processes. This advice informed the development of NSW Health voluntary assisted dying resources, including mandatory training and the clinical practice handbook.

NSW Health is aware of the Commonwealth law terms and has designed the NSW voluntary assisted dying processes for application, clinical review, and approval to ensure they comply with the law.

To comply with the criminal code, some voluntary dying process steps must be completed in-person, between the authorised practitioner and the person accessing voluntary assisted dying.

NSW voluntary assisted dying practitioners should continue to act in accordance with the Voluntary Assisted Dying Act, voluntary assisted dying mandatory training and the clinical practice handbook, which provides clear guidance on which steps of the voluntary assisted dying process need to occur in person, and which may occur using virtual tools. The handbook is publicly available at [www.health.nsw.gov.au/voluntary-assisted-dying/Pages/practitioner-handbook.aspx](http://www.health.nsw.gov.au/voluntary-assisted-dying/Pages/practitioner-handbook.aspx)

- \* 1625 ATTORNEY GENERAL—CARR V ATTORNEY-GENERAL AND VOLUNTARY ASSISTED DYING IN NEW SOUTH WALES—The Hon. Susan Carter to ask the Treasurer representing the Attorney General—

- (1) Have you obtained legal advice about the impact of *Carr v Attorney-General (Cth) [2023] FCA 1500* on the administration of Voluntary Assisted Dying in New South Wales?

Answer—

I am advised:

The impact of Commonwealth legislation on State and Territory voluntary assisted dying schemes is being discussed at a national level through the Standing Council of Attorneys-General.

- \* 1626 ABORIGINAL AFFAIRS AND TREATY—TREATY WITH FIRST NATIONS PEOPLE—The Hon. Susan Carter 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) Can you provide an update on the Government's position on establishing a treaty with First Nations people?

Answer—

- (1) The NSW Government has committed to undertaking a consultation process with Aboriginal people across NSW about whether they desire a Treaty, or some other form of agreement making process, and if so, what form that may take.

This consultation process has not yet commenced. It is essential that any process is shaped and led from the outset by Aboriginal communities, and that any decision about next steps along a pathway to Treaty reflects the view and wishes of the Aboriginal people in NSW.

- \* 1627 PREMIER—FRANCIS BOURGEOIS VISIT—The Hon. Susan Carter to ask the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage representing the Premier—

- (1) In relation to Francis Bourgeois' visit to New South Wales in 2023, did the Government provide:

- (a) Monetary benefits?  
(i) If so, what was the amount?  
(ii) What agency was responsible?
- (b) In-kind benefits?  
(i) If so, what was provided?  
(ii) What agency was responsible?

Answer—

I refer to the answer to Question on Notice LC 1629.

\* 1628 JOBS AND TOURISM—FRANCIS BOURGEOIS VISIT—The Hon. Susan Carter 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) In relation to Francis Bourgeois' visit to New South Wales in 2023, did Destination NSW provide:
- (a) Monetary benefits?
    - (i) If so, what was the amount?
  - (b) In-kind benefits?
    - (i) If so, what was provided?

Answer—

- (1) I am advised this is a matter for the Australian Government as this visit was organised and supported by Tourism Australia.
- (a) Destination NSW did not provide monetary or in-kind benefits to Francis Bourgeois' visit to New South Wales in 2023.
  - (b) See answer above.

\* 1629 TRANSPORT—FRANCIS BOURGEOIS VISIT—The Hon. Susan Carter 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 Transport—

- (1) In relation to Francis Bourgeois' visit to New South Wales in 2023, did Transport for NSW provide:
- (a) Monetary benefits?
    - (i) If so, what was the amount?
  - (b) In-kind benefits?
    - (i) If so, what was provided?

Answer—

I am advised

Transport Heritage NSW were contacted by Tourism Australia to facilitate visits to some of Transport for NSW's rail assets for Francis Bourgeois's recent trip to Australia. Transport for NSW did not enter any commercial arrangement in hosting the social media personality in relation to this visit.

