



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

## **BUDGET ESTIMATES 2020-2021**

### **Supplementary Questions**

**Portfolio Committee No. 6 – Transport and Customer Service**

**BETTER REGULATION AND INNOVATION**

Hearing: Friday 5 March 2021

**Answers due by: 31 March 2021**

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## BETTER REGULATION AND INNOVATION

Questions from the Hon Mark Buttigieg MLC (on behalf of the Opposition)
Question
<p><b>Employees</b></p> <p>1. Minister, for each department, agency, State-owned corporation or other body, and for each division of those bodies, if any, in your portfolio:</p> <ul style="list-style-type: none"><li>(a) What is the gender pay gap, both generally and across those employees in SEB or SEB-equivalent bands?</li><li>(b) What is the highest remuneration for female employees– both generally and for SEB/SEB-equivalent employees?</li><li>(c) What is the lowest pay received by female employees – both generally and for SEB/SEB-equivalent employees?</li><li>(d) What is the average remuneration received by female employees – both generally and for SEB/SEB-equivalent employees?</li><li>(e) What is the highest remuneration for male employees– both generally and for SEB/SEB-equivalent employees?</li><li>(f) What is the lowest pay received by male employees – both generally and for SEB/SEB-equivalent employees?</li><li>(g) What is the average remuneration received by male employees – both generally and for SEB/SEB-equivalent employees?</li><li>(h) How many female and how many male SEB or SEB-equivalent employees are there?</li><li>(i) What is the highest number of direct reports to female SEB or SEB-equivalent employees?</li><li>(j) What is the lowest number of direct reports to female SEB or SEB-equivalent employees?</li><li>(k) What is the average number of direct reports to female SEB or SEB-equivalent employees?</li><li>(l) What is the highest number of direct reports to male SEB or SEB-equivalent employees?</li><li>(m) What is the lowest number of direct reports to male SEB or SEB-equivalent employees?</li><li>(n) What is the average number of direct reports to male SEB or SEB-equivalent employees?</li><li>(o) What is the highest number of staff managed by female SEB or SEB-equivalent employees?</li><li>(p) What is the lowest number of number of staff managed by female SEB or SEB-equivalent employees?</li><li>(q) What is the average number of number of staff managed by female SEB or SEB-equivalent employees?</li><li>(r) What is the highest number of staff managed by male SEB or SEB-equivalent employees?</li><li>(s) What is the lowest number of number of staff managed by male SEB or SEB-equivalent employees?</li></ul>

- (t) What is the average number of number of staff managed by male SEB or SEB-equivalent employees?
- (u) In providing answers to questions (a) to (t), please provide the information for each SEB band or band equivalent.
- (v) What steps are you taking to eliminate the gender pay gap?
- (w) What timeframe have you set to eliminate the gender pay gap?

**2. Cluster Secretary-** for each department, agency, State-owned corporation or other body, and for each division of those bodies, if any, in your Cluster:

- (a) What is the gender pay gap, both generally and across those employees in SEB or SEB-equivalent bands?
- (b) What is the highest remuneration for female employees— both generally and for SEB/SEB-equivalent employees?
- (c) What is the lowest pay received by female employees – both generally and for SEB/SEB-equivalent employees?
- (d) What is the average remuneration received by female employees – both generally and for SEB/SEB-equivalent employees?
- (e) What is the highest remuneration for male employees— both generally and for SEB/SEB-equivalent employees?
- (f) What is the lowest pay received by male employees – both generally and for SEB/SEB-equivalent employees?
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- (l) What is the highest number of direct reports to male SEB or SEB-equivalent employees?
- (m) What is the lowest number of direct reports to male SEB or SEB-equivalent employees?
- (n) What is the average number of direct reports to male SEB or SEB-equivalent employees?
- (o) What is the highest number of staff managed by female SEB or SEB-equivalent employees?
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- (t) What is the average number of number of staff managed by male SEB or SEB-equivalent employees?
- (u) In providing answers to questions (a) to (t), please provide the information for each SEB band or band equivalent.
- (v) What steps are you taking to eliminate the gender pay gap?
- (w) What timeframe have you set to eliminate the gender pay gap?

**ANSWER:**

**1-2.** The Department of Customer Service is required to report staffing and remuneration details through Annual Reports. I refer the Member to the publicly available Annual Reports. Further, there is no legislative requirement to report, at the level of detail, sought in this question. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

**Tow Truck Industry Act 1998**

- 3.** How many enquiries were received in 2018/19, 2019/20 and 2020/21?
- 4.** How many complaints were received in 2018/19, 2019/20 and 2020/21?
- 5.** How many investigations were conducted in 2018/19, 2019/20 and 2020/21?
- 6.** How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?
- 7.** How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?
- 8.** What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?

**ANSWER:**

**3-8.** As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

**Scams**

- 9.** What assistance can Fair Trading give to NSW consumer who are concerned they may have been scammed?
- 10.** What action has Fair Trading taken against scammers in the past 12 months?

**ANSWER**

**9-10.** NSW Fair Trading provides significant information via its publicly available website. In addition, consumers are encouraged to contact Fair Trading offices with any enquiries. Fair Trading remains vigilant and alert to scamming operations and takes the appropriate action to protect consumer rights.

### **Artificial Intelligence**

11. In relation to the development of an AI policy, what AI is currently used by the Better Regulation Division?
12. Are there plans to use AI in triaging Fair Trading complaints?
13. What assessment or the use of AI in triaging Fair Trading complaints has been undertaken to date?
14. Are there plans to use AI in triaging SafeWork complaints?
15. What assessment or the use of AI in triaging SafeWork complaints has been undertaken to date?
16. What budget is allocated to implementing the use of AI In the Better Regulation Division?
17. What cost benefit analysis had been undertaken in relation to implementing the use of AI in the Better Regulation Division?

### **ANSWER**

11-17. The Department of Customer Service continues to explore opportunities to improve the customer experience and the customer service it provides. Artificial intelligence (AI) is one means by which this may be achieved. The development and implementation of AI in service delivery and process improvement remains an ongoing initiative of DCS across all work streams.

### **BRD - 2019 Annual Customer Satisfaction Measurement Survey**

18. The 2019 Annual Customer Satisfaction Measurement Survey found “Consumer ‘wait time’ experiences often occur due to lack of adequate staff, information and proactive communication”. This is a significant failing. What is being done to address the lack of adequate staff and the lack of access to relevant, valuable and timely information?
19. The 2019 survey also claims “Consumers perception of NSW Government services has increased in 2019 compared to 2018” but what work has been done on individual agencies and perceptions of them?
20. For example, what are customers’ and traders’ perceptions of Fair Trading?
21. For example, what are employees’ and employers’ perceptions of SafeWork?
22. Other than the customer satisfaction measurement survey, what market research has the Better Regulation Division undertaken concerning perceptions of Fair Trading?
23. What market research has the Better Regulation Division undertaken concerning perceptions of SafeWork?

### **ANSWER**

18-19. The Annual Customer Satisfaction Measurement Survey is conducted by the NSW Customer Service Commission across six jurisdictions, including the NSW Public Sector. The findings are not specific to Better Regulation Division (BRD) in the Department of Customer Service (DCS).

BRD is, however, actively implementing the recommendations of the survey including:

- Increased digital services, including new online application services for paintball and tow truck licensing as well as the introduction of the “Speak Up” app, enabling the reporting of work health and safety matters via a mobile phone app.
- Digital offerings will be further extended through the current Construct NSW and Licensing NSW programs.

- Acceleration of services through Service NSW with telephone enquiry services for NSW Fair Trading and SafeWork NSW licensing being transferred to reduce customer wait times.

**20-23.** As part of the DCS cluster, BRD is focused on delivering customer centric services. BRD regularly engages with consumers and industries in relation to legislative reform and issues impacting regulated markets.

BRD does not conduct specific market research to gauge the perceptions of NSW Fair Trading and SafeWork NSW.

BRD utilises annual survey results, customer feedback and conducts targeted focus groups to inform service and regulatory improvements.

#### **Fair Trading Amendment (Short-term Rental Accommodation) Act 2018**

24. How many enquiries were received in 2018/19, 2019/20 and 2020/21?
25. How many complaints were received in 2018/19, 2019/20 and 2020/21?
26. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?
27. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?
28. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?
29. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?

#### **ANSWER**

**24-29.** As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

#### **Blitzes**

30. How many staff were involved each time and what was the outcome of each?
31. From 16 February, inspectors were undertaking a compliance blitz on construction sites from Ballina to Tweed Heads focusing on site housekeeping, height safety, falling objects, electrical, moving plant operations, and controlling risks related to silica and asbestos?
32. What information prompted SafeWork to prioritise the north coast?
33. How many staff were involved in this blitz? What is the cost of undertaking the blitz given the distance from the region to the SafeWork office?
34. How does Fair Trading prioritise which regulations to enforce and which areas to target? The Shadow Minister for Consumer Protection understands that Liquor & Gaming, SafeWork NSW and NSW Fair Trading targeted hospitality venues for COVID-19 breaches in August 2020.
  - (a) What other businesses or areas have been subject to COVID-19 blitzes?
35. How many inspections and fines were issued?
36. How many repeat offenders have been identified for COVID-19 breaches?
37. How many reports of illegal fireworks were received by SafeWork?
38. How many fines were issued and what was the total value?
39. How many inspections were carried out by SafeWork on New Years Eve?
40. Why were the Public Order and Riot Squad police called to enforce SafeWork responsibilities in south west Sydney?

