

PORTFOLIO COMMITTEE NO. 6 – TRANSPORT AND CUSTOMER SERVICE

Monday 9 September 2019

Examination of proposed expenditure for the portfolio areas

BETTER REGULATION AND INNOVATION

CORRECTED

The Committee met at 9:30

MEMBERS

Ms Abigail Boyd (Chair)

The Hon. Mark Banasiak (Deputy Chair)

The Hon. Catherine Cusack

The Hon. Wes Fang

The Hon. John Graham

The Hon. Courtney Houssos

The Hon. Emma Hurst

The Hon. Shayne Mallard

The Hon. Daniel Mookhey

The Hon. Peter Primrose

Mr David Shoebridge

PRESENT

The Hon. Kevin Anderson, Minister for Better Regulation and Innovation

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

The CHAIR: Welcome to the public hearing for the inquiry into budget estimates 2019-2020. Before I commence I would like to acknowledge that we are meeting on the lands of the Gadigal people who are the traditional custodians of this land. I would also like to pay respect to the Elders past and present of the Eora nation and extend that respect to other Aboriginals present. I welcome Minister Kevin Anderson and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Better Regulation and Innovation.

Today's hearing is open to the public and is being broadcast live via the Parliament's website. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I would also remind media representatives that you must take responsibility for what you publish about the Committee's proceedings. The *Guidelines for the Broadcast of Proceedings* are available from the secretariat.

All witnesses in budget estimates have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In those circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. Any messages from advisers or members' staff seated in the public gallery should be delivered through the Committee secretariat. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you.

Transcripts of this hearing will be available on the web from tomorrow morning. Finally, could everyone please turn their mobile phones to silent for the duration of the hearing. All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

TERRY O'BRIEN, Director, Office of Racing, Department of Customer Service, affirmed and examined

ANDREW GAVRIELATOS, Executive Director Specialist Services, SafeWork Operations, Department of Customer Service, affirmed and examined

JOHN TANSEY, Executive Director, Regulatory Policy, Department of Customer Service, affirmed and examined

ROSE WEBB, Deputy Secretary and Commissioner of Fair Trading, Department of Customer Service, affirmed and examined

GLENN KING, Secretary, Department of Customer Service, sworn and examined

CLINTON GOULD, Chief Financial Officer, Department of Customer Service, sworn and examined

DAVID CHANDLER, NSW Building Commissioner, sworn and examined

The CHAIR: I declare the proposed expenditure for the portfolio of Better Regulation and Innovation open for examination. All witnesses, including the Minister, will be questioned in this morning's session. After a lunch break we will continue questioning government witnesses; the Minister will not be questioned in the afternoon and evening sessions. As there is no provision for any witness to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

The Hon. DANIEL MOOKHEY: Minister, thank you for your appearance, as well as the appearance of all your officials with you this morning.

Mr KEVIN ANDERSON: Good morning, Mr Mookhey. Thank you.

The Hon. DANIEL MOOKHEY: Minister, in the past two years how many buildings in New South Wales have been assessed as having flammable cladding?

Mr KEVIN ANDERSON: In relation to those buildings that have been assessed over the last two years, a significant amount of work has been undertaken in relation to cladding. Can I say that the work that has been done from the task force over the last couple of years, where we started with around about 4,000 buildings and worked our way through down to where we are today, can I say—

The Hon. DANIEL MOOKHEY: Sorry, where are we today?

Mr KEVIN ANDERSON: I would like to put some context in relation to where we are today.

The Hon. DANIEL MOOKHEY: First, before you provide us context, provide us the answer and then provide the context. That is generally how I work.

The Hon. WES FANG: Point of order: The Minister is answering the question. The Minister is entitled to ask the question in a way which frames the answer. I would ask the Hon. Daniel Mookhey to allow the Minister to continue his answer.

Mr DAVID SHOEBRIDGE: Provided it is directly relevant.

The Hon. SHAYNE MALLARD: That is not a requirement.

The CHAIR: I have heard the point of order. If we could proceed in a way that allows the Minister to have some time to respond.

Mr KEVIN ANDERSON: Thanks, Mr Mookhey. The great work done by the Cladding Taskforce over the last couple of years has brought those numbers down. After identifying buildings that have cladding and, bearing in mind, that some buildings that have cladding are completely safe—

The Hon. DANIEL MOOKHEY: I appreciate that but we are two minutes in and I just really asked you a straightforward question: Just how many buildings have been identified as having flammable cladding in the last two years? That is it.

Mr KEVIN ANDERSON: The buildings that have been identified, where we are at the moment, that have some form of cladding with further assessment is 553 buildings that still require attention, and of that there are 154 residential buildings that still require further assessment by local jurisdictions as to what sort of cladding they have on them.

The Hon. DANIEL MOOKHEY: Before you go too far beyond that—154 residential, are they high-rise?

Mr KEVIN ANDERSON: Yes, they are.

The Hon. DANIEL MOOKHEY: When you say 553, on the Cladding Taskforce website it lists 553 or circa thereabouts as being high risk. When you are saying 553, are you saying that there are 553 buildings that are high risk or is that not the case?

Mr KEVIN ANDERSON: No, that is not the case.

The Hon. DANIEL MOOKHEY: How many are high risk?

Mr KEVIN ANDERSON: In terms of the residential that we believe require further assessment there are 154—they are high-rise. But of the 553 there are still further assessments being done by local councils. What we need to do, now that we have that number there, is look at what type of cladding is used, is it safe and, again, some buildings with cladding, I believe that number will come down further.

The Hon. DANIEL MOOKHEY: Just to confirm, we have 553 that have flammable cladding but you cannot necessarily describe the risk levels, but you are saying there are 154 that require detailed assessment which are high-rise residential, that is correct?

The Hon. CATHERINE CUSACK: Point of order: I restate the initial point of order because the Minister was actually just going down the track of explaining that 553 I think it was. Unless he is allowed to complete his answer, and this is a really serious issue, there is a high level of public interest. I really do ask and urge you to allow the Minister to complete his answers before Mr Mookhey interrupts him again.

The CHAIR: Do you want to respond to the point of order?

The Hon. DANIEL MOOKHEY: No, I am trying to just direct the question to the Minister for the answer that I actually want because we have got limited time, but I accept the fact that the Minister is providing context.

The Hon. CATHERINE CUSACK: It is over the top. Could you please let him go through that so that he can understand it.

The CHAIR: Order! We have heard the point of order. Continue, Mr Mookhey.

The Hon. DANIEL MOOKHEY: Minister, how many have had their cladding removed in the past 12 months?

Mr KEVIN ANDERSON: I am happy to take that question on notice in relation to the number that have had cladding removed because there have been a number of buildings that have been identified where owners of those buildings have removed the cladding themselves. They have been identified as having some form of cladding. Again, whether it is at risk or not, just because buildings have cladding, Mr Mookhey, I might—

The Hon. DANIEL MOOKHEY: I accept that, Minister. You have taken it on notice so I am going to move on. You have the power to order buildings to remove their cladding. How many rectification orders have you actually issued in the past 12 months?

Mr KEVIN ANDERSON: I am happy to take that on notice, Mr Mookhey. What we are doing is a further assessment of those buildings that have been identified as having some form of cladding—whether that cladding is unsafe or not. Just because a building does have cladding does not mean to say it is unsafe. What we are doing is, we are working very closely with local councils now who are the consent authority for those buildings to do a further assessment on the rectification that is required on some of those buildings.

The Hon. DANIEL MOOKHEY: Minister, I accept that but I am asking you: Do you have the figures available to you as to how many rectification orders you have issued in the past 12 months or not?

Mr KEVIN ANDERSON: I do not have those figures in front of me, Mr Mookhey.

The Hon. DANIEL MOOKHEY: Can I ask, of the rectification issues which have been previously issued, how many of them have not been complied with?

Mr KEVIN ANDERSON: I do not have those numbers, Mr Mookhey. But what I can say is that the assessment—

The Hon. DANIEL MOOKHEY: Can I ask why not, Minister? Look, this comes up every year. For the last two years we have been asking about this. It is a pretty important issue, as you have said.

The Hon. CATHERINE CUSACK: Can I just hear what he was about to say, please?

The Hon. DANIEL MOOKHEY: How many rectification matters, and how many rectification orders have not been complied with?

Mr KEVIN ANDERSON: I am unaware of any rectification orders that have not been complied with, Mr Mookhey. I am happy to refer to the secretary to see if he can provide some clarity around those numbers.

Mr KING: Thanks, Minister. I think there are a couple of points we need to take into consideration. We do this work with the Department of Planning, Industry and Environment, also for councils and Fire and Rescue NSW. In terms of the numbers, the 553, the 174 in terms of high-risk residential, et cetera, I will hand over to Mr Tansey to give you the details.

The Hon. DANIEL MOOKHEY: We will have opportunities this afternoon to go through with the public servants. I am going to stay with the Minister at this point in time.

The Hon. WES FANG: Point of order: The Hon. Daniel Mookhey asked a question, the Minister commenced answering and then asked for further information from the Secretary, who was then going to refer the question on. It is within the standing orders for the Minister to be asked a question and then seek further information. It is not for the member who asked the question to then decide that he does not want to ask that question.

The Hon. PETER PRIMROSE: To the point of order: It is well and truly within the standing orders and at numerous committee hearings, including this year, we have had decisions by the chair that if it looks as though a Minister is going to give a lengthy response for the member to be able to ask that we move on.

The CHAIR: Let us be clear, the person asking the questions is allowed to direct the questioning. That can involve interruption. That does not mean interrupting without allowing the witness to respond. But if the person asking the question feels their time is better spent moving on, then they are allowed to do that.

The Hon. CATHERINE CUSACK: That is a brand-new standing order. I have never heard of that one before.

The Hon. PETER PRIMROSE: Have a look at last year's estimates?

The Hon. CATHERINE CUSACK: Why do you want all these people to be here today if when they answer a question you say you do not want—

The Hon. MARK BANASIAK: The point of order has been ruled on.

The CHAIR: Order!

The Hon. DANIEL MOOKHEY: I accept that you have taken that on notice. The Government has identified 34 public buildings which are government-owned and have had flammable cladding. The last available public information says that 17 of them have still not had it removed. Can you tell us whether or not any of those buildings have had their cladding removed? This is something that you can directly control—they are the government buildings. How many of those 17 buildings that are still outstanding have had their cladding removed? What is the latest number?

Mr KEVIN ANDERSON: Those 17 buildings are still being assessed as to what type of cladding, where cladding is used, whether it is in foyers, whether it is on windowsills, whether it is in reception areas or wherever it is. Those buildings are being further assessed.

The Hon. DANIEL MOOKHEY: So where are they?

Mr KEVIN ANDERSON: I do not have the exact location of those buildings but I am happy to take that on notice and bring that back to you.

The Hon. DANIEL MOOKHEY: What functions do they perform?

Mr KEVIN ANDERSON: It ranges from education, planning, health—

The Hon. DANIEL MOOKHEY: When you say education, are we talking schools?

Mr KEVIN ANDERSON: I would suspect so. But again, I can get those details to you.

The Hon. DANIEL MOOKHEY: You said planning?

Mr KEVIN ANDERSON: Yes, I did.

The Hon. CATHERINE CUSACK: It is so hard to hear these answers.

The Hon. COURTNEY HOUSSOS: Is there a point of order or not?

The Hon. CATHERINE CUSACK: The member is continuously interrupting as the Minister is trying to answer the question and I am interested in hearing the answers.

The Hon. DANIEL MOOKHEY: I have got limited time. Minister, you said planning. What do we have in the planning space?

Mr KEVIN ANDERSON: Industry and environment as well.

The Hon. DANIEL MOOKHEY: What types of public functions are being performed in these buildings?

Mr KEVIN ANDERSON: I can get those details for you.

The Hon. DANIEL MOOKHEY: Do we have any hospitals?

Mr KEVIN ANDERSON: There are two health sites.

The Hon. DANIEL MOOKHEY: Which ones?

Mr KEVIN ANDERSON: I can get those details to you as well.

The Hon. DANIEL MOOKHEY: What about prisons?

Mr KEVIN ANDERSON: I am unaware of any prisons.

The Hon. DANIEL MOOKHEY: Public housing?

Mr KEVIN ANDERSON: Public housing was one of the first areas assessed and they have all been cleared.

The Hon. DANIEL MOOKHEY: When we are talking about schools or education sites, have the people using them, including parents, been notified that there is flammable cladding on these buildings?

Mr KEVIN ANDERSON: With the task force that was set up, every building identified as having some form of flammable cladding, whether it is a safe piece of cladding or not, has been notified. They would have received notification. So the owners of buildings, including government facilities as well, would have received notification and they would have that information at hand.

The Hon. DANIEL MOOKHEY: I accept there is a distinction between public buildings because owners are notified but the New South Wales Government are the owners. I am asking you about the users of the public buildings, particularly now you have mentioned we have schools or education sites. Obviously, it is quite high risk. Have they been notified and how our parents told if their children are studying at a school which has flammable cladding in it?

Mr KEVIN ANDERSON: I have just been notified it is not a school, it is a TAFE.

The Hon. DANIEL MOOKHEY: How are the TAFE students notified?

Mr KEVIN ANDERSON: It would be the managers of those TAFEs. It would be those who are running that particular facility who would notify—

The Hon. DANIEL MOOKHEY: Which TAFE?

Mr KEVIN ANDERSON: I do not have that but I can get it.

The Hon. DANIEL MOOKHEY: Does the person who notified you perhaps have that?

Mr KEVIN ANDERSON: I can get it.

Mr KING: Mr Tansey, do you have that?

Mr TANSEY: It is Ultimo TAFE. The Cladding Taskforce has overseen and coordinated the work of clusters. The Government has asked each of the individual clusters to do thorough reviews of all of the properties in their portfolios. The advice to the task force from the Education portfolio and TAFE is that they have no concerns over any of their buildings. The reason Ultimo TAFE is of note to us is that the City of Sydney has requested, of its own action, Ultimo TAFE to do some testing of panels.

