

BUDGET ESTIMATES 2020-21

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

QUESTION – 1

The Hon. WALT SECORD: Those 30 residences and the 56 capsules—to assist you, it is actually on the website showing what they are going to be and it says, "40 capsule beds for country students" along the lines that you see in Tokyo train stations. I will take you to the 30 residences that you referred to. These are one-bedroom studio apartments and two-bedroom. Can you give me a breakdown? It is in your application. Can you give me the breakdown of the apartments that will be above the museum?

Ms FOY: I am happy to take that on notice and get you an answer before the break, if that is okay, Mr Secord.

The Hon. WALT SECORD: As part of that, has the New South Wales Government or Create NSW done any evaluation on the value of those apartments?

Ms FOY: Again, I will take that on notice and attempt to get back to you by the close of today.

ANSWER:

The Residences include 30 apartments in total. Three of these are accessible. The Academy for NSW regional students includes dormitory style accommodation for 56 students, plus teachers and carers.

The Powerhouse has not undertaken an evaluation of the sale value of the residences.

QUESTION – 2

The Hon. ROBERT BORSAK: Maybe the Minister might care to muse on if the Construction, Forestry, Mining and Energy Union [CFMEU] decides—which was the evidence they gave—that they are not going to be stepping back in relation to their green ban, how does the Government intend to start construction on that site if it cannot dismantle and move Willow Grove house?

The Hon. DON HARWIN: That really is a question that is better directed to Mr Draper, the head of Infrastructure NSW, who is not here today. So perhaps it might be best if I take that on notice and get his advice and respond to you that way.

Mr DAVID SHOEBRIDGE: But, Minister, you are the client. Infrastructure NSW is implementing the client's wishes and, as the client, you will obviously have a play on this. I think you should tell us what your intention as a client is.

The Hon. NATALIE WARD: And he said he would take it on notice.

The Hon. DON HARWIN: I have taken it on notice, Mr Shoebridge.

ANSWER:

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The CFMEU placed a Green Ban on the demolition of 2 local heritage listed buildings - Willow Grove and St George's Terrace.

It asked the Government to listen to the concerns of the community and produce a plan that preserved the 2 buildings and this is exactly what the NSW Government has done.

The original heritage section of St George's Terrace is being retained in place on the site. Willow Grove has been vacant for a number of years and is proposed to be relocated to another site in Parramatta so that the building can be reconstructed and reactivated for future use by the community.

This approach is in accordance with the recent State Significant Development Approval and will accommodate Parramatta Council's Civic Link that connects Parramatta Square to the Parramatta River. This approach is also supported by the community and Parramatta Council.

The Powerhouse Community Space has been open in Parramatta Square since December 2020. The vast majority of visitors have expressed their support for the Powerhouse Parramatta project and the Government's decision to relocate Willow Grove.

The CFMEU's Green Ban was in response to community feedback and we believe that the approach within the development approval has addressed the CFMEU concerns.

This clears the path for construction to begin on this important project that will create 4000 jobs and provide an important economic boost to NSW.

QUESTION - 3

Mr DAVID SHOEBRIDGE: We may come back to that. I just want to be clear: When 2GB, on their website, say, "Mr Harwin told Ben Fordham the relocation of the 151-year-old building will cost about \$10 million," Mr Fordham and 2GB are wrong?

The Hon. DON HARWIN: I do not recall using the \$10 million figure. The \$10 million figure certainly was a figure that was floated some time ago. That was certainly an initial estimate but that is not how I see things now, which is that it is necessary for us to consider issues like site and usage before one comes up with an amount. I am sure that if I mentioned a \$10 million figure to Mr Fordham, it would have been the estimate of \$10 million that I had been given—and that is true. But it is not possible to know what the final cost was until some issues such as site selection, future use and other issues that might emerge as detailed costings are done by the firms that tender and then the one that is chosen to undertake the work of removing and dismantling are resolved.

Mr DAVID SHOEBRIDGE: If you could assist us by providing us on notice with whatever documents you had that enabled, at some point, a \$10 million estimate to be done that would be appreciated.

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The Hon. DON HARWIN: I will do what I can, Mr Shoebridge. It was an estimate that was given to me some time ago. Really, I have not been saying that it is going to cost \$10 million for some time.

Mr DAVID SHOEBRIDGE: I will complete my questioning by stating for the record that it was reported as at 16 February after your conversation with that gentleman.

The Hon. DON HARWIN: I certainly had the conversation then. I am happy to look at the transcript, but I am pretty sure I would have said something along the lines of what I have just said to you. We will get back to you on notice.

ANSWER:

The final cost of relocating Willow Grove has not been determined. An assessment of the cost will be completed once the site is selected, relevant planning approvals are obtained, and a builder is selected to reconstruct Willow Grove.

QUESTION – 4

Mr DAVID SHOEBRIDGE: In the last 12 months, has the New South Wales Government refused a single application to destroy Aboriginal heritage?

The Hon. DON HARWIN: Under the Aboriginal Heritage Impact Permit [AHIP]?

Mr DAVID SHOEBRIDGE: Correct. Have you refused just one?

The Hon. DON HARWIN: At this point I will take the question on notice. But, as you know, my usual practice is to try and have—certainly in question time—a better answer for you before I leave as a witness.

Mr DAVID SHOEBRIDGE: We might come back on the numbers.

The Hon. DON HARWIN: I am not quite sure why that is not available right now, but we will do our best.

ANSWER:

Response provided later in the session – answer on page 18 of transcript.

QUESTION – 5

The Hon. ROBERT BORSAK: Staying with Aboriginal Affairs, has there been any outcome or progress from the Land Negotiation Program pilot project, which was set up some five years ago with the local Aboriginal land councils in an endeavour to find a better way to deal with tens of thousands of outstanding lands claims?

The Hon. DON HARWIN: That is a question that should probably be asked of Minister Pavey in estimates because the Land Negotiation Program is under her jurisdiction. We certainly

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monitor it closely and I receive reports every week about it. I am happy to have the head of Aboriginal Affairs provide you a bit of detail rather than just telling you to go and ask Melinda Pavey. If you are happy with that, I am happy to have Lil Gordon give you some detail, but really the ministerial responsibility lies with Minister Pavey.

ANSWER:

Response provided later in the session – answer on page 18 of transcript.

QUESTION – 6

The Hon. ROBERT BORSAK: Ms Gordon, my question was: Has there been any progress or outcomes from that pilot program?

Ms GORDON: There have absolutely been outcomes. I do not have them directly in front of me. We can get that to you before the end of today. The Land Negotiation Program task force, of which I am a member, is currently working particularly closely with the NSWALC and local Aboriginal land councils—

The Hon. ROBERT BORSAK: I might ask you then also how many claims have been settled and how many are outstanding under this process; how many have been resolved in favour of the claimants; what proportion of claims opposed by the Minister were withdrawn by the claimant; and what proportion were decided in favour of the claimant upon appeal?

Ms GORDON: I am happy to take that on notice and provide you with that information.

The Hon. ROBERT BORSAK: I have others. I do not expect you to write them all down; I can give you a copy of them.

Ms GORDON: Thank you.

The Hon. ROBERT BORSAK: What percentage, by value, of the successful claims were subsequently sold? Given that unresolved claims create difficulties for other interested parties, is there any mechanism which could assist those other parties? What is the total cost to government of handling claims? Do claimants pay anything, even when the claims appear to have little merit? How many public servants have been involved? Does the Federal Government's native title legislation create further difficulties in handling land claims by the State?

ANSWER:

- The Land Negotiation Program was originally established as a four-year, voluntary pilot program to facilitate the divestment of Crown land to seven local councils, under the Crown Lands Management Act 2016, and the strategic settlement of land claims with seven Local Aboriginal Land Councils under the Aboriginal Land Rights Act 1983 (ALR Act).
- On 1 November 2019, an external independent review of the Land Negotiation Program was undertaken by Ms Chris Ronalds AO SC into the effectiveness of the Land

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Negotiation Program and ways it could be improved. All existing negotiations were placed on hold during this time.

- The review was completed in March 2020 and found considerable support for the continuation of the Program, subject to significant improvements in its execution and governance.
- Since May 2020 Crown Lands has:
- Re-engaged with the Local Aboriginal Land Councils and local councils which participated in the Land Negotiation Program to identify their priority transfers for finalisation.
 - Established a taskforce to ensure the appropriate governance model is in place which includes the objectives of the new program. A number of meetings have been held, the last of which was in December 2020.
 - Established new team structures.
 - Commenced work on the state-wide program.
 - Engaged with all (120) Local Aboriginal Land Councils to identify their priority transfers.

How many claims have been settled and how many are outstanding under this process; how many have been resolved in favour of the claimants; what proportion of claims opposed by the Minister were withdrawn by the claimant; and what proportion were decided in favour of the claimant upon appeal? What percentage, by value, of the successful claims were subsequently sold? Given that unresolved claims create difficulties for other interested parties, is there any mechanism which could assist those other parties? What is the total cost to government of handling claims? Do claimants pay anything, even when the claims appear to have little merit? How many public servants have been involved?

- These questions are a matter for the Minister for Water, Property and Housing, the Hon. Melinda Pavey MP.

Does the Federal Government's native title legislation create further difficulties in handling land claims by the State?

Answered by the Minister in committee, "When there is a native title claim in place for land there can be no progress made on a claim under the Aboriginal Land Rights Act until the native title claim is resolved" (see page 13 BE transcript).

QUESTION – 7

The Hon. WALT SECORD: I would like to return to the Powerlab as described by Ms Havilah. Minister and Ms Havilah, you both said that the apartments at the Powerhouse Parramatta would be used for researchers, so why in the application and documentation does it say that the self-contained premium one-bedroom apartments will be available at commercial rates for 52 weeks a year? How does that jive with your claim that it will go to researchers?

Ms HAVILAH: Can you please confirm where you are getting that?

The Hon. WALT SECORD: It is in fact your application here. The glossy document that is on the web. It says, "Commercial utilisation 52 weeks a year. Nine self-contained premium one-

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bedroom apartments." How does that reconcile with the Minister's statements that it is going to be for researchers?

Ms HAVILAH: I would have to check the document that you have.

The Hon. WALT SECORD: It is your document.

Ms HAVILAH: The model for the Powerlab residencies is very much, of course, for researchers, but it is partnerships. We are also looking at ways—through partnerships with universities, industry, a whole range of people—to bring income in as well as invest in that program.