<p>41. What education or training activities take place before or after a blitz?</p>
<p><b>ANSWER</b></p> <p>30. Due to the broad nature of the question, a specific answer cannot be provided.</p> <p>31. Yes they were.</p> <p>32. SafeWork NSW’s geographic construction safety blitz program prioritises areas based on a high concentration of construction projects.</p> <p>33. In terms of the geographic construction safety blitz on the NSW North Coast, six Inspectors were involved for the three days. This involved four inspectors from the Northern NSW Construction Team and two inspectors from Hunter-Mid North Coast Construction team. The cost of travel, accommodation, and related expenses for the Inspectors (four) requiring overnight travel is approximately \$2,400.</p> <p>34-36. Fair Trading enforces compliance with all regulations it administers. As not all of these agencies fall under the responsibility of the Minister for Better Regulation and Innovation, a detailed response cannot be provided.</p> <p>37. SafeWork NSW received 21 requests for service for various matters relating to fireworks during 2020.</p> <p>38. There was one penalty notice issued relating to fireworks during 2020. Penalty amount was \$1,000.</p> <p>39. Due to the decline in notifications, as a result of COVID, no onsite inspections were conducted.</p> <p>40. SafeWork NSW have not enlisted assistance from the Riot Squad.</p> <p>41. Due to the broad nature of the question, a specific answer cannot be provided. Education or training activities may vary by industry.</p>
<p><b>Budget and FTEs</b></p> <p><b>SafeWork</b></p> <p>42. As the Deputy Secretary noted at the hearing BRD itemises funding from external sources to meet legislative requirements. What is the budget for SafeWork in 2018/19, 2019/20 and 2021?</p> <p>43. How many FTEs are employed for Fair Trading?</p> <p><b>Fair Trading</b></p> <p>44. What is the budget for Fair Trading in 2018/19, 2019/20 and 2021?</p> <p>45. How many FTEs are employed for Fair Trading?</p> <p><b>Office of Racing</b></p> <p>46. What is the budget for Office of Racing in 2018/19, 2019/20 and 2021?</p> <p>47. How many FTEs are employed for Fair Trading?</p>
<p><b>ANSWER</b></p> <p>42. This information is detailed in the Customer Service Annual Report.</p> <p>43. The Fair Trading function is undertaken by staff across various business units of the Better Regulation Division (BRD). We are unable to provide FTE numbers for staff undertaking Fair Trading related functions as part of their roles within BRD.</p> <p>44. This information is detailed in the Customer Service Annual Report.</p>

- 45. Refer to answer at Question 43.
- 46. This information is detailed in the Customer Service Annual Report.
- 47. Refer to answer at Question 43.

**Key management personnel remuneration**

- 48. What post-employment benefits were paid to former staff in 2019? In 2020?
- 49. What termination benefits were paid to former staff in 2019?
  - (a) In 2020?
- 50. How many staff benefited from the termination benefits and post-employment benefits? What were their job titles?

**ANSWER**

- 48. 2019 – nil.  
2020 – nil.
- 49. On termination of employment, staff are paid out their leave entitlements, (Recreation and based on length of service Long Service Leave). If staff are terminated based on Voluntary Redundancy, they are paid the entitlements as outlined in the relevant legislation (Government Sector Employment Act) or Guidelines (Public Service Commission Managing Excess Employees). Recreational and Long Service Leave (based on years of service) entitlements are paid out to all staff who exit employment.
- 50. As there is no timeframe specified for this it is impossible to answer.

**Office refurbishments**

- 51. How much was spent in 2019-20 on office refurbishments and where was the work done?
- 52. What is the budget for 2020-21 on office refurbishments and where will the work done?
- 53. What future work is planned and which offices will be refurbished?
- 54. How many regional offices of Fair Trading were there in 2011?
- 55. How many staff were based in those regional offices?
- 56. As of today how many offices of Fair Trading outside of Sydney are there?
- 57. How many inspectors are based outside of Sydney?
- 58. How many regional offices of WorkCover were there in 2011?
- 59. How many staff were based in those regional offices?
- 60. As of today how many offices of SafeWork outside of Sydney are there?
- 61. How many inspectors are based outside of Sydney?
- 62. Does SafeWork still run its “Safer Small Towns Program” to provide face to face workplace health and safety advice in rural and regional NSW?

**ANSWER**

- 51-53 Expenditure is reported in the Cluster Annual Report. The Department of Customer Service manages its budget at a Cluster level and its Program of Capital Works for FY2020-21 is publicly available in the NSW Budget Papers 2020-21.
- 54: In 2011-2012 there were 24 NSW Fair Trading offices in NSW.
- 55: NSW Fair Trading did not formally record the number of staff in regional centres in 2011.

56. There are currently 18 NSW Fair Trading offices outside of the Sydney metropolitan area.
57. There are currently 26 NSW Fair Trading inspectors based outside the Sydney metropolitan area.
58. There were 19 regional offices of WorkCover in 2011.
59. There were 121 staff based out of the 19 regional offices in 2011.
60. There are currently 22 offices of SafeWork NSW outside of Sydney metropolitan area.
61. SafeWork NSW has 306 staff based outside the Sydney metropolitan area.
62. SafeWork NSW no longer runs the ‘Safer Small Towns Program’.

Since the launch and subsequent roll out of the *Work Health and Safety Roadmap for NSW 2022*, all projects within this program include face to face work health and safety (WHS) advice and support for regional NSW.

This allows for a more targeted approach, catering not only for different geographic and demographic groups, but also for different workplaces across the key sectors of the NSW regional economy.

#### **Food price monitoring**

63. What monitoring of food prices in remote Aboriginal communities has Fair Trading undertaken in rural and remote NSW to date?
64. What support will Fair Trading provide to the ACCC when it undertakes its enhanced market study?

#### **ANSWER**

63. Food pricing practices are not regulated by the Australian Consumer Law or the Fair Trading Act 1987. This was outlined at length through a number of debates in the house over 2020.
64. The ‘Report on food pricing and food security in remote Indigenous communities’ was delivered in November 2020, by the House of Representatives Standing Committee on Indigenous Affairs. As part of recommendation one, the Committee suggested that the Treasurer direct the Australian Competition and Consumer Commission (ACCC) to undertake an enhanced market study into food and grocery prices in remote community stores. The Commonwealth government has not responded to the report, nor has the ACCC made any public announcement about the market study.

#### **Funeral insurance**

65. Over the last twelve months, how many complaints have been received about funeral insurance?
66. How many of those complaints were from regional NSW?
67. How many were from Aboriginal people?
68. The ACCC’s enforcement priorities for 2021 include Competition and consumer issues in the funeral services sector. Why doesn’t NSW Fair Trading have a similar commitment to investigating complaints in the sector?

#### **ANSWER**

- 65-68. NSW Fair Trading does not intervene in complaints about funeral insurance. Funeral insurance is regulated by the Commonwealth through the *Life Insurance Act 1995* and *Australian Securities and Investments Commission Act 2001*. The Australian Financial Complaints Authority holds jurisdiction over consumer complaints about funeral insurance.

## Legislation

69. What, if any, planned reviews are being done over the next 2 years for any of the acts and/or their regulations administered by the Minister for Better Regulation and Innovation?
70. Which regulations that fall under these acts are due to cease as at 1 March 2021, and 1 March 2022?
71. Given that various regulations, as set out under the Subordinate Legislation Act, cease five years after being published, what mechanisms have you set up to ensure that regulations which are required to be maintained after this 5 year period remain in force?
72. Which acts in this portfolio are yet to commence?
73. Are there any acts that have commenced but have provisions that are yet to commence?
- (a) What are they?
74. In terms of each of the acts, are there any provisions that need clarifying for the department/agency/office to be able to better support the Minister?
- (a) What amendments have been proposed?
75. In terms of the jointly administered acts, how is the responsibility shared between the Ministers and their departments/agencies/offices?
- (a) With the Minister for Customer Service?
- (b) With the Minister for Families, Communities and Disability Services?
- (c) With the Attorney General and Minister for the Prevention of Domestic Violence?
- (d) With the Minister for Police and Emergency Services?
- (e) With the Treasurer?
- (f) With the Minister for Water, Property and Housing?
- (g) With the Minister for Energy and the Environment?
- (h) With the Minister for Planning and Public Spaces?
76. How are these jointly administered acts operationalised between the Ministers and their departments/ agencies/offices?
77. What happens when there is a conflict in the administration of these acts between the Ministers and their departments/agencies/offices?
- (a) Other than matters that are referred to Cabinet, what is the mechanism to solve conflicts between the Ministers who share responsibility?

## ANSWER

69. Legislative reviews are regularly announced by Ministers and or/published on the Fair Trading website. The Opposition may request a brief on these following announcement of individual reviews.
70. None of the Regulations in these acts are due to cease in the specified time period.
71. The *Subordinate Legislation Act 1989* allows for the postponement of the automatic repeal of Regulations on the 1<sup>st</sup> of September each year under certain circumstances. The automatic repeal of a Regulation can be postponed up to five times. There are government agency processes in place that ensure required Regulations are maintained, by either re-making them or postponing their automatic repeal.

