

## 67. Recruitment Agencies

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) What sum was spent on recruitment agencies for the following financial years:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
  
- ii) Will the Minister provide a list of recruitment agencies which were used for the following financial years:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?

### ANSWER

I'm advised:

Decisions on engaging and managing recruitment service providers are the responsibility of department heads, having regard to Government policies on efficient corporate services and avoiding unnecessary spending on consultancies.

In filling vacancies, department heads are legally responsible for choosing the person with the greatest merit from among applicants. That responsibility applies when using recruitment service providers. Department heads also remain responsible for compliance with Government policies on equity, equal employment opportunity for target groups, and cultural diversity.

Providing additional specific information in response to this question would be an unjustifiable diversion of public resources.

## 68. Chartering Aircraft

With respect to each Department, Agency and Entity that the Minister is responsible for:

- iii) For each Department and agency that the Minister was responsible for what sum was spent on chartering aircraft for the following financial years:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
  
- iv) Will the Minister provide a list of aircraft chartering firms which were used for the following financial years:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?

- v) Will the Minister provide a reason for each charter undertaken, the date of the charter, where the aircraft flew to and who was on board the aircraft during each charter for the following financial years:
- a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?

#### ANSWER

I'm advised:

Air travel undertaken is for official government business only. Travel by Ministers and public sector employees are determined on the basis of value to the tax-payer and public sector development. Minister's travel is governed by the guidelines contained in the Ministers' Office Administration Handbook and travel by public sector employees is governed by various Premier's Memoranda and Circulars which are publicly available.

Overseas travel by agency staff is reported in the Annual Report of each agency.

Providing additional specific information in response to this question would be an unjustifiable diversion of public resources.

#### 69. Domestic & Overseas Travel

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) What sum was spent by the Minister's department on domestic and international air travel for the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
- ii) What proportion of domestic air travel by employees of the Minister's department was provided by (a) Qantas, (b) Regional Express, and (c) Virgin Blue for the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
- iii) What sum was spent by the Minister's department on domestic air travel provided by (i) Qantas, (ii) Regional Express, and (iii) Virgin Blue for the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
- iv) What sum was spent by the Minister's department on (a) economy and (b) business class travel on (i) domestic routes and (ii) international routes for the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04

- v) How many employees of the Minister's department had membership of the (a) Qantas Chairman's Lounge, (b) Qantas Club, (c) Regional Express Membership Lounge, and (d) Virgin Blue's Blue Room paid for by the department for the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  
- vi) Which company provides travel management services to the Minister's department for the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04

## ANSWER

I'm advised:

Overseas travel by public sector employees is governed by various Premier's Memoranda and Circulars. Travel by public sector employees is determined on the basis of value to the taxpayer and public sector development. Travel undertaken is always on government business and essential for the performance of official business on behalf of the Government of New South Wales.

All overseas travel is subject to Minister's approval. Ministers are to exercise strict economy in approving overseas travel and significant benefits to the agency and/or the State must be demonstrated. Ministers may approve official travel overseas after deciding that the travel is essential and that it can be funded within the budget allocation for the organisation concerned.

Overseas travel by agency staff is reported in agency annual reports which are publicly available.

## 70. Messages

With respect to each Department, Agency and Entity that the Minister is responsible for:

- vi) For each Department and agency that the Minister was responsible for what sum was spent on massages for staff for the following financial years:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
  
- vii) For each Department and agency that the Minister was responsible for what how many staff made use of massage services provided:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?

## ANSWER

I'm advised:

The *New South Wales Government Expenses* policy outlines sector-wide requirements, prohibiting the expenditure of State funds on any event that could provide predominantly personal benefit to New South Wales public sector employees.

The Auditor General audits the expenditure of agencies as provided in the *Public Finance and Audit Act 1983*. The audit process provides an independent assessment of agencies financial situation. Internal audit procedures are guided by information supplied by NSW Treasury which is publicly available at [www.treasury.nsw.gov.au](http://www.treasury.nsw.gov.au), in particular Treasury Policy and Guideline Papers TPP95a (Statement of Best Practice – Internal Control and Audit) and TPP95b (Internal Control and Assessment) and Treasurer's Directions 720.01-.03 (Internal Control and Internal Audit).

### 71. Overtime

With respect to each Department, Agency and Entity that the Minister is responsible for:

- viii) For each Department and agency that the Minister was responsible for what sum was spent on overtime for the following financial years:
- FY2005-06
  - FY2004-05
  - FY2003-04
  - FY2002-03?
- ix) For each Department and agency that the Minister was responsible for what was the total number of TOIL (Taken of in Lie) hours taken by staff for the following financial years and the total cost of these hours:
- FY2005-06
  - FY2004-05
  - FY2003-04
  - FY2002-03?

## ANSWER

I'm advised:

Employees covered by the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006* may receive the payment of overtime or time-in-lieu.

A staff member may be directed by the Department Head to work overtime, provided it is reasonable for the staff member to be required to do so. A staff member may refuse to work overtime in circumstances where the working of such overtime would result in the staff member working unreasonable hours. Separate provisions apply for overtime worked by shift workers and overtime worked by day workers.

Payment for overtime shall be made only where the staff member works directed overtime.

The Department Head shall grant compensation for directed overtime worked either by payment at the appropriate rate or, if the staff member so elects, by the grant of leave in lieu in accordance with the provisions provided under the *Section 97 – Payment for Overtime or Leave in Lieu of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006*.

Providing additional specific information in response to this question would be an unjustifiable diversion of public resources.

## 72. Media Training

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) Did any agency, entity or department in the Minister's portfolio employ the services of a media training company in the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
- ii) How many individuals in each agency and department the Minister was responsible for received media training in the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
- iii) What was the cost for each agency and department the Minister was responsible for media training in the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
- iv) Which entities were hired by each agency and department the Minister was responsible to provide media training for staff in the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?

### ANSWER

I'm advised:

Governments are required to communicate a wide variety of information to the public ranging from matters such as public health, community welfare and safety, public education and training, environmental and rural support, arts, tourism and business development.

The role and responsibilities of an employee's position may require for them to communicate important information including the department's activities to the public.

The Government is committed to building workforce capability of the public sector including leadership development and core public sector skill development.

Providing additional specific information in response to this question would be an unjustifiable diversion of public resources.

### 73. Barristers

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) What sum did the Minister's department spend on external barristers for the following periods
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
- ii) What sum did the Minister's department spend on solicitors for the following periods
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
- iii) What sum did the Minister's department spend on internal legal services for the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
- iv) What is the Minister's department's projected expenditure on legal services for 2006-07?

### ANSWER

I'm advised:

NSW public sector agencies may engage the Crown Solicitors Office or private legal professionals to engage in non core (general) legal work for government agencies.

The Crown Solicitor acts for

- The State of NSW;
- Persons suing or being sued on behalf of the State;
- Ministers of the Crown;
- A body established by a law of the State
- An officer or an employee of the Public Service or any other service of the State or of a body established by a law of the State;

- A person holding office under a law of the State or because of appointment to that office by the Governor or any Minister of the Crown; and
- Any other person or body approved by the Attorney General.

Agencies must engage the Crown Solicitor to perform core legal services in respect of matters which:

- Have implications for Government beyond an individual Minister's portfolio;
- Involve the constitutional powers and privileges of the State and/or the Commonwealth;
- Raise issues which are fundamental to the responsibilities of Government; and
- Arise from, or relate to, matters falling within the Attorney General's area of responsibility.

Providing additional specific information in response to this question would be an unjustifiable diversion of public resources.

#### 74. Coaching

- Has the Minister received any training, coaching or assistance in public speaking or voice projection at public expense since the Minister took office; if so, what was the cost of this training?
- What is the name and postal address of the individual or organisation(s) which provided the training?

#### ANSWER

The *New South Wales Government Expenses* policy outlines sector-wide requirements, prohibiting the expenditure of State funds on any event that could provide predominantly personal benefit to New South Wales public sector employees.

#### 75. Lettable Area

With respect to each Department, Agency and Entity that the Minister is responsible for:

- What properties, or lettable floor areas at partially occupied properties, owned by the NSW Government and in the possession of the department and each agency in the Minister's portfolio, are currently not utilised by the department or agency in question, and are not let out?
- For how long has each property, or part of a property, identified in part (1) been vacant and why has it been left vacant?

#### ANSWER

I'm advised:

The NSW Government occupies 1.2 million square metres of office accommodation in over 1,000 buildings across the State.

As at 31 August 2006, the total amount of vacant space was approximately 5,380 square metres, which is only 0.44% of the total space occupied by Government, that is, less than half of one per cent.

This is a marked improvement on the vacancy rate of 2.23% that existed at 31 January 1995 under the Coalition: five times the Government's current vacancy rate.

The Government's current vacancy rate also compares more than favourably to the office market vacancy rate of 9.4% in the Sydney CBD at July 2006. (Figure supplied by the Property Council of Australia).

## 76. Translation Services

With respect to each Department, Agency and Entity that the Minister is responsible for:

- v) What was the total cost of translating documents for the following periods
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
- vi) Will the Minister provide details of the cost of translation into Arabic, Indonesian, Cantonese, French, Greek, Italian, Mandarin, Spanish, Tamil, Thai Urdu, and Vietnamese for the following periods
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
- vii) Will the Minister provide details of who received payment and the value of payments for the translation of the languages outlined above

## ANSWER

I'm advised:

As part of the Ethnic Affairs Priorities Statement (EAPS) Standard Framework, agencies are required to employ strategies to ensure services are equitable and accessible to all sections of the community.

