



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEES

**BUDGET ESTIMATES 2016-2017
Supplementary Questions**

General Purpose Standing Committee No. 6

INNOVATION AND BETTER REGULATION

Hearing: Thursday 1 September 2016

Answers due by: Tuesday 27 September 2016

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Questions from Mr David Shoebridge MLC

The Tattoo Parlour Act 2012

1. Since the commencement of the Tattoo Parlour Act 2012 how many operator license applications have been made?
 - (a) Of these applications, how many have been approved?
 - (b) How many have been denied?
2. Since the commencement of the Tattoo Parlour Act 2012 how many tattooist license applications have been made?
 - (a) Of these applications, how many have been approved?
 - (b) How many have been denied?
3. Has the Government conducted a review into the act?
 - (a) If so, have any amendments been proposed?
 - (b) If not, when will a review be held?

Questions from the Hon Shaoquett Moselmane MLC (on behalf of the NSW Labor Opposition)

CTP

4. What are the levels of insurance industry profits in NSW regarding CTP?
 - (a) Would you consider this high?
 - (b) Do you think it is above other industries?
 - (c) Do you think it is acceptable for such a profit to be made?
5. How much profit have insurers made from CTP products in the last 20 years?
6. Can the Minister guarantee that your CTP reforms will reduce premiums to \$500 on average?
7. Given that insurance companies cannot guarantee that premiums will be cheaper – how can the government?

8. Will the 'fairness' changes as proposed by the expert panel comprising John Della Bosca and Nancy Milne place upward pressure on premiums compared with the Government preferred Option no.3?
9. Have you quantified how much extra it will cost to bring in around 7,000 at fault drivers? If not, why not?
10. How many times have you met with Mr Michael Photios since becoming Minister?
11. Have you ever discussed CTP reform with Mr Photios?
12. Can you guarantee that no one will receive less cover under your new scheme than what they currently receive?
13. Can you guarantee that affected people will receive better "long term care" than what they currently receive?
14. Can you guarantee that they will receive better "income support" than what they currently receive?
15. Can you guarantee that people receive more money without a lawyer representing them, than they would otherwise with a lawyer?
16. Do you agree that injured people receive up to eight times more money when they have a lawyer representing them than if they do not regarding CTP claims?
17. If so, do you agree that injured people will receive less money without a lawyer representing them in CTP claims?
18. Should an insurance company evaluate someone's injury when they are also the one who will have to pay the claimant compensation under your CTP reforms?
19. Do you consider an insurance company more qualified to assess someone's injury and compensation than a doctor - as is the case in the current system?
20. Should an injured persons income support should be limited by time when their injuries are for life?
21. Should an injured person should not be able to have legal representation?
22. Can you provide the questions asked by the consultants AMR when preparing the quantitative survey regarding CTP reform?
23. How many employees of SIRA have previously worked for private insurance companies?

24. Has SIRA or its predecessor ever rejected a CTP premium proposal submitted by an insurance company?

Strata reform

25. Why are draft responses to Question 3359 regarding strata reform significantly different from draft answers provided by your Department, as revealed in a recent freedom of information request?
26. Did you or your office significantly amend the answer to question 3359 regarding strata renewal?
27. Did you or your office ignore detailed advice provided by your Department in relation to these questions and subsequent answers?
28. Why is the minister refusing to answer specific questions regarding the impacts and inconsistencies of the Government's strata legislation not addressed in his second reading speech?
29. Does the Minister agree there was already the ability in the *Strata Schemes (Freehold Development) Act 1973* and/or *Strata Schemes (Leasehold Development) Act 1986* to terminate a strata scheme through the Supreme Court?
30. Can the Minister advise the reasons why the Government established mechanisms in the new Act that allow the Land and Environment Court to terminate a strata scheme which included dissenting owners?
31. Can the Minister outline what are the Government's "six fairness tests" referred to in the Sydney Morning Herald article dated 30 May 2016 that the Land and Environment Court will need to consider when deciding on whether to terminate a strata scheme and what are their legislative underpinnings?
32. Can the Minister advise whether the six fairness tests correspond to the provisions within section 182 (1) of the *Strata Schemes Development Act 2015*?
33. Does the Minister agree that section 182 (1)(d) of the *Strata Schemes Development Act 2015* applies to a collective sale which does not consider the forced sale of a home within a strata scheme?
34. Does the Minister agree that section 182(1)(g) of the *Strata Schemes Development Act 2015* is not definitive?