72. The *Charitable Fundraising Amendment Act 2018* and the *Fair Trading Amendment (Commercial Agents) Act 2016*.
- 73(a). *Better Regulation Legislation Amendment Act 2019* commenced except for Schedule 1.4, 1.8 and 1.10.
- Better Regulation Legislation Amendment Act 2020* commenced except Schedule 1.26.
- Building Professionals Amendment Act 2008* – commenced except as amended as set out in Schedules 1 and 2.
- Personal Property Securities (Commonwealth Powers) Act 2009* – majority commenced.
- Un-commenced provisions are allocated to the Attorney General as the Minister responsible for the administration of these sections.
74. The Department takes a stewardship approach to the legislation it has administrative responsibility for. This means that from time-to-time amendments to legislation are required to clarify intent and ensure all legislation in the portfolio is operating as efficiently and effectively as possible.
75. All responsibility for jointly administered Acts is clearly set out under the *Allocation of the Administration of Acts*.
76. The administrative responsibilities are clearly assigned to Ministers through the *Allocation of the Administration of Acts*.
77. and 77(a). Ministers and their Departments consult with each other about matters concerning Acts, for which there is a shared ministerial responsibility.

#### **Rental Bond Board**

78. How many DCS staff are allocated to managing rental bonds?
79. While income for the Board declined between 2018/19 and 2019/20, the Administrative Service Charge payable to DCS increased. What financial details can you provide concerning
- (a) Costs for the recovery of expenses that DCS incurred on behalf of the board?
  - (b) Associated personnel related costs and
  - (c) Other operating expenses?
80. How much is currently in the rental bond trust?
81. How much interest is expected to be earned on renters' bond money held in trust?
82. How much is this interest expected to increase over the next 3 budget years?
83. Is the interest accruing being used by the Government to fund other programs?
84. What does happen to all of the interest accrued prior to funds held in trust being returned to tenants?
85. Are there any plans for this to change over the next 3 budget years?

86. What process do tenants need to go through to access their bond money held in the trust at the end of the lease period?
87. Has this process changed over the last 3 years?
88. Are there any plans to change this process?
89. Have you considered any plans to make the process easier for tenants?

**ANSWER**

78. There have been 26 DCS staff allocated to managing rental bonds.
79. The Administration Service Charge is a reimbursement of the costs incurred by the Department of Customer Service through operating the Rental Bond Board.
- a) The recovery of expenses in 2019/20 was \$24.6M.
  - b) Associated personnel related costs in 2019/20 was \$17.4M.
  - c) Other operating expenses in 2019/20 was \$7.2M. This includes GovConnect charge, occupancy costs, accounting, legal and information communications technology (ICT).
80. Currently in the Rental Bond Trust is \$1,861,390,061.44 (as at 28 February 2021).
81. In the 2019 / 20 Financial Year the NSW Government decided to redeem the investments of the Rental Bond Board and transfer the funds to the NSW Treasury's Banking System.
- As a result, the Rental Bond Board will be funded by a Cluster Grant from the Department of Customer Service and not from the income of the Board's investments.
- This change has been of benefit to the Rental Bond Board as it has removed all investment risk and increased certainty of funding as currently the investment returns are lower than the operating costs of the Board.
82. Refer to the answer to Question 81.
83. Refer to the answer to Question 81.
84. The interest returns are utilised to cover the operating costs of the Rental Bond Board and can only be utilised for purposes outlined in the relevant legislation. See also the answer for question 81. The interest earnings are not returned to the tenants.
85. No
86. The process is outlined here: <https://www.service.nsw.gov.au/transaction/apply-get-your-residential-rental-bond-back-tenants>
87. No. Since 30 January 2017, property agents and private landlords have been required to be registered with Rental Bonds Online. Tenants cannot be forced to pay using the online service. The agent, or self-managing landlord, must offer the service as the first option for lodgement of the rental bond. However, tenants can still choose to use the paper-based method if the online service is not suitable to the tenant's circumstances.
88. There are no plans to change the process for claiming bonds that have been lodged with NSW Fair Trading.

<p>89. The NSW Government is committed to providing better digital services, overcoming constraints to online transactions, and enabling new transactions to be conducted online, wherever possible.</p>
<p><b>Fair Trading enforcement</b></p> <p>90. How many level 1 actions (guidance and advice on self-regulation and trader education) were undertaken in 2018/19, 2019/20 and 2020/21?</p> <p>91. How many level 2 actions (warnings) were undertaken in 2018/19, 2019/20 and 2020/21?</p> <p>92. How many level 3 actions (penalty notice and public naming) were undertaken in 2018/19, 2019/20 and 2020/21?</p> <p>93. How many level 4 actions (prosecution, civil penalty, court orders, enforceable undertakings, notices to show cause) were undertaken in 2018/19, 2019/20 and 2020/21?</p> <p>94. How many level 5 actions (criminal penalty, disciplinary action, disqualification orders) were undertaken in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>90-94. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Residential tenancies</b></p> <p><b>Residential Tenancies Act 20210</b></p> <p>95. How many residential tenancies were there in 2018/19, 2019/20, 2020/21?</p> <p>96. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>97. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>98. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>99. How many matters progressed to the NSW Civil and Administrative Tribunal in 2018/19, 2019/20 and 2020/21?</p> <p>100. How many matters progressed to higher courts in 2018/19, 2019/20 and 2020/21?</p> <p>101. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>102. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>103. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p> <p>104. How many evictions were there in 2018/19, 2019/20 and 2020/21?</p> <p>105. How many retaliatory evictions were there in 2018/19, 2019/20 and 2020/21?</p> <p>106. How many no grounds evictions were there in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>95-106. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Community Land Management Act 1990</b></p> <p>107. How many community land schemes were there in 2018/19, 2019/20, 2020/21?</p>

<p>108. How many residents of community land schemes were there in 2018/19, 2019/20, 2020/21?</p> <p>109. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>110. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>111. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>112. How many matters progressed to the NSW Civil and Administrative Tribunal in 2018/19, 2019/20 and 2020/21?</p> <p>113. How many matters progressed to higher courts in 2018/19, 2019/20 and 2020/21?</p> <p>114. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>115. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>116. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>107-116. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Residential (Land Lease Communities) Act 2013</b></p> <p>117. How many residential land lease communities were there in 2018/19, 2019/20, 2020/21?</p> <p>118. How many residents of residential land lease communities were there in 2018/19, 2019/20, 2020/21?</p> <p>119. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>120. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>121. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>122. How many matters progressed to the NSW Civil and Administrative Tribunal in 2018/19, 2019/20 and 2020/21?</p> <p>123. How many matters progressed to higher courts in 2018/19, 2019/20 and 2020/21?</p> <p>124. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>125. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>117-125. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Retirement Villages Act 1999</b></p> <p>126. How many retirement villages were there in 2018/19, 2019/20, 2020/21?</p> <p>127. How many residents of retirement villages were there in 2018/19, 2019/20, 2020/21?</p> <p>128. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>129. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>130. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p>

<p>131. How many matters progressed to the NSW Civil and Administrative Tribunal in 2018/19, 2019/20 and 2020/21?</p> <p>132. How many matters progressed to higher courts in 2018/19, 2019/20 and 2020/21?</p> <p>133. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>134. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>126-134. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Strata Schemes Management Act 2015</b></p> <p>135. How many strata schemes were there in 2018/19, 2019/20, 2020/21?</p> <p>136. How many residents of strata schemes were there in 2018/19, 2019/20, 2020/21?</p> <p>137. How many strata schemes were dissolved in 2018/19, 2019/20, 2020/21 due to a collective sale?</p> <p>138. How many strata schemes were dissolved in 2018/19, 2019/20, 2020/21 due to a sale by a single owner?</p> <p>139. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>140. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>141. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>142. How many matters progressed to the NSW Civil and Administrative Tribunal in 2018/19, 2019/20 and 2020/21?</p> <p>143. How many matters progressed to higher courts in 2018/19, 2019/20 and 2020/21?</p> <p>144. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>145. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>135-145. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Boarding Houses Act 2012</b></p> <p>146. How many boarding houses were there in 2018/19, 2019/20, 2020/21?</p> <p>147. How many boarding houses were there in each LGA in 2018/19, 2019/20, 2020/21?</p> <p>148. How many residents of boarding houses were there in 2018/19, 2019/20, 2020/21?</p> <p>149. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>150. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>151. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>152. How many matters progressed to the NSW Civil and Administrative Tribunal in 2018/19, 2019/20 and 2020/21?</p> <p>153. How many matters progressed to higher courts in 2018/19, 2019/20 and 2020/21?</p>

