

QUESTIONS TO THE MINISTER FOR FAIR TRADING

1. Is the Minister satisfied that the current regulatory framework in NSW for the use of animal welfare labels such as “free-range” is sufficient in ensuring that consumer expectations are met?

The NSW Government is committed to ensuring the viability of the egg industry and the welfare of animals, while making sure consumers can make informed food choices.

Over the last 12 months, I have received a number of campaign-style letters regarding this issue, to which I have responded. One campaign in particular was conducted by Humane Choice, an egg labelling scheme operated by Humane Society International.

I understand that the *Model Code for the Welfare of Domestic Animals – Poultry*, agreed nationally by all Australian jurisdictions in 2002 and subsequently adopted by industry, includes definitions of free range, barn and cage production systems.

The NSW Food Authority, which falls under the responsibility of the Minister of Primary Industries, is responsible for ensuring that food for sale in NSW is safe and correctly labelled in line with the national requirements. The NSW *Food Act 2003*, administered by the Food Authority, makes it an offence to engage in misleading or deceptive conduct with respect to the labelling of food.

The Food Authority is also responsible for ensuring eggs produced and labelled in NSW comply with the provisions outlined in the Model Code. The Food Authority has the authority to investigate complaints about these labels, and issue fines to producers who do not label their eggs correctly. In response to community concern with respect to egg labelling, the Food Authority analysed a number of widely available “free-range” schemes operating in NSW and found that they comply with the requirements of the Model Code. This information is available on the Food Authority website to help consumers to make informed food choices.

The NSW Government has also acted to ensure a national standard for the production and labelling of eggs is maintained. NSW is the lead jurisdiction on a national egg labelling working group, which aims to develop a national approach to ensure there is greater clarity around egg production standards.

In July 2013, NSW hosted the Legislative & Governance Forum on Consumer Affairs (Ministerial Council on Consumer Affairs), where the issue of egg labelling was discussed. At the Forum, I advised the other jurisdictions that the Standing Council on Primary Industries 2013-14 Workplan committed to a review of the *Model Code of Practice for the Welfare of Animals – Domestic Poultry*. In addition, I advised the Forum that CHOICE was in the process of developing a Super Complaint on the issue of free range eggs, under its Memorandum of Understanding with NSW Fair Trading. It was determined that NSW would provide further advice on the matter at the next Forum.

In August 2013, Fair Trading received a Super Complaint from the consumer group, CHOICE, about free range egg claims in NSW. This is the second Super Complaint received from CHOICE, under a pilot project between CHOICE and NSW Fair Trading that commenced in September 2011. The Super Complaints project is based on a model that has been successfully operating in the United Kingdom since 2001. Under the Super Complaints system, Fair Trading is provided with information relating to a key consumer issue for its consideration and action. It allows CHOICE to submit to Fair Trading evidence

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of conduct in the marketplace that is significantly or potentially harming consumers' interests. The Super Complaint agreement requires that a matter submitted by CHOICE has to be investigated and a report submitted to the Minister within 90 days of receiving the Super Complaint. Fair Trading will respond to the recently received Super Complaint on free range egg claims in accordance with its agreement with CHOICE.

2. Has the Minister's office been approached by members of the public who are concerned about the misuse of the label 'free-range' label on eggs in NSW during the last 12 months?

a. If so what has been the Minister's response?

Refer to Question 1.

3. Can the Minister please provide details of any consultation that has been undertaken with consumer and animal welfare organisations concerning the regulation of the free-range label during the last 12 months?

Refer to Question 1.

4. Is the Minister aware that NSW constituents who have been visiting Liberal MPs over the last 24 months to raise the issue of accurate and transparent labelling of free-range eggs have been told that their local MP is supportive of the Greens Truth in Labelling (free-range eggs) bill?

a. If so, has the Minister communicated this correspondence to the Minister for Primary Industries Katrina Hodgkinson?

Refer to Question 1.

5. Is the Minister satisfied that the consumer expectations of "free-range" will be met under the Egg Corporation's plans to increase free-range stocking densities from 1,500 to 20,000 birds per hectare?

Refer to Question 1.

6. During the past 12 months has the Minister approached his federal and interstate ministerial colleagues either directly or through the Legislative & Governance Forum on Consumer Affairs (Ministerial Council on Consumer Affairs) to raise the issue of accurate and transparent labelling of free-range eggs?

a. If so, what was the outcome of these interactions?

b. If not, why not?

Refer to Question 1.

7. If the Office of Fair Trading has received approximately 128 complaints regarding the onselling of tickets this year, what are the other broad topics of the concern raised with the department in order of complaints issued?

a. Can the Minister please provide a breakdown of the complaint types by percentage of submissions for 2012?

b. If not, why not?

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Ticket scalping is a long-standing issue and one with no simple solution. When tickets are bought from scalpers, it can be difficult to tell whether those tickets are genuine or copies. Even if the tickets are genuine, they may be cancelled if the conditions of the original sale prohibit the reselling of the ticket. From the point of view of event owners, sporting codes and performers, ticket prices are set in order to be accessible to fans, and this is frustrated by scalping.

NSW Fair Trading is aware that ticket scalping is a source of dissatisfaction for consumers. There is consumer concern about fair access to tickets, the transfer of tickets, and transparency in ticket allocation. When tickets, having sold out through official suppliers within minutes of going on sale, are immediately listed on secondary markets for several times the original price, consumer confidence in the ticket market is reduced and perceptions of unfairness increase.

