



## LEGISLATIVE COUNCIL

2023-24-25

FIRST SESSION OF THE FIFTY-EIGHTH PARLIAMENT

# QUESTIONS AND ANSWERS

No. 426

FRIDAY 31 JANUARY 2025

(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. 411 (Including Question Nos 3187 to 3191)	31 January 2025
Q & A No. 412 (Including Question Nos 3192 to 3192)	3 February 2025
Q & A No. 413 (Including Question Nos 3193 to 3209)	4 February 2025
Q & A No. 414 (Including Question Nos 3210 to 3211)	5 February 2025
Q & A No. 415 (Including Question Nos 3212 to 3216)	6 February 2025
Q & A No. 416 (Including Question Nos 3217 to 3220)	7 February 2025
Q & A No. 417 (Including Question Nos 3221 to 3222)	10 February 2025
Q & A No. 418 (Including Question Nos 3223 to 3242)	11 February 2025
Q & A No. 419 (Including Question Nos 3243 to 3250)	12 February 2025
Q & A No. 420 (Including Question Nos 3251 to 3256)	13 February 2025
Q & A No. 421 (Including Question Nos 3257 to 3268)	14 February 2025
Q & A No. 422 (Including Question Nos 3264 to 3273)	17 February 2025
Q & A No. 423 (Including Question Nos 3274 to 3283)	18 February 2025
Q & A No. 424 (Including Question Nos 3284 to 3291)	19 February 2025
Q & A No. 425 (Including Question Nos 3292 to 3294)	20 February 2025
Q & A No. 426 (Including Question Nos 3295 to 3296)	21 February 2025

**9 JANUARY 2025**

(Paper No. 411)

\* 3187 LANDS AND PROPERTY—APPOINTMENT OF RACING NSW AS CROWN LAND MANAGER—The Hon. Mark Latham to ask the Treasurer representing the Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism, and Minister for Sport—

- (1) Why did you appoint Racing NSW as a Crown Land Manager in May 2024?
  - (a) What representations did you receive regarding this decision?
  - (b) What public consultation did you undertake regarding this decision?

Answer—

I am advised:

- (1) Racing NSW requested to be appointed as Crown land manager for a number of existing racecourses. Each of the respective jockey and race clubs in place as Crown land managers of the racecourses at the time supported the proposal.
  - (a) Written support for the proposal to appoint Racing NSW was provided by all existing Crown land managers.
  - (b) N/A

\* 3188 LANDS AND PROPERTY—RACING NSW MANAGEMENT OF CROWN LAND—The Hon. Mark Latham to ask the Treasurer representing the Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism, and Minister for Sport—

- (1) Which parcels of New South Wales Crown Land are now managed by Racing NSW as a Crown Land Manager?
- (2) For each Crown Land parcel, what increases in rent has Racing NSW introduced?
  - (a) Have you approved these increases?
- (3) Into which fund are the rents referred to in (2) being paid, and how are they then being used?
  - (a) What are the details?

Answer—

I am advised:

- (1) Racing NSW is currently the Crown land manager for the following Crown reserves:
  - Port Macquarie Racecourse - Dedication 610027
  - Inverell Racecourse - Reserve 82151
  - Coffs Harbour Racecourse - Dedication 540023
  - Queanbeyan Racecourse - Dedication 530125
  - Armidale Racecourse - Reserve 85532
- (2) It is the responsibility of the Crown land manager to determine rents for the use of reserves under its management in line with the requirements of the Crown Land Management Act 2016 (CLM Act).
- (3) Under the head lease agreements to the race clubs for the relevant reserves, rents are paid to Racing NSW with any rents from other users paid to the race clubs via sub-lease agreements. The CLM Act requires that net proceeds from a reserve managed by a Crown land manager must be applied for a permitted purpose, for example maintaining and making improvements to the reserves it manages.

\* 3189 LANDS AND PROPERTY—CROWN LAND MANAGER APPOINTMENTS—The Hon. Mark Latham to ask the Treasurer representing the Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism, and Minister for Sport—

- (1) Since March 2023, which new Crown Land Managers have you appointed and what was the purpose of each appointment?