<p>154. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>155. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>156. What is the status of the recommendations arising from the August 2020 report of the Boarding Houses Act 2012 – Statutory Review?</p> <p>(a) Did the government accept all recommendations?</p> <p>157. How many people were consulted on the statutory review?</p> <p>(a) When will the Shared Accommodation Bill be introduced?</p>
<p><b>ANSWER</b></p> <p>146-155. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p> <p>156. Department of Customer Service is working with the Department of Communities and Justice to implement the recommendations of the statutory review of the <i>Boarding Houses Act 2012</i>.</p> <p>a) Yes, the Government accepted all of the recommendations from the statutory review.</p> <p>157. A public consultation process was undertaken. Sixty-three submissions were received in response to the Discussion Paper.</p> <p>a) It is expected that a Shared Accommodation Bill will be introduced in Parliament in early 2022, following sector consultation on a draft bill later in 2021.</p>
<p><b>Short term rental accommodation</b></p> <p>158. How many short term holiday lettings were there in 2018/19, 2019/20, 2020/21?</p> <p>159. How many short term holiday lettings were there in each LGA in 2018/19, 2019/20, 2020/21?</p> <p>160. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>161. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>162. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>163. How many matters progressed to the NSW Civil and Administrative Tribunal in 2018/19, 2019/20 and 2020/21?</p> <p>164. How many matters progressed to higher courts in 2018/19, 2019/20 and 2020/21?</p> <p>165. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>166. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>167. How many guests have been added to the exclusion register?</p> <p>168. How many hosts have been added to the exclusion register?</p> <p>169. How many properties are listed on the mandatory short-term rental accommodation premises register?</p> <p>170. What is the budget for promoting a greater understanding by guests and hosts of the mandatory Code of Conduct for the Short-term Rental Accommodation Industry?</p>
<p><b>ANSWER</b></p> <p>158-170. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would</p>

require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

### **Australian Consumer Law**

171. Following comments in July 2019 by Rod Sims, chairman of the Australian Competition and Consumer Commission (ACCC) that "Uber Eats has committed to changing its contract terms that we believe are unfair, because they make restaurants responsible and financially liable for elements outside of their control," what consideration has been given by Fair Trading to investigating compliance with the Australian Consumer Law (ACL)?
172. Does Fair Trading believe that the ACL and NSW Fair Trading laws are sufficient to regulate food delivery services?
173. At September 2019 estimates the Deputy Secretary told the committee that in relation to Uber eats and unfair contract terms "it is also for the ACCC and if it is a national company like Uber we will defer to the ACCC" and "we defer to the ACCC because it is better to have a remedy that is Australia-wise". Would you like to comment further on that?
174. Even if there is a localised issue such as e for gig economy workers do you see no role for NSW Fair trading in enforcing the Australian Consumer Law, or for SafeWork in enforcing the NSW Work Health and Safety Act?
175. How many enquiries about food delivery services were received in 2018/19, 2019/20 and 2020/21?
176. How many complaints about food delivery services were received in 2018/19, 2019/20 and 2020/21?
177. How many investigations about food delivery services were conducted in 2018/19, 2019/20 and 2020/21?
178. How many enforcement actions concerning food delivery services were conducted in 2018/19, 2019/20 and 2020/21?
179. On how many occasions have food delivery services appears in the complaints register?

### **ANSWER**

171. In July 2019, the Australian Competition and Consumer Commission (ACCC) finalised their investigation into UberEATS' contract terms. Following the investigation UberEATS committed to rolling out changes to its contract terms by December 2019. Under Australian Consumer Law, some provisions may not apply for conduct associated with business to business transactions.
172. Yes.
173. The purpose of a supplementary question is to ask a question, not canvass opinion.
174. Australian Consumer Law is administered and enforced jointly by the Australian Competition and Consumer Commission and State and Territory regulators, including NSW Fair Trading. Fair Trading will enforce the Australian Consumer Law in NSW and will cooperate with other regulators to ensure effective communication, cooperation, and coordination of consumer laws so that they may best serve the interests of consumers and promote fair trading and competition. SafeWork NSW does enforce the *Work Health and Safety Act 2011 (NSW)* as the regulator for workplace safety. The Act applies to the food delivery industry, including food delivery riders.
- 175-176. This data is unavailable as NSW Fair Trading's complaint database does not have a specific code category for recording complaints and enquiries about food delivery services.

177. Nil.

178. Nil.

179. No food delivery service has appeared on the NSW Complaints Register.

**Fair Trading dispute resolution centres**

180. How many complaints were received at each of the following centres in 2018/19, 2019/20 and 2020/21:

- (a) Albury
- (b) Armidale
- (c) Bathurst
- (d) Broken Hill
- (e) Coffs Harbour
- (f) Dubbo
- (g) Gosford
- (h) Goulburn
- (i) Grafton
- (j) Lismore
- (k) Newcastle
- (l) Orange
- (m) Parramatta
- (n) Port Macquarie
- (o) Queanbeyan
- (p) Tamworth
- (q) Tweed Heads
- (r) Wagga Wagga
- (s) Wollongong

181. How many of the complaints received at each centre were resolved?

**ANSWER**

180-181. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

**Fair Trading complaints**

182. How many complaints received in 2018/19, 2019/20 and 2020/21 were referred to other state agencies, federal agencies or ombudsmen?

- (a) How many complaints were referred to state agency, federal agency or ombudsman?

**ANSWER**

182-182(a). As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this

information over the numerous time periods. The diversion of resources cannot be supported at this time.

### **Social media**

- 183. What was the expenditure on social media monitoring in 2018/19, 2019/20 and 2020/21?
- 184. What was the expenditure on search engine optimisation in 2018/19, 2019/20 and 2020/21?
- 185. What was the expenditure on boosted posts and advertising on social media in 2018/19, 2019/20 and 2020/21?

### **ANSWER**

**183-185.** As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

### **Fair Trading targets**

- 186. What evidence suggests that Fair Trading has successfully reduced consumer harm in targeted areas?
- 187. What evidence suggests that Fair Trading has successfully increased consumer confidence?
- 188. What evidence suggests that Fair Trading has successfully made effective partnerships with consumer groups and government; and with industry?
- 189. What evidence suggests that Fair Trading has successfully reduced non-compliance in targeted areas?
- 190. What evidence suggests that Fair Trading has successfully supported fair competition or a levelled the playing field?
- 191. What evidence suggests that Fair Trading has successfully increased satisfaction with and trust in Fair Trading?
- 192. What evidence suggests that Fair Trading has successfully increased focus on harm reduction strategies?
- 193. What evidence suggests that Fair Trading has successfully informed and promoted rights and responsibilities as a regulator?
- 194. What evidence suggests that Fair Trading has successfully assisted vulnerable consumers?
- 195. What evidence suggests that Fair Trading has successfully helped business to comply with the law?
- 196. What evidence suggests that Fair Trading has successfully achieved better outcomes for consumers and business?
- 197. What evidence suggests that Fair Trading has successfully educated and increased awareness for consumers and business?
- 198. What evidence suggests that Fair Trading has successfully prioritised high risk sectors and developed Sector Action Plans?
- 199. What evidence suggests that Fair Trading has successfully ensured their services are customer-centric, simple and timely?

### **ANSWER**

<p><b>186-199.</b> NSW Fair Trading is required to report on the services it delivers and its achievements against the above action areas and strategic outcomes in the Annual Report, which is published each financial year.</p> <p>The provision of the level of detail sought in this question would require significant resources to source, compile and validate. The diversion of resources cannot be supported at this time.</p>
<p><b>Charitable Fundraising Act 1991</b></p> <p><b>200.</b> How many applications for authority to fundraiser were received in 2018/19, 2019/20 and 2020/21?</p> <p><b>201.</b> How many applications for authority to fundraiser were refused in 2018/19, 2019/20 and 2020/21?</p> <p><b>202.</b> How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p><b>203.</b> How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p><b>204.</b> How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p><b>205.</b> How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p><b>206.</b> How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p><b>207.</b> What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p><b>200-207.</b> As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Australian Consumer Law</b></p> <p><b>Misleading and Deceptive conduct</b></p> <p><b>208.</b> How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p><b>209.</b> How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p><b>210.</b> How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p><b>211.</b> How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p><b>212.</b> How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p><b>213.</b> What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p><b>208-213.</b> As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Unfair contract terms</b></p> <p><b>214.</b> How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p><b>215.</b> How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p><b>216.</b> How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p><b>217.</b> How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p><b>218.</b> How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p>

<p>219. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>214-219. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Guarantees and warranties; repairs, replacements and refunds</b></p> <p>220. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>221. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>222. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>223. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>224. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>225. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>220-225. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Product and service safety</b></p> <p>226. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>227. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>228. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>229. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>230. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>231. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>226-231. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Clear and accurate pricing</b></p> <p>232. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>233. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>234. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>235. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>236. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>237. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>232-237. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would</p>

require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

#### **Scams and cybercrime**

- 238. How many enquiries were received in 2018/19, 2019/20 and 2020/21?
- 239. How many complaints were received in 2018/19, 2019/20 and 2020/21?
- 240. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?
- 241. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?
- 242. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?
- 243. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?

#### **ANSWER**

**238-243.** As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

#### **Sales practices**

- 244. How many enquiries were received in 2018/19, 2019/20 and 2020/21?
- 245. How many complaints were received in 2018/19, 2019/20 and 2020/21?
- 246. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?
- 247. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?
- 248. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?
- 249. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?

#### **ANSWER**

**244-249.** As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

#### **Credit and financial services**

- 250. How many enquiries were received in 2018/19, 2019/20 and 2020/21?
- 251. How many complaints were received in 2018/19, 2019/20 and 2020/21?
- 252. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?
- 253. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?
- 254. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?
- 255. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?

