

BUDGET ESTIMATES 2019-2020 SUPPLEMENTARY QUESTIONS

Questions from Mr David Shoebridge MLC

QUESTION
<p>1. Are there any quotas for the supply of social housing to Aboriginal people anywhere in NSW?</p> <p>2. Are there any quotas for the supply of social and affordable housing to Aboriginal people in the Waterloo development?</p> <p>3. What funding has been directed to improving social and affordable housing options for Aboriginal people in the Sydney and Newtown LGAs?</p> <p>4. Have any agreements been made via the Local Decision Making Initiative since 2018 to invest in improving the quality and availability of Aboriginal social housing? If so please provide details.</p>
<p>ANSWER:</p> <p>1–3.</p> <p>This is a matter for the Minister for Water, Property and Housing.</p> <p>4.</p> <p>Under Local Decision Making, Aboriginal Affairs NSW supports the implementation of Regional Alliance priorities including social housing. In December 2018, a Social Housing Agreement was successfully negotiated and signed with the Murdi Paaki Regional Assembly. This Agreement establishes the Regional Aboriginal Housing Leadership Assembly.</p>

Questions from The Hon. Mark Buttigieg MLC

QUESTION – Aboriginal Land Claims
<p>5. Has there been a formal Land Claim lodged on the area known as the Butterfly Cave in the Hunter?</p>
<p>ANSWER:</p> <p>As at 12 March 2020 – no.</p>

QUESTION – Opportunity, Choice, Healing, Responsibility, Empowerment (OCHRE)
<p>6. How much from the Aboriginal Affairs budget in 2019/2020 is allocated to the OCHRE program?</p> <p>(a) Is any of this funding allocated for the Deputy Ombudsman for Aboriginal Programs?</p> <p>i. How much?</p> <p>ii. How many FTE staff are allocated to specifically support the Deputy Ombudsman for Aboriginal Programs?</p> <p>(b) How much of this funding is allocated for Aboriginal Language and Culture Nests?</p> <p>(c) How much of this funding is allocated for the negotiation and monitoring of Local Decision Making accords?</p>

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- (d) How much of this funding is allocated for the Opportunity Hubs Program?
- (e) How much of this funding is allocated to the following principles outlined in the OCHRE plan;
- i. Connected communities?
 - ii. String accountability reforms?
 - iii. Language and cultural development?
 - iv. Local decision making?
7. The OCHRE Plan indicates that the NSW Government will establish an independent Aboriginal Council, has this been completed?
- (a) When did the council last meet?
 - (b) Who are the council members?
 - (c) What are the functions of this council?

ANSWER:

6. The Aboriginal Affairs NSW budget in 2019-2020 is \$47.5 million. All of the agency's work supports the implementation of *OCHRE*.

This question is otherwise a matter for the Office of the NSW Ombudsman.

(b) This is a matter for the Department of Education.

(c) In 2019-2020, Aboriginal Affairs NSW has allocated \$995,875 in grant funding to Regional Alliances to support their participation in Local Decision Making.

(d) This is a matter for the Department of Education.

(e) This is a matter for the Department of Education.

(iv) In 2019-20, Aboriginal Affairs NSW has allocated \$995,875 in grant funding to Regional Alliances to support their participation in Local Decision Making.

7. In May 2014, the NSW Government passed legislation to enable the creation of a Deputy Ombudsman (Aboriginal Programs) to independently monitor and assess OCHRE. This replaced the need for an independent Aboriginal Council and Coordinator General as accountability strategies under OCHRE.

QUESTION – Culture and Heritage Law Reform

8. Does the Government plan to introduce legislation dealing specifically with Aboriginal Heritage in 2020?

9. What involvement does the Minister and the office of Aboriginal Affairs have in the Aboriginal culture and heritage law reform process?

ANSWER:

8. The NSW Government is committed to improving the way Aboriginal cultural heritage is managed and work continues in relation to potential legislation.

9. Aboriginal Affairs and Heritage NSW in the Department of Premier and Cabinet have been working closely together on the law reform process for several years.

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QUESTION – The Office of Aboriginal Affairs Staffing

10. How many Aboriginal staff are currently employed in the Office of Aboriginal Affairs?
- (a) What proportion of these staff are senior executive staff?
- (b) What is the average remuneration for non-Aboriginal staff?
- (c) What is the average remuneration for Aboriginal staff?

