

**BUDGET ESTIMATES 2023-2024**

**SUPPLEMENTARY QUESTIONS**

**Questions from Hon Chris Rath MLC (on behalf of the Opposition)**

**INDUSTRIAL RELATIONS**

<b>Industrial Relations Court</b>
(1) What is the total cost of establishing and staffing the Industrial Relations Court?
<b>ANSWER:</b>  The Industrial Court is in the process of being established.  Costings will be included in the Budget.

<b>Industrial Relations Court</b>
(2) Where will the Industrial Relations Court be located?
<b>ANSWER:</b>  Work on establishing the Industrial Relations Court is underway.

(3) Is there an unattached list for public servants?
(4) Will the government rule out any unattached list for public servants?
<b>ANSWER:</b>

I am advised that this question is better directed to the Public Service Commissioner.

### **Industrial Dispute**

(5) Is a 'no ticket, no start' policy a breach of the freedom of association principles under s 336 of the Fair Work Act 2009?

(6) Are you aware of any reports that the CFMEU are enforcing a 'no ticket, no start' approach on construction sites in NSW?

(7) Does the government have any concerns about the CFMEU's efforts to enforce a 'no ticket, no start' approach on construction sites in NSW?

#### **ANSWER:**

No concerns have been raised with me regarding this matter. The Member refers to the Fair Work Act 2009 which is better directed to another jurisdiction.

### **Industrial Relations Taskforce Report**

(8) When did the Industrial Relations Taskforce complete its report?

#### **ANSWER:**

I am advised that all work on the report was complete in August 2023. The Industrial Relations Taskforce reported to Cabinet.

### **Industrial Relations Taskforce Report**

(9) Of the \$176,000 cost of the Taskforce, how much was paid to Ms Anna Booth?

(10) What was the basis on which Ms Booth was paid? Was it an hourly rate or an overall fee for her role as co-reviewer?

(11) Did Ms Booth do any work on the review after 1 September 2023?

(a) If so was Ms Booth paid for this work?

**ANSWER:**

I am advised that the Industrial Relations Taskforce was conducted in accordance with the public sector procurement guidelines.

I am advised that all work on the report was complete in August 2023.

**Industrial Relations Taskforce Report**

(12) Did the review make any recommendations regarding the provision of mutual gains bargaining to agencies and unions?

(a) If so, what were those recommendations?

**ANSWER:**

The Industrial Relations Taskforce Report is a report to Cabinet.

**Mutual gains bargaining training**

(13) Which agencies have participated in mutual gains bargaining training so far?

(14) Which unions have participated in mutual gains bargaining training so far?

**ANSWER:**

I am advised that currently mutual gains bargaining training is available to all agencies and public sector unions.

**Mutual gains bargaining training**

(15) In regard to the \$69,850 paid to the Resolution Institute and CoSolve Pty Ltd for the first five training sessions in mutual gains bargaining:

- (a) How much was paid to the Resolution Institute and what were the services provided by the Resolution Institute?
- (b) How much was paid to CoSolve Pty Ltd and what were the services provided by CoSolve Pty Ltd?
- (c) How many hours did each of the five training sessions take?
- (d) How many further sessions in mutual gains bargaining have the Resolution Institute and CoSolve Pty Ltd been contracted to deliver?
- (e) How many training sessions in mutual gains bargaining are expected to be conducted in total?
- (f) What is the total anticipated expenditure on mutual gains bargaining:
  - i. FY 2023-24?
  - ii. FY 2024-25?
- (g) When CoSolve Pty Ltd was given a contract to deliver mutual gains bargaining training was any consideration given to the fact that Ms Anna Booth had been a one third owner and a director of CoSolve Pty Ltd as recently as 31 August 2023, at the same time as she was contracted to work on the Industrial Relations Taskforce?
  - i. If not, why not?
- (h) When the Resolution Institute was given a contract to deliver mutual gains bargaining training was any consideration given to the fact that Ms Anna Booth is a Fellow member of the Institute?

i. If not, why not?

**ANSWER:**

I am advised:

The Industrial Relations Taskforce was conducted in accordance with the Department's procurement guidelines.

Contractor and travel costs form part of the audited financial statements within the Department's annual report.

**WORK HEALTH & SAFETY**

**SafeWork NSW – Review**

(16) In light of the McDougall Review findings, does SafeWork have enough inspectors or resources to effectively do its job?

(17) What extra resources and funding will be allocated to implement the review's recommendations?

(18) What does the government envisage a standalone regulator looks like?

**ANSWER:**

The NSW Government is closely considering the recommendations of the independent reviews into SafeWork NSW and will have more to say about SafeWork's transition to a standalone agency.

**Silicosis**

(19) What is the timeline to introducing a licensing scheme and register for at-risk sites?

