

BUDGET ESTIMATES 2020-21

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

QUESTION – Integrity agencies

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

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

If yes:

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

ANSWER:

Question 1-3

In November 2019 the Government requested that the Auditor-General undertake an independent review of the effectiveness of the financial arrangements and management practices of all integrity agencies. The Auditor-General's final report was tabled in the Parliament on 20 October 2020.

Separately, the Public Accountability Committee of the Legislative Council has also conducted an inquiry into the Budget process for integrity agencies, as well as the Audit Office and the NSW Parliament. The Committee has tabled two reports, including its final report tabled in February 2021.

The ICAC has also tabled two special reports in relation to funding arrangements in May and November 2020.

The Government is now carefully considering the Auditor-General's recommendations, as well as those of the Committee and the special reports tabled by the ICAC.

The Government will finalise its position on these important and complex matters in 2021.

The Government has stated that it is committed to ensuring that the integrity agencies are fully equipped to fulfil their legislative mandates.

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Question 4

In the lead up to the 2020-21 budget the Commission sought an additional recurrent funding amount of \$4.9M to maintain its current resources and conduct its core activities. The amount sought by the Commission was based on confirmation and review (by Treasury) of its existing activity levels along with planned public inquiries was approved in the budget process.

Question 5

There has been no supplementary funding requested by the ICAC for the 2020/2021 financial year (Note - in the prior budget year FY 2019/20, the Department of Premier and Cabinet granted supplementary funding of \$3.5M to the ICAC to assist the Commission in maintaining its levels of activities with \$2.5M of this supplementary grant being subsequently utilised and drawn down by the ICAC).

Question 6

Integrity agencies in the Premier and Cabinet cluster have not received new efficiency dividends in FY2020-21.

One of the Auditor-General's recommendations was that the Government reassess the process used to apply efficiency dividends to integrity agencies.

The Government is carefully considering the Auditor-General's recommendation and will provide its response in due course.

Question 6 (a)

Efficiency dividends distributed in prior years (not during FY20-21) will impact each integrity agency.

In FY2019-20 efficiency dividends and cost savings were received by DPC and passed to all agencies across the Premier and Cabinet cluster.

Total Savings issued to Cluster	2019-20	2020-21	2021-22	2022-23	2023-24
Premier and Cabinet	20,300	32,400	31,600	33,200	34,031

Total Savings Issued to Integrity Agencies	2019-20	2020-21	2021-22	2022-23	2023-24
Audit Office of NSW	0	89	70	105	109
NSW Electoral Commission	0	875	1,339	1,077	1,134
Law Enforcement Commission	0	652	727	959	978
Ombudsman's Office	0	680	754	983	1,019
Independent Commission Against Corruption	0	673	751	983	1,011
-	-	2,969	3,641	4,107	4,251

DPC and other cluster agencies absorbed the first year of savings however there is no intention to revisit prior year allocations of efficiency dividends.

These tables only detail the efficiency dividends issued in FY2019-20.

Question 6 (b)

It is a matter for individual agencies as to how efficiency dividends are delivered.

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QUESTION – Flexible work

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

ANSWER:

7. The NSW Government does not have consolidated data on flexible work arrangements.
8. Flexible working arrangements are available to all staff regardless of gender in NSW government sector.
9. This is a matter for the NSW Treasurer.
10. This is a matter for the NSW Treasurer.
11. Yes. Please refer to the media statement by the Deputy Premier, the Hon John Barilaro MP via <https://www.nsw.gov.au/media-releases/a-new-era-for-public-service-regional-nsw>.
- 12.
- A review of the job share platform pilot was conducted and an evaluation report produced. The Report can be found here: <https://www.psc.nsw.gov.au/sites/default/files/2021-03/Job-Share-Platform-Pilot-Final-Evaluation-Report.pdf>
 - The job share register pilot has completed and is now available to employees in the following clusters: Department of Premier and Cabinet, Department of Communities and Justice, Transport for NSW, Department of Customer Service, Treasury and Department of Education. These clusters have continued their own subscriptions to the platform and are communicating directly with the third party that developed the platform.

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- c) During the job share platform pilot a total of 435 employees registered to the platform and 61 connections were made. Report of platform use up to 7.10.2020 attached.

QUESTION – Efficiency Dividend

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

13. How many jobs have been lost so far by the application of the efficiency dividend introduced in 2018-19?

14. How many of these jobs have been lost in Sydney, and how many have been lost in regional NSW?

15. Why is the government continuing to cut public sector jobs by implementing a 3% efficiency dividend in the middle of a global pandemic?

16. Will the efficiency dividend end, as expected, in the 2021-22 Budget? Or will another round be imposed?

17. How is the NSW Government ensuring that the savings being made are actually making services more efficient?

18. Which agencies/departments, or parts of agencies/departments were exempt from the efficiency dividend in 2020-21?

19. How does the government determine which parts of agencies/departments are exempt from the efficiency dividend?

20. If it by distinguishing between 'frontline' and 'back office' workers, how does the government determine what is a 'frontline' job and what is a 'back office' job?