35. Does the Minister agree that there is no provisions in the draft regulations that further define any other matter that the Land and Environment Court must consider when giving effect to a strata renewal plan pursuant to section 182(1)(g) of the *Strata Schemes Development Act 2015*.
36. Will the Minister provide more objective guidelines to the Land and Environment Court when considering whether the termination of a scheme and the forced sale of someone's home is "just and equitable in all circumstances"?
37. Does the Minister think the forced sale of a home within a strata scheme, without the consent of the owner, can be considered "just" in any circumstance?
38. Does the Minister agree that the ability of the Land and Environment Court to terminate a strata scheme and force the sale of someone's home within a strata scheme establishes a lower form of property ownership compared to non-strata property rights? If not why not?
39. Does the Minister believe the termination of property rights within a strata renewal proposal including a dissenting owner (as contemplated by the Government's legislation), contrasted with the existing property rights of non-strata property owners, can be considered "equitable" in any circumstance? If not, why not?
40. Can the Minister advise whether there are any avenues of appeal for a homeowner that does not agree with a decision of the Land and Environment Court to terminate a strata scheme and force the sale of their home?
41. Can the Minister advise whether any subsequent appeal would offer a cheap and affordable option for a homeowner, particularly someone on low and /or low-fixed income?
42. Does the Minister agree that the previous legislation which required the agreement of all owners within a strata scheme before it could be terminated offered the highest form of protection of property rights? If not, why not?
43. If the Minister does not believe that 75% agreement of owners is a higher form of protection than 100% agreement, why did he express his view in the Sydney Morning Herald that he could not "think of a more definitive protection" for home owners?
44. Does the Minister agree that if the compensation value owing to an owner forced to sell as part of a termination of a strata scheme must be "an amount more than the market value of the lot" (*page 11 of Regulatory Impact Statement – Strata Scheme Development Regulation 2016*) and the market value is determined as the "amount for which the building and site would be sold for in an arm's length transaction between a buyer and seller who both act, knowledgeably, prudently and without compulsion" (*page 12 of RIS*), then any compensation value paid to an owner forced to

sell their home must be for an amount no less than that which they would willingly sell their home? If not, why not?

45. In reference to question 16, if an owner was not prepared to sell their home and no price placed on any theoretical sale, does the Minister agree that the definition of compensation value and market value contained within the legislation and regulation would prevent any strata renewal scheme proposal where a dissenting owner did not wish to sell at any price from being considered at all? If not, why not?
46. Can the Minister advise why did the Government not include a public interest test in considering any termination of a strata scheme?
47. Does the Minister agree that the proposed legislation and accompanying regulations could give rise to a situation where there is a net decrease in the number of residential units as part of a strata renewal proposal. If not, why not?
48. Does the Minister agree that the proposed legislation and accompanying regulation could give rise to a situation where a strata scheme is terminated and no residential units built in its place? If not, why not?
49. Can the Minister advise why a public interest test, or whether a proposal increases or decreases the number of residential dwellings, was not included within the legislation and/or the draft regulations for the Land and Environment court to consider?
50. Does the Minister consider his answer to specific questions listed 3 to 23 above are answered by his second reading speech? If so, how?
51. Can the Minister guarantee that the practice of “proxy farming” will not be replaced by the practice of “power of attorney farming”?

Innovation

52. Is the Minister concerned that the high price of housing and office space in Sydney is a dampener on innovation in Sydney?
53. What is the Minister doing to address housing unaffordability?
54. What is the Minister doing to address Sydney CBD rents?