#### **ANSWER**

**250-255.** As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

#### **Guarantees and warranties; repairs, replacements and refunds**

<p>256. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>257. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>258. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>259. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>260. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>261. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>256-261. Refer to answers at question 220-225.</p>
<p><b>Privacy</b></p> <p>262. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>263. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>264. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>265. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>266. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>267. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>262-267. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Enforcement action undertaken by Fair Trading</b></p> <p>268. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>269. What improvements were undertaken following complaints in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>268-269. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Fair Trading complaints</b></p> <p>270. How many enquiries were received in 2018/19, 2019/20 and 2020/21 broken down by LGA?</p> <p>271. How many complaints were received in 2018/19, 2019/20 and 2020/21 broken down by LGA?</p> <p>272. How many investigations were conducted in 2018/19, 2019/20 and 2020/21 broken down by LGA?</p> <p>273. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21 broken down by LGA?</p> <p>274. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21 broken down by LGA?</p>
<p><b>ANSWER</b></p>

**270-274.** As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

**Tow Truck Industry Act 1998**

**275.** How many enquiries were received in 2018/19, 2019/20 and 2020/21?

**276.** How many complaints were received in 2018/19, 2019/20 and 2020/21?

**277.** How many investigations were conducted in 2018/19, 2019/20 and 2020/21?

**278.** How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?

**279.** How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?

**280.** What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?

**ANSWER**

**275-280.** Refer to answer to questions 3-8.

**Pawnbrokers and Second-hand Dealers Act 1996**

**281.** How many enquiries were received in 2018/19, 2019/20 and 2020/21?

**282.** How many complaints were received in 2018/19, 2019/20 and 2020/21?

**283.** How many investigations were conducted in 2018/19, 2019/20 and 2020/21?

**284.** How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?

**285.** How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?

**286.** What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?

**ANSWER**

**281-286.** As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

**Co-operative Housing and Starr-Bowkett Societies Act 1998**

**287.** How many enquiries were received in 2018/19, 2019/20 and 2020/21?

**288.** How many complaints were received in 2018/19, 2019/20 and 2020/21?

**289.** How many investigations were conducted in 2018/19, 2019/20 and 2020/21?

**290.** How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?

**291.** How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?

**292.** What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?

**ANSWER**

**287-292.** As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

**Entertainment Industry Act 2013**

**293.** How many enquiries were received in 2018/19, 2019/20 and 2020/21?

<p>294. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>295. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>296. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>297. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>298. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>293-298. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Funeral Funds Act 1987</b></p> <p>299. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>300. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>301. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>302. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>303. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>304. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>299-304. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Innkeepers Act 1968 and relevant provisions transferred to Fair Trading Act 1987</b></p> <p>305. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>306. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>307. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>308. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>309. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>310. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>305-310. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Hairdressers Act 2003</b></p> <p>311. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>312. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>313. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>314. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p>

<p>315. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>316. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>311-316. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Motor Dealers and Repairers Act 2013</b></p> <p>317. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>318. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>319. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>320. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>321. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>322. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>317-322. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Paintball Act 2018</b></p> <p>323. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>324. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>325. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>326. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>327. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>328. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>323-328. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Plumbing and Drainage Act 2011</b></p> <p>329. How many enquiries were received in 2018/19, 2019/20 and 2020/21?</p> <p>330. How many complaints were received in 2018/19, 2019/20 and 2020/21?</p> <p>331. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>332. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?</p> <p>333. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?</p> <p>334. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p>

**329-334.** As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

**Property, Stock and Business Agents Act 2002**

**335.** How many enquiries were received in 2018/19, 2019/20 and 2020/21?

**336.** How many complaints were received in 2018/19, 2019/20 and 2020/21?

**337.** How many investigations were conducted in 2018/19, 2019/20 and 2020/21?

**338.** How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?

**339.** How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?

**340.** What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?

**ANSWER**

**335-340.** As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

**Retail Trading Act 2008**

**341.** How many enquiries were received in 2018/19, 2019/20 and 2020/21?

**342.** How many complaints were received in 2018/19, 2019/20 and 2020/21?

**343.** How many investigations were conducted in 2018/19, 2019/20 and 2020/21?

**344.** How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?

**345.** How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?

**346.** What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?

**ANSWER**

**341-346.** As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

**Swimming Pools Act 1992**

**347.** How many enquiries were received in 2018/19, 2019/20 and 2020/21?

**348.** How many complaints were received in 2018/19, 2019/20 and 2020/21?

**349.** How many investigations were conducted in 2018/19, 2019/20 and 2020/21?

**350.** How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?

**351.** How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?

**352.** What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?

**ANSWER**

**347-352.** As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

**Tattoo Parlours Act 2012**

353. How many enquiries were received in 2018/19, 2019/20 and 2020/21?
354. How many complaints were received in 2018/19, 2019/20 and 2020/21?
355. How many investigations were conducted in 2018/19, 2019/20 and 2020/21?
356. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21?
357. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21?
358. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?

**ANSWER**

353-358. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

**Work health and safety**

359. How many deaths have occurred on NSW work sites since January 2019?
360. How many of these have resulted in prosecutions?
361. Can a table be provided listing:
- (a) Date of fatality
  - (b) Cause of death
  - (c) Location
  - (d) Name of person conducting a business or undertaking
  - (e) Outcome of investigation and enforcement undertaken by SafeWork
362. Why doesn't SafeWork NSW report fatality statistics for the public similar to what SafeWork Australia and other state based bodies do?
363. What measures is the Minister taking to reduce the number of fatalities?

**ANSWER**

- 359-362. SafeWork NSW reports figures nationally relating to work-related fatalities through Safe Work Australia, which has the responsibility of collecting and publishing national data in cooperation with all Australian work health and safety authorities. Safe Work Australia compiles information on work-related traumatic injury fatalities, across all jurisdictions, in their Traumatic Injury Fatalities Database.
363. A number of SafeWork NSW initiatives have and will continue to contribute to a reduction in workplace fatalities, serious injuries, and serious illnesses, including the following:
- A number of compliance and enforcement blitzes have been implemented that address high-risk work in the construction industry including, scaffolding, tower crane operators and doggers and falls from heights.
  - The *Speak up. Save lives* app is designed to make it easier to report dangerous work practices and risks to workers' safety via a mobile device.
  - An online digital *Making it Easy to do WHS in NSW* Toolkit is available on the SafeWork NSW website, focused on making it easier for small businesses in NSW to comply.

- A young workers e-Toolkit is available on the SafeWork NSW website.
- From 1 January 2020 to 31 December 2020, funding for 1,803 rebates to small business to make safety improvements.
- The Quad Bike Safety Improvement Program valued at over \$9.2 million has been implemented to reduce fatalities and serious injuries associated with quad bikes.
- A website including registration for free mentally healthy workplace programs and access to tools to create a mentally healthy workplace.
- Introduction of a regulatory reform package in NSW on 1 July 2020 to better protect workers from silica dust exposure and the lung disease silicosis, including: halving the workplace exposure standard to 0.05mg/m<sup>3</sup>, on-the-spot fines for uncontrolled dry cutting of manufactured stone, penalties for businesses failing to notify of an adverse health monitoring report and making silicosis a notifiable disease.
- Launch of the *High-Risk Workplaces Strategy* to ensure compliance standards are met in targeted workplaces where indicators of compliance are poor, or the nature of the work entails very high risks. This includes a new tool, a predictive model, that generates a score for each business to better identify those most at risk of having a workplace incident. This intelligence will be used to assess and prioritise matters and in delivering compliance programs.

#### **Joint Select Committee on Bushfires report**

**364.** What work has been undertaken to implement Recommendation 35 of the Final Report of the NSW Bushfire Inquiry, “That, in order to improve the provision of evidence-based public health messaging about air quality during bush fire events, Government develop a public education campaign and supporting systems before the next bush fire season. This should include: ... employers, to support development of appropriate workplace health and safety guidance for outdoor workers ...”

**365.** When will the workplace health and safety guidance for outdoor workers be released?

**364.** SafeWork NSW supports Recommendation 35 of the final report of the NSW Bushfire Inquiry. Activity within the legislative scope of SafeWork NSW is described in the second dot point of Recommendation 35, specifically around tailored messaging to target: “employers, to support development of appropriate workplace health and safety guidance for outdoor workers”.

Activities described within the remainder of Recommendation 35 are outside the legislative scope of SafeWork NSW. They should, therefore, be followed up with the relevant agencies, specifically the NSW Environment Protection Authority and the NSW Ministry of Health.

SafeWork NSW remains committed to working with these agencies toward better management of the impact of bushfires in future. They cannot, however, take carriage of matters outside of our legislative scope or authority.

In terms of information targeted to employers, to support development of appropriate workplace health and safety guidance for outdoor workers; SafeWork NSW advise as follows:

- SafeWork NSW published a web page on Bushfire Smoke in January 2020 in response to the 2019/2020 bushfire season. The webpage sought, in part, to integrate the community air quality parameters into the workplace context.

- SafeWork NSW published an Inspectors Guide for Bushfire Smoke in January 2020 in order to facilitate good and consistent advice to our customers when interacting with Inspectors.
- In applying the lessons learned from the 2019/2020 bushfire season, SafeWork NSW implemented a SeasonalSAFE program which included a social media awareness campaign, workplace visit program, webpage development and a checklist tool for businesses. The program had a similar pre-emptive tone to the Rural Fire Service (RFS) Get Ready work. The program focussed on encouraging a systematic approach to preparing for bushfires and smoke in the workplace, over the more traditional crisis response.
- The workplace visit program saw Inspectors visit 65 workplaces to discuss readiness for the 2020/2021 bushfire season. This included ways to address bushfire impact, bushfire smoke, extreme heat, and solar UV in their mandatory workplace emergency planning as required by the NSW WHS Regulation 2017.
- A practical Seasonal SAFE risk management tool on SafeWork NSW's website.
- Social media campaign and workplace project visits aimed at assessing compliance also on SafeWork.nsw.gov.au.