Fair Trading has met with representatives of ticketing agencies, promoters, consumers, sporting organisations and online auction sites, to canvass their concerns about ticket scalping, to discuss possible solutions and ways to assist consumers to protect themselves from fraud and ticket cancellation, and to help event owners to control prices and access to their events. In doing so, a number of options have been discussed, including existing legislative regimes in Victoria and Queensland.

The majority of consumers affected by ticket scalping do not contact Fair Trading, but rather the sporting codes, event providers or ticketing agencies, meaning Fair Trading complaint data does not accurately reflect the marketplace sentiment.

However, we know the issue exists. In 2010, the Commonwealth Consumer Affairs Advisory Council (CCAAC) reviewed ticket onselling and its impact on consumers due to the long standing public concern about the practice of ticket scalping. The review report quoted a ticket scalping study conducted on behalf of Fair Trading by Newspoll in November 2010. The report noted that the study found the majority of the consumers surveyed disagreed with the practice of ticket scalping and believed that some form of action to prevent scalping should be implemented. Of the 332 respondents surveyed by Newspoll, 73% thought ticket scalping should not be allowed and only 56% were aware that event organisers may refuse entry to a person with a ticket bought from a scalper. Despite such evidence, the CCAAC review report ultimately did not recommend regulation in this area, finding that the level of unauthorised onselling in Australia is low. However, it is our view that this report is flawed in many respects. For example, the review report did not consider feedback from the sporting codes.

Football Federation Australia has stated that from December 2012 when the Manchester United versus A-League All Stars match was announced, to July 2013 when it was held, there were between 200-300 tickets being scalped on eBay on any single day. In one of the worst cases, two tickets with a face value of \$100 each were being touted online for \$840. Moreover, several people were refused entry to the match for having invalid tickets that had been bought online for vastly inflated prices.

This issue impacts all sporting codes, with the NRL confirming that tickets to the NRL Grand Final have been posted for sale on Viagogo at inflated prices, despite not yet having been released to the public. Likewise the ARU experienced significant problems with the recent British and Irish Lions tour. These are just a small example of the problem besetting the marketplace, and an indication of why the Government is exploring ways to protect genuine fans in NSW from being ripped off.

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Fair Trading recognises that reliance on complaint numbers it receives alone is not an adequate approach to ensuring consumer protection in the marketplace. While it provides a useful indication of reported consumer detriment, it has limitations in being reactive, in that significant consumer detriment would have had to have already occurred before the problem is recognised, and is not helpful where underreporting to Government agencies is an issue, as in the case of ticket scalping.

That is why Fair Trading has adopted a proactive, intelligence led approach to marketplace monitoring, responding to concerns in a strategic way in order to take timely action to protect consumers. This new approach was on full display in Fair Trading's response to the Australian Vaccination Network (AVN) and synthetic drugs, where fewer complaints have been received by Fair Trading compared to ticket issues. These responses have had significant community support as have our actions on ticket scalping. The reliance on complaint statistics alone as an indication of when to take action to address problems would have meant no action being taken against AVN or synthetic drugs. These are two examples of the benefits of Fair Trading's new proactive approach to consumer protection.

Our proposals on ticket scalping have not gone unnoticed and I recently received a petition from the 'Stop Ticket Scalping in Australia' group supporting the Government's proposals to legislate in this area.

As it goes about developing a solution to this issue, the Government is focussed on increasing transparency in the marketplace. It is not focussed on removing the option of those unable to attend events to sell tickets, and would welcome industry initiatives to develop such a secondary market controlled by ticket operators. The Government is however keen to ensure that secondary outlet sellers and potential buyers are accurately advised of the terms and conditions at the sale of those tickets, including provision for possible cancellation.

8. Can the Minister please provide further information about discussions or consultations made regarding the creation of a Strata Ombudsman?

a. Can progress or a statement be expected on this issue this year?

The Government's review of the strata title laws is continuing and a reform package will be announced in due time.

9. How many applications for terminations for rent arrears were made by Housing NSW to the Consumer Trader and Tenancy Tribunal (CTTT) Social Housing Division for 2012-13?

Information regarding the operation of the Consumer, Trader and Tenancy Tribunal is available in the CTTT Annual Report at http://www.cttt.nsw.gov.au/About_us/Our_organisation/Corporate_publications.html

10. How many CTTT Social Housing Division hearings were there for Housing NSW applications for terminations for rent arrears for 2012-13?

Refer to Question 9.

11. How many final orders were made for 2012-13 at CTTT Social Housing Division hearings, involving Housing NSW applications for terminations for rent arrears?

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Refer to Question 9.

12. How many final orders were made for 2012-13 at CTTT Social Housing Division by consent, which involved Housing NSW applications for terminations for rent arrears?

Refer to Question 9.

13. As at 1 February 2013 how many tattoo parlours were there estimated to be in NSW?

Licensing of the tattoo industry was introduced for the sole purpose of ensuring that only appropriate people work in this industry. It came about as a result of fire bombings and shootings committed by organised crime and outlaw motorcycle gangs with links to the tattoo industry.