Fuel watch

55. What was the cost of establishing the Fuel Watch program?
56. Is the Fuel Watch program presenting real time information for motorists? If not, why not?

Ethanol

57. What was the total volume of ethanol as fuel sold in NSW in 2015-16? What was the percentage of ethanol as fuel used in NSW for the financial year?
58. What was the total volume of ethanol as fuel sold in NSW in 2014-15? What was the percentage of ethanol as fuel used in NSW for the financial year?
59. What was the total volume of ethanol as fuel sold in NSW in 2013-14? What was the percentage of ethanol as fuel used in NSW for the financial year?
60. What was the total volume of ethanol as fuel sold in NSW in 2012-13? What was the percentage of ethanol as fuel used in NSW for the financial year?
61. What was the total volume of ethanol as fuel sold in NSW in 2011-12? What was the percentage of ethanol as fuel used in NSW for the financial year?
62. What was the total volume of ethanol as fuel sold in NSW in 2010-11? What was the percentage of biodiesel as fuel used in NSW for the financial year?
63. What was the total volume of biodiesel as fuel sold in NSW in 2015-16? What was the percentage of biodiesel as fuel used in NSW for the financial year?
64. What was the total volume of biodiesel as fuel sold in NSW in 2014-15? What was the percentage of biodiesel as fuel used in NSW for the financial year?
65. What was the total volume of biodiesel as fuel sold in NSW in 2013-14? What was the percentage of biodiesel as fuel used in NSW for the financial year?
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67. What was the total volume of biodiesel as fuel sold in NSW in 2011-12? What was the percentage of biodiesel as fuel used in NSW for the financial year?
68. What was the total volume of biodiesel as fuel sold in NSW in 2010-11? What was the percentage of biodiesel as fuel used in NSW for the financial year?

Red Tape

69. Can you provide in tabular format
 - (a) Items of Red tape removed since 2011, as referred in the recent Audit's Office Red Tape Reduction Review;
 - (b) The estimated savings for each red tape item;
 - (c) The rationale and assumptions used behind each of the estimated savings.
70. Can the minister advise why 52% of the savings on red tape were based on weak assumptions?
71. What percentage of red tape savings consisted of future savings yet to be realised?
72. What is the Minister doing to address the weak assumptions underpinning red tape savings calculation in NSW?
73. What is the Minister doing to address the additional \$16.1 million in additional regulatory burden as identified by the Audit Office?

Better Regulation

74. In what ways does the shutdown of the Greyhound industry meet the requirements of Better Regulation as committed to by the NSW Government, in particular the following 5 principles of Better Regulation:
 - (a) The **need** for government action should be established
 - (b) The **objective** of government action should be clear
 - (c) The **impact** of government action should be properly understood by considering the costs and benefits of a range of options, including non-regulatory options
 - (d) Government action should be **effective** and **proportional**
 - (e) **Consultation** with business and the community should inform regulatory development
75. Was a Better Regulation Statement prepared before the Government decided to shut down the Greyhound industry? If not, why not?
76. Did you or your office discuss the regulatory implications of shutting down of the greyhound industry with the Premier, the Deputy Premier or their offices before the decision was made to shut down the industry? If not, why not?

Flexible Workplaces

77. Minister, the Premier announced on International Women's Day that the public service would all have access to flexible working arrangements by 2019.
- (a) Do you centrally register staff who have flexible work arrangements?
 - (b) What numbers of staff within your Department currently have flexible working arrangements?
 - (c) Are you aware of any measures that are currently underway to implement this?

