

The Hon. DAMIEN TUDEHOPE: Have you had any discussions, Minister, with any of your colleagues in relation to the issues raised in respect of Rochelle Hicks? And when did you have those discussions?

Ms SOPHIE COTSIS: Mr Tudehope, I have been briefed by Minister Aitchison. With respect to the time, obviously this issue was raised in the Parliament in November. As I said, I too express my sympathy and support and apologies that nobody in the workplace deserves to be, by anyone—whether it's a colleague or a stakeholder or anyone—intimidated, bullied or threatened. With respect to—that was when I came into knowing that matter, when it was raised in the Parliament. I can take that on notice in terms of the date.

**ANSWER:**

I am regularly briefed by my ministerial colleagues about matters relevant to my portfolios.

Ms ABIGAIL BOYD: Minister, one of the other things, I understand, was in a number of submissions that I don't think have made it into the report. It's in relation to the underpayment of allowances to SafeWork inspectors. Are you aware of this issue?

Ms SOPHIE COTSIS: I am aware, but I'm happy to refer to either Mr Curtin or Ms Dobbins. If we don't have that, we can get it for you.

Ms ABIGAIL BOYD: Maybe I could ask Mr Curtin. There was, I understand, a series of non-payments of single-day meal claims. And recently that has resulted in back payment to inspectors of up to \$3,000. I understand that's not an isolated incident but that SafeWork has also been denying payment of protective clothing allowance to inspectors. Is that correct?

TRENT CURTIN: It's not my awareness that there are any outstanding concerns at the moment. I understand there was an issue last year. That has been resolved and worked through. If there are any outstanding matters in terms of underpayments, they haven't come to my attention.

Ms SOPHIE COTSIS: Sorry, just on that, I do recall there was an outstanding issue around the meal allowances. I do recall that. We can get you additional information . The issues that you've just raised now are new and I haven't heard about that. We will, whether in the break or after this, make further inquiries. But I want to assure inspectors and those who do really important work in the organisation that we want to ensure that the award is fulfilled. If there's anything outstanding, we will look at that. I

want to reassure our inspectors and our employees in SafeWork NSW and, in fact, the public service.

**ANSWER:**

I am advised that there are no outstanding underpayment issues in relation to these matters.

Ms ABIGAIL BOYD: Another bit of legislative change that people have been contacting my office about is in relation to the lump sum death benefit. This was something that was part of the State Insurance and Care Legislation Amendment Bill that former Minister Dominello had put forward in 2022 basically allowing people—instead of it being an all or nothing, allowing some sort of compromise on lump sum death benefits. Is that something that your Government will be introducing?

Ms SOPHIE COTSIS: It's been raised with us. I can't recall why it got—I do recall that, because there were a number of really important provisions. I'm happy to take that on notice. I'm happy to look at that.

Ms ABIGAIL BOYD: I understand that all came out of the McDougall icare review, and you're right—the bill got shelved. I can't remember why either. You have implemented a number of these things already, but that one is still outstanding.

Ms SOPHIE COTSIS: It would have been 2021-22. I do recall that this did end up getting stuck up there. I'm not sure. Mr Harding?

RICHARD HARDING: That's a question for SIRA tomorrow, Minister.

Ms SOPHIE COTSIS: Yes. Do you recall?

RICHARD HARDING: I can't recall why the bill was pulled either. There were a number of other matters that were associated with that bill, I think, that caused it to be pulled.

Ms SOPHIE COTSIS: Yes. I don't want to take up your time, but there were a number of other provisions with respect to young people who lost a parent that were part of that as well. But you're absolutely right about this getting stuck. Let's do some work about that and find out where that's all up to.

**ANSWER:**

It is critical that icare is put on a financially sustainable footing and within weeks of coming to Government I made the tough decision to increase premiums after years of neglect by the former Government put icare on a dangerous financial pathway. We have made improvements to the governance of icare through amendments to icare's governing act and board composition. Non-legislative improvements to icare are ongoing with a focus on claims handling, supporting injured workers and improving service.

An operational spending review is underway and will be completed soon, reducing icare's internal spending to ensure every dollar is used most effectively. There will be further reform in a range of areas as the government takes a methodical step-by-step approach to fixing workers compensation in NSW and placing injured workers at the centre of the workers compensation system.

