

**INNOVATION & BETTER REGULATION
RESPONSES TO SUPPLEMENTARY QUESTIONS
ESTIMATES COMMITTEE HEARING, 1 SEPTEMBER 2016**

Questions from David Shoebridge MLC

1. Since the commencement of the Tattoo Parlour Act 2012 how many operator licence applications have been made?

(a) Of these applications, how many have been approved?

(b) How many have been denied?

ANSWER:

Since the commencement of the *Tattoo Parlour Act 2012*, 416 operator licence applications have been made.

(a) Of these, 237 operator licences have been granted.

(b) 35 have been refused.

NB: The other applications are either pending, or have been withdrawn.

2. Since the commencement of the Tattoo Parlour Act 2012 how many tattooist licence applications have been made?

(a) Of these applications, how many have been approved?

(b) How many have been denied?

ANSWER:

Since the commencement of the *Tattoo Parlour Act 2012*, 1135 tattooist licence applications have been made.

(a) Of these, 904 tattooist licences have been granted.

(b) 40 have been refused.

NB: The other applications are either pending, or have been withdrawn.

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?

ANSWER:

The Government has not conducted a review into the Tattoo Parlours Act 2012. The Act provides for a statutory review five years after assent. The Tattoo Parlours Act 2012 was assented to on 29 May 2012, and therefore the Act will be scheduled for review in 2017. The Act is the responsibility of both the Minister, and the Deputy Premier and Minister for Justice and Police, the Hon Troy Grant MP. You may therefore wish to refer the question to the Deputy Premier's office.

Questions from Shaoquett Moselmane MLC

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?

ANSWER:

Between 2000 and 2015, insurer profit totalled 19 per cent of CTP scheme premiums.

(a) The NSW Government is concerned about the level of insurer profit in the CTP scheme. In response, the Government commissioned an independent review of insurer profit in the CTP scheme in mid-2015. The Report of the Independent Review of Insurer Profit within the NSW Compulsory Third Party Scheme was released in March 2016 and made a number of recommendations to remove or reduce excessive insurer profit and stimulate market competition between insurers. A number of the recommendations of the independent review have already been implemented and the

recommendations requiring legislative amendment are currently being considered as part of the broader reforms to the NSW CTP scheme

(b) The actual profit or loss that an insurer may make will depend on the extent to which the other assumptions, such as estimated claims costs, in their premium filing prove to be correct. Differences in estimated and realised profit are the natural result of uncertainty in long-tail common law schemes where claims may not be settled until years after the accident occurs.

There is evidence that other comparable long tail CTP Schemes such as the Queensland Motor Accidents Commission (MAIC) experience similar high levels of realised profit. For example, the MAIC 2013-14 Annual report estimates that average scheme profit margins over the most recent 2, 3 and 5 years were 15%, 18.1% and 22.3% respectively.

(c) See the response to Question 4(a) above

5. How much profit have insurers made from CTP products in the last 20 years?

ANSWER:

The overall insurer profit above filed profit between 2000 and 2015 totalled \$2.91 billion. The annual profit margin for insurers has ranged from 5% to 31%, reaching a peak of 31% in 2000.

6. Can the Minister guarantee that your CTP reforms will reduce premiums to \$500 on average?

ANSWER:

The majority of motorists can expect to see a significant reduction in their Green Slip premium in the new scheme. While the Government is still finalising the details of the proposed reforms, it is anticipated that, subject to the recommendations of the CTP Reform Reference Panel and the approval of Parliament, the proposed hybrid model will result in CTP prices for the average Sydney Metropolitan passenger vehicle, reducing from around \$700 to around \$500. The Government will propose in any legislation measures to ensure premiums in the new scheme are set by insurers at levels determined by the regulator.

7. Given that insurance companies cannot guarantee that premiums will be cheaper – how can the government?

ANSWER:

See the response to Question 6, above.

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?

ANSWER:

The Government has proposed a fairness test as part of Option 3 to protect people with low severity injuries who may require additional assistance beyond the defined benefit entitlements. The Fairness Test will apply to only to those who have ongoing losses and needs beyond the 5 year defined benefits cut off. The scheme actuary estimates that the number of injured people that this will apply to is around 100 per year and therefore any premium impacts are minimal.

9. Have you quantified how much extra it will cost to bring in around 7,000 at fault drivers? If not, why not?

ANSWER:

Yes. The Scheme Actuaries, Ernst & Young, have estimated that coverage to an additional 7,000 at fault road users can be provided at significantly reduced CTP premiums that those currently being paid by NSW motorists.

10. How many times have you met with Mr Michael Photios since becoming Minister?

ANSWER:

All meetings are disclosed as part of the ministerial diary disclosure requirements which can be found at: http://www.dpc.nsw.gov.au/about/publications/ministers_diary_disclosures

Information regarding scheduled meetings held with stakeholders, external organisations and individuals are published in accordance with Memorandum 2015-05 Publication of Ministerial Diaries.

The Government has disclosed 7,034 meetings since the policy commenced in July 2014. The Opposition Leader has disclosed just 155 meetings.

I note the Opposition frontbench is yet to join the Opposition Leader in disclosing any scheduled meetings held with stakeholders, external organisations and individuals.

11. Have you ever discussed CTP reform with Mr Photios?

ANSWER:

See the response to Question 10, above.

12. Can you guarantee that no one will receive less cover under your new scheme than what they currently receive?

ANSWER:

The aim of the proposed new scheme is to provide the benefits that people need, when they need it, rather than needing to sue an insurance company and negotiate for an uncertain settlement. The proposed reforms will expand the number of people covered by the scheme by providing defined benefits to all people injured in motor vehicle accidents, regardless of fault. Defined benefits will include payment for loss of income (based on a specified percentage of pre-injury income) and all reasonable and necessary medical, treatment and rehabilitation costs for up to five years post injury. In addition, an injured person's reasonable care costs will be payable for up to two years post injury. Those with more than 10% Whole Person Impairment (WPI) will retain the right to claim modified common law damages (if they are able to prove another driver was at fault).