The Hon. WALT SECORD: Now, you have obviously done modelling on this because you introduced the phrase "income". How much revenue do you expect to generate from—now you said 30 apartments. The documentation says 56, but you say 30 apartments. How much revenue does the Government expect or intend to get per year from these apartments at the Powerhouse Parramatta?

Ms HAVILAH: That is subject to the Powerhouse Parramatta business case.

The Hon. WALT SECORD: How much will a premium one-bedroom apartment sell or rent for 52 weeks a year at the Parramatta Powerhouse?

Ms HAVILAH: The modelling for the residencies is subject to the business case. As I said last week, we are looking at a whole range of ways to offset Government's investment into Powerhouse Parramatta, which is really critically important and a very big responsibility of the museum to do that. Of course, like any museum around Australia or around the world, we will have events, we will have a centre where there will be a function part of it. There will also be ways that we will partner and leverage income as part of that program to get income to support investment back into our education and public programs and exhibition programs.

The Hon. COURTNEY HOUSSOS: You said that it is subject to the business case. How much income is being expected from these apartments and capsule accommodation?

Ms HAVILAH: That is subject to the business case.

The Hon. COURTNEY HOUSSOS: But part of the business case is that you are expecting to make money out of these apartments and this capsule accommodation?

The Hon. DON HARWIN: Let me make this very clear: All of our cultural institutions have revenue expectations.

The Hon. WALT SECORD: I do not think the Art Gallery of New South Wales has apartments above it.

The Hon. NATALIE WARD: Is that a question?

The Hon. WALT SECORD: I do not think the Sydney Opera House has apartments above it.

The Hon. NATALIE WARD: Where is the question? The Hon. ROBERT BORSAK: Not yet.

The Hon. WALT SECORD: Not yet.

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The Hon. COURTNEY HOUSSOS: Minister, perhaps you can answer. How much money are you expecting to make of these apartments and capsule accommodation?

The Hon. DON HARWIN: Yes, I am very happy to take this question and all other questions in relation to it on notice.

ANSWER:

The detailed commercial modelling for the Residences and the Academy is cabinet in confidence, as a subject of the Final Business Case.

All uses of the Residences will be managed by the Powerhouse as part of the programming for Powerhouse Parramatta.

Funding for visiting scientists, researchers, artists and thought leaders will be from a number of sources, such as the Powerhouse, universities, industry and key commercial partnerships.

QUESTION - 8

The Hon. WALT SECORD: This is 36 premium apartments above the Powerhouse Museum Parramatta and country kids in Japanese train station style accommodation.

The Hon. DON HARWIN: I will put it to you that, with the sorts of collaborations that the museum director was talking about before, if we did not have space that was equivalent to commercial accommodation in central Parramatta then it would not be of much use. It obviously has to be of a reasonable standard so that it is fit for purpose.

The Hon. COURTNEY HOUSSOS: So can you guarantee that they will not be paying commercial rates?

The Hon. DON HARWIN: With the greatest of respect to the honourable member, I would only be speculating giving you an answer but I will take it for a ride anyway: I would imagine that every single arrangement with every single researcher, professional or company is going to be different. It would just be ridiculous for anyone to speculate beyond that.

The Hon. COURTNEY HOUSSOS: Well, Minister, it is not about speculation. We have just learned that part of the business case is that you are factoring in raising money off country kids and academics. We just want to know how much.

The Hon. DON HARWIN: You do not know that.

The Hon. COURTNEY HOUSSOS: We just learnt that from Ms Havilah. She said that part of the business case is the income that you are expecting from this accommodation. So tell us how much there is going to be. How much are you projecting?

The Hon. DON HARWIN: I will take that on notice. I do not have those figures with me. We will take it on notice.

ANSWER:

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The detailed commercial modelling for the Residences and the Academy is cabinet in confidence as a subject of the Final Business Case. All uses of the Residences will be managed by the Powerhouse as part of the programming for Powerhouse Parramatta. Support for visiting scientists, researchers, artists and thought leaders will be from a number of sources such as the Powerhouse, universities, industry and key commercial partnerships.

The Academy is a program for regional and remote NSW Students to visit and immerse themselves in the Powerhouse exhibitions and public programs. The Academy program will be subsidised by the Powerhouse and through key commercial and philanthropic partnerships.

QUESTION – 9

The Hon. WALT SECORD: Minister, I would like to take you to the Powerlab Kitchen. How will this work? What is the Powerlab Kitchen

The Hon. DON HARWIN: I will invite the museum director to comment on that.

Ms HAVILAH: The Powerlab Kitchen is an education space that is embedded into the museum and the operations of the museum. One of the areas that we are really keen to focus on in terms of our education programs is agricultural science and food production. As we all know, western Sydney has a great history of that and we are interested in engaging in those histories. This part of the museum, the infrastructure, will actually be a studio— a 200-seat theatrette—that will have a kitchen in it. It will enable food producers, scientists and a whole range of people to deliver education programs. It will also allow us to develop programs that will give further access into a project that we have been working on called the Australian Culinary Archive, which is an archive that is collecting the stories of all of our great chefs and producers, focused on New South Wales but also telling that New South Wales story within a broader Australian context.

The Hon. WALT SECORD: Ms Havilah, why is it open and accessible to residents 24/7? Is it a restaurant? According to your documentation here on page 133, why is it open 24/7?

Ms HAVILAH: I will have to take that on notice in relation to the document. But it will only be open when we are running education programs and public programs within the space.

ANSWER:

The Powerhouse will have expanded opening hours outside those of a traditional Museum. The Powerlab Kitchen will be activated with education and public programs from the morning and into the evening. The Powerlab Kitchen will not be a restaurant.

QUESTION – 10

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The Hon. COURTNEY HOUSSOS: I just have one final question. Ms Havilah, when will The Wiggles exhibition be open? This is very important.

Ms HAVILAH: I will take that on notice, but I will let you know.

ANSWER:

The Wiggles exhibition re-opened for its final season on 15 March 2021.

QUESTION - 11

Mr DAVID SHOEBRIDGE: How much did the New South Wales Government spend last year on any events or projects associated with the re-enactment of James Cook's landing?

The Hon. DON HARWIN: I would have to take that on notice; I cannot help you with that.

Mr DAVID SHOEBRIDGE: Can you also provide what, if any, events were sponsored or partly sponsored by the New South Wales Government as part of that project?

The Hon. DON HARWIN: I will take that on notice.

Mr DAVID SHOEBRIDGE: How much did the New South Wales Government spend on events or projects associated with re-enacting James Cook's landing? What, if any, events were cancelled and what was the cost of those?

The Hon. DON HARWIN: I take all those questions on notice.

Mr DAVID SHOEBRIDGE: Who knows which budget they came from?

The Hon. DON HARWIN: I will take them on notice. I will just leave it there.

Mr DAVID SHOEBRIDGE: It may not have come from your budget, I accept that.

ANSWER:

The NSW Government's primary contribution to projects related to the 250th anniversary of first encounters between Aboriginal Australians and the crew of the HMB Endeavour in April 1770 was the Kamay 2020 project, which received \$25 million funding from each of the NSW and Commonwealth Governments.

Kamay 2020 included commemorative installations at Botany Bay completed ahead of the 29 April 2020 anniversary, as well as a new visitor centre, exhibition space, café, disability access and ferry wharves at La Perouse and Kurnell, which will be completed by 2022.

The commemorative installations at Kurnell feature three bronze sculptures; The Whales and The Canoes, two works designed by Gweagal artist Theresa Ardler and public artist Julie Squires, and The Eyes of the Land and the Sea, designed by Wadi Wadi and Walbanga artist Alison Page and Nik Lachaczak. These artworks were installed in April 2020 and the La

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Perouse Local Aboriginal Land Council conducted a smoking ceremony for each of the sculptures as they arrived on site.

Baranyi, an installation at the Powerhouse Museum, Ultimo used technology to show the night sky as it was seen from Kamay on the evening of 28 April 1770 – the last sky before contact between Australia's First Nations Peoples and Europeans.

The cost of the installation was \$15,104. The installation was accessible online from 20 May 2020 and at the Museum between 1 June 2020 and 26 February 2021.

QUESTION – 12

The Hon. ADAM SEARLE: Minister, in the 2019 budget I think the Treasurer announced the intention of the Government to reduce the size of the public sector by 2½ thousand jobs. In the last round of budget estimates some questions were asked about that. Are you able to inform us whether those job cuts were put into place or whether they were abandoned due to COVID?

The Hon. DON HARWIN: I think the best thing for me to do rather than even make any preliminary remarks is let the Secretary of the Department of Premier and Cabinet, as head of the public service, respond.

The Hon. ADAM SEARLE: As you wish.

Mr REARDON: Thanks, Mr Searle. Government has asked us to put in place our efficiency savings. We are doing that across a range of areas right at the moment. Some clusters are going through voluntary redundancy processes; Premier and Cabinet is one of those, and we are in the middle of that process right now. Some other clusters, you could ask them. I could take it on notice if I needed to. I can talk about our processes now but we are right in the midst of it. I can talk in the round about that but not to specifics.

The Hon. ADAM SEARLE: Sure. I guess my first question was about the announcement made by the Treasurer in 2019 about the intention of the Government to cut 2½ thousand jobs in that following year. I am just interested, given that more than a year has elapsed, whether those jobs were cut or whether the Government reconsidered that in the light of the COVID pandemic.

Mr REARDON: I will take on notice the absolute number that you are speaking about.

The Hon. ADAM SEARLE: If you can break that down by cluster that would be useful.

Mr REARDON: If I can. I will complete that: The State of the NSW Public Sector Report will be the source of that information again, so it will be public. It will have both those that we may have exited—and there is a reasonable level of churn in the public service each year—but it will also have recruitment activity as well. There will be both. If we can disaggregate it we will give you what we can.

ANSWER:

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Each Cluster is responsible for achieving efficiency savings. Reducing the number of staff is one way to achieve those savings.

The Public Service Commission collects data on the number of exits from the public sector each year. Based on the average headcount for the public sector during 2019/2020 there were 26,586 exits. The data does not identify organisation actions or individual decisions relating to those exits.

It is worth noting that during 2019/2020 there were increases in the number of key frontline employee groups over that period (Medical Practitioners, Ambulance Officers, Nurses, School Teachers, Police Officer and Firefighters).