The Hon. DANIEL MOOKHEY: When was the TAFE in Ultimo identified as having the flammable cladding?

Mr TANSEY: I do not have a precise date.

The Hon. DANIEL MOOKHEY: Minister, when you say that all these public buildings are going through assessment processes, when will the assessment processes be completed?

Mr KEVIN ANDERSON: I would hope as soon as possible, and that work is ongoing.

The Hon. DANIEL MOOKHEY: I accept that, Minister. But we have asked this question of your predecessor; we have asked for the last two years. The task force has been in existence for two years. It is public buildings, the Government has the ability to act on this. Do you have a time line or are you proposing a time line for when the cladding will be removed from public buildings at least?

Mr KEVIN ANDERSON: It is a complex issue in terms of the assessment of those buildings where and if at all the cladding is posing a risk. That work is ongoing. We would hope to have that completed as soon as possible.

The Hon. DANIEL MOOKHEY: You can understand the public apprehension about this. Given that these are things that are under your direct control, I do not think it is unreasonable for the public to ask when will the cladding be removed from their buildings, let alone before we get to the question of when it is going to be removed from the high-risk high-rise buildings.

Mr KEVIN ANDERSON: In terms of those individual buildings, we would be happy to continue down the path that we are to look at how we can ensure that those buildings are assessed as quickly as possible. Of the 34 buildings, there are 17 that are still being assessed. We will move as quickly as possible to get these buildings sorted and fixed, if required, as soon as possible.

The Hon. DANIEL MOOKHEY: If you cannot tell us when the cladding will be removed, can you at least tell us when the buildings will complete their assessment, so we can know the risk process here.

Mr KEVIN ANDERSON: It is a complex problem. That is why we need a deep dive on the assessment because you do not know where that cladding is. It could be on the roof, it could be in the basement, it could be in the foyer, it could be windowsills. To allow that work to happen, we want to get it right. We do not want to rush any of those decisions.

The Hon. DANIEL MOOKHEY: We are not accusing you of rushing. Let us be clear, we are not accusing you of rushing at all. But perhaps you could move with a bit more speed. Has everyone living in the 154 high-risk high-rise been notified?

Mr KEVIN ANDERSON: Yes, they have.

The Hon. DANIEL MOOKHEY: How are they notified?

Mr KEVIN ANDERSON: They were notified firstly through doorknocking. They were then given letters to let them know the building had some form of cladding on it and that a further assessment was being done to determine what sort of cladding it was.

The Hon. DANIEL MOOKHEY: How are renters notified, particularly when a lease changes over?

Mr KEVIN ANDERSON: We are doing everything we possibly can to ensure if a person moves into a building that they would do their research on that building. We would hope the owner would then notify them.

The Hon. DANIEL MOOKHEY: Is there a standing requirement for somebody to tell them, including a government agency?

Mr KEVIN ANDERSON: I am happy to take that on notice.

The Hon. DANIEL MOOKHEY: With high-rise especially, there are more people renting them than low-rise. It is an obvious point. In fact, we raised this two years ago. What would the mechanism be to notify renters? Has the task force completed any further work? Can you tell us precisely how renters are being told?

Mr KEVIN ANDERSON: Every effort is being made to ensure that the register is updated particularly in relation to those that move in and around. The rental market is very transient. We want to make sure that they are updated, that when they move into a new building that they know what is in that building.

The Hon. DANIEL MOOKHEY: Can you guarantee us, Minister? It is a transient population, which is precisely the reason we are asking. Can you guarantee us that they are going to be told?

Mr KEVIN ANDERSON: We would expect that the owners of the building would notify them that their building was being assessed.

The Hon. DANIEL MOOKHEY: Who pays to remove cladding?

Mr KEVIN ANDERSON: It depends upon first and foremost the owners of the building. They would be notified that they have a banned substance, a banned product. The builders that were responsible for using that product, the owners need to then have those people who made those decisions to put the cladding on have it removed.

The Hon. DANIEL MOOKHEY: What happens if a strata cannot pay?

Mr KEVIN ANDERSON: It is a very difficult situation. What we will do then is we assess on each merit, and my door is always open to talk to those who are in a situation where they find themselves unable to make a claim.

The Hon. DANIEL MOOKHEY: You accept, of course, that the sinking funds of a lot of stratas is nowhere near what would be required to pay that. In fact, that is the average and that is pretty public. We are in a scenario where you are saying that it is going to be the builders who pay, but we know that they cannot afford to. That is part of the reason why Victoria has allocated \$600 million to remove cladding. What is the New South Wales Government's budget?

Mr KEVIN ANDERSON: We are not Victoria, Mr Mookhey. What we are doing is doing a thorough and proper assessment of—

The Hon. DANIEL MOOKHEY: Have you allocated any funds in the event that you get hardship allocations like you just referred to?

Mr KEVIN ANDERSON: What we have done in terms of resourcing those responsible to help assess and look at what needs to be done to rectify those buildings—part of the Cladding Taskforce—significant resources were allocated to that task force to start that search and to start that assessment. That assessment is ongoing.

The Hon. DANIEL MOOKHEY: What are the significant resources?

Mr KEVIN ANDERSON: The significant resources from Fire and Rescue.

The Hon. DANIEL MOOKHEY: What is the budget? I am asking because the Victorian Government has a budget of \$600 million and a target to remove it within five years. You have said, "We are not Victoria". So I am asking you: What is the equivalent New South Wales budget and what is the equivalent New South Wales timescale?

Mr KEVIN ANDERSON: Mr Mookhey, not every building in New South Wales that has cladding will need government assistance or support to remove that cladding.

The Hon. DANIEL MOOKHEY: I accept that and you have made that point four times. I am asking you specifically: Do we have a target for all the cladding that has been identified to be removed? Accepting that you have to do the assessment process and accepting that there is going to be cladding identified that does not require removal but they want to remove all of the cladding by 2023. What is the New South Wales Government sitting here saying to the people of New South Wales? When are we going to have it off? Is there a target?

Mr KEVIN ANDERSON: It is very difficult to put a target. It is very difficult to put a price. It is very difficult to put a time line, given that further assessments—given the fact we started with 4,000 buildings, Mr Mookhey. We are now working our way through them to do a proper, thorough assessment on those buildings. Once we have those details on those buildings—in particular, some buildings may require more or less work to be rectified.

The Hon. DANIEL MOOKHEY: I do accept that. You have said it a few times. The point I am trying to make to you and trying to get you to respond to is that what you are saying has been the position of the New South Wales Government now for two years. The debate has moved on. Other jurisdictions are moving much faster. I will ask you this: If you are confident the New South Wales Government approach is superior to Victoria's, will you guarantee that all flammable cladding on New South Wales buildings will be removed before Victoria's?

Mr KEVIN ANDERSON: That is very difficult to say that will happen, given the fact that there are still deep assessments occurring on buildings in relation to what would be required to rectify those buildings, Mr Mookhey. Allow us to do this work. Allow us to do it properly so that we can allow the citizens of New South Wales and those living in those buildings the confidence that we will do the right job and those that need to remove the cladding where appropriate, if at all, that that work will be done.

The Hon. DANIEL MOOKHEY: Is the reason why you are not pursuing the Victorian approach that you do not want to impose a levy on developers?

Mr KEVIN ANDERSON: I am not going to comment on what Victoria has done, given the—

The Hon. DANIEL MOOKHEY: I would like to ask you, sir: Why are you not looking at what Victoria has done—

The Hon. WES FANG: Point of order—

The Hon. DANIEL MOOKHEY: —and why are you not thinking about following suit?

The CHAIR: Let me hear the—

The Hon. DANIEL MOOKHEY: Because there is the speculation that the reason why you do not is that—

The Hon. WES FANG: Point of order—

The Hon. DANIEL MOOKHEY: —it involves asking developers to make a contribution.

The CHAIR: I need to hear the point of order.

The Hon. WES FANG: The Minister was about five words into his answer before he was again spoken over by the Hon. Daniel Mookhey.

The CHAIR: I have heard the point of order.

The Hon. DANIEL MOOKHEY: The question stands.

Mr KEVIN ANDERSON: Could you please repeat the question?

The Hon. DANIEL MOOKHEY: Is the reason why you are not prepared to embark upon a Victorian-style approach that it requires you to ask developers to make a contribution? If that is not the reason, what is the reason why the New South Wales Government is paying no attention to what is happening in other jurisdictions, including Victoria?

Mr KEVIN ANDERSON: Mr Mookhey, for a start, the New South Wales situation is extremely, I think, far removed from Victoria in relation to the number of buildings, for a start. We had 4,000 identified that we are working on. Further assessment needs to be done in terms of what the rectification requirements of some of those buildings are. Some have cladding that is fine, fit for purpose and safe while others have cladding that will need to be removed. We will work through that. We will continue to go down the path of doing the thorough assessment and investigation that is required and we will deal with the issues as they come forward. I am confident that what we are doing is the right way to treat this issue in New South Wales.

Mr DAVID SHOEBRIDGE: Good to see you in a Committee hearing, Minister.

Mr KEVIN ANDERSON: Thank you very much. Nice to be here, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: It is a mutual pleasure. Minister, you said there were 4,000 buildings originally identified for flammable cladding. You now say that—I think I got your words right—553 require attention. What happened to the other 3,500 buildings?

Mr KEVIN ANDERSON: They were assessed as being compliant and they were assessed as a deep dive on that. What we have managed to do is work through that list and find that buildings that did not require rectification were removed from the register.

Mr DAVID SHOEBRIDGE: What is the standard that you are requiring rectification to? Where can you point to a publicly available government standard on flammable cladding?

Mr KEVIN ANDERSON: The flammable standards cladding that we have in New South Wales is 30 per cent. Anything above that 30 per cent fire rating is not allowed to be used.

Mr DAVID SHOEBRIDGE: Sorry, what do you mean 30 per cent? Thirty per cent of what?

Mr KEVIN ANDERSON: There is 30 per cent of the type of material that is sandwiched between the aluminium. The ban prohibits the use of aluminium composite panels with a core comprising more than 30 per cent polyethylene by mass and has been banned for use in external wall cladding, external insulation, facade or rendered finish on certain buildings from the dates that were issued.

Mr DAVID SHOEBRIDGE: Where did you get that standard from?

Mr KEVIN ANDERSON: I am happy to refer to the Secretary in relation to the building product safety standard that we introduced in 2017.

Mr KING: On that, Mr Tansey, can you elaborate a little bit further?

Mr TANSEY: The Minister is making reference to the ban that was issued respectively on cladding by the commissioner on 2017.

Mr DAVID SHOEBRIDGE: I was asking about rectification, not about the ban on building products. I assume you know there is a difference. What is the standard that you are requiring for rectification of buildings

with flammable cladding? Are you saying everything with a cladding that breaches this standard, all that cladding needs to be removed? Is that your evidence, Minister?

Mr KEVIN ANDERSON: That is my understanding, yes, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Is that the case, Mr Tansey?

Mr TANSEY: The requirements on combustible cladding are set by the National Construction Code and the Building Code of Australia.

Mr DAVID SHOEBRIDGE: The Minister's answer that any building with cladding that breaches that standard has to remove the cladding, is that right or wrong?

The Hon. CATHERINE CUSACK: Point of order: The witness is trying to answer the question that you asked that was referred to him.

Mr DAVID SHOEBRIDGE: No, he was going off on a tangent.

The Hon. CATHERINE CUSACK: No, he was not.

Mr DAVID SHOEBRIDGE: I have limited time and you are chewing it up deliberately, Catherine.

The Hon. CATHERINE CUSACK: You asked where the standard came from.

The CHAIR: Order!

The Hon. CATHERINE CUSACK: He is giving you the answer.

The CHAIR: Ms Cusack, you may not like the way the questioning is going but that is not a point of order. Continue, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Mr Tansey, is the Minister right or wrong when he says that any cladding that breaches the standard has to be removed?

Mr TANSEY: The ban prohibits people installing cladding—

Mr DAVID SHOEBRIDGE: That is not what I am asking you, though, Mr Tansey. Is the Minister right or wrong when he says any cladding that breaches the standard has to be removed? Is he right or wrong?

Mr TANSEY: I think the Minister has made the point already that the assessment of what individual buildings need is a case-by-case assessment.

Mr DAVID SHOEBRIDGE: Thank you, Minister, you do not know what you are talking about. There are still buildings of that 4,000 that have been given the tick by your Fair Trading NSW that have cladding that breaches your standard. Do you accept that or do you not even understand that, Minister?

Mr KEVIN ANDERSON: Mr Shoebridge, in terms of the assessment that has been done on those buildings, any building that was found to have—and local jurisdictions are the complying authority. Any building that was found to have ACP, or the aluminium combustible cladding above 30 per cent—what we talked about with the polyethylene—is required to be removed. That is my understanding. If that is different, then I am happy to take that on notice but that is my understanding.

Mr DAVID SHOEBRIDGE: Mr Tansey, is that right? Any building of those 4,000 buildings that had cladding that breached the standard identified by the Minister, is it true that they have been required to have all of the cladding removed, as the Minister says?

Mr TANSEY: What happened with the 4,019 buildings—and this goes to your question about a substantial number; you rightly said 3,500, have been assessed as no risk—is that all of those buildings were assessed by Fire and Rescue NSW. Fire and Rescue NSW applied a risk matrix to identify their assessment of risk based on the amount of cladding, the type of cladding and the way it is particularly used on the building. That was what gave the initial risk rating. Where the buildings—either on that detailed inspection or subsequently by the consent authorities—have been found to have no cladding or cladding that may have looked initially to be aluminium composite but turned out to be a completely different type of cladding or the assessment says that given the nature of the building or the small amount of cladding on it it poses no risk, they are no longer identified as being at risk.

