

BUDGET ESTIMATES 2015-2016

PREMIER MINISTER FOR WESTERN SYDNEY

QUESTIONS ON NOTICE – 3 SEPTEMBER 2015

QUESTION

The Hon. PETER PRIMROSE: May I ask the secretary whether he has prepared any material relating to the pros and cons of a curfew?

Mr COMLEY: I am not aware of any material we have prepared on the question of a curfew.

The Hon. PETER PRIMROSE: Will you take that on notice?

Mr COMLEY: I will take it on notice.

ANSWER:

The Secretary has not prepared any material, nor requested that any material be prepared, on the Western Sydney Airport curfew.

QUESTION

The Hon. ADAM SEARLE: My question is in relation to the deputy mayor of Auburn being fined twice but not prosecuted by the Electoral Commission. A spokesperson for the commission commented that there were a number of reasons for that, including policies that penalty notices be issued rather than prosecutions. Can you tell the Committee what the Electoral Commission policies are in this regard—about whether or not it decides to prosecute?

Mr MIKE BAIRD: I am happy to take that on notice. There are a range of provisions. I will get the details for you.

ANSWER:

The NSW Electoral Commission has advised its relevant policies are:

1. The *Funding and Disclosure Compliance Policy*;
2. The *Funding and Disclosure Penalty Notice Guidelines*; and
3. The *Funding and Disclosure Caution Guidelines*.

The policies are publicly available at http://www.efa.nsw.gov.au/about_us/policy_documents

QUESTION

Dr JOHN KAYE: It was publicly discussed only after it was leaked and there was a furore in the *Sydney Morning Herald* about it. There was no public consultation on the draft that you were

pushing.

Mr MIKE BAIRD: It has been publicly discussed. I am not sure of the date. I do not know whether it comes in next term or the term after, but I can obtain those details for you.

ANSWER: The amended *Application to enrol in a NSW Government school* (student enrolment form) will be released to schools in Term 4, 2015.

QUESTION

The Hon. ADAM SEARLE: Getting back to the Electoral Commission, I think you took on notice what the Electoral Commission prosecutions policies were. Do you know who wrote those policies?

Mr MIKE BAIRD: I do not know who wrote those policies.

The Hon. ADAM SEARLE: Are you happy to take that on notice?

Mr MIKE BAIRD: Yes.

The Hon. ADAM SEARLE: Can you tell us when they were last reviewed?

Mr MIKE BAIRD: It is some time ago.

The Hon. ADAM SEARLE: Can you take that question on notice?

Mr MIKE BAIRD: Sure.

The Hon. ADAM SEARLE: Are they publicly available like the Director of Public Prosecutions guidelines, or are they only kept by the Electoral Commission?

Mr MIKE BAIRD: I can get that information for you.

ANSWER:

The NSW Electoral Commission has advised its policies are drafted by its staff, with the assistance of expert advice where required. The policies were reviewed and endorsed by the reconstituted NSW Electoral Commission earlier this year. Generally, policies of the NSW Electoral Commission are reviewed every three years, unless circumstances require them to be reviewed earlier. The NSW Electoral Commission has advised the Penalty Notice Policy is drafted in accordance with the NSW Attorney General's Caution Guidelines.

The policies are publically available at: http://www.efa.nsw.gov.au/about_us/policy_documents

QUESTION

The Hon. ADAM SEARLE: The ICAC responded to that and said, "The ICAC considers that the matters involve possible breaches of two pieces of legislation that are administered by the NSW Electoral Commission. In this instance the ICAC considers that the Electoral Commission is

well-positioned to investigate the issues raised." I note you have already forwarded the matter to the commission. Can you tell me why the Electoral Commission has not investigated those complaints in connection with the Glenn Brookes campaign?

Mr MIKE BAIRD: I do not know whether that is the case.

The Hon. ADAM SEARLE: Can you take that on notice?

Mr MIKE BAIRD: I understand that he is considering a number of cases post the election. I am happy to take that on notice.

The Hon. ADAM SEARLE: What resources are specifically allocated to the Electoral Commission to help it investigate compliance and disclosure laws and matters such as the Glenn Brookes complaints? How many people are employed in the Electoral Commission who deal with that?

Mr COMLEY: We will take that on notice.

The Hon. ADAM SEARLE: Not the budget for the Electoral Commission; but in particular for investigating complaints like this.

Mr MIKE BAIRD: Yes.

ANSWER:

The NSW Electoral Commission has advised its Funding, Disclosure and Compliance Branch (FDC) is responsible for investigating breaches of electoral laws. FDC consists of a number of teams. The compliance team currently includes seven investigators, six auditors and an intelligence analyst.