Ms ABIGAIL BOYD: That would be really good. I think people are concerned we have yet another McDougall report with a bunch of recommendations. We're still looking at the icare McDougall report and some of those recommendations have not yet made their way through, for whatever reason—it was pulled under the last Government. Here is a bit of a curly one for you. I understand that you can't email an unfair dismissal application to the New South Wales IRC. You can only post or take it in, in person, which seems incredibly antiquated and not in line with what we see in other judicial contexts. Any idea why? Is that something you can look into?

Ms SOPHIE COTSIS: I can assure the users of the system that it is something that has been brought to my attention, even in Opposition. We will do everything we can to rectify this and get into the twenty-first century, because I've heard stories where practitioners have to travel for two hours to go to the registry. Ms Dobbins, do we have any updated advice?

SAMARA DOBBINS: No, but I'm happy to take it on notice and speak to Communities and Justice about that matter, because I agree. It's been raised before.

Ms ABIGAIL BOYD: It seems minor on the face of it, but it's causing significant issues for people. Yes, it would be great if you could take that one on notice.

**ANSWER:**

I am advised:

An unfair dismissal application can be filed via the online registry, by both a self-represented applicant or one who is represented by their union or other representative.

Unfair dismissal applications can also be filed over the counter at the Industrial Relations Commission Registry or at a Local Court registry or sent in by post.

If an applicant has difficulties with either online or in person filing, the Industrial Registrar has the discretion to grant permission for an unfair dismissal application to be filed by email. This is rarely requested. On the occasions it has been requested, it has not been refused.

The Registry assists self-represented applicants to facilitate access to the justice system.

The Government is actively exploring ways to ensure access to the Industrial Relations Commission and the Industrial Relations Court is fair and equitable, including potential improvements to digital infrastructure.

The Hon. DAMIEN TUDEHOPE: How many agreements have been approved since the introduction of this agreement in December last year?

Ms SOPHIE COTSIS: We were looking at TAFE because we—

SAMARA DOBBINS: I can answer that if you'd like, Minister. I don't have the number of agreements that have been approved. I know agreements covering over 230,000 employees have been approved. I can tell you how many agreements have not yet been approved.

The Hon. DAMIEN TUDEHOPE: I'm interested in that as well. How many have not been approved?

SAMARA DOBBINS: Fourteen instruments have yet to be finalised.

The Hon. DAMIEN TUDEHOPE: Can you take on notice how many actually have been approved since?

SAMARA DOBBINS: Yes, I can take that on notice. Of the 14 instruments yet to be finalised, 11 of those are either at an in-principle agreement stage or they're awaiting IRC or Fair Work Commission approval.

The Hon. DAMIEN TUDEHOPE: How many of those agreements have provision for wage remuneration above the 4.4 per cent?

SAMARA DOBBINS: I'll need to take that on notice.

**ANSWER:**

I am advised:

Since the introduction of the Fair Pay and Bargaining Policy in December 2023, nine instruments have been finalised.

The Hon. DAMIEN TUDEHOPE: I redirect, Minister. How many agreements have you signed off on as industrial relations Minister?

Ms SOPHIE COTSIS: I'm happy to take that on notice but I want to get back to the paramedics.

The Hon. DAMIEN TUDEHOPE: No, I don't want—just answer my question.

**ANSWER:**

I am advised:

88 industrial instruments have been approved since the Government was elected.

The Hon. DAMIEN TUDEHOPE: Minister, just in relation to—I have a short time—bargaining parameters, how many have you signed off on—bargaining proposals?

Ms SOPHIE COTSIS: With respect to bargaining proposals—

The Hon. DAMIEN TUDEHOPE: How many have you signed off on?

Ms SOPHIE COTSIS: Mr Tudehope—

The Hon. DAMIEN TUDEHOPE: You can take it on notice, if you want to.

Ms SOPHIE COTSIS: I can take it on notice.

The Hon. STEPHEN LAWRENCE: Point of order: She has already taken it on notice.