Mr DAVID SHOEBRIDGE: You see, Minister, you have not got your head around the most basic parts of your portfolio. You do not even know that there are hundreds or potentially thousands of buildings with flammable cladding that breaches your standard that have been given the tick of approval under this process. You have not got your head around the basics of your portfolio, have you, Minister?

Mr KEVIN ANDERSON: Mr Shoebridge, in terms of the assessment that is being done on those buildings to look at the type of cladding that is on those buildings, Fire and Rescue NSW also went around those buildings to talk about the fire safety protection measures in relation to each building. They made an assessment and then provided advice in relation to any additional fire safety measures that might be needed for those buildings.

Mr DAVID SHOEBRIDGE: Minister, your evidence earlier was that you would expect the owners of buildings with identified high-risk flammable cladding to tell tenants when they move in. You would expect that. You have not made it a requirement. Why not?

Mr KEVIN ANDERSON: I am happy to take that on notice. It could be something that we would look at because what we did do interest the first—

Mr DAVID SHOEBRIDGE: Sorry, it could be something you might look at?

Mr KEVIN ANDERSON: Hang on—

The CHAIR: Order!

Mr KEVIN ANDERSON: I am happy to consider it. We have not made that yet. The 33,000 letters that were doorknocked by the task force were to residents that were there at the time in a transient population. We would be happy to look at anything that we can do to make those buildings and make those people feel safe in their homes. So if there is something that we can do better we will absolutely do it better.

Mr DAVID SHOEBRIDGE: Minister, do you know that the collapse in building standards in New South Wales has cost New South Wales taxpayers more than \$200 million last year in a blowout in home building insurance? Are you aware of that?

Mr KEVIN ANDERSON: In relation to home building insurance—

Mr DAVID SHOEBRIDGE: It is not your business, is it?

Mr KEVIN ANDERSON: Not really, Mr Shoebridge. It comes under SIRA, which is the State Insurance Regulatory Authority. I am happy to take that on notice. That is a matter for another portfolio.

Mr DAVID SHOEBRIDGE: Do I understand it that the issue about cladding is covered by Planning, councils, Better Regulation and Fire and Rescue NSW? Are they all dealing with cladding?

Mr KEVIN ANDERSON: We are across the board, yes.

Mr DAVID SHOEBRIDGE: It's a dog's breakfast, isn't it? Different departments dealing with different things about this building crisis is a dog's breakfast and you are not even on top of your patch.

Mr KEVIN ANDERSON: I do not think it is a dog's breakfast at all. I reject that. I firmly believe that this Government is working through the processes of some of the most difficult situations that this State is facing in the construction industry, not only from a cladding perspective but also some of the issues that we are dealing with now. We will be making sure that the rules and regulations and the reforms that we are putting in place will be some of the best in the nation. This will be the construction State. I am confident—

Mr DAVID SHOEBRIDGE: Minister, you do not even have your head around what is happening on the ground on cladding at the moment. How can we trust you to come forward with a rational reform agenda? You do not even know what is happening on the ground.

Mr KEVIN ANDERSON: We have a reform agenda that will fix the issue of cladding in New South Wales. Further assessment of those buildings—given the fact that we started with 4,000 buildings and we are now down to 553, I think the task force and particularly Fire and Rescue NSW have done an outstanding job ensuring that we do everything we possibly can in our power to make the residents of those buildings feel safe and give them confidence that we are addressing the situation.

Mr DAVID SHOEBRIDGE: Minister, why won't you recognise that this mess of different regulators, different departments, this dog's breakfast, is not working? Why won't you commit to a building commission?

Mr KEVIN ANDERSON: What we have done, Mr Shoebridge—

Mr DAVID SHOEBRIDGE: No, why won't you commit to a building commission?

Mr KEVIN ANDERSON: What we have done is appoint a Building Commissioner as requested, and—

Mr DAVID SHOEBRIDGE: A commissioner with out a commission is like a jockey without a horse. It is useless, isn't it?

Mr KEVIN ANDERSON: I would much rather have a Building Commissioner with 40 years' standing in the construction industry and an OAM for services to the construction industry rather—

Mr DAVID SHOEBRIDGE: An OAM is not going to make people safer. He needs staff and he needs resources and you have not given that to him.

Mr KEVIN ANDERSON: I can tell you, Mr Shoebridge, that Mr Chandler is our Building Commissioner in New South Wales. He has the resources. He has the knowledge. He has the industry respect and confidence to get this reform process underway.

Mr DAVID SHOEBRIDGE: Minister, you say he has the resources. How many staff does he have today?

Mr KEVIN ANDERSON: He has about four or five administrative staff to get him going.

Mr DAVID SHOEBRIDGE: Minister, you have set Mr Chandler up to fail. Without the resources, without the centralisation of power, you have set him up to fail, haven't you?

Mr KEVIN ANDERSON: The resources available to Mr Chandler—

Mr DAVID SHOEBRIDGE: His four or five staff.

Mr KEVIN ANDERSON: —are vast. When you think about the resources he has within Fair Trading, the resources Mr Chandler has within SafeWork, the resources he has from a communication perspective, from the data analytics, from the IT, from the communications and the resources are quite extensive. I think they are possibly the best in Australia. You do not need, I believe, a commission—

Mr DAVID SHOEBRIDGE: You are in some sort of weird alternative reality, Minister—"the best in Australia"?

Mr KEVIN ANDERSON: Absolutely I believe it is.

The Hon. WES FANG: It is becoming a bit of a farce the way the questioning is being directed.

Mr DAVID SHOEBRIDGE: It is not really our fault but I would agree it is a farce.

The Hon. WES FANG: The way you are speaking to the Minister and the witnesses is appalling.

The Hon. SHAYNE MALLARD: There are procedural fairness requirements and that includes being polite to witnesses.

The Hon. WES FANG: And allowing them to answer the question before you talk over them.

The Hon. SHAYNE MALLARD: Saying that you are polite is like the horse without the jockey.

The Hon. MARK BANASIAK: Minister, are you aware that the property industry is the biggest source of employment in New South Wales and that the residential property market activity alone in New South Wales is over \$100 billion, which actually makes it bigger than mining, retail and tourism combined?

Mr KEVIN ANDERSON: It is a huge employer and a significant part of what happens in New South Wales, Mr Banasiak.

The Hon. MARK BANASIAK: Are you also aware that property and property transactions are the only asset class taxed by all three levels of government and that in some cases they are taxed twice, which is the case with New South Wales? Do you think that is fair?

Mr KEVIN ANDERSON: I am happy to take that on notice rather than comment on that.

The Hon. MARK BANASIAK: Are you aware that property taxes contribute over \$10 billion annually to your Government's tax revenue?

The Hon. CATHERINE CUSACK: Point of order: These are questions that should be directed to the Treasurer.

The CHAIR: If it is not within the Minister's responsibility he can respond.

The Hon. MARK BANASIAK: I was just asking whether he was aware. Despite the importance of this property industry, which I have just outlined, the property service industry is regulated by Fair Trading NSW. Fair Trading has regulatory responsibilities over numerous industries—for example, hairdressers, tattooers, pawnbrokers, to name just a few, those operating with a high volume-small dollar value and minimal legal complexity. Then conversely you have the property industry, which is a low volume-high dollar value and a very

complex legal environment. Do you think it is appropriate that the same people who consumers complain to about their faulty toaster or a tattoo are the ones that are assisting people in really complex high value transactions?

Mr KEVIN ANDERSON: I think what Fair Trading does to look after consumers or consumer law across New South Wales is outstanding. When I think about what they do in terms of their complaints register it is very broad. I think we have some of the best in the department to assist when it comes to fair trading complaints. Those complaints that get looked at are thoroughly investigated. We ensure that they look at in detail those complaints that are requested.

The Hon. MARK BANASIAK: Are you aware that since 2002 a person aspiring to enter real estate actually had to complete three years of TAFE. Since the illustrious Fair Trading has taken over the entry level education requirements can be done in less than a week. If our society is becoming more complex, why are we dropping our education standards on such a high value transaction?

Mr KEVIN ANDERSON: On the back of significant consultation with the industry, they have called for tightening of regulations and increased professional training. So a package of reforms that the Government has announced in terms of real estate and property services include enhanced training and qualification requirements for agents, improved supervision and accountability requirements, improved disciplinary powers for Fair Trading NSW and a streamlined licensing system. The consultation that was undertaken with the Real Estate Institute—we only met with them about a week or so ago—they welcomed these reforms, they wanted to ensure that only the best were in their industry and they were looking forward to further consultation.

The Hon. MARK BANASIAK: Is it not true that they had been advocating lobbying this for over 10 years, and for over 10 years Fair Trading has been blocking this and stalling it? Is that a fair assessment?

Mr KEVIN ANDERSON: Mr Banasiak, I do not think that is a fair assessment at all. Significant work is being done. What we do as part of this Government is conduct due process in terms of consulting with the industry relevant to whatever reform. It is proper process. It is due process. We take on board the consultation, we take on board the feedback, we analyse and we make the right reforms. In this case the Real Estate Institute has called for tightening regulations.

The Hon. MARK BANASIAK: It has called for it for 10 years.

Mr KEVIN ANDERSON: It has called for increased professional training—

The Hon. MARK BANASIAK: It is a long consultation.

Mr KEVIN ANDERSON: —and we are working through those reforms now.

The Hon. MARK BANASIAK: Do you have a time line for when those reforms will be in place?

Mr KEVIN ANDERSON: We would hope that the public consultation, which commenced just a few days ago, will run for about four weeks, which is about the standard time. Then we would like to think that we would have something in place around March 2020.

The Hon. MARK BANASIAK: Are you aware that the median dwelling price in Sydney is around \$790,000, making it the most expensive city in which to buy a home? Additionally, over 40 per cent of the cost the consumer pays when buying a new dwelling is taxes and charges. The Government talks a lot about housing affordability. Would you agree that reviewing these costs would be a good place to start?

Mr KEVIN ANDERSON: Mr Banasiak, that is not my portfolio.

The Hon. MARK BANASIAK: I note that you have recently established a Building Commissioner, who reports directly to you. There is a bit of debate about how effective he will be. The idea is that the Building Commissioner comes from the industry, understands the industry, has an exclusive focus on the industry and will work with the industry to support it. Given the economic, social and tax revenue importance of the property industry, and Fair Trading has demonstrated an inability to understand it and bring it to the industry and support the expertise it needs, do you think it is time that we introduce a property service industry commissioner as well?

Mr KEVIN ANDERSON: What I am focused on is looking at what we have to do to reform the building and construction industry. In relation to the Building Commissioner, as you referred, his role will be to help the Government not only stand up Shergold and Weir, but also the reforms that will be the biggest shake-up in the construction industry in New South Wales so we lift the standards, we can also restore consumer confidence and bring it back to a proud construction State. There are many, many good builders in New South Wales doing the right thing. What we want to do is to make sure that we weed out those dodgy ones who are not doing the right thing. The reforms that we will be putting in place on the back of the Building Commissioner—who I must say

after 40 years in the construction industry we are very lucky, we are grateful to have someone with his expertise on board who believes in the reform process that we are going to implement and work with us on that.

The Hon. MARK BANASIAK: That was not really the crux of my question. The crux of my question is: Do you support a property services industry commissioner who would take it out of the hands of Fair Trading?

Mr KEVIN ANDERSON: Mr Banasiak, I do not support adding another layer of bureaucracy when I think—

The Hon. MARK BANASIAK: We are not adding another layer of bureaucracy, we are removing it out of Fair Trading and giving it the respect that it deserves by putting in a property services industry commissioner.

Mr KEVIN ANDERSON: I think that we have the appropriate appointments at this point in relation to the Building Commissioner, Mr David Chandler, who will work with Fair Trading. We have some of the best in the business in terms of making sure that we work through those reforms, we stand up the legislation that will come on later this year, we introduce the regulations that look at what we do in terms of making sure building practitioners—

The Hon. MARK BANASIAK: That is building, I am talking about real estate.

Mr KEVIN ANDERSON: Again, Mr Banasiak, you are talking about Fair Trading, and that is my portfolio. In terms of what we have to do with the reform process, it is about the Building Commissioner and you mentioned the Building Commissioner earlier. Where I would like to get to is that in the State of New South Wales every building practitioner is compliant, every building practitioner is accountable for their work and that they will be held to account through the whole life cycle of the building process. Fair Trading will be working very closely with the Building Commissioner to ensure that we get to that level.

The Hon. MARK BANASIAK: Minister, can you confirm the Quality Regulatory Services [QRS] initiative requires that regulators implement a risk-based approach to regulation?

Mr KEVIN ANDERSON: I am happy to take it on notice.

The Hon. MARK BANASIAK: I have a circular here from the Department of Premier and Cabinet, which states that by December 2014 regulators must clearly define the regulatory outcomes they seek to secure. Has your department ever monitored the New South Wales Firearms Registry for compliance with this directive?

Mr KEVIN ANDERSON: I am happy to get further advice from my secretary on that.

The Hon. MARK BANASIAK: While you are taking that on notice, if you have not, can you relay as to why?

Mr KEVIN ANDERSON: I did not say I would take it on notice, I said I would ask the secretary.

Mr KING: So I can be clear on the question, please?

The Hon. MARK BANASIAK: There is a circular regarding the QRS initiative that states by December 2014 regulators must clearly define the regulatory outcomes they seek to secure. I am asking has your department ever monitored the New South Wales Firearms Registry for compliance with this directive?

Mr KING: Particularly you are asking about the Firearms Registry?

The Hon. MARK BANASIAK: Yes.

Mr KING: Deputy Secretary Webb?

Ms WEBB: The circular that requires risk-based regulation applies to all regulators. The people responsible for monitoring the compliance with that circular sit with the Productivity Commissioner in the Treasury portfolio. The Firearms Registry is not part of the Minister's jurisdiction, so we do not have any responsibility directly for the Firearms Registry.

The Hon. MARK BANASIAK: We will come back.