QUESTION – 13

The Hon. ADAM SEARLE: Minister or Mr Reardon, whoever is the most appropriate, in relation to the voluntary redundancies taking place in the DPC cluster—

The Hon. DON HARWIN: Yes, I will start with that.

The Hon. ADAM SEARLE: What is the dollar value of savings you need to achieve and how many people is that equivalent to?

The Hon. DON HARWIN: If that is the angle that you are taking then I will immediately ask the Secretary to respond to that.

The Hon. ADAM SEARLE: As you wish, Minister.

Mr REARDON: In terms of efficiency-saving numbers, last year's target I think was \$20.3 million all up across the board.

The Hon. ADAM SEARLE: When you say "last year", you mean up until the last budget?

Mr REARDON: Yes, the last financial year—I will just make sure that I get that right. The 2019-20 financial year I think was 20.3, but I will clarify that, and then there was a cumulative after that. I do not have the numbers with me but their escalation—I think 20.3 would be the largest number and then it tapers a bit, but it is cumulative, of course. The efficiency savings cover a range of areas. They can be procurement, they can be information and communications technology [ICT], corporate shared services and voluntary redundancies, so it is a suite of measures, not just one. The voluntary redundancies—we do not have a target for what we expect from that. We have put it out on a voluntary basis. We have put it out for an expression of interest, as you mentioned, in early February to our people. We have made it very clear what the intent is and—

The Hon. ADAM SEARLE: That period has closed, has it not?

Mr REARDON: I cannot remember if we have put that number out in messaging internally. I will take on notice what I need to in terms of those dates because they are internal to our own

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people. I can furnish you with anything I can at a later date. But suffice to say, we want to move that process as quickly as possible. We have made comments both on webcast and in my messaging about moving fast, giving people enough time to consider and consult with their family and friends, but not let it drag on at all. But we do not have a specific numerical target of dollar value on that as a suite of measures that are outlined.

The Hon. ADAM SEARLE: I think the expressions of interest closed on 22 February. Do you know how many staff in DPC came forward expressing an interest?

Mr REARDON: I had a briefing, I think. The latest briefing I may have had was either late last week or early this week, but I would not have an exact number. I will furnish you with anything I can if I do take it on notice, but only if I can, because we are in the middle of a process.

The Hon. ADAM SEARLE: If you could let us know on notice how many and also what parts of DPC are going to be impacted by these ultimate decisions. Will it be in the Aboriginal Affairs sector? Will it be Heritage, Create NSW or Employee Relations? Who is going to lose ground and how are you going to make that decision?

Mr REARDON: Yes, sure. The only comments I would make are: We have left it open fairly broadly at this point in time; we will see who comes forward first. The impacted areas—we will make that decision after finding out where we get to with expressions of interest once they are formalised

ANSWER:

Expressions of interest have been received across all DPC Groups. A total of 215 were received.

Decisions by Group Heads and the Secretary concerning expressions of interest will occur during the period 15 – 31 March 2021.

It is anticipated that eligible employees will receive a voluntary redundancy letter of offer for consideration of acceptance on or around 6 April 2021. DPC will not know the full impact of the program until eligible employees have returned their voluntary redundancy acceptance.

QUESTION – 14

Mr DAVID SHOEBRIDGE: Arising from that, will you exclude ICAC from that?

Mr REARDON: I do not believe we have had the integrity agencies participate at all in the process, but

I will just seek clarification on that and come back to you pretty quickly. I do not believe we have even put

anything to the integrity agencies.

Mr DAVID SHOEBRIDGE: Can I seek a guarantee from you that ICAC, the Ombudsman—

Mr REARDON: No, I said I will just clarify that.

Mr DAVID SHOEBRIDGE: No, I understand that you will clarify it, but if you could clarify it today

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I think that would be important. The list that I have is ICAC, the Ombudsman, the Electoral Commission, the Law

Enforcement Conduct Commission [LECC] and the Auditor-General. If you could have a response on those.

Mr REARDON: That is a list of five agencies that you are saying what about?

Mr DAVID SHOEBRIDGE: Are they going to be protected from the redundancies and also from efficiencies?

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PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

UNCORRECTED

Mr REARDON: I will try to be as helpful as I can. Can you just list them again?

Mr DAVID SHOEBRIDGE: ICAC, Ombudsman, Electoral Commission, LECC and the Auditor-General.

Mr REARDON: I believe so but I will just reconfirm that.

ANSWER:

Response provided later in the session – answer on page 18 of transcript.

QUESTION – 15

Mr DAVID SHOEBRIDGE: Through you, Minister, to the Public Service Commissioner probably, what new executive roles were created in the Public Service Commission [PSC] as part of last year's restructure?

Ms LO: I think the first thing to note is that there were no increases in the senior executive head count during that restructure. We created the role of Deputy Commissioner, which is a band 3 senior executive role; we created the role of Chief Operating Officer, which is a band 2 executive role, and we deleted two Assistant Commissioner roles, which were band 2 level roles.

Mr DAVID SHOEBRIDGE: Could you, on notice, provide a list of the executive positions prior to the restructure, and the remuneration, and the executive positions post the restructure and the remuneration?

Ms LO: Yes, happy to take that on notice.

ANSWER:

Pre restructure (ongoing roles):

Grade and title	Total
Statutory Officer - Commissioner	1

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PSSE band two - Assistant Commissioner	2
PSSE band one - Director, Workforce Strategy - Director, Leadership and Talent - Director, Workforce Analytics and Systems - Director, Performance and Reporting - Director Corporate / CFO - General Counsel	7
Total	9

Post restructure (ongoing roles):

Grade and title	Total
Statutory Officer - Commissioner	1
PSSE band three - Deputy Commissioner	1
PSSE band two - Chief Operating Officer	1
PSSE band one - Director, Governance and Risk / CFO - Director, Leadership and Talent - Director, Workforce Strategy and Capability - Director, Workforce Inclusion and Experience - Director, Performance and Insights - General Counsel	6
Total	9

For remuneration, refer to the Statutory and Other Offices Remuneration Tribunal annual determination, which provides the remuneration range for Public Service Senior Executive bands:
https://www.remtribunals.nsw.gov.au/sites/default/files/2020-12/2020_annual_determination-soort-public_service_senior_executive.pdf

QUESTION – 16

Mr DAVID SHOEBRIDGE: Can you tell us—by all means now, if you can, but I assume it will be on notice—how the Public Service Commission is doing in terms of meeting those inclusion targets of disability, First Nations and senior female leadership roles, and what, if any, change happened as a result of the restructure?

Ms LO: I have the statistics right here and I am happy to share them. As you might be aware, in the Premier's priority 14 there are three targets that are specified. One is in relation to women in

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leadership and the target is for 50 per cent women in leadership by 2025. The statistic for 2020 is that we are up to 41.1 per cent and, on the current trajectory, in order to reach the target, six out of 10 appointments to senior leadership roles will need to be women. The target for Aboriginal people in senior leadership is 114 Aboriginal people in those positions by 2025. We are up to 105 in 2020.

Mr DAVID SHOEBRIDGE: What about in the commission itself?

Ms LO: In the commission itself, we have one Aboriginal person in our senior leadership team and the principal adviser of the inclusion team is an Aboriginal woman.

Mr DAVID SHOEBRIDGE: Ms Lo, it was probably my question that was at fault; I was actually asking about how the commission was doing rather than the sector. I have seen the sector-wide publication.

Ms LO: Sure. In terms of the Public Service Commission, the data I have for 2020 is that we have four staff who identify as being of Aboriginal or Torres Strait Islander heritage, we have nine people who identify as having a disability and we have 14 people who identify as being from a culturally and linguistically diverse background.

Mr DAVID SHOEBRIDGE: Could you take on notice as to whether or not that is meeting the targets that you are responsible for on inclusion and can you also give the number of female senior leaders? I understand the commissioner meets that target.

Ms LO: Sure. There are seven executive women, so the majority of my senior leadership team is women.

ANSWER:

Answer provided during the afternoon budget estimates session – please refer to transcript.

QUESTION – 17

Mr DAVID SHOEBRIDGE: Ms Lo, on notice, can you provide the details about the specific undertakings that were given?

Ms LO: Yes.

Mr DAVID SHOEBRIDGE: And the extent to which they have been complied with?

Ms LO: Yes, sure.

ANSWER

Answer provided during the afternoon budget estimates session – please refer to transcript.

QUESTION – 18

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Mr DAVID SHOEBRIDGE: And the second part of my question? Again, I might not have expressed it well. Are they excluded as well from any efficiency dividends?

Mr REARDON: At this point in time I think that is the fact. As you are well aware, the parliamentary inquiry that is being undertaken has expressed comment on that, as has the Audit Office report. We are considering those matters at the moment, but at the moment I think the answer is no. If I need to clarify anything further during, I will.

Mr DAVID SHOEBRIDGE: No they are not excluded? Mr REARDON: Sorry, no. They are not subject to efficiency savings 2020-21. I will come back to you to reconfirm that during the hearing as well.

ANSWER:

The Independent Commission Against Corruption, Law Enforcement Conduct Commission, NSW Electoral Commission, Ombudsman's Office and Audit Office of NSW are not subject to any additional new efficiency dividend savings for the 2020-2021 financial year. However, they are subject to whole-of-government historical efficiency dividend savings that were allocated in prior financial years with savings impacts that flow into 2020-2021 and future years.

QUESTION – 19

The Hon. ADAM SEARLE: Can I ask you then, and I am happy for you to take this on notice, whether you can give us the top and bottom rates of pay received by each of the bands in the SEB or equivalent by each cluster for both men and women, so that we can see what the top men and the top women are paid and what is at the bottom?

Mr REARDON: I will provide you with what I can. The state of the public sector report plus our annual reports are the primary sources.

The Hon. ADAM SEARLE: It does not have that level of granularity.

Mr REARDON: I will provide you what I can. Over the past couple of years you have asked a lot of detailed questions about flexible working and working from home. We go as far as we can with the data sources that we have. Unless, Ms Lo, you have anything that you want to add on that?

Ms LO: We are also happy to provide any data that we can, obviously without identifying individuals.

The Hon. COURTNEY HOUSSOS: Thank you, Minister. Minister, I just wanted to ask you whether you are aware that the Federal Government now has a target of 40 per cent of working from home for the public service?

The Hon. DON HARWIN: No, I was not aware of that actually.