**ANSWER:**

The Government has introduced a new system of mutual gains bargaining, which is not a positional system. Mutual gains bargaining allows agencies and unions to mutually identify areas of common interest and improvement, including identifying potential productivity improvements.

Ms SOPHIE COTSIS: With respect to the number of agreements, as you know, we have made an agreement with the teachers, with the paramedics, with a number—

The Hon. DAMIEN TUDEHOPE: Do you know the number?

Ms SOPHIE COTSIS: I'm happy to get you the number.

The Hon. DAMIEN TUDEHOPE: Thank you. I'm happy about that.

Ms SOPHIE COTSIS: I'm happy to take—

The Hon. DAMIEN TUDEHOPE: Thank you.

Ms SOPHIE COTSIS: I'll take that on notice, if that makes you happy. You want a number. If it's going to be more than the agreements you signed off on, if it's a competition, great.

The Hon. DAMIEN TUDEHOPE: Minister, one thing that has emerged from this hearing today is that the detail is particularly lacking. If you need to take it on notice, I'm very happy for you to go and get advice in relation to it.

**ANSWER:**

Please refer to previous response.

The Hon. DAMIEN TUDEHOPE: Can I just ask you this: There is provision for training in relation to the opportunities for negotiations, is there not, that you have established?

Ms SOPHIE COTSIS: An opportunity for training? Yes.

The Hon. DAMIEN TUDEHOPE: If you go to 4.2.5: Industrial Relations, Premier's Department will issue guidance and facilitate access to ... mutual gains bargaining, training. Who will provide that training?

Ms SOPHIE COTSIS: Why? We're doing training, but it's—

The Hon. DAMIEN TUDEHOPE: Who is providing the training, Minister?

Ms SOPHIE COTSIS: I'm happy to take that on notice, unless Ms Dobbins wants to speak to it.

SAMARA DOBBINS: An organisation called CoSolve.

The Hon. DAMIEN TUDEHOPE: How much has been paid for the use of their services?

Ms SOPHIE COTSIS: We can take that on notice.

SAMARA DOBBINS: I may be able to get that information and answer this afternoon.

**ANSWER:**

Please refer to the transcript.

The Hon. DAMIEN TUDEHOPE: Ms Campbell, while I have you, will the report identify how you're going to propose to achieve a 5 per cent permanent reduction in icare's net cost of service?

SONYA CAMPBELL: There are two pieces of work: There is the review that Treasury is doing and, in parallel, the savings plan is the responsibility of the icare board as to how they will implement the 5 per cent reduction permanently across icare's costs.

The Hon. DAMIEN TUDEHOPE: Minister, has the icare board provided you with a board-endorsed savings plan?

Ms SOPHIE COTSIS: I'll take that on notice.

**ANSWER:**

An operational review into icare is underway. The Review is being led by NSW Treasury who will examine icare's operational expenses and assist icare to identify savings and efficiencies.

The CHAIR: Would you agree that a workplace environment that is free of risks to health would include the ability of workers to take necessary medication prescribed by a doctor to treat pre-existing conditions, if that medication they were taking meant they were not intoxicated or impaired?

Ms SOPHIE COTSIS: I'm going to take that on notice.

The CHAIR: What I'm getting at, Minister, is that there are a number of patients—an increasing number, especially in the public sector—who are prescribed medicinal cannabis for a range of very complex and serious health issues. They're arriving at work, there may be a drug-testing regime or they're self-declaring, and they are losing their jobs or losing shifts because of a drug test or a declaration that they have medicinal cannabis in their system, but that does not correlate with impairment or intoxication. That's a significant issue for them; people are losing their jobs because of that. New South Wales now has 300,000 people prescribed medicinal cannabis, most of them going to work, and that number is increasing by double digits. It's expected to be over a million people by the end of the decade. Do you think that's an issue that the Government needs to deal with?

Ms SOPHIE COTSIS: Definitely, I'm happy to take that. I know—and you're absolutely right—that there are thousands of workers that are prescribed medicinal cannabis. We need to make sure that we're, as a government, accommodating particularly those people who are undertaking treatment or have got chronic illness. I understand where you're coming from. I'm happy to ask Mr Draper, as head of the public service, with respect to the issues that have been raised by Mr Buckingham. We can take that on notice, or maybe after the break.