21. How can the government be sure that the efficiency dividend is only cutting 'back office' jobs?

22. How does the government ensure that cuts to so-called 'back office' jobs do not adversely affect 'frontline' workers? eg. if the government says no cuts to nurses, but still imposes the efficiency dividend on the Ministry of Health, does this not have a flow on effect for nurses, and their ability to care for the people of NSW, or combatting the pandemic keeping our hospitals from over-flowing?

23. Does the government consider fire combat agencies including the NSW Rural Fire Service, Fire and Rescue NSW, NSW National Parks and Wildlife Service to be frontline?

24. Were fire combat agencies exempt from the efficiency dividend in 2020-21? If not Why not?

25. Will fire combat agencies be exempt in 2021-22?

26. Does the government consider child protection workers to be frontline? Are they exempt from the efficiency dividend?

(a) If no, Child protection workers are currently only able to reach 29 per cent of children and young people subject to ROSH (at risk of significant harm) with the resources they have. Is it appropriate to impose an efficiency dividend on Community Services when so many vulnerable children are already missing out on support from their government?

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 – Working from the Office

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

28. With more public service workers now returning to work more regularly from an office:

(a) What strategies are in place to ensure that social distancing is being maintained?

(b) Has the government factored into these strategies existing ergonomic requirements that workers may have, such as specific chairs or standing desks?

ANSWER:

27. During the COVID-19 pandemic staff employed within departments and agencies were encouraged to work from home or remotely where possible. Each of those organisations are responsible for managing flexible and remote working arrangements for their workforce. These arrangements are not centrally monitored.

28. Department and agencies are responsible for developing their own COVID safe return to work strategies, which vary based on their location and service delivery requirements.

QUESTION – Industrial Relations Commission

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

29. Will the government restore the IRC to having 5 plus full-time equivalent members?

(a) If so, when will it do this?

30. Commissioner Murphy retires this year in July and Commissioner Stanton retires in October this year. Will the government commit to replacing both Commissioners? Will there be a dedicated Newcastle/Hunter-based Commissioner?

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31. The government advertised for those interested in appointment as an IRC Commissioner to express interest. Where is this process up to?
32. Will the Minister outline the selection process, how many persons expressed interest in appointment, how many were interviewed and how many appointments will be recommended?
33. Will the government appoint as Commissioner a person who has significant experience representing unions and/or applicant workers in this current round? (Noting that in the last decade, it has appointed only one person with this experience).

ANSWER:

29. The Government is in the process of appointing a replacement to the role vacated by Commissioner Constant following their appointment to Chief Commissioner last year.
30. The Government is aware that Commissioner Murphy and Commissioner Stanton's terms are due to expire in 2021 (in July and October respectively). The Government is currently considering workload and resource levels as well as the availability and demand for dedicated services across NSW. Any future decisions will be based on the need for effective use of resources to ensure that operational and service delivery requirements are met.
31. I am advised that the EOI process was completed in late 2020. The Government is currently reviewing the qualifications, skills, and experience of candidates who expressed an interest.
32. A number of expressions of interest were received revealing a depth of talent within the pool of candidates. A number of interviews were conducted by the Selection Panel and consideration of these shortlisted candidates including due diligence checks, is ongoing. The Government is giving priority consideration to filling the current vacancy.
33. The Government will consider all candidates objectively and on merit. The rigour of the selection process ensures future appointments have the required qualifications, skills and experience to undertake the important role of Commissioner of the Industrial Relations Commission of NSW.

QUESTION – Aboriginal Employment in the Public Sector

34. Can you advise how many public sector workers have been moved from identified positions to generalist ones for each government department in each of the last 5 financial years?
35. What are the reasons people are moved from positions like this?
36. Has there been any resistance identified in this process?
37. In the year following any such move, how many First Nations people left their position or the public service entirely?

ANSWER:

The NSW Public Service Commission does not collect nor report data about the number of Aboriginal identified roles within the public service or recruitment processes for Aboriginal identified roles.

The Workforce Profile Data Report published by the NSW Public Service Commission annually presents a census of the NSW public sector workforce as at June of each year and reports workforce diversity, which includes Aboriginal workforce representation across the public service.

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QUESTION – Public Service Commission

38. What new executive roles were created in the public service commission as part of the restructure last year?

39. What specialist areas were changed?

40. The union raised concerns the restructure was being rushed, what were the reasons behind the tight timeframes for the process?

41. We understand the Public service commission leads the Premier's Priorities around inclusion – to this end can you provide a complete listing of the number of staff with a disability aboriginal people and female senior leaders?

(a) What is the 5 year trend for these categories of employment in the Commission and the public service generally?

42. Can you provide the number of staff in the Public Service Commission that had a disability pre and post restructure?

43. I have been advised that the Public Service Commission ended up in IRC twice as part of restructure, and a number of undertakings were made including the formation of a staff Joint Consultative Committee – has the commission done any of the actions they agreed to do as a result of those IRC matters?

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ANSWER:

38. New roles of Deputy Commissioner and Chief Operating Officer were created. Two Assistant Commissioner roles were deleted.

39. The specialist focus areas for the Public Service Commission (PSC) did not change. The PSC reviewed its organisational design and this process identified the need for realignment of workstreams to ensure they have deeper impact and achieve meaningful outcomes.