13. Can you guarantee that affected people will receive better "long term care" than what they currently receive?

ANSWER:

The Lifetime Care and Support (LTCS) scheme provides lifetime medical, care and support services to people who have been catastrophically injured in a motor vehicle accident in NSW, regardless of fault. The LTCS scheme will not be changing as a result of the proposed CTP reforms.

Currently a person injured in a motor vehicle accident can wait between three and five years for their claim to be resolved. The proposed reforms will improve health outcomes by encouraging the faster resolution of claims and providing earlier access to funds for medical treatment for all injured people, while retaining the common law rights of people, not at fault in an accident with more serious injuries.

The Government has been consulting on a Fairness Test to protect people with lower severity injuries who may require additional assistance beyond the defined benefit entitlements. This will apply to those who have ongoing losses and needs beyond the 5 year defined benefits cut off.

14. Can you guarantee that they will receive better "income support" than what they currently receive?

ANSWER:

In the current CTP Scheme, payment for lost income is generally paid in a lump sum at finalisation of a claim, meaning that injured people can be left without any income support for significant periods of time.

The proposed reforms will provide better income support focused on ensuring that injured people receive the support they need at the time that they most need it. This will include those with serious injuries, who will also retain their right to make a common law claim.

It is proposed that a specified percentage of pre-injury income will be paid to an injured person for loss of earnings/earning capacity, with that percentage reducing over time (95% to 80% of pre-injury income) similar to the current workers compensation legislation. Loss of earnings/earning capacity will be paid up to five years after the date of the accident. Special provisions will apply for earners, or potential future earners, who are seriously injured (such as greater than 20% whole person impairment) and unable to work after five years.

Injured people who were not workers at the date of the accident will be paid for loss of earning capacity after a specified period. These payments will be capped at 1.5 times Average Weekly Earnings and indexed on the same basis as workers compensation

15. Can you guarantee that people receive more money without a lawyer representing them, than they would otherwise with a lawyer?

ANSWER:

The proposed reforms will ensure that injured people receive the support that they need to recover, including income support, when they need it the most.

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?

ANSWER:

No. The legal fees paid by an injured person to their solicitor need to be considered before any comparison can be made. On that basis, the net amount that a legally represented injured person receives in hand upon finalisation of a claim will be less than the total settlement or award. Typically it is difficult to compare legally represented and non-legally represented claims as the more severely injured a person is, the more likely it is they will be legally represented.

17. If so, do you agree that injured people will receive less money without a lawyer representing them in CTP claims?

ANSWER:

See the response to Question 15, above.

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?

ANSWER:

The right for injured people to have insurer decisions independently reviewed will be retained under the proposed reforms. Independent medical experts will make assessments on medical and care matters, but processes will be improved to make these faster and simpler. Insurers will be required to put in place independent internal review arrangements and this will be the first step for anyone seeking a review of a decision made by an insurer before accessing external review processes.

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?

ANSWER:

See the response to Question 18, above.

20. Should an injured persons income support should be limited by time when their injuries are for life?

ANSWER:

The aim of the reforms is to ensure that people receive money when they need it to assist their recovery. People who are more seriously injured (greater than 10 per cent whole person impairment and not at fault in the accident) will still have access to the common law process and will be able to claim lump sum compensation where another driver is at fault, including payment for pain and suffering and ongoing medical and attendant care costs.

As noted above, the LTCS scheme will not be changing as a result of the CTP reforms.

21. Should an injured person should not be able to have legal representation?

ANSWER:

For people with minor injuries, the focus will be on a return to maximum health. People who are more seriously injured (greater than 10 per cent whole person impairment) will still have access to the common law process and legal representation and will be able to claim lump sum compensation where another driver is at fault, including payment for pain and suffering and ongoing medical and attendant care costs.

A support and advocacy service is also proposed to provide appropriate and targeted assistance to injured people for those accessing defined benefits. The support and advocacy service will assist injured people to make a claim and may also assist with the investigation of complaints and the resolution of disputes. Legal representation would still be permitted in complex matters.

22. Can you provide the questions asked by the consultants AMR when preparing the quantitative survey regarding CTP reform?

ANSWER:

- A.** Which state or territory do you live in?
- B.** What is the postcode where you live?
- C.** Which of these age groups do you fall into?
- Under 17
 - 17-24
 - 25-34
 - 35-44
 - 45-54
 - 55-64
 - 65-74
 - 75+
 - Prefer not to answer
- D.** Do you currently hold a valid NSW driver's or rider's license (for any vehicle type)?
- Yes a full license
 - Yes a provisional license
 - Yes a learner license
 - I do not currently hold a NSW driver's license
 - Don't know
- E.** Is your name on the registration papers of at least one registered motor vehicle?
- Yes
 - No
 - Don't know
- F.** And do you have any input into buying insurance for one or more of your registered vehicles?
- Yes I am the sole decision maker when purchasing insurance for my registered vehicle(s)

- Yes I decide together with one or more other people when purchasing insurance for my registered vehicle(s)
- No I do not have any input into the insurance purchase process for my registered vehicle(s)
- Don't know

Road usage

1. What type of vehicle is the registered vehicle you drive **the most often**?
 - Car
 - Utility/Light Goods Vehicle (Less than or equal to 4.5 tonnes GVM)
 - Motorcycle
 - Other
 - Don't know
2. What is the year of manufacture of the registered vehicle you drive the most often? If you do not know exactly please provide your best estimate.
3. For the registered vehicle you drive **the most often**, is the postcode of the place where it is normally garaged or parked?
 - Yes
 - No
 - Don't know
4. For the registered vehicle you drive **the most often**, what is the postcode of the place where it is normally garaged or parked?
5. What is the age of the **youngest** driver of the registered vehicle **you drive the most often**?
6. On a **typical weekday** how many hours do you spend driving the registered vehicle **you drive the most often**?
 - Up to 1 hour
 - 1-3 hours
 - More than 3 hours
 - Don't know
7. And on a **typical weekend day** how many hours do you spend driving the registered vehicle **you drive the most often**?
 - Up to 1 hour
 - 1-3 hours
 - More than 3 hours
 - Don't know
8. In a **typical week** how many hours do you estimate you do each of the following?