The Hon. COURTNEY HOUSSOS: Is that something that the New South Wales Government would consider?

The Hon. DON HARWIN: I am going to let Mr Reardon provide some update on the position here in New South Wales. As to whether the Government will consider it, I will take that on notice.

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ANSWER:

We are unable to provide the top and bottom rates of pay received by each of the bands in the Senior Executive Band (SEB) or equivalent by cluster, due to the granularity of the data. The aggregated top and bottom rates of pay of SEB or equivalent by cluster and gender have been provided instead.

Minimum and maximum rates of pay within SEB or equivalent by cluster and gender, 2020

Cluster	Males		Females	
	Minimum	Maximum	Minimum	Maximum
Customer Service	196,010	526,667	197,190	599,000
Education	195,160	599,000	192,767	487,050
Health	193,399	533,050	193,832	599,000
Planning, Industry and Environment	192,600	733,231	192,600	487,029
Premier & Cabinet	192,600	673,610	192,600	551,447
Regional NSW	192,886	562,650	194,449	347,327
Stronger Communities	193,622	649,500	194,673	635,500
Transport	192,601	698,480	192,612	563,750
Treasury	192,600	758,997	193,607	455,497
Public sector	192,600	758,997	192,600	635,500

QUESTION – 20

Ms CATE FAEHRMANN: Take out Regional Arts NSW. Is there an organisation at the moment that advocates specifically and purely for regional arts in New South Wales when Regional Arts NSW goes?

The Hon. DON HARWIN: I will take that question on notice. I cannot immediately think of one, but I am sure there is.

Ms CATE FAEHRMANN: That is all from me.

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The Hon. DON HARWIN: There is the public galleries association, actually. I do not fund them.

ANSWER:

The network of 14 Regional Arts Development Organisations provides advocacy for, and feedback to, Create NSW on regional NSW. As regional NSW is a priority in the Arts and Cultural Funding Program, funded organisations such as Museums & Galleries NSW, Arts on Tour and Music NSW, advocate for regional NSW in their specific artform or program delivery areas.

QUESTION – 21

Mr DAVID SHOEBRIDGE: Mr Reardon, do you have any data on retention rates for First Nations employees in the public sector and comparative retention rates as against non-First Nations employees?

Mr REARDON: I do not have that with me, if the Public Service Commissioner could help now, otherwise I will need to take that on notice. I will ask Ms Lo.

Ms LO: I do not have it to hand, but we will see what we can do. I have got a retention rate overall, but I would have to dig deeper to get the breakdown. I am happy to take that on notice.

Mr DAVID SHOEBRIDGE: Could you also provide that data on employees who identify as having disability?

Ms LO: Sure.

ANSWER:

Answer provided during the afternoon budget estimates session – please refer to transcript.

QUESTION – 22

Ms CATE FAEHRMANN: Take out Regional Arts NSW. Is there an organisation at the moment that advocates specifically and purely for regional arts in New South Wales when Regional Arts NSW goes?

The Hon. DON HARWIN: I will take that question on notice. I cannot immediately think of one, but I am sure there is.

Ms CATE FAEHRMANN: That is all from me.

The Hon. DON HARWIN: There is the public galleries association, actually. I do not fund them.

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QUESTION – 23

Mr DAVID SHOEBRIDGE: Minister, part of the original rationale for the Powerhouse move was that it would form an arts hub with the Riverside Theatre across the way. There was a 2017 memorandum of understanding with the council. Of the \$140 million provided to purchase the land for the Powerhouse, \$40 million was for the council's arts strategy and expenditure.

The Hon. DON HARWIN: Yes.

Mr DAVID SHOEBRIDGE: The other \$100 million was set aside for the Riverside Theatre.

The Hon. DON HARWIN: Correct.

Mr DAVID SHOEBRIDGE: Are we on the same page here?

The Hon. DON HARWIN: Yes, absolutely.

Mr DAVID SHOEBRIDGE: Is it true that you have to approve the expenditure of any of the \$40 million?

The Hon. DON HARWIN: Not really. It is more the case that they have to advise me when they are proposing to spend it. I think that would be the more correct description of the situation.

Mr DAVID SHOEBRIDGE: How much of it has been spent?

The Hon. DON HARWIN: I will take that for you on notice. I know they have been spending money, but I do not think I have the figures with me on exactly how much has been spent.

Mr DAVID SHOEBRIDGE: Has there ever been disagreement or the absence of consent in relation to a request?

The Hon. DON HARWIN: No. I am not actually sure that I do have to consent. I think I just have to be advised. It is best that I take that on notice, David, but I have not been unhappy with any of the things they have been doing. They are just required to spend it in pursuit of the objectives of the Parramatta city cultural plan. To be perfectly frank, they are pretty broad. It would be almost impossible to fall outside the parameters of that objective.

Mr DAVID SHOEBRIDGE: Another part of the agreement was that there would be a new walkway constructed across the river linking the two sites, which would have an artistic expression. What has been the progress with that?

The Hon. DON HARWIN: I will take that on notice.

ANSWER:

Expenditure to date

The City of Parramatta Council advised it plans to spend \$4.15 million out of the \$40 million in 2020/21 to support its 2020 Relief and Recovery package to assist with impacts of COVID.

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This will be the first expenditure from the \$40 million, which Council refers to as the Cultural Plan Implementation Fund.

Council has agreed to spend a total of \$40 million over a period of 20 years (from April 2019, being the date of completion of the sale of the land for the Powerhouse, Parramatta) on works and activities that deliver on the Parramatta City Cultural Plan, with the following requirements:

- Council will notify and consult with the Minister for the Arts in relation to the works and activities on which Council proposes to spend any part of the \$40 million.
- If Council does not have a Cultural Plan, then it must spend at least of total of \$40 million over the 20 year period on works and activities for the purposes of arts and culture within Parramatta Council's local government area as approved by the Minister for the Arts.
- Council will provide a report to Create NSW/State Government that includes a summary of the works and activities carried out and the expenditure incurred as at the date of the report for the previous 12 months.

Progress on the new walkway

Pedestrian and other access to active and public transport has been a major consideration for the museum design. It has been determined that the museum is well serviced by the two existing and adjacent bridges and has been designed with at level connections, in addition to links to cycling and public transport.

QUESTION - 24

The Hon. WALT SECORD: My first bracket of questions will relate to the Powerhouse Museum. Ms Havilah, in this morning's session we heard from Ms Louise Herron that 80 per cent to 90 per cent of the revenue for the Sydney Opera House comes from outside of government sources—meaning from visitations and things like that. What is the current level of revenue that comes to the Museum of Applied Arts and Sciences [MAAS] Powerhouse from outside of government?

Ms HAVILAH: For Ultimo, in the '19 financial year the revenue that we brought in through ticketing, venue hire and retail was \$4.9 million.

The Hon. WALT SECORD: How much of that comes from ticketing for exhibitions—not the gift shop, but people coming in for exhibitions?

Ms HAVILAH: I would have to take that on notice to get a further breakdown for you, but I am happy to do that.

ANSWER:

In 2019-20, the Museum's self-generated commercial revenue was \$4,955,731 in total. This included:

- Ticketing Revenue - \$2,855,296

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- Venue Hire & Licensed Operations - \$1,299,103
- Membership Fees - \$163,622
- Retail - \$637,710

The 2019-20 financial year included COVID-19 impacts to self-generated commercial revenue.

QUESTION – 25

The Hon. COURTNEY HOUSSOS: Are you aware of any applications for domestic violence leave being denied?

Mr HEUSTON: Not specifically. There have been times when inquiries have come through to our area about whether or not those provisions might apply to victims or perpetrators and some interpretation advice given around that matter. But I am not aware of any specific instances of an application being denied.

The Hon. COURTNEY HOUSSOS: Do you mind taking that on notice and just checking for us? Is that okay?

Mr HEUSTON: Yes.

Mr REARDON: Is that related to the Department of Premier and Cabinet or more broadly?

The Hon. COURTNEY HOUSSOS: No, more broadly in the New South Wales public service and if there are any applications for domestic violence that have been denied. Do you track how much domestic violence leave is taken?

Mr HEUSTON: No, we do not collect or hold that information.

The Hon. COURTNEY HOUSSOS: So no agency or department tracks the domestic violence leave that is taken.

Mr HEUSTON: I think it would vary across agencies depending on their various payroll arrangements and some may code it differently. It is not a form of leave which is centrally collected or collated.

The Hon. COURTNEY HOUSSOS: Are you able to provide on notice some more information around the way that it is tracked across government, particularly within different agencies or departments?

Mr HEUSTON: Yes.

Mr REARDON: We can do that.

ANSWER:

Domestic and Family Violence Leave is generally applied for and recorded in payroll systems. Some payroll systems do not record instances where leave is taken for domestic and family violence purposes such as the need to protect the confidentiality of employees requesting Domestic and Family Violence Leave.

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Clusters able to identify Domestic and Family Violence Leave have advised a total of 492 days of Domestic and Family Violence leave being granted since 1 January 2019.

There are no reported instances of a request for Domestic and Family Violence Leave being denied in these clusters.

QUESTION - 26

The Hon. ROBERT BORSAK: In a similar vein, I suppose you could ask the question: Why wasn't Museums & Galleries of NSW equally defunded?

Ms FOY: I would have to take that on notice.

The Hon. ROBERT BORSAK: Based on the Minister's criteria.

Ms FOY: I would have to take that on notice; I am sorry, Mr Borsak.

Mr DAVID SHOEBRIDGE: The one bit of information we did not get from the Minister about the funding of the regional arts body—the central body—was how much it had, how much it was funded in the previous financial year as against this financial year, because we had an argument about what "defunding" means and what it does not. How much did it get in the 2019-20 budget compared to the 2020-21 budget?

The Hon. NATALIE WARD: You can have a read if you like.

Ms FOY: I might just take a moment to see if I have that specific information.

Mr DAVID SHOEBRIDGE: There were very few line items.

The Hon. NATALIE WARD: It is good to have a budget question. I like the budget questions; they are good.

Ms FOY: I do not have it to hand but I am happy to try and get it before the end of today through the team.

ANSWER:

The variation in funding for Regional Arts NSW was a result of Stage 1 of the Regional Arts Network Review. The Terms of Reference for this review included the 14 Regional Arts Development Organisations and Regional Arts NSW. The NSW Government delivers distinct policy outcomes through the funding of Museums & Galleries NSW, which are not aligned to those for Regional Arts NSW.