The new licensing requirements for the tattoo industry are aimed at reducing the level of violent crime associated with tattoo parlours by significantly boosting the power of the NSW Police Force to target criminal operations, which use tattoo parlours as a front for money laundering and illicit drug distribution. It aims to do this by requiring tattoo artists and tattoo parlour operators to prove they are fit and proper persons to continue operating. Applicants will be refused a licence if they do not meet stringent probity and criminal records checks.

The legislation provides a particularly robust and rigorous checking mechanism for licence applicants, requiring them to provide in-depth information on themselves and their close associates. All applicants are required to be fingerprinted and have their identity confirmed. These requirements are essential for the Police when making a full security determination of the applicant, as the individuals involved in the business need to be accurately identified. Fact sheets attached to licence applications ensure that parlour operators are clear on their disclosure obligations.

The monitoring of the declaration by operators of 'close associates' is being undertaken primarily by the NSW Police Force. However, Fair Trading will make enquiries before referring the application to Police where it appears that there are 'close associates' who have not been declared on the form. An example of this would be where a business is owned by a corporation and the directors are not named as 'close associates' on the application.

Tattoo licensing legislation will break the stranglehold that outlaw motorcycle gangs have on the tattoo parlour industry. It will professionalise the tattooing industry for the first time, encouraging and protecting those persons who wish to conduct legitimate businesses, while keeping undesirable persons and criminals out.

However, the legislation is not designed to regulate other matters such as hygiene and the prevention of blood borne diseases. As outlined above, this was never the intended purpose of the licensing regime. This legislation works alongside other legislation designed to address this issue. Tattoo parlours, and cosmetic and medical tattooists, are currently subject to regulation under the *Public Health Act 1991*, the Public Health (Skin Penetration) Regulation 2000 and the Skin Penetration Code of Best Practice. These current regulations, which seek to reduce the health risks associated with tattooing, remain appropriate and do not require amendment at this time.

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The legislation is also not designed to regulate technical competence. It is up to the consumer to seek out competent tattoo operators and artists as is the case in other industries, such as those seeking cosmetic surgery and procedures. It is expected that those in the industry who are not competent will be unsuccessful in obtaining customers, while consumers have options for seeking redress where the service provided breaches provisions of the Australian Consumer Law. In this regard, there has been no change to the situation that existed before the introduction of licensing in the tattoo industry.

While the majority of the Act commenced on 29 May 2012, Part 2 of the Act is intended to be proclaimed on 1 October 2013. It was always envisaged that this would occur to ensure the development of a robust licensing regime and to provide sufficient notice for licence applicants. It is important to note that contrary to a number of scare tactics, there is no risk of the tattoo industry closing its doors from 1 October and opening the floodgates for backyard tattooing to fill the gap of legitimate operators. From 1 October, all applicants for tattoo licences can continue to trade until such time as their licence applications have been determined.

As I have said since licensing applications opened in February this year, I would encourage all tattoo parlour operators and tattooists to submit licensing applications as soon possible if they have not already done so.

Processing of applications commences within 48 hours of receipt. When a licence is approved, it takes 14 days to take effect in order to allow Roads and Maritime Services (RMS) sufficient time to prepare and print photo licences in a format similar to a driver's licence, and to forward them to the relevant RMS registry for collection by the licensee.

14. How many tattoo parlours were there estimated to be in NSW now?

Refer to Question 13.

15. As at 1 February 2013 how many body art tattoo artists were there estimated to be in NSW?

Refer to Question 13.

16. How many tattoo body artists were there estimated to be in NSW now?

Refer to Question 13.

17. As at 12 August 2013 how many applications had been received from tattoo parlours for licensing under the new scheme?

Refer to Question 13.

18. As at 12 August 2013 how many applications have been received from tattoo artists for licensing under the new scheme?

Refer to Question 13.

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19. As at 12 August 2013 how many applications had been processed from tattoo parlours for licensing under the new scheme?

- a. Of these, how many were approved?**
- b. Of these, how many were refused?**

Refer to Question 13.

20. As at 12 August 2013 how many applications have been processed from tattoo artists for licensing under the new scheme?

- a. Of these, how many were approved?**
- b. Of these, how many were refused?**

Refer to Question 13.

21. What programs or activities are the licensing fee funds allocated to?

Refer to Question 13.

22. What steps have been taken to ensure that parlour operators are clear on their disclosure obligations?

Refer to Question 13.

23. What steps have been taken to ensure that the closure of legitimate tattoo parlours does not result in an increase in home tattooing services, both paid and unpaid?

Refer to Question 13.

24. What investigation has been undertaken of the sale and use of home tattooing kits in NSW?

Refer to Question 13.

25. What consideration has there been of technical or competence requirements for the tattoo industry?

Refer to Question 13.

26. What steps are being taken to ensure all tattooing undertaken with home tattooing kits complies with the health regulations applying to tattoo parlours?

Refer to Question 13. Any further information required should be directed to the NSW Minister for Health.

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27. In relation to ticketing, can the Minister ensure that his anti-scalping legislation will not disadvantage consumers who, due to unforeseen family or work commitments, legitimately want to re-sell their ticket?

Refer to Question 7.

28. In relation to ticketing, what steps and research has the Minister undertaken to ensure his solution to perceived problems caused by the on-selling of tickets will be practicable?

Refer to Question 7.