	Do not do this	Up to 1 hour	1-3 hours	More than 3 hours	Not sure
a. Use public road transport (E.g. Bus, taxi, hire car, light rail etc.)					
b. Ride a bicycle (including power-assisted pedal cycles)					
c. Ride a motorised non-registrable vehicle (e.g. dirt/quad bike)					
d. Use a non-motorised vehicle other than a bicycle (e.g. skateboard, foot scooter etc.)					
e. Use pavements and crossings as a pedestrian					
f. Drive or ride someone else's					

vehicle					
g. Be a passenger in a vehicle					
h. Other form of road use					

Understanding of current NSW CTP scheme

9. Please read the below statement carefully and select to the best of your knowledge whether it applies to the current NSW CTP scheme or not.

	TRUE		FALSE
1	CTP insurance is compulsory for all registered motor vehicles in NSW, except caravans and trailers	8	CTP insurance is not compulsory for any registered motor vehicles in NSW
2	CTP insurance covers personal injury only to third parties involved in a motor vehicle accident in NSW	9	CTP insurance covers both personal injury and property damage caused to third parties involved in a motor vehicle accident in NSW
3	In NSW, CTP insurance covers all road users for all losses arising from injuries sustained in a motor vehicle accident, unless they were a driver at fault in the accident.	10	In NSW, all road users are covered for all losses by CTP insurance if they are injured in a motor vehicle accident, regardless of who was at fault in the accident
4	In NSW it is the responsibility of people injured in a motor vehicle accident to identify the at-fault driver's CTP insurance provider and negotiate claims with them	11	In NSW it is the responsibility of the injured person's insurance company to identify the at-fault driver's CTP insurance provider and negotiate claims with them
	If a person is injured in an accident through the fault of a non-registrable vehicle (e.g. a bicycle) , they are unable to make a CTP insurance claim in NSW	12	Even if a person is injured in an accident through the fault of a non-registrable vehicle (e.g. a bicycle) , they are still able to make a CTP insurance claim in NSW
6	In the NSW CTP insurance scheme, some forms of compensation (e.g. loss of earnings) are paid in a lump sum at the end of the claim	13	In the NSW CTP insurance scheme, all expenses including medical and other forms (e.g. loss of earnings) are paid for as they are incurred throughout the duration of the claim
7	In the NSW CTP insurance scheme, the amount and duration of non-medical forms of compensation (e.g. loss of earnings) are negotiated according to the personal circumstances of each individual claimant	14	In the NSW CTP insurance scheme, all expenses including medical and other forms of compensation (e.g. loss of earnings) are predefined and fixed in amount in duration as set by law

Understanding and evaluation of current CTP scheme limitations

10. What percentage of the money collected from premiums do you believe should go to claimant benefits?

In the NSW CTP insurance scheme, some forms of compensation (e.g. loss of earnings) are paid in a lump sum at the resolution of the claim. This lump sum payment usually takes some time while claim investigation and negotiation is taking place between the claimant and insurer.

11. In your view what is a reasonable length of time it should take for the **average** lump sum payment to be paid to claimants through the NSW CTP insurance scheme?

Compensation systems can be prone to fraudulent behaviour, exaggeration or embellishment of claims in order to maximise payments. As a result costs are often passed on in the form of higher premiums. Ideally a compensation system such as the NSW CTP insurance scheme wouldn't be subject to this, but in reality a proportion of claims in these systems do include a certain amount of fraud.

12. Out of the total amount of claims per year, what do you feel is a reasonable percentage of fraudulent claims for the NSW CTP insurance scheme?

13. In December 2015, the average price of a CTP insurance premium in the Greater Sydney Metropolitan area was \$637. Within reason, what do you expect premiums to be in December 2016?

Discrete choice experiment

You will now be shown 8 sets each containing 2 different options for how some of the most important parts of the NSW CTP insurance scheme could be structured. There will also be some information on how the different options might affect people making a claim through the scheme. For each set, please select which of the two options you would prefer.

14. Please select which of the two options below you would prefer to see.

Attribute	Level	Label
att1. Fault/no fault	•	Fault-based scheme
	•	No-fault scheme
	•	
att2. Proportionality	•	45% of premiums going to claimant
	•	25% of premiums going to claimant
	•	65% of premiums going to claimant
	•	
att3. Timeliness	•	3-5 years for resolution of claim
	•	Less than 1 year for resolution of claim
	•	1-2 years for resolution of claim
	•	5-6 years for resolution of claim
	•	
att.4 Cost of premium	•	\$637
	•	\$573
	•	\$701
	•	\$764
	•	
att.5 Benefits	•	Negotiable benefits paid in lump sum
	•	Standardised payments paid at regular intervals

Demographics

Finally, we'd like to finish off with some questions about you so that we can get a good cross section of people answering the survey.

15. Which of the following describes your current working situation?
- Work full-time (35 hours per week or more)
 - Work part-time (less than 35 hours per week)
 - Self-employed
 - Retired
 - In full time education (may also work part-time)
 - Full time home/house duties
 - Currently unemployed
 - Another situation
 - Prefer not to answer
16. What is the highest level of education that you have completed?
- Completed some high school
 - High school graduate
 - Technical college / TAFE
 - Undergraduate degree
 - Postgraduate degree
 - Prefer not to answer
17. Into which of these bands does your gross (i.e. pre-tax) annual **household** income fall?

