



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2020-2021 Supplementary Questions

Portfolio Committee No. 1 – Premier and Finance

**SPECIAL MINISTER OF STATE, PUBLIC SERVICE AND EMPLOYEE
RELATIONS, ABORIGINAL AFFAIRS AND THE ARTS**

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Budget Estimates secretariat
Phone 9230 2898
BudgetEstimates@parliament.nsw.gov.au

SPECIAL MINISTER OF STATE

Questions from the Hon Adam Searle MLC

Integrity agencies

(ICAC, LECC, Ombudsman, Electoral Commission, Auditor General)

1. Considering a NSW government spokeswoman said the Premier was grateful to the Auditor-General for her work on the funding for integrity agencies, and the Legislative Council Public Accountability Committee has now delivered a second report on the issue, what has been done to implement a new funding model for the integrity agencies?
2. Has the Government implemented any of the recommendations from the Audit Office's Special Report into the effectiveness of the financial arrangements and management practices in four integrity agencies?
3. Considering this report found that the current approach to determining annual funding for the integrity agencies presents threats to their independent status, shouldn't the Government have acted quickly to adopt those recommendations?
4. How much funding was sought by the ICAC in the lead up to the 2020-2021 Budget?
5. Has the ICAC been granted supplementary funding for the 2020/2021 financial year?
6. Are the integrity agencies still subject to the efficiency dividend requirement?

If yes:

- (a) How much will be required of each integrity agency, for the 2020-2021 Budget year, and for each year of the forward estimates?
- (b) What will be the impact on the number of job numbers in each agency, by agency and by year?

PUBLIC SERVICE AND EMPLOYEE RELATIONS

Questions from the Hon Mark Buttigieg MLC (on behalf of the Opposition)

Flexible work

7. Does the government keep track of how many flexible work requests are rejected and why?
 - (a) Does it aggregate that data by gender, location, and agency?
8. What is in place to encourage the uptake of flexible work for men?
9. Has the Government done any modelling on how much does work at home saves government as individual agencies (rent, consumables, office equipment, electricity) and on big picture items (reduced cost of the transport network and roads through less usage, reduced costs to health system thru flu season)
10. Has any modelling been done on the income shifts away from CBDs to local areas and small businesses- what has been done to model these shifts in spending and the benefit to local areas from workers working at home?
11. How does the government plan to use the work at home advances to accelerate its regional jobs agenda?
 - (a) Does it have specific targets or timelines?
12. Has the job share register pilot completed?
 - (a) Have any reviews been undertaken?
 - (b) Is it now available to all members of the public service?
 - (c) How many people have used it?

Questions from the Hon Adam Searle MLC

Efficiency Dividend

The 2018-19 NSW Budget introduced an efficiency dividend of 12 per cent over four years, meaning that government agencies are expected to find 3 per cent in savings each year for at least the next four years.

13. How many jobs have been lost so far by the application of the efficiency dividend introduced in 2018-19?
14. How many of these jobs have been lost in Sydney, and how many have been lost in regional NSW?

15. Why is the government continuing to cut public sector jobs by implementing a 3% efficiency dividend in the middle of a global pandemic?
16. Will the efficiency dividend end, as expected, in the 2021-22 Budget? Or will another round be imposed?
17. How is the NSW Government ensuring that the savings being made are actually making services more efficient?
18. Which agencies/departments, or parts of agencies/departments were exempt from the efficiency dividend in 2020-21?
19. How does the government determine which parts of agencies/departments are exempt from the efficiency dividend?
20. If it by distinguishing between 'frontline' and 'back office' workers, how does the government determine what is a 'frontline' job and what is a 'back office' job?
21. How can the government be sure that the efficiency dividend is only cutting 'back office' jobs?
22. How does the government ensure that cuts to so-called 'back office' jobs do not adversely affect 'frontline' workers? eg. if the government says no cuts to nurses, but still imposes the efficiency dividend on the Ministry of Health, does this not have a flow on effect for nurses, and their ability to care for the people of NSW, or combatting the pandemic keeping our hospitals from over-flowing?
23. Does the government consider fire combat agencies including the NSW Rural Fire Service, Fire and Rescue NSW, NSW National Parks and Wildlife Service to be frontline?
24. Were fire combat agencies exempt from the efficiency dividend in 2020-21? If not Why not?
25. Will fire combat agencies be exempt in 2021-22?
26. Does the government consider child protection workers to be frontline? Are they exempt from the efficiency dividend?
 - (a) If no, Child protection workers are currently only able to reach 29 per cent of children and young people subject to ROSH (at risk of significant harm) with the resources they have. Is it appropriate to impose an efficiency dividend on Community Services when so many vulnerable children are already missing out on support from their government?