\* 1630 PREMIER—LIGHTING OF THE SYDNEY OPERA HOUSE—The Hon. Susan Carter to ask the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage representing the Premier—

- (1) In relation to lighting up the Sydney Opera House from 1 January 2022 to the present, on what date(s) has it been lit up?
- (a) What was the occasion/event/anniversary for it being lit up?
  - (b) What was the cost each time it was lit up?
  - (c) Did the Government pay each time it was lit up?
    - (i) If not, what dates and occasion/event/anniversary was it lit up?
    - (ii) If not, who paid?
  - (d) Can organisations pay to have the Sydney Opera House lit up?
  - (e) Will the Sydney Opera House be lit to celebrate Christmas?

Answer—

Information regarding the illumination of the Sydney Opera House sails, including the cause/event, requestor/organiser and date(s) of projection, can be found in the Sydney Opera House Annual Reports.

The 2023 Report can be found at <https://sydneyoperahouse.api.collaboro.com/media/SOH-Annual-Report-2023>

Costs vary depending upon the complexity of the projection.

Individuals or organisations can request the Sydney Opera House sails be lit.

- \* 1631 MULTICULTURALISM—MULTICULTURALISM NSW DIWALI EVENT—The Hon. Susan Carter to ask the Treasurer representing the Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism, and Minister for Sport—

- (1) In relation to the Diwali event hosted by Multiculturalism NSW on 7 November 2023, was the event hosted at the Museum of Contemporary Art (MCA)?
- (a) Why was the event hosted at the MCA?
- (b) Was the Opera House lit up?
- (c) What was the total cost of the event?

Answer—

I am advised:

The annual Diwali celebrations are held at the MCA to provide the Indian and sub-continent communities the opportunity to celebrate Diwali at a central location. The Opera House was not lit. Funding for the event is provided on a recurring basis from the Multicultural NSW budget.

- \* 1632 MULTICULTURALISM—CHINESE NEW YEAR 2024—The Hon. Susan Carter to ask the Treasurer representing the Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism, and Minister for Sport—

- (1) In relation to Chinese New Year in 2024, will the Sydney Opera House be lit up to commemorate the occasion?
- (a) If not, why not?

Answer—

I am advised:

This question should be referred to the Minister for the Arts, The Hon. John Graham MLC.

- \* 1633 REGIONAL TRANSPORT AND ROADS—MINISTERIAL VEHICLE ACCIDENTS AND DAMAGES—The Hon. Susan Carter 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 Regional Transport and Roads—

- (1) The Premier's Department Disclosure Log details Ministerial vehicle accidents and damages. In relation to the offence on 29 September 2023, Rectify fuel contamination - Wrong fuel, was the ministerial driver responsible for the contamination?
- (a) If not, were you responsible?

Answer—

Yes, and I can advise that the ministerial driver was also responsible for having the fuel removed promptly – saving the car from any damage.

\* 1635 TRANSPORT—PUBLIC TRANSPORT TAP-ON DATA—The Hon. Susan Carter 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 Transport—

- (1) How many people tapped on using their Opal or credit/debit card, broken down by each year since 2019, at the following stations:
- (a) Pymble?
  - (b) Gordon?
  - (c) Killara?
  - (d) Lindfield?
  - (e) Roseville?
  - (f) Chatswood?

Answer—

I am advised

- (1) The average weekday and weekend daily tap-on's using Opal or Contactless payment (CTP) at each of the station per financial year since 2019 is:

|                       | Average weekday daily tap-on's during each financial year* per station |              |              |              |              |
|-----------------------|--|--------------|--------------|--------------|--------------|
| Station Name          | FY 2018/2019   | FY 2019/2020 | FY 2020/2021 | FY 2021/2022 | FY 2022/2023 |
| (a) Pymble Station    | 2,687  | 2,092        | 1,387        | 868          | 1,645        |
| (b) Gordon Station    | 7,272  | 5,814        | 3,863        | 2,589        | 4,882        |
| (c) Killara Station   | 2,390  | 1,816        | 1,201        | 778          | 1,356        |
| (d) Lindfield Station | 4,018  | 3,268        | 2,215        | 1,546        | 2,735        |
| (e) Roseville Station | 2,868  | 2,305        | 1,592        | 1,117        | 1,949        |
| (f) Chatswood Station | 29,736   | 23,856       | 16,871       | 11,834       | 20,061       |

|                     | Average weekend (includes public holiday) daily tap-on's during each financial year* per station |              |              |              |              |
|---------------------|--|--------------|--------------|--------------|--------------|
| Station Name        | FY 2018/2019   | FY 2019/2020 | FY 2020/2021 | FY 2021/2022 | FY 2022/2023 |
| (a) Pymble Station  | 742  | 630          | 482          | 342          | 583          |
| (b) Gordon Station  | 2,532  | 2,147        | 1,548        | 1,265        | 2,028        |
| (c) Killara Station | 825  | 655          | 531          | 381          | 583          |

|                       |        |        |        |       |        |
|-----------------------|--------|--------|--------|-------|--------|
| (d) Lindfield Station | 1,396  | 1,211  | 960    | 692   | 1,133  |
| (e) Roseville Station | 1,040  | 871    | 679    | 514   | 854    |
| (f) Chatswood Station | 14,689 | 13,248 | 10,320 | 7,773 | 12,335 |

\*Financial year date range

- \* 1636 EDUCATION AND EARLY LEARNING—ROSEVILLE PUBLIC SCHOOL—The Hon. Susan Carter to ask the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources representing the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney—

- (1) In relation to Roseville Public School, what has been the total number of students enrolled, broken down by calendar year, from 2019 to the present?
- (a) What is the student capacity of the school, broken down by calendar year, from 2019 to the present?
- (b) What is the local enrolment area?
- (c) What has been the total number of students enrolled who live outside the enrolment area, broken down by calendar year, from 2019 to the present?

Answer—

Enrolment figures for NSW public schools are publicly available, with the Centre for Education Statistics and Evaluation publishing updated figures yearly.

Local catchment areas are also publicly available on the Department of Education website.

- \* 1637 EDUCATION AND EARLY LEARNING—LINDFIELD PUBLIC SCHOOL—The Hon. Susan Carter to ask the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources representing the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney—

- (1) In relation to Lindfield Public School, what has been the total number of students enrolled, broken down by calendar year, from 2019 to the present?
- (a) What is the student capacity of the school, broken down by calendar year, from 2019 to the present?
- (b) What is the local enrolment area?
- (c) What has been the total number of students enrolled who live outside the enrolment area, broken down by calendar year, from 2019 to the present?

Answer—

Enrolment figures for NSW public schools are publicly available, with the Centre for Education Statistics and Evaluation publishing updated figures yearly.

Local catchment areas are also publicly available on the Department of Education website.

- \* 1638 EDUCATION AND EARLY LEARNING—LINDFIELD EAST PUBLIC SCHOOL—The Hon. Susan Carter to ask the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources representing the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney—

- (1) In relation to Lindfield East Public School, what has been the total number of students enrolled, broken down by calendar year, from 2019 to the present?



- (a) What is the student capacity of the school, broken down by calendar year, from 2019 to the present?
- (b) What is the local enrolment area?
- (c) What has been the total number of students enrolled who live outside the enrolment area, broken down by calendar year, from 2019 to the present?

Answer—

Enrolment figures for NSW public schools are publicly available, with the Centre for Education Statistics and Evaluation publishing updated figures yearly.

Local catchment areas are also publicly available on the Department of Education website.