29. In relation to ticketing, have ticketing companies pointed out to the Minister that there are serious issues with the approach he is taking?

Refer to Question 7.

30. In relation to ticketing, what is the nature of the complaints from either consumers or event organisers that the Minister or Department has received which are driving these changes?

Refer to Question 7.

31. In relation to ticketing, has the industry, any ticketing companies or stakeholders approached the government with a market driven solution to perceived problems caused by the on-selling of tickets?

Refer to Question 7.

32. In relation to ticketing, what is the urgency in introducing legislation on this issue into the Parliament before the end of the year? Please provide details on what stakeholders you, your office or your department has consulted with and on how many occasions, in preparing this proposed ticketing legislation.

Refer to Question 7. In regard to consultation, the former Minister for Sport and Recreation and I, our offices and respective departments have held numerous meetings with representatives of event organisers, ticketing companies, auction sites and consumer groups to discuss the issue of ticket scalping and proposed solutions. Four stakeholder roundtables have been held, two with the sporting codes and two with entertainment organisations. In addition, a number of smaller meetings have occurred.

33. In relation to ticketing, can the Minister cite similar successful legislation that has reduced the instances of scalping but has not impacted negatively on consumers?

Refer to Question 7.

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34. In relation to ticketing, how will the Minister manage issues such as electronic tickets or late issuance of ticket, which impact one's ability to publish a photo of a ticket?

Refer to Question 7.

35. Have stakeholders raised legitimate concerns regarding potential fraudulent conduct regarding displaying photos of tickets online?

Refer to Question 7.

36. In relation to ticketing, will the proposed legislation disadvantage onshore companies compared to offshore companies who actively pursue this area?

Refer to Question 7.

37. In relation to ticketing, can the Minister confirm that his Chief of Staff, Tim James, received an email from NSW Fair Trading Commissioner Rod Stowe on 11 October 2011 saying "The view, to date has been there has not been sufficient market failure to justify regulatory intervention. There has been a strong view from central agencies that there is not a cost/benefit case for regulation, particularly in view of some of the anti-scalping measures taken by event organisers and promoters in recent years." If yes, why has the Government pursued this issue despite this advice?

Refer to Question 7.

38. In relation to ticketing, why has the government not provided stakeholders with the text of the proposed legislation?

Refer to Question 7.

39. In relation to ticketing, why has the government not provided a discussion paper or called for submissions?

Refer to Question 7.

40. In relation to ticketing, is it true that the NSW Department of Fair Trading received only one complaint from 44,000 in 2012 regarding ticket on-selling? In relation to ticketing, can the Minister confirm that of the 44,016 complaints received by the Department of Fair Trading in 2012, only one related to ticket on-selling?

Ticket scalping complaints are underreported to Government agencies. It has been discovered that consumers refer their complaints directly to the sporting codes, clubs or ticketing companies. Refer to Question 7.

41. In relation to ticketing, in 2010 the Commonwealth Consumer Affairs Advisory Council (CCAAC) reviewed ticket on-selling and its impact on consumers. The research found that most onselling is not being done by people in a business but by

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legitimate fans or ‘distressed sellers’ who are unable to use their ticket for various, often last minute, reasons. Following this publication, the Council recommended to Treasury that current laws are sufficient and no laws are needed to regulate the market. Can the Minister advise why action is now occurring in this area and what possible pressure is being applied by the Minister for Sport, the Hon Graham Annesley MP?

Refer to Question 7.

42. In relation to ticketing, of the 128 complaints received by the Department of Fair Trading in 2013, can the Minister please detail what these complaints entailed?

Refer to Question 7.

43. In reference to the Tattoo Parlour Act 2012, why hasn’t the NSW Government ensured that tattooists have adequate health and safety training when handling blood and tattoo needles, to help counter the spread of blood borne infectious disease?

Refer to Question 13.

44. How many Fair Trading inspectors/authorised officers have been allocated to oversee compliance to the new Tattoo Parlour laws? Are these new positions or existing positions which have been allocated an additional workload?

The NSW Police Force is the lead agency in overseeing compliance with the new tattoo parlour laws. However, if Fair Trading is asked to assist in a joint operation with Police, investigators and consumer protection officers can be tasked to assist. Fair Trading will use existing resources to cover this workload. Refer to Question 13.

45. How many applications have been lodged by tattooists and how many licenses have already been issued for tattooists?

Refer to Question 13.

46. What was the time frame between each application being received and being approved?

Refer to Question 13.

47. How many licenses for tattooists have been denied and what were the reasons for each denial?

Refer to Question 13.

48. How has the declaration by operators of ‘close associates’ as outlined in section 4 of the Act been monitored? Is this being undertaken by NSW Police?

This question should be directed to the Minister for Police and Emergency Services.

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49. Minister, given that you have stated that it is not expected that all tattooists and operators will be licensed by 1 October 2013, can you advise how long tattooists and operators of tattoo parlours will be allowed to operate while the backlog of applications are being processed?

Refer to Question 13.

50. Minister, you have advised that as at 8 August only 3 out of 133 applications lodged by operators of tattoo parlours have been approved. Please advise the dates on which these 3 applications were lodged and the dates on which they were approved?

Refer to Question 13.

51. Minister, have the police allocated any additional resources to the task of processing applications and what priority have they given this work in relations to their general duties?