These strategies may include the use of interpreters to communicate with agency clients. Service delivery can improve when agency staff understand and can communicate skilfully with clients from a range of backgrounds.

The Language Services Division of the Community Relations Commission provides an interpreter and translation service that is available to NSW public sector agencies. The Division works with government agencies to provide opportunities for the professional development of interpreters and translators and to improve availability of language services in Sydney metropolitan, regional and rural areas.

Providing additional specific information in response to this question would be an unjustifiable diversion of public resources.

#### 77. Pianos

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) How many pianos does his department
  - a. own and
  - b. lease?
- ii) How many grand pianos does his department
  - a. own and
  - b. lease?
- iii) In respect of each piano, where is it and what is its value?

#### ANSWER

I'm advised:

The Auditor General audits the expenditure of agencies as provided in the *Public Finance and Audit Act 1983*. The audit process provides an independent assessment of agencies financial situation. Internal audit procedures are guided by information supplied by NSW Treasury which is publicly available at [www.treasury.nsw.gov.au](http://www.treasury.nsw.gov.au), in particular Treasury Policy and Guideline Papers TPP95a (Statement of Best Practice – Internal Control and Audit) and TPP95b (Internal Control and Assessment) and Treasurer's Directions 720.01-.03 (Internal Control and Internal Audit).

Providing additional specific information in response to this question would be an unjustifiable diversion of public resources.

#### 78. Coffee Machines

With respect to each Department, Agency and Entity that the Minister is responsible for:

- iv) How many coffee machines does his department
  - a. own and
  - b. lease?
- v) In respect of each coffee machine, where is it and what is its value?

#### ANSWER

I'm advised:

The Auditor General audits the expenditure of agencies as provided in the *Public Finance and Audit Act 1983*. The audit process provides an independent assessment of agencies financial situation. Internal audit procedures are guided by information supplied by NSW Treasury which

is publicly available at [www.treasury.nsw.gov.au](http://www.treasury.nsw.gov.au), in particular Treasury Policy and Guideline Papers TPP95a (Statement of Best Practice – Internal Control and Audit) and TPP95b (Internal Control and Assessment) and Treasurer's Directions 720.01-.03 (Internal Control and Internal Audit).

Providing additional specific information in response to this question would be an unjustifiable diversion of public resources.

## 79. Non-Australians

With respect to each Department, Agency and Entity that the Minister is responsible for:

- vi) How many non-Australian citizens worked in each department and agency you were responsible as at the end of the:
- FY2005-06
  - FY2004-05
  - FY2003-04
  - FY2002-03?
- vii) How many non-Australian citizens working in each department and agency you were responsible for were sponsored by the department as at the end of the:
- FY2005-06
  - FY2004-05
  - FY2003-04
  - FY2002-03?

## ANSWER

I'm advised:

The New South Wales Government's policy is contained in the Personnel Handbook which clearly states:

A person is eligible to be appointed to a permanent position only if they are:

- an Australian citizen; or
- a permanent Australian resident.

People who are not Australian citizens or permanent residents are only eligible for appointment to temporary vacancies. People who claim to possess Australian citizenship should produce their birth certificate, current Australian passport, certificate of naturalisation or other relevant documentation.

Recruiting officers should require documentary proof of either Australian citizenship or permission to reside permanently in Australia *before an offer of employment is made*. Temporary residents of Australia may only be employed in certain circumstances and are ineligible for appointment as officers.

Only people who are *permanent residents* satisfy the citizenship requirements for appointment.

People with temporary entry permits *not* marked 'EMPLOYMENT PROHIBITED' may be employed in certain circumstances. People with authorisation to work from the Commonwealth Department of Immigration and Multicultural Affairs fit into this category. In all other cases, the Commonwealth Department of Immigration and Multicultural Affairs (Sponsored Entry Section) should be contacted to find out if employment is permitted.

## 80. Reservists

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) How many employees in each Department and agency the Minister is responsible are currently members of the Australian Defence Force (ADF) Reserves as at:
  - a. 30 June 2000
  - b. 30 June 2001
  - c. 30 June 2002
  - d. 30 June 2003
  - e. 30 June 2004
  - f. 30 June 2005
  - g. 30 June 2006
  
- ii) How many employees in each Department and agency the Minister is responsible are currently members of the Australian Defence Force (ADF) Reserves and are on active duty as at:
  - a. 30 June 2000
  - b. 30 June 2001
  - c. 30 June 2002
  - d. 30 June 2003
  - e. 30 June 2004
  - f. 30 June 2005
  - g. 30 June 2006
  
- iii) What was the total value of compensation from the Commonwealth Government under the employee support payment scheme for employees who have been called up for active duty for the following periods:
  - a. FY2000/01
  - b. FY2001/02
  - c. FY2002/03
  - d. FY2003/04
  - e. FY2004/05
  - f. FY2005/06

## ANSWER

I'm advised:

Circular 2006-25 sets out the Government's policy on leave requirements for members of Australia's Defence Force Personnel which is captured in the *Defence Reserve Service (Protection) Act 2001*. Top up pay is also available for personnel on leave for military purposes.

Circular 2004-38 provides that, for leave in excess of the current military leave entitlement of up to 24 days for army and naval reservists and 28 days for air force reservists, public service employees will receive top up pay. This being the difference between their Reservist pay paid by the Commonwealth Department of Defence, and what they would ordinarily have received if they were at work. During periods of *Top up pay* the Government will maintain Reservist's superannuation, and Reservists will continue to accrue sick leave and extended leave entitlements.

The cost of the *top up pay* scheme will be offset, in part, by the operation of the Commonwealth's Employer Support Payment (ESP) Scheme, which is designed to compensate employers for releasing their employees for Defence Force service. The ESP Scheme only applies once an employee has been on military leave for at least 3 weeks per financial year.

Providing additional specific information in response to this question would be an unjustifiable diversion of public resources.

## 81. Behaviour Complaints

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) How many unacceptable behaviour complaints were reported for sexual offences in each of the Departments and agencies you were responsible for in:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
  
- ii) How many unacceptable behaviour complaints were reported for general harrassment in each of the Departments and agencies you were responsible for in:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
  
- iii) How many unacceptable behaviour complaints were reported for discrimination in each of the Departments and agencies you were responsible for in:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
  
- iv) How many unacceptable behaviour complaints were reported for abuse of power in each of the Departments and agencies you were responsible for in:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?
  
- v) How many unacceptable behaviour complaints were reported for bullying in each of the Departments and agencies you were responsible for in:

- a. FY2005-06
- b. FY2004-05
- c. FY2003-04
- d. FY2002-03?

- vi) How many unacceptable behaviour complaints were reported for inappropriate workplace relations in each of the Departments and agencies you were responsible for in:
- a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
  - d. FY2002-03?

## ANSWER

I'm advised:

*The Model Code of Conduct for NSW Public Agencies sets out the guidelines for the conduct of public servants and establishes principles for a code for all public agencies. Specifically:*

Employees are to treat members of the public and their colleagues fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations. In this regard, they should perform their duties in a professional and responsible manner.

They should also ensure that their decisions and actions are reasonable, fair and appropriate to the circumstances, based on a consideration of all the relevant facts, and supported by adequate documentation.

Employees are to promote confidence in the integrity of public administration and always act in the public interest and not in their private interest. Employees should protect the reputation of public employers. They should not engage in activities, at work or outside work, that would bring the public service into disrepute.

Employees are to provide a relevant and responsive service to their clients and customers, providing all necessary and appropriate assistance and fulfil the department's service performance standards.

Further details of the Code are publicly available on the Premier's Department website at [www.premiers.nsw.gov.au](http://www.premiers.nsw.gov.au).

The Personnel Handbook also sets out the procedures and arrangements for dealing with the conduct of employees in a fair and equitable manner based on the provisions of the Public Sector Employment and Management Act 2002.

The Independent Commission Against Corruption may also inquire into any allegations of corrupt conduct that occur in the public service.

## 82. Opinion Polls

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) Did the department or any agency under the Minister's portfolio conduct or commission an opinion poll, focus group or market research and; if so, what was the (a) purpose and (b) cost of each opinion poll, focus group or market research survey conducted for the following periods:

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- a. FY2005-06
- b. FY2004-05
- c. FY2003-04
- d. FY2002-03?

- ii) What was the name and postal address of each company engaged to conduct the poll, focus group or research for the above periods?

### ANSWER

I'm advised:

All surveys of Government clients and NSW citizens are carried out in accordance with standard probity requirements in NSW Government policy guidelines.

Providing additional specific information in response to this question would be an unjustifiable diversion of public resources.

### 83. Opinion Polls

With respect to each Department and Agency the Minister is responsible for can the following information be provided for each financial year from 2003/4 to date:

- i) how many consultants were engaged by the department and/or its agencies to conduct surveys of community attitudes to departmental programs?
- ii) What was the total costs of consultants that were engaged by the department and/or its agencies to conduct surveys of community attitudes to departmental programs?
  - a. For each consultancy engaged by the department and/or its agencies to conduct surveys of community attitudes to departmental programs
    - i. what was the cost,
    - ii. who was the consultant,
    - iii. was this consultant selected by tender; if so, was the tender select or open; if not, why not?
- iii) Were any of the surveys produced by consultants released publicly; if so, in each case, when was the material released; if not, in each case, what was the basis for not releasing the material publicly?

## **ANSWER**

I'm advised:

All surveys of Government clients and NSW citizens are carried out in accordance to NSW Government policy guidelines.

Providing additional specific information in response to this question would be an unjustifiable diversion of public resources.