The Hon. COURTNEY HOUSSOS: Minister, are you aware that the previous Minister came to the budget estimates hearing two years ago and said, "We will require every high-rise building in this State to make a declaration that if they have cladding that cladding is safe." Have those declarations been made?

Mr KEVIN ANDERSON: Thank you for your question, Ms Houssos. We are continuing the assessment on those buildings that have been identified as having some form of cladding—whether that cladding be safe or not.

The Hon. COURTNEY HOUSSOS: So that is a no?

Mr KEVIN ANDERSON: No, what we are doing is further assessments to look at the remainder of the 553 buildings that we are working on for that further assessment.

The Hon. COURTNEY HOUSSOS: Further assessments are under way?

Mr KEVIN ANDERSON: Absolutely.

The Hon. COURTNEY HOUSSOS: When are the assessments going to be completed?

Mr KEVIN ANDERSON: What we are doing is making sure that those assessments are done correctly, they are done thoroughly so that we can provide some consumer confidence for the people who live in the residential components of those 154 buildings.

The Hon. COURTNEY HOUSSOS: I will come to that in a moment, Minister. What I want to ask you is when will the assessment be concluded?

Mr KEVIN ANDERSON: The assessment process will continue to make sure that we get it right. We do not want to rush it.

The Hon. COURTNEY HOUSSOS: Well, it is two—

The Hon. CATHERINE CUSACK: Point of order: We have already had a quarter of an hour of questioning on this. The member has arrived late, and perhaps—

The Hon. COURTNEY HOUSSOS: No, I did not arrive late. I would like to correct *Hansard*. I arrived here, I heard the questioning and I am allowed to ask the questions that I want to ask.

The CHAIR: Order! It is not for Government members to direct what Opposition members ask about. Continue.

The Hon. COURTNEY HOUSSOS: Minister, you are saying that two years ago your Government said that declarations would be made and none have been made.

The Hon. CATHERINE CUSACK: Point of order: There is a standing order in relation to tedious repetition. When a member comes in and completely repeats—

The CHAIR: Thank you, Ms Cusack.

The Hon. COURTNEY HOUSSOS: Catherine, if you want to ask questions, then you should take your time.

The Hon. CATHERINE CUSACK: I am not asking questions—

The CHAIR: Order! Ms Cusack!

The Hon. CATHERINE CUSACK: I am asking you to not repeat in a loop the same question—

The CHAIR: Order!

The Hon. CATHERINE CUSACK: —over and over again.

The CHAIR: My ruling is that it is not tedious repetition. Continue.

Mr KEVIN ANDERSON: Again, Ms Houssos? Sorry, it was a bit confused.

The Hon. COURTNEY HOUSSOS: The declarations have not been made. When are they going to be made by?

Mr KEVIN ANDERSON: The cladding register is an online portal for self-registration of buildings by owners and property managers. The register was established under the Environmental Planning and Assessment regulation and opened in October 2018.

The Hon. COURTNEY HOUSSOS: And closed on 22 February. Are you confident that that list is complete?

Mr KEVIN ANDERSON: The numbers and the registrations are there, but should anybody find that they think that they may have cladding, we are very open to ensuring that we cover everyone off. Just because it is closed off, we would be certainly open, if someone believes there is another problem.

The Hon. COURTNEY HOUSSOS: The Minister said in the same session that penalties would be attached if declarations were not made. Are those penalties in force?

Mr KEVIN ANDERSON: I am happy to take that on notice, Ms Houssos.

The Hon. COURTNEY HOUSSOS: You are not aware that there are penalties in force?

Mr KEVIN ANDERSON: I am unaware of any penalties. Given the serious nature of what we are dealing with here—

The Hon. COURTNEY HOUSSOS: This is very serious.

The Hon. WES FANG: The Minister has taken the question on notice and you continue to talk over him.

The CHAIR: Order!

Mr KEVIN ANDERSON: This is very serious, Ms Houssos, and we are taking it very seriously. That is why—

The Hon. COURTNEY HOUSSOS: Minister, I put to you that you are not taking it seriously. Two years on you would have come back here and said, "Declarations haven't been made, penalties aren't in place and the people of New South Wales should do their own research." Minister, in your previous answers you said that the public should do their own research. Will you now release the list so that the public can do their own research?

Mr KEVIN ANDERSON: We are doing further assessments on jurisdictions that have those buildings within their boundaries. They are the complying authority and we will be working very closely with them and we are working very closely with local jurisdictions to do further assessments on those buildings. It is a very complex issue.

The Hon. COURTNEY HOUSSOS: It is a very complex issue, Minister, and the testimony that the building inquiry—which you refused to appear before—heard was that local governments are receiving information from three different agencies, sometimes by fax, and that those lists do not even add up. Who is ultimately responsible, Minister?

Mr KEVIN ANDERSON: Ms Houssos, if you have evidence of them receiving by fax I would be happy to see that.

The Hon. COURTNEY HOUSSOS: Minister, I refer you to the transcript.

The Hon. DANIEL MOOKHEY: Minister, if you had attended the inquiry you would know.

The CHAIR: One at a time.

Mr KEVIN ANDERSON: If you have evidence in relation to receiving it by fax I would be very happy to see that. But what we are doing—

The Hon. COURTNEY HOUSSOS: I am happy to email you a copy of the transcript if you are not capable of reading it.

Mr KEVIN ANDERSON: Perhaps you could fax it to me?

The Hon. COURTNEY HOUSSOS: Minister, let me tell you that Local Government NSW came to a hearing of the building inquiry, and I invite you again to come and appear before that inquiry to hear that they had received from three separate agencies three different lists that do not always correlate. How confident are you that you actually have a final list?

Mr KEVIN ANDERSON: Each of the local jurisdictions will do the assessments in their area and they will provide that list. The register is there. The register is on and open. The assessments are being undertaken, further assessments on those 553 buildings as we speak.

The Hon. DANIEL MOOKHEY: Is there one policy to do the assessments?

Mr KEVIN ANDERSON: I beg your pardon, Mr Mookhey?

The Hon. DANIEL MOOKHEY: Is there a single protocol in place so that people who undertake the assessments are at least following a common policy?

Mr KEVIN ANDERSON: We are working closely with local councils to provide support and advice. There is actually—

The Hon. DANIEL MOOKHEY: Minister, if a local council wanted to check what they should be doing to determine whether or not there is cladding and whether it is high risk, can they download a simple policy that says, "This is what we should be doing. This is how we assess. This is how we report."? I emphasise you have

had two years. It is not that hard to get in place one protocol for these local governments to do the assessment. Where is it?

Mr KEVIN ANDERSON: It is a very complex situation so what we have done is provide support and advice through a special delivery unit as well as a cladding support unit that jurisdictions, local councils—

The Hon. DANIEL MOOKHEY: Minister, do you understand how frustrating it would be for local governments—

The Hon. WES FANG: Chair, you have got to stop this interruption.

The Hon. DANIEL MOOKHEY: —that are having to pick up the tab themselves to audit and undertake this assessment to not even have a single point of call or a single policy to follow to decide whether or not there is high-risk cladding on high-rise buildings? Do you understand how frustrating that would be to a local government?

Mr KEVIN ANDERSON: The resources available to local government are through a special delivery unit and a cladding support unit where they can receive advice and support in relation to that further assessment on those buildings that are in their area. So we are—

The Hon. COURTNEY HOUSSOS: What is your Cladding Taskforce doing if it does not have clear assessment—

The Hon. WES FANG: Chair!

The CHAIR: Order! I am sorry, Ms Houssos, if we could let the sentence finish and then continue?

Mr KEVIN ANDERSON: Thank you, Ms Boyd. There is a significant amount of resources that are available to local councils to do that further assessment on the buildings in their area. There is the special delivery unit. There is the cladding support unit. Our lines are open to councils who require anything further. We want to make sure that our people are safe. We want to assist councils to fix this problem that we have found over the last couple of years. It is very serious and we are—

The Hon. COURTNEY HOUSSOS: It is very serious. Minister, I am going to stop you there because we have limited time.

The Hon. WES FANG: Madam Chair—

The CHAIR: No. That is plenty.

The Hon. COURTNEY HOUSSOS: Do you have plans to ban any additional—

The Hon. WES FANG: He had not finished answering the question.

The Hon. CATHERINE CUSACK: And I said I would move dissent if you made that ruling again that the questioner can direct the answer.

The Hon. WES FANG: I understand that they are both fighting for the news grab tonight—

The Hon. COURTNEY HOUSSOS: Have you been practising that for a while?

The Hon. WES FANG: —but honestly can the Minister please be allowed to finish answering the question.

The Hon. CATHERINE CUSACK: Are you going to uphold that?

The CHAIR: Excuse me, Ms Cusack. In relation to the point of order, it is important that the witness gets a chance to answer the question. I felt that at that time the Minister had had sufficient time to answer the question and Ms Houssos was within her rights to ask another question. Please continue.

The Hon. COURTNEY HOUSSOS: Thank you. I would actually like to move on to—

The Hon. CATHERINE CUSACK: Madam Chair, I move dissent to that ruling.

The Hon. COURTNEY HOUSSOS: Oh, come on!

The Hon. CATHERINE CUSACK: I ask that the meeting be closed so that we can discuss this matter. It is completely unacceptable and unfair for us to proceed with that ruling in place.

The Hon. DANIEL MOOKHEY: This is a disgraceful attempt to protect the Minister, who is dealing with a public crisis. This is a terrible attempt to block the public's right to hear.

The Hon. CATHERINE CUSACK: I indicated to the Chair that if she ruled again that the questioner can direct the answer I would move dissent. I am now doing that.

The Hon. DANIEL MOOKHEY: He is the responsible Minister capable of handling the issues. He is responsible for a response to an emergency crisis.

The CHAIR: Order!

The Hon. CATHERINE CUSACK: The witnesses and the Committee members are entitled to a fair chair.

The Hon. DANIEL MOOKHEY: This is the disastrous tactic that you embark upon. It is a disgrace.

The CHAIR: Order! Both members will cease speaking. With great apologies, we are going to move into a very quick deliberative.

The Hon. COURTNEY HOUSSOS: Catherine, do you really want to open this can of worms?

The Hon. DANIEL MOOKHEY: This is a protection racket. That is all this is.

The Hon. COURTNEY HOUSSOS: Catherine, do you really want to open this can of worms?

The Hon. CATHERINE CUSACK: I want a fair chair and a fair meeting—

The Hon. DANIEL MOOKHEY: You have a weak Minister and you are trying to protect him.

The Hon. CATHERINE CUSACK: —so that the witnesses can answer the questions.

The Hon. COURTNEY HOUSSOS: This is unheard of, unheard of, to close down a budget estimates hearing.

The Hon. DANIEL MOOKHEY: The Minister is in trouble and you are trying to protect him.

The CHAIR: Order! We will clear the room. We will have a very short deliberative. My apologies to all present.

(Short adjournment)

The CHAIR: Thank you so much for waiting and for coming back. We have resolved firstly that the Chair's point of order was in order but also that we will extend this hearing by 15 minutes to allow for the lost time as we went into deliberative. That leads us back to the Opposition questioning with 11 minutes to go.

The Hon. COURTNEY HOUSSOS: Thank you, Chair. Minister, do you have any plans to ban any additional types of cladding including certain types of waffle cladding products in the next 12 months?

Mr KEVIN ANDERSON: I am happy to get that advice from Mr Secretary in relation to the products and the codes that we are looking at.

Mr KING: We are looking at some of the products. Again, Mr Tansey can provide a bit more detail.

Mr TANSEY: Yes. Under the Government's Building Product Safety Act 2017 we can continue to monitor products. It gives us a broad-ranging power to take action against products if they are found to be unsafe.

The Hon. COURTNEY HOUSSOS: Minister, do you believe aluminium cladding is an acceptable replacement product for banned cladding products?

Mr KEVIN ANDERSON: Ms Houssos, I am not an expert in that field. I am happy to take advice on that in relation to that particular product.

The Hon. COURTNEY HOUSSOS: But you are the Minister responsible for this. Do you have a view?

Mr KEVIN ANDERSON: I am not an expert in aluminium cladding but I am happy to take that on notice, take advice of experts, review that and come back to you.

The Hon. DANIEL MOOKHEY: Minister, do you have a time line for when you are intending to ban these products, the waffle cladding products?

Mr KEVIN ANDERSON: Again, Mr Mookhey, I am not an expert in those products that you are talking about. In relation to the products that we are talking about, it is the 30 per cent above the fire-risk rating of the polyethylene—

The Hon. COURTNEY HOUSSOS: Minister, we have moved on from the 30 per cent. We have moved on to the waffle products. Perhaps Mr Tansey has a time frame that you are looking at?

Mr TANSEY: The products that were subject to the ban made by the commissioner are the only ones currently subject to the ban. I am not sure if—

The Hon. COURTNEY HOUSSOS: You did say that you were looking at additional products.

Mr TANSEY: I said that we have powers to look at additional products.

The Hon. DANIEL MOOKHEY: But Mr King said that there was intention to ban further products. Do you accept that it would be absurd—

Mr KING: If I can just—sorry, my error. What I said is we have got the products that Mr Tansey already spoke about. We will always be looking at products just generally as part of the overall industry—what is going to make sure it is safe. It is an important part of the industry generally. There are always new products and new services going out there. It is very similar in terms of what is going on in terms of development, qualification, notification of tenants, notification of occupants and developers. If I gave you that wrong impression, I apologise for that. Mr Tansey certainly is correct.

The Hon. DANIEL MOOKHEY: But, Minister, you do accept that it would be absurd for people to be installing products now and into the future if Fair Trading is aware that some of those products may well be subject to a ban in the short term, medium term or long term? The reason why I am asking you specifically about these products is because that is where the public concern is about. I accept that Fair Trading is always looking to ban products because, to be fair, that is its job.

Mr KING: Or evaluate products.