This question should be directed to the Minister for Police and Emergency Services.

52. Do you agree that Service NSW will not prove to be a 'one-stop-shop' but simply the first stop before consumers are directed back to another agency; which in the case of Fair Trading, consumers can currently walk in the front door of 22 locations across NSW and speak to an expert on the relevant legislation?

This question should be referred to the NSW Premier, who is responsible for Service NSW. The NSW Government aims to provide services quickly, conveniently and simply. Through Service NSW these will be delivered in ways and at times that suit the busy lives of the people of NSW. While counter services will be delivered through Service NSW, other Fair Trading Services will be available online, by phone and through community outreach.

53. Is it not the case that Service NSW intends to refer consumers with complex enquiries back to the relevant agency such as Fair Trading and that Service NSW centres are intended only to perform transactions such as accepting forms and processing fees?

This question should be referred to the NSW Premier, who is responsible for Service NSW.

54. How will closing down all Fair Trading metropolitan locations and condensing them to a single Parramatta site improve service delivery for business owners and consumers who can currently speak to an expert face-to-face in a location convenient to them?

While counter services will be provided by Service NSW, other Fair Trading services will be available online and by phone. Fair Trading will continue to provide dispute resolution, community outreach and compliance services.

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55. Why has a Fair Trading office been closed in Blacktown prior to the Service NSW centre opening?

Refer to Question 54.

56. Is it not the case that Fair Trading Centres across NSW are currently in the process of cutting the jobs of customer service officers? In some locations these jobs are being cut prior to Service NSW centres opening? In locations such as Grafton jobs have been cut but Service NSW is not intended to open there until the middle of next year at the earliest.

The Government has established a new customer centric model of service delivery and there will be a transition period as services transfer to Service NSW.

57. Following the opening of Service NSW Centres, does this Government commit to maintaining the current regional Fair Trading office locations which are staffed by local people with the knowledge of and relationships with local businesses and consumers?

NSW Fair Trading will continue to have a physical presence in all regional areas that it currently services.

58. Does the Minister accept that he will be damaging the services provided to local small businesses and consumers if this local expertise was to be lost?

Refer to Question 57.

59. In merging Fair Trading with Service NSW, have any leases been broken? What is the budgetary impact?

No current lease agreements have been broken due to the implementation of Service NSW.

60. How many current Fair Trading staff members have been forced to apply for the same position at Service NSW? Of that number, how many have been successful in their application?

No staff have been forced to apply for positions at Service NSW.

61. How many internal applicants from Fair Trading have been unsuccessful in continuing their employment at Service NSW?

This question should be referred to the NSW Premier, who is responsible for Service NSW.

62. If the individuals are unsuccessful in reapplying for their position, will the Government offer redundancies to these employees?

Staff declared to be excess are managed under the Department of Premier and Cabinet 'Managing Excess Employees' policy.

63. How much money is in the Rental Bond Account?

The Rental Bond Board is the independent custodian of rental bonds paid by tenants to landlords for residential tenancies. Landlords must lodge tenants' bond money with the Board. NSW Fair Trading's Renting Services Branch administers the day to day functions of the Board, providing rental bond lodgement, custody, refund and information services.

The income earned from investing the bonds is used to fund the operating costs of the Board, rental advisory services, and other programs and projects which benefit the residential tenancy sector. Strict guidelines, however, govern the use of the investment income from bonds and the bond money itself is quarantined, at all times.

Information regarding the Rental Bond Board is available in the Rental Bond Board Annual Report on the NSW Fair Trading website at http://www.fairtrading.nsw.gov.au/ftw/About_us/Publications/Annual_reports.page

64. How much money is in the Rental Bond Interest Account? How much interest was earned in the latest 12 months and for each year over the past five years?

Refer to Question 63.

65. How much (amount and proportion) of this interest was paid to tenants?

Refer to Question 63.

66. How much was paid to non-government organisations to provide tenants advisory services?

Refer to Question 63.

67. How much was paid to government agencies? To which agencies was it paid and for what purposes?

Refer to Question 63.

68. How much was unspent? What happens to unspent monies from the Rental Bond Interest Account?

Refer to Question 63.

69. How much money is in the Statutory Interest Account, into which interest on real estate agents trust accounts is paid [per s 90 of the Property Stock and Business Agents Act].

The Property Services Statutory Interest Account, established under Part 11 of the *Property, Stock and Business Agents Act 2002*, consists of any monies required to be paid into the Account under the Act, in addition to income from the investment of the Account.

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Funds from the Property Services Statutory Interest Account are used for meeting some of the costs of a number of divisions with the Consumer, Trader and Tenancy Tribunal, including the Tenancy, Social Housing, Retirement Villages, Residential Parks and Strata divisions.

Further, in accordance with section 189(2) of the *Property, Stock and Business Agents Act 2002*, the Commissioner for Fair Trading may, with the consent of the Minister for Fair Trading, apply money from the Statutory Interest Account for any or all of the following purposes:

- supplementing the Property Services Compensation Fund by such an amount as needed to enable current liabilities to be met;
- providing grants or loans for providing education or research programs relating to property services;
- providing money for rental advisory services;
- meeting the costs of administering Acts relevant to the property services industry;
- meeting the costs of administering the Property Services Advisory Council;
- meeting the costs of operating schemes for resolving disputes arising between consumers and providers of property services; and
- investing in schemes that relate to the provision of residential accommodation or, subject to terms and conditions, in loans to authorised deposit-taking institutions.