40. The PSC wanted to work through the organisational design and restructure to give people certainty as soon as possible with the aim to have the restructure completed by the end of 2020. Staff provided this same feedback during the consultation process.

The PSC announced the restructure with indicative timelines and remained committed to having a genuine consultation process and taking onboard feedback from employees and the PSA. To facilitate the best consultation processes, the PSC extended the consultation period a number of times.

41.

Premier's Priorities - senior leaders and disability 2016-20

Government Sector	2016	2017	2018	2019	2020
% female senior leaders	36.1 %	37.4 %	38.7 %	40.3 %	41.1 %
No. of Aboriginal senior leaders	63	71	87	98	105
% employees identifying as having a disability ¹	2.8%	2.7%	2.5%	2.5%	2.4%
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Public Service Commission	2016	2017	2018	2019	2020
% female senior leaders	40.0 %	57.1 %	85.7 %	81.8 %	80.0 %
No. of Aboriginal senior leaders ¹	0	0	0	0	0
% employees identifying as having a disability ³	4.3%	4.6%	3.0%	5.8%	8.0%

¹ Reported as an estimate to address underreporting

² Note: the head of People and Culture in the PSC is a Clerk Grade 11/12. While this position does not meet the definition of 'senior leader' due to remuneration, they are an integral member of the PSC Management Board and Senior Leadership Team

³ Estimated for 2016 and 2017 as diversity response rates for those years are higher than the 65% estimation threshold. All other years are reported as actuals

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42. At 30 June 2020, pre-restructure 7.6% of the PSC roles were held by people with a disability. As at 31 December 2020, upon completion of the restructure 7.6% of the PSC roles were held by people with a disability.

43. Resolved in the afternoon budget estimates session – please refer to transcript.

QUESTION – DPC job losses

44. How many jobs are expected to go as part of the current round of voluntary redundancies?

45. What steps are being taken to mitigate the anticipated impacts on Aboriginal workers and regional areas?

ANSWER:

44. There are no set targets with respect to the DPC Voluntary Redundancy Expression of Interest program. The final number of roles to be deleted will not be known until approximately mid-April 2021 once employees have received and have accepted their voluntary redundancy letters of offer.

45. DPC is committed to supporting the Regional Workforce Principles which support maintaining and growing the size of the public sector workforce in regional NSW as well as maintaining and growing opportunities for Aboriginal and Torres Strait Islander people to deliver a world class public service. As part of the Voluntary Redundancy Expression of Interest program, selection principles have been developed to support the decision-making processes of the Executive which includes minimising impacts on regional areas and Aboriginal employees.

DPC recently developed an Aboriginal Employment Strategy which was co-designed with Aboriginal Leaders across the department. In line with the Premier's Priority and the DPC Inclusion and Diversity Strategy it steps out actions to increase the attraction and retention of Aboriginal people, as well as increase trust and cultural safety across the Department.

QUESTION – Land Negotiation Program – Pilot Project

46. What proportion of the claims opposed by the Minister were withdrawn by the claimant?

(a) What proportion were decided in favour of the claimant upon appeal?

ANSWER:

46.

The two Aboriginal Land Agreements in place have resulted in the withdrawal of 10 Aboriginal land claims.

(a) No appeals have been made in respect of an Aboriginal Land Agreement.

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QUESTION – Warragamba Dam wall raising EIS

47. It can be seen in the tabled briefing note authored by Heritage NSW that they advised the Minister there had been an "inadequate assessment of cultural values", "inadequate consultation with the Aboriginal Community" and that "numerous issues regarding the EIS have been raised since 2018 and have not been addressed in a proactive manner by WaterNSW" regarding the Warragamba Dam wall raising project. Do you support your department's view on these matters and all those raised in the tabled briefing note?

(a) What action has the Minister undertaken to remedy these issues?

(b) In the same briefing note Heritage NSW made a series of recommendations including that "Further archaeological assessment of potential archaeological deposits" be undertaken. Are these archaeological assessments requested by your department taking place?

(c) Has the Minister requested further archaeological assessments be undertaken for the project?

i. If so, with whom?

(a) If so, when?

48. Has the Minister or Heritage NSW raised the testimony given by former archaeology contractor, Michael Jackson, to the Select Committee on the Proposal to Raise the Warragamba Dam Wall with WaterNSW or any other government agency or minister?

(a) If so, why did you raise it?

(b) If so, with whom?

(c) If so, when?

49. Does Michael Jackson's evidence that he was "managed out" of the project as his opinions were

unwanted by WaterNSW and their consultants concern the Minister?

(a) What has Heritage NSW or the Minister's office done to address these matters?

50. Does Michael Jackson's evidence that his employment was largely a "Public Relations move, designed to make some Aboriginal representatives feel that they could trust the EIS process (in particular the Gundungurra Indigenous Land Use Agreement (ILUA) committee)" concern the minister?

(a) What has Heritage NSW or the Minister's office done to address these matters?

51. What is the date for the public release of the Aboriginal Cultural Heritage Assessment for the Warragamba Dam wall raising project?

(a) What 'further consultation' will be undertaken with Registered Aboriginal parties as described in recent media reports?