## **84. Photographs**

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) For each department and agency the Minister was responsible for what was the total cost of photography undertaken for the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04

## **ANSWER**

I'm advised:

The Auditor General audits the expenditure of agencies as provided in the *Public Finance and Audit Act 1983*. The audit process provides an independent assessment of agencies financial situation. Internal audit procedures are guided by information supplied by NSW Treasury which is publicly available at [www.treasury.nsw.gov.au](http://www.treasury.nsw.gov.au), in particular Treasury Policy and Guideline Papers TPP95a (Statement of Best Practice – Internal Control and Audit) and TPP95b (Internal Control and Assessment) and Treasurer's Directions 720.01-.03 (Internal Control and Internal Audit).

Providing additional specific information in response to this question would be an unjustifiable diversion of public resources.

## **85. Office Space**

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) What was the total value and location of new office space purchased in the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
- ii) What was the total value and location of new office space leased in the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04

- iii) What was the total value and location of office space refurbished in the following periods:
- a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04

#### **ANSWER**

I'm advised:

The NSW Government occupies 1.2 million square metres of office accommodation in over 1,000 buildings across the State.

As at 31 August 2006, the total amount of vacant space was approximately 5,380 square metres, which is only 0.44% of the total space occupied by Government, that is, less than half of one per cent.

This is a marked improvement on the vacancy rate of 2.23% that existed at 31 January 1995 under the Coalition: five times the Government's current vacancy rate.

The Government's current vacancy rate also compares more than favourably to the office market vacancy rate of 9.4% in the Sydney CBD at July 2006. (Figure supplied by the Property Council of Australia).

#### **86. Drug Testing**

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) How many random drug tests have been administered to each departmental and agency employees personnel in the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
- ii) How many employees had positive results to drug testing for the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
- iii) How many employees have had their employment terminated for testing positive for drugs in the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04
- iv) How many employees have been disciplined for testing positive for drugs in the following periods:
  - a. FY2005-06
  - b. FY2004-05
  - c. FY2003-04

- v) At what locations and dates were random drug tests undertaken at from 1 July 2003 to date?

**ANSWER**

I'm advised:

The New South Wales Government is committed to providing a safe, healthy and productive work environment for all employees. To support this commitment, public sector organisations are encouraged to develop programs aimed at the prevention, reduction and/or elimination of problems associated with the misuse or abuse of alcohol and other drugs which affect employees' work performance, conduct or safety.

The Personnel Handbook outlines procedures for managing conduct and performance in the workplace. Other legislation and policies including the Premier's Department documents "*Alcohol and Other Drugs: Policy and Guidelines*" and "*Assistance Services for Employees: Policy and Guidelines*" are available for guidance in relation to managing some of these issues.

**87. Traffic Infringements**

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) How many penalty notices did each department/agency receive for traffic infringements for the following periods:
  - a. FY2005/06
  - b. FY2004/05
  - c. FY2003/04?
  
- ii) Will Minister inform us of the breakdown of number of each type of infringement incurred for the following periods:
  - a. FY2005/06
  - b. FY2004/05
  - c. FY2003/04?
  
- iii) What was the total value of fines for traffic infringements incurred in department/agency vehicles for the following periods:
  - a. FY2005/06
  - b. FY2004/05
  - c. FY2003/04?
  
- iv) What was the total value of fines for traffic infringements incurred in department/agency vehicles paid for by the department/agency for the following periods:
  - a. FY2005/06
  - b. FY2004/05
  - c. FY2003/04?
  
- v) What was the total value of fines for traffic infringements incurred in department/agency vehicles paid for by the employee responsible for the infringement for the following periods:

- a. FY2005/06
- b. FY2004/05
- c. FY2003/04?

**ANSWER**

I'm advised:

Memorandum 90-50 issued by former NSW Premier Nick Greiner set out the policy on the payment of traffic infringements incurred by public sector vehicles. It states in part:

Payment of Parking Infringement Notices by Government bodies must be met from normal operating funds.

The Government does not pay parking infringements for public sector vehicles unless they are incurred in the course of and because of their duties as provided for in Memorandum 90-53 and it does not pay for traffic infringements.

Providing additional specific information in response to this question would be an unjustifiable diversion of public resources.

**88. New Positions**

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) How many new positions were authorized to be created in each department and each agency the Minister was responsible for in the following periods:
  - a. FY2005/06
  - b. FY2004/05
  - c. FY2003/04
  - d. FY2002/03?
  
- ii) How many new positions were authorized to be created in each department and each agency the Minister was responsible for which had a salary greater than \$120,000 in the following periods:
  - a. FY2005/06
  - b. FY2004/05
  - c. FY2003/04
  - d. FY2002/03?
  
- iii) How many positions were abolished in each department and each agency the Minister was responsible for in the following periods:
  - a. FY2005/06
  - b. FY2004/05
  - c. FY2003/04
  - d. FY2002/03?
  
- iv) How many positions were abolished in each department and each agency the Minister was responsible for which had a salary greater than \$120,000 in the following periods:
  - a. FY2005/06

- b. FY2004/05
- c. FY2003/04
- d. FY2002/03?

**ANSWER**

I'm advised:

The *Public Sector Employment and Management Act 2002* provides that a Department/Division Head may create, abolish or otherwise deal with any positions in their department other than the position of department head. Internal branch/unit structures of Departments are designed to ensure the most efficient and effective service is provided to the Minister and the people of New South Wales.

**89. Mobile Phone Telephone Services**

- i) What has been the cost of providing mobile telephone services to the Minister's staff since 1 July 2003 on a yearly and year to date basis?

**ANSWER**

I'm advised:

Mobile telephones are issued to staff on the basis of need. The guidelines for mobile telephone use are set out in Premier's Department Circular 99-09. As is the case in the public sector generally, in Ministers' offices mobile telephones are made available for business use. A business case has to be made for an officer to be provided with a telephone. This can involve the need to be able to contact the officer at irregular times or to seek specific advice on particular issues.

Officers are required to pay for private calls made on mobile telephones.

The cost of mobile telephones for the Premier and 20 Ministers' offices supported by Premier's Department and funded from the Department's allocation in 2005-06 was \$478,283 (net of money reimbursed by employees for private calls). This is an average of about \$22,800 per office.

By way of comparison, the mobile telephone costs for the Leaders of the Opposition were \$24,552.

**91. Fees, Levies & Charges**

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) What are all the fees, fines, levies, charges and taxes that fall under your portfolio responsibility?

- ii) What was the level/rate of each of these at:
- a. 1 September 2006
  - b. 31 March 2006
  - c. 31 March 2005
  - d. 31 March 2004
  - e. 31 March 2003
  - f. 31 March 1999
  - g. 31 March 1995?

**ANSWER**

I'm advised:

Fees and fines are generally determined either by the Independent Pricing and Regulatory Tribunal which consults widely with stakeholders and the public before making a determination or by statutory regulation which is reviewed and may be disallowed by Parliament.

These are both transparent processes that allow the public and the Parliament to be consulted prior to implementation. Levels of fees, fines and charges are contained in the relevant act, regulation or statutory rule.

**92. Bullying**

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) How many cases of bullying in the workplace have been reported to each department or agency under the aegis of the Minister for each year and year to date since 1 January 2003?
- ii) How many of these claims resulted in WorkCover cases being established for each year and year to date since 1 January 2003?
- iii) What was the total cost of these claims for each year and year to date since 1 January 2003?
- iv) What has been the dollar increase in premiums for each individual department or agency due to claims for bullying in the workplace for each year and year to date since 1 January 2003?

**ANSWER**

I'm advised:

*The Model Code of Conduct for NSW Public Agencies* sets out the guidelines for the conduct of public servants and establishes principles for a code for all public agencies.

Employees are to treat members of the public and their colleagues fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations. In this regard, they should perform their duties in a professional and responsible manner.

They should also ensure that their decisions and actions are reasonable, fair and appropriate to the circumstances, based on a consideration of all the relevant facts, and supported by adequate documentation.

Employees are to promote confidence in the integrity of public administration and always act in the public interest and not in their private interest. Employees should protect the reputation of public employers. They should not engage in activities, at work or outside work, that would bring the Public Service into disrepute.

Employees are to provide a relevant and responsive service to their clients and customers, providing all necessary and appropriate assistance and fulfil the department's service performance standards.

Further details of the Code are available on the Premier's Department website at [www.premiers.nsw.gov.au](http://www.premiers.nsw.gov.au).

In addition the Independent Commission Against Corruption may inquire into any allegations of corrupt conduct that occur in the public service.

### 93. Stress Leave

With respect to each Department, Agency and Entity that the Minister is responsible for:

- i) In relation to staff members for each department and agency the Minister is responsible for the period 1 July 2002 to date on a yearly basis what was the on stress
  - a. Number of days of stress leave taken;
  - b. The estimated cost of stress leave taken;
  - c. Total number of staff who took stress leave; and
  - d. Average number of stress days leave taken per employee.

### ANSWER

I'm advised:

The *NSW Occupational Health and Safety Act 2000* aims to protect the health, safety and welfare of people at work by providing general requirements to be met at every place of work in NSW. The Act covers employees as well as employers and self-employed people.

Employees covered by the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006* are entitled to various forms of leave including: sick leave, recreation leave, annual leave, family and community services leave, personal carers' leave, maternity, adoption and parental leave, and special leave.

The Personnel Handbook outlines the policy for managing absences due to sickness to ensure that absences are for genuine illness and employees are allowed the necessary time to properly recover before returning to work. The Policy requires managers to regularly monitor and review absences due to illness within the agency.

To check each leave application form would be an unjustifiable diversion of public resources.