Working from the Office

27. What is the general government policy about public servants returning to work in the office? Are public service employees now generally required to work from an office or are they largely still able to work from home? Or is there no general policy guidance and each cluster or agency is taking their own approach?

28. With more public service workers now returning to work more regularly from an office:
- (a) What strategies are in place to ensure that social distancing is being maintained?
 - (b) Has the government factored into these strategies existing ergonomic requirements that workers may have, such as specific chairs or standing desks?

Industrial Relations Commission

The 2019 Annual Report of the Industrial Relations Commission shows its work increasing significantly, particularly in industrial disputes and unfair dismissals, while many of its time standards measures are blowing out due to a range of factors, including the reduction of the IRC membership on the retirement of Chief Commissioner Kite in December 2019. The Commission went from 5.4 members FTE to 4.4 members. In estimates last year the Minister stated *“The Government is considering potential next steps in relation to this matter.”*: Answers to Supplementary Questions, 5 March 2020

29. Will the government restore the IRC to having 5 plus full-time equivalent members?
- (a) If so, when will it do this?
30. Commissioner Murphy retires this year in July and Commissioner Stanton retires in October this year. Will the government commit to replacing both Commissioners? Will there be a dedicated Newcastle/Hunter-based Commissioner?
31. The government advertised for those interested in appointment as an IRC Commissioner to express interest. Where is this process up to?
32. Will the Minister outline the selection process, how many persons expressed interest in appointment, how many were interviewed and how many appointments will be recommended?
33. Will the government appoint as Commissioner a person who has significant experience representing unions and/or applicant workers in this current round? (Noting that in the last decade, it has appointed only one person with this experience).

Questions from Mr David Shoebridge MLC

Aboriginal Employment in the Public Sector

34. Can you advise how many public sector workers have been moved from identified positions to generalist ones for each government department in each of the last 5 financial years?
35. What are the reasons people are moved from positions like this?
36. Has there been any resistance identified in this process?

37. In the year following any such move, how many First Nations people left their position or the public service entirely?

Public Service Commission

38. What new executive roles were created in the public service commission as part of the restructure last year?
39. What specialist areas were changed?
40. The union raised concerns the restructure was being rushed, what were the reasons behind the tight timeframes for the process?
41. We understand the Public service commission leads the Premier's Priorities around inclusion - to this end can you provide a complete listing of the number of staff with a disability aboriginal people and female senior leaders?
- (a) What is the 5 year trend for these categories of employment in the Commission and the public service generally?
42. Can you provide the number of staff in the Public Service Commission that had a disability pre and post restructure?
43. I have been advised that the Public Service Commission ended up in IRC twice as part of restructure, and a number of undertakings were made including the formation of a staff Joint Consultative Committee – has the commission done any of the actions they agreed to do as a result of those IRC matters?

DPC job losses

44. How many jobs are expected to go as part of the current round of voluntary redundancies?
45. What steps are being taken to mitigate the anticipated impacts on Aboriginal workers and regional areas?