- Less than \$20,000
 - \$20,000 - \$39,999
 - \$40,000 - \$64,999
 - \$65,000 - \$79,999
 - \$80,000 - \$99,999
 - \$100,000 - \$119,999
 - \$120,000 - \$149,999
 - \$150,000+
 - Prefer not to answer
 - Not sure
- 18.** And into which of these bands does your gross (i.e. pre-tax) annual **personal** income fall?
- Less than \$20,000
 - \$20,000 - \$39,999
 - \$40,000 - \$64,999
 - \$65,000 - \$79,999
 - \$80,000 - \$99,999
 - \$100,000 - \$119,999
 - \$120,000 - \$149,999
 - \$150,000+
 - Prefer not to answer
 - Not sure
- 19.** Is a language other than English spoken in your home?
- Yes
 - No
 - Prefer not to answer
- 20.** Which language is spoken?
- 21.** Are you of Aboriginal and/or Torres Strait Islander origin?
- Aboriginal but not Torres Strait Islander
 - Torres Strait Islander but not Aboriginal origin
 - Both Aboriginal and Torres Strait Islander origin
 - Neither Aboriginal nor Torres Strait Islander origin
 - Prefer not to answer
 - Not sure

23. How many employees of SIRA have previously worked for private insurance companies?

ANSWER:

For privacy reasons, this information cannot be disclosed.

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

ANSWER:

Yes. Filings have been formally rejected by the former Motor Accidents Authority on several occasions.

However the revised SIRA *Premiums Determination Guidelines* established in 2014 provide a more robust framework for the scrutiny of insurer filings by SIRA. They require greater transparency from insurers regarding proposed price changes as insurers must provide more specific information on the assumptions underlying their projections. These processes now mean that more filings are now withdrawn, revised or not submitted compared to the past.

SIRA now holds pre-filing meetings with insurers where they are given the opportunity to present their views on key assumptions. SIRA also gives insurers a quarterly briefing on the regulator's view of the scheme which provides stronger guidance on scheme performance and filing expectations. For

example, insurers have been required to file substantial reductions in Superimposed Inflation estimates. This has previously been identified as a major contributor to excessive profits.

Insurers are now required to file using a central estimate rather than conservative assumptions. Insurers are routinely challenged to amend filings where filing assumptions are inconsistent with the regulator's view. As a result, the insurer filing process has improved substantially. This was confirmed in the review of insurer profit.

There have been a number of examples where insurers have either withdrawn filings for proposed increases or have reduced, sometimes significantly, their proposed increase in premiums as a result of feedback from SIRA. Lower premiums have resulted from this process. (See attachment

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?

ANSWER:

The answer provided reflects what is already on the public record as detailed in the second reading speech which explains the objective of the Bill and the safeguards relating to collective sale and renewal decisions.

Questions from Shaoquett Moselmane MLC

26. Did you or your office significantly amend the answer to question 3359 regarding strata renewal?

ANSWER:

See the response to Question 25, above.

27. Did you or your office ignore detailed advice provided by your Department in relation to these questions and subsequent answers?

Answer:

See the response to Question 25, above.

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?

ANSWER:

See the response to Question 25, above.

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?

ANSWER:

Yes.

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?

ANSWER:

The strata renewal process is an important component of the Strata Schemes Development Act 2015 that allows the legislation to properly deal with the full lifecycle of a strata scheme, from formation to termination. It:

- provides a mechanism for collective decision making about sale or renewal of a strata building;
- provides a mechanism for the termination of a scheme where not all (but at least 75%) of owners agree.

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?

ANSWER:

The strata renewal procedure has been designed with six key safeguards embedded throughout the process. These include:

- 1) Opt-in model – The renewal process will not automatically apply to existing schemes. Part 10 of the *Strata Schemes Development Act 2015* will only apply if the owners corporation opts in to the process by passing an ordinary resolution.
- 2) Thorough and transparent process – The detailed legislated process sets out the steps which must be followed, which include:
 - prescribed form of strata renewal proposal.
 - consideration of strata renewal proposal by strata committee and then owners corporation.
 - Owners corporation to vote on, and establish a strata renewal committee to oversee development of the renewal plan.
 - Owners corporation can place financial limits and other parameters on the strata renewal committee.
 - Before the strata renewal committee is established, potential members must disclose any financial or other interests in the renewal proposal.
 - The legislation and regulations prescribe matters that must be addressed in the renewal plan.
 - Owners corporation decides by special resolution if the plan should be given to owners for consideration.
 - Owners will have at least 60 days to review the plan and obtain independent advice.
 - Those in favour of the plan must provide support notices to an independent returning officer.
- 3) Approval threshold based on unit entitlements and lots – to be approved the plan must be supported by both special resolution of the owners corporation (which is calculated on 75 per cent of the unit entitlements) plus the owners of 75 per cent of the lots (excluding utility lots).
- 4) Compensation Value – all owners in a collective sale, and all dissenting owners in a redevelopment proposal, must receive at least the compensation value of the lot calculated using the principles of just terms compensation provided for under the *Land Acquisition (Just Terms Compensation) Act*.
- 5) Renewal Plan to be approved by the Land and Environment Court – the Court must be satisfied the parties acted in good faith, the process was followed according to the Act, adequate compensation is provided and that the terms of settlement of the plan are just and equitable in all the circumstances.
- 6) NSW Government to provide practical assistance – Assistance will be available for all owners, but especially to vulnerable owners.

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?

ANSWER:

Section 182(1) is one important safeguard provision. It is not the only safeguard.

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?

ANSWER:

Section 182(1)(d) applies to all strata renewal plans for a collective sale.

34. Does the Minister agree that section 182(1)(g) of the Strata Schemes Development Act 2015 is not definitive?

ANSWER:

Section 182(1)(g) allows other matters to be prescribed.

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.

ANSWER:

The regulation is still being finalised.

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"?

ANSWER:

No. It is a matter for the Court's discretion to determine what is just and equitable in all of the 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?

ANSWER:

The Land and Environment Court must be satisfied of the matters set out in Section 182 before making of an order to give effect to the strata renewal plan which will consider all the circumstances of a particular case.