## 94. Advertising

With respect to each Department and Agency the Minister is responsible for can the following information with regards to advertising be provided for each financial year from 2003/4 to date:

- i) What advertising campaigns were commenced? And for what programs?
- ii) In relation to each campaign:
  - a. what was its total cost, including a breakdown of advertising costs for:
    - i. television placements,
    - ii. radio placements,
    - iii. newspaper placements,
    - iv. mail outs with brochures, and
    - v. research on advertising;
  - b. what was the commencement and cessation date for each aspect of the campaign placement.
- iii) For each campaign:
  - a. on which television stations did the advertising campaign screen;
  - b. on which radio stations did the advertising campaign feature; and
  - c. in which newspapers did the advertising campaign feature.
- iv) Which:
  - a. creative agency or agencies; and
  - b. research agency or agencies, were engaged for the campaign.
- v) In the event of a mail out, what database was used to select addresses – the Australian Taxation Office database, the electoral database or other?

## ANSWER

I'm advised:

The Government completed a review of advertising practices across government and issued new advertising requirements on 1 July 2005.

Those requirements applied to the advertising of recruitment, tenders, statutory and regulatory notices, important public information and campaign advertising.

The policies for campaign advertising were also revised with agencies to align planning with the budget process, and the introduction of an independent advertising peer review process for all campaigns with a budget of \$50,000 or more.

The process of advertising tenders is coordinated by the Government Advertising Agency (GAA) which closely monitors advertisements and rejects those that do not meet the stipulated requirements.

Further changes to the Government's advertising policy were introduced in *Premier's Circular 2006-26: Changes to Government Advertising Policy*.

To achieve savings, all advertisements will now be consolidated in a single government advertisement under the masthead NSW Government Noticeboard.

Changes include:

- Improving access to details of job vacancies by publishing the Government's composite recruitment advertisement in both The Sydney Morning Herald and The Daily Telegraph each Saturday and,
- consolidating all important public information and statutory notices into a single government advertisement that appears each Wednesday in The Sydney Morning Herald and The Daily Telegraph.

#### **QUESTIONS FROM MS PAVEY**

**95. Given that the Stokes Vertigan Report to the Government and the Government's response in February 2006 which identified asset management as a major focus for government management, why haven't you been involved with any review of the property assets for the portfolios of Energy or Ports and Waterways?**

**Answer:**

I refer you to the answer I gave in the Budget Estimate hearing of 1 September 2006.

I can also advise that the Department of Energy, Utilities and Sustainability owns no real property. As Minister for Energy I oversee the regulatory environment for energy in NSW. I do not oversee the normal business operations of the NSW Government State Owned Corporations. This is a matter for the Boards and Shareholding Ministers of the energy SOCs.

**96. Please confirm that there has been no review of the property assets in your portfolio since you became Minister for Energy and Minister for Ports and Waterways?**

**Answer:**

In relation to the Ports and Waterways portfolio, any examination of property assets is a routine activity, and none have been commissioned by me.

In relation to the energy portfolio I refer you to my answer to question 95.

**97. Have there been any sales or leases issued for property within your current portfolio responsibility since you became the Minister? If the answer to question 3 above is yes, please advise the location, purchaser and prices/rents for these properties.**

**Answer:**

Leases are routinely issued in the Ports and Waterways portfolio.

In relation to the energy portfolio I refer you to my answer to question 95.

**98. Why are you interpreting your Ministerial responsibilities differently now in your current portfolio to how you interpreted them as Housing Minister, particularly in respect of property assets?**

**Answer:**

This question is based on a flawed assumption.

**99. Why do Government assets held for a social purpose require different Ministerial consideration to those held for an economic purpose? They are all assets, valued as such and appearing on relevant balance sheets.**

**Answer:**

Clearly the purpose for which an asset class is held governs the policy considerations concerning that type of asset.

**100 - 101.**

**Which officers in Premier's Department are evaluating the property holdings of your Ministerial portfolio agencies? When will those officers finish the evaluation?**

**Answer:**

I am not aware of the names of individual officers in the Premier's Department doing work of this kind. The Premier's Department is not part of my administration.

**102. What processes are followed by the agencies under your Ministerial portfolio in buying and selling real property? Can you, as Minister, override that process?**

**Answer:**

The agencies under my control and direction do not routinely buy and sell real property. I have not sought to override those agencies processes.

**103. What asset registers are maintained for land and buildings by the organisations in your portfolio?**

**Answer:**

NSW Maritime and the port corporations maintain fixed asset registers recording detail of land and buildings in accordance with legislative requirements.

In relation to the energy portfolio I refer you to my answer to question 95.

**105. Do these asset registers clearly show for real property transactions gains or losses on disposal?**

**Answer:**

NSW Maritime advises me the answer to this question is yes.

**106. Do these asset registers for real property transactions cross reference to other files that contain the rest of the transaction data for real property transactions (contracts for sale, purchase, rent etc.)?**

**Answer:**

NSW Maritime advises me the answer to this question is yes.

**107 to 109.**

**Has the Minister, since assuming his current portfolio, met with anyone who discuss, either directly or indirectly, the property assets in his current portfolio of agencies? If yes, would the Minister please provide details of all those meetings, such as other attendees, times, dates and properties discussed? If so, please provide information as to where these assets are held in both areas?**

**Answer:**

I routinely hold meetings with a wide range of people concerning matters within my portfolios.

**111. Have you been involved in any Departmental review of the property assets of State owned energy or waterway / ports authorities?**

**Answer:**

I am routinely involved in a range of policy oriented activities across my portfolios.

112 - 114.

**What asset sales have occurred in Energy, and Ports and Waterways, in the 02-03, 03-04, and 04-05 Budget years, and Budget year to date? What was the value of sales in each of those years? Who were the purchasers?**

**Answer:**

Asset sales include numerous items and transactions concerning cars, computers and other assets.

I am advised the work included in preparing an answer to these questions would, if carried out, substantially and unreasonably divert my agency's resources away from their use by the agencies concerned in the exercise of their functions.

115 - 116.

**What meetings, if any, have you been involved in regarding the asset holdings (sale, other disposal or acquisition) of these state-owned organisations (Energy Australia, Integral Energy, Country Energy etc, generators, Sydney Ports Corp etc.)? Did you or your Department set out any rules to protect the public from profiteering on sale of this public land? If not, why not?**

**Answer:**

Each of the State Owned Corporations you have listed are not subject to my control and direction with regard to management of their property portfolios. Ultimately State Owned Corporations are accountable, in this respect, to the shareholding Ministers.

**117. Do you have any personal knowledge of, or links to, anyone who has purchased energy or waterway assets – either owned by the NSW government, or owned by SOCs?**

**Answer:**

It would be useful if the Honourable Member be more specific as to what she is referring to.

**127. Why is the Ports Growth Plan in the form of a two-page press release with some photographs?**

**Answer:**

The form of the Ports Growth Plan was determined by the then Premier, the Hon Bob Carr in 2003.

**128. Has it been changed at all since 2003?**

**Answer:**

The NSW Ports Growth Plan has been strengthened by the decision to bring forward the relocation of the motor vehicle import trade from Glebe Island, Sydney to Port Kembla by 2008.

**129. If not, why does it still give authority to the Minister for Infrastructure, Planning and Natural Resources for increasing the proportion of containers moved by rail to and from the ports to intermodal terminals in both the Sydney metropolitan area and regional NSW?**

**Answer:**

The Government is taking a whole of Government approach to this issue with the Premier's Department Intergovernmental Infrastructure Group (IIG) lead by Dr David Richmond preparing the Government's response to the Freight Infrastructure Advisory Board Report.

**130. Given that this Minister has moved on, and that Ministry and its Departments broken up, who is now implementing the Ports Growth Plan?**

**Answer:**

The NSW Government.

**131. In regards to the above question, where do your responsibilities start and end?**

**Answer:**

I work with my colleagues as a member of the Cabinet.

**132. Are you properly equipped to deal with Ports, or do you feel there are restraints placed on you by the Ministers for Planning, Roads and Transport?**

**Answer:**

Refer to my answer to Question 131.

**133. Given the blowouts on a number of projects, and continued inaction on a number of issues related to the smooth running of NSW ports, such as intermodal hubs and roads operating above capacity, to what extent is integrated planning a problem within this Government?**

**Answer:**

I reject the assumptions inherent in this question.

134 - 137.

**Has the government undertaken a full strategic analysis of trade logistics for NSW for the next 50 years? If so, can you make it available? Does the government have a co-ordinated plan for the use of the state's ports, including Port Jackson, over the next 50 years? If so, could you make it available?**

**Answer:**

The Government has undertaken an analysis of trade logistic requirements for a realistic planning horizon.

The Ports Growth Plan provides the framework within which the Government will work to ensure future growth and development of port capacity in NSW. The Plan sets out the Government's commitment to port infrastructure.

138. **Has the Port Botany security upgrade completed? If not, why not?**

**Answer:**

Security upgrades have been undertaken by Sydney Ports Corporation at Port Botany and have included:

- the installation of CCTV cameras, including Thermal Imaging Cameras,
- increased security auditing, monitoring and mobile patrolling,
- improved checkpoint maintenance, and
- new perimeter fencing, bollards, barriers, signage and lighting.

139. **Would you agree that freight is increasing but infrastructure is not being funded at the same rate? Is this frustrating for you as Minister for Ports?**

**Answer:**

The NSW Government has announced port infrastructure developments totalling in excess of \$1.4 billion since 2003.

140 - 142.

**Are the roads in and around Port Botany adequate for the dramatic expansion in container movements that is planned? If not, what is being planned? The M5 East is already above capacity, how will the area absorb many more trucks?**

**Answer:**

These questions are better directed to the Minister for Roads.