The NSW Electoral Commission has advised it is currently investigating allegations concerning electoral material distributed in the East Hills electorate.

QUESTION

The Hon. ADAM SEARLE: So you will report back and take on notice whether or not the investigation is being undertaken?

Mr MIKE BAIRD: Sure.

The Hon. ADAM SEARLE: And where that investigation is up to?

Mr MIKE BAIRD: Obviously there is an investigation and there are limitations on what I can reveal. But in the context of whether it is being undertaken, I can do so.

ANSWER:

The NSW Electoral Commission has advised it is currently investigating allegations concerning electoral material distributed in the East Hills electorate.

QUESTION

CHAIR: Going by media reports, apparently Burwood Girls High School does not include special religious education [SRE] in the curriculum.

Mr MIKE BAIRD: I am not aware of that.

CHAIR: Would you take that on notice and investigate it?

Mr MIKE BAIRD: I am happy to take that on notice

CHAIR: And see what action should be taken, if it is a local policy, to reverse it?

Mr MIKE BAIRD: The requirement of the legislation is that SRE is provided in our schools, so it does need to be provided in our schools. I will take that on notice. But I am not aware of that having taken place.

ANSWER:

I am advised that Burwood Girls High School has timetabled 30 minutes each week for students to attend SRE on Tuesdays. One SRE provider leads two 30 minute classes on Tuesdays.

In addition, Burwood Girls High School holds SRE Seminars for 80 minutes per group, Years 7-10 once per Term. This is coordinated by the Inner West Scripture Team Christian Education Association.

The Director Public Schools NSW and the Principal will be conducting an evaluation of SRE organisation in early Term 4, 2015. The school will be inviting current and former approved religious providers to meet and negotiate special religious education organisation for the 2016 school year.

The NSW Government is supportive of, and committed to, SRE and is continuing to work closely with approved providers to deliver best practice SRE in NSW public schools.

QUESTION

CHAIR: Premier, you are probably aware that, because of the heavy rain and flooding, there is no shortage of water. I have been advised that the Murray system at present has nearly seven million megalitres of water in storage and is still experiencing good inflows. So why are the general security irrigators in the Murray Valley being denied any allocation of water? The water is there.

Mr COMLEY: We are happy to take that question on notice. The Department of Primary Industries has to monitor those inflows and then model what is going to happen for long-term river health. If there is a specific concern that they are not adequately taking into account the recent inflows and therefore keeping allocations back then we can certainly look into that. But my understanding is that it is a fairly well-established process that has been going on for 10 years.

ANSWER:

General security allocations are determined after ensuring town water supply, stock and domestic and high security water supplies.

As at 31 August, the MDBA total active storage was around 4,300,000 ML. This is shared between NSW, Victoria, and South Australia according to the Murray-Darling Basin Agreement between the states. Inflows to Murray storages are currently well below average.

NSW has been receiving modest improvements to water availability, and high security allocations increased from 95% to 97% on 1st September. At this point, any further improvements will now be allocated to General Security licences.

NSW General Security entitlement holders already have water carried over from the last water year (2014-15) that is equivalent to 30% of the licensed entitlement.

QUESTION

CHAIR: The New South Wales Upper House recently passed a motion against human trafficking, which included calling upon the New South Wales Government to commit to a definitive plan of action by 2019 to address human trafficking in this State and to establish a State-based hotline by 2016 to report human trafficking. Premier, have you or anyone else in the Government taken any steps to address human trafficking, whether for sex or for labour, in New South Wales?

Mr MIKE BAIRD: As I understand it, it is more of a Federal responsibility. I think there are things we can do to support their efforts. I will take that question on notice and give you an outline. Of course, I am willing to take any actions I can to assist in that.

ANSWER:

Human trafficking in all its forms, whether for sexual servitude or exploitation, slavery, forced labour, debt bondage, forced marriage or organ harvesting, is an appalling practice. It is a crime that operates across state and national borders. As such, NSW works in partnership with the Commonwealth and other states and territories to combat human trafficking.

The NSW Police Force investigates sexual servitude offences where the victim has not been trafficked across national borders.

NSW Police provide a first response and carry out initial investigative procedures on sexual servitude or human trafficking incidents, such as securing victims and witnesses, crime scenes and exhibits.

NSW Police also participate in joint investigations and share intelligence with law enforcement partners in the Australian Federal Police (AFP), in particular, their Human Trafficking Team and the Department of Immigration and Border Protection. The NSW Police Force Sex Crimes Squad meets quarterly with the AFP's Human Trafficking Team to discuss investigations and issues.

The AFP's Human Trafficking Investigation Program is also made available to NSW Police Force officers, in particular, members of the Sex Crimes Squad who work in the Human Trafficking and Sexual Servitude Portfolio.