ANSWER:

10. Aboriginal Affairs NSW has 151 FTE roles. 81 are Aboriginal or Torres Strait Islander (54%).
- (a) 50% of senior executives are Aboriginal staff.
- (b) \$142,038.
- (c) \$143,889.

QUESTION – Aboriginal Centre of Excellence

11. What is the total 2020 budget for the Centre of Excellence
12. How many staff are employed at the Centre of Excellence?

ANSWER:

11. \$4 million was budgeted in 2019-20.
12. There are currently five staff employed on a full time basis at Kimberwalli.

QUESTION – Aboriginal Language and cultural nests

13. Minister, the department of Aboriginal Affairs says that Language and Culture Nests provide a continuous learning pathway for Aboriginal people while recognising the existing language skills and knowledge of Aboriginal community members

(a) How many co-ordinator positions are currently vacant in Aboriginal Language and Cultural Nests in NSW?

14. Under the Aboriginal Languages Act how is the intellectual property of Aboriginal Elders been protected?

(a) Does TAFE/Education Department get intellectual property rights over Elders?

15. What is the total allocation for Aboriginal Language and Cultural Nests including contributions made by departments other than Education in 2019/2020?

(a) What is the total allocation for each of the following language nests;

i. North West Wiradjuri?

ii. Gumbaynggirr?

iii. Bundjalung?

iv. Paakantji/Baakanji?

v. Gamilaraay/Yuwaalaraay/Yuwaalayaay?

(b) As at 31/7/16 how many FTE Aboriginal language tutors have been engaged?

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ANSWER:

13. (a)

This is a matter for the Department of Education.

14. The preamble of the *Aboriginal Languages Act 2017* acknowledges that Aboriginal people are the custodians of Aboriginal languages and have the right to control their growth and nurturing. In early 2020, Aboriginal Affairs NSW produced its own Aboriginal Cultural and Intellectual Property Protocol that aims to build awareness and respect for Aboriginal culture. The Protocol sets a standard for how Aboriginal Affairs NSW engages with Aboriginal people and communities in regard to their cultural and intellectual property and what is expected from the organisations engaged. Consistent with the Protocol, Aboriginal Affairs NSW's grant funding and services agreements include clauses that acknowledge and respect Aboriginal Cultural and Intellectual Property.

(a) This is a matter for the Department of Education.

15. The Department of Education has advised that \$1.68 million has been allocated for Aboriginal Language and Culture Nests for 2019-2020. No contribution is made by departments other than Education.

(b) This is a matter for the Department of Education.

QUESTION – Aboriginal Sacred Sites

16. Has there been a loss of Aboriginal sites of significance?

17. Has there been an audit of sites?

ANSWER:

16. Heritage NSW has advised they have mapped the fireground for Aboriginal sites. As at 23 March 2020, there are 7,653 sites registered under the *National Parks and Wildlife Act 1974* on the Aboriginal Heritage Information Management System and 16 Aboriginal Places within the fireground. We know some sites have been damaged.

Aboriginal Affairs NSW is, through its regional teams, providing guidance and contacts for Aboriginal people to understand and access the assistance available from Heritage NSW.

17. Heritage NSW has advised a desktop audit based on the fireground maps has been undertaken. The mapping of registered sites against fire affected areas will assist Heritage NSW to provide advice in relation to specific sites. Aboriginal Affairs, through its regional offices, is linking Aboriginal people with Heritage NSW.

QUESTION – Aboriginal Sacred Sites

18. What impact has bushfires had on Aboriginal Tourism Operators?

19. What assistance has been offered to Aboriginal Tourism Operators?

ANSWER:

This is a matter for the Minister for Tourism.