365. SafeWork NSW released a web page specific to bushfire smoke in January 2020, a webpage and planning tool dedicated to Seasonal SAFE risk management in September 2020.

#### **COVID-19**

366. What is the government doing to ensure that workplaces like aged care facilities, hospitals, transport providers, hospitality and other industries exposed to the risk of Coronavirus are taking preventative measures to protect their workers?

367. Does SafeWork consider that vaccination should be mandatory or compulsory in those workplaces?

368. Does the Minister support the voluntary or mandatory take-up of the COVID-19 vaccine?

369. Are there industries in which the NSW government should require employees be vaccinated due to the high risk nature of their employment?

370. Are there industries in which the NSW government believes that employers should be free to decide whether to require employees be vaccinated, in accordance with the employer's duty of care to their employees?

371. How should an employer manage having an anti-vaxxer staff member working alongside a staff member who is immune compromised or otherwise unable to be vaccinated?

372. In 2020 how many incident notifications were made to Safework concerning diseases?

373. Which diseases were notified?

374. How many notifications were for COVID-19?

375. How many of those COVID-19 notifications related to a NSW government workplace?

#### **ANSWER**

366. The Government has provided, near daily, updates on actions undertaken to protect our state from Covid-19.

367-371. SafeWork NSW has no role in the rollout of COVID-19 vaccines.

372-3. There were 492 notifications.

373. Refer table below for diseases notified.

Disease type	Count
Covid-19	242
Exposure to bacteria legionella	1
Exposure to scabies	3
Exposure to silica dust, Silicosis or suspected Silicosis	84
Heart attack or suspected heart attack	33
Possible stroke or stroke	4
Potential Legionnaires	1
Q Fever	2
Ross River Fever	1
Tuberculosis	3
Tularemia	1
<b>Grand Total</b>	<b>375</b>

374. 242.

375. Of the 242 notifications for COVID-19, 68 related to an NSW government workplace.

**Respect@Work report of the National Inquiry into Sexual Harassment in Australian Workplaces**

376. What actions have been undertaken by SafeWork internally in relation to the five key areas identified in the report?
- (a) Data and research to deliver useful industry-based information about the nature of sexual harassment and effectiveness of actions.
  - (b) Primary prevention of sexual harassment through education, media and community-wide initiatives.
  - (c) A refocused legal and regulatory framework, which recognises the mutually reinforcing roles of workplace, safety and human rights laws.
  - (d) Better workplace prevention and responses, which are leader-driven, victim-centred, practical and adaptable.
  - (e) Better support, advice and advocacy for people who experience sexual harassment.
377. What actions have been undertaken by SafeWork in relation to the five key areas identified in the report across the NSW public sector?
378. What actions have been undertaken by SafeWork internally in relation to the five key areas identified in the report in NSW businesses?
379. How does SafeWork respond to the recommendation that sexual harassment laws should be amended to explicitly make the creation or facilitation of a “hostile environment” at work unlawful?
380. How does SafeWork respond to the recommendation concerning the creation of a positive duty on employers to take “reasonable and proportionate measures” to eliminate sexual harassment from their workplaces?

**ANSWER**

376.

- (a) SafeWork NSW reviewed existing guidance material to identify gaps and opportunities in information on workplace sexual harassment. SafeWork NSW reviewed literature to identify existing case law.
- (b) and (c) SafeWork NSW contributed to national guidance published by Safe Work Australia (SWA) on Sexual Harassment in the Workplace. This guidance has now been released and will assist workplaces and inspectors to address sexual harassment and violence in the workplace. Information was provided to the inspectorate on this guidance.
- (d) Guidance provided as per above answer.
- (e) Not within scope of SafeWork NSW.

377. Safe Work Australia guidance described at (b) above.

378. Safe Work Australia guidance and inspector resources described above.

379. Sexual harassment is a workplace hazard which is known to cause psychological and physical harm. Managing the risks of sexual harassment should be part of the approach to work health and safety (WHS). The guidance supports Persons Conducting a Business or Undertaking (PCBUs) and duty holders to meet their duties under WHS laws to eliminate and minimise risks to health and safety so far as is reasonably practicable. This includes considering the physical work environment, work systems and workplace policies.

The guidance helps businesses step through when, how and why sexual harassment might happen in the workplace and outlines practical measures to help prevent it and how to respond if it does happen. The information in this guide is based on the model WHS laws.

380. Refer to answer 379 above.

**SafeWork enforcement activity**

381. How many safety notifications were received in 2018/19, 2019/20 and 2020/21 broken down by LGA?

382. How many proactive workplace visits were undertaken in 2018/19, 2019/20 and 2020/21 broken down by LGA?

383. How many investigations were conducted in 2018/19, 2019/20 and 2020/21 broken down by LGA?

384. How many penalty notices were issued in 2018/19, 2019/20 and 2020/21 broken down by LGA?

385. How many prohibition notices were issued in in 2018/19, 2019/20 and 2020/21 broken down by LGA?

386. How many prosecutions were conducted in 2018/19, 2019/20 and 2020/21 broken down by LGA?

387. How many prosecutions were successful in 2018/19, 2019/20 and 2020/21 broken down by LGA?

388. How many enforceable undertakings were agreed in 2018/19, 2019/20 and 2020/21 broken down by LGA?

389. What was the total amount of penalties and fines issued in 2018/19, 2019/20 and 2020/21?

**ANSWER**

381-389. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.

### **SafeWork investigations**

390. Under the model legislation there were provisions in Schedule 2 for tripartite consultation as per our obligations under ILO Convention 144 Tripartite Consultation. This was not implemented in NSW as at the time there was a OHS and WC Advisory Board, and then a Safety and Return to Work Support Board which was abolished. What formal forums exist for tripartite consultation with SafeWork at present?
391. How many formal arrangements exist where you regularly meet with larger employers (PCBUs or primary duty holders) to consult?
392. How many formal arrangements exist where you regularly meet with workers and their representatives, which under the legislation are unions?
393. How many WHS prosecutions have SafeWork launched since January 1 2019?
394. How many Improvement Notices has SafeWork launched since January 1 2019?
395. How many prohibition Notices has SafeWork launched since January 1 2019?
396. How many of these improvement and prohibition notices have been applied to the Governance and Appeals Unit for a review under Section 224 of the Work Health and Safety Act 2011?
397. How many notices have been overturned at the Governance and Appeals Unit?
398. How many appeals have been made to the IRC since January 1 2018 of the decisions of the Governance and Appeals Unit under Section 229 of the WHS Act?
399. How many of these have been overturned/sustained?
400. How many Health and Safety Representatives have been notified across NSW to the regulator (SafeWork) under Section 74 of the WHS Act?
401. How many Provisional Improvement Notices (PIN) been issued by Health and Safety Representatives
402. How many of these PINs have been referred to the Governance and Appeals Units for internal review under Section 224 of the Work Health and Safety Act?
403. How many Improvement Notices s191, and Provisional Improvement Notices that have gone past compliance, have been prosecuted for going over time since January 1 2019.
404. Of these referrals to the Governance and Appeals Unit, how many of the referrals were from a PCBU- Person Conducting a Business or Undertaking party (employer parties) respectively for each of the notice types above (Improvement Notices s 191, Prohibition Notice s 195, Inspector Decision on review of Provisional Improvement Notice (PIN) S 102)?
405. How many of these notices were removed by another inspector prior to the date of compliance?
406. Where is the power under the WHS Act to have an inspector remove another inspector's notice?

### **ANSWER**

390. SafeWork NSW adopts a direct method of consultation where targeted stakeholders and customer groups are engaged for specific purposes. SafeWork NSW is committed to making its engagement timely, relevant, transparent, and accessible. This approach is in line with the NSW Department of Customer Services' Better Regulation Division Stakeholder Engagement Strategy.

Tripartite consultation occurs at Safe Work Australia meetings (SIG-WHS and SWA Members), made up of representatives from commonwealth and state / territory regulators, unions and industry representatives.

391. SafeWork NSW has 22 current arrangements to engage with large employer stakeholders on a regular basis as well as ad hoc engagement as required. These mechanisms can include engagement with multiple employers or their representatives at the one time. In addition to these formal arrangements, we also meet with various employer and other stakeholders on a regular basis for consultation purposes.
392. SafeWork NSW has 11 current arrangements to engage with unions and worker representatives on a regular basis as well as ad hoc engagement as required. These mechanisms can include engagement with multiple groups of workers and/or their representatives. In addition to these formal arrangements, we also meet with various worker and other stakeholders on a regular basis for consultation purposes.
393. SafeWork NSW has commenced 341 charges against 255 defendants in 147 matters between 1 January 2019 and 28 February 2021.
394. SafeWork NSW issued 20,733 Improvement Notices during the period 1 January 2019 to end of February 2021.
395. SafeWork NSW issued 4,621 Prohibition Notices during the period 1 January 2019 to end February 2021.
- 396-406. SafeWork NSW does not record Health and Safety Representative (HSR) Provisional Improvement Notices (PIN) and there is no requirement for an HSR to notify SafeWork that they have issued a PIN.