In 2019/20, Regional Arts NSW, through Create NSW, received \$705,000 in a multi-year funding agreement; comprised of \$455,000 in core funding and \$250,000 to deliver the Country Arts Support Program. In addition, Regional Arts NSW received \$200,000 to deliver the regional arts festival/conference, Artstate.

In 2020/21, Regional Arts NSW has been provided \$120,000. On a year on year comparative, the balance of the funding provided to Regional Arts NSW in 2019/20 will go directly to the 14 Regional Arts Development Organisations in 2020/21.

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QUESTION – 27

The Hon. ROBERT BORSAK: Rather than spraying hundreds of millions of dollars here and hundreds of millions of dollars there, can you give me the detail of that?

Ms FOY: I am just about to.

The Hon. NATALIE WARD: She is trying to.

Ms FOY: I am very happy to talk through the detail I have in front of me and I would be delighted to come back with further detail if that is required. In 2020-21 to date, the New South Wales Government through the Arts and Cultural Funding Program has provided \$8.2 million to regional New South Wales. For instance, \$2.7 million to the Regional Arts NSW Network, \$1.8 million to regional multi-year funding clients, \$1.8 million in annual organisational funding—

The Hon. ROBERT BORSAK: I ask the question again: If you would care to take it on notice, could you please supply us with the detail of all those beautiful millions of dollars that are being splashed around by this Government?

Ms FOY: I really would be delighted to and I will hopefully get a list before we finish today. Following COVID, the management in the State has been outstanding and the ability for us to support the screen industry has also been very strong this year. Part of our funding goes to Screen NSW and the growth of regional screen audiences. In a little bit of detail, as you have asked, 106,000 was provided to eight film festivals, delivering to audiences of 56,200 people across 38 regional venues during 2021; \$100,000 was provided to the Sydney Film Festival to tour to regional locations—if you like, I can get you that list of reasonable regional locations—and \$235,000 was provided to seven screen industry organisations, delivering professional development opportunities across New South Wales. I would be very happy to come back with the detail of where the State's investment in regional arts has been going.

ANSWER:

A total of \$8.2 million has been provided to arts and cultural activities in regional NSW in 2020/21. The breakdown of funding is:

Arts & Cultural Funding Program (ACFP) - Regionally Funded 2020/2021

Full Name	Amount Approved
'A Land of Snow and Ice' Creatives	\$4,500.00
2 Rivers Pty Ltd	\$60,000.00

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A Day in the Life of Deniliquin Steering Committee	\$3,992.00
Adavale Lane Community Centre Inc	\$3,000.00
Mr Aidan Whitehall	\$5,000.00
Albury City Council	\$50,000.00
Albury Wodonga Photography Group	\$3,426.00
Albury Wodonga Volunteer Resource Bureau Inc	\$4,069.00
Ms Allison Reynolds	\$1,795.00
Miss Amala Groom	\$10,000.00
Mrs Anna Nangle	\$4,674.00
Armidale & Region Aboriginal Cultural Centre & Keeping Place Inc	\$60,000.00
ArtClubDub	\$3,264.00
Arts Council of Gulgong Inc	\$3,000.00
Arts Mid North Coast Inc	\$185,000.00
Arts North West Inc	\$185,000.00
Arts Northern Rivers Inc	\$20,000.00
Arts Northern Rivers Inc	\$185,000.00
Arts Out West Inc	\$185,000.00
Arts Upper Hunter Inc	\$185,000.00
Atomic Music	\$4,500.00
Bathurst Regional Council	\$40,000.00
Bathurst Regional Council	\$100,000.00
Bega Valley Shire Council	\$55,000.00
Ms Belle Arnold	\$5,000.00
Beyond Empathy Ltd	\$150,000.00
Bland Shire Council	\$5,000.00
Brewarrina Shire Council	\$2,000.00

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Broken Hill City Council	\$100,000.00
Broken Hill Repertory Society Inc	\$5,000.00
Brunswick Heads Progress Association Inc	\$5,000.00
Burren Junction Parents & Citizens Association	\$1,000.00
Byron Multicultural Incorporated Association	\$5,000.00
Byron Youth Theatre	\$5,000.00
Candelo Arts Society Inc	\$3,000.00
Cementa Inc	\$139,000.00
Central West Lachlan Landcare Inc	\$2,992.00
Christie Koppe, Eloise Snape, Nate Edmondson, Oliver Wakelin, Drew Livingston	\$10,000.00
Clarence Valley Council	\$36,700.00
Cobargo Bushfire Resilience Centre Inc	\$2,830.00
Cobargo Wellness Group Ltd	\$3,000.00
Coffs Harbour City Council	\$72,300.00
Coonamble Arts Alive Society Inc	\$1,782.00
Cowra Shire Council	\$3,000.00
Mr Craig Sheather	\$5,000.00
Create Hub Riverina	\$4,959.00
Mr Dave Houston	\$12,000.00
Denman Public School P & C Association	\$3,000.00
Dorothea Mackellar Memorial Society Incorporated	\$2,960.00
Dubbo Filmmakers Incorporated	\$3,800.00
EACH - headspace Port Macquarie	\$3,000.00
Eastern Riverina Arts Inc	\$185,000.00
Ms Elizabeth Walton	\$4,950.00

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Eurobodalla Shire Council	\$2,384.00
F Lopes & P Tanajura Rios t/as Batala Australia	\$5,000.00
Federation Council	\$4,624.00
Finley Arts Network Inc	\$2,216.00
Ms Fiona Lugg	\$2,100.00
FLING Physical Theatre	\$3,000.00
FLING Physical Theatre	\$90,000.00
Flipside Dance Inc	\$80,000.00
Flying Fruit Fly Foundation	\$120,000.00
Forbes Arts Society	\$3,000.00
Four Winds Concerts Inc	\$200,000.00
Mr Francisco Lara Puerto	\$7,600.00
Goulburn & District Chamber of Commerce	\$3,000.00
Goulburn Liedertafel Inc	\$3,000.00
Goulburn Mulwaree Council	\$90,000.00
Goulburn Mulwaree Council	\$3,000.00
Gurehlgam Corporation Limited	\$50,200.00
Gurehlgam Corporation Limited	\$82,110.00
Gwydir Shire Council	\$3,000.00
Ms Harriet Body	\$36,780.00
Ms Harriette Fasher	\$1,789.00
Ms Heidi Hillier	\$5,000.00
Dr Helena Pastor	\$5,000.00
Hillston Creative Arts Council Incorporated	\$2,376.00
Hilltops Arts Inc	\$2,500.00
Ms Hiromi Tango	\$5,000.00

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HotHouse Theatre Ltd	\$172,000.00
Hunter Writers Centre Inc	\$70,000.00
Illawarra Aboriginal Corporation	\$13,300.00
Illawarra Performing Arts Centre Ltd	\$125,000.00
In Hearts Wake Pty Ltd	\$17,750.00
Ms Juno Gemes	\$45,590.00
Mr Justin Buchta	\$5,870.00
Kyogle and District Arts Council Inc	\$5,000.00
Lachlan Arts Council	\$2,986.00
Lake Macquarie City Council	\$150,000.00
Leeton Shire Council	\$2,875.00
Leeton Shire Council	\$2,875.00
Lightning Ridge Arts & Crafts Council Inc	\$2,466.00
Lingua Franca	\$37,016.00
Lismore City Council	\$70,000.00
Lismore City Council	\$42,500.00
Lockhart Shire Council	\$5,000.00
Lost All Sorts Collective	\$41,820.00
Dr Luke Carman	\$19,500.00
Ms Lynette Ainsworth	\$4,550.00
Maitland City Council	\$70,000.00
Marra Creek Recreation Reserve Land Manager	\$1,500.00
Mr Matt O'Brien	\$4,748.00
Ms Melinda Cain	\$5,000.00
Ms Michele Elliot	\$1,887.00
Mid North Coast Writers' Centre Incorporated	\$2,950.00

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Moorambilla Voices Ltd	\$100,000.00
Moree Cultural Art Foundation Ltd	\$60,000.00
Moree Plains Shire Council	\$100,000.00
Mudgee Local Aboriginal Land Council	\$5,000.00
Mulwala Public School P&C Inc	\$4,145.00
Murray Arts Inc	\$185,000.00
Murrurundi Arts and Crafts Council Inc	\$3,000.00
Muswellbrook South Public School Parents & Citizens Association	\$3,000.00
Narrabri Shire Council	\$3,000.00
Narrandera Arts & Creative Network	\$3,000.00
Mrs Nathalie Hartog-Gautier	\$5,000.00
New England Regional Art Museum Ltd	\$2,790.00
New England Regional Art Museum Ltd	\$80,000.00
New England Writers' Centre Inc	\$22,000.00
New England Writers' Centre Inc	\$2,465.00
New Italy Museum Inc	\$2,214.00
New Steel City Strings Inc	\$3,000.00
New Steel City Strings Inc	\$29,840.00
Newcastle City Council	\$75,000.00
Newcastle City Council	\$135,000.00
Newcastle Historic Reserve Land Manager	\$150,000.00
Newcastle Writers Festival Incorporated	\$70,000.00
Dr Nigel Helyer	\$20,000.00
North East Wiradjuri Co Ltd	\$2,150.00
Northern Rivers Performing Arts Inc	\$300,000.00
Oberon Arts Council Inc	\$2,983.00

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Orana Arts Inc	\$185,000.00
Orange City Council	\$63,881.00
Orange City Council	\$65,000.00
Outback Arts Inc	\$185,000.00
Outback Theatre for Young People	\$4,500.00
Outback Theatre for Young People	\$130,000.00
Pappinbarra Progress Association	\$2,580.00
Parkes School of Dance Inc	\$2,851.00
A/Prof Pauline Clague	\$17,982.00
A/Prof Pauline Clague	\$5,000.00
Poets Out Loud	\$10,990.00
Precarious Inc	\$10,000.00
Ms Rebecca Hogan	\$1,895.00
Rebecca Mathews t/as Fixed Foot Productions	\$5,000.00
Riverina Community College Limited	\$2,255.00
Rocky Hill Musical Theatre Company Inc	\$2,964.00
Mr Roger (Buddy) Knox	\$15,600.00
Mr Ryan Lee	\$600.00
Ms Samantha Buckingham	\$5,000.00
Mrs Sarah Sherringham	\$3,370.00
Sculpture on the Farm Inc	\$3,000.00
Slippry Sirkus Inc	\$3,000.00
Dr Sophie Masson	\$4,000.00
South Coast Writers Centre Inc	\$80,000.00
South East Arts (NSW) Inc	\$30,000.00
South East Arts (NSW) Inc	\$185,000.00