The Australian Federal Police have a reporting system in place for human trafficking victims (phone (131AFP; 131237), website and email (human-trafficking-group@afp-gov.au)) and it is appropriate this is an AFP hotline given the extent of Commonwealth Government activity on this issue.

QUESTION

CHAIR: Thank you. Moving on to tourism, the budget for Destination NSW shows a forecast \$10 million loss; is that correct? If so, what is the reason?

Mr MIKE BAIRD: I think that related to timing of payments. I can get the details for you.

CHAIR: There had been a delay in payments to the department?

Mr MIKE BAIRD: Correct. I will get that confirmed.

ANSWER:

The loss arises from the level of grant funding revenue to be received from the Principal Department. The Grant Funding required in 2015-16 reflected the cashflow required to support the agency's operations, less cash reserves held by the agency. As a result of a higher cash balance scheduled for June 2015, the Grant Funding was reduced.

QUESTION

The Hon. ADAM SEARLE: I was just asking the question. In March of last year the former Premier and Minister for Western Sydney announced the relocation of 3,000 public sector work positions to Western Sydney to boost the regional economy. Can you tell us how many of those jobs have now been transferred to Western Sydney?

Mr MIKE BAIRD: There is good progress on it. I am happy to take it on notice to give you an actual number or an estimate of the actual number.

The Hon. ADAM SEARLE: The Community Relations Commission was meant to move, I think, to Liverpool and I do not think it has. The Ambulance Service was going to move from Rozelle to North Parramatta but I do not think it has. Sport and Recreation was meant to move from Olympic Park to Penrith and, again, I do not think it has. The Office of Environment and Heritage was supposed to move from the Sydney CBD and Hurstville to new co-located premises in Parramatta and I do not think that has happened. When you take these questions on notice can you provide those details and match it with the original announcement?

The Hon. PENNY SHARPE: Premier, could you also take on notice the number of jobs that have moved from Western Sydney into the CBD over that period as well—public sector positions that have moved in across every department?

Mr MIKE BAIRD: Sure.

ANSWER: I am advised by Government Property NSW that as at August 2015, 1012 full time positions have been moved to Western Sydney. This Government is committed to continuing the relocation of the identified agencies to Western Sydney.

QUESTION

The Hon. ADAM SEARLE: Under the Independent Pricing and Regulatory Tribunal Act, the tribunal is required to give notice of any investigation in a newspaper. Was a notice placed in any newspaper for the ethanol review? If so, which paper and on what date?

Mr MIKE BAIRD: I am not sure. That is a question for IPART.

The Hon. ADAM SEARLE: We did ask for you to bring people from IPART to this estimates hearing and you declined to do so, so I am asking you.

Mr MIKE BAIRD: That is fine; I can take that on notice, but there is no secret. It is a review that is being done.

ANSWER:

IPART was asked to prepare a report on the Ethanol Mandate for the Department of Premier and Cabinet under Section 9 of the IPART Act earlier this year. Section 9 allows IPART to enter into arrangements to provide services that are within the Tribunal's field of expertise and relevant to its functions. The requirements referred to relate to investigations undertaken under Part 3 of the IPART Act.

QUESTION

The Hon. ADAM SEARLE: Section 21 of the IPART Act also says IPART must make submissions and documents available to the public. Why was that not done in relation to the ethanol report?

Mr MIKE BAIRD: I am not sure. I am very happy to take that on notice if that is, in fact, the case.

The Hon. ADAM SEARLE: Are you able to tell us which stakeholders were consulted in the course of the review?

Mr MIKE BAIRD: Again, I am happy to take that on notice and ask IPART to respond.

The Hon. ADAM SEARLE: Can you tell us how stakeholders were selected to participate in the review?

Mr MIKE BAIRD: Again, I am happy to take that on notice. There are no secrets here; we have asked them to consider ethanol in this State.

The Hon. ADAM SEARLE: Can you tell us why there was no invitation for public submissions to be made in connection with this review?

Mr MIKE BAIRD: Again, it is a question that I am happy to ask IPART. My understanding is that there is also a capacity for them to do work for government in terms of various analyses that might be required.

The Hon. ADAM SEARLE: But in the usual course they will advertise a review and they will invite public submissions as well as submissions from identified stakeholders. This does not appear to have occurred in the present case. I am just trying to understand why that is the case, considering

your government refuses to enforce the existing ethanol mandate.

Mr MIKE BAIRD: As I said, I think there is a capacity for IPART to do work for government. I am not sure under what provisions this was done, but we can find that out for you. There is nothing secret. If your question is will the report be made public—which I guess is what you are getting to—of course, it will.