(b) When will the 'cultural heritage management plan' (referred to in the tabled briefing note) be submitted by the proponent?

52. Have WaterNSW agreed to all the recommendations regarding the EIS made by HeritageNSW in the tabled briefing note?

(a) If not, which recommendations have they not agreed to?

(b) Have these recommendations been raised in Cabinet?

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- (c) Has the Minister met with Minister Ayres to discuss the recommendations?
- (d) Does HeritageNSW continue to request that all recommendations made in the tabled briefing note be implemented by WaterNSW?
53. Does the Minister support the proponent only surveying 27% of the upstream impacted area?
54. Will the NSW Government proceed with the raising the Warragamba Dam wall without 'Free, Prior and Informed Consent' (FPIC) of Traditional Owners and Registered Aboriginal Parties as defined under The United Nations Declaration on the Rights of Indigenous Peoples?
- (a) Does the NSW Government support the United Nations Declaration on the Rights of Indigenous Peoples in line with the Commonwealth Government?
- (b) Will the NSW Government seek to obtain FPIC from Indigenous people before it raises Warragamba Dam wall?
- (c) If so, how will FPIC be obtained?
- i. If the NSW Government attempts to obtain it, who will be the NSW Government's nominated party to consult with Traditional Owners?
55. Does the Minister support the application made by Aunty Sharyn Halls for an emergency Aboriginal and Torres Strait Islander Heritage Protection Act (ATSIHPA) protection order for areas upstream of the Warragamba Dam wall to stop the Warragamba Dam raising project proceeding?
- (a) Will the NSW Government be making a submission to the relevant Commonwealth agency concerning this ATSIHPA application?
- i. If so, what position will the NSW Government have towards this application?
56. Will the Minister agree to meet with Registered Aboriginal Parties to discuss their concerns about the proposed raising of the Warragamba Dam wall in-person?
57. Will the Minister agree to appear before the Select Committee on the Proposal to Raise the Warragamba Dam Wall to take questions on the matters raised in the tabled briefing note?

ANSWER:

47. This is a matter for WaterNSW and it would be inappropriate for the Minister to provide a personal opinion.
48. Not to my knowledge.
49. It would be inappropriate to comment on the testimony of a witness.
50. It would be inappropriate to comment on the testimony of a witness.
51. This is a matter for WaterNSW.
52. Heritage NSW's recommendations on the draft EIS were made to the regulating body, not directly to Water NSW. Questions about whether WaterNSW has agreed to the recommendations is a matter for the Department of Planning, Industry and Environment and WaterNSW.
53. It would be inappropriate for the Minister to provide a personal opinion.

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54. It would be inappropriate for to comment on a matter that will be considered by Cabinet.

55. The NSW Government will make a whole of Government submission in response to the ATSIHPA application and it would be inappropriate for the Minister to provide a personal opinion.

56. All invitations to my office will be considered when received.

57. All invitations to my office to appear before the Committee will be considered when received.

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

58. How much from the Aboriginal Affairs budget in 2020/2021 is allocated to the OCHRE program?

(a) Is any of this funding allocated for the Deputy Ombudsman for Aboriginal Programs?

i. How much?

ii. How many FTE staff are allocated to specifically support the Deputy Ombudsman for Aboriginal Programs?

(b) How much of this funding is allocated for Aboriginal Language and Culture Nests?

(c) How much of this funding is allocated for the negotiation and monitoring of Local Decision Making accords?

(d) How much of this funding is allocated for the Opportunity Hubs Program?

(e) How much of this funding is allocated to the following principles outlined in the OCHRE plan;

i. Connected communities?

ii. Strong accountability reforms?

iii. Language and cultural development?

iv. Local decision making?

59. The OCHRE Plan indicates that the NSW Government will establish an independent Aboriginal Council, has this been completed?

(a) When did the council last meet?

(b) Who are the council members?

(c) What are the functions of this council?

60. What was the total budget for OCHRE Opportunity Hubs?

(a) 2018/2019?

(b) 2019/2020?

(c) 2020/2021?

61. How many staff are employed at Opportunity Hubs?

(a) Campbelltown?

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(b) Dubbo?

(c) Tamworth?

(d) Upper Hunter?

(e) Liverpool?

62. What were the total number of students that were assisted in 2019/20 across all Opportunity Hubs?

ANSWER:

Q. 58

Aboriginal Affairs NSW's total budget for 2020/21 is \$59.9 million. The OCHRE program is integrated into Aboriginal Affairs NSW's core business and is funded through the overall Aboriginal Affairs NSW budget.

In 2020/21, the NSW Government provided \$1.66 million to support Regional Alliances to participate in Local Decision Making, up from \$885,875 in 2019/20.

(a) The Deputy Ombudsman is not funded from the Aboriginal Affairs NSW's establishment budget.

(i) The Deputy Ombudsman is not funded from the Aboriginal Affairs NSW's establishment budget.

(ii) No Aboriginal Affairs NSW staff are specifically allocated to support the Deputy Ombudsman (Aboriginal Programs). The Deputy Ombudsman has their own staff – provided and funded by the NSW Ombudsman.