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QUESTION – Heritage

20. What is the process for listing a heritage item on the State Heritage Register?
21. How many times has the Heritage Council met in 2017, 2018, 2019 and 2020?
22. Are there any current vacancies on the Heritage Council?
23. How many members of the Heritage Council have provided a conflict of interest declaration?
24. Who are the current members of the Heritage Council, and on what date was each member appointed?
25. What's the average time it takes for the Heritage Council to consider a completed state heritage register listing application, and give a recommendation to the Minister?
26. How many nominations for listing on the state heritage register are currently before the Department?
27. How many of the state heritage register applications which have closed for public comment have been considered by the Heritage Council and a recommendation given to the Minister?
28. Three state heritage register applications currently before the Department were submitted in 2017, including the Newcastle Recreation Reserve, the Warringah Civic Centre Precinct, and The Maltings at Mittagong. Which of those three applications have been considered by the Heritage Council, and what were their recommendations?
29. Five state heritage register applications currently before the Department were submitted in 2018, including Milton Park Cultural Landscape (Bowral), the Sisters of Mercy Convent (Singleton), Macquarie Homestead (near Bathurst), Maryland (Bringelly), and Mount Gilead Estate. Which of those five applications have been considered by the Heritage Council, and what were their recommendations?
30. Once the Heritage Council gives a recommendation to the Minister, does the Department send follow-up briefs or reminder memos to the Minister regarding outstanding applications?
31. Please provide a list each of the applications that have been considered by the Heritage Council, and the date the Council provided a recommendation to the Minister.
32. Please provide a list of the state heritage register application recommendations from the Heritage Council.
33. Once an item is listed on the State Heritage Register, what role, if any, does the Government play as a matter of course with that site afterwards?
34. How many items are listed on the State Heritage Register?
35. Have any items been removed from the State Heritage Register since 2011?

ANSWER:

20. The *Heritage Act 1977* outlines the process for listing. Information can be found at the Department of Planning, Industry and Environment website.
- 21–24. Information can be found at the Department of Planning, Industry and Environment website.
25. Since 1 July 2017, the average time taken from the Heritage Council recommending a listing, to the Minister receiving that recommendation, is 126 days.

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26. 103 nominations (as of 16 March 2020).
27. Six.
28. The three nominations have been considered by the Heritage Council which recommended they be listed on the State Heritage Register.
29. The five nominations have been considered by the Heritage Council which recommended they be listed on the State Heritage Register.
30. The Minister is appropriately briefed regarding State Heritage Register nominations recommended and under assessment.
31. The period in relation to which information is sought is unclear.
32. The period in relation to which information is sought is unclear.
33. The consequences of listing are outlined in the *Heritage Act 1977 NSW*.
34. As at 12 March 2020, there are 1,727 items listed on the State Heritage Register.
35. Yes.

QUESTION – Minister’s Heritage staff
<p>36. Does the Minister have any Department Liaison Officers who are responsible for heritage issues? How many?</p> <p>37. Does the Minister have any ministerial advisors who are responsible for heritage issues? How many?</p>
ANSWER:
36-37. Ministers’ Office staff numbers are publically available on the DPC website.

QUESTION – Heritage												
<p>38. How many staff within the Department are exclusively employed to carry out heritage functions, full time equivalent, and at which public service grade?</p> <p>39. When the Heritage portfolio moved from the Minister for Environment to the Special Minister of State, were there any departmental job losses as a result?</p> <p>40. Does Heritage NSW have its own budget within the Department?</p> <p>41. What is the “Heritage Information Management System”, and what function does it serve?</p>												
ANSWER:												
<p>38. There are 115.8 staff.</p> <table> <tr> <td>Clerk 03/04</td> <td>1</td> </tr> <tr> <td>EO03</td> <td>4</td> </tr> <tr> <td>EO04</td> <td>6.4</td> </tr> <tr> <td>EO05</td> <td>2</td> </tr> <tr> <td>EO06</td> <td>2.3</td> </tr> <tr> <td>EO07</td> <td>9</td> </tr> </table>	Clerk 03/04	1	EO03	4	EO04	6.4	EO05	2	EO06	2.3	EO07	9
Clerk 03/04	1											
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EO05	2											
EO06	2.3											
EO07	9											

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EO08	6
EO09	35.8
EO10	18.2
EO12	22.3
EO14	5
EP08	1
SES1	2.8
SES2	1

39. No.

40. Yes.

41. The Heritage Management System (HMS) will replace an ageing Heritage Operations Database (State Heritage Inventory and State Heritage Register data management system) and deliver an integrated heritage management system. The system will improve efficiency and response times for users and Heritage NSW, the quality and consistency of heritage advice and access to data and reporting for local and State government agencies.