ABORIGINAL AFFAIRS

Questions from the Hon Robert Borsak MLC

Land Negotiation Program – Pilot Project

46. What proportion of the claims opposed by the Minister were withdrawn by the claimant?
- (a) What proportion were decided in favour of the claimant upon appeal?

Questions from the Hon Adam Searle MLC

Warragamba Dam wall raising EIS

47. It can be seen in the tabled briefing note authored by Heritage NSW that they advised the Minister there had been an "inadequate assessment of cultural values", "inadequate consultation with the Aboriginal Community" and that "numerous issues regarding the EIS have been raised since 2018 and have not been addressed in a proactive manner by WaterNSW" regarding the Warragamba Dam wall raising project. Do you support your department's view on these matters and all those raised in the tabled briefing note?
- (a) What action has the Minister undertaken to remedy these issues?
- (b) In the same briefing note Heritage NSW made a series of recommendations including that "Further archaeological assessment of potential archaeological deposits" be undertaken. Are these archaeological assessments requested by your department taking place?
- (c) Has the Minister requested further archaeological assessments be undertaken for the project?
- i. If so, with whom?
- (a) If so, when?
48. Has the Minister or Heritage NSW raised the testimony given by former archaeology contractor, Michael Jackson, to the Select Committee on the Proposal to Raise the Warragamba Dam Wall with WaterNSW or any other government agency or minister?
- (a) If so, why did you raise it?
- (b) If so, with whom?
- (c) If so, when?

49. Does Michael Jackson's evidence that he was "managed out" of the project as his opinions were unwanted by WaterNSW and their consultants concern the Minister?
- (a) What has Heritage NSW or the Minister's office done to address these matters?
50. Does Michael Jackson's evidence that his employment was largely a "Public Relations move, designed to make some Aboriginal representatives feel that they could trust the EIS process (in particular the Gundungurra Indigenous Land Use Agreement (ILUA) committee)" concern the minister?
- (a) What has Heritage NSW or the Minister's office done to address these matters?
51. What is the date for the public release of the Aboriginal Cultural Heritage Assessment for the Warragamba Dam wall raising project?
- (a) What 'further consultation' will be undertaken with Registered Aboriginal parties as described in recent media reports?
- (b) When will the 'cultural heritage management plan' (referred to in the tabled briefing note) be submitted by the proponent?
52. Have WaterNSW agreed to all the recommendations regarding the EIS made by HeritageNSW in the tabled briefing note?
- (a) If not, which recommendations have they not agreed to?
- (b) Have these recommendations been raised in Cabinet?
- (c) Has the Minister met with Minister Ayres to discuss the recommendations?
- (d) Does HeritageNSW continue to request that all recommendations made in the tabled briefing note be implemented by WaterNSW?
53. Does the Minister support the proponent only surveying 27% of the upstream impacted area?
54. Will the NSW Government proceed with the raising the Warragamba Dam wall without 'Free, Prior and Informed Consent' (FPIC) of Traditional Owners and Registered Aboriginal Parties as defined under 'The United Nations Declaration on the Rights of Indigenous Peoples'?
- (a) Does the NSW Government support the United Nations Declaration on the Rights of Indigenous Peoples in line with the Commonwealth Government?
- (b) Will the NSW Government seek to obtain FPIC from Indigenous people before it raises Warragamba Dam wall?
- (c) If so, how will FPIC be obtained?
- i. If the NSW Government attempts to obtain it, who will be the NSW Government's nominated party to consult with Traditional Owners?

55. Does the Minister support the application made by Aunty Sharyn Halls for an emergency Aboriginal and Torres Strait Islander Heritage Protection Act (ATSHPA) protection order for areas upstream of the Warragamba Dam wall to stop the Warragamba Dam raising project proceeding?
- (a) Will the NSW Government be making a submission to the relevant Commonwealth agency concerning this ATSHPA application?
- i. If so, what position will the NSW Government have towards this application?
56. Will the Minister agree to meet with Registered Aboriginal Parties to discuss their concerns about the proposed raising of the Warragamba Dam wall in-person?
57. Will the Minister agree to appear before the Select Committee on the Proposal to Raise the Warragamba Dam Wall to take questions on the matters raised in the tabled briefing note?