(b) The Department of Education has operational and funding responsibility for Aboriginal Languages and Culture Nests.

(c) Local Decision Making Accords are integrated into Aboriginal Affairs NSW's core business and are funded through the overall Aboriginal Affairs NSW budget.

The second cycle of the ten year independent evaluation of OCHRE is currently underway, and focuses on Local Decision Making. The 2020/21 OCHRE Evaluation base budget is \$375,000, GST exclusive.

(d) No specific allocation is made to Opportunity Hubs by Aboriginal Affairs NSW. The Department of Education has operational and funding responsibility for Opportunity Hubs. In 2019/20, the expenditure under the OCHRE Evaluation budget was \$73K GST exclusive.

(e) The OCHRE program is integrated into Aboriginal Affairs NSW's core business and is funded through the overall Aboriginal Affairs NSW budget. Examples are provided below of relevant budget allocations:

(i) The Connected Communities program is led by the Department of Education, and does not receive funding from Aboriginal Affairs NSW.

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(ii) The OCHRE program is integrated into Aboriginal Affairs NSW's core business and is funded through the overall Aboriginal Affairs NSW budget.

(iii) Aboriginal Affairs NSW provides funding to the Aboriginal Languages Trust from its establishment budget. In 2020/21, the Trust received funding of \$4.8m. Aboriginal Affairs NSW provides funding for Cultural Grants. In 2020/21, this was \$200,000.

(iv) In 2020/21, the NSW Government provided \$1.66 million to support Regional Alliances to participate in Local Decision Making, up from \$885,875 in 2019/20.

Q. 59

The NSW Government did not proceed with the establishment of an Aboriginal Council as indicated in the OCHRE Plan. The Deputy Ombudsman (Aboriginal Programs) was implemented as an alternative oversight mechanism for OCHRE.

(a) – (c) As noted above, the Aboriginal Council did not proceed.

Q. 60

(a) \$2,438,638 **

(b) \$2,122,516

(c) \$2,340,464

** \$190,000 of this amount was paid towards start-up costs to 2x Hubs who commenced in 19/20.

Q. 61

(a) 5

(b) 7 (4 full time, 1 part time, 2 casual)

(c) 6 (3 full time, 3 part time)

(d) 3

(e) 3

Q. 62

1099

QUESTION – Culture and Heritage Law Reform

63. Does the Government plan to introduce legislation dealing specifically with Aboriginal Heritage in 2021?

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

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ANSWER:

Q. 63

The NSW Government is working with key Aboriginal stakeholders to ensure their support for a new system, which will be taken to a public consultation process before a Bill is introduced to the Parliament. While the NSW Government intends to introduce reforms to improve the protections of Aboriginal cultural heritage and its interaction with the planning system as quickly as possible, it will be led by the consultation process.

Q. 64

The Minister has oversight of the reform process and seeks to ensure improved legislative protections for Aboriginal Cultural Heritage that are acceptable to Aboriginal people and the NSW Government. Aboriginal Affairs NSW is the lead Agency responsible for coordinating these reforms across Government.

QUESTION – The Office of Aboriginal Affairs Staffing

65. How many Aboriginal staff are currently employed in the Office of Aboriginal Affairs?

- (a) What proportion of these staff are senior executive staff?
- (b) What is the average remuneration for non-Aboriginal staff?
- (c) What is the average remuneration for Aboriginal staff?

ANSWER:

Q. 65

82 Aboriginal staff are currently employed by Aboriginal Affairs NSW.

- a)** 4% of the 82 Aboriginal staff are Senior Executive staff.
- b)** \$161,797 is the average remuneration of non-Aboriginal staff. This figure includes gross salary plus on-costs of 24%, which is made up of employer contribution to superannuation, payroll tax, workers compensation, provision for long service leave and leave loading.
- c)** \$149,914 is the average remuneration of Aboriginal staff. This figure includes gross salary plus on-costs of 24%, which is made up of employer contribution to superannuation, payroll tax, workers compensation, provision for long service leave and leave loading.

QUESTION – The Office of Aboriginal Affairs Staffing	RESPONSIBILITY
65. How many Aboriginal staff are currently employed in the Office of Aboriginal Affairs? (a) What proportion of these staff are senior executive staff? (b) What is the average remuneration for non-Aboriginal staff? (c) What is the average remuneration for Aboriginal staff?	AA
ANSWER:	

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Q. 65

82 Aboriginal staff are currently employed by Aboriginal Affairs NSW.

- a) 4% of the 82 Aboriginal staff are Senior Executive staff.
- b) \$161,797 is the average remuneration of non-Aboriginal staff. This figure includes gross salary plus on-costs of 24%, which is made up of employer contribution to superannuation, payroll tax, workers compensation, provision for long service leave and leave loading.
- c) \$149,914 is the average remuneration of Aboriginal staff. This figure includes gross salary plus on-costs of 24%, which is made up of employer contribution to superannuation, payroll tax, workers compensation, provision for long service leave and leave loading.