The Hon. DANIEL MOOKHEY: And evaluate products. But we asked you specifically about these products because this is where the public concern is about. I will ask you again: Are you intending to ban waffle cladding products? If so, when? What steps are you taking to ensure that any product that may well be subject to a ban in the next 12 months is not currently being installed?

Mr KEVIN ANDERSON: Again, Mr Mookhey, I am not an expert. I will have to take that advice on notice in relation to any evaluation of a product that is deemed to be dangerous and then it will be further assessed. I am happy to take that on notice. If that product does come into that scope, then I am happy to come back to you on that.

The Hon. COURTNEY HOUSSOS: Minister, let me say this. Fire and Rescue NSW is warning that these products can become molten and endanger both emergency services workers and the public around these buildings in the event of a fire. Do you think, therefore, these products should be banned?

Mr KEVIN ANDERSON: We would be very happy, Ms Houssos, to have that discussion with Fire and Rescue. I do not have that level of detail in front of me. If Fire and Rescue believe that it is a concern and that there is a risk, we are very happy to discuss with them what actions they believe we need to take to ban that product.

The Hon. DANIEL MOOKHEY: But why are you not having these discussions? Do you accept that it could be seen from the public's perspective to be absurd that Fire and Rescue NSW is saying that these products are dangerous, that they increase the risk of fire, and you are telling us here that you might have a conversation with them? They are warning the public. Why are they not warning the Minister and why is the Minister not doing something about it?

Mr KEVIN ANDERSON: It has not come to my notice yet, Mr Mookhey. We will absolutely have those discussions with Fire and Rescue and, if required, we will do what we need to do to keep our communities safe in relation to whatever cladding is on the market.

The Hon. COURTNEY HOUSSOS: Minister, have you been to a meeting of the Cladding Taskforce?

Mr KEVIN ANDERSON: No, I have not.

The Hon. DANIEL MOOKHEY: Why not?

The Hon. COURTNEY HOUSSOS: This is the body that is charged with the response for cladding from the New South Wales Government perspective and you have not sought time to attend?

Mr KEVIN ANDERSON: The Cladding Taskforce has not met in the time that I have been available and vice versa.

The Hon. COURTNEY HOUSSOS: Sorry, it has not met because of your diary constraints or it has not met since you became a Minister?

Mr KEVIN ANDERSON: We have not been able to link up. I am happy to take that on notice. However, we have not been able to meet at this point in time. I can check when the next meeting will be.

The Hon. DANIEL MOOKHEY: Minister, can you confirm that the Cladding Taskforce is meeting?

Mr KEVIN ANDERSON: I can check on that, Mr Mookhey.

Mr KING: Yes. Mr Tansey, who is the chair of the task force, can give you the details.

Mr TANSEY: Yes, the task force has met more than 50 times. We are currently meeting every three weeks.

The Hon. DANIEL MOOKHEY: Minister, they have been meeting every three weeks. You have been a Minister since April. You are telling us seriously, you are sitting there telling us that there are 553 buildings that are at risk—154 high-risk high-rise—and you have not found time in the six months you have been Minister to go along to a meeting that has been happening every three weeks? Why should we not conclude that you are asleep at the wheel?

Mr KEVIN ANDERSON: Mr Mookhey, the Cladding Taskforce, chaired by Mr Tansey—I get frequently updated, I get frequently briefed and it is something that we do take very seriously. In relation to not being able to link up yet with a meeting, what we have been doing is being kept abreast of the situation. We are being kept abreast of what is happening with the Cladding Taskforce. We are being kept abreast of the further assessments that are being done on those buildings and the work that we are doing with councils to look at what we can do to support them when we have got to fix those problems in this situation.

The Hon. COURTNEY HOUSSOS: Have you sent your Building Commissioner along to the Cladding Taskforce?

Mr KEVIN ANDERSON: Not to my knowledge. I have not sent him across to any—

The Hon. COURTNEY HOUSSOS: Is he a member of the Cladding Taskforce?

Mr CHANDLER: No.

Mr KEVIN ANDERSON: With all due respect, Ms Houssos, he has only been in the job for a couple of weeks. What he has been doing is working very hard—

The Hon. COURTNEY HOUSSOS: Yes, but you are pointing to him to being the response from this Government, a key part of the response and he is now not being tasked in with the Cladding Taskforce. Is that right?

Mr KEVIN ANDERSON: Ms Houssos, can I say that the Building Commissioner is tasked in relation to building and construction. His role will be to work with us to stand up the reforms in the building and construction industry. We are looking forward to some of the recommendations and options that he is bringing forward. In relation to his work, he has been in the job a couple of weeks and I think he is doing a great job. He has already been out talking to industry. He has already started to put some options to us about what we have got to do—

The Hon. COURTNEY HOUSSOS: Minister, I will just stop you there. I have just got one more question. If this new type of waffle cladding product that Fire and Rescue NSW is issuing warnings on is actually banned, what is the process to go back and recheck the buildings that have already been checked for flammable cladding?

Mr KEVIN ANDERSON: Ms Houssos, I am happy to take that on notice.

The Hon. DANIEL MOOKHEY: Minister, have you met with Mr Michael Lambert?

Mr KEVIN ANDERSON: Yes, I have.

The Hon. DANIEL MOOKHEY: When did you meet with him?

Mr KEVIN ANDERSON: I met with him it would be a month or so ago.

The Hon. DANIEL MOOKHEY: Of his report recommendations, how many have not yet been implemented?

Mr KEVIN ANDERSON: I can tell you, Mr Mookhey, that from memory Michael Lambert put up around about 150 recommendations. To date I think that we were working on around about 74 of his recommendations. They centred around certifying, with a broader piece of his work around planning. Mr Lambert,

with the 74 recommendations particularly around certifying, enabled us to do a complete rewrite of the Building Professionals Act 2005—

The Hon. COURTNEY HOUSSOS: Which is still not in force.

Mr KEVIN ANDERSON: No, if you let me finish, Ms Houssos, I will let you know that the Building Professionals Act is no longer in play because we rewrote it on the back of Mr Lambert's recommendations.

The Hon. DANIEL MOOKHEY: Minister, I accept that but I have got very limited time. Of the 74 recommendations that are outstanding, when will they all be implemented?

Mr KEVIN ANDERSON: The 74 recommendations formed part of a significant body of work to look at what we do to put confidence back into the market from a certifying perspective and a planning perspective in relation to the Environmental Planning and Assessment Act 1979. Since Mr Lambert's report it has now been folded into Shergold Weir, who have picked up the themes of Lambert. There have been many reports over the years—

The Hon. COURTNEY HOUSSOS: Sorry, Minister, are you saying that Shergold Weir subsumes the Lambert report?

Mr KEVIN ANDERSON: No, what I am saying now, Ms Houssos, is that the Lambert report was one of many over the years—including 2002, the Joint Standing Committee—

The Hon. WES FANG: Point of order—

The CHAIR: Sorry, one at a time.

The Hon. DANIEL MOOKHEY: We have got limited time.

The Hon. WES FANG: I know but the Minister is answering the question.

The Hon. COURTNEY HOUSSOS: Yes, but he is taking us through a history lesson which anybody can read—

The CHAIR: Order!

The Hon. DANIEL MOOKHEY: I asked specifically, Minister—

The CHAIR: If the Minister could just speak for a little bit longer and then you can ask your question.

The Hon. DANIEL MOOKHEY: Can I just return to the specific question, Minister?

The CHAIR: Mr Mookhey, the ruling was that the Minister got to speak for a little bit longer before you asked your question.

The Hon. DANIEL MOOKHEY: Sorry, I did not hear.

Mr KEVIN ANDERSON: Shergold Weir was commissioned by the Building Ministers' Forum a couple of years ago to look at what the building and construction sector needed to do to lift the standards and build consumer confidence. Part of that picked up the themes of Lambert. The 150 recommendations of Lambert was folded into Shergold Weir, as with the 2002 joint standing committee, which also looked at—

The Hon. DANIEL MOOKHEY: Minister, I have limited time. I accept your answer that you are saying that Shergold Weir has subsumed it. I will ask you then about Shergold Weir recommendations, because this was a question about the Lambert recommendations. Sitting there, when can the public have confidence that every one of those recommendations is going to be implemented? That is the question. The history lesson is welcome but actually your future intentions are for more welcome because that will put the public's mind at ease. When are all of the recommendations going to be implemented?

Mr KEVIN ANDERSON: Mr Mookhey, Shergold Weir did not subsume the Lambert review.

The Hon. DANIEL MOOKHEY: You just said it did.

Mr KEVIN ANDERSON: No, what I said is it picked up the themes of the Lambert review.

The Hon. DANIEL MOOKHEY: I am not interested in a semantic discussion. I am asking: Specifically when are the recommendations going to be implemented? Because right now the way it appears is that we have 553 buildings that are at risk, we have 154 of them circa that you have said are at high risk and require further assessment. You have not told us a time line, you have not told us a budget, you cannot even tell us when your own report is going to be implemented. Why should we not just conclude that you are asleep at the wheel?

Mr KEVIN ANDERSON: Are you talking about the Shergold Weir Report now or back to Lambert, Mr Mookhey? Because Shergold Weir is the current—

The Hon. DANIEL MOOKHEY: It is not that complicated.

Mr KEVIN ANDERSON: Shergold Weir is the 24 recommendations of the current process that we are going down the path of to reform—

The Hon. DANIEL MOOKHEY: Either of them. Just tell us when will all of the recommendations be implemented? You choose the adventure. The only answer I want to know is: When are they going to be implemented?

Mr KEVIN ANDERSON: I am happy to update you, Mr Mookhey, in terms of the recommendations from Shergold Weir. We have seven responses from Shergold Weir that are complete, three responses are partially complete, 10 responses are actively being progressed and four responses are being actively considered as part of the *Building Stronger Foundations* paper, which sets out the reform agenda for this Government, again picking up Lambert, again picking up a number of reviews—

The Hon. DANIEL MOOKHEY: When will they be implemented? When will the 20-odd that you just mentioned that have not been implemented—

The CHAIR: Opposition time is up.

The Hon. EMMA HURST: Minister, I have some questions in regards to greyhound racing in New South Wales. In the budget estimates hearing last week the Minister for Local Government said that the reason that greyhounds are still being muzzled in off-leash parks is because the Government and the Greyhounds Welfare Integrity Commission [GWIC] are concerned that live baiting is still continuing. This is despite the fact that blooding is illegal under section 21 of the Prevention of Cruelty to Animals Act 1979 [POCTA]. If the Government is fearful that live baiting is still happening and so fearful in fact that they are basing regulations around ex-racing greyhounds still undergoing live baiting, why is greyhound racing still allowed to continue in New South Wales?

Mr KEVIN ANDERSON: Thank you, Ms Hurst, for your question. I think greyhound racing in New South Wales is a vibrant industry. I am a big supporter of the industry. I think we need to do everything we can to ensure that it thrives and survives.

The Hon. EMMA HURST: Is that despite the fact that the Government is still fearful of live baiting continuing?

Mr KEVIN ANDERSON: I am not aware of any live baiting continuing in New South Wales.

The Hon. EMMA HURST: Can you say with 100 per cent certainty that blooding of greyhounds is not continuing?

Mr KEVIN ANDERSON: I am not aware of any of those instances occurring.

The Hon. SHAYNE MALLARD: Point of order: I was on that inquiry and I do not recall the Minister saying "live baiting". I recall her saying there was concern around blooding. I am not a fan of greyhound racing, do not get me wrong, but there is a difference. I just want to caution that we need to check *Hansard* and what the Minister actually said at that inquiry because I do not think she actually said those words.

The Hon. EMMA HURST: I take that point of order. Thank you. Minister, GWIC sent out a press release on 28 August in regards to a decline in greyhound racing injuries, however there was no actual statistical analysis written in that press release on the data that was presented. In fact, it seems to have looked at a single recent data point as evidence of a decline in injury without any actual statistical analysis to assess if that was a statistically significant drop. Actually, a closer look at the data, when you actually look at total injury rate, shows that a decline over the total reporting period over five quarters does not show an actual statistically significant decline in injuries. Do you know why this press release was sent out and a response on the number of injuries that are happening in greyhound racing?

Mr KEVIN ANDERSON: Ms Hurst, what I will do is ask Mr O'Brien for further information in relation to the information provided by the Greyhound Welfare and Integrity Commission.

Mr O'BRIEN: The latest quarterly injury report I think showed 32.9 injuries per thousand dog starts. That was a decline from the previous two quarters. I am not aware that there has been any statistical analysis in the report but there was a decline on the figures.

The Hon. EMMA HURST: You are not sure if that decline was statistically significant?

Mr O'BRIEN: I am not a statistical analyst but on the raw numbers there is a decline from the previous two quarters.

The Hon. EMMA HURST: But it did not incorporate the quarters before that, which were quite similar to the current quarter. Is that correct?

Mr O'BRIEN: That is my understanding. That is right.

The Hon. EMMA HURST: I just wanted to also ask about the data recording rules. It is uncertain whether there was a change in those rules when it changed between Greyhound Racing NSW [GRNSW] and GWIC, particularly in regards to injury categorisation and circumstances in which injuries were recorded. Has there been an actual change in the data recording rules?

Mr O'BRIEN: Not that I am aware of. GRNSW previously, before 1 July 2018 when the commission took over, also published quarterly reports. My understanding is that the categories of injuries are the same between the two organisations.

The Hon. EMMA HURST: I also wanted to know how many puppies are bred annually with the intent of racing, how many are registered and how many puppies are euthanised without ever having entered the racing industry?

Mr O'BRIEN: I do not have those figures in front of me in terms of breeding numbers.

The Hon. EMMA HURST: Are they available?

Mr O'BRIEN: The commission registers litters from birth, so they would have numbers.

The Hon. EMMA HURST: Can I get that on notice then, please?

Mr O'BRIEN: Yes.