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?

ANSWER:

No. Ownership of real property involves a bundle of rights and obligations. The strata renewal process balances the rights of all owners in a strata scheme and provides a means of collective decision making about the scheme as a whole, in which all owners share an interest.

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?

ANSWER:

Yes. The Act provides a transparent and fair process to ensure the interests of owners are protected.

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?

ANSWER:

Appeals can be made to the Supreme Court from decisions of the Land and Environment Court

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?

ANSWER:

Homeowners will have access to free government strata renewal advice service for all owners, as well as a free advocacy service to assist vulnerable homeowners.

There will be costs involved in the appeal which may include court filing fees and other associated costs (including legal costs). Affected home owners may explore the grant of legal aid or pro bono legal assistance.

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?

ANSWER:

No. The previous legislation favoured the property rights of owners who did not want to terminate over the property rights of owners who did want to terminate.

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?

ANSWER:

The strata renewal process has been designed to include robust, definitive protections. The six key safeguards and the oversight of the Land and Environment Court provide a transparent process to ensure the interests of owners are protected.

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?

ANSWER:

The market value of the lot is determined with reference to *the Land Acquisition (Just Terms Compensation) Act 1991*. It is the amount that would have been paid for the lot if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer. This is an objective test.

Strata renewal provisions in the *Strata Schemes Development Act 2015* require that owners in a collective sale/renewal are paid an amount not less than the “compensation value” of the lot, assessed using principles set out under section 55 of the *Land Acquisition (Just Terms Compensation) Act*. This requires factors including the market value of the property and the reasonable expenses attributable to disturbance and relocation (including legal costs and stamp duty) to be taken into account to determine compensation.

The market value component of this compensation value is also assessed in accordance of the *Land Acquisition (Just Terms Compensation) Act, 1991*. Market value in this sense is the amount that would be paid for the property if it had been sold in the real estate market current at that time, by a vendor to a purchaser, both acting reasonably.

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 by considered at all? If not, why not?

ANSWER:

The definition of market value used in the Regulation is a standard definition of market value that is regularly used for valuation purposes. It is an objective test that does not depend on the preferences of a particular owner.

46. Can the Minister advise why did the Government not include a public interest test in considering any termination of a strata scheme?

ANSWER:

The strata renewal process provides a mechanism for collective decisions about the sale or redevelopment of a scheme. A renewal plan will only proceed with support from a significant majority of owners. The majority owners are in the best position to determine what they consider is to be in the best interest of their 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?

ANSWER:

The legislation operates to enable owners to make a decision with respect to the strata scheme. Any redevelopment proposal will need to comply with development and planning controls and the zoning of the land.

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?

ANSWER:

The legislation operates to enable owners to make a decision with respect to the strata scheme. Any redevelopment proposal will need to comply with development and planning controls and the zoning of the land which will dictate the use to which the land may be put.

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?

ANSWER:

The strata renewal process provides a mechanism for collective decisions about the sale or redevelopment of a scheme. A renewal plan will only proceed with support from a significant majority of owners. The majority owners are in the best position to determine what they consider is to be in the best interest of their scheme.

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?

ANSWER:

The Minister has not done a second reading speech on Tattoo Parlours or CTP.

51. Can the Minister guarantee that the practice of “proxy farming” will not be replaced by the practice of “power of attorney farming”?

ANSWER:

‘Power of attorney farming’ allegedly occurs when individuals collect votes from other lot owners in their strata scheme through legally binding powers of attorney.

It is important to recognise that powers of attorney and proxy delegations are very different instruments. A power of attorney is a legal document in which someone appoints a person or trustee organisation to manage their assets and financial affairs while they are alive. Powers of attorney are generally entered into with the advice and support of a legal practitioner. A proxy is a much more informal document and provides an authorisation for another person to vote on someone else’s behalf.

The *Strata Schemes Management Act 2015* restricts an original owner or a person connected with the original owner casting a vote by means of a power of attorney or by another contract or arrangement given by an owner, if the power of attorney was given in relation to a term of the sale contract for the lot. This provision effectively outlaws powers of attorney for voting purposes in new sales of contracts for strata schemes. However, lot owners can still give powers of attorney to other persons or subsequent owners.

It is expected that the new provisions of the *Strata Schemes Management Act 2015*, introducing the ability of lot owners to take part in meetings and vote from remote locations, use electronic means of communication and voting, and relaxing the quorum requirements for meetings, will gradually reduce the need for lot owners to resort to proxies and powers of attorney and encourage them to take a more active part in the management of their scheme.

As with all legislation, Fair Trading will closely monitor the operation of the new *Strata Schemes Management Act 2015* when it commences on 30 November 2016, and address any concerns that are raised by stakeholders.

52. Is the Minister concerned that the high price of housing and office space in Sydney is a dampener on innovation in Sydney?

ANSWER:

The NSW Government is aware of the need for Sydney start-ups of all sizes to be able to access affordable office space to ensure that they can participate in our strong innovation ecosystem.

In developing the NSW Innovation Strategy, the NSW Government is examining how best to create spaces where start-ups can work together and share ideas.

In addition, the government will continue to support the creation of new spaces for start-ups across the state and will look for ways to reduce or remove any regulatory barriers and costs to ensure that the NSW innovation economy continues to thrive.

53. What is the Minister doing to address housing unaffordability?

ANSWER:

Efficient regulation of real estate, home building and construction by the Department of Finance, Services and Innovation (DFSI) is helping the NSW government to deliver improved outcomes for the housing sector.

Better regulation of the home building and construction sector should contribute to housing supply by boosting consumer confidence and ensuring quality building outcomes.

Balanced regulation of the residential tenancy market ensures that the interests of landlords and tenants are taken into account in the application of rental increases. This includes tenants' right to dispute excessive rent increases in the Tribunal.