QUESTION – Aboriginal Affairs

42. How many Local Decision Making accords have been entered?
 (a) Where have these Accords been entered?
 (b) How much additional funding has flowed to priorities under these accords?
43. What is the status of the state-wide ACORD with the NSW Coalition of Aboriginal Regional Alliances?

ANSWER:

42. (a) Five Local Decision Making Accords and Agreements have been established between the NSW Government and regional Aboriginal governance bodies.

Murdi Paaki Regional Assembly (MPRA)

The first Local Decision Making Accord was signed between MPRA and the NSW Government on 19 February 2015. MPRA is the regional Aboriginal governance body for the Murdi Paaki region, representing the interests of Aboriginal people across Western NSW. MPRA covers the traditional lands of the Paakantji, Ngayampaa Wangaaypuwan, Ngemba, Weilwan, Murrawari, Wangkumarra, Muti Muti, Ularai, Baranbinja, Malyangapa and Gamilaroi nations.

Illawarra Wingecarribee Alliance Aboriginal Corporation (IWAAC)

The Local Decision Making Accord between IWAAC and the NSW Government was signed on 14 May 2018. IWAAC is the regional Aboriginal governance body for the Illawarra and Wingecarribee region, on the lands of Dharawal, Yuin and Gandangara people. This includes Wodi, Eloera and other language groups in the area.

Three Rivers Regional Assembly (TRRA)

The Local Decision Making Accord between TRRA and the NSW Government was signed on 10 December 2018. TRAA is the regional Aboriginal governance body for the Three Rivers Region, representing the interests of Aboriginal peoples across Central West NSW. TRRA covers the traditional lands of a number of Aboriginal clans and language group but is predominately located

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within the north-west of the Wiradjuri nation and extends into the Weilwan and Wongaibon nations.

Murdi Paaki Social Housing Agreement

In December 2018, a Social Housing Agreement was successfully negotiated and signed with the Murdi Paaki Regional Assembly. This Agreement establishes the Regional Aboriginal Housing Leadership Assembly that is focused on delivering social housing that meets the needs of the Far West, through joint decision-making between community and government.

NSW Coalition of Aboriginal Regional Alliances (NCARA)

NCARA and the NSW Government signed an Accord on 27 February 2019 with the NSW Government committing to work together to support and renew and return Aboriginal people to prosperity. NCARA is comprised of nominated representatives from each of the NSW Aboriginal Regional Alliances to have an increased say in government service delivery, exchange ideas and consider common issues, as well as providing leadership and advocacy. There are four Accords currently being negotiated, including a second Accord with Murdi Paaki Regional Assembly. It is anticipated that these Accords will be signed in 2020.

(b) The Murdi Paaki Social Housing Agreement, which has been established through the Murdi Paaki LDM Accord, establishes the Regional Aboriginal Housing Leadership Assembly (RAHLA) as a community decision making body to direct the expenditure of \$15 million allocated to the region by the Commonwealth Government through the former National Partnership Agreement on Remote Social Housing.

In 2019-2020, Aboriginal Affairs NSW has allocated \$995,875 in grant funding to Regional Alliances to support their participation in Local Decision Making.

43. Formal negotiations commenced in May 2019 with multiple NSW Government agencies in line with NCARA's Accord priorities and are well underway.

QUESTION – Arts Funding

44. Is the Newcastle LGA considered regional or metropolitan for arts funding programs?

45. What arts and cultural infrastructure funding programs is the Newcastle LGA eligible for?

46. What arts and cultural infrastructure funding programs is the Newcastle Art Gallery eligible for?

47. What funding from the Arts & Cultural Development Program (ACDP) has been allocated to Newcastle projects?

48. How much money has the Newcastle Art Gallery received from the State Government since 2011?

49. How much money has the Art Gallery of NSW received from the State Government since 2011?

50. How much money did Create NSW spend outside of Sydney for each of the following years:

(a) 2017-18;

(b) 2018-19, and

(c) 2019-20 to date?