**ANSWER:**

All workers deserve to be safe at work, which includes being able to take medications prescribed by a medical professional, providing the relevant medication does not affect the ability of a worker to fulfill the requirements of their role.

Ms ABIGAIL BOYD: No doubt you're familiar with the Nowhere To Go campaign from the ETU from 2021. What has been done in response to that campaign in ensuring that we have safe amenities for women in particular at construction sites?

Ms SOPHIE COTSIS: You're absolutely right about the issue with respect to women accessing amenities on construction sites. It is part of work health and safety legislation that PCBUs must follow the laws with respect to providing access. I wrote to Mr Curtin about this matter—that we need, when our inspectors are going out on site, to make



sure that this is an important part of making sure that amenities for women exist. It's against the law not to have amenities on site. I'm happy to ask Mr Curtin. You asked last time, and I know that the Electrical Trades Union—the women's committee—are running a very important campaign. It's not just tradies, but it's also women, whether they are working in factories or they are working in a range of workplaces— and there's a concern. I've seen the effects of those, particularly older women who speak to me now about this issue, where they have gynaecological health issues because of this. I will let Mr Curtin—

SIMON DRAPER: Minister Cotsis, would you mind if I, just before Mr Curtin comments—I just thought I would jump in. Until a year ago, when I was at Infrastructure NSW, we had convened a group to run a women in construction program. We were doing that with the unions—clearly the ETU and their women's organiser—and the industry itself. I have lost track a little bit of that because I've changed jobs twice since then, but I'm more than happy to get a little bit of information on that over the lunchbreak, if you like, and talk about that a bit more this afternoon.

Ms ABIGAIL BOYD: That would be very useful.

Ms ABIGAIL BOYD: In South Australia, SafeWork SA have probably led the nation in terms of response to this campaign. They have done a very big education campaign and then they've had a series of compliance checks—a real focus on compliance checks. They have also updated their amenities checklist in collaboration with representatives from the ETU. Minister, is that something that you would commit to doing here as well so that we can finally get some proper action on this issue?

Ms SOPHIE COTSIS: I'm happy to—and, as Mr Draper mentioned, he is going to bring forward some information in the afternoon. And the work that we're doing with Mr Curtin. I wanted to just let you know, Ms Boyd, and the Committee—and, Ms Boyd, you would know this—about the concerns that workers are having on the Snowy 2.0. On 20 February SafeWork NSW responded to a dangerous occurrence at the Marica worksite part of the Snowy 2.0. While onsite, SafeWork NSW also inspected the Marica camp accommodation facility, and there is a history of inadequate facilities for which earlier compliance notices were issued at this camp and other Snowy 2.0 worksites. SafeWork considers that significant work needs to be undertaken to improve the amenities of the Marica camp and, as a result, 14 improvement notices were issued related to lack of laundering amenities; risk of silica exposure; risks of falls; risks of electrical shock; electrocution; access issues, particularly in an emergency; and other very important issues. SafeWork NSW met with management from Snowy 2.0, the joint venture and Comcare on 22 February, and Comcare committed to taking monthly visits to the sites as part of their contract management. They will be inspecting accommodation and amenities in the next few weeks. I'm happy to report back. But this is something that—

it's a big project, as you know. People are living in that accommodation in the camps, and it's something that's been raised with us about amenities at this particular site. I don't want to—I'm just letting you know.

Ms ABIGAIL BOYD: Thank you. That's useful. Can I ask, Mr Curtin, when you come back to me with some sort of data on numbers of inspections of amenities, if we could have how many issues have been raised, how many inspections and then, also, how many provisional improvement notices have been issued in relation to amenities, that would be useful—say, in the last 12 months.

TRENT CURTIN: Let me take that on notice and see what we have got.

**ANSWER:**

I am advised:

SafeWork NSW have increased their compliance activities in relation to amenities on construction sites, and amenities are now included on construction site inspection checklists. As a result, every SafeWork inspection undertaken on a construction site now includes a check that amenities are provided and appropriately maintained.

From 1 January 2023 to 28 February 2024, SafeWork NSW received 184 requests for service where the issue of amenities was raised.