- (a) Which industries will be captured?
- (b) What is the scope of the register and licensing scheme?
- (c) How will privacy be protected and 'mission creep' avoided?

**ANSWER:**

On 13 December 2023, WHS Ministers accepted the findings and recommendations of Safe Work Australia's report on the use of engineered stone. The WHS Ministers unanimously agreed to prohibit the use, supply and manufacture of all engineered stone.

I am advised SafeWork has begun work on establishing a silica register. The Government will have more to say on the silica register.

**Engineered stone prohibition**

(20) Is the prohibition on engineered stone still intended for July 1, 2024?

(21) Does SafeWork NSW support the exemptions listed in the Work Health and Safety and Workplace Relations Ministers' Meeting 13 December 2023 communique?

- (a) What advice has SafeWork NSW provided in relation to the definition of engineered stone for the purposes of the prohibition?
- (b) Are porcelain products captured in this recommended definition?
- (c) Will this be the position the Minister takes to the upcoming Work Health and Safety and Workplace Relations Ministers' Meeting on 15 March 2024?

(22) What information and support has been provided to the engineered stone industry and workers since the bans announcement?

(23) When will the transition package and arrangements for the ban be announced?

(a) Is reskilling and retooling assistance been considered as part of that package?

(b) How are small businesses and workers being supported to pivot to other products or industries?

(24) Will stone businesses will be left with unsellable stock after the ban is in effect?

(a) Is a buyback being considered?

(b) Will financial and logistical assistance be given to dispose of stock?

(25) Will there be a licensing scheme to regulate the renovation or disposal of legacy installed stone products?

(26) Have suppliers had sufficient time to develop, import or produce alternatives?

(a) Will there be an impact on the building industry with new builds or renovations delayed?

(b) What modelling or analysis has been prepared by the Minister's department regarding the supply side impact of the engineered stone prohibition and any other affected products?

**ANSWER:**

Please refer to the communique from the meeting of Work Health and Safety Ministers on 22 March 2024.

Another meeting is expected in coming months to settle further arrangements.

27) Has the Premier or the Minister for Housing or Planning's offices expressed any concern to the Minister's or her office on the supply side impact of the prohibition on the Premier's target to build an extra 200,000 new homes?

**ANSWER:**

No.

(28) Did SafeWork NSW support a 40% silica level in its submission to the SafeWork Australia consultation process?

- (a) If yes, what was the rationale for supporting a 40% silica level?
- (b) Did the Minister or her office review the submission before it was lodged with Safe Work Australia?
- (c) What was the rationale for pursuing a full ban instead of a 40% silica threshold?

**ANSWER:**

At a meeting of WHS Ministers in March 2023, a unanimous decision was made to explore a ban on engineered stone, through a regulatory impact statement, supported by the Minister responsible in the previous Government.

On 13 December 2023, WHS Ministers accepted the findings and recommendations of Safe Work Australia's report on the use of engineered stone, which found there is no safe level of silica in engineered stone. The WHS Ministers unanimously agreed to prohibit the use, supply and manufacture of all engineered stone and this prohibition will commence in NSW from 1 July 2024.



**Gig worker safety**

(29) What is the timeline of delivery to provide workers compensation benefits to gig platform workers?

**ANSWER:**

The NSW Government committed to expanding rights and protections for gig workers at the election. Safety of gig workers is a regulatory priority for SafeWork NSW.

Work is underway and the Government will have more to say on the expansion of rights and safeguards for gig workers.

**Questions from Ms Abigail Boyd MLC**

(30) How many nurses are currently away from work under the workers' compensation scheme?

(a) How many on a physical injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer 5
- iii. For 2 months or longer
- iv. For 3 months or longer
- v. For 6 months or longer
- vi. For 12 months or longer

(b) How many on a psychological injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer
- iii. For 2 months or longer
- iv. For 3 months or longer
- v. For 6 months or longer

vi. For 12 months or longer

(31) How many midwives are currently away from work under the workers' compensation scheme?

(a) How many on a physical injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer
- iii. For 2 months or longer
- iv. For 3 months or longer
- v. For 6 months or longer
- vi. For 12 months or longer

(b) How many on a psychological injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer
- iii. For 2 months or longer
- iv. For 3 months or longer
- v. For 6 months or longer
- vi. For 12 months or longer

(32) How many doctors are currently away from work under the workers' compensation scheme?

(a) How many on a physical injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer
- iii. For 2 months or longer
- iv. For 3 months or longer
- v. For 6 months or longer
- vi. For 12 months or longer

(b) How many on a psychological injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer
- iii. For 2 months or longer
- iv. For 3 months or longer
- v. For 6 months or longer
- vi. For 12 months or longer

(33) How many firefighters are currently away from work under the workers' compensation scheme?