Answer—

- (1) I am advised that, between 1 March 2023 and 9 January 2025, the following new Crown land managers were appointed:

- Griffith Local Aboriginal Land Council
- La Perouse Local Aboriginal Land Council
- Moree Local Aboriginal Land Council
- Worimi Local Aboriginal Land Council
- Bourke & District Children's Services Inc
- Cobargo Pre School Inc
- Cootamundra Rodeo Association Inc
- Murrumbateman Early Childhood Centre Association Inc
- NSW Technical & Further Education Commission (TAFE NSW)
- Parkes Antique Motor Club Inc
- Parkes Golf Club Co-op Limited
- Peak View Volunteer Bushfire Brigade Association Inc
- Portland District Motor Sports Club Incorporate
- Racing New South Wales
- Rotary Club of Guyra Inc
- South West Rocks Pre School Incorporated
- Spring Hill Activities Group Incorporated
- Tocumwal Preschool Kindergarten Association Incorporated
- Trundle Services and Citizens Club Ltd
- Wollar Progress Association Incorporated
- Police & Community Youth Clubs NSW Ltd
- Narrabri Rugby Football Club Ltd
- Upper Orara Recreation Reserve Land Manager
- All Faiths Catholic Land Manager Ltd.

Crown land managers are appointed to undertake the care, control and management of Crown reserves in line with the requirements of the Crown Land Management Act 2016.

\* 3190 WORK HEALTH AND SAFETY—SAFework INSPECTORATE CRIMINAL HISTORY—Ms Abigail Boyd to ask the Treasurer representing the Minister for Industrial Relations, and Minister for Work Health and Safety—

- (1) How many currently-employed SafeWork inspectors have at any time been charged with crimes relating to domestic violence, broken down by specific crime and whether or not the charge was made before or during the inspector's employment with SafeWork?

- (2) How many currently-employed SafeWork inspectors have at any time been found guilty or convicted of crimes relating to domestic violence, broken down by specific crime and whether or not the finding or conviction was made before or during the inspector's employment with SafeWork?
- (3) How many currently-employed SafeWork inspectors have at any time been charged with crimes relating to sexual violence, broken down by specific crime and whether or not the charge was made before or during the inspector's employment with SafeWork?
- (4) How many currently-employed SafeWork inspectors have at any time been found guilty or convicted of crimes relating to sexual violence, broken down by specific crime and whether or not the finding or conviction was made before or during the inspector's employment with SafeWork?
- (5) How many currently-employed SafeWork inspectors have at any time been charged with other violent crimes, broken down by specific crime and whether or not the charge was made before or during the inspector's employment with SafeWork?
- (6) How many currently-employed SafeWork inspectors have at any time been found guilty or convicted of other violent crimes, broken down by specific crime and whether or not the finding or conviction was made before or during the inspector's employment with SafeWork?
- (7) How many currently-employed SafeWork inspectors have at any time been charged with fraud, producing or providing false or misleading information, corrupt conduct or another dishonesty offence, broken down by specific crime and whether or not the charge was made before or during the inspector's employment with SafeWork?
- (8) How many currently-employed SafeWork inspectors have at any time been found guilty or convicted of fraud, producing or providing false or misleading information, corrupt conduct or another dishonesty offence, broken down by specific crime and whether or not the finding or conviction was made before or during the inspector's employment with SafeWork?
- (9) How does SafeWork determine whether or not a person's criminal record will preclude them from working as an inspector?
  - (a) Are there particular types of offences which would automatically preclude a person from being hired as an inspector?
  - (b) Who makes the final decision as to whether or not a person's criminal record should preclude that person from being hired as an inspector?
    - (i) What factors are taken into account?
  - (c) If an inspector is charged with a crime during their employment with SafeWork, what is the process for notifying senior managers?
    - (i) What is the process for determining whether or not the employee should be suspended pending finalisation of criminal proceedings?

Answer—

SafeWork NSW is a division of the Department of Customer Service (DCS), being a department pursuant to the Government Sector Employment Act 2013 (GSE Act). All SafeWork NSW staff, including Inspectors, are employed by DCS and are subject to DCS policies and procedures, including those in relation to employment and conduct.

Consistent with clause 9 of the Government Sector Employment Regulation 2014, all DCS employees, including SafeWork NSW Inspectors, who are charged or convicted with a serious offence, as defined by section 69 of the GSE Act, must immediately notify their Manager in writing. Such reports are then referred to DCS People and Culture for investigation and escalation in line with the DCS misconduct process and in collaboration with NSW Police where appropriate.

I am advised that the current system utilised by DCS for the management of matters relating to employee conduct has been in place for a period of approximately 12-months. Records prior to the implementation of the current system are retained in legacy systems that do not facilitate accurate reporting. On that basis, the response provided is limited in scope to matters referred or reported to DCS People and Culture over the past 12-months to ensure the integrity and accuracy of the information provided.