\* 1639 EDUCATION AND EARLY LEARNING—LINDFIELD LEARNING VILLAGE—The Hon. Susan Carter to ask the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources representing the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney—

- (1) In relation to Lindfield Learning Village from Kindergarten to Year 6, what has been the total number of students enrolled, broken down by calendar year, from 2019 to the present?
  - (a) What is the student capacity of the school, broken down by calendar year, from 2019 to the present?
  - (b) What is the local enrolment area?
  - (c) What has been the total number of students enrolled who live outside the enrolment area, broken down by calendar year, from 2019 to the present?

Answer—

Enrolment figures for NSW public schools are publicly available, with the Centre for Education Statistics and Evaluation publishing updated figures yearly.

Local catchment areas are also publicly available on the Department of Education website.

\* 1640 EDUCATION AND EARLY LEARNING—BEAUMONT ROAD PUBLIC SCHOOL—The Hon. Susan Carter to ask the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources representing the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney—

- (1) In relation to Beaumont Road Public School, what has been the total number of students enrolled, broken down by calendar year, from 2019 to the present?
  - (a) What is the student capacity of the school, broken down by calendar year, from 2019 to the present?
  - (b) What is the local enrolment area?
  - (c) What has been the total number of students enrolled who live outside the enrolment area, broken down by calendar year, from 2019 to the present?

Answer—

Enrolment figures for NSW public schools are publicly available, with the Centre for Education Statistics and Evaluation publishing updated figures yearly.

Local catchment areas are also publicly available on the Department of Education website.

\* 1641 EDUCATION AND EARLY LEARNING—KILLARA PUBLIC SCHOOL—The Hon. Susan Carter to ask the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources representing the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney—

- (1) In relation to Killara Public School, what has been the total number of students enrolled, broken down by calendar year, from 2019 to the present?
  - (a) What is the student capacity of the school, broken down by calendar year, from 2019 to the present?
  - (b) What is the local enrolment area?
  - (c) What has been the total number of students enrolled who live outside the enrolment area, broken down by calendar year, from 2019 to the present?

Answer—

Enrolment figures for NSW public schools are publicly available, with the Centre for Education Statistics and Evaluation publishing updated figures yearly.

Local catchment areas are also publicly available on the Department of Education website.

\* 1642 EDUCATION AND EARLY LEARNING—GORDON EAST PUBLIC SCHOOL—The Hon. Susan Carter to ask the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources representing the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney—

- (1) In relation to Gordon East Public School, what has been the total number of students enrolled, broken down by calendar year, from 2019 to the present?
  - (a) What is the student capacity of the school, broken down by calendar year, from 2019 to the present?
  - (b) What is the local enrolment area?
  - (c) What has been the total number of students enrolled who live outside the enrolment area, broken down by calendar year, from 2019 to the present?

Answer—

Enrolment figures for NSW public schools are publicly available, with the Centre for Education Statistics and Evaluation publishing updated figures yearly.

Local catchment areas are also publicly available on the Department of Education website.

\* 1643 EDUCATION AND EARLY LEARNING—GORDON WEST PUBLIC SCHOOL—The Hon. Susan Carter to ask the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources representing the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney—

- (1) In relation to Gordon West Public School, what has been the total number of students enrolled, broken down by calendar year, from 2019 to the present?
  - (a) What is the student capacity of the school, broken down by calendar year, from 2019 to the present?
  - (b) What is the local enrolment area?
  - (c) What has been the total number of students enrolled who live outside the enrolment area, broken down by calendar year, from 2019 to the present?

Answer—

Enrolment figures for NSW public schools are publicly available, with the Centre for Education Statistics and Evaluation publishing updated figures yearly.

Local catchment areas are also publicly available on the Department of Education website.