(a) How many on a physical injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer
- iii. For 2 months or longer
- iv. For 3 months or longer
- v. For 6 months or longer
- vi. For 12 months or longer

(b) How many on a psychological injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer
- iii. For 2 months or longer
- iv. For 3 months or longer
- v. For 6 months or longer
- vi. For 12 months or longer

(34) How many police officers are currently away from work under the workers' compensation scheme?

(a) How many on a physical injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer
- iii. For 2 months or longer

- iv. For 3 months or longer
- v. For 6 months or longer
- vi. For 12 months or longer

(b) How many on a psychological injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer
- iii. For 2 months or longer
- iv. For 3 months or longer
- v. For 6 months or longer
- vi. For 12 months or longer

(35) How many teachers are currently away from work under the workers' compensation scheme?

(a) How many on a physical injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer
- iii. For 2 months or longer
- iv. For 3 months or longer 8
- v. For 6 months or longer
- vi. For 12 months or longer

(b) How many on a psychological injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer
- iii. For 2 months or longer
- iv. For 3 months or longer
- v. For 6 months or longer
- vi. For 12 months or longer

(36) How many TAFE teachers are currently away from work under the workers' compensation scheme?

(a) How many on a physical injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer
- iii. For 2 months or longer
- iv. For 3 months or longer
- v. For 6 months or longer
- vi. For 12 months or longer

(b) How many on a psychological injury claim?

- i. For 2 weeks or longer
- ii. For 4 weeks or longer
- iii. For 2 months or longer
- iv. For 3 months or longer
- v. For 6 months or longer
- vi. For 12 months or longer

**ANSWER:**

I am advised:

These numbers fluctuate frequently.

Icare provides information on workers compensation claims data in their annual report and on their website.

(37) How much money have the Departments and agencies under your control spent on products purchased from Hewlett Packard (inclusive of HP Enterprise businesses,

HP end-user businesses, and any other businesses representing the Hewlett Packard brand) (HP):

(a) Please provide this information for each financial year since 2018/19 including 2023/24 to 31 December 2023, divided by agency, and include a short description of the kinds of products purchased for each agency each year, including whether any money has been spent since 7 October 2023.

(38) What policies and procedures are used to ensure that procurement is ethical and meets community standards?

(39) If products are procured from Hewlett Packard (meaning any business representing the Hewlett Packard brand), what probity checks have been done to investigate whether HP is involved in the 'plausible genocide' taking place in Gaza?

**ANSWER:**

I am advised:

The Department of Customer Service (DCS) undertook an open-market procurement process in accordance with NSW Government procurement manual in establishing the All-of-Government panel for End User Devices and Services. The due diligence checks include compliance to applicable NSW Government policies such as:

- Supplier Code of Conduct - <https://www.info.buy.nsw.gov.au/policy-library/policies/supplier-code-of-conduct>
- NSW Government Procurement Policy, <https://www.info.buy.nsw.gov.au/policy-library/policies/procurement-policy-framework>
- NSW Government Small and Medium Enterprise and Regional Procurement Policy - <https://www.info.buy.nsw.gov.au/policy-library/policies/sme-and-regional-procurement-policy>

- NSW Aboriginal Procurement Policy- <https://www.info.buy.nsw.gov.au/policy-library/policies/aboriginal-procurement-policy> and
- Applicable legislation and standards such as NSW Work Health and Safety Regulation 2017, NSW Workplace Injury Management and Workers Compensation Act 1998, and Modern Slavery Act 2018 NSW.

(40) In the past three years, iCare have dealt with 60 claims from the RFS with 22 which have resulted in confidential settlements.

(a) How many of these are related to bullying and/or harassment?

**ANSWER:**

I am advised that three claims relate to bullying and/or harassment.

(41) In relation to a complaint made by Inspector Colin Fraser on 12/1/2021 how much money was spent by Department of Customer Service and SafeWork NSW on external contractors dealing with the complaint and matters flowing from it?

(42) In relation to a complaint made by another inspector on 17 March 2020 for which the inspector was interviewed on 21st April 2020, how much money had that complainant's supervisor authorised for his team to stay at The Crowne Plaza Terrigal Pacific Hotel on 12 March 2019 for a meeting of which not all members of his team were informed?

**ANSWER:**

I am advised:

Contractor and travel costs form part of the audited financial statements within the Department's annual report.

(43) NSW firefighters are seeking to add numerous additional cancers to their presumptive cancer legislation to ensure coverage equal to firefighters interstate and overseas.

- (a) What is the status of this matter?
- (b) Specifically, what has been done to progress this matter?
- (c) Are there any concerns emerging out of the research that informs the need to improve the legislation for our front line firefighters?

**ANSWER:**

Work on examining changes to presumptive cancer legislation is in progress.