**143. Are you on track to increase the rail share target to 40 per cent by 2011, as recommended by the Brereton Report?**

**Answer:**

Refer to my answer to Question 129.

**144. What is the progress on the Enfield Intermodal hub? When are we going to get a decision? Are you putting this off until after the election?**

**Answer:**

I would be happy to arrange a briefing for the Honourable Member on this matter

**145 - 147.**

**When the capacity of Port Botany is increased, why will Sydney's capacity still fall short of Melbourne's present capacity? Why will Sydney's capacity barely clear Brisbane's capacity? Why is Sydney falling behind Ports in Brisbane and Melbourne as trade hubs?**

**Answer:**

When the expansion of Port Botany is completed the site will have capacity for 3 million TEU per annum. In 2005/6 the Port of Melbourne handled 1.9 million TEU and the Port of Brisbane 766,000 TEU.

**148. What are you and your Department doing to fix the inefficiencies within the vehicle booking system?**

**Answer:**

I imagine the Honorable Member is referring to the vehicle booking systems run by P&O and Toll. These two companies are not owned or controlled by the government.

**149. The Ports Growth Plan states "Failure to plan for port growth would lead to uncertainty for industry, employment and regional development with unsustainable pressure building on Sydney Harbour and Port Botany." Is this not what the Government is doing with the entire Ports portfolio?**

**Answer:**

This is an absurd question.

**150. Will you rule out a levy or charge on movements of containers by road as recommended in the Brereton Report?**

**Answer:**

Refer to my answer given to Question 129.

**151. What is the Government doing to make the site attractive for a third stevedore?**

**Answer:**

We are proceeding with the expansion of Port Botany which will create an opportunity for a third operator.

**152. Will it be commercially attractive for a third operator?**

**Answer:**

This will be determined through an open tender process.

**153. On what basis and what criteria have you relied recently to support a third stevedoring operator being encouraged to use new wharf space at Port Botany?**

**Answer:**

My support for the introduction of a third operator is based on the benefits of increased competition for the users of the Port.

**154. Why have you gone to the extraordinary length of stating that the two current operators will not be allowed to tender for the new wharf space? Is there any independent commercial rationale supporting this move?**

**Answer:**

The benefits of moving away from a duopoly should be obvious to the Honorable Member.

**155-156.**

**Do you have an agreement with any operator to become a third stevedore? If so, who with? Can it be made public?**

**Answer:**

No, an open tender process will be used.

157 - 164.

**Exactly what is the committed investment from the Government to Port Kembla? What is the time frame for which this will be spent? What is this investment for? Eg. Containers or vehicles, or is it an overarching commitment? Are you concerned with the suitability of Port Kembla to absorb the increased capacity? How committed are you to the Port Kembla expansion? Will it definitely go ahead? Will the importing of cars definitely take place at Port Kembla as planned? Will the capacity of the port be sufficient to handle the dramatic increase in freight?**

**Answer:**

The expansion of Port Kembla, \$140 million development, is an integral part of the NSW Ports Growth Plan. It enables the relocation of containers, general cargo and car stevedoring from Sydney Harbour. The new facilities are being built by Port Kembla Port Corporation and Australian Amalgamated Terminals. The development includes a new general cargo and container facility, a third Multi-Purpose Berth and the construction of a fourth berth in the Eastern Basin of the Inner Harbour. When the expansion is complete it is estimated an additional 400 ships will visit Port Kembla each year, carrying 240,000 vehicles and 30,000 containers.

**165. Have you had discussions with the current Minister for Roads, who is the former Minister for Ports, about the capacity of the roads, particularly at Mt Ousley, to deal with the increased truck movements back to Sydney? Prior to the decision to expand the use of Port Kembla, did the government undertake an environmental assessment of the increased trucking activity on the road system returning goods to the Sydney market? If so, can it be made available?**

**Answer:**

I refer to my answer to the Estimates Committee hearing on 1 September 2006. Truck movements from Port Kembla arising from the port development were addressed in the EIS prepared for the project.

**168. With at least 80 per cent of the cargo transferred from Port Jackson to Port Kembla to be returned to Sydney, did the government consider the impending arrival of Peak Oil, spiraling fuel costs and future shortages, the doubling to trebling of road cartage distances, the related fuel consumption, and economic and environmental costs? To what extent?**

**Answer:**

I refer to my answer to the Estimates Committee hearing on 1 September 2006. The majority of cars arriving in Sydney are transported to holding yards in south-west Sydney, which is accessible from Port Kembla by freeway. This is preferable to the 300 truck movements that car imports at Glebe Island generate on inner city streets and in suburbs such as Marrickville and Strathfield.

**169. Do you believe that Port Kembla is the best destination for imported motor vehicles?**

**Answer:**

Yes

**170 - 171.**

**Do you have any contractual obligations with AAT or any other party to ensure that the importing of motor vehicles continues at Port Kembla? Is the Government obligated to proceed with the move?**

**Answer:**

The Port Kembla Port Corporation has a contract with AAT. I do not.

**172 - 173.**

**If the Government was to change its plans, would it be liable for a compensation payment to AAT or any other party? If so, how much?**

**Answer:**

The NSW Government does not intend to walk away from the Ports Growth Plan.

**174. How much money has been invested at the Port Kembla site? How much will be spent?**

**Answer:**

Refer to my answer to Questions 157-164.

**175. At Port Kembla, how will the current two general cargo berths totaling 430 metres, with one more berth of 300 metres to be constructed, replace ten Sydney Harbour berths of 2,270 metres? (White Bay four berths of 950 metres, Darling Harbour four berths of 850 metres, Glebe Island two berths of 470 metres).**

**Answer:**

Refer to my answer to Questions 157-164.

**176. Do you have any studies or documentation supporting the proposed move of the Glebe Car Terminal to Port Kembla?**

**Answer:**

I am surprised the Honourable Member is so unfamiliar with this matter. The Honourable Member should consult the Opposition's Spokesperson for the Illawarra, Ms Peta Seton, who has supported the Government's plans for the expansion of Port Kembla.

**177. How will you work with the Ministers for Roads and Planning to ensure that the region's facilities can cope with the system that is being introduced under you as the Minister responsible?**

**Answer:**

Refer to my answer to Question 131.

**178. Has Australian Amalgamated Terminals (AAT) been given a monopoly on the wharves at Port Kembla?**

**Answer:**

No.

**179. What was the process for AAT acquiring the operations at Port Kembla?**

**Answer:**

The Port Kembla Port Corporation negotiated with AAT.

**180. What are you doing to ensure openness and transparency in the expansion of Port Kembla?**

**Answer:**

It would be helpful if the Honorable Member could more specifically spell out what she is referring to.

**181. Were port lands adjacent to the Multi-purpose Berth in Port Kembla openly offered to the market or were there exclusive dealings with AAT?**

**Answer:**

Refer to my answer given to Question 179.

**182. If there were exclusive dealings with AAT, how can the government demonstrate that it has received the best commercial offer or otherwise acted in the best interests of the state?**

**Answer:**

The Government undertook an independent assessment to determine the best commercial outcome for Port Kembla.

**183. Does the NSW Labor Party have a relationship with AAT?**

**Answer:**

Questions about the NSW Labor Party are best directed to that organisation.

**184. Did the government enter into any arrangements with P&O prior to its departure from White Bay to the effect that no other stevedore be allowed to operate at the White Bay berths?**

**Answer:**

I am advised no assurances were given to P&O when it vacated White Bay. Government policy is that existing stevedoring leases at Darling Harbour and White Bay in Sydney Harbour will not be renewed. Stevedoring activities will cease and be progressively relocated to Port Kembla. White Bay will be retained for maritime uses.

**185. If so, would this not be a restrictive trade practice and denial of opportunity to other operators?**

**Answer:**

Is the Honorable Member suggesting the relocation of trade to the Illawarra should not be encouraged? If so, the Honorable Member might like to consult with Ms Peta Seaton MP, who has supported the relocation.

**186. Are you aware that this valuable piece of port side land could be converted back to a stevedoring site with little financial expenditure, as most of the general stevedoring infrastructure is still intact? Are you aware that the Maritime Union of Australia and a number of port users support the reopening of this area to stevedoring purposes?**

**Answer:**

I am surprised the Honourable Member is not aware of the statement by the Liberal Candidate for Balmain, Mr Peter Shmigel, who says, in a document issued by the NSW Liberal Party, "There are any number of alternative productive uses for White Bay ...". In the same document he goes on to list a number of different uses. These do not include stevedoring.

**187. Can you advise of a closing date for the Darling Harbour wharf spaces?**

**Answer:**

Stevedoring continues at Darling Harbour on a month to month basis until the development at Port Kembla is complete.

**188 - 190.**

**Can you advise of the extent of the proposed works in that area? Can you advise of a timetable of completion? What is the budget?**

**Answer:**

Questions about Darling Harbour once port activity ceases are best directed to the Minister for Planning.

**191. Where is the large number of ships that currently use the area going to discharge their cargos?**

**Answer:**

Other ports.

**192. Are you aware that the shipping community and the community in general are largely opposed to the closure of the Darling Harbour Wharves and see no commercial or logistical advantage in the closure?**

**Answer:**

Refer to my answer given to Question 185.

**193. Regarding the NSW Maritime \$9m program to upgrade ferry wharves across Sydney harbour:**

- a) Which wharves are considered the most in urgent need of an upgrade (the top 5) and why?
- b) Was an investigation conducted to identify the wharves in need of repair?
- c) If so, who conducted this investigation?
- d) What was the cost of this investigation?
- e) Are security upgrades part of this program?