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South West Arts Inc	\$185,000.00
Southern Tablelands Arts Inc	\$185,000.00
Spaced Out (Bestman Holdings Pty Ltd)	\$10,000.00
Spaghetti Circus Inc	\$85,000.00
Sprung!! Integrated Dance Theatre	\$100,000.00
Spunk Records Pty Ltd	\$44,800.00
St Joseph's Parents and Friends Association	\$3,000.00
St Vincent de Paul Society NSW - Creative Space Southern Highlands	\$3,000.00
Stonewave Taiko Incorporated	\$35,000.00
Survival: Herstory Collective	\$2,990.00
Tamworth Regional Council	\$70,000.00
Tantrum Youth Arts Co-op Ltd	\$110,000.00
The Bega Valley Potters	\$3,000.00
The Bowerbird Collective (Anthony Albrecht and Simone Slattery)	\$4,710.00
The Bunker Cartoon Gallery Inc	\$40,000.00
The Cad Factory	\$85,000.00
The Cad Factory	\$3,000.00
The CORRIDOR project Ltd	\$80,000.00
The Wired Lab Ltd	\$80,000.00
Theatre Network NSW Inc	\$80,000.00
Thirroul Music Collective	\$3,000.00
Miss Tina Wilson	\$3,980.00
TLC Collective	\$5,000.00
Mr Toby Cedar	\$3,810.00
Tweed Shire Council	\$100,000.00

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Under the Silver Tree Cooperative Bookshop Ltd	\$3,945.00
Upper Hunter Community Services Inc	\$2,200.00
Upper Hunter Shire Council	\$3,000.00
Mr Victor Bartley	\$18,500.00
Visual Arts Society of Yass Incorporated	\$1,448.00
Wagga Wagga City Council	\$65,000.00
Wagga Wagga City Council	\$85,000.00
Wagga Wagga Writers Writers Inc	\$35,000.00
Walgett Art Group	\$1,000.00
Warren Chamber Music Festival Incorporated	\$5,000.00
Warren Shire Council	\$2,466.00
Wentworth Shire Council	\$5,000.00
Wentworth Shire Council	\$2,214.00
West Darling Arts Inc	\$189,000.00
Western Riverina Arts Inc	\$185,000.00
Winanga-Li Aboriginal Child and Family Centre Inc	\$3,000.00
Wiradjuri Condobolin Corporation Ltd	\$3,000.00
Dr Yantra De Vilder	\$10,000.00
Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation	\$4,130.00
Total	\$8,220,603.00

QUESTION – 28

Mr DAVID SHOEBRIDGE: What has been the nature of concerns raised by the Land and Environment Court and by your office about how ALAs work?

Ms COURTMAN: First of all, just to be clear, the comments by the Land and Environment Court related to the length of time for processing land claims under the current target set by Crown Lands. It did not talk specifically about ALAs.

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Mr DAVID SHOEBRIDGE: Could you give us the details of the case on notice?

Ms COURTMAN: Yes, can I take that question on notice? I do not have the citation here, sorry.

Mr DAVID SHOEBRIDGE: That is fine; it would be rude of me to reject that when that was my first suggestion. In terms of your critiques or your analysis of it, can you give details about what feedback you have given your office?

ANSWER:

See Minister Administering the Crown Lands Act 1989 v New South Wales Aboriginal Land Council [2018] NSWLEC 26

At [89] – [103] <https://www.caselaw.nsw.gov.au/decision/5a9f75c6e4b087b8baa874b2>

The role of the Registrar, ALRA is limited to maintaining the register of ALAs pursuant to section 165(h2) of the ALRA. The Registrar does not currently have a formal role in relation to the LNP. The Registrar provided feedback on the LNP through an informal interview with Ronalds SC as part of her review of the LNP. The Registrar was also interviewed by KPMG who prepared an implementation plan for Crown Lands for the implementation of the recommendations from the Ronalds' review.

https://www.industry.nsw.gov.au/_data/assets/pdf_file/0011/321500/lnp-review-ronalds-report.pdf

QUESTION – 29

The Hon. DANIEL MOOKHEY: That is very helpful, thank you. And that is a written delegation by the Premier to you, Mr Reardon?

Mr REARDON: It is a written delegation to the Secretary of Premier and Cabinet. I think it was before my time.

The Hon. DANIEL MOOKHEY: Is it a continuing instrument or is it required to be renewed?

Mr REARDON: I understand it is a continuing instrument, but I can take it on notice.

The Hon. DANIEL MOOKHEY: Can you take that on notice and can you also perhaps on notice table the current delegation that is in place?

Mr REARDON: I will see what I can do; I will take that on notice.

The Hon. DANIEL MOOKHEY: Thank you, Mr Reardon. To the best of your knowledge, the steps that you have just outlined for the employment of secretaries and acting secretaries has been followed for all current serving secretaries. Is that correct?

Mr REARDON: I will take it on notice and try to come back to you on that before the end of the hearing.

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ANSWER:

Instruments of delegation

The Premier, as a Minister who administers the *Government Sector Employment Act 2013 (GSE Act)*, has functions under that Act of appointing Secretaries of Departments, terminating a Secretary's employment, and appointing and terminating the appointment of acting Secretaries.

The Premier has endorsed existing employment delegation instruments made by former Premiers delegating these functions under the GSE Act to the Secretary of the Department of Premier and Cabinet.

The instruments are in writing, are continuing in accordance with subsection 49(8) of the *Interpretation Act 1987* and are not required to be 'renewed'.

Steps for the employment of Secretaries and Acting Secretaries

As stated above, the Premier has delegated to the Secretary of the Department of Premier and Cabinet the function under section 23(4) of the GSE Act of appointing a person to the office of Secretary of a Department and the function under section 24(1) of appointing an acting Secretary.

The delegation instrument regarding the appointing of a person to the office of Secretary of a Department provides that exercise of that delegation is subject to prior consultation with the Public Service Commissioner. The Secretary of the Department of Premier and Cabinet confirms that the process set out in the delegation instrument, including consultation with the Public Service Commissioner, has been followed for all current serving secretaries.

The delegation instrument regarding the appointing of a person as acting Secretary does not require prior consultation with the Public Service Commissioner. The Secretary of the Department of Premier and Cabinet confirms that the process set out in the delegation instrument has been followed for all current acting secretaries.

QUESTION – 30

The Hon. DANIEL MOOKHEY: Sure, but how does the Premier document her feedback? Does she fill that form out?

Mr REARDON: I will take that on notice.

The Hon. DANIEL MOOKHEY: And how then do you decide, of that hierarchy of ratings, which to attach to each secretary?

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Mr REARDON: The Premier does that with the cluster Minister and the secretariat in the meeting.

The Hon. DANIEL MOOKHEY: Does she circle it in the meeting?

Mr REARDON: I cannot recall how she does that, but I will happily take it on notice.

ANSWER:

The performance ratings are discussed and agreed during the meeting and recorded by the Department of Premier and Cabinet

QUESTION – 31

The Hon. DANIEL MOOKHEY: When did the Minister make contact with you to initiate that sequence?

Mr REARDON: I would have to take it on notice. I do not know.

The Hon. DANIEL MOOKHEY: Was it in November?

Mr REARDON: I would have to take it on notice.

The Hon. DANIEL MOOKHEY: You held Mr Staples' annual performance review on Thursday 20 August, did you not, the one attended by the Premier?

Mr REARDON: Sorry, can you clarify—if your point is his performance agreement and his performance review would have been known at a date you have just outlined, is that your point?

The Hon. DANIEL MOOKHEY: I am not making any points, Mr Reardon; I am just asking questions. So, Mr Reardon, did you hold the annual performance review for Mr Staples with the Premier on 20 August?

Mr REARDON: I do not know what date it was. I can take it on notice but I do not know what date it was. It was before 17 November.

ANSWER:

The performance review with Mr Staples was on 20 August 2020.

QUESTION – 32

Ms CATE FAEHRMANN: Further assessment. So what is happening with that further assessment and when is that \$7 million getting out the door?

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Ms FOY: I would have to come back to you on the timing of further allocations of funding but I think there are probably two points I would like to make. The first is that the impact of COVID, while it is significantly reduced and we are delighted to see arts coming back, is still there. We have a range of grants that have been provided to a range of organisations and I think that is a matter for the Minister to comment in more detail on. But the criteria has been around financial distress for those that do not have anything else to draw on. I will get back to you on the detail of the timing of that. If I can get that by this afternoon, I will.

ANSWER:

The balance of the \$50 million Rescue and Restart funding, including the reserved amount, will be allocated to arts organisations before 30 June 2021.

QUESTION – 33

Ms CATE FAEHRMANN: Is there a reason why we do not include that on the Create NSW website, for example, once things are allocated like other States do?

Ms FOY: I think we are very sensitive—I will just make a statement in principle, if I could. If there is more detail, I will take that on notice. But, in principle, we are talking about companies that are financially distressed who may or may not be comfortable with us revealing certain information about their financial status. Certainly, there has been information released about companies that have been supported but this is an ongoing program and we continue to support those particular companies. To go back to your point of the amounts, if it is roughly \$25 million in rescue and 25 equally—the allocations are around \$20 million in rescue and about \$30 million in restart—we are spending out of both of those. So it is not as though we are saying, "Let's exhaust the first bit to move to the second bit." It is prioritising companies in financial distress, and then how do we restart the arts sector?

Ms CATE FAEHRMANN: The PwC advice in relation to not publishing the list of those organisations who received the Rescue and Restart funding because of issues around insolvency and everything else that you are suggesting. Could you provide that advice as well?

Mr KEELY: Can I take that on notice?

Ms CATE FAEHRMANN: Okay.

Mr KEELY: Thank you.

ANSWER:

Price Waterhouse Coopers provided advice to Create NSW that confirmed stakeholders would lose confidence in a company experiencing financial hardship, which could have unintended consequences, such as suppliers removing or reducing credit terms, or employees fearing potential job losses.

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It noted that this is also recognised by the Australian Stock Exchange in the case of companies entering Safe Harbour arrangements. Details of grant recipients will be published in the Department of Premier and Cabinet 2020-21 Annual Report.