\* 1644 HEALTH—TERMINATIONS AFTER 22 WEEKS—The Hon. Susan Carter to ask the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources representing the Minister for Health, Minister for Regional Health, and Minister for the Illawarra and the South Coast—

- (1) Between the commencement of the *Abortion Law Reform Act 2019* and 30th June 2023 what is the total number of terminations which occurred after 22 weeks gestation?
- (2) Of these terminations, what number were terminated for:
  - (a) congenital abnormality?
  - (b) physical condition/health of the mother?
  - (c) psychosocial reasons?
  - (d) other?
- (3) Section 11 of the *Abortion Law Reform Act 2019* refers to care of persons born after termination. With respect to these persons:
  - (a) what is the total number of persons born following termination between the commencement of the *Abortion Law Reform Act 2019* and 30 June 2023?
  - (b) how many of these persons were born following an induction prior to 22 weeks?
  - (c) how many of these persons were born following an induction between 22 weeks and 28 weeks?
  - (d) how many of these persons were born following an induction after 28 weeks?
  - (e) how many of these persons were born following an abortion after 28 weeks?
  - (f) what is the longest survival time for a live birth prior to 22 weeks?
  - (g) what is the longest survival time for a live birth after 22 weeks?
  - (h) in how many of these cases was medical intervention or resuscitation provided?
  - (i) what are the guidelines which govern live birth following termination?

Answer—

I'm advised:

To comply with the *Abortion Law Reform Act 2019*, details of each termination of pregnancy must be submitted to the NSW Ministry of Health within 28 days through the secure online notification system.

The online notification system data is collected from 1 October to 30 September each year. This timeframe reflects the date of the commencement of the Act.

From 1 October 2019 to 30 September 2022, 154 notifications were received for terminations of pregnancy after 22 weeks gestation.

Data from 1 October 2022 to 30 September 2023 is not available at this time.

The online notification system does not collect details of the the reasons for the termination apart from determining if the termination of pregnancy occurred for the sole purpose of sex selection (excluding terminations due to a possibility of a sex-linked medical condition in the fetus).

Between 1 October 2019 to 30 September 2022, no terminations of pregnancy were performed after 22 weeks gestation for the sole purpose of sex selection between 1 October 2019 to 30 September 2022.

The on line notification system does not collect details of the outcomes of terminations of pregnancy.

\* 1645 WATER—WATER BUYBACKS—The Hon. Rod Roberts 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) As reported in recent media articles, there are concerns among New South Wales irrigation farmers that the Federal Government's *Restoring Our Rivers Bill* will drive up food prices and hollow out

regional communities. While the Government has claimed that it does not support water buybacks, what is it doing to prevent these outcomes and allay such fears?

Answer—

The NSW Government does not support water buybacks.

The NSW Government has been proactive in scoping and progressing alternatives to buybacks and putting these in front of the Commonwealth Government for consideration. NSW continues to seek that the Commonwealth Government prioritise meeting water recovery targets through investment in existing projects, programs and infrastructure that deliver environmental outcomes.

As part of the Commonwealth Water Amendment (Restoring our Rivers) Act 2023, the Australian Water Minister is required to consider socio-economic impacts before approving any water purchase program for the 450 GL target of additional environmental water. The Australian Government has also committed to provide funding for community adjustment assistance where water purchases for the 450 GL cause socio-economic impacts.

\* 1646 WATER—WATER AFFORDABILITY—The Hon. Rod Roberts 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) In light of growing concerns among New South Wales irrigation farmers that the Federal Government's *Restoring Our Rivers Bill* will drive up water prices and the cost of production, what is the NSW Government doing to ensure that irrigation farmers can access water at an affordable price so that they can continue growing the important food and fibre that our state needs?

Answer—

The NSW Government has been proactive in scoping and progressing alternatives to buybacks and putting these in front of the Australian Government for consideration. NSW continues to seek that the Commonwealth Government

prioritise meeting water recovery targets through investment in existing projects, programs and infrastructure that deliver environmental outcomes.

NSW has repeatedly requested that if there is any Commonwealth water purchase program, it takes a strategic, balanced, and staged approach and is designed in a way that minimises and mitigates social and economic impacts on

NSW communities, industries and the water market. We are also working with the Commonwealth Government to ensure that there is appropriate financial support provided to communities.