The Hon. EMMA HURST: Could you also put on notice how many greyhounds have been euthanised because they could not be rehomed as well? Has GWIC implemented whole-of-life tracking for registered greyhounds? If so, how is this being implemented?

Mr KEVIN ANDERSON: I understand that a whole-of-life tracking process is in place with GWIC from the time they are born all the way through so that we can put welfare and integrity of those dogs at the top of everything that Greyhound Racing NSW does. It is a major focus of Greyhound Racing NSW as well as the regulatory body through the Greyhound Welfare and Integrity Commission. I think that over the last two years, in leaps and bounds, they have focused very clearly on welfare and integrity. We are seeing that now through the track safety standards, we are seeing that through a draft code of conduct that is coming.

The Hon. EMMA HURST: Just on that, when you mentioned the code, I noticed that has not been promoted or pushed out yet. Do you know the current status of the development of that code and when it will actually be released?

Mr KEVIN ANDERSON: It is being developed now, Ms Hurst, with the Greyhound Welfare and Integrity Commission and they are looking at that as we speak.

The Hon. EMMA HURST: Do you have an end date or a time line at all?

Mr KEVIN ANDERSON: No. I can take it on notice and come back to you.

The Hon. EMMA HURST: We have also had complaints about unwanted greyhounds that are being warehoused on farms with no future purpose because the preconditions for euthanasia cannot be met. What is the Government doing about those unwanted greyhounds that are currently just living on farms?

Mr KEVIN ANDERSON: I am unaware of any, Ms Hurst, but if you do have instances that you are aware of I would encourage you to please report them, please bring them forward. It is something that as Minister I am very focused on—again, welfare and integrity. We will continue to say that right the way through because that is where I think the industry is at. If you have instances of that, I would be happy to investigate them for you.

The Hon. EMMA HURST: What profits does the New South Wales Government receive from the greyhound racing industry directly as opposed to gambling on greyhound racing?

Mr KEVIN ANDERSON: I can take those numbers on board for you, Ms Houssos, but I can tell you that—

The Hon. COURTNEY HOUSSOS: It is Ms Hurst.

Mr KEVIN ANDERSON: Sorry, I do apologise there. In the racing industry we can see that the wagering tax revenue to Government was \$17.1 million in 2018-19—the total wagering tax revenue to the New South Wales Government, excluding the Point of Consumption tax.

The Hon. EMMA HURST: Greyhound Welfare Integrity Commission inspectors have statutory powers under the Prevention of Cruelty to Animals Act. How many regulatory actions have been taken by GWIC over the last two years using these powers?

Mr KEVIN ANDERSON: I am happy to ask Mr O'Brien for those details.

The Hon. EMMA HURST: Thank you.

Mr O'BRIEN: For 2018-19 the commission has advised that it has issued 54 welfare directions. That includes verbal directions and directions under Section 24N of POCTA.

The Hon. EMMA HURST: Has GWIC investigated the relationship between doping and racetrack injuries in New South Wales and if not why not?

Mr O'BRIEN: I am not aware of any investigations in relation to that but we are happy to take it on notice and answer the question you have provided.

The Hon. EMMA HURST: And if there has not been any investigation why not? Assuming a four-year racing career for dogs, we are looking at an estimate of about 10 per cent of dogs raced will die on the track from catastrophic injuries. Do you find that an acceptable number of deaths?

Mr KEVIN ANDERSON: I am focused, as is Greyhound Racing NSW, towards a target of zero unnecessary euthanasia. Every dog that is born, I believe, is given every opportunity to thrive and survive and prosper, whether they move on to racing or whether they are rehomed as pets. The Greyhounds As Pets program, working in conjunction with a number of organisations, and Tim Cahill, the great Australian soccer player, is the ambassador for Greyhounds As Pets—

The Hon. EMMA HURST: The question was in regards to the number of deaths from catastrophic injuries rather than the rehoming rates.

Mr KEVIN ANDERSON: Can you repeat your question please?

The Hon. EMMA HURST: Assuming a four-year racing career, 10 per cent of dogs raced will die on the racetrack from catastrophic injuries. Do you find that an acceptable statistic of injury deaths?

Mr KEVIN ANDERSON: I am happy for you to bring forward those numbers. I do not believe those numbers are right. But I am happy to take them on notice and come back to you. I think it is much less than that.

The Hon. EMMA HURST: Okay.

The Hon. MARK BANASIAK: Minister, I will just bring you back to the circular that I mentioned previously from Premier and Cabinet. Would you like a copy so you know what you are looking at?

Mr KEVIN ANDERSON: Could you repeat the question please?

The Hon. MARK BANASIAK: I have not got to the question yet. I was wondering whether you would like a copy of it so you know what I am talking to.

Mr KEVIN ANDERSON: I am happy to hear your question first and then to discuss it.

The Hon. MARK BANASIAK: This is coming from Premier and Cabinet and it talks about from December 2014 regulators must review compliance and enforcement in line with guidance material provided by the Department of Premier and Cabinet and it must be a risk-based approach. You are the Minister for Better Regulation and Innovation. Does that regulation extend to all regulators or is it just a rebadged version of the Minister for Fair Trading?

Mr KEVIN ANDERSON: I am happy to ask the Secretary, as that predates me and I would like to get the facts for you on that.

Mr KING: It covers a number of areas in terms of regulation. That is the first point. For example, it covers racing, it covers greyhounds which you have just mentioned before—

The Hon. MARK BANASIAK: I did not mention it, the Hon. Emma Hurst did.

Mr KING: Let me just clarify. Therefore it also includes NSW Fair Trading as well. I will now hand over to Deputy Secretary Rose Webb, who can now give you more details in terms on what we cover from a regulatory perspective.

Ms WEBB: So just understanding that you are talking about a circular from 2014?

The Hon. MARK BANASIAK: Yes.

Ms WEBB: My understanding, although I was not here at the time, was that at that time responsibility for better regulation across the whole-of-government sector lay with the better regulation Minister. That has changed since the appointment of the Productivity Commissioner in 2018. Those responsibilities for better regulation and general approaches to regulation have now been moved to the Treasury.

The Hon. MARK BANASIAK: So you are just the Minister for some regulation?

Mr KEVIN ANDERSON: Well, I am the Minister for—

The Hon. MARK BANASIAK: Essentially that is what you are saying—just some regulation, limited regulation.

Mr KEVIN ANDERSON: I would like to think it is better regulation, less regulation. We are working well with our communities and we are working well with the people of New South Wales to improve their lives. I think we are doing a good job in relation to that. Look at all the reforms we are putting in place, whether it be through our Building Commissioner, whether it be what we have just spoken about with the Hon. Emma Hurst. There is so much of the reform process that we are putting in. Everything we do we put a human face to. Everything we do we think about how can we improve the customer's connection with the Government. Whether that be through real estate reforms, whether it be through retirement villages, whether it be through building and construction or whether it be looking after the people of Mascot Towers. When it comes to looking after the people of New South Wales that is the human face. That is the customer focus that we put on everything we do.

The Hon. MARK BANASIAK: You will probably deflect this one as well. Are you aware of this document here? I know it predates you. It is the 2016 *NSW Guide to Better Regulation*.

Mr KEVIN ANDERSON: It does predate me. But I am happy to hear your question.

The Hon. MARK BANASIAK: Are you aware public consultation on the draft Firearms Regulation did not comply with the better regulation principles 3, 4, 5 and 7 as set out in the guide, particularly with regards to the consultation date, which was well short? Also the regulatory impact statement did not identify any impacts of proposed changes with quantitative analysis.

Mr KEVIN ANDERSON: Thank you for your question. That sits with the Minister responsible for firearms legislation.

The Hon. MARK BANASIAK: Are you responsible for this document?

Mr KEVIN ANDERSON: That predates me and my advice is no.

The Hon. MARK BANASIAK: Do you know who is responsible for this document?

Ms WEBB: The Treasury and the Productivity Commissioner have now taken responsibility for better regulation principles across the Cabinet.

The Hon. MARK BANASIAK: Do we know whether this is still in force?

Ms WEBB: Yes. There is some uptake work being done but you would have to ask Treasury about that.

The Hon. DANIEL MOOKHEY: How is it that the New South Wales better regulation Minister is not responsible for a New South Wales guide to better regulation?

The Hon. MARK BANASIAK: We have just heard that, that you are not responsible for the *Guide to Better Regulation* even though you are the better regulation Minister.

Mr KING: Just for clarity, the Firearms Registry is actually with the Minister for Police and Emergency Services.

The Hon. MARK BANASIAK: I am aware of that. Just moving back to your favourite topic, the cladding issue. There is a portal that registers these planning issues?

Mr KEVIN ANDERSON: That is correct.

The Hon. MARK BANASIAK: Would it not be the easiest methodology, in terms of notifying these transient residents and also notifying landlords, by making that portal available to the public once you have done your assessment and evaluation of what is high risk and what is not? Are you considering making that portal available to the public?

Mr KEVIN ANDERSON: The portal sits with the Department of Planning, Industry and Environment. That is the one that has set up the cladding register for building owners to register certain buildings that may or may not have combustible cladding so that further assessment can be done on those buildings. That sits with local councils to do that further assessment. I should say in relation to some earlier questioning about advising residents, we are always looking at how we can do our job better. If there is a better way of doing things, my team and I will endeavour to make that happen. If we can find a way that links with transient residents and tenants of those buildings we will do our best to contact them.

The Hon. MARK BANASIAK: Would that include making a recommendation to the planning Minister that that portal be made public?

Mr KEVIN ANDERSON: I will have that discussion. It is about putting better procedures in place. If we can find a better way to connect with those residents we will do so because we want to make sure that they are aware that the building they are in may have cladding that is a concern to them.

The Hon. MARK BANASIAK: Just one more question. Crystalline silica dust, do we have any data about people being affected within the building industry with diseases related to crystalline silica dust?

Mr KEVIN ANDERSON: There is a significant amount of work being done in relation to what has emerged as a relatively forgotten lung disease like silicosis. It has alarmed health professionals and prompted various national calls for action.

In New South Wales we are embarking on what we believe to be the right approach with the Silica Roadshow, which is unmasking those that do not work safe. Ultimately there is a roadshow in Tamworth tomorrow, Mr Banasiak, that I will be heading back to my home town to speak at. If you would like to join me tomorrow, I am sure it is of interest to you, being a representative of regional New South Wales.

The Hon. SHAYNE MALLARD: I think he is with us tomorrow.

Mr KEVIN ANDERSON: That is right. There is significant dust out there, given that it is the worst drought in 100 years, which you would be well aware of. What we will be covering is control measures, services available for health screening, also monitoring, as well as having industry-specific case studies of achieving best practice. It is a significant body of work that we are working on. In terms of SafeWork, I am happy to have Mr Gavrielatos explain a little further in terms of what we are doing in this space.

The Hon. MARK BANASIAK: Specifically, do you have any data on the impact it is having in terms of rates of infection or contracting these diseases?

Mr KEVIN ANDERSON: I am happy to have Mr Gavrielatos explain that, if we can.

Mr GAVRIELATOS: Those numbers are outside of SafeWork's bailiwick. What I can say is we have been very, very concerned about silica and the use of various products in New South Wales. To that extent we committed and visited every site that we are aware of that fabricates with that stone. So 246 sites were visited. Some 523 visits actually occurred, so we visited sites more than once. Yes, we did issue 578 improvement notices and 39 prohibition notices to ensure that that product was been used safely.

The Hon. MARK BANASIAK: You said it is not part of your bailiwick to collect that data.

Mr GAVRIELATOS: What I am saying is those figures would be more appropriately got from icare.

The Hon. DANIEL MOOKHEY: We got them.

Mr KEVIN ANDERSON: We have got those numbers here from icare, if you would like, Mr Banasiak.

The Hon. MARK BANASIAK: Yes, that would great.

Mr KEVIN ANDERSON: The icare dust diseases care report noted there was 23 silicosis claims in the past three financial years, one of which relates to manufactured stone. They also health-tested 2,076 workers in 2017-18 and 3,563 in 2018-19 for silica dust exposure—that is across all industries—noting other medical providers can also provide service, but of the 3,563 tested in 2018-19, 22 workers were diagnosed with silicosis—17 for manufactured stone—with 66 results pending.

The Hon. MARK BANASIAK: Sorry, I was listening but my other ear was consulting with Mr Mookhey. He said in the Treasury portfolio icare stipulated that it was 40 in the last 12 months.

The Hon. DANIEL MOOKHEY: Up from an average of eight each year.

Mr KEVIN ANDERSON: My numbers here are that there were 23 silicosis claims in the past three financial years. If you have got different numbers, we would be happy to—

The Hon. MARK BANASIAK: Would you be able to take what we have said and go back and double-check?

Mr KEVIN ANDERSON: Certainly.

The Hon. DANIEL MOOKHEY: Minister Anderson, with respect to the flammable cladding at TAFE NSW Ultimo, have you told the Minister for Skills and Tertiary Education that it is there?

Mr KEVIN ANDERSON: I am happy to refer to the secretary in relation to the advice about TAFE NSW Ultimo.

Mr KING: The first thing is we do notify the other secretaries in terms of where we are right across the respective portfolios. We work in collaboration with all the respective other departments and clusters. In terms of the update on where we are with Ultimo—Mr Tansey?

Mr TANSEY: The advice that the task force had actually comes from the Education portfolio. It was provided by TAFE and through Education, so I fully expect that they have briefed their Minister.

The Hon. DANIEL MOOKHEY: I accept that, but it is a straightforward question. Given the City of Sydney has registered further concern about this, given that you do know that it is there, given that there are plenty of students using that building every day, given that it is in the centre of Sydney, are you going to have a conversation with the Minister for Skills and Tertiary Education and just ask him the most basic question: When is it coming down?

Mr KEVIN ANDERSON: We are happy to have that conversation, Mr Mookhey. Obviously SafeWork and the Fire Safety and External Wall Cladding Taskforce have been in contact with them and we will be very happy, we will continue to talk with all of those people.