**Answer:**

I refer to my answer to the Estimates Committee hearing on 1 September 2006. All wharves have been audited by NSW Maritime using existing staff and resources. Security upgrades are the responsibility of the service operators who use the wharves.

**194. Who manages and pays for commuter wharf maintenance on Sydney Harbour?**

**Answer:**

It depends on who is the owner of the wharf.

**a) Who manages and pays for wharf security?**

**Answer:**

Wharf security is the responsibility of the operator who uses the wharf. For example, I am advised that the Sydney Ferries Corporation has security cameras on all wharves it uses.

**b) Does NSW Maritime receive any access fees from the use of their wharves by ferry operators?**

**Answer:**

Sydney Ferries Corporation does not pay an access fee, it pays lease fees for some wharves.

**c) If so, how much did NSW Maritime receive in the 2005/06 financial year?**

**Answer:**

\$234,435

**195. How many NSW Maritime 'on the water' compliance checks were conducted in the 2005/06 financial year?**

**Answer:**

Over 42,000.

**b. How many resulted in fines being issued?**

**Answer:**

Nearly 3,000.

**c. What is the total monetary value of these fines?**

**Answer:**

Around \$470,000.

d. How many of these fines have not been paid?

**Answer:**

In 2005/06 97 fines were outstanding.

e. What is the total monetary value of these unpaid fines?

**Answer:**

Around \$12,000 (noting that the payment of fines during a financial year may involve payments for fines incurred prior to the financial year).

f. How many of these fines were disputed in court, or are currently under dispute in court?

**Answer:**

There were 25 matters heard in 2005/06.

g. How many court cases were lost?

**Answer:**

There were two matters where a finding of not guilty was made. In both matters there were no orders for costs awarded against NSW Maritime.

h. What was the total cost of these cases lost in court?

**Answer:**

The question does not indicate what types of costs are intended to be calculated.

i. Have any fines been issued to other Government bodies, for instance Sydney Ferries?

j. If so, how many?

k. What were the top 3 reasons why fines were issued to these Government bodies?

**Answer:**

None.

**196. How many recreational or commercial/recreational boating accidents occurred on waterways last financial year?**

**How many of these were alcohol related?**

**Answer:**

Of the 293 recreational or commercial/recreational boating accidents in 2005/06, six were alcohol related.

**How many fatalities occurred on waterways last financial year as a result of recreational or commercial/recreational incidents?**

**Answer:**

Eight.

**197. How many NSW Maritime investigations are currently underway due to incidents on Sydney Ferries?**

- a) How many were completed in the past financial year?
- b) What are the 3 most common (recorded) incidents requiring investigation?

**Answer:**

There are currently no investigations underway due to incidents on Sydney Ferries. There were 42 such investigations completed in the last financial year, including investigations into collision with vessel, collision with fixed object and close quarters.

**198. When will each of the following major redevelopment projects commence? When will they be completed? What are the cost/projected costs of these redevelopments?**

- a) Berrys Bay maritime precinct
- b) Homebush Bay West
- c) Hunter River South Arm – Port of Newcastle - Further Port Development
- d) Redevelopment of Balls Head Coal Loader, Waverton

**Answer:**

a, c, d - These will be private sector projects. The cost and the commencement date will ultimately be determined by the private sector.

b - An expression of interest process will be held once the current lease expires in June 2008.

**199. Has the Government supported the redevelopment of Jack Evans Boat Harbour in Tweed Heads?**

- a) Why has the Government ignored the 1500 signature petition by local residents opposing the development?
- b) Why is the Government allowing the filling in of sections of the environmentally sensitive Boat Harbour?

**Answer:**

This question is best directed to the Minister for Lands.

**200. Has NSW Maritime completed its audit of safety systems used in 1000 commercial vessels across the State?**

- a) What were the results of these audits?
- b) How many operators complied?
- c) What action was taken for those who did not comply?

**Answer:**

Since the commencement of formal audits late in 2005, NSW Maritime has audited 60 commercial vessel operators and reviewed another 100 vessels. Of these, 80% met the required standard. Where non conforming items were found, the operator was subsequently reaudited or evidence was provided to indicate the shortcoming had been addressed.

**201. Given American security specialist Malcolm Nance said on Wednesday 30 August that commuter ferries on Sydney Harbour were vulnerable to a terrorist attack, what is NSW Maritime doing to ensure commuter passenger safety and the safety of the people of Sydney?**

**Answer:**

While security for ferries is the responsibility of the ferry operators, NSW Maritime has worked closely with Sydney Ferries and the Commercial Vessels Association to develop security guidelines for large ferries and charter vessels. These guidelines will help operators fulfill their security and duty of care obligations for passengers and staff. The guidelines are aligned to national threat levels and are based on individual risk management procedures.

**202. In relation to the Government's Boat storage policy for Sydney Harbour, why is the Government forcing boat owners to moor vessels in expensive commercially owned marinas?**

- a) Why is NSW Maritime denying licenses or placing burdensome conditions on owners of already existing private domestic landing facilities (jetties/ramps and pontoons)?
- b) For example: why would a purchaser buy a property with a jetty, purchase a multiple year license for the jetty, when if he/she comes to sell the property he/she must spend tens of thousands of dollars demolishing the jetty, a perfectly sound structure that may have existed and operated for decades, because according to the Sydney Regional Environment Plan (Sydney Harbour

Catchment) 2005 the property now falls within a zone that prohibits private landing facilities?

- c) Do you not consider that a burdensome requirement?
- d) How were owners of private landing facilities made aware of the re-zoning?

**Answer:**

a, b & c – NSW Maritime has advised me it has no intention of removing well maintained jetties which have been built with the proper approvals.

d – Any questions referring to the Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005 are best directed to the Minister of Planning.

## **QUESTIONS FROM MS HALE**

### **203. Impacts of Port Botany expansion**

- a) Given the increase in freight train movements associated with the expansion of Port Botany, do you think air pollution could be significantly reduced if the rail link was electrified.
- b) Has your department done any assessment of the comparison between air pollution produced from diesel freight trains versus from electrified freight trains. If, not why not?
- c) Will your department conduct this assessment before proceeding with a significant increase of diesel trains into Port Botany.

**Answer:**

Questions regarding rail operations are best directed to the Minister for Transport.

### **204. Maritime IT services**

- a) What has the annual expenditure been on in-house contractors employed to undertake IT duties.
- b) Are all contractors employed as individuals or is a service company contracted between NSW Maritime and some of the people doing the work. If so, which company.
- c) Does any entity providing personnel also supply hardware or software. If so, which entity.
- d) Have all services and products been procured in accordance with standing Government procedures. If not, how and where have they varied from Government policy.
- e) What open tender process was involved in the selection of the main contracting entities.
- f) Have all contracts been publicly reported in accordance with Premier's Memorandum No M2000-11.

- g) **Of the amount spent in the 2005/06 financial year on IT systems, how much was spent on systems and staff providing Geographic Information to NSW Maritime.**
- h) **Does the Minister consider the money well spent.**

**Answer:**

I am advised that:

NSW Maritime constructed a database to record boat licenses and vessel registrations. The software was developed and the contract staff employed over a decade ago and the system is still in use. IT contractors occupy positions unable to be filled with permanent staff, and are complementary to permanent IT resources. Contractors were engaged as the project was beyond the internal capability of in-house information technology resources. Some of those contractors have remained to support that data base. NSW Maritime is currently recruiting IT staff to replace some contractors.

All new contracts for the engagement of external contractors and/or consultants are undertaken in accordance with government guidelines.

The Geographic Information System is an essential management tool used to support the NSW Maritime's legislative functions in relation to safe navigation and the management of maritime lands. The total operating and capital expenditure on geographic information systems for 2005-06 was \$806,170.

#### **205. Sharing Sydney Harbour Access Plan**

- a) **I understand the Plan would open up to the public 13 kilometres of private frontages on the foreshore. Is this correct?**
- b) **Will this ultimately require the removal of about one-third of the 1400 leased structures currently leased on Sydney harbour?**
- c) **How many obstructions are there to pedestrians gaining public access to the foreshore of Sydney Harbour. What plans are there to remove these, and allow the public access to the harbour?**
- d) **Does the Minister acknowledge the commitment of this Government to Plans and to the policy published by his predecessor as Minister, The Hon Michael Costa, in the Sharing Sydney Harbour Access Plan to "ensure that no structures impede access for pedestrians" (page 14) "along 32 kilometres of the foreshore" (page 10) and that this objective is to be achieved by the NSW Maritime as landowner working "to remove structures that impede such access" (page 25)?**
- e) **I understand from various government documents including the Land Owner's Consent Manual of 1998, the Sydney Harbour Catchment REP of 2005 and various Ministerial announcements that there is a proposal**

**to reduce the total number of lessees by some lessees sharing their jetties and structures. Is this correct?**

- f) **Approximately how many structures would be removed as a result of this process?**

**Answer:**

The Sharing Sydney Harbour Access Plan proposes a number of initiatives to facilitate public access to, and promote the recreational enjoyment of, Sydney Harbour and its tributaries. NSW Maritime will not remove well maintained jetties which have been built with the proper approvals. However, NSW Maritime supports a reduction of private jetties where owners agree to share facilities. There may also be opportunities for jetty owners who are replacing older jetties to use a design that facilitates better public access. The approach by NSW Maritime will, along with other initiatives in the Sharing Sydney Harbour Access Plan, facilitate public access to foreshore Harbour areas.