Information regarding funding from the Property Services Statutory Interest Account is available in the Department of Finance and Services Annual Report at <http://www.finance.nsw.gov.au/about-us/annual-reporting>.

70. How much interest was earned on monies in the Statutory Interest Account in the latest 12 months and for each year over the past five years?

Refer to Question 69.

71. How much was paid to non-government organisations from the Statutory Interest Accounts?

Refer to Question 69.

72. How much was paid to government agencies from the Statutory Interest Account. To which agencies was it paid and for what purposes?

Refer to Question 69.

73. How much was unspent? What happens to unspent monies from the Statutory Interest Account?

Refer to Question 69.

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74. On how many occasions have you met with a lobbyist, and what were the dates of these meetings?

Meetings with lobbyists are in accordance with the NSW Lobbyist Code of Conduct.

75. Which lobbyists have you met with, and what was discussed?

Refer to Question 74.

76. On how many occasions have you declined to meet with a lobbyist?

Refer to Question 74.

77. To deliver greater transparency and accountability, will you publish a monthly online diary of all meetings with lobbyists?

Refer to Question 74.

78. In order to deliver greater transparency and accountability, as promised by the Premier, will you commit to keeping a record of all lobbying activities and documentation and allow them to be subject to the Government Information (Public Access) Act?

Refer to Question 74.

79. Since becoming a Minister, have you taken any interstate or intrastate trips involving overnight accommodation or flights?

Yes.

80. Will you provide a list to the committee of the details of all travel?

Information regarding travel is available on the Department of Premier and Cabinet Disclosure Log at http://www.dpc.nsw.gov.au/about/accessing_dpc_information/dpc_disclosure_log.

Travel is in accordance with the 'Policy on Official Travel within Australia and Overseas' available at http://www.dpc.nsw.gov.au/data/assets/pdf_file/0020/156026/Official_Travel_Policy_within_Australia_and_Overseas_-_August_2013.pdf.

81. Have you taken any trips intrastate or interstate to attend Liberal/National Party functions? What are the details of the trips including dates and costs?

Refer to Question 80.

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82. Have you taken any trips intrastate or interstate to attend lobbyists' functions? What are the details of the trips including dates and costs?

Refer to Question 80.

83. Were these trips paid for by the taxpayer?

Refer to Question 80.

84. Were these trips booked through the government travel management system?

Refer to Question 80.

85. Since becoming a Minister, have you paid back money to the state because you booked unauthorised travel with the government travel management system? How much? When did you travel? When did you pay back the money? How many occasions has this happened?

Information regarding reimbursement payments is available on the Department of Premier and Cabinet Disclosure Log at http://www.dpc.nsw.gov.au/about/accessing_dpc_information/dpc_disclosure_log.

86. Have you had meetings scheduled interstate or intrastate on Fridays or weekends which involved you staying overnight?

Refer to Question 80.

87. Did you take your spouse/partner on these trips?

Refer to Question 80.

88. Have any members of your staff made complaints to or raised concerns with you, your Chief of Staff or the Department of Premier and Cabinet about bullying in your office? If so, have any members of your staff resigned or been removed from their position after making such a complaint or raising such concerns?

Information on Department of Premier and Cabinet Memorandum 'Dignity and Respect: Policy and Guidelines on Preventing and Managing Workplace Bullying' can be found at http://www.dpc.nsw.gov.au/announcements/ministerial_memoranda/2007/m2007-02.

89. How many blackberries or smart phones are assigned to your staff?

169 phones have been issued to the Premier's Office and Ministers Offices.

90. For each phone, how much was each bill in the 2012/13 financial year?

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The total expenditure on all phone types by the Premier's office and Ministers' offices as represented in the department's financial system is set out in the table below. Please note that this expenditure may include mobile phone purchase costs as the financial system does not separate the purchase costs and mobile usage charges.

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
TOTAL	\$483,310	\$578,691	\$434,854	\$188,761	\$197,226	\$232,286

Note. 2010-11 figures are a combination of 9 months of Keneally Government and 3 months of O'Farrell Government.

91. How many have phones have been lost in your office?

For Premier's Office and Ministers' offices, the number of phones lost was 5.

92. What is the cost of replacing those phones?

The cost is the normal contract price and this cost is claimed through the NSW Treasury Managed Fund.

93. How many iPads or tablet computers does DPC assign to your Ministerial office and to whom have they been issued?

The number of iPads issued for the Premier's office and Ministers' offices for 2012/13 is 75.

94. How many iPads or tablet computers have you purchased for your office and to whom have they been issued?

I have been advised by the Department of Premier and Cabinet that in 2012/13 the Office of the Hon Anthony Roberts purchased one iPad for specific business needs.

95. How many iPhones or other smart phones does DPC assign to your Ministerial office and to whom have they been issued?

169 phones have been issued to NSW Ministerial Offices.

96. How many iPhones or other smart phones have you purchased for your office and to whom have they been issued?

iPhones or Smart Phones are supplied by DPC.

97. How many iPhones or other smart phones have been lost in your office?

For Premier's Office and Ministers' offices, the number of phones lost was 5.