51. How much money did Create NSW spend in total for each of the following years:

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<p>(a) 2017-18; (b) 2018-19; and (c) 2019-20 to date?</p> <p>52. Can the Minister provide a list of arts grants funding provided by the NSW Government since 2011, including the amount provided, the recipient and project description?</p>
<p>ANSWER</p> <p>44. Regional.</p> <p>45–46. Any cultural infrastructure funding request for Newcastle would be subject to normal budget processes.</p> <p>47. Between 2010-11 and 2019-20, under the Arts and Cultural Funding Program (ACFP), \$716,189 has been allocated toward projects grants in the Newcastle LGA.</p> <p>48. Between 2010-11 and 2019-20, under the Arts and Cultural Funding Program (ACFP) the Newcastle Art Gallery has received a total of \$417,000 in annual organisation funding.</p> <p>49. This information is available in the Art Gallery of NSW's Annual Reports.</p> <p>50. a. \$14.5 million b. \$16.2 million c. \$12.7 million</p> <p>51. a. \$52.9 million b. \$56.2 million c. \$52.9 million</p> <p>52. Information concerning successful funding recipients can be found at the Create NSW website.</p>

<p>QUESTION – Victoria Theatre</p>
<p>53. What funding is available to the Victoria Theatre for their restoration project? (a) What funding has been provided to date?</p> <p>54. What action has the Minister taken ensure that this historic theatre is restored?</p>
<p>ANSWER</p> <p>53. Under the Arts and Cultural Funding Program managed by Create NSW, the Victoria Theatre is eligible to apply for funding to support its restoration project. The 2019-21 NSW Heritage Grants funding round has now closed for applications. The next funding round is expected to be called during 2020-21. No funding application has been received in relation to the Victoria Theatre at Newcastle.</p> <p>54. The Victoria Theatre is in private ownership and its use and restoration is determined by the owner.</p>

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QUESTION – Made in NSW Fund
55. Is the Newcastle LGA eligible for the Made in NSW fund? 56. What Film and TV Production funding is the Newcastle LGA eligible for? 57. Who has received funding through the Made in NSW fund?
ANSWER 55. Yes. Production companies in the Newcastle LGA are eligible to apply to the Made in NSW Fund. 56. Information can be found at the Screen NSW website. 57. As at 10 March 2020, in 2019-2020 to date, 5 TV Drama projects and 3 Footloose Feature films have been funded: <ul style="list-style-type: none">• Wakefield• The Royal Flying Doctors• The Unusual Suspects• Informant 3838• New Gold Mountain• Thor - Love and Thunder• The Invisible Man• Children of the Corn In 2018-2019, funding was provided for 11 TV Drama projects and 4 International Footloose Feature films: <ul style="list-style-type: none">• Upright• Les Norton• Total Control• Seachange• Fallout• Mystery Road -Series 2• Playing for Keeps -Series 2• Doctor Doctor Season 4• The Secret She Keeps• The Other Guy - Series 2• The Commons• 800 Heroes• Turandot• Shang Chi and the Legend of the Ten Rings• Peter Rabbit 2 In 2017-2018, funding was provided for 7 TV Drama projects and 9 International Footloose Feature films have been funded: <ul style="list-style-type: none">• Doctor Doctor Series 2• Dead Lucky• Bite Club• Rake Series 5• Sando• Lambs of God• Doctor Doctor Series 3• Reckoning

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- Captain Marvel
- Smokescreen
- The King
- I Am Mother
- Airpocalypse
- The Portal
- A Wrinkle in Time
- Spider-Man: Homecoming

In 2016-2017, funding was provided for 13 TV Drama projects and 3 International Footloose Feature films:

- Wake In Fright
- Friday On My Mind
- Janet King Series 3
- Love Child Series 4
- Monkey
- Mr In Between
- Fighting Season
- Pulse
- Cleverman 2
- The Secret Daughter Series 2
- Riot
- Mystery Road - TV Series
- The Other Guy
- Peter Rabbit
- Chosen
- Pacific Rim Uprising

QUESTION – Heritage - King Edward Park Heritage Listing

58. Is the Minister aware of the Heritage Council's recommendation on 2 August 2017 to list the Newcastle Recreation Reserve (King Edward Park) on the State Heritage Register?

59. Is this listing still under consideration?

60. Why has it taken 950 days to determine this listing?

(a) When will a determination be made?