QUESTION – 34

The Hon. DANIEL MOOKHEY: To the best of your knowledge, is that a meeting that your office would organise or is that one the Minister's office would organise?

Mr REARDON: I cannot recall. I actually cannot recall who organised it.

The Hon. DANIEL MOOKHEY: Do you mind taking on notice as to whether or not you organised it or did the Minister's office organise it?

Mr REARDON: I can take it on notice.

ANSWER:

The Secretary and Minister Constance met on Monday 2 November 2020 and Wednesday 25 November 2020. The meetings were requested by Minister Constance's Office.

QUESTION – 35

The Hon. DANIEL MOOKHEY: Fair enough. Did you have a meeting with the Premier and Mr Staples on 20 August 2020 to discuss—

Mr REARDON: You asked me that previously. I said I would take it on notice. I do not know what date it was.

ANSWER:

The performance review with Mr Staples was on 20 August 2020.

QUESTION – 36

The Hon. DANIEL MOOKHEY: Did you at any point discuss with the Secretary of the Department of Planning, Industry and Environment the Minister's instruction to Mr Staples to remove the trees?

Mr REARDON: No, not that I can recall. It may have been raised between those secretaries. They could have discussed that at any time last year. I just do not recall a specific conversation on it. They may have even had a discussion at Secretaries Board about it, but, again, we have to

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discuss so much and last year there was just so much operational activity going on constantly that I just would not know. I just do not know.

The Hon. DANIEL MOOKHEY: Do you mind taking that question on notice, as well as checking any— ?

ANSWER:

The issue was discussed at the Secretaries Board on 30 July 2020, and referred to the Secretaries of DPIE and Transport.

QUESTION – 37

Mr DAVID SHOEBRIDGE: I am going to go back to finish those questions to Ms Courtman, as registrar. Ms Courtman, did you say that there have been only two Aboriginal land agreements [ALAs] registered?

Ms COURTMAN: Yes, that is correct.

Mr DAVID SHOEBRIDGE: When did that process start? Not of those individual ones, but when did the process of discussions for ALAs start?

Ms COURTMAN: I cannot confirm the exact date of when the negotiations related to the LNP commenced, but my recollection—and I will take it on notice—is that the provisions were introduced, I think, in 2019.

Mr DAVID SHOEBRIDGE: I think the first half of 2019 is what I have.

Ms COURTMAN: I cannot give you the exact date, but I can get it for you.

Mr DAVID SHOEBRIDGE: So effectively in two years there have been a grand total of two registered. Do you know how much land they cover?

Ms COURTMAN: I can get those details for you. They relate to two local Aboriginal land councils.

ANSWER:

The Aboriginal Land Agreement (ALA) provisions were inserted as Section 36AA of the *Aboriginal Land Rights Act 1983* (ALRA) in 2014 and commenced operation in 2015. The Land Negotiation Program pilot commenced in 2016. The two registered ALAs cover a combined area of approximately 210 hectares.

The role of the Registrar is limited to maintaining the register of ALAs pursuant to section 165(h2) of the ALRA.

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Crown Lands will be able to confirm when the negotiations commenced under the Land Negotiation Program. The Registrar does not have a role in relation to the Land Negotiation Program and does not have this information.

As advised previously, there are two formally registered ALAs. Namely:

1. Coffs Harbour and District LALC, NSWALC & Minister (Gumbaynggirr - Wenonah Head) – registered 30/01/2019

Minister for Lands and Forestry, Griffith Local Aboriginal Land Council and NSWALC – registered 15/10/2019

QUESTION – 38

Mr DAVID SHOEBRIDGE: I would characterise that as a failing process, the LNP, if it has not led to a single registered ALA. I am not asking you to either agree or disagree with that and give your opinion, but have you raised any concerns with Crown Lands about the LNP?

Ms COURTMAN: Yes.

Mr DAVID SHOEBRIDGE: What are those concerns?

Ms COURTMAN: I want to check that I am not going to—it is my opinion in terms of the concerns that I have raised. Is that appropriate for me to answer?

Mr DAVID SHOEBRIDGE: All I would ask you is: If you have raised concerns, what are the concerns you have raised in your capacity as the independent statutory officer?

Mr REARDON: If you are concerned, take it on notice.

Ms COURTMAN: I would be very happy to answer the question, but I would prefer to do it on notice if that is okay, because it is actually quite a detailed response.

ANSWER:

The Registrar was informally interviewed by Ronalds SC as part of her review of the LNP.

The Registrar was also interviewed by KPMG who prepared an implementation plan for Crown Lands for the implementation of the recommendations from the Ronalds review. This report is at https://www.industry.nsw.gov.au/data/assets/pdf_file/0011/321500/lnp-review-ronalds-report.pdf

QUESTION – 39

Mr DAVID SHOEBRIDGE: Ms Havilah, if it is not 70 per cent of the floor space at the Powerhouse that is going to be used for commercial purposes, what is the percentage you are working to?

Ms HAVILAH: I will have to take that on notice, but we have a key function centre that we are using. We are also using other spaces for commercial return, including retail space, and that

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retail space is focused on food and beverage. We want to enhance the visitor experience. We want them to experience the great museum exhibitions right across the precinct and then we would like them to stay for lunch or dinner or morning tea, and also be able to support broadly that experience with great food and beverage experiences.

Mr DAVID SHOEBRIDGE: How much of the current Ultimo Powerhouse floor space, what proportion of the current Powerhouse facility at Ultimo, is used for those kinds of commercial purposes?

Ms HAVILAH: I would have to take that on notice. It is not dissimilar to what Powerhouse Parramatta will be.

ANSWER:

Powerhouse Parramatta includes two primary commercial spaces: Exhibition Space Seven - a commercial function space, and the ground floor food and beverage space. These spaces represent 4.85% of Powerhouse Parramatta built form.

The primary commercial spaces at Powerhouse Ultimo include the café, retail, and UTS Collaborative Theatre. These spaces represent 4.57% of Powerhouse Ultimo.

QUESTION – 40

Mr DAVID SHOEBRIDGE: They are two quite different things, are they not? One is making money through commercial partners and the other one is a museum, so which is it?

The Hon. BEN FRANKLIN: But they are not mutually exclusive.

Ms FOY: I think they are entirely compatible.

Ms HAVILAH: Yes.

Ms FOY: This is the Museum of Applied Arts and Sciences. Its primary purpose is to be a museum, to display more of the some half a million objects that the Powerhouse has as part of its collection and provide an experience in western Sydney that is not there now and that we look forward to providing in the future. While Ms Havilah was talking about the Powerhouse, it is the case with all of our institutions that they have a level of mobility and flexibility inside the space. Primarily, the Art Gallery is the Art Gallery and, primarily, the Sydney Opera House provides performances.

The Australian Museum, the fantastic Discovery Centre and recently the bequest from one of its former staff to open an education centre—these are all institutions primarily to serve the public, to provide arts and culture experiences, and, for Ms Havilah, the experiences around science and technology, engineering, maths and agriculture. It is a good thing for them to do, for us to do and for the Government to set us the ambition that we are primarily a museum, but we also operate in a modern context and can provide a range of experiences for the public, either in the forecourts or in their exhibition spaces, through commercial kitchens and through residential programs. These are all services that can be provided and, as a modern

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organisation, leverage what commercial income there might be to reinvest in its programs and expand its reach throughout the community.

Mr DAVID SHOEBRIDGE: To be honest, Ms Foy, I was not really interested in the brochure; I was more interested in the numbers—

Ms FOY: I can assure you I am not reading from a brochure.

Mr DAVID SHOEBRIDGE: I will get some numbers on notice from you, Ms Havilah, about the current proposal in terms of the break-up between commercial utilisation and museum use.

Ms HAVILAH: I would be happy to provide that.

ANSWER:

The detailed commercial utilisation is part of the Final Business Case and is cabinet in confidence. The primary use of exhibition spaces one through six is for Museum exhibitions and public programming. The changing exhibition program will see regular new exhibitions in each of these spaces. The primary utilisation of Exhibition Space Seven and the ground floor food and beverage space is commercial, aligned to the Museum program.

QUESTION – 41

The Hon. WALT SECORD: Can you tell me the number of staff in Create NSW at the moment?

Mr REARDON: I might refer that to Ms Foy.

The Hon. WALT SECORD: I will list them: Create NSW, Heritage NSW, Aboriginal Affairs, cultural institutions of Sydney Opera House, the Australian Museum and the Art Gallery of NSW?

Mr REARDON: Create NSW first?

The Hon. WALT SECORD: Yes, please.

Ms FOY: Just give me a moment. So we are talking about the Community Engagement branch. The total headcount as at December 2020 is 722.1 FTE; Aboriginal Affairs has 149.4; a broader group that sits across community engagement has around six; Create has 93.4; employee relations, 51.8; Heritage at 127.2. They are the ones you asked about?

The Hon. WALT SECORD: Yes.

Ms FOY: And then the cultural institutions, I would have to take their headcount on notice to get it from them.

ANSWER:

Cultural Institutions include: Art Gallery of NSW, Australian Museum, State Library, Sydney Opera House and Museum of Applied Arts and Sciences (MAAS). FTE is 1505.9.

Cultural Institutions include the below entities with a total FTE of 1,505.9:

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- *Art Gallery of NSW (FTE 250.4)*
- *Australian Museum (FTE 217.2)*
- *Sydney Opera House Trust (FTE 458.4)*
- *Museum of Applied Arts & Sciences (FTE 287.4)*
- *State Library of NSW (FTE 292.5)*

DPC is the employment agency for State Archives and Records Authority (SARA) and Sydney Living Museums (SLM) (Historic Houses Trust of NSW) with a combined FTE of 294.3

QUESTION – 42

The Hon. WALT SECORD: What is the global staffing figure?

Mr REARDON: The global staffing figure for the entire cluster—the entire cluster headcount, not just FTE—is around 4,000. FTE is about 3,360, and then the core agency itself I will take on notice so I do not get the calculator out right now, if that is okay?

The Hon. WALT SECORD: No, that is People, Culture & Talent.

Mr REARDON: I will not say a number. If I can get it together in a few minutes, I will. Otherwise, I will take it on notice.

ANSWER:

Cluster FTE is 3601.9

DPC FTE is 1161.6

QUESTION – 43

The Hon. WALT SECORD: Ms Gordon, are you familiar with a tragic case in Tumut in 2016 involving Naomi Williams?