QUESTION – Aboriginal Centre of Excellence

66. What is the total 2021 budget for the Centre of Excellence?

67. How many staff are employed at the Centre of Excellence?

ANSWER

This is a matter for the Minister for Education

QUESTION – Aboriginal Language and cultural nests

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

69. How many co-ordinator positions are currently vacant in Aboriginal Language and Cultural Nests in NSW?

What is the total allocation for Aboriginal Language and Cultural Nests including contributions made by departments other than Education in 2020/2021?

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

- i. North West Wiradjuri?
- ii. Gumbaynggirr?
- iii. Bundjalung?
- iv. Paakantji/Baakanji?
- v. Gamilaraay/Yuwaalaraay/Yuawaalayaay?

ANSWER**Q. 68**

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Aboriginal Language and Cultural Nests provide a continuous learning pathway for Aboriginal people while recognising the existing language skills and knowledge of Aboriginal community members, by:

- providing Aboriginal Language and Culture lessons in NSW public schools to participating students in years K-12
- actively recruiting new schools to participate to increase the number of new learners
- maintaining the enrolments of participating students to provide a continuous learning pathway throughout their schooling years
- employing community Language holders to deliver lessons, through our service provider NSW Aboriginal Education Consultative Group Inc.

These steps provide a continuous learning pathway for Aboriginal students during their schooling years, and recognise the existing language skills and knowledge of Aboriginal community members.

The Department of Education is also funding and supporting Toormina High School students to undertake a Gumbaynggirr Languages Certificate through TAFE NSW in 2021. The pilot program aims to support career pathways and increase the number of Language educators. Program implementation will be monitored and, if successful, may be rolled out further to remaining Nests.

Q. 69

All Department of Education co-ordinator positions are currently filled. These positions are called Aboriginal Language and Culture Officers (ALACOs) and support Aboriginal Language and Culture Nests in NSW.

The Nests initiative is funded under the community-focused plan, OCHER, to the amount of \$1.679 million per annum. This sum is provided to the NSW Aboriginal Education Consultative Group Inc. to deliver services across the Nests and satellite Nests from the NSW Department of Education. Within this total, indicative amounts for each Nest are:

Bundjalung	\$320,000.00
Gumbaynggirr	\$350,000.00
NW Wiradjuri	\$260,000.00
Gamilaraay/Yuwaalaraay/Yuawaalayaay	\$184,000.00
Paakantji	\$165,000.00
Dunghutti (satellite Nest)	\$200,000.00
Gomerai (satellite Nest)	\$200,000.00

QUESTION – Backlog of aboriginal land claims

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

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75. What is the average time taken to consider land claims?

76. In the last two years how many land rights claims have been settled through alternative processes?

77. What was the impact of COVID on claims management?

78. What steps have you taken to ensure the backlog in claims is dealt with effectively?

ANSWER:

Q. 74

No, however I have followed the independent review of the Land Negotiation Program. I am also regularly briefed on the work of Crown lands with its new approaches to the LNP and to reduce the backlog

Q. 75

advises the average time taken to assess an Aboriginal land claim from the date assessment commences is 6 to 9 months. This takes into account the mandatory 4-month appeals period required by Land and Environment Court rules for any portion of a claim which is refused.

Q. 76

The Department of Planning, Industry and Environment - Crown Lands advises in the past two years a total of 10 Aboriginal land claims have been resolved through alternative processes.

Q. 77

The Department of Planning, Industry and Environment - Crown Lands advises the assessment team transitioned to remote working, but delays were experienced in receiving information back from authorities or referenced parties due to issues with accessing relevant information. These delays were external delays and out of the control of the assessment team. Delays were also experienced in working with Land Councils as there was limited ability for Land Councils to meet and have board meetings to pass resolutions.

Q. 78

The Department of Planning, Industry and Environment – Crown Lands advises further resources have been allocated to the Aboriginal Land Claims Assessment Team. The Aboriginal Land Claims Assessment Team actively work with Local Aboriginal Land Councils to provide information and knowledge sharing which allows Land Councils to make more informed decisions regarding their current and future claims. Community engagement officers have been engaged to provide assistance to Land Councils and assist them in liaising with other Government Departments to unlock social, economic and cultural benefits of land.

In addition, Crown Lands has engaged with 120 Local Aboriginal Land Councils to provide an opportunity for the Local Aboriginal Land Councils to prioritise their current land claims awaiting assessment.

Work is also continuing to improve Local Aboriginal Land Council engagement with Crown Lands through greater support from other areas within the Department of Planning, Industry and Environment, such as Planning, Biodiversity and Native Title

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QUESTION – Concerns with Land Councils

79. Can you advise of the process used to respond to concerns about management of land councils, membership of councils or the legitimacy of decisions made by councils?

80. Does your office receive complaints about Land Councils and if so what is the process for responding to these?

ANSWER:

Q. 79

The Registrar, ALRA and/or the NSW Aboriginal Land Council (NSWALC) have the regulatory oversight role of Local Aboriginal Land Councils under the ALRA, which includes the investigation of complaints and provision of operational support as required.

When a concern per the above question is raised, the process followed is:

1. Relevantly, the matter is considered to determine if it requires referral to the Registrar or NSWALC for consideration and action in accordance with their statutory functions.
2. Information from those parties is sought to determine appropriate action and responsibility for any action required.
3. Either the Minister for Aboriginal Affairs or Aboriginal Affairs NSW responds to correspondence with relevant information and assistance as required, including advice if the matter has been referred to the Registrar or NSWALC for action.