98. How many iPads or tablet computers have been lost in your office?

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For Premier's office and Ministers' offices the number of iPads lost was 2.

99. What is the cost of replacing those phones or iPads or tablet computers?

The cost is the normal contract price and this cost is claimed through the NSW Treasury Managed Fund.

100. How many media or public relations advisers are employed for each of your portfolio agencies?

Financial statements, including expenditure on public relations staff, are available in agency annual reports.

101. What is the forecast for 2013/14 for the number of media or public relations advisers to be employed and their total cost?

Refer to Question 100.

102. Have any of your overseas trips in the past year been paid for in part or in full by using public money? If so, did any of your relatives or friends accompany you on these trips?

Information regarding travel Information regarding Ministerial travel is available on the Minister's appropriate agency website, in accordance with Ministerial Memorandum M2009-10 "Release of Overseas Travel Information".

103. What is the annual remuneration package for your chief of staff?

Ministerial staff numbers and salary bands are available on the DPC website at: http://www.dpc.nsw.gov.au/about/publications/premiers_and_ministers_staff_numbers.

104. What is the annual remuneration package for your head media advisor?

Refer to Question 103.

105. What is the annual remuneration package for each of your staff?

Refer to Question 103.

106. What is the estimated expenditure for your office budget in 2012-13?

Information regarding Premier's Office and Ministerial Offices budget and expenditure is available on the Department of Premier and Cabinet Disclosure Log at http://www.dpc.nsw.gov.au/about/accessing_dpc_information/dpc_disclosure_log.

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107. Have any office renovations or fit outs been undertaken in your ministerial office since April, 2011? If so, could you give details of contracted costs?

Information on the assets balances for leasehold improvements are available in the Department of Premier and Cabinet Annual Report.

108. What is your Ministerial office budget for 2013/14?

Refer to Question 106.

109. How many political advisors are in your office?

Refer to Question 103.

110. How many administration staff?

Refer to Question 103.

111. How many Department Liaison Officers are assigned to your office?

The number of Department Liaison Officers (DLOs) are:

	Number of DLOs as at 5/09/2012	Number of DLOs as at 30/06/2013
Premier	1	1
Ministers	57	54
TOTAL	58	55

112. How many staff in the Department are assigned to Ministerial support duties?

Ministerial and Executive Services is the central liaison point between NSW Fair Trading and the Minister's office. The Unit performs the following functions:

- executive and administrative support for the Minister for Fair Trading, Director-General and Commissioner for Fair Trading;
- management of Ministerial, Director-General and Commissioner correspondence, information requests from the Minister's office and Parliamentary activities/operations;
- coordination of Ministerial events and meetings including briefing, speech notes and contentious issues briefing notes as required;
- secretariat services to the Minister's five Advisory Councils (Fair Trading, Motor Vehicle Industry, Property Services, Home Building and Retirement Villages) and the Rental Bond Board, as well as non-statutory Advisory Councils that are set up from time to time;
- coordination of Fair Trading's input into the COAG Legislative and Governance Forum on Consumer Affairs (CAF) and the Consumer Affairs Australia New Zealand (CAANZ), including hosting of these meetings from September 2012; and
- determination of applications made to Fair Trading under the *Government Information (Public Access) Act 2009*.

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113. Are any contractors or consultants working in your ministerial office? If so, in what capacities?

Financial statements, including expenditure on consultants, are available in agency annual reports.

114. How much did your Ministerial office spend on contractors or consultants?

Refer to Question 113.

115. How much did your Ministerial office spend on taxi fares, including Cabcharge in the 2012/13 financial year?

Taxi expenditure by the Premier's office and Ministers' offices as represented in the Department's financial system is represented in the table below.

	2008-09	2009-10	2010-11	2011-12	2012-13
TOTAL	\$160,155	\$175,776	\$60,277	\$96,094	\$92,829

Note. 2010-11 figures are a combination of 9 months of Keneally Government and 3 months of O'Farrell Government.

116. Are any of your portfolio agencies undergoing a restructure?

NSW Fair Trading continuously reviews structures to improve the efficient and effective delivery of services to the people of NSW.

Where services need to be reconfigured to provide better consumer outcomes the primary aim is to redeploy any affected staff.

Wage cuts are not a feature of restructuring. However, employees whose positions are deleted and who have declined voluntary redundancy and opted for redeployment may choose to accept a position at a lower wage level.

117. How many jobs are expected to be cut as a result of that restructure?

Refer to Question 116.

118. How many people are expected to have their wages cut as a result of that restructure?

Refer to Question 116.

119. How many voluntary redundancies were offered in your Departments since April 2011?

The Government's program of voluntary redundancies remains on track.

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This includes the target of 5,000 positions announced in the 2011/12 Budget and the labour expense cap introduced in the 2012/13 Budget. Directors-General will be given as much flexibility as possible to achieve the Labour Expense Cap savings in the most appropriate way to meet the service requirements of their agencies. Nurses, police officers and teachers in schools have been quarantined from this measure.

120. How many voluntary redundancies were accepted from employees in your Departments since April 2011?

Refer to Question 119.

121. How many voluntary redundancies are expected to be offered in 2013/14?

Refer to Question 119.