Questions from the Hon Mark Buttigieg MLC (on behalf of the Opposition)

Opportunity, Choice, Healing, Responsibility, Empowerment (OCHRE)

58. How much from the Aboriginal Affairs budget in 2020/2021 is allocated to the OCHRE program?
- (a) Is any of this funding allocated for the Deputy Ombudsman for Aboriginal Programs?
- i. How much?
- ii. How many FTE staff are allocated to specifically support the Deputy Ombudsman for Aboriginal Programs?
- (b) How much of this funding is allocated for Aboriginal Language and Culture Nests?
- (c) How much of this funding is allocated for the negotiation and monitoring of Local Decision Making accords?
- (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?

59. 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?
60. What was the total budget for OCHRE Opportunity Hubs?
- (a) 2018/2019?
 - (b) 2019/2020?
 - (c) 2020/2021?
61. How many staff are employed at Opportunity Hubs?
- (a) Campbelltown?
 - (b) Dubbo?
 - (c) Tamworth?
 - (d) Upper Hunter?
 - (e) Liverpool?
62. What were the total number of students that were assisted in 2019/20 across all Opportunity Hubs?

Culture and Heritage Law Reform

63. Does the Government plan to introduce legislation dealing specifically with Aboriginal Heritage in 2021?
64. What involvement does the Minister and the office of Aboriginal Affairs have in the Aboriginal culture and heritage law reform process?

The Office of Aboriginal Affairs Staffing

65. 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?

Aboriginal Centre of Excellence

66. What is the total 2021 budget for the Centre of Excellence?
67. How many staff are employed at the Centre of Excellence?

Aboriginal Language and cultural nests

68. 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
69. How many co-ordinator positions are currently vacant in Aboriginal Language and Cultural Nests in NSW?
What is the total allocation for Aboriginal Language and Cultural Nests including contributions made by departments other than Education in 2020/2021?
 - (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/Yuawaalayaay?

Aboriginal Sacred Sites

70. Has there been a loss of Aboriginal sites of significance?
71. Has there been an audit of sites?
72. What impact has bushfires had on Aboriginal Tourism Operators?
73. What assistance has been offered to Aboriginal Tourism Operators?

Questions from Mr David Shoebridge MLC

Backlog of aboriginal land claims

74. Have you sought advice of the extent to which this delay in land claims is a constructive denial of entitlements and may constitute mismanagement of the obligations under the scheme?

75. What is the average time taken to consider land claims?
76. In the last two years how many land rights claims have been settled through alternative processes?
77. What was the impact of COVID on claims management?
78. What steps have you taken to ensure the backlog in claims is dealt with effectively?

Concerns with Land Councils

79. Can you advise of the process used to respond to concerns about management of land councils, membership of councils or the legitimacy of decisions made by councils?
80. Does your office receive complaints about Land Councils and if so what is the process for responding to these?

Statues

81. What has been done in the last 2 years to consult with First Nations people about improving representation of First Nations people in statues and monuments in NSW?
82. What did the NSW Government spend on any events or projects associated with the re-enactment of James Cook's landing?
83. What if any events sponsored by the NSW Government as part of this project was cancelled last year, and what was the cost of these?

Voice and Treaty

84. Has NSW Aboriginal Affairs been involved financially or by contributing expertise or similar on the process of Co-Designing the Voice to Parliament?
85. What if any steps have been taken by you or the Department on consideration of models for Treaty in NSW? Are you leaving this up to the Federal process? What input have you sought to provide to this process?