The Hon. DANIEL MOOKHEY: When are you going to talk to the Minister?

Mr KEVIN ANDERSON: I will be doing that as soon as I possibly can, Mr Mookhey.

The Hon. DANIEL MOOKHEY: It will only take a couple of years.

Mr KEVIN ANDERSON: Sooner than that, hopefully.

The Hon. PETER PRIMROSE: Minister, can I ask you a couple of questions about unsafe products. On 15 August a media release was issued by your agency, indicating that Fair Trading NSW officers had identified a number of unsafe products from 40 businesses in Sydney's western suburbs. When you look at the media release, it says further information is available on Fair Trading NSW's website. If you go to the website there is no further information. I would like to, if I can, try to clarify that. Can you tell me exactly what items were seized in the raids by Fair Trading NSW consumer protection officers that were referred to in that media release?

Mr KEVIN ANDERSON: Thanks, Mr Primrose. In relation to any ongoing investigation, as you would appreciate, we are not at liberty to reveal any of those discussions. I am happy to, in relation to the products there, refer to the commissioner.

The Hon. PETER PRIMROSE: You put out a press release, Minister. Please, I would like to know, if I can, what products were regarded as being unsafe that you seized.

Mr KEVIN ANDERSON: Certainly.

Ms WEBB: I just do not want to get into error. This is the media release about the unsafe children's nightwear?

The Hon. PETER PRIMROSE: All I have here is that I understand you seized non-compliant toys, prams and children's pyjamas.

Ms WEBB: I think the products fall within those categories. When it referred to further information on the Fair Trading NSW website, I think the intention was to refer to the details of the standards so that people would understand what was compliant and what was non-compliant. There is information on the website about the specific standards that apply to those products. In relation to the specific traders and the specific products, as the Minister said we are considering further legal action that we might be able to take in relation to them. We put out the press release to warn consumers but we did not want to give more detail while we are still conducting our investigations.

The Hon. PETER PRIMROSE: You have not specified precisely what you regarded as, say, unsafe pyjamas—flammable pyjamas.

Ms WEBB: There is a nationwide standard about the labelling and the—

The Hon. PETER PRIMROSE: Yes, I know; I helped write it. But in relation to the exact details of which pyjamas are safe and unsafe—

Ms WEBB: When we conduct those raids, we take the products off the market, so that protects consumers immediately. We also make consumers aware about what they should be looking for in the products. But in terms of the details of the specific supplier or the specific product, that is still under investigation.

The Hon. PETER PRIMROSE: It specifically, as I understand it, indicated in the release—from having read it—that consumers should take the material back and seek a refund. Is that correct?

Ms WEBB: If someone buys a product that does not comply with the required product safety standards, yes, they are entitled to a refund.

The Hon. PETER PRIMROSE: You are confident that these particular products are no longer being sold anywhere in New South Wales?

Ms WEBB: We certainly conduct every possible inquiry we can. We take everything we can off the market, but we cannot give a guarantee that no-one is selling something. That is why we warn consumers as well as taking them off the market.

The Hon. PETER PRIMROSE: Are you aware how many dangerous products are actually returned to these shops?

Ms WEBB: I do not think we would have a statistic on that, but I could take that on notice. I know the Australian Competition and Consumer Commission does collect a lot of data about product safety, so we could certainly look into what we can find about that.

The Hon. PETER PRIMROSE: What I am getting at is, I am trying to understand if consumers who actually read a release that does not specify a lot of detail—they then are told to return it to the same shop but we are not exactly sure what other shops may be selling this. I accept that there are a lots of shops selling a lot of goods. They return it to the shop but other consumers are not aware of what these shops are and we do not know what happens when they are returned. Is that the case?

Ms WEBB: I think for any shop that was under investigation, part of our inquiries would definitely be to keep a watching brief on whether they were getting any returns and making sure that they were destroying the products immediately once they were returned.

The Hon. PETER PRIMROSE: So you would expect that they would be destroyed, rather than resold online?

Ms WEBB: Absolutely.

The Hon. PETER PRIMROSE: How do you know what happens to them?

Ms WEBB: In addition to our physical surveillance through going out to shops, as in this case, we also conduct a lot of online surveillance of what is sold online. We also have very good relationships with online retailers, and often they are aware ahead of time about what products they should stop people putting online. But obviously there are a lot of ways in which people can sell products in New South Wales, and we are always on the lookout for any opportunity we can to make sure unsafe products are not sold.

The Hon. PETER PRIMROSE: Can you tell me how many raids like these have been conducted, say, in the last 12 months?

Ms WEBB: I would have to take the specific number on notice. We have a product safety unit; that is its regular job, so they would be doing regular raids. But the exact number I would take on notice.

The Hon. PETER PRIMROSE: One product safety unit or a number of product safety units?

Ms WEBB: We have one product safety unit with a number of people in it. We also have the inspectors all over the State, and the product safety unit coordinates inspections by inspectors across the State.

The Hon. PETER PRIMROSE: How many Fair Trading officers are employed in the unit? Is it a product safety unit or consumer protection unit?

Ms WEBB: I think the overall unit is the consumer protection unit. It has inspectors that do the product safety work. They also do motor vehicle and dealer inspections and a number of other inspections. So I can certainly take on notice the total numbers and then how many are specifically just doing product safety. When we do a product safety blitz we can call on all the inspectors because they are all authorised under the Fair Trading Act.

The Hon. PETER PRIMROSE: Will the numbers of officers in those groups go up or will they decrease after the restructure of the Better Regulation group?

Ms WEBB: I do not think a decision has been made on that. I do not think the frontline inspection work would be any less. In fact, it is always increasing so it would be my expectation that we will maintain our numbers.

The Hon. PETER PRIMROSE: I specifically would be interested in, if you can identify them, how many officers work on non-compliant products being sold to the New South Wales consumer.

Ms WEBB: Yes.

The Hon. COURTNEY HOUSSOS: Minister, I want to come back to the cladding issue. Why don't you compel new tenants who are signing new leases in buildings that have been identified as having flammable cladding as being alerted?

Mr KEVIN ANDERSON: Coming back to our earlier answer to that, Ms Houssos, we will always look at opportunities to do our job better—to better connect with the community if we believe that there is a challenge there. We are happy to take that on board, and we will discuss what we need to do to look at a very difficult communication line between residents that move around a lot. If they are moving into a building that has a concern then we will obviously make sure that the owner of that building lets them know. We are happy to take that on board and we will look—

The Hon. COURTNEY HOUSSOS: It is a simple solution, Minister. You can compel people who are moving into these buildings—people that you have a secret list of, that you will not release publicly—that they must be told before they move in, as a condition before they sign the lease.

Mr KEVIN ANDERSON: I am happy to take that on board. We will take that into consideration with other communication methods that we might put in place.

The Hon. DANIEL MOOKHEY: Minister, you are responsible for this State's rental laws; why don't you just change the law and make that a binding requirement? There is no-one else you need to be able to do that; they are your laws. Just change the law to make it an obligation on the strata or landlord to tell the renter.

Mr KEVIN ANDERSON: Mr Mookhey we will take that consideration on board. Thanks for bringing that forward. It is an issue that was raised recently so we will be looking at what we need to do to enhance the communication about what we need to do, not only with local councils but also with owners and others about—

The Hon. DANIEL MOOKHEY: Minister, renters notification was raised two years ago in a budget estimates hearing. I accept that you have only been in the portfolio for six months, but have you sought any advice about your ability to use rental law to at least put a binding requirement for the renters to be told?

Mr KEVIN ANDERSON: Mr Mookhey, we are always on the lookout to improve what we do on a day-to-day basis. It is a continuous improvement exercise. It is something I will be taking on board: What do we do with those residents and those tenants who move around a lot? How do we make sure that they are aware of where they are moving to and what circumstances they may be moving into?

The Hon. PETER PRIMROSE: How many apartment buildings with non-compliant fire doors have been identified by inspectors in the last year?

Mr KEVIN ANDERSON: Mr Primrose, I do not have that information, but I am happy to take it on notice for you.

The Hon. PETER PRIMROSE: Do any of your officers have that information?

Mr TANSEY: No, I do not have a figure for that. We can take that on notice.

The Hon. PETER PRIMROSE: Has the task force investigated the adequacy of fire doors in apartments in New South Wales?

Mr KEVIN ANDERSON: In relation to that specifically, what the Cladding Taskforce did with Fire and Rescue NSW is that for every building that was identified in relation to whether they had cladding or not, there were extra fire safety measures recommended for those buildings. Owners were notified and they were given an assurance that this is part of the process to help make the building safe.

The Hon. PETER PRIMROSE: You are taking on notice my question, as you indicated. Has the Office of Fair Trading or the Cladding Taskforce ordered any rectification works of buildings with non-compliant fire doors?

Mr KEVIN ANDERSON: We work very closely with local jurisdictions. There have been a number of buildings that we are aware of that have already made rectifications to their buildings in a private sense. Owners have stepped up to the plate. They have moved quickly. They have realised that they need to fix that building—they need to rectify that building—so they have already done that work, and we thank them for that. In relation to the remaining 553 buildings we will be doing further assessments in conjunction with local councils to look at what rectification is required, if at all—whether it is needed or not—because some buildings do not need to be changed because the cladding is safe. So that further assessment will be done. We will continue to work with councils to look at what rectification, if at all, needs to be done on some of those buildings that have been identified.

The Hon. DANIEL MOOKHEY: Minister, earlier I asked you how many buildings had had their cladding removed. You seem now to have the answer. How many have actually had cladding removed? You were just making a reference to thanking the buildings for doing it.

Mr KEVIN ANDERSON: Just a correction, Mr Mookhey. That is anecdotal from the research that I have done and from reading reports. There are some buildings that are not the responsibility of the Government, so they have already—

The Hon. DANIEL MOOKHEY: So, anecdotally, you have been told that building owners have removed the cladding. Just to be clear, you are relying on those anecdotes to come before a parliamentary committee to tell us that the problem is under control?

Mr KEVIN ANDERSON: No, Mr Mookhey, I am not saying that at all. What I am saying is that we are aware that some owners of buildings have already moved quickly.

The Hon. DANIEL MOOKHEY: I am asking how many. You said 4,000 were identified as high risk and 553 still require work. We are getting to the 3,500 gap. You said not all of them need to have it removed. I am asking you a very simple question. How many of them have had it removed? Do your research if that is what you wish to do, but it is a really straightforward question.

Mr KEVIN ANDERSON: In terms of the number above 553 that have already been rectified, we do not have that data. I am happy to take that on notice, if you wish, but I am saying that I want to congratulate the business community and owners of the buildings that had the cladding identified—regardless of what they thought about the cladding at the point in time that they were assessed. Fire and Rescue worked with them to notify them that some rectification needed to be done and they moved quickly. So full credit to them. I think they have done a great job by moving quickly. We are continuing to work with those councils that need assistance to do a further deep dive on those buildings and look at what cladding is on those buildings—

The Hon. PETER PRIMROSE: Minister, in relation to the additional work that you are giving to local government, what financial resources have been allocated to local government to assist them, given that they have estimated already that there is a cost shift of \$820 million from the State on to local councils? Is this another instance of unfunded cost shifting?

Mr KEVIN ANDERSON: Mr Primrose, we are working closely with councils. We know how serious this issue is.

The Hon. PETER PRIMROSE: Yes. How much?

Mr KEVIN ANDERSON: We have set up a special delivery unit. We have also set up a cladding support unit to provide every assistance we can in relation to assisting them to do that further assessment on buildings.

The Hon. PETER PRIMROSE: Minister, I am not trying to stop you from answering. I am simply trying to understand. We have anecdotes. As far as I can tell, this whole system seems to operate on the vibe rather than any particular set of detailed resources or policy. You have said repeatedly, "We are working with local government. Local government is to do this." I have asked you a very specific question in relation to fire safety and the appropriateness of fire doors. You have not been able to give me any information on that, other than the fact that local councils are going to continue their inspections. Given the importance that you put onto local councils, how much money is the State Government giving to local councils so that they can do this additional work?

Mr KEVIN ANDERSON: What we are saying to those local councils is that it is not a dollar figure; it is a resource figure. It is support. If they need assistance, say, a human resource, where they need to do that work then we are happy to help them. We are happy to provide that, as well as from the special delivery unit and the cladding support unit. So if they need assistance we are happy to provide that.

The Hon. DANIEL MOOKHEY: How many people work in the—what do you call it?—the special delivery unit?

Mr KEVIN ANDERSON: Yes, the special delivery unit.

The Hon. DANIEL MOOKHEY: How many people work there?

Mr KEVIN ANDERSON: I am happy to—

The Hon. DANIEL MOOKHEY: Before you go on, is the work they are doing exclusively cladding?

Mr KEVIN ANDERSON: My understanding is that a section of Fair Trading has been set aside to work specifically on this issue, but if you are after numbers, I am happy to ask the secretary to give you those details.

Mr GOULD: The delivery unit is based on a model that has been driven successfully across numerous governments using data and action and ensuring that that action turns into implementation and outcomes for citizens.

The Hon. DANIEL MOOKHEY: I accept that, Mr Secretary. But the Minister has said that these resources are available to local government.

The Hon. WES FANG: Point of order—

The Hon. DANIEL MOOKHEY: We are just trying to ask how many people are in these teams. It is not that complicated.

Mr KING: I was trying to actually answer that.

The Hon. DANIEL MOOKHEY: Sorry, Mr King.

The CHAIR: If you can let him answer the question.

Mr KING: At the moment there are about five people working in that unit. Then you ask, well that is not enough resources.

The Hon. DANIEL MOOKHEY: No, I did not ask that.

Mr KING: But I am just hypothesising you are going to come to that.

The Hon. DANIEL MOOKHEY: No, Mr Secretary, I will ask the questions.