From 1 January 2023 to 28 February 2024, SafeWork NSW Inspectors have issued 418 Improvement notices in relation to amenities within the construction industry.

The Hon. DAMIEN TUDEHOPE: In respect of the paramedics decision or agreement, when was the draft proposal first prepared?

SAMARA DOBBINS: I'm terribly sorry; I don't have that detail in front of me.

The Hon. DAMIEN TUDEHOPE: You don't know?

SAMARA DOBBINS: I don't know, as I—

The Hon. DAMIEN TUDEHOPE: Was it before the agreement terminated?

SAMARA DOBBINS: I can't recall. I'll have to take that on notice.

**ANSWER:**

I am advised:

As the member would be aware, draft documents relating to a decision of Cabinet are Cabinet in Confidence.

The Hon. DAMIEN TUDEHOPE: How many agreements have you been involved in since the current Government came to power?

SAMARA DOBBINS: Personally, or the branch?

The Hon. DAMIEN TUDEHOPE: In terms of being involved in the drafting of bargaining proposals?

SAMARA DOBBINS: Across the branch, it would be many. We assist agencies and shadow agencies—

The Hon. DAMIEN TUDEHOPE: How many of them would have started with proposals after the agreement terminated?

SAMARA DOBBINS: I'd have to take that on notice. It's not unusual—especially in the case of Fire and Rescue where the previous award was only settled late last year—for this new consultation and bargaining round to be so late in the piece. I agree it's not ideal, but it's not unusual, and it certainly doesn't preclude the parties having these conversations under the policy now.

**ANSWER:**

This Government inherited an expired Fire and Rescue Award from the previous Government, which I am advised it had allowed to lapse before entering the caretaker period.

The Government has introduced a new system of mutual gains bargaining, which is not a positional system. Mutual gains bargaining allows agencies and unions to mutually identify areas of common interest and improvement, including identifying potential productivity improvements.

The Hon. DAMIEN TUDEHOPE: Okay. We will ask them that question. In relation to the preparation of agreements in relation to your department, Mr Head, how soon do you expect to draft bargaining proposals?

GRAEME HEAD: I'll need to take that on notice, Mr Tudehope. As you know, I am about 12 weeks in, and that's not something that's been at the absolute top of my list to attend to yet, but I'm happy to come back to you with information on that.

**ANSWER:**

The Government has introduced a new system of mutual gains bargaining, which is not a positional system. Mutual gains bargaining allows agencies and unions to mutually identify areas of common interest and improvement, including identifying potential productivity improvements.

The Hon. DAMIEN TUDEHOPE: As part of the mutual gains bargaining and the setting out and reaching an agreement, do you also take into account impacts on the Essential Services Fund?

SAMARA DOBBINS: Within agencies, obviously they have an eye to fiscal responsibility.

The Hon. DAMIEN TUDEHOPE: Yes.

SAMARA DOBBINS: And then, yes, the senior officials group, the SOWAC, and absolutely the Cabinet, and then ultimately the Industrial Relations Commission have to have an eye on the fiscal and economic position of the State.

The Hon. DAMIEN TUDEHOPE: Correct. In relation to the agreement which was reached with the paramedics, did it have an impact on the Essential Services Fund?

SAMARA DOBBINS: I must say that that information—that input advice, if you like—in relation to the fiscal and economic position of the State, that's provided by our Treasury colleagues as part of the SOWAC process and ERC process.

The Hon. DAMIEN TUDEHOPE: Did you receive that advice from Treasury?

SAMARA DOBBINS: I beg your pardon?

The Hon. DAMIEN TUDEHOPE: Did you receive that advice from Treasury?

SAMARA DOBBINS: The Cabinet would have.

The Hon. DAMIEN TUDEHOPE: You didn't? Did the senior officers group receive it?

SAMARA DOBBINS: I'll have to take that on notice. I don't recall.

**ANSWER:**

I am advised:

This advice is Cabinet in Confidence.

Ms ABIGAIL BOYD: Perhaps I can ask some specific questions about some of these, then. We've paid Deloitte just under \$200,000 in relation to that remediation program to address the underpayments. I know I asked you about that during the consulting inquiry, and there were a number of different payments to consultants for that project.