54. What is the Minister doing to address Sydney CBD rents?

ANSWER:

Commercial rents in the Sydney CBD are not covered by the Innovation and Better Regulation portfolio. In terms of residential rents, the Residential Tenancies Act 2010 allows tenants to challenge a rent increase in the NSW Civil and Administrative Tribunal on the grounds that it is excessive.

55. What was the cost of establishing the Fuel Watch program?

ANSWER:

It cost \$300,000 to develop FuelCheck which is approximately 6c per motorist.

56. Is the Fuel Watch program presenting real time information for motorists? If not, why not?

ANSWER:

The correct name of the new website is FuelCheck.

The Fair Trading (FuelCheck) Order 2016 established 'FuelCheck' under the powers provided by section 58 of the Fair Trading Act 1987. FuelCheck provides for the publication of standard retail fuel prices available at NSW service stations on an ongoing and up-to-date basis. The operator of a service station is guilty of an offence if a type of prescribed fuel is offered for retail sale at a standard retail price other than the price notified on FuelCheck.

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?

ANSWER

The following answer is based on the reports made to the Secretary of the Department of Finance, Services and Innovation by volume fuel sellers in accordance with the *Biofuels Act 2007*.

The total volume of ethanol sold as fuel in NSW in 2015-16 was 140,665,988 litres.

The percentage of ethanol as fuel used in NSW for the 2015-16 financial year was 1.33%

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?

ANSWER:

The following answer is based on the reports made to the Secretary of the Department of Finance, Services and Innovation by volume fuel sellers in accordance with the *Biofuels Act 2007*.

The total volume of ethanol sold as fuel in NSW in 2014-15 was 124,673,366 litres.

The percentage of ethanol as fuel used in NSW for the 2015-16 financial year was 1.19%

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?

ANSWER:

The following answer is based on the reports made to the Secretary of the Department of Finance, Services and Innovation by volume fuel sellers in accordance with the *Biofuels Act 2007*.

The total volume of ethanol sold as fuel in NSW in 2013-14 was 188,247,430 litres.

The percentage of ethanol as fuel used in NSW for the 2015-16 financial year was 1.86%

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?

ANSWER:

The following answer is based on the reports made to the Secretary of the Department of Finance, Services and Innovation by volume fuel sellers in accordance with the *Biofuels Act 2007*.

The total volume of ethanol sold as fuel in NSW in 2012-13 was 212,477,466 litres.

The percentage of ethanol as fuel used in NSW for the 2015-16 financial year was 2.08%

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?

ANSWER:

The following answer is based on the reports made to the Secretary of the Department of Finance, Services and Innovation by volume fuel sellers in accordance with the *Biofuels Act 2007*.

The total volume of ethanol sold as fuel in NSW in 2011-12 was 228,904,548 litres.

The percentage of ethanol as fuel used in NSW for the 2015-16 financial year was 3.89%

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?

ANSWER:

The following answer is based on the reports made to the Secretary of the Department of Finance, Services and Innovation by volume fuel sellers in accordance with the *Biofuels Act 2007*.

The total volume of ethanol sold as fuel in NSW in 2010 -11 was 223,784,456 litres.

The percentage of ethanol as fuel used in NSW for the 2015-16 financial year was 3.72%

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?

ANSWER:

The following answer is based on the reports made to the Secretary of the Department of Finance, Services and Innovation by volume fuel sellers in accordance with the *Biofuels Act 2007*.

The total volume of biodiesel sold as fuel in NSW in 2015-16 was 38,988,396 litres.

The percentage of biodiesel as fuel used in NSW for the 2015-16 financial year was 0.72%

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?

ANSWER:

The following answer is based on the reports made to the Secretary of the Department of Finance, Services and Innovation by volume fuel sellers in accordance with the *Biofuels Act 2007*.

The total volume of biodiesel sold as fuel in NSW in 2014-15 was 84,115,302 litres.

The percentage of biodiesel as fuel used in NSW for the 2014-15 financial year was 1.64%

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?

ANSWER:

The following answer is based on the reports made to the Secretary of the Department of Finance, Services and Innovation by volume fuel sellers in accordance with the *Biofuels Act 2007*.

The total volume of biodiesel sold as fuel in NSW in 2013-14 was 73,286,308 litres.

The percentage of biodiesel as fuel used in NSW for the 2013-14 financial year was 1.55%

66. What was the total volume of biodiesel as fuel sold in NSW in 2012-13?

ANSWER:

The following answer is based on the reports made to the Secretary of the Department of Finance, Services and Innovation by volume fuel sellers in accordance with the *Biofuels Act 2007*.

The total volume of biodiesel sold as fuel in NSW in 2012-13 was 53,270,711 litres.

The percentage of biodiesel as fuel used in NSW for the 2015-16 financial year was 1.15%

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?

ANSWER:

The following answer is based on the reports made to the Secretary of the Department of Finance, Services and Innovation by volume fuel sellers in accordance with the *Biofuels Act 2007*.

The total volume of biodiesel sold as fuel in NSW in 2011-12 was 43,146,893 litres.

The percentage of biodiesel as fuel used in NSW for the 2011-12 financial year was 0.92%

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?

ANSWER:

The following answer is based on the reports made to the Secretary of the Department of Finance, Services and Innovation by volume fuel sellers in accordance with the *Biofuels Act 2007*.

The total volume of biodiesel sold as fuel in NSW in 2010-11 was 44,621,031 litres.

The percentage of biodiesel as fuel used in NSW for the 2015-16 financial year was 0.95%

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.

ANSWER:

(a) and (b) The list of Red Tape Reduction reforms delivered since September 2011 are published on the website, http://www.dpc.nsw.gov.au/programs_and_services/red_tape_reduction.

(c) A copy of the *Guidelines for estimating savings under the red tape reduction target* which sets out the rationale and assumptions for departments to estimate red tape savings is published at, http://www.dpc.nsw.gov.au/programs_and_services/red_tape_reduction.