Office Administration

78. How many staff are in your ministerial office?
- (a) What was the average salary for staff members in your office during 2015-16?
 - (b) What is the estimated average salary for a ministerial staffer in your office in 2016-17 based on current appointments?
79. How many blackberries/iphones/smart phones are assigned to your staff?
- (a) For each phone, how much was each bill in 2015-16?
 - (b) How many phones have been lost or replaced due to damage in your office?
 - i. What is the cost of replacing those phones?
80. How many iPads or tablets has DPC assigned to your Ministerial office and to whom have they been issued?
- (a) What was the cost of providing iPads or tablets to your Ministerial Office in 2015-16?
 - (b) How many iPads or tablets have been replaced due to lost or damage in 2015-16?
 - i. What was the cost of replacing these devices?
81. Has any artwork been purchased or leased for display in your ministerial office in 2015-16?
- (a) What is the cost of this?
82. Have any floral displays or indoor plants or potplants been hired or leased for display in your ministerial office in 2015-16?
- (a) If so, what was the cost of these items?

83. Have any floral displays or indoor plants or potplants been purchased for display in your ministerial office in 2015-16?
- (a) If so, what was the cost of these items?
84. What was the total cost of all subscriptions by you and your staff to online news services, newspapers, magazines, journals and periodicals in 2015-16?
- (a) What are these services/newspapers/magazines/journals/periodicals?
- i. Who is the subscriber for each of these?
85. What was the total value of all gifts purchased for use by you and your office in 2015-16?
- (a) What were the gifts purchased?
- i. Who were they gifted to?
86. Do you purchase bottled water or provide water coolers for your office?
- (a) What is the monthly cost of this?
87. What non-standard features are fitted to your ministerial vehicle?
- (a) What is the cost of each non-standard feature?
88. What was the total bill for your office in 2015-16 for:
- (a) Taxi hire
- (b) Limousine hire
- (c) Private hire care
- (d) Hire car rental
- (e) Ridesharing services
89. Were any planes or helicopters chartered by you or your office and paid for with public money in 2015-16?
- (a) If yes, will you please detail each trip, the method of transport and the cost?

Hospitality

90. How much did your ministerial office spend on hospitality, including catering and beverages, in 2015-16?
91. How much did your Department/agency spend on hospitality, including catering and beverages, in 2015-16?

Labour Hire Firms

92. Do any Departments/agencies within your portfolio responsibilities utilise the services of Labour Hire Firms? If yes, please advise in table form for 2015-16:
- (a) The names of the firms utilised
 - (b) The total amount paid to each firm engaged
 - (c) The average tenure period for an employee provided by a labour hire company
 - (d) The longest tenure for an employee provided by a labour hire company
 - (e) The duties conducted by employees engaged through a labour hire company
 - (f) The office locations of employees engaged through a labour hire company
 - (g) The highest hourly or daily rate paid to an employee provided by a labour hire company

Media and Public Relations

93. How many media or public relations advisers are employed for each of your portfolio agencies?
94. What is the forecast for the current financial year for the number of media or public relations advisers to be employed and their total cost?
95. What is the total cost of media monitoring services used by Departments/agencies within your portfolio responsibilities?
96. Have you had media training or speech training?
- (a) If yes, who paid for it?
 - (b) If paid by taxpayers, what was the amount paid in 2015-16?

Facebook

97. How much did your ministerial office spend on Facebook advertising or sponsored posts in 2015-16?
98. How much did your Department/agency spend on Facebook advertising or sponsored posts in 2015-16?

Overseas Trips

99. Were any of your overseas trips in the last financial year paid for in part or in full by using public money?
- (a) If so, did any of your relatives or friends accompany you on these trips?
100. Have you undertaken any official overseas travel that was privately funded?
- (a) If so, what was the nature of these trips?
 - (b) Who paid for these trips?

Department/Agency Travel

101. What was the total expenditure in 2015-16 by Departments/agencies within your portfolio on:
- (a) Taxi hire
 - (b) Limousine/private car hire
 - (c) Hire car rental
 - (d) Ridesharing services

Consulting

102. How much did the Department/agencies under your portfolio responsibility spend in legal costs in 2015-16?
- (a) For what specific purposes or matters was legal advice sought?
103. Have Department/agencies under your portfolio engaged any consultants to provide the following services or advice in 2015-16:
- (a) Social media
 - i. And the cost of these services
 - (b) Photography
 - i. And the cost of these services
 - (c) Acting training
 - i. And the cost of these services
 - (d) Ergonomics