Ms FOY: I am aware of it from what has been available publicly and I believe that this is a case that has been mentioned before. I think this would be appropriately responded to by my colleague.

The Hon. WALT SECORD: This is a case that has been taken up by the National Justice Project. Ms Gordon, can you fill me in on the state of play at the moment? What has been the response and has there been any action on the recommendations of the Coroner?

Ms GORDON: This is one I definitely have to take notice. I do not have that information with me at the moment. It is probably one that is better directed to Department of Health, but happy take it on notice and provide whatever we can from that end.

ANSWER:

This is a matter for the Minister for Health, the Hon Brad Hazzard, MP.

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QUESTION – 44

The Hon. WALT SECORD: Ms Havilah, the Government has announced in one of the criteria as part of the Dine & Discover vouchers that you can take them to museums and galleries. The criteria says museums, galleries and historic sites. Have you had any response, any inquiries, involving Dine & Discover at Powerhouse Ultimo?

Ms HAVILAH: I would have to take that on notice.

The Hon. WALT SECORD: Have you had—

Ms HAVILAH: Not that I am aware of, but that does not mean that there has not been.

Mr REARDON: Mr Secord, could you repeat the question?

The Hon. WALT SECORD: The Dine & Discover vouchers program—the four \$25 vouchers—as part of the criteria it says they can also be redeemed at museums, galleries and historic sites. I wanted to know if, in fact, there had been a response or any inquiries involving that?

Mr REARDON: Just more generally, the measurement of where people are using their Dine & Discover is just starting, so some of that has been recorded. If there is anything for Ultimo we will seek to find that out.

ANSWER:

The Powerhouse Museum currently provides free general admission to all visitors, and as such, no vouchers have been received to date.

QUESTION – 45

The Hon. WALT SECORD: Have there been any representations or any work involving stepping in to save the Gough Whitlam, Margaret Whitlam house in western Sydney?

Ms FOY: I read on the weekend that the trust purchased that house prior to the auction last weekend, and I am happy to take any of the details on notice if I may.

The Hon. WALT SECORD: Another separate heritage question: Has the State Government done any work involving the United Nations Educational, Scientific and Cultural Organization [UNESCO] site nomination for the Female Factory at Parramatta?

Ms FOY: This is something that I am sure members are aware the Minister is particularly passionate about. The North Parramatta site has the involvement of a number of members of my portfolio, and many of them are here today. We are working with the team at North Parramatta and we are very strongly making sure that the Minister's ambition to be eligible for World Heritage listing is being pursued. I will see if I can provide sufficient information. We brief the Minister regularly because of his passion and interest as the portfolio Minister for Heritage. Certainly, it is wonderful that the residence of the previously demolished Female Factory buildings still survives.

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The Minister has asked us to make sure that it is properly protected, managed and interpreted in that wonderful landscape.

ANSWER:

Concerning Gough & Margaret Whitlam's House -

Representations were received on 19 February 2021 asking for protection for Gough Whitlam's house in Fairfield as it was to be sold on 20 February 2021. The property sold prior to auction to the Whitlam Heritage Home Fund, which proposed "to have the home listed as a heritage site for its preservation in perpetuity".

Fairfield City Council has since written seeking an Interim Heritage Order to ensure the property's heritage values are recognised and protected – regardless of the ownership. Heritage NSW is preparing advice on this request.

Concerning UNESCO & Parramatta Female Factory site –

Heritage NSW has engaged a consultant to undertake a study to establish the feasibility and pathways to a World Heritage List nomination of the Parramatta Female Factory.

The Department of Premier and Cabinet is working closely with the Department of Planning, Industry and Environment. The Department of Planning, Industry and Environment has responsibility for Parramatta North – including the Female Factory – to ensure that conservation, activation and long-term planning for the site supports the aspiration for World Heritage listing.

QUESTION – 46

The Hon. WALT SECORD: Various Ministers have referred to putting a business hub on the site. How does UNESCO listing interface or interplay with that?

Ms FOY: I would have to take that detail on notice. The work that we are doing around protection of that World Heritage or heritage listing of the site, we are engaging through Heritage all of the relevant assessments and we work directly with the North Parramatta team. Anything specific you have got, I am happy to take on notice and refer to the team as well as our colleagues in the Department of Planning, Industry and Environment.

ANSWER:

Activation and ongoing sensitive use of heritage places supports their care and management – a core interest of UNESCO in ensuring World Heritage values are conserved.

The adaptive reuse of the complete assemblage of buildings on the site, including those proposed to support the start-up hub is guided by a conservation management plan (CMP). This plan anticipates and manages sensitive change based on policies that protect values including historical use, integrity and authenticity. The adaptive reuse of individual buildings is balanced against the appropriateness of the new use, the amount of change required, and ensuring the listed values are maintained and promoted.

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Heritage NSW advises that the proposed start-up hub is unlikely to impact aspirations for World Heritage Listing. The proposed hub is to be located within buildings not directly associated with the historic operation of the Female Factory.

Careful archaeological testing has also been undertaken to ensure no significant heritage fabric related to the Female Factory is impacted by conservation or adaptive re-use activities on the site. The controls of the CMP are sufficient to ensure the site's key values are appropriately managed through sensitive activation and change.

QUESTION – 47

The CHAIR: Thank you, that is helpful. You have given some advice directly to the Minister for Aboriginal affairs. In your role do you give advice to the Minister for Crown lands?

Ms COURTMAN: Not directly, no.

The CHAIR: Through the department have you engaged with them, or is it through this cluster?

Ms COURTMAN: There have been discussions as well as written communication with the department. I think there is a question on notice in relation to that matter—what concerns have I raised in relation to the Land Negotiation Program. I would be happy to provide the detail.

ANSWER:

The role of the Registrar is limited to maintaining the register of ALAs pursuant to section 165(h2) of the ALRA. The Registrar does not have a formal role in relation to the LNP. The Registrar is an independent, statutory office holder appointed by the Governor pursuant to section 164 and schedule 1 of the ALRA. The Registrar reports to the Minister pursuant to section 165AA of the ALRA. The Registrar functions are detailed in section 165 of the ALRA.

QUESTION – 48

The CHAIR: Sure, will do. In terms of interactions with the Minister, how many times would you have met with Minister Harwin on this issue or anything to do with land claims?

Ms COURTMAN: I would have to check back through because I have been in the position for over four years, so it would be multiple times over that period.

The CHAIR: I understand. You are welcome to take it on notice.

Ms COURTMAN: Yes, I will.

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Since July 2020 the Registrar has attended weekly Min-Sec meetings with the Minister. In addition to reporting annually under section 165AA of the ALRA, the Registrar provides detailed reports on a regular basis to the Minister including in relation to Aboriginal Land Claims.

QUESTION – 49

Ms LO: You asked me a question this morning about undertakings, which I have the information about and I can answer that now. I think it is a bit linked to what you have just asked me.

Mr DAVID SHOEBRIDGE: They are very much linked.

Ms LO: Yes, so perhaps I could just give you the answer. There were two undertakings that we gave. There was a hearing on 30 September 2020. Two days before that hearing, we received a letter from the Public Service Association. Because it was two days before, we did not have sufficient time to consider and respond to that letter. So at the hearing on the thirtieth we undertook to respond to that letter, which we subsequently did on 9 October. The other undertaking we gave was around a regular joint consultative committee meeting to be held monthly during the course of the restructure and then bimonthly thereafter. That has also occurred. We have also agreed terms of reference together.

Mr DAVID SHOEBRIDGE: How many times has the joint consultative committee met?

Ms LO: I would have to take that on notice, but they have been meeting regularly—as recently as last week, I think.

Mr DAVID SHOEBRIDGE: Do you know when it first met?

Ms LO: I will take that on notice.

Mr REARDON: Mr Shoebridge, there are a couple of other questions that we took on notice that Ms Lo can also respond to.

ANSWER:

The Joint Consultative Committee (JCC) terms of reference were finalised at a meeting between the Public Service Commission (PSC) and Public Service Association (PSA) on 17 November 2020.

Formal JCC meetings have taken place in December, February and March and will be scheduled monthly for the foreseeable future.

Prior to the JCC terms of reference being finalised the PSC and PSA have been engaged in regular and productive meetings since August 2020.

QUESTION – 50

BUDGET ESTIMATES 2020-21

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

Mr DAVID SHOEBRIDGE: Could I ask you to look at those numbers going back over the past three to five years in terms of the separation rates for, particularly, people with a disability and people who identify as Aboriginal or Torres Strait Islander and draw some reflections on what the trend has been and what, if any, action has been taken to address it?

ANSWER:

Year	Separation Rate		
	Public Sector	Aboriginal & Torres Strait Islander	Disability
2016	10.1%	11.5%	10.8%
2017	10.3%	10.4%	12.6%
2018	9.6%	10.1%	11.5%
2019	8.1%	9.4%	10.7%
2020	8.6%	10.1%	10.4%

- Separation rates for employees identifying as Aboriginal or having a disability have been decreasing since 2016.
- Rates for these groups are higher than the general Public Sector, with separation rates for employees identifying as having a disability being higher than those who have identified as Aboriginal.
- Care must be taken in interpreting separation rates as these may be influenced by machinery of government changes and are also subject to the quality of data submitted by agencies. All separation data is at agency level before being aggregated.

QUESTION – 51

The Hon. ADAM SEARLE: In relation to the Industrial Relations Commission, Commissioner Murphy's term expires, I think, in October this year, and Commissioner Stanton was three days a week but is now down to two days a week. I think his appointment expires in October. Is it the Government's intention to replace both of those positions and will there be a dedicated position still located in the Hunter when Commissioner Stanton goes?

Ms FOY: That is probably more a matter for me, Mr Searle. The appointments of the commissioners are a matter for the Minister. I am happy to take anything on notice, but I prefer that they are matters for the Minister around—

BUDGET ESTIMATES 2020-21

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

The Hon. ADAM SEARLE: Do you know of any plans to at least keep the commission at the same size—

Ms FOY: I beg your pardon?

The Hon. ADAM SEARLE: Do you know if the Government's position is to at least keep the commission at the same size it is?

Ms FOY: I would refer that back to the Minister.

ANSWER:

Commissioner Murphy and Commissioner Stanton's terms are due to expire in 2021 (in July and October respectively). There are no plans to reduce the number of Commissioners.