122. How much did your Department(s) spend on catering in 2012/13?

All costs within NSW Fair Trading are carefully monitored and controlled. Catering costs are a small part of the NSW Fair Trading operating expenses budget and are controlled by rigorous approval policies and procedures.

123. How much did your Department(s) spend on stationary in 2012/13?

All costs within NSW Fair Trading are carefully monitored and controlled. Stationery costs are kept to a minimum, and all stocks of existing letterhead stationery continue to be used.

124. What is your Department's catering budget?

Refer to Question 122.

125. What is your Department's stationary budget?

Refer to Question 123.

126. Since April 2011 have any of the agencies in your Department(s) changed their branding? If so, how much was spent on rebranding the agency?

No.

127. How long is the average turnaround for responding to correspondence in your Department(s)?

The Department's recommended time frame for completing responses to correspondence from Ministers, Members of Parliament and members of the public is 20 working days from the Department's receipt of the correspondence.

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However, it is not always possible to comply with this time frame for any number of reasons including: the nature and complexity of the matter; stakeholder consultation; or further information required from other Departments and sources.

128. How many pieces of correspondence have been outstanding for more than 60 days?

Refer to Question 127.

129. In 2012/13 how many invoices has your Department(s) failed to pay a supplier or contractor for more than 30 days?

Information regarding “30 days to pay” policy is available at <http://www.finance.nsw.gov.au/30days/how-government-will-report-policy>.

130. As a result of late payment, how much penalty interest has been paid to contractors since 1 January 2011?

Refer to Question 129.

131. How many invoices have been outstanding for longer than 60 days?

Refer to Question 129.

132. Does your department provide recurrent grant funds to non-government organisations? If yes,

- a. What are the names of all organisations in receipt of funding?
- b. What is the total amount of funding received by each organisation including goods and services tax?
- c. On what date was the funding advanced?
- d. What was the purpose for each grant or funding advance?
- e. Was any funding withheld or returned?
- f. If so, what were the reasons for withholding or requiring the funding to be returned?
- g. What is the indexation rate applied to non-recurrent grant funds in 2013/2013?
- h. What are the details of any costs involved in each study, audit, taskforce or review?
- i. Have any provisions been included in grant agreements to prohibit these organisations from criticising the Government or any of its policies?

NSW Fair Trading provides community grants to not-for profit organisations through periodic competitive tendering processes. These programs deliver education, advice and advocacy services for tenants, retirement village residents, residential park residents, residential building consumers and consumers needing assistance with personal financial difficulties.

The purposes for funding these programs are:

- to provide information, advocacy and education services to tenants;
- to assist consumers in financial hardship through the provision of free financial counselling services;

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- to provide training of financial counsellors, consumer legal casework and public education;
- to provide interest free loans to low income earners for the purchase of essential household goods;
- to provide advice and assistance to consumers involved in complex disputes regarding residential building work; and
- to provide information, community education and advocacy services for residents in supported accommodation such as boarding houses, hostels, nursing home and in particular, people living in retirement villages.

Information regarding funding to non-government organisations is available in the Department of Finance and Services Annual Report at <http://www.finance.nsw.gov.au/about-us/annual-reporting>.

133. How many contractors has your Department(s) retained since 1 July 2013 and at what cost?

Financial statements, including expenditure on contractors, are available in agency annual reports.

134. What is the current level of Aboriginal employment within your Department(s)?

The Public Service Commission collects workforce data from the NSW public sector, including regarding levels of Aboriginal employment. An estimate of the level of Aboriginal employment in the sector at June 2013 will be included in the Workforce Profile 2013 Report, due to be released with the 2013 State of the Public Sector Report in November 2013. NSW Treasury Circular 11/03 outlines Equal Employment Opportunity (EEO) Disclosure Requirements, requiring that NSW public sector agencies include EEO data in their annual reports.

135. How has that changed since 1 July 2012?

An estimate of the level of Aboriginal employment in the NSW public sector at June 2012 can be found in the Workforce Profile 2012 Report. This report is available on the PSC website on the Workforce Profile page: <http://www.psc.nsw.gov.au/About-the-Public-Sector/workforce-profile>.

136. Since 1 July 2011, how much has been spent on charter air flights by your Department(s)?

Travel is in accordance with the 'Policy on Official Travel within Australia and Overseas' available at http://www.dpc.nsw.gov.au/data/assets/pdf_file/0020/156026/Official_Travel_Policy_within_Australia_and_Overseas_-_August_2013.pdf. Details regarding travel costs are published in the Department's Annual Report.

137. Is your department currently undertaking any feasibility studies, audits, taskforces or reviews? If so; then;

a. What are the terms of reference or details of each study, audit, taskforce or review?

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- b. Who is conducting the study, audit, taskforce or review?**
- c. Was each study, audit, taskforce or review was publically advertised seeking expression of interest or competitive tenders?**
- d. Is there a contract in place detailing terms of engagement for the study, audit, taskforce or review?**
- e. What is the timeline of each study, audit, taskforce or review?**
- f. What are the details of any costs involved in each study, audit, taskforce or review?**

As with previous NSW Governments, the Government undertakes feasibility studies, audits, taskforces and reviews to inform government decision making. A number of feasibility studies, audits, taskforces and reviews are currently being undertaken across the NSW Government.

END OF QUESTIONS FOR THE MINISTER FOR FAIR TRADING