RICHARD HARDING: Yes.

Ms ABIGAIL BOYD: Is that the last of them? Have we solved that now?

RICHARD HARDING: I believe so. Maybe I can come back with that on notice, if you'd like.

Ms ABIGAIL BOYD: Thank you.

RICHARD HARDING: We've obviously had further engagement with Deloitte around the indexation issues that we've been dealing with this year. But in respect to PRA, that would be the last, I'd say. Let me come back to you with specific answers on that.

**ANSWER:**

I am advised:

An estimated further \$228 000 is expected to be spent before the full services under the contract are delivered.

Ms ABIGAIL BOYD: Your contractor costs were also up about \$10 million over that period. Is anything being done to reduce that?

RICHARD HARDING: They're already on their way down. We had a lot of contractors in at the very early start of the work on the McDougall remediation, and that is now

tailing off. The increase that has been there will be gone by June, largely. It's another element of the work we're doing with Treasury around how we can continue to reduce that. We've been converting long-term contractors back into employees and those sorts of things.

Ms ABIGAIL BOYD: In terms of headcount, if we're looking at an extra \$10 million, how many people is that?

STUART FARQUHARSON: In the actuarial area?

Ms ABIGAIL BOYD: In the contractor spend, if it has gone up by \$10 million in a year.

RICHARD HARDING: I'm just trying to find it for you. I'm not sure we've got it for you. I could give you some numbers off the top of my head, but maybe I'm better off giving you something coming back.

Ms ABIGAIL BOYD: That's fine.

STUART FARQUHARSON: Abigail, what was the question? What were you trying to get to?

Ms ABIGAIL BOYD: I'm trying to find out how many additional contractors you've employed for that additional \$10 million in cost. Obviously, I'm keen for the consulting value to go down, but I don't want it to be compensated by an increase in contractors.

RICHARD HARDING: To give you the overall picture, at the moment the work that we're doing collectively is reviewing each of these areas—consultants, contractors and contingent workers, or vendors is another way of talking about those guys—and looking at different models for how we can bring a better outcome from each of those spends. In terms of the contractors, what I don't have with me is the base that we started from. We got up to about 220, I'm going to say, roughly. We're now back down to about 190. But, again, by June that should be back at the baseline that we were historically. I just don't have the original starting point for you, but let me bring it to you. I can picture the page in my head; I just don't have the number.

**ANSWER:**

I am advised:

In relation to contractors, the full time equivalent in March 2023 was 238, which has now been reduced to 195 FTE.

The NSW Government is committed to bringing more of this work in house and reducing its consulting and contractor spend.



The Hon. DAMIEN TUDEHOPE: What funding ratio are you anticipating for 2023-24?

RICHARD HARDING: We're still working through the December valuation process. We had a discussion with our board on Monday. There's more work to do before we finalise that and get to a position where we will be able to communicate with Treasury.

The Hon. DAMIEN TUDEHOPE: Treasury are indicating about 99.38 per cent.

RICHARD HARDING: As a funding ratio?

The Hon. DAMIEN TUDEHOPE: Yes.

RICHARD HARDING: I'm not sure where that's from.

The Hon. DAMIEN TUDEHOPE: In the half-yearly review.

RICHARD HARDING: That would have been a view some time ago. The half-yearly review would have been done—

The Hon. DAMIEN TUDEHOPE: The half-yearly review was in December. (Samara Dobbins withdrew.) RICHARD HARDING: As you'd know, Mr Tudehope, sometimes we get asked in October for something that's not going to actually get out until November. I wouldn't put too much weight on that number, and I don't have a number to tell you for 31 December at the moment.

The Hon. DAMIEN TUDEHOPE: Okay.

RICHARD HARDING: I mean, we can probably perhaps give you that on notice, because it's not far away.

**ANSWER:**

I am advised:

The anticipated funding ratio financial year for financial year 2023-2024 are as follows-

- Treasury Managed Fund - 104%
- Insurance for NSW - 105%

The Hon. DAMIEN TUDEHOPE: It may well have been the Auditor-General who's raised this issue, which has now been referred to the ICAC in relation to an air quality monitor called Air XS. When did you first

become aware of the issues relating to the procurement of that unit?