Q. 80

Yes. As above, the process outlined in the answer to question 79 applies.

QUESTION – Statues

82. What did the NSW Government spend on any events or projects associated with the reenactment of James Cook's landing?

83. What if any events sponsored by the NSW Government as part of this project was cancelled last year, and what was the cost of these?

ANSWER:

Q. 82

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. This project 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

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Nik Lachaczak. These artworks were installed in April 2020 and the La 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.

The Commonwealth Government funded a project by the Australian National Maritime Museum which was to include the circumnavigation of Australia by the replica of the HMB *Endeavour* and a companion touring exhibition "Looking Back, Looking Forward". In March 2020, the museum announced these activities were suspended due to COVID-19.

Q. 83

There were no events, planned or cancelled, that were sponsored by the NSW Government associated with the anniversary of James Cook's landing.

QUESTION – Voice and Treaty

84. Has NSW Aboriginal Affairs been involved financially or by contributing expertise or similar on the process of Co-Designing the Voice to Parliament?

85. What if any steps have been taken by you or the Department on consideration of models for Treaty in NSW? Are you leaving this up to the Federal process? What input have you sought to provide to this process?

ANSWER:

Q. 84

Aboriginal Affairs NSW has made no financial contribution to the process of Co-Designing the Voice to Parliament. However, Aboriginal Affairs NSW has contributed relevant local and regional advice to the National Indigenous Australians Agency.

Q. 85

The NSW Government will continue to work in close partnership with Aboriginal communities and their representatives, including negotiating formal agreements. This includes meeting the Closing the Gap commitments in partnership with the NSW Coalition of Aboriginal Peak Organisations, as well as agreement making with regional alliances under Local Decision Making, Aboriginal Land Agreements under the NSW Aboriginal Land Rights Act 1983, and Indigenous Land Use Agreements under the Native Title Act 1993 (Commonwealth).

Treaty with First Nations is an issue for the Australian Government.

Aboriginal Affairs NSW have not been offered any opportunity by the Federal Government to provide input.

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QUESTION – Walsh Bay

86. What is the final overall cost of the Walsh Bay precinct, broken down by:

- (a) The total cost including government and private investment
- (b) Government investment
- (c) Private investment, broken down by:
 - i. Total
 - ii. Sponsorship
 - iii. Philanthropic investment
 - iv. Advertising arrangements

ANSWER:

- (a) The total cost is \$371.3 million. \$347.7m is government and \$23.6m is private investment.
- (b) Government investment cost is \$347.7m
- (c) Private investment is:
 - i. Total \$23.6m
 - ii. Sponsorship \$ NA (Financial reporting by tenants is not a criteria to meet capital contributions)
 - iii. Philanthropic \$ NA (Financial reporting by tenants is not a criteria to meet capital contributions)
 - iv. Advertising arrangements \$NA (Financial reporting by tenants is not a criteria to meet capital contributions)

QUESTION – Regional Cultural Fund

87. Regarding the Regional Cultural Fund, can you provide the list of projects funded under the program, sorted by:

- i. Name and location of project
- ii. Total cost of project
- iii. Total NSW Government funding contribution of project
- iv. Total private funding contribution of project
- v. Any other funding contributions

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ANSWER:

Please refer to the lists **attached**.

- RCF Projects by funding.
- RCF Projects by region.

An eligibility requirement of the Regional Cultural Fund is that all recipients make co contributions in cash and or in kind. All non RCF contributions are grouped under recipient co contributions.

QUESTION – Parramatta Powerhouse

88. Given the answers regarding the “modelling for the residencies” being built at the Parramatta Powerhouse site being subject to the business case:

- When will this business case be completed and presented?
- Which department is conducting the business case?

ANSWER:

The Government completed an updated Powerhouse Parramatta Final Business Case in 2020. This document is with Cabinet in confidence.

QUESTION – NSW Government Arts and Cultural project funding

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

90. What recurrent funding is the government planning to give in the 2020-21, 2021-22 and 2022-23 financial years to each state cultural institution, including, but not limited to:

- Art Gallery of NSW
- Museum of Contemporary Art
- Museum of Applied Arts and Sciences
- Australian Museum
- Sydney Opera House
- All other state cultural institutions

91. Can you provide a list of which state cultural institutions are projecting operating deficits for the :

- 2020-21 financial year?
- 2021-22 financial year?