#### **205. Maritime Leases**

- a) **I draw the Minister's attention to the brochure "PROCEDURE FOR CHANGING A LESSEE" and ask when this brochure was distributed to lessees.**
- b) **Following the completion of the IPART Review what action did your department take to ensure landholders were aware of, and complying with, the procedures for lessees.**

**Answer:**

I am advised that:

A brochure entitled "Procedure for changing a Lessee - Advice to Vendors and Purchasers" was prepared and distributed to all NSW Maritime lessees in August 2003. A Guidance Note was also prepared for issue in relation to the transfer of a property as well as an Application to Terminate Tenure Form for completion by the existing lessee prior to sale of the freehold land.

- c) **How many waterfront home purchasers signed leases which ensured the full implementation of the Governments lease conditions with regard to long term use and access.**

**Answer:**

I am advised that all signed leases prepared since the document have complied with it.

- d) **Are you confident that people spending millions on harbour side property, are fully aware that any structures they may have onto the harbour are a privilege, granted on a leasehold basis, that must be paid for in full commercial rent, and can be revoked when the lease expires?**

**Answer:**

Residential lessees pay rent based on the IPART formula.

- e) **What has your department done to ensure the property boom around Sydney harbour in recent years has not resulted in a seeping privatisation of public assets in the form of leased structures adjoining private harbour side land.**

**Answer:**

I reject entirely the notion that any part of Sydney Harbour be privatised.

- g) **What are you doing, as Minister – what processes do you have in place - to ensure that a few wealthy individuals and corporations, able and willing to make large donations in return for perpetuating and/or augmenting their lease structures, are being forced to comply with the whole of government policies and statutory planning requirements that are moving to give greater public access to the harbour.**

**Answer:**

f & g – All individuals irrespective of their background must comply with the relevant requirements.

- (h) **Does the Minister hold any fears that the pressure he is under to deliver financial benefits to wealthy private interests occupying prime public land at concessional rents will expose him to the sort of political problems exemplified by Orange Grove.**

**Answer:**

I dispute the absurd assumptions made in this question.

- (i) How do you respond to allegations by some lease holders, that large and powerful lessees are being given access to privy information and/or having decisions made in their favour, based on whether they have 'contacts with Minister Tripodi'.

**Answer:**

This is a ridiculous question.

- (j) If so which of the functions have been provided on a concessional basis by Doltone House?

**Answer:**

This question does not appear to make any sense.

- (k) Can the Minister categorically confirm that he has always paid full price for every function arranged for his personal benefit associated with Doltone House.

**Answer:**

I refer you to my answer given during the estimates hearing.

- (l) When has the Minister or his personal staff met with office bearers of the St George Sailing Club.

**Answer:**

I refer you to my answer to question 107.

## 206. Return on investments

- a) Do you expect the investment return on NSW waterways leases to increase in the coming year?

**Answer:**

The term "investment return" usually applies to a business achieving an appropriate rate of return on its investment. In general, NSW Maritime leases unimproved land to the private sector, and any investment return is subject to the lessees' investment and business model.

- b) **How much of any increase will be achieved through rents payable by private interests that benefit from capital appreciation of residential waterfronts.**

**Answer:**

The basis of this question is unclear.

- c) **How much of any increase will be achieved from commercial lessees profiting from the provision of services to discretionary products such as boats?**

**Answer:**

The basis of this question is unclear.

d and e)

- What was the revenue generated in the 2005/06 financial from the NSW Maritime's property portfolio compared to the budget estimate? Which of the categories of revenue were above budget.**

**Answer:**

The revenue was approximately the same.

- f) **There have been numerous concerns about the VG's methodologies for determining SLV, how do you respond to these.**

**Answer:**

Questions about the Valuer General are better directed to the Minister for Lands.

- g) **After realising rental rates had not been increased since 1988-9, IPART directed that the rents be based on regularly updated SLVs. What was the effective date for the SLVs used to set rent in 2004 and what data has been used for the 2006 rents. Short Answer.**

**Answer:**

The SLV rate for 2004 was the available figures for 2003. The rate for 2006 captured the SLVs for 2004 and 2005.

- h) By what amounts and percentages did the precinct rates change between 2004 and 2006.**

**Answer:**

I would be happy to arrange a briefing for the Honourable Member on the rental formula and how precinct rates fit into it.

- i) What rate of return does the Minister think should be achieved from commercial operations on Sydney Harbour?**

**Answer:**

Any rate of return is dependent on the profitability of individual businesses.

- j) When the currently invoiced rent for commercial sites are analysed on the basis of the precinct land valuation method of IPART, what rates of return on the Harbour land have been achieved from commercial tenants?**

**Answer:**

Budget Estimates is not the forum for individual members of Parliament to commission modelling work.

- k) Is the Minister satisfied by the rate of return achieved and if not what is being done to increase commercial rents?**

**Answer:**

Commercial rents are set with reference to known market conditions and market evidence.

- l) Have any lessees and/or their representatives approached you or any of your staff regarding an increase in the area of land leased, and/or to argue for lower rents? If so, with whom and when.**
- m) Do you as Minister discuss matters of a commercial nature with senior staff members of Maritime? What kind of issues do you discuss?**
- n) Do you think there is a risk of corruption, or perceived corruption, with you as Minister discussing the details of specific lessors.**

**Answer:**

Refer to my answer given to Question 107.

- o) Recently the Administrator of Warringah Council achieved a significant increase in rent from a commercial \ licensed club (Long Reef Golf Club) that is engaged in the hospitality business. By comparison with the 5% of turnover recommended in that case by an independent valuer, what is the effective percentage of turnover achieved from licensed clubs on Sydney Harbour or for other similar venues such as Doltone at St George?**

**Answer:**

Doltone House is not a tenant of NSW Maritime. Its commercial relationship is with the St. George Sailing Club. Questions as to the nature of the commercial agreement between those two parties are best directed to them.

- p) Can you please provide a list of club memberships of clubs on waterways for;**  
**q) The Minister**

**Answer:**

As far as I am aware, none of the clubs I am a member of has leases with NSW Maritime.

**r – t)**

**The Chief Executive of NSW Maritime and Executive Director of NSW Maritime. How many of these clubs have been subject to a rent increases and how did the rent achieved compare with the recommendation of independent valuers?**

**Answer:**

NSW Maritime's Chief Executive has notified me of his club memberships in accordance with the Independent Commission Against Corruption's (ICAC) 2004 Guidelines and Toolkit for Managing Conflicts of Interest in the Public Sector.

A Register of Interests is in place at NSW Maritime in accordance with the ICAC guidelines, for executives and staff to declare their interests to minimise the opportunity for any perceived conflict of interest, including the matter of club rent increases.

- u) **Has NSW Maritime obtained advice from valuers or carried out any research to determine what would be an appropriate basis for charging rent related to turnover? If so, what rates were recommended? Please table all investigations or reports on which these are based?**

**Answer:**

NSW Maritime has obtained and continues to obtain a range of advice as part of its normal property activities.

- v) **In its Annual Report 05, the Marina Association of NSW articulated its intention to hold "realistic discussion with regard to rentals". How do the rental methodologies recommended to NSW Maritime by its advisors compare with any proposed by maritime industry interests?**

**Answer:**

I am not going to provide a running commentary on proposals of non-government organisations.

- w) **The Environmental Defender's Office has recently requested information on steps taken by NSW Maritime to ensure that its lessees operate in accordance with their leases. So that the Parliament can gauge progress on compliance issues on such environmentally sensitive public land, can you please provide the results of the on water inspections conducted by the Waterways Authority as advised to its lessees in February 2004?**

**Answer:**

NSW Maritime is working with the Department of Environment and Conservation, local councils and NSW Maritime lessees to ensure that environmental obligations are met in accordance with lease requirements.

## **207. Occupational Moorings**

- a) **Would the department please provide a list of all leases for commercial occupational moorings in Sydney Harbour entered into since 1 January 2002?**
- b) **What was the average waiting time to a commercial mooring in;**
- i. **2002**
  - ii. **2003**
  - iii. **2004**
  - iv. **2005**

v. 2006

- c) Please provide details of how long each of those who have been granted leases had been on the waiting list?

**Answer:**

This is a matter for the commercial operators concerned.

#### **208. BASIX**

- a) What role, if any did your department have in the development of the new BASIX energy efficiency standards for buildings more than 6 storeys high?
- b) Did you or anyone from your department meet with developers about the new standards?
- c) Given that apartments will make up two-thirds of new dwellings in Sydney over the next 25 years, and that they are also the least energy- efficient form of housing, do you agree that allowing high-rise developers a lower standard of energy efficiency, are a major blow to NSW attempts to reduce greenhouse gas emissions.

**Answer:**

I am advised the Department of Energy, Utilities and Sustainability was not involved in the development of energy efficiency standards for buildings more than six storeys high. This is a matter for the Minister for Planning.

#### **209. Underground cabling in Growth Centres**

- a) Does the Minister support the use of overhead power cables within new land release areas? If so why?
- b) When is the Minister due to make a determination on new electricity power supply lines in North West Sydney, from Schofields, to Riverstone and Vineyard?
- c) Was underground cabling considered for areas north of Schofields? If so, why was it rejected?
- d) What is the expected life span for these transmission lines? Why might they be placed underground?
- e) How do maintenance costs of overhead lines compare to underground lines over their full life time?

**Answer:**

The answers to these questions were provided in the response to QON 4092 asked by the Honourable Member earlier this year and printed on 4 May 2006. The Minister for Planning announced the conditions for approval of the Vineyard to Rouse Hill line on 8 September 2006.

210. Does your Department consider long term life cycle costs when making decisions about the financial viability of underground lines versus over-head lines. If not, why?

Answer:

I am advised the Department of Energy, Utilities and Sustainability does not construct powerlines.