- (1)-(8) I am advised by SafeWork that no currently employed SafeWork NSW Inspectors have been charged or convicted of any offence identified in questions (1)-(8) in the last 12 months.
- (9) Where DCS becomes aware that a current or prospective SafeWork NSW Inspector has been charged or convicted of an offence, suitability for employment is determined by way of an assessment conducted on a case-by-case basis. The assessment considers the category and severity of the offence, the type of conviction, date of conviction record and any other relevant factors or risks associated with undertaking the role of an Inspector.
- (a) Should pre-employment checks carried out in accordance with section 54 of the GSE Act identify that a prospective employee has been charged or convicted with an offence, an assessment of suitability for employment is undertaken as outlined at (9). Subject to consideration of all relevant factors, the category or type of an offence may preclude a candidate from being employed as an Inspector.
- (b) The Chief People Officer, DCS confirms the final decision as to whether a criminal record precludes a candidate from being hired as an Inspector.
- (i) See response to (9).
- (c) This is dealt in accordance with the GSE Act.
- (i) Following receipt of a report concerning the charging or conviction of an employee with a serious offence, DCS undertakes a risk assessment and a comprehensive and impartial investigation to determine suitability for ongoing employment. Subject to the outcome of the risk assessment and investigation, which includes consideration of the category of offence and the nature of employee's role, the head of agency or their delegate may suspend the employee from duty until a charge has been dealt with pursuant to section 70 of the GSE Act.

\* 3191 EDUCATION AND EARLY LEARNING—EARLY CHILDHOOD EDUCATION AND CARE REGULATOR AUTHORISED OFFICERS CRIMINAL HISTORY—Ms Abigail Boyd 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) How many Authorised Officers (including Senior Field Officers, Field Officers and Support Officers) currently employed by the NSW Regulatory Authority for early childhood education and care (the RA) have at any time been charged with crimes relating to domestic violence, broken down by specific crime, position and whether or not the charge was made before or during the officer's employment with the Regulatory Authority?
- (2) How many Authorised Officers (including Senior Field Officers, Field Officers and Support Officers) currently employed by the RA have at any time been found guilty or convicted of crimes relating to domestic violence, broken down by specific crime, position and whether or not the finding or conviction was made before or during the officer's employment with the Regulatory Authority?
- (3) How many Authorised Officers (including Senior Field Officers, Field Officers and Support Officers) currently employed by the RA have at any time been charged with crimes relating to sexual violence, broken down by specific crime, position and whether or not the charge was made before or during the officer's employment with the Regulatory Authority?
- (4) How many Authorised Officers (including Senior Field Officers, Field Officers and Support Officers) currently employed by the RA have at any time been found guilty or convicted of crimes relating to sexual violence, broken down by specific crime, position and whether or not the finding or conviction was made before or during the officer's employment with the Regulatory Authority?
- (5) How many Authorised Officers (including Senior Field Officers, Field Officers and Support Officers) currently employed by the RA have at any time been charged with other violent crimes, broken down by specific crime, position and whether or not the charge was made before or during the officer's employment with the Regulatory Authority?
- (6) How many Authorised Officers (including Senior Field Officers, Field Officers and Support Officers) currently employed by the RA have at any time been found guilty or convicted of other

violent crimes, broken down by specific crime, position and whether or not the finding or conviction was made before or during the officer's employment with the Regulatory Authority?

- (7) How many Authorised Officers (including Senior Field Officers, Field Officers and Support Officers) currently employed by the RA have at any time been charged with fraud, producing or providing false or misleading information, corrupt conduct or another dishonesty offence, broken down by specific crime, position and whether or not the charge was made before or during the officer's employment with the Regulatory Authority?
- (8) How many Authorised Officers (including Senior Field Officers, Field Officers and Support Officers) currently employed by the RA have at any time been found guilty or convicted of fraud, producing or providing false or misleading information, corrupt conduct or another dishonesty offence, broken down by specific crime, position and whether or not the finding or conviction was made before or during the officer's employment with the Regulatory Authority?
- (9) How does the RA determine whether or not a person's criminal record will preclude them from working as an Authorised Officer?
- (a) Are there particular types of offences which would automatically preclude a person from being hired as an Authorised Officer?
- (b) Who makes the final decision as to whether or not a person's criminal record should preclude that person from being hired as an Authorised Officer?
- (i) What factors are taken into account?
- (c) If an Authorised Officer is charged with a crime during their employment with the RA, what is the process for notifying senior managers?
- (i) What is the process for determining whether or not the employee should be suspended pending finalisation of criminal proceedings?