92. Can you provide a list of which state cultural institutions will be receiving:

- an increase in recurrent funding from the NSW government for the:
 - 2020-21 financial year

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ii. 2021-22 financial year

(b) an increase in capital funding from the NSW government for the:

i. 2020-21 financial year

ii. 2021-22 financial year

(c) A “one-off” funding grant from the NSW government for the 2020-21 financial year

ANSWER:

89

Project Name	Total Project Cost	Government Investment	Other Investment
Australian Museum Project Discovery	\$57.5 million	\$50.5 million	\$7 million
Powerhouse Parramatta Program (including Museums Discovery Centre)	\$915 million	\$846 million	\$69 million
Regional Cultural Fund	\$196 million	\$100 million	\$96 million
Sydney Modern	\$344 million	\$244 million	\$100 million
Walsh Bay Arts Precinct	\$371.3 million	\$347.7 million	\$23.6 million
Sydney Opera House infrastructure projects currently on foot	\$251 million	\$235.2 million	\$15.8 million
Total Investment / Project Cost	\$2,134.8 million	\$1,817.4 million	\$317.4 million

90

Recurrent funding in the **2020-21, 2021-22 and 2022-23** financial years to each state cultural institution, including, but not limited to:

- (a) Art Gallery of NSW *Refer to **attached** table*
- (b) Museum of Contemporary Art *This is not a cultural institution.*
- (c) Museum of Applied Arts and Sciences *Refer to **attached** table*
- (d) Australian Museum *Refer to **attached** table*
- (e) Sydney Opera House *Refer to **attached** table*
- (f) All other state cultural institutions *Refer to **attached** table*

91

(a) The Historic Houses Trust (HHT) is anticipating an operational deficit of \$1.4M, based on the latest projections for the 2020-21 financial year. If HHT is successful in its insurance claim for loss of revenue, which is currently being considered, it will achieve a balanced or slightly surplus operating result.

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(b) Budgets for the 2021-22 financial year have not yet been approved.

92

(a) i. For the 2020-21 financial year, the Art Gallery of NSW, Australia Museum, State Library received an increase in recurrent funding.

(a) ii. Budgets for the 2021-22 financial year have not yet been approved.

(b) i. For the 2020-21 financial year, the Museum of Applied Arts and Science, State Library, Historical Houses Trust received an increase in capital funding.

ii. Budgets for the 2021-22 financial year have not yet been approved.

(c) As at 16 March 2021, no cultural institutions had received a “one-off” funding grant in 2020-21.

QUESTION – Australian Museum

93. How much has the Australian Museum received in ticket revenue since re-opening after being closed due to COVID?

94. Has the Australian Museum been able to re-schedule or re-negotiate the King Tutankhamun exhibition?

(a) If yes:

i. When will the exhibition return to the Australian Museum?

ii. Which components of the exhibition will come back to the Australian Museum?

ANSWER:

93

The Australian Museum has sold \$1,000,109 in special exhibition tickets and special programming (school holiday activity) since re-opening on 28 November 2020.

94

IMG, the international touring partner the global tour of *Tutankhamun: Treasures of the Golden Pharaoh*, wrote to the Australian Museum on 9 March 2021 to advise the global exhibition was cancelled due to the impacts of COVID-19. The exhibition was due to visit Sydney for six months from February 2021.

The Australian Museum continues to explore other opportunities to share the treasures of ancient Egypt with its visitors.

QUESTION – Heritage

95. DPIE’s proposal for the Parramatta Female Factory involves demolishing part of the site, renovating other areas, and then leasing the site to commercial tenants. Do you think this is consistent with the state and national heritage significance of the site? Will this action will impact the potential world heritage listing of this site?

96. A Wagga company has been fined \$1,500 for destroying Aboriginal artefacts during the construction of an energy project. The project is being undertaken by multinational energy

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company Metka EGN on behalf of Coles. Coles made a profit of just under \$1 billion in 2019-20. Do you think a \$1,500 fine is appropriate for a \$1 billion company?

97. The CEO of Rio Tinto was sacked from his \$18m a year job. What action do you think Metka EGN and Coles should take about the heritage destruction in Wagga?

98. Western Australia will increase the potential fine for heritage destruction to \$10 million after the Rio Tinto Argument. Are you satisfied that the penalties for heritage destruction in NSW are sufficient?

95. The Western Sydney Start-up Hub (WSSH) is not situated within the original Female Factory buildings. The Department of Premier and Cabinet (DPC) is working closely with the Department of Planning, Industry and Environment (DPIE) – the agency responsible for Parramatta North, including the Female Factory – to ensure conservation, activation and long-term planning reflects the significance of the site and supports the aspiration for World Heritage listing.

DPC's Community Engagement Group has been drawing together a consolidated and unified strategy to advance World Heritage Listing aspirations for the site. The objective of this strategy is to protect and restore the exceptional buildings associated with the Female Factory and to maximise the opportunity for World Heritage listing through appropriate management of the site.

Importantly, DPIE's proposal in relation to the buildings that comprise the Parramatta Female Factory does not involve any demolition but instead leading practice conservation and activation of these significant heritage assets for museum, heritage and cultural use.

A conservation management plan (CMP) has been developed for the entire Parramatta North Historic Site. The CMP for Parramatta North protects the site's values – its integrity and authenticity. It ensures that any adaptive reuse of individual buildings will be appropriate to the site and ensure that the listed values are maintained and promoted.

96. Compliance and enforcement actions are undertaken in accordance with the *National Parks and Wildlife Act 1974*, the regulations and guidelines.

97. This is a matter for Metka EGN and Coles.

98. The NSW Government is working with Aboriginal peak bodies to progress reform of Aboriginal cultural heritage legislation. These reforms will provide an opportunity to review the regulatory and compliance processes for the protection of Aboriginal cultural heritage in NSW.