70. Can the minister advise why 52% of the savings on red tape were based on weak assumptions?

ANSWER:

It is the Audit Office's view that the assumptions are weak. Estimating the benefits of red tape reduction requires a degree of judgement; the Audit Office's report has presented their opinion on the estimation of some costs.

71. What percentage of red tape savings consisted of future savings yet to be realised?

ANSWER:

This information can be found in the reports published at the website http://www.dpc.nsw.gov.au/programs_and_services/red_tape_reduction.

72. What is the Minister doing to address the weak assumptions underpinning red tape savings calculation in NSW?

ANSWER:

The Audit Office has made recommendations to provide greater transparency and direction in the Government's ongoing work to reduce red tape. In response to the Audit Office report, a comprehensive review of current red tape reduction, regulatory performance measures and regulatory reform methodologies will be conducted. The review is to be overseen by an independent panel of experts from business, government and digitisation. The Minister announced this review on 25 August.

73. What is the Minister doing to address the additional \$16.1 million in additional regulatory burden as identified by the Audit Office?

ANSWER:

All regulatory proposals involve costs. The NSW Government is committed to ensuring that when regulation is used, the economic, social and environmental benefits justify the costs, distributional effects are considered, and the net benefits are maximised.

74. In what ways does the shutdown of the Greyhound industry meets 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

ANSWER:

This question should be directed to the Deputy Premier.

75. Was a Better Regulation Statement prepared before the Government decided to shut down the Greyhound industry? If not, why not?

ANSWER:

This question should be directed to the Deputy Premier.

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?

ANSWER:

This question should be directed to the Deputy Premier.

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?

ANSWER:

NSW Government agencies are developing initiatives to implement the NSW Government's policy that 100 per cent of public service jobs will be flexible by 2019 on the basis of 'if not, why not'.

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?

ANSWER:

Ministers' staff numbers and salary bands are available on the DPC website. Refer to: http://www.dpc.nsw.gov.au/about/publications/premiers_and_ministers_staff_numbers.

79. How many blackberries/iPhone's/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?

ANSWER:

There were 280 smart phones in use across all Ministers' offices in 2015-16. The total usage cost of these smart phones and other mobile devices (including iPads) was \$452,830, a 21.7% per cent reduction on the 2008-09 expenditure of \$578,691. The cost of replacing any lost or stolen devices is claimed through the NSW Treasury Managed Fund. Repairs are funded by the Department of Premier and Cabinet, Ministerial and Correspondence Services.

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?

ANSWER:

There were 148 iPads in use across all Ministers' offices in 2015-16. The cost of replacing any lost or stolen devices is claimed through the NSW Treasury Managed Fund. Repairs are funded by the Department of Premier and Cabinet, Ministerial and Correspondence Services.

81. Has any artwork been purchased or leased for display in your ministerial office in 2015-16?

- (a) What is the cost of this?

ANSWER:

Artwork in the Minister's Office has been donated at no cost.

82. Have any floral displays or indoor plants or pot plants been hired or leased for display in your ministerial office in 2015-16?

- (a) If so, what was the cost of these items?

ANSWER:

Floral arrangements purchased by the Ministry are managed within the office's budget.

83. Have any floral displays or indoor plants or pot plants been purchased for display in your ministerial office in 2015-16?

- (a) If so, what was the cost of these items?

ANSWER:

Floral arrangements purchased by the Ministry are managed within the office's budget.

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?

ANSWER:

The Minister's Office subscribes to a modest number of publications, the cost of which is managed within the Office's budget.

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?

ANSWER:

Gifts are presented to dignitaries during overseas missions and to dignitaries visiting NSW.

86. Do you purchase bottled water or provide water coolers for your office?

(a) What is the monthly cost of this?

ANSWER:

Water purchased by the Ministry are managed within the office's budget.

87. What non-standard features are fitted to your ministerial vehicle?

(a) What is the cost of each non-standard feature?

ANSWER;

Ministers, the Leader of the Opposition, other nominated public office holders and certain former office holders are provided with official cars and drivers. During 2015-16 all costs associated with these vehicles were paid from the relevant office's budget.

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

ANSWER:

Total expenditure for DFSI and Service NSW (excludes icare)

	DFSI	Service NSW	Total
2015-16 Expenditure	\$	\$	\$
Taxi hire	277,523	50,000	327,523
Limousine/private car hire	0	0	0
Hire car rental	44,768	138,000	182,768
Ridesharing services	581	0	581
Total	322,872	188,000	510,872

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?

ANSWER:

Expenditure on charter flights for the Ministry totalled \$28,706 in 2015-16. This compares with expenditure in 2009-10 of \$282,000.

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

ANSWER:

Expenditure on hospitality across the Ministry - which includes catering for stakeholder meetings and courtesy calls with visiting dignitaries - totalled \$25,059 in 2015-16

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

ANSWER:

Costs are managed within each agency's recurrent budget.

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

ANSWER:

The Premier and Cabinet Cluster uses Labour Hire firms, in accordance with NSW Public Service policies to cover temporary vacancies as required. There are no central records maintained, with operations authorised to make such arrangements, subject to their overall labour expense cap.

93. How many media or public relations advisers are employed for each of your portfolio agencies?

ANSWER:

DPC staff numbers are included in the Annual Report.

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?

ANSWER:

There are currently no plans to increase the number of media staff undertaking media or public relations activities.

95. What is the total cost of media monitoring services used by Departments/agencies within your portfolio responsibilities?

ANSWER:

The NSW Government purchases all commercial media monitoring centrally through the Department of Premier and Cabinet which delivers significant savings through aggregated procurement. The total cost of the whole of government service in 2015-16 was \$1,900,000
Compared to \$2,394,973 in 2009-10.

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?

ANSWER:

No.

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

ANSWER:

No taxpayer money has been spent on Facebook advertising or sponsored posts.

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

ANSWER:

The only Department expenditure has related to StudyNSW investing \$2320 on boosted posts since April 2016, resulting in reach of 3,868,800 people. Content on the StudyNSW Facebook page highlights why Sydney and NSW is a world class study destination to increase the number of international students studying in NSW.