Regarding water fees and charges, the NSW Government demonstrates efficiency and effectiveness in water management to the Independent Pricing and Regulatory Tribunal (IPART) to keep water charges down as much as possible.

\* 1647 WATER—SUSTAINABLE DIVERSION LIMIT ADJUSTMENT MECHANISM (SDLAM) PROJECTS—The Hon. Rod Roberts 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) In relation to Sustainable Diversion Limit Adjustment Mechanism (SDLAM) projects, what measures are being taken to expedite project approvals in conjunction with the Federal Government?

(a) Will you address project guidelines in New South Wales to ensure that categories are broad enough to capture valuable opportunities for improvements to the basin environment?

Answer—

I am advised:

The NSW Government is working closely with the Commonwealth Government to ensure the processes to assess and approve new projects enabled by the Water Amendment (Restoring Our Rivers) Act 2023 are streamlined and will allow eligible projects to progress quickly.

NSW continues to advocate for consideration of projects and initiatives that deliver broader environmental outcomes, including through developing a plan for alternatives to buybacks. Program design and eligibility criteria for Basin Plan programs are set by the Commonwealth Government.

\* 1648 WATER—NEW SOUTH WALES BASIN COMMUNITIES—The Hon. Rod Roberts 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) In light of significant community opposition to water buybacks, how will the New South Wales Government ensure that such processes are relegated to a last resort?

(a) What will be done to keep the Federal Government accountable for impacts on basin communities across our state?

Answer—

I am advised:

The NSW Government has been proactive in scoping and progressing alternatives to buybacks and putting these in front of the Commonwealth Government for consideration. NSW continues to seek that the Commonwealth Government prioritise meeting water recovery targets through investment in existing projects, programs and infrastructure that deliver environmental outcomes.

\* 1649 WATER—RIVER HEALTH—The Hon. Rod Roberts 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) As an alternative to buying back water, what representations have you made to the Federal Government regarding other options to support river health such as fish passages, riparian restoration, and carp management?

Answer—

The NSW Government has been proactive in scoping and delivering alternatives to buybacks and putting these in front of the Australian Government for consideration.

We continue to advocate for projects and initiatives that deliver good environmental outcomes while ensuring water remains available for productive use.

\* 1650 POLICE AND COUNTER-TERRORISM—RANDOM DRUG AND ALCOHOL TESTING STATISTICS 2021-22—The Hon. Rod Roberts 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) For the year 1 July 2021 to 30 June 2022, how many random breath tests were conducted on drivers in New South Wales?

(a) How many were positive?

(2) For the year 1 July 2021 to 30 June 2022, how many roadside drug tests were conducted on drivers in New South Wales?

(a) How many were positive?

(b) What is the breakdown of drugs involved?

Answer—

I am advised:

(1) 3,133,533 random breath tests were conducted.

(a) 20,136 tests returned a positive indication.

(2) 119,219 roadside drug tests were conducted.

(a) 17,402 tests returned a positive indication.

- (b) Roadside drug tests will indicate the type of drug detected, however, the type of drug is not extractable from NSW Police Force systems for statistical purposes. The results that indicate the type of drug for each test are recorded by NSW Health Forensic and Analytical Science Service.

\* 1651 POLICE AND COUNTER-TERRORISM—RANDOM DRUG AND ALCOHOL TESTING STATISTICS 2022-23—The Hon. Rod Roberts 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) For the year 1 July 2022 to 30 June 2023, how many random breath tests were conducted on drivers in New South Wales?
  - (a) How many were positive?
- (2) For the year 1 July 2022 to 30 June 2023, how many roadside drug tests were conducted on drivers in New South Wales?
  - (a) How many were positive?
  - (b) What is the breakdown of drugs involved?