- i. And the cost of these services

Department/Agency Staffing

104. How many redundancies were processed by Departments/agencies within your portfolio responsibilities during 2015-16?
- (a) Of these redundancies, how many were:
 - i. Voluntary
 - ii. Forced
 - (b) What was the total cost of all redundancies?
105. Have any staff who received a redundancy in the last two years undertaken any paid work or provided any paid services for the agency with which they were formerly employed?
- (a) What was the nature of these works/services?
 - (b) What was the total cost of these works or services?
106. Are any staff formerly employed by your ministerial office now employed by Departments/agencies under your portfolio responsibility?
107. How many staff were dismissed from Departments/agencies under your portfolio responsibilities in 2015-16?
- (a) What were the reason/s for each dismissal?

Smart Phone Accounts

108. Do the Departments/agencies within your portfolio have an iTunes account?
- (a) What was the total expenditure in 2015-16 on iTunes?
 - i. What applications/subscriptions/services were purchased through iTunes?
109. Do the Departments/agencies within your portfolio have an Android account?
- (a) What was the total expenditure in 2015-16 on Android?
 - i. What applications/subscriptions/services were purchased through Android?

Websites Visited

110. What were the top 20 most utilised (by data sent and received) unique domain names accessed by your Ministerial office this year?
111. What were the top 20 most accessed (by number of times accessed) unique domain names accessed by your Ministerial office this year?

Merchant fees

112. Please provide a list of all transactions where customers need to pay a merchant fee on credit and/or debit card payments in your Department/agency.
113. Please provide the percentage and/or amount of the merchant fees applied to all credit and/or debit card payments/transactions in your Department/agency.
114. What was the total amount paid in merchant fees on credit and/or debit card payments in your Department/agency in 2015-16?

Probity Auditor

115. Has your office or department used a Probity Auditor or Probity Advisors, or similar, in the past five years? If so please list the company and/or individual, the project, the engagement dates, and their total remuneration in tabular format.

Domestic Violence Leave and Awareness

116. For each department, statutory agency and/or other bodies in the Minister's Portfolio please report:
 - (a) Date of introduction of domestic violence leave into enterprise agreements/contracts of employment, awards as applicable;
 - (b) Whether or not all employees and/or contractors are eligible for domestic violence leave;
 - (c) Number of days of domestic violence leave that have been taken in each financial year since the introduction of such leave;
 - (d) Number of days available for eligible staff to access domestic violence leave in each financial year;
 - (e) Number of other personal days of leave that have been taken in each financial year since the introduction of domestic violence leave;

- (f) Number of sick days available for eligible staff to access domestic violence leave in each financial year;
- (g) Whether or not all staff and/or contractors have access to Employee Assistance Programs?
- (h) What training has been undertaken with management and administration for those involved in approving and/or processing domestic violence leave on issues such as?
 - i. Privacy and confidentiality of information about domestic violence
 - ii. Access to emotional, psychological, financial and medical support which may be required
- (i) Who has provided training on domestic violence in the workplace?
- (j) What percentage of staff in each agency has undertaken domestic violence training?
- (k) What efforts have been made to ensure that perpetrators (or their accomplices) within the staffing profile are not able to access personal information of victims in order to identify their location, or other information which may assist in committing domestic violence against them, including changing or accessing records in such a way as to disadvantage them financially or legally?

Sexual harassment and Anti-bullying training and awareness programs

117. For each department, statutory agency and/or other bodies in the Minister's Portfolio please report:

- (a) Date of introduction of sexual harassment and anti-bullying training and awareness programs
- (b) Whether or not all employees and/or contractors have received such training?
- (c) Is this course mandatory for all employees/ contractors?
- (d) How long for each session, how many sessions?
- (e) Who delivers it?
- (f) Is the program tailored to take into consideration specific needs of LGBTQIA, ATSI and CALD or other at risk groups?
- (g) How?

- (h) What percentage of staff in each agency has undertaken sexual harassment and anti-bullying training and awareness programs?