Answer—

No Authorised Officer employed in 2024 had a Nationally Coordinated Criminal History Check (NCCHC) result with a disclosable criminal history. NCCHCs are consent-based, valid only for 12 months, and any information used in assessments is securely destroyed after this period.

The department's Probity Unit has a robust framework for employment screening, including a Working with Children Check (WWCC) verification and a Nationally Coordinated Criminal History Check (NCCHC), ensuring compliance with legal and ethical standards. If a candidate is barred from working with children, their application is immediately declined.

The WWCC verification process allows for the Office of the Children's Guardian (OCG) to share information with the department, by "flagging" if the person has a criminal record, without disclosing the actual matter, that is not relevant for a WWCC but may be relevant for employment in the public sector.

Where the candidate is "flagged" by the OCG as having a criminal history, the department's Probity Unit conducts the Nationally Coordinated Criminal History Check (NCCHC).

Disqualifying offences that would preclude a person from obtaining a Working with Children Check (WWCC) clearance are listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.

The department's Probity Unit is responsible for the implementation of robust screening processes and risk assessments with adherence to legislative requirements, data protection regulations and anti-discrimination laws.

Each assessment considers:

- The nature and relevance of the identified offences to the role.
- The time elapsed since the offence occurred.
- Evidence of rehabilitation or mitigating circumstances.

- Whether the candidate can demonstrate that their employment would not pose a risk to students, staff, or the wider community, and that their engagement would not compromise the safety of children, as well as the integrity and reputation of the department.

If an employee is charged with a serious offence during their employment, they are required to disclose any charge, conviction, and/or finding of guilt in line with Section 5.2 of the Department's Code of Ethics and Conduct. In cases where an employee is charged with a disqualifying offence that leads to the cancellation of their Working With Children Check (WWCC) clearance, the Office of the Children's Guardian notifies the department's Probity Unit and they are referred to the Professional and Ethical Standards team promptly for action.

### 31 JANUARY 2025

(Paper No. 426)

3295 ROADS—DEPARTMENT LIAISON OFFICERS—The Hon. Damien Tudehope 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) Since 1 June 2024, how many Transport for NSW staff have been seconded to your office?
  - (a) Of these, how many have subsequently returned to a substantive role with Transport for NSW?
- (2) Since 1 June 2024, how many departmental liaison officers have worked in your office?
  - (b) Of these, how many have subsequently returned to a substantive role with Transport for NSW?

3296 TRANSPORT—ACCESSIBLE SUBURBAN, INTERCITY, METRO AND REGIONAL STATIONS—Ms Abigail Boyd 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 suburban stations are classified as:
  - (a) independently accessible?
  - (b) assisted access?
  - (c) not accessible?
- (2) How many intercity stations are classified as:
  - (a) independently accessible?
  - (b) assisted access?
  - (c) not accessible?
- (3) How many metro stations are classified as:
  - (a) independently accessible?
  - (b) assisted access?
  - (c) not accessible?
- (4) How many regional stations are classified as:
  - (a) independently accessible?
  - (b) assisted access?
  - (c) not accessible?
- (5) For each station type, i.e. suburban, intercity, metro and regional, what are the specific determinations for classifying a station as:
  - (a) independently accessible?



- (b) assisted access?
  - (c) not accessible?
- (6) Answers provided on notice from Budget Estimates Transport hearing on 3 September 2024 advised that following the completion of projects currently funded for delivery under the Safe Accessible Transport program, 75.2 per cent of suburban, intercity, metro and regional stations would be classified as Independently Accessible, 12.14 per cent as Assisted Access, and 12.66 per cent as Not Accessible. Could you please provide a breakdown of those expected to be classified as Independently Accessible, Assisted Access and Not Accessible, into each station type, i.e. suburban, intercity, metro and regional?
- (a) When are these currently funded projects expected to be completed by?
  - (b) Could you please provide a list of every station expected to be classified as either Assisted Access or Not Accessible?
- (7) Could you please provide an estimated timeline for when zero percent of suburban, intercity, metro and regional stations will be classified as Not Accessible?

David Blunt AM  
Clerk of the Parliaments