61. I refer to the answer to LA QON 310 received on 4 July 2019 which advised "The Heritage Council of NSW is currently concluding its consultation" has this consideration been completed?

(a) If so, has a recommendation be made?

i. If so, what was recommendation?

(b) If so, when will the listing be determined?

62. If not, when will this consultation be completed?

ANSWER:

58–60. I refer you to the answer given to Legislative Assembly Question on Notice 2253.

61. Yes.

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- a) The Heritage Council has advised the NSW Government of the outcome of the consultation with the new land owner, Awabakal Local Aboriginal Land Council, which has maintained its objection to the inclusion of its land within the listing curtilage.
- b) A determination will be made when all relevant advice has been considered.
62. Not applicable.

QUESTION – All Roles Flex

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

ANSWER:

- a) All roles in the NSW government sector can be flexible. The Public Service Commission (PSC) has been working with the public sector to support this.
- b) Each agency manages its own flexible work arrangements. It is therefore a matter for agencies to determine if they will centrally register all arrangements or not.
- c) Since January 2018, government sector agencies have been, with PSC support, implementing a program of toolkits and guides.

QUESTION – Public Service – Contingent Labour

(Questions addressed to both Mr Tim Reardon, Secretary, DPC and Mr Scott Johnston, A/Public Service Commissioner)

64. As of February 1, 2020, how many people were engaged under SCM 0007: Contingent Workforce contracts by Transport for NSW in 2020?
- (a) What was the total value of those contracts?
- (b) What was the total value of salaries for those contracts?
- (c) Were all contracts and positions advertised publicly?
65. As of February 1, 2020, how many people were engaged under SCM 0005: Performance and Management Services contracts by Transport for NSW in 2020?
- (a) What was the total value of those contracts?
- (b) What was the total value of salaries for those contracts?
- (c) Were all contracts and positions advertised publicly?
66. How many people were engaged under SCM 0007: Contingent Workforce contracts by Transport for NSW in 2019?
- (a) What was the total value of those contracts?
- (b) What was the total value of salaries for those contracts?

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- (c) Were all contracts and positions advertised publicly?
67. How many people were engaged under SCM 0005: Performance and Management Services contracts by Transport for NSW in 2019?
- (a) What was the total value of those contracts?
- (b) What was the total value of salaries for those contracts?
- (c) Were all contracts and positions advertised publicly?
68. How many people were engaged under SCM 0007: Contingent Workforce contracts by Transport for NSW in 2018?
- (a) What was the total value of those contracts?
- (b) What was the total value of salaries for those contracts?
- (c) Were all contracts and positions advertised publicly?
69. How many people were engaged under SCM 0005: Performance and Management Services contracts by Transport for NSW in 2018?
- (a) What was the total value of those contracts?
- (b) What was the total value of salaries for those contracts?
- (c) Were all contracts and positions advertised publicly?
70. How many people were engaged under SCM 0007: Contingent Workforce contracts by Transport for NSW in 2017?
- (a) What was the total value of those contracts?
- (b) What was the total value of salaries for those contracts?
- (c) Were all contracts and positions advertised publicly?
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- (a) What was the total value of those contracts?
- (b) What was the total value of salaries for those contracts?
- (c) Were all contracts and positions advertised publicly?
72. How many people were engaged under SCM 0007: Contingent Workforce contracts by Transport for NSW in 2016?
- (a) What was the total value of those contracts?
- (b) What was the total value of salaries for those contracts?
- (c) Were all contracts and positions advertised publicly?
73. How many people were engaged under SCM 0005: Performance and Management Services contracts by Transport for NSW in 2016?
- (a) What was the total value of those contracts?
- (b) What was the total value of salaries for those contracts?
- (c) Were all contracts and positions advertised publicly?
74. How many people were engaged under SCM 0007: Contingent Workforce contracts by Transport for NSW in 2015?
- (a) What was the total value of those contracts?
- (b) What was the total value of salaries for those contracts?

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- (c) Were all contracts and positions advertised publicly?
75. How many people were engaged under SCM 0005: Performance and Management Services contracts by Transport for NSW in 2015?
- (a) What was the total value of those contracts?
- (b) What was the total value of salaries for those contracts?
- (c) Were all contracts and positions advertised publicly?

ANSWER:

I refer you to answers given to Question on Notice 1022.