TRENT CURTIN: I started this role in early October and I was aware during October of the concerns in relation to that device.

The Hon. DAMIEN TUDEHOPE: In respect of those concerns, what steps did you take to deal with it?

GRAEME HEAD: Mr Tudehope, I might just step in for a moment. The issues related to the Auditor-General's report on the procurement of that device are, as is indicated in the report, subject to a referral to ICAC and under consideration by that organisation. I think it would be appropriate to allow that process to examine all of the issues surrounding the procurement rather than to seek to consider individual elements of it in today's proceedings.

The Hon. DAMIEN TUDEHOPE: Thank you for that. I'm asking about what Mr Curtin did in relation to the issue when he became aware of it, not in relation to potentially corrupt conduct in respect of the procurement process but what the particular official did in relation to it. What did you do?

TRENT CURTIN: In relation to the procurement of the product?

The Hon. DAMIEN TUDEHOPE: Why didn't you refer it to ICAC?

TRENT CURTIN: It was referred by the Department of Customer Service and then it was referred by the Audit Office.

GRAEME HEAD: Excuse me, if I can intervene again. You would be aware that it's an obligation under the ICAC Act for principal officers of an agency—so the head of an agency or the head of a department—to refer. The referral occurred during the course of the audit and the audit report itself notes that both the Auditor General—this predates me—and the department had made referrals to ICAC in line with ICAC's reported guidelines.

The Hon. DAMIEN TUDEHOPE: What I'm trying to get is a time line in relation to that reporting.

GRAEME HEAD: I could because it was an obligation on the principal officer and the principal officer would have been the former secretary of the department.

The Hon. DAMIEN TUDEHOPE: I'm happy for you to give me that time line.

GRAEME HEAD: I can look into that.

The Hon. DAMIEN TUDEHOPE: You can give me a date on which that referral was made?

GRAEME HEAD: I don't have it in front of me but I'm sure I will be able to provide that to you. I won't

be able to provide the date on which the Audit Office referred it but I should be able to establish what day the department did it.

The Hon. DAMIEN TUDEHOPE: Just so that I'm clear, when the Audit Office came and were doing their review of SafeWork NSW, a referral had already been made, had it?



GRAEME HEAD: No, I'm not saying that. I'm saying that the Audit Office report confirms that during the course of the audit both the Audit Office and the department—and I take that to mean the secretary on whom reporting obligation rested—made the referral during the course of the audit. The audit was largely complete by the time I started.

The Hon. DAMIEN TUDEHOPE: My questions, Mr Head, were these: Was the head of the department already aware of this issue and had not reported it?

GRAEME HEAD: I would have to look at the detail of how that worked. To the extent that I'm able, I will take that on notice.

The Hon. DAMIEN TUDEHOPE: The time line is important. This is a significant procurement contract and, in respect of the obligations to report potential issues to ICAC, potentially, some procurement issues relating to this may well have been avoided if a report had been made earlier.

GRAEME HEAD: If indeed people were aware of the issues. I would add, as a caveat, that while I will take that on notice and look at relevant elements of the time line, I can't traverse any of the issues that ICAC may be considering in response to the reference to them.

The Hon. DAMIEN TUDEHOPE: Well, the facts may speak for themselves. Mr Head, I think you may have answered this earlier, but are you supplying me on notice the exact date on which DCS actually referred the Air XS matter to the ICAC?

GRAEME HEAD: I said I would take that on notice.

The Hon. DAMIEN TUDEHOPE: Thank you. Do you know when the Minister was advised in relation to the referral?

GRAEME HEAD: I'll take that on notice also.

**ANSWER:**

Regarding the procurement matter that occurred under the former Government, I am advised:

During the course of the audit, both the Audit Office and the Department made referrals to ICAC. The Department of Customer Service advised ICAC of the matter on 27 October 2023 and formally referred the matter under the ICAC Act on 30 October 2023.

I was provided with an advance draft copy of the Audit Office Review into SafeWork NSW prior to its public release. The report notes that a referral had been made to ICAC in relation to the air monitor.

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