ARTS

Questions from the Hon Mark Buttigieg MLC (on behalf of the Opposition)

Walsh Bay

86. What is the final overall cost of the Walsh Bay precinct, broken down by:
- (a) The total cost including government and private investment
 - (b) Government investment
 - (c) Private investment, broken down by:
 - i. Total
 - ii. Sponsorship
 - iii. Philanthropic investment
 - iv. Advertising arrangements

Regional Cultural Fund

87. Regarding the Regional Cultural Fund, can you provide the list of projects funded under the program, sorted by:
- i. Name and location of project
 - ii. Total cost of project
 - iii. Total NSW Government funding contribution of project
 - iv. Total private funding contribution of project
 - v. Any other funding contributions

Parramatta Powerhouse

88. Given the answers regarding the “modelling for the residencies” being built at the Parramatta Powerhouse site being subject to the business case:
- (a) When will this business case be completed and presented?
 - (b) Which department is conducting the business case?

NSW Government Arts and Cultural project funding

89. Can you please provided an updated breakdown of the projects in the format below, and include any other relevant projects

Project Name	Total Project Cost	Government Investment	Other Investment
Australian Museum Project Discovery			
Powerhouse Parramatta Program (including Museums Discovery Centre)			
Regional Cultural Fund			
Sydney Modern			
Walsh Bay Arts Precinct			
Sydney Opera House infrastructure projects on foot			
Total Investment / Project Cost			

(ref – similar to answer provided in the link from inquiry into the Government's Management of the Powerhouse Museum and Other Museums and Cultural Projects in NSW

<https://www.parliament.nsw.gov.au/lcdocs/other/13691/Ms%20Kate%20Foy%20and%20Ms%20Annette%20Pitman%20-%20answers%20to%20questions%20on%20notice%20-%20received%206%20October%202020.pdf>)

90. What recurrent funding is the government planning to give in the 2020-21, 2021-22 and 2022-23 financial years to each state cultural institution, including, but not limited to:
- Art Gallery of NSW
 - Museum of Contemporary Art
 - Museum of Applied Arts and Sciences
 - Australian Museum
 - Sydney Opera House
 - All other state cultural institutions

91. Can you provide a list of which state cultural institutions are projecting operating deficits for the :
- (a) 2020-21 financial year?
 - (b) 2021-22 financial year?
92. Can you provide a list of which state cultural institutions will be receiving:
- (a) an increase in recurrent funding from the NSW government for the:
 - i. 2020-21 financial year
 - ii. 2021-22 financial year
 - (b) an increase in capital funding from the NSW government for the:
 - i. 2020-21 financial year
 - ii. 2021-22 financial year
 - (c) A “one-off” funding grant from the NSW government for the 2020-21 financial year

Australian Museum

93. How much has the Australian Museum received in ticket revenue since re-opening after being closed due to COVID?
94. Has the Australian Museum been able to re-schedule or re-negotiate the King Tutankhamun exhibition?
- (a) If yes:
 - i. When will the exhibition return to the Australian Museum?
 - ii. Which components of the exhibition will come back to the Australian Museum?

Heritage

95. DPIE’s proposal for the Parramatta Female Factory involves demolishing part of the site, renovating other areas, and then leasing the site to commercial tenants. Do you think this is consistent with the state and national heritage significance of the site? Will this action will impact the potential world heritage listing of this site?
96. A Wagga company has been fined \$1,500 for destroying Aboriginal artefacts during the construction of an energy project. The project is being undertaken by multinational energy company Metka EGN on behalf of Coles. Coles made a profit of just under \$1 billion in 2019-20. Do you think a \$1,500 fine is appropriate for a \$1 billion company?

97. The CEO of Rio Tinto was sacked from his \$18m a year job. What action do you think Metka EGN and Coles should take about the heritage destruction in Wagga?
98. Western Australia will increase the potential fine for heritage destruction to \$10 million after the Rio Tinto Argument. Are you satisfied that the penalties for heritage destruction in NSW are sufficient?