HSR powers and functions are set out in s.68 and s.69 of the *Work Health and Safety Act 2011* (Act) and PIN considerations are set out under s.90 to s.102 in Division 7 of the Act.

#### **SafeWork inspectors**

407. What reasons does the minister think are the reason for this decline?  
(a) Is it understaffing, or related to the fact that 1 in 10 jobs sit vacant in SafeWork?
408. In the period 2019 – 2020 has the number of inspectors at SafeWork NSW gone up?
409. How many inspections took place in the financial year 18/19? How does that compare to the previous year?
410. How many inspections have taken place this financial year to date?
411. How many prosecutions took place in the in the financial year 18/19? How does that compare to the previous year?
412. How many prosecutions have taken place this financial year to date?
413. Has any of these resulted in a prison sentence?
414. Is this a number that you think is high enough to ensure the safety of workers in NSW?
415. Did the minister commit to the parents of Christopher Cassaniti to take any action in regards to their calls for the introduction of Industrial Manslaughter Laws in NSW?
416. How many jobs at SafeWork are currently vacant

#### **ANSWER**

407. The question is without context and therefore cannot be answered.
408. Inspector numbers are stable.

409. Total inspector activity for 2018/19 was 43,201.  
Total inspector activity for 2017/18 was 43,973
410. Total inspector activity for 2020/21 as at 28 February 2021 is 30,924 due to the impact of Covid.
411. SafeWork NSW commenced 61 prosecutions in the financial year 2018/19 compared with 48 prosecutions commenced in 2017/18.
412. SafeWork NSW has commenced 42 prosecutions between 1 July 2020 to end of February 2021.
413. A number of prosecutions are ongoing.
414. The purpose of a supplementary question is to ask a question, not canvass opinion.
415. The Government committed to carefully consider all reform options and to introduce tough new laws that would be enforceable and prosecutable, and therefore effective, in deterring unsafe workplace behaviour that endangers workplaces and workers'. These laws have passed the Parliament supported by all parties.
416. 16 roles are vacant as at 15 March 2021.

#### **SafeWork targets**

417. What evidence suggests that SafeWork has embedded the 'Health and Safety Landscape' in NSW workplaces?
418. What evidence suggests that SafeWork has improved return to work practices?
419. What evidence suggests that SafeWork has prioritised sectors, harms, workers and workplaces where the most significant WHS risks exist?
420. What evidence suggests that SafeWork has high impact harms will be eliminated or significantly reduced high impact harms from:
- (a) Falls from heights
  - (b) Quad bikes
  - (c) Forklifts
  - (d) Working live electric shocks/electrocutions
  - (e) Traumatic injury from poorly guarded machinery?
421. What evidence suggests that SafeWork has supported and protected at risk workers?
422. What evidence suggests that SafeWork has ensured that high risk workplaces are meeting compliance standards?
423. What evidence suggests that SafeWork is working with all NSW Government departments to support them as they deliver work health and safety initiatives?
424. What evidence suggests that SafeWork has exemplar regulatory services?
425. What research does SafeWork have on how it is perceived as a regulator?
426. What research does SafeWork have on how its enforcement of WHS law is perceived?

#### **ANSWER**

417-426. Due to the broad nature of the questions, a specific question cannot be provided. Evidence on these points may be a matter of conjecture.

<p><b>SafeWork enforcement</b></p> <p>427. How many level 1 actions (guidance and advice on self-regulation and trader education) were undertaken in 2018/19, 2019/20 and 2020/21?</p> <p>428. How many level 2 actions (warnings) were undertaken in 2018/19, 2019/20 and 2020/21?</p> <p>429. How many level 3 actions (penalty notice and public naming) were undertaken in 2018/19, 2019/20 and 2020/21?</p> <p>430. How many level 4 actions (prosecution, civil penalty, court orders, enforceable undertakings, notices to show cause) were undertaken in 2018/19, 2019/20 and 2020/21?</p> <p>431. How many level 5 actions (criminal penalty, disciplinary action, disqualification orders) were undertaken in 2018/19, 2019/20 and 2020/21?</p>
<p><b>ANSWER</b></p> <p>427-431. As there is no legislative requirement to report at the level of detail sought in this question, the Department of Customer Service does not have this information readily available. It would require significant resources to source, compile and validate this information over the numerous time periods. The diversion of resources cannot be supported at this time.</p>
<p><b>Speak up save lives app</b></p> <p>432. How many reports have been made of work health and safety concerns through the Speak up save lives app?</p> <p>433. How many reports were investigated,?</p> <p>434. Following investigation how many notices were issued?</p> <p>435. Following investigation how many cases were prosecuted?</p> <p>436. How many reports were made in languages other than English?</p> <p>437. What was the cost to develop the app?</p> <p>438. What is the annual cost to operate the app</p>
<p><b>ANSWER</b></p> <p>432. Since the launch date of 16 October 2019 and 24 February 2021 there have been 5,020 submissions via the <i>Speak up. Save lives</i> app. (data collected 16 March 2021).</p> <p>433. Since the launch date of 16 October 2019 and 24 February 2021 there were 1,919 submissions triaged for an Inspector Response. (data collected 16 March 2021).</p> <p>434. 2223.</p> <p>435. Nil – matters are still under investigation and have not progressed to the courts.</p> <p>436. <i>Speak up. Save lives</i> can be used in conjunction with google translator with the Progressive Web Application version <a href="https://speakup.safework.nsw.gov.au/">https://speakup.safework.nsw.gov.au/</a>.</p> <p>437. The app development cost was \$242,481.66 across the three products, progressive web app, google app, and apple app.</p> <p>438. The annual operation cost is \$32,000 per product for platform and support costs. Total cost for three products is \$96,000. The cost has been dispersed across the three products.</p> <p>Internal support transitioned to business area at the completion of the project.</p>
<p><b>Key issues for SafeWork NSW emerging for the Review of Risks for Workplace Mental Ill-Health</b></p>

439. What policy changes have been implemented by SafeWork following the identification of workplace risk factors following the Review of Risks for Workplace Mental Ill-Health?
440. Does SafeWork agree that “Psychosocial risk factors are unlike many physical risks, in that making a person aware of the risk factor can increase its potency” as identified in the report?
441. What guidance does SafeWork provide to employers concerning psychosocial safety climate?
442. What guidance does SafeWork provide to employers concerning legal requirements to put in place policies, training and grievance procedures to respond to sexual harassment?
443. How many NSW businesses to date have signed up create mentally healthy workplaces?
444. Victoria, Western Australia, South Australia, and Queensland all have mental health plans for their public services – however NSW does not. When will the NSW Government deliver introduce a mental health plan for all public sector workers?

#### **ANSWER**

439. SafeWork NSW have reviewed triage processes, reviewed and updated inspector training and resources, and support from specialist team includes information on identifying psychosocial risk factors.
440. In the report this is noted as one of “several key assumptions and questions that arise when evaluating these Risks”. Yes, it can. Individual differences, and perceptions of and experience of stress will impact on the risk of injury, as it would for a physical hazard.
441. The guidance produced on psychosocial hazards supports PCBU’s to meet their duties under WHS laws to eliminate and minimise risks to health and safety so far as is reasonably practicable. This includes considering the physical work environment, work systems and workplace policies.
442. Safe Work Australia Guide for preventing and responding to workplace bullying and a systematic approach to work-related psychological health and safety include sexual harassment as workplace behaviours which can cause a risk to health and safety.
- Safe Work Australia Preventing workplace sexual harassment guide. The guidance supports Persons Conducting a Business or Undertaking (PCBU) to meet their duties under Work Health and Safety (WHS) laws to eliminate and minimise risks to health and safety so far as is reasonably practicable. This includes considering the physical work environment, work systems and workplace policies.
- The guidance helps businesses step through when, how, and why sexual harassment might happen in the workplace and outlines practical measures to help prevent it and how to respond if it does happen.
- The information in this guide is based on the model WHS laws. These laws have not been implemented in all jurisdictions, although other Australian WHS laws have similar duties. Refer to information about the WHS laws in your jurisdiction.
443. Businesses are not required to notify Safework NSW of their intention to create a mentally healthy workplace. Safework NSW offers a number of programs and tools to businesses to assist business in this matter and as at 15 March 2021, a total of 4,167 businesses have registered for the program.
445. NSW have a holistic WHS approach to the public service through the ‘NSW Government sector plan’ to align with the approach businesses and the public sector are expected to put into practice. Mental health is specifically called out in action area two.