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?

ANSWER:

Details of overseas travel including costs are published on the Department of Premier and Cabinet's website.

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?

ANSWER:

Details of overseas travel including costs are published on the Department of Premier and Cabinet's website.

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

ANSWER:

All Departments' travel in 2015-16 was in accordance with NSW Treasury and Finance Circular OFS-2014-07. DPC taxi travel is in line with the Department's Taxi Usage Policy.

DPC travel costs for 2015/16 were as follows:

- a) \$240,543. This compares with \$466,745 in 2009-10
- b) \$554. This compares with \$10,000 in 2009-10
- c) \$102,180. This compares with \$53,047 in 2009-10
- d) \$225. This compares with \$0 in 2009-10

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?

ANSWER:

Financial statements, including Legal Services expenditure and expenditure on consultants, are available in agency annual reports.

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

ANSWER:

Financial statements, including Legal Services expenditure and expenditure on consultants, are available in agency annual reports.

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?

ANSWER:

Voluntary redundancies are a component for agencies to achieve their efficiency dividends. Redundancy figures across the sector for 2015/16 are anticipated to be in the order of 2,099 – totalling 11,777 Since July 2011. The Labour Expenses Cap introduced in the 2012-13 Budget also continues to give Secretaries as much flexibility as possible to achieve these savings in the most appropriate ways to meet the service requirements of their agencies. Nurses, policy officers and teachers in schools have been quarantined from this measure.

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?

ANSWER:

Voluntary redundancies are a component for agencies to achieve their efficiency dividends. Redundancy figures across the sector for 2015/16 are anticipated to be in the order of 2,099 – totalling 11,777 Since July 2011. The Labour Expenses Cap introduced in the 2012-13 Budget also continues to give Secretaries as much flexibility as possible to achieve these savings in the most appropriate ways to meet the service requirements of their agencies. Nurses, policy officers and teachers in schools have been quarantined from this measure.

106. Are any staff formerly employed by your ministerial office now employed by Departments/agencies under your portfolio responsibility?

ANSWER:

Voluntary redundancies are a component for agencies to achieve their efficiency dividends. Redundancy figures across the sector for 2015/16 are anticipated to be in the order of 2,099 – totalling 11,777 Since July 2011. The Labour Expenses Cap introduced in the 2012-13 Budget also continues to give Secretaries as much flexibility as possible to achieve these savings in the most appropriate ways to meet the service requirements of their agencies. Nurses, policy officers and teachers in schools have been quarantined from this measure.

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?

ANSWER:

Voluntary redundancies are a component for agencies to achieve their efficiency dividends. Redundancy figures across the sector for 2015/16 are anticipated to be in the order of 2,099 – totalling 11,777 Since July 2011. The Labour Expenses Cap introduced in the 2012-13 Budget also continues to give Secretaries as much flexibility as possible to achieve these savings in the most appropriate ways to meet the service requirements of their agencies. Nurses, police officers and teachers in schools have been quarantined from this measure.

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?

ANSWER:

IT costs are managed within each agency's budget and are guided by NSW Government's ICT and procurement policies and frameworks.

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?

ANSWER:

IT costs are managed within each agency's budget and are guided by NSW Government's ICT and procurement policies and frameworks.

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

ANSWER:

Due to the way the Ministers' IT network infrastructure is configured with third party service providers, DPC does not have a single data source showing domain access and utilisation figures.

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

ANSWER;

Due to the way the Ministers' IT network infrastructure is configured with third party service providers, DPC does not have a single data source showing domain access and utilisation figures.

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.

ANSWER:

All NSW Government agencies are required to impose surcharges to recoup their merchant interchange fees, pursuant to Treasury Circular TC12/13. DPC does not accept payment for goods and services so we do not impose merchant fees on our customers.

DPC staff only use their Pcards for the purchase of goods and services for official business purposes. If particular vendors elect to impose a merchant fee on card transactions, that is an unavoidable cost of doing business. It would not be possible to determine fees charges to Departmental cards, as these would either be embedded in the individual transaction cost, or if separately disclosed would require each monthly card statement for each user to be reviewed.

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.

ANSWER

All NSW Government agencies are required to impose surcharges to recoup their merchant interchange fees, pursuant to Treasury Circular TC12/13. DPC does not accept payment for goods and services so we do not impose merchant fees on our customers.

DPC staff only use their Pcards for the purchase of goods and services for official business purposes. If particular vendors elect to impose a merchant fee on card transactions, that is an unavoidable cost of doing business. It would not be possible to determine fees charges to Departmental cards, as these would either be embedded in the individual transaction cost, or if separately disclosed would require each monthly card statement for each user to be reviewed.

114. What was the total amount paid in merchant fees on credit and/or debit card payments in your Department/agency in 2015-16?

ANSWER:

All NSW Government agencies are required to impose surcharges to recoup their merchant interchange fees, pursuant to Treasury Circular TC12/13. DPC does not accept payment for goods and services so we do not impose merchant fees on our customers.

DPC staff only use their Pcards for the purchase of goods and services for official business purposes. If particular vendors elect to impose a merchant fee on card transactions, that is an unavoidable cost of doing business. It would not be possible to determine fees charges to Departmental cards, as these would either be embedded in the individual transaction cost, or if separately disclosed would require each monthly card statement for each user to be reviewed.

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.

ANSWER:

In accordance with the NSW Procurement Board's Direction (PBD-2013-05), DPC has internal mechanisms in place to ensure that probity considerations are routinely taken into account in its procurement decisions, and the use of external probity advisers and auditors is the exception rather than the rule. The Department's Annual Report includes all consultancies valued more than \$50,000.

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?

ANSWER:

Each agency is responsible for implementing NSW Government policy. The information sought is not collected centrally.

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?

ANSWER:

Each agency is responsible for implementing NSW Government policy. The information sought is not collected centrally.