**211. Carbon Markets**

The following questions relate to the August 2006 document "Discussion Paper: Possible Design for a National Greenhouse Gas Emissions Trading Scheme"

- a. For the two scenarios of emissions caps for Australia's electricity industry presented in this document, is it true that one suggests that electricity industry emissions in 2030 will be at the same level as year 2000 and that the other is only a 15% reduction on 2000 emissions?
- b. Given that the document accepts the need for a 60% reduction on 2000 emissions by 2050, how is it proposed to reduce electricity industry emissions by between 45% and 60% in the years 2030 and 2050?
- c. Why are the bulk of emissions reductions put off until 2030 to 2050, rather than being tackled in the immediate future?

Answer:

The answers to these questions can be found in the document in question.

**212. Energy Savings Fund**

On April 6, 2005, the then Minister for Energy and Utilities, Frank Sartor outlined the promised benefits of the Water and Energy Savings Funds. Mr Sartor told the Legislative Assembly:

"By 2010-11 the expected benefits from initiatives supported by the funds include: savings of between 30 and 80 billion litres of water per annum, which is 5 to 12 per cent of Sydney's total water use; a saving of 900,000 megawatt hours per year in electricity consumption; a gross saving in consumer energy bills of \$370 million in net present value terms; and reducing greenhouse gas emissions by 800,000 tonnes of carbon dioxide per year by 2010-11, equivalent to removing 170,000 cars from the road." He further said: "The Energy Savings Fund could pay for measures such as specific energy-saving projects submitted by industry and commercial enterprises, determined on a contestable basis; specific energy-saving projects submitted by local councils and State government agencies, determined on a contestable basis; joint water and energy retrofit programs for residences; and accelerating investment in energy-efficient appliances."

- a. For the Energy Savings funds how many contracts have been finalised for selected projects?
- b. What is the value of these finalised contracts?
- c. How much money has been paid out of the Energy Savings Fund?

- d. How much money is expected to be paid out of the scheme by the end of 06/07 and 07/08 financial years?
- e. Could you outline the projects that the scheme has paid money to?
- f. Why is it, 15 months since the Energy Savings Fund was introduced, the Government has announced only one round of successful bidders? Has a second round been announced? If not, why not?
- g. What is the timetable for future rounds?
- h. What assurance can you give the people of NSW that this scheme is not more about raising money for state revenue than saving energy, given that the government seems to be dragging its feet in spending it?
- i. Given that scientists say we need a 60 per cent reduction in greenhouse gas emissions and we need a range of reduce emissions in shorter and longer term, what is the government doing to ensure renewable energy sources will deliver in the longer term in New South Wales?

**Answer:**

I refer to my detailed answer provided in the Estimates Hearing of 1 September 2006. Further information can be found on the website of the Department of Energy, Utilities and Sustainability. I would be happy to arrange for the Honourable Member to be briefed on the Greenhouse Gas Abatement and Green Power schemes.

**213. GGAS (NSW Greenhouse Gas Abatement Scheme)**

- a. Can the Minister provide an estimate of how many surrendered NSW Greenhouse Abatement Certificates (NGACs) were generated by activities that did not *also* receive certification under the Mandatory Renewable Energy Targets scheme?
- b. In particular, can the Minister provide an assurance that Category A fossil fuel plants and biogas plants that create NGACs through so-called avoided methane emissions for generation above their baseline are not doing so in response to the MRET scheme?
- c. What percentage of NGACs were created directly from mandated retailer Renewable Energy Certificates obligations in the years 2003, 2004 and 2005?
- d. Will the Minister consider amendments to the GGAS to ensure that all NGACs are *in addition* to activities that would be carried out under MRET or under Business as usual activities?
4. Will the government establish a long term grant scheme to subsidise the purchase and installation cost of domestic renewable energy systems including solar, wind and water driven systems?

**Answer:**

I am advised the existing rules do not allow creation of NGACs for the same activity for which RECs have been or will be created. I am further informed that where NSW consumers have already paid for RECs associated with electricity consumed, then the abatement associated with those RECs is eligible to be counted towards a retailer's compliance obligations under GGAS. I would be happy to arrange for the Honourable Member to be briefed in detail on the Greenhouse Gas Abatement Scheme.

**214. Review of Regulated Retail Tariffs for standard energy suppliers**

Minister, you provided the terms of reference for the review of retail electricity prices by the Independent Pricing and Regulatory Tribunal (IPART). These terms of reference, established by the Government, have omitted any positive obligation on the Tribunal to consider the impact on consumers of price changes. This is an important change from the terms of previous reviews of regulated tariffs undertaken by the Tribunal. I note with great concern that the Tribunal has chosen to interpret this omission to mean that they can set regulated electricity tariffs for the three years from next July without any regard for the impact on consumers.

- a. Does the Government plan to amend the terms of reference given to IPART to ensure that the interests of NSW households, especially those on low incomes, will be taken into account by IPART when it determined the level of regulated electricity prices?
- b. Given that it is likely electricity prices will rise considerably as a result of various Government policies, how will the Government ensure electricity remains affordable for low-income households?

**Answer:**

The Issues Paper released by IPART on 14 July 2007 seeks comments on price constraint options that could be applied to future regulated retail tariffs, including limiting increases to customers' bills and individual tariffs. The Government has in place a range of consumer protections initiatives, the most obvious being the very system of regulated retail tariffs the honourable member has referred to. In addition, the Government continues to provide pensioner energy rebates, rebates for those requiring life support devices, and the Energy Accounts Payment Assistance Scheme vouchers for people experiencing temporary financial difficulty in paying their electricity and gas bills.

**215. Measures to address Energy Retailer breaches in Marketing Code of Conduct**

There has been a significant increase in complaints to the Energy and Water Ombudsman (EWON) about the marketing behaviour of energy retailers. The community is concerned that enforcement of the retailers' obligations under the Marketing Code of Conduct may not be sufficiently robust.

- a. What steps are taken to ensure these breaches are not repeated?
- b. Will the Government review the power granted to IPART to enforce the marketing code?

**Answer:**

The Energy and Water Ombudsman of NSW advises the Independent Pricing and Regulatory Tribunal (IPART) about the complaints received in respect of this and other relevant issues. IPART, which administers the licensing scheme for energy retailers and monitors compliance with licensing conditions, is committed to ensuring that suppliers of energy meet their licence obligations and that customers' interests are protected.

For example, in the case of serious complaints against JackGreen (International) Pty Ltd's marketing campaign during 2005, IPART investigated the matter and concluded that JackGreen had breached the terms of its licence conditions, which include compliance with the Energy Marketing Code of Conduct. Consequently, and in keeping with its commitment to a rigorous

approach, IPART required JackGreen to enter into enforceable undertakings with the Tribunal to prevent a repeat of the conduct.

IPART has a number of options in relation to the enforcement of licences or licence endorsements, as set out in clause 8A of Schedule 2 to the *Electricity Supply Act 1995*. These vary from imposition of a monetary penalty to requiring the licence holder to take certain actions, such as making public specified information. The licence holder would have to have committed the breach knowingly, and the severity of the breach must be taken into account when IPART decides on disciplinary action.

#### **216. Energy Reform Implementation Group – consideration of privatisation**

The Energy Reform Implementation Group (ERIG) has been given the task by COAG to consider further rounds of reform to the national energy market. Recent reports from the ERIG have suggested that the independent panel will be pressuring the NSW Government to privatise publicly owned energy assets. What is the response of the NSW Government to the privatisation push in the light of its recent attempts to sell its share in Snowy Hydro and the decision of the Queensland Government to sell their publicly owned electricity retailers?

**Answer:**

Privatisation of the State's electricity industry is not on the NSW Government's agenda.

#### **217. Disconnections Working Group**

Residential customer disconnections for non-payment of electricity bills peaked significantly last year. The Government had responded by forming the Disconnections Working group to make recommendations on new measures to increase protections for vulnerable customers and reduce the number disconnections. Why have the recommendations of the Disconnections Working Party not been adopted?

**Answer:**

I announced, on 25 July 2006, additional requirements on retailers relating to disconnections, based on the work of the Disconnections Working Group.

**218. Given that Victoria is legislating a renewable energy target of 10% by 2016 and South Australia is legislating a target of 20% by 2014, what is the NSW Government's target for Renewable Energy?**

**Answer:**

The NSW Government already requires its own agencies to purchase a minimum of 6% Green Power, and is requiring all retailers to offer new and moving customers the choice of at least 10% Green Power.

**219. How is it that South Australia, with a quarter of the population and industry of NSW, installed 215 wind turbines between 2001 and 2005, while NSW installed 2 wind turbines in this period?**

**Answer:**

In the period 2001 to 2005 wind farms were developed in South Australia due to low land prices, consistent wind strengths and speeds and the incentive of the Federal Government's Mandatory Renewable Energy Target. This Federal Scheme is funded in part by NSW consumers. Ultimately wind farms will (and should) be constructed in places where the necessary land and wind is available.

**220. What is the value of new renewable energy projects that have been built in NSW since 2000?**

**Answer:**

Since 2000, the installed renewable capacity has been increased by 110MW. I am advised the Department of Energy, Utilities and Sustainability is aware of a further 1,900MW of renewable generation proposed for NSW.

**221. What is the value of new coal mining, power station and infrastructure spending in the past 5 years?**

**Answer:**

I am advised the Department of Energy, Utilities and Sustainability does not routinely collect and aggregate information about coal mines.

**222. How does your department intend to shift investment from fossil fuels to renewable energy?**

**Answer:**

I refer to my detailed answer given during the Estimates Hearing on 1 September.