#### **Compliance reporting**

<p>446. Following the Ombudsman’s release of a report titled “Investigation into actions taken by SafeWork NSW Inspectors in relation to Blue Mountains City Council workplaces” has SafeWork reported on the progress of its implementation of the recommendations within three months of the report as required?</p> <p>447. Did SafeWork make a payment as recommended by the Ombudsman?</p> <p>448. How much did this cost NSW taxpayers?</p> <p>449. What specific training materials have been amended as per the recommendations?</p> <p>450. What quality assurance processes were implemented as per the recommendations?</p>
<p><b>ANSWER</b></p> <p>446. Yes, SafeWork NSW has provided progress reports as required.</p> <p>447-8. A submission from Blue Mountains City Council (BMCC) concerning a suitable payment amount was received by SafeWork NSW on 18 February 2021.</p> <p>SafeWork is conducting an assessment of the claim prior to responding to BMCC. It is expected that the matter should be finalised by 18 May 2021 as per the recommendation.</p> <p>449 . Information has been included into the New Inspector Training Program by the SafeWork NSW Registered Training Organisation and the Ongoing Inspector and Manager Professional Development Training (<i>Improvement, Prohibition and Non-Disturbance Notice Refresher Training and Managing Influences on Decision Making – The Risk of Regulatory Capture</i>).</p> <ul style="list-style-type: none"> <li>• <i>Managing Influences on Decision Making – The Risk of Regulatory Capture</i> training commenced 13 October 2020 and will be completed by the end of November 2021. This is mandatory training for all Inspectors, Managers and Directors.</li> <li>• Training for the SafeWork NSW Inspectorate included managing and reporting Conflicts of Interest.</li> <li>• Training is under development for Asbestos and Demolition. This will be delivered to the Inspectorate and included in the Ongoing Inspector and Manager Professional Development.</li> </ul> <p>449. A Quality Assurance Framework has been developed with the first program of quality assurance to be commenced by May 2021.</p>
<p><b>Bullying</b></p> <p>450. What guidance does SafeWork provide to employers concerning workplace bullying?</p> <p>451. How does allowing SafeWork to investigate and “triage” a bullying complaint within the organisation uphold the recommendations of the 2013 Parliamentary Inquiry?</p> <p>452. Considering Ombudsman’s report “Investigation into actions taken by SafeWork NSW Inspectors in relation to Blue Mountains City Council workplaces” found that undue pressure was placed on Inspectors to issue notices, does the Government have faith in those same managers to appropriately investigate internal bullying complaints?</p>
<p><b>ANSWER</b></p> <p>450. Safe Work Australia (SWA) Guides are preventing and responding to workplace bullying and a systematic approach to work-related psychological health and safety.</p> <p>SafeWork NSW website provides access to the guidance and information about what is bullying and what SafeWork NSW can do about it.</p> <p>451. The Positive and Productive Workplace Policy supports the Department of Customer Service, its leaders and employees to encourage early grievance reporting and ensure, as far as possible,</p>

speedy and effective local resolution. This policy applies to all workplace grievances, such as; conflict, bullying, harassment, discrimination, etc. Good workplace grievance management prevents minor workplace issues from escalating into more serious matters. Such a system allows staff to raise legitimate workplace concerns early, with the option for informal local resolution where appropriate, while always retaining the protection of more formal procedures where required.

452. Safework NSW inspector have the confidence of the Minister.

### Questions from Ms Abigail Boyd MLC

#### Greyhound racing

453. Please provide information about progress to date for each of the 120 Greyhound Industry Reform Panel recommendations that the Government accepted or accepted in principle, and explain what measurable outcomes have been achieved in each case.
454. Given the Minister's recent announcement in February 2021 on whole-of-life tracking, please advise whether the new system will track NSW dogs in the following groups (and if not, please advise in each case why case given the ongoing risk to untracked ex-racers):
- (a) retired/adopted to non-industry participants by trainers/owners,
  - (b) retired/adopted to non-industry participants by GRNSW GAP program,
  - (c) retired/adopted to industry participants (while existing tracking includes this group, we'd like to confirm the new system will still cover this group),
  - (d) retired/adopted to the public by non-industry rehoming groups,
  - (e) moved interstate from NSW,
  - (f) bred but not named,
  - (g) exported (while existing tracking does not include this group, please confirm the new system will still not cover this group).
455. Section 25 of the Greyhound Racing Act 2017 makes reference to a process of consultation with GWIC to be undertaken by the responsible Minister before GRNSW's Operating Licence can be renewed.
- (a) Please outline the process involved in this consultation.
  - (b) The current operating licence expires in July 2022. What is the timeline for consultation with GWIC on the licence?
  - (c) What, if any, parts of this consultation, including opportunity for comment and release of outcomes, will be made available to the public?

#### ANSWER

453. The Greyhound Industry Reform Panel recommendations were largely implemented by the *Greyhound Racing Act 2017* (the Act) and legislative instruments made in accordance with the Act, including the Greyhound Racing Regulation 2019 (Regulation), the NSW Greyhound Welfare Code of Practice, Greyhound Welfare & Integrity Commission (Commission) policies and the minimum track standards.

The Regulation also provides a framework for the Commission to impose licensing conditions on industry participants and trial track managers and share information with animal welfare bodies and relevant authorities.

As noted in the discussion paper on the statutory review of the Act, recommendations relating to the introduction of a greyhound bond were deferred by the Commission in 2018. A report on the statutory review will be tabled in Parliament in April 2021.

In accordance with requirements under the Act, the Commission and Greyhound Racing NSW report annually to Parliament, with these reports providing information about measurable outcomes of the greyhound racing reforms. Additionally, the Commission

publishes regular reports, including in relation to greyhound race injuries, retirement and end of life outcomes and breeding data.

454. I am advised by the Greyhound Welfare & Integrity Commission (Commission) that while some technical aspects are ongoing, it is proposed that:
- Greyhounds in categories (a), (b) and (d) will not be tracked by the Commission's eTracking system, as greyhounds retired to non-industry participants are placed onto the Office of Local Government's Companion Animal Register, allowing local council officers and RSPCA inspectors to track and inquire into their welfare
  - Greyhounds in categories (c) and (f) remain on the Commission's register and will continued to be tracked and monitored by the eTracking system
  - Greyhounds in category (e) remain on the Commission's register and subject to eTracking, whilst they remain owned by an NSW participant
  - Greyhounds in category (g) also remain on the Commission's register and subject to eTracking, whilst racing in NZ and still owned by an NSW participant. However, a greyhound exported to other countries would be removed from the Commission's register and not subject to eTracking.
455. The process and timeline for renewal of the Greyhound Racing NSW Operating Licence is yet to be determined. It will be undertaken in accordance with the requirements of the *Greyhound Racing Act 2017*.

### **Retirement Villages**

456. What action has been taken to implement Recommendation 12 of the Greiner Report, which recommended the Government 'increase Fair Trading's oversight of retirement villages through targeted compliance activities that focus on retirement villages'?
- (a) What increased compliance activities have been undertaken by the Department of Customer Service in the 2019 and 2020 financial years?
  - (b) In relation to the 47 offences for which penalty notices may be issued as listed in Schedule 53 of the Retirement Villages Regulation 2017 for the financial years 2019 and 2020, how many warnings and how many penalty notices have been issued?
  - (c) Are there plans to increase the extent to which the retirement village laws are enforced, either by programmed activity or in response to intelligence extracted from complaints received? If so, what are those plans?
457. Other than the enactment of Section 197B of the Retirement Villages Act 1999, what action has been taken to implement Recommendation 13 of the Greiner Report, which recommended the Government 'increase the level of collection of village operator and sector data including a requirement that operators report certain data to Fair Trading such as key village information and contract types on offer'?
- (a) What action has been taken by the Secretary to collect data about the retirement village sector?
  - (b) If no action has been taken, when will it be taken?
  - (c) What information is intended to be collected?
  - (d) If the information to be collected has not yet been decided upon, will sector stakeholders be consulted in the process of deciding what information is to be collected? When is it expected this will happen?

- 458.** What action has been taken to implement Recommendation 14 of the Greiner Report, which recommended the Government ‘overhaul and enhance the public register of retirement villages to provide information on the sector to members of the public’
- (a) Has any action been taken to meet this recommendation?
  - (b) If not, when is it expected it will be taken?
  - (c) Will sector stakeholders be consulted when determining the intended enhancements that are to be made?
- 459.** Since the introduction of provisions relating to the audit of retirement village accounts, has NSW Fair Trading conducted any inquiries designed to gauge whether they are operating as they were intended?
- (a) If so, what were the enquiries and what were the results?
  - (b) If not, what plans are in train for such enquiries to be conducted?

## ANSWER

- 456.** NSW Fair Trading has a dedicated program team of 16 inspectors providing state-wide regulation to the property industry, including real estate sales and property management, strata and community living management, residential tenancy, residential parks communities, and retirement villages.
- The Property Team conducts regular compliance activities and inspection across this sector. Pre COVID-19 a number of compliance activities were targeted at monitoring the activities of Retirement Village operators. The activities involved desk based and field activities auditing the administrative functions of the village operators.
- a) 2019/20 activities were heavily impacted by COVID-19.  
Nine Retirement Villages were asked to provide key documents to determine their compliance with the *Retirement Villages Act 1999*. The responses are undergoing assessment. Three villages were found to have minor administration and record keeping issues. These were dealt with by trader education.
  - b) 2019/2020 inspections identified offences, however these were dealt with by way of trader education. One matter was referred for investigation relating to potential breaches of Australian Consumer Law.  
Zero warnings have been issued and one penalty notice has been issued.
  - c) As a result of the legislative amendment, Fair Trading will undertake a specific operation to sample the retirement village industry compliance against the new provisions. The normal inspection regime will continue.
- 457.** a) A project team has been established to progress this work.  
b) and c) The project team will engage with relevant stakeholders to capture relevant information to progress this recommendation.  
d) Yes.
- 458.** (a) The public register has been streamlined to improve usability to ensure that all operator contact details are up to date.  
(b) Not applicable. See answer to 458(a).  
(c) Should further changes be made to the public register, stakeholders will be consulted.
- 459.** (a) No  
(b) Yes. This has been incorporated into the Annual Compliance Calendar to commence on 15 June 2021. The particular target group and geographic area is yet to be determined.