Answer—

I am advised:

- (1) 3,727,999 random breath tests were conducted.
  - (a) 20,992 tests returned a positive indication.
- (2) 113,955 roadside drug tests were conducted.
  - (a) 17,593 tests returned a positive indication.
  - (b) Roadside drug tests will indicate the type of drug detected, however, the type of drug is not extractable from NSW Police Force systems for statistical purposes. The results that indicate the type of drug for each test are recorded by NSW Health Forensic and Analytical Science Service.

\* 1652 TRANSPORT—ROAD FATALITIES 2021-22—The Hon. Rod Roberts 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 Transport—

- (1) For the year 1 July 2021 to 30 June 2022 how many road fatalities in New South Wales involved alcohol?
- (2) For the year 1 July 2021 to 30 June 2022 how many road fatalities in New South Wales involved drugs?
  - (a) What is the breakdown of these road fatalities, in percentage terms, by drug type?

Answer—

I am advised

This is a matter for the Minister for Roads.

\* 1653 TRANSPORT—ROAD FATALITIES 2022-23—The Hon. Rod Roberts 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 Transport—

- (1) For the year 1 July 2022 to 30 June 2023 how many road fatalities in New South Wales involved alcohol?
- (2) For the year 1 July 2022 to 30 June 2023 how many road fatalities in New South Wales involved drugs?
  - (a) What is the breakdown of these road fatalities, in percentage terms, by drug type?

Answer—

I am advised

This is a matter for the Minister for Roads.

\* 1654 FAMILIES AND COMMUNITIES—STRUCTURED DECISION MAKING—Ms Sue Higginson to ask the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage representing the Minister for Families and Communities, and Minister for Disability Inclusion—

- (1) What Structured Decision Making (SDM) suite of tools are currently in use in New South Wales?
- (2) Are the following tools in use:
  - (a) Mandatory Reporter Guide (MRG)?
  - (b) Screening and Response Priority Tool (SCRPT)?
  - (c) Safety Assessment, Risk Assessment and Risk Re-assessment tools (SARA)?
  - (d) Restoration Assessment?
- (3) Has a risk assessment validation report or audit been undertaken of any of the SDM tools used by the Department of Communities and Justice
  - (a) If yes, who performed it and when?
- (4) Overall, in any audit, can you list the areas that were identified for improvement?
- (5) When was the SDM Policy and Procedures Manual last updated?
- (6) When was the Safety, Risk, and Risk Reassessment Policy and Procedures Manual last updated?
- (7) Regarding the results of any audit or report:
  - (a) can you describe in detail the results for children subject to risk assessment in each of the following areas:
    - (i) risk classification?
    - (ii) subsequent child protection involvement?
    - (iii) race/ethnicity?
  - (b) Please provide the results for each overall risk assessment classification at all risk levels?
  - (c) Have the SDM tools been audited for equity – whether they work equitably across families of different races and ethnicities?
    - (i) Specifically if yes, what were the conclusions and areas identified for improvement? Please provide the results.
  - (d) What was the risk level distribution for children by race/ethnicity evaluated using the SDM suite of tools? Please provide the results.
- (8) In 2021-22, using the SDM suite of tools what percentage of children were rated:
  - (a) Low risk?
  - (b) Moderate risk?
  - (c) High risk?
  - (d) Very high risk?
- (9) Of these children, what percentage had subsequent child protection involvement?

Answer—

I am advised:

- (1-2) NSW currently uses the following Structured Decision Making (SDM) tools:

- 
- Mandatory Reporter Guide
  - Screening and Response Priority Tool
  - Safety Assessment
  - Risk Assessment
  - Risk Reassessment
  - Restoration Assessment.
- (3) In 2013, Evident Change, formerly known as the Children’s Research Centre, conducted a risk validation study.
- All SDM tools are currently being reviewed as part of the NSW Government’s reforms of the child protection system.
- (4) The 2013 risk validation study showed overall that the current risk assessment validly classified families in NSW by the likelihood of subsequent child protection involvement. To further improve equity of the assessment, it was recommended:
- That DCJ amend the risk assessment tool to classify families into three risk categories instead of four.
  - That periodic validations are required to ensure the risk assessment is effectively classifying families.
- These recommendations were not implemented by the former government.
- (5-6) Each SDM tool has its own policy and procedures manual.
- The SDM Screening and Response Priority tool was implemented in 2010 and last updated in 2017.
  - The SDM Safety, Risk and Risk Reassessment tools were implemented in 2011 and updated in 2012.
  - The SDM Restoration Assessment was implemented in 2017 and updated in 2018.
- (7) The 2013 study involved 749 families who had a risk assessment completed between May 2011 and August 2012.
- Among the 749 families:
    - 8.1 per cent were classified as low risk
    - 36 per cent were classified as moderate risk
    - 40.9 per cent as high risk
    - 15 per cent were classified as very high risk.
  - In 33.1 per cent of cases, the child or young person was assessed as in need of care and protection.
  - 31 per cent were Aboriginal and 9.1 per cent were from a culturally and linguistically diverse backgrounds.
  - A subsequent Risk of Significant Harm (ROSH) report was made for:
    - 19.7 per cent of families classified as low risk
    - 29.6 per cent classified as moderate risk
    - 46.7 per cent classified as high risk
    - 62.5 per cent classified as very high risk.
  - Face-to-face assessments were conducted for:
    - 3.3 per cent of families classified as low risk
    - 37.5 per cent for those classified as very high risk.
  - Subsequent determinations of a child in need of care and protection were conducted for:



- 1.6 per cent for families classified as low risk
  - 22.3 per cent for families classified as high risk.
  - During the nine months following the sample, 40.7 per cent of all families had another ROSH report.
  - The 2013 risk validation study recommended periodic validations to ensure the risk assessment is calibrated to the cultural and demographic mix of families in NSW. This recommendation was not implemented by the former government.
  - The proportion of Aboriginal families with a subsequent ROSH report was 49.1 per cent (higher than the overall rate for other families of 38.3 per cent).
  - 18 per cent of families had a subsequent face-to-face assessment, and approximately 10 per cent had a subsequent finding of ‘in need of care and protection’ compared to rates of 30.2 per cent and 16.8 per cent for Aboriginal families.
- (8) In 2021/22, the following proportions of children were assessed as falling into the four risk categories:
- (a) Low risk – 3.9 per cent
  - (b) Moderate risk – 29.2 per cent
  - (c) High risk – 46.5 per cent
  - (d) Very High risk – 20.4 per cent.
- (9) Based on the risk assessment scores from question 8, the following proportions of children had subsequent child protection involvement:
- (a) Low risk -3.8 per cent
  - (b) Moderate risk - 8.3 per cent
  - (c) High risk - 19.2 per cent
  - (d) Very high risk - 31.8 per cent.

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1710 PLANNING AND PUBLIC SPACES—SYNTHETIC TURF GUIDELINES—Dr Amanda Cohn 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) The Department of Planning and Environment has previously advised that the draft ‘Synthetic surfaces in public open space: Guidelines for Decision Makers’ would be publicly exhibited in late 2023. When can the public exhibition of these draft guidelines be now expected?

1711 ROADS—ROAD FATALITIES 2021-22—The Hon. Rod Roberts 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) For the year 1 July 2021 to 30 June 2022 how many road fatalities in New South Wales involved alcohol?
- (2) For the year 1 July 2021 to 30 June 2022 how many road fatalities in New South Wales involved drugs?
- (a) What is the breakdown of these road fatalities, in percentage terms, by drug type?

1712 ROADS—ROAD FATALITIES 2022-23—The Hon. Rod Roberts 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) For the year 1 July 2022 to 30 June 2023 how many road fatalities in New South Wales involved alcohol?
- (2) For the year 1 July 2022 to 30 June 2023 how many road fatalities in New South Wales involved drugs?
  - (a) What is the breakdown of these road fatalities, in percentage terms, by drug type?

David Blunt AM  
Clerk of the Parliaments