ANSWER:

IPART was asked to prepare a report on the Ethanol Mandate for the Department of Premier and Cabinet under Section 9 of the IPART Act earlier this year. Section 9 allows IPART to enter into arrangements to provide services that are within the Tribunal's field of expertise and relevant to its functions. The requirements referred to relate to investigations undertaken under Part 3 of the IPART Act.

Targeted stakeholder discussions were held as part of this work. IPART is currently in the final stages of the work. Once IPART completes the work, it will be subject to the Government's consideration.

QUESTION

The Hon. ADAM SEARLE: I will phrase the question this way: Why did you not ask IPART to conduct this review in an open and transparent way so that all those who are interested in the wider public knew about it and could participate in it fully?

Mr MIKE BAIRD: As I said, and I am happy to check the provisions, there is a capacity to ask IPART to do some bespoke work for government in terms of some analysis. I can check whether this sits within those provisions or broader provisions, and that can probably answer all your questions. But the fact of the matter is that we have asked them to do some work in relation to the ethanol mandate and they will be providing that back and we are very happy to make that report public. There is nothing to worry about; you will be able to read it.

ANSWER:

IPART was asked to prepare a report on the Ethanol Mandate for the Department of Premier and Cabinet under Section 9 of the IPART Act earlier this year. Section 9 allows IPART to enter into arrangements to provide services that are within the Tribunal's field of expertise and relevant to its functions. The requirements referred to relate to investigations undertaken under Part 3 of the IPART Act.

Targeted stakeholder discussions were held as part of this work. IPART is currently in the final stages of the work. Once IPART completes the work, it will be subject to the Government's consideration.

QUESTION

The Hon. ADAM SEARLE: Premier, I am happy for you to take this on notice as well. Can you tell us why some participants were able to put submissions to IPART in this review, while others were simply asked to respond to a list of questions? Can you enlighten us, either now or on notice, as to why IPART has gone about its job in that way?

Mr MIKE BAIRD: I think it just goes to the broader question of under what provision. So, as part of the request we are happy to take that on notice.

The Hon. ADAM SEARLE: What is the time frame for the completion of this report?

Mr MIKE BAIRD: As soon as possible.

The Hon. ADAM SEARLE: So you do not have an estimated time frame at all?

The Hon. SCOTT FARLOW: How long is a piece of string?

The Hon. ADAM SEARLE: I acknowledge that interjection. Is this how it is going to be?

The Hon. PETER PRIMROSE: That is why we asked for IPART representatives to be here today and we were turned down.

Dr JOHN KAYE: That is why they are not here today.

Mr MIKE BAIRD: No it is not.

The Hon. PETER PRIMROSE: Why did you not allow them to come?

Mr MIKE BAIRD: It is fine; we will get answers to your questions.

The Hon. PETER PRIMROSE: Why did you not allow representatives of IPART to be present here today to inform you, if you do not know?

Mr MIKE BAIRD: In terms of those specific questions I said I am happy to take them on notice.

ANSWER:

IPART was asked to prepare a report on the Ethanol Mandate for the Department of Premier and Cabinet under Section 9 of the IPART Act at the start of 2015. Section 9 allows IPART to enter into arrangements to provide services that are within the Tribunal's field of expertise and relevant to its functions. The requirements referred to relate to investigations undertaken under Part 3 of the IPART Act.

Targeted stakeholder discussions were held as part of this work. IPART is currently in the final stages of the work. Once IPART completes the work, it will be subject to the Government's consideration.

QUESTION

CHAIR: I note in the budget papers \$600,000 has been set aside for the Veterans' Employment Scheme to employ veterans within the public service. What is the response to the scheme? How many veterans have been employed?

Mr MIKE BAIRD: Yes, it was very well received by the sector. I am not sure we have the actual number.

Mr COMLEY: I have not got the numbers. My understanding is we are still finalising the details of

how we will reach out to the veterans' community. In the first instance, it is really moving to raise awareness of the opportunities.

CHAIR: But the scheme is available?

Mr COMLEY: Yes, that is right. There are clearly veterans with very relevant skills for the sector we will reach out to. I am happy to take on notice if there are specific numbers. I do not think they have flowed through from that scheme yet.

ANSWER:

In April 2015, the NSW Government committed to implementing a veterans' employment scheme which would:

- operate within the NSW Public Service to employ veterans in areas where their unique skills are in high demand;
- have a target of transitioning 200 additional veterans into NSW public sector roles by 2019.

Development of the scheme has progressed, and the NSW Government is currently consulting with the major stakeholders to ensure that the scheme is responsive to the needs of veterans. The scheme is due to be rolled out in early 2016.