The Hon. WES FANG: Point of order: The Hon. Daniel Mookhey is asking a question and then while the secretary or members on the panel are trying to answer it he will jump in with another question.

The Hon. DANIEL MOOKHEY: To be fair, I was not asking for an answer to a hypothetical question. I think the secretary was, perhaps. The way I ask questions, I was not actually going to ask that. I was going to ask: Are those four people doing any other work or is it all cladding?

The Hon. WES FANG: I am just going to point out that the Hon. Daniel Mookhey just interrupted me during a point of order.

The CHAIR: Order! If we could allow the witnesses enough time to respond. Continue questioning.

The Hon. COURTNEY HOUSSOS: To the point of order: He was posing his own question, to which the member then said that he did not want to ask that question. Surely that is within the member's rights to pull him up.

The CHAIR: I am saying go ahead, ask your question. You have got 10 seconds.

The Hon. DANIEL MOOKHEY: Minister, how many people are in the special delivery unit? Are they working exclusively on cladding? What is the other one, the cladding delivery unit? How many people are in there?

Mr KEVIN ANDERSON: I am happy to take that on notice and come back to you with exact numbers, Mr Mookhey.

The Hon. PETER PRIMROSE: This is parliamentary estimates, Minister. You have not been able to answer one question.

The CHAIR: Order!

The Hon. WES FANG: Point of order: It is not for you to editorialise.

The Hon. PETER PRIMROSE: I have been asking questions and this guy does not know anything about his agency.

The CHAIR: Order! I am going to ask some questions. Minister, I take you back to greyhound racing and the GWIC. Is the Government conducting any kind of review into GWIC?

Mr KEVIN ANDERSON: Thank you, Ms Boyd. There is a statutory review of the Greyhound Welfare and Integrity Commission and that is scheduled for early next year.

The CHAIR: There is no interim review being undertaken by any part of government at the moment or any other kind of assessment?

Mr KEVIN ANDERSON: No. I might make an observation, if I may, particularly in relation to the assessment or the overarching view over the industry. There is constant review of the welfare and integrity of the industry. Greyhound Racing NSW [GRNSW], in my view, is taking welfare and integrity very seriously in putting that at the forefront of everything they are doing. The Greyhound Welfare and Integrity Commission sits aside from that in terms of what it does to ensure that Greyhound Racing NSW complies.

The CHAIR: We are looking at a review in 2020 only? There is not one currently being undertaken?

Mr KEVIN ANDERSON: No. The unit has only been operating two years.

The CHAIR: What proportion of GWIC is currently funded by the greyhound racing industry?

Mr KEVIN ANDERSON: I can get those numbers for you. While I do that I might ask Mr O'Brien, who has the exact numbers for you, Ms Boyd.

Mr O'BRIEN: Greyhound Racing NSW is responsible under the legislation and its operating licence to fund the costs of the Greyhound Welfare and Integrity Commission. As part of the Government's reforms of the industry there was a commitment from government to provide \$11 million over four years towards the commission's operational costs. If you are asking for—

The CHAIR: I am looking for the proportion of the GWIC budget currently funded by the racing industry, as per recommendation 48 of the Greyhound Industry Reform Panel.

Mr O'BRIEN: I could not give you the proportion.

The CHAIR: Can you take it on notice?

Mr O'BRIEN: Absolutely. The commission sets its budget. There is government subsidy for four years. There is also additional funding for the commission from the introduction of the Point of Consumption Tax and GRNSW is responsible for funding the balance of that.

The CHAIR: When is GWIC expected to be fully funded by the greyhound racing industry as per recommendation 48?

Mr O'BRIEN: The four-year subsidy continues until 2021, and as part of the introduction of the Point of Consumption Tax the New South Wales Treasurer announced with the commission's share of funding from the Point of Consumption Tax revenue that the commission's operational costs would be reviewed in 2021-22.

Mr KING: July 2022.

The CHAIR: July 2022 GWIC should be funded entirely by the greyhound racing industry is what you are saying?

Mr KING: That is right.

Mr KEVIN ANDERSON: That is correct.

The CHAIR: In Budget Paper No. 3, there is \$10.4 million in the budget to assist Greyhound Racing NSW and its clubs to improve animal welfare. I understand that is part of something that was announced in 2017. Can you tell me exactly how that \$10.4 million is given to Greyhound Racing NSW and what Greyhound Racing NSW uses it for?

Mr KEVIN ANDERSON: Part of that is looking at the tracking of greyhounds right from birth through to ultimately their rehoming. In addition to that they are looking at the welfare of that particular dog. They are making sure that track standards are met. There is a track safety standard that is currently being worked up by Greyhound Racing NSW. What that will do is provide a safer environment for racing dogs and ultimately it is about the welfare of those dogs. There is education, there is communication, there are site visits to different participants in the industry to look at their kennels, to look at their facilities, to look at where those dogs race and

train. In addition to that it is on-track facilities with Greyhound Racing NSW to ensure that the tracks are up to scratch. That is where some of that funding goes.

The CHAIR: Specifically, when the Government gives \$10.4 million to Greyhound Racing NSW in this year's budget, what does that get spent on?

Mr KEVIN ANDERSON: That gets spent basically on the operating of Greyhound Racing NSW to a point where they look at welfare and integrity.

The CHAIR: It goes into their operating budget?

Mr KEVIN ANDERSON: No, I stand corrected on that. It goes into the welfare and integrity of the dogs. What they have done with welfare, \$30 million was allocated to Greyhound Racing NSW to look at track safety standards. They are working with the University of Technology Sydney to look at a uniform track safety standard across New South Wales. To date funds have been expended on those tracks to lift them to a standard where ultimately across the State there will be a track safety standard.

The CHAIR: How much out of that money that was given to Greyhound Racing NSW since 2017 to improve animal welfare has been spent so far on improving track safety?

Mr KEVIN ANDERSON: Out of the \$30 million that was allocated for the welfare of the animals, so far \$6,000,948 has been spent on improving track safety.

The CHAIR: And the rest of the money that has been given for animal welfare?

Mr KEVIN ANDERSON: At this point out of that \$30 million, \$23 million remains for track safety standards and welfare in relation to what they do.

The CHAIR: So \$23 million not spent?

Mr KEVIN ANDERSON: Correct.

The CHAIR: But could be spent on improving the track standards. The \$10.4 million that is going from this budget is part of that original amount as well? Is some of that going into track upgrades?

Mr KEVIN ANDERSON: That is right.

The CHAIR: How much of that \$10.4 million goes towards the track upgrades amount?

Mr O'BRIEN: All of it.

The CHAIR: All of it?

Mr O'BRIEN: As part of the \$30 million that was committed in 2017, it was split over a number of years. The initial funding for this financial year was \$7 million. There has been a carry forward of approximately \$3.4 million from previous years.

The CHAIR: When we say in this budget paper "including track upgrades", we really mean it is just for track upgrades, there is nothing else? We say \$10.4 million to improve animal welfare, including track upgrades.

Mr O'BRIEN: I think some of the money that has been committed is for things like work on kennels at tracks, so not specifically the track itself.

The CHAIR: Do you have a breakdown? Is it something you could provide on notice?

Mr KING: Yes, we can.

Mr KEVIN ANDERSON: Absolutely.

The CHAIR: That would be very useful to see exactly where that money is going.

Mr O'BRIEN: Can I just clarify, it is all for racecourses. Some of it may be spent on the track, some of it may be spent on infrastructure at the track.

The CHAIR: Understood. If that money was not given to Greyhound Racing NSW presumably it would have to spend some of its own money on upgrading the tracks. I was concerned to read that in budget week, the same week in which the \$10.4 million was committed going forwards, we had an announcement from Greyhound Racing NSW saying that it could afford to pay \$3.2 million in extra prize money. The Government gives Greyhound Racing NSW \$10.4 million and in the same week Greyhound Racing NSW announced that it can afford to pay \$3.2 million in extra prize money, including boasting that it will give out \$2 million in prize money for the Million Dollar Chase. What guarantee do the people of New South Wales have that that \$10.4 million that we are giving to Greyhound Racing NSW is not just automatically spent on increasing prize money?

Mr KEVIN ANDERSON: Ms Boyd, it is very clear that when the reforms came in a couple of years ago, as part of the Iemma review of Greyhound Racing NSW, that welfare was a significant part. So \$30 million was set aside for the welfare of greyhounds. That included track upgrades, that included education and that included communication in relation to helping participants in the industry do that. Quite separate is where they get their operating and their prize money from. For example, wagering on racing is the major source of revenue for the New South Wales racing industry. In terms of Greyhound Racing NSW, they will get a significant sum of money from wagering and the totalisator from Tabcorp, which is the New South Wales licensee. That is where they get their prize money from—a completely separate bucket which is set aside for welfare.

The CHAIR: If they were not getting this \$10.4 million, in order to do their business in a way that is humane they would have to be spending more of their own money. Is that correct?

Mr KEVIN ANDERSON: Hypothetically, yes, but they have this—

The CHAIR: But instead they are paying out more prize money to an industry that by its nature and by the combination of gambling with animals creates the welfare problems in the first place. It looks a little bit odd, don't you think?

Mr KEVIN ANDERSON: I think that the greyhound racing industry has come a long way since that catastrophic event of the ban a couple of years ago. I firmly believe that to assist the industry to thrive and survive you have to offer a product, you have to make sure that it is of a standard that will attract the best and the brightest industry participants. I am getting to where you are going, Ms Boyd. If you have got quality prize money, if you have got quality fields, that lifts the standard overall. Sitting over here is the welfare bucket and we make sure that that is where that is spent. In terms of the increased prize money, it increases participation, it increases the standard and the level of racing, and I think a rising tide floats all boats. You have got to have one or the other.

The CHAIR: But why are we subsidising an industry in that way? Other industries have to pay for their own costs of doing business to a particular standard.

Mr KEVIN ANDERSON: Yes.

The CHAIR: We have set that standard at a particular level in terms of animal welfare standards, yet the Government is propping up the industry in order to meet those standards while the gambling industry is making a whole lot of money out of greyhound racing.

Mr KEVIN ANDERSON: It was part of the reforms, the Iemma review, when the ban was imposed, and then it was overturned, so part of that was welfare and integrity. Morris Iemma was the Chair of Greyhound Racing NSW at the time. As part of his review and the reform process, they set aside a number, which was \$30 million, for the welfare and integrity of animals to then put that back into the track safety standards.

The CHAIR: Why has that \$23 million not been spent on track safety?

Mr KEVIN ANDERSON: Greyhound Racing NSW currently is working with the University of Technology Sydney to look at a track safety standard they can implement across the board. That is where that \$30 million will go. While they are working on that, what has happened in the meantime with the \$6.9 million that I mentioned earlier, there has been some urgent remediation works on tracks that Greyhound Racing NSW has applied for. That is where those funds have gone.

The CHAIR: Is any government funding being used for the Million Dollar Chase?

Mr KEVIN ANDERSON: No.

The CHAIR: None at all?

Mr KEVIN ANDERSON: None at all.

The CHAIR: What is that being funded by then? Is that purely by Tabcorp sponsorship? How much is Tabcorp providing?

Mr KEVIN ANDERSON: I do not know that number, Ms Boyd. I am happy to take that on notice but I do know that no government funding is going towards the Million Dollar Chase series, which is currently underway in Greyhound Racing NSW.

The CHAIR: Even indirectly?

Mr KEVIN ANDERSON: No. No.

The CHAIR: Fair enough. Does the Hon. Shayne Mallard have any questions he wants to ask?

The Hon. SHAYNE MALLARD: No.

The CHAIR: In that case, I will keep going. Just turning to something a bit different, looking at renters' rights. I understand the previous Minister for Better Regulation and Innovation did not act on the strong community support for ending unfair no grounds evictions. I am interested to know how the Residential Tenancies Act is working to protect the people in New South Wales who live in private rental properties. How many people were subject to no grounds evictions in 2018 and over the past year?

Mr KEVIN ANDERSON: Ms Boyd, I do not have those numbers but I am happy to ask Ms Webb if she does have those numbers handy.

Ms WEBB: We do not have those numbers available at the moment. It has been raised with us by a number of stakeholders—that it would be very helpful to understand that situation so that we could work out how much of an issue it is for tenants in New South Wales. We are just implementing a pilot survey. When people get their rental bond back we will ask them some questions about why they have ended the tenancy. We are hoping that that will give us some better data so that our future policy considerations can be based on the data.

The CHAIR: You are saying that there is no monitoring of reasons for rental evictions at this point?

Ms WEBB: At the moment when someone ceases a tenancy they cease their tenancy and get their bond back and there is no requirement for them to tell anyone why their tenancy has ceased.

The CHAIR: Okay. No data exists on the use of the numbers of eviction notices by landlords?

Ms WEBB: I am not aware of any data. I could take that on notice just to check.

The CHAIR: I am just trying to work out, if you have no information on how people have had their leases terminated then you are not able to work out the extent of the problem.

Ms WEBB: Our discussions with stakeholders have been around that issue. There has been a lot of anecdotal information from various stakeholders. In consultation with our stakeholders we have all agreed, including the Tenants' Union, that some data and some understanding of the actual concrete nature of the problem would be helpful. We are doing that to try to rectify the lack of data.

The CHAIR: Will the department then look at no grounds evictions laws after that?

Ms WEBB: I think we have to see what the data shows as to how prevalent that is occurring and then of course it would be for the Government to decide what policy it will take up.

The CHAIR: Thank you. I have too many questions and too little time.

The Hon. SHAYNE MALLARD: You do not have to use the time.

The CHAIR: Does Mr Mookhey want to take my last two minutes?

The Hon. DANIEL MOOKHEY: Yes. Minister, why is New South Wales not establishing a register for silica, silicosis?

Mr KEVIN ANDERSON: Thanks, Mr Mookhey. I have just been advised that to establish a register for silica that would be the Department of Health.

The Hon. DANIEL MOOKHEY: But you represent the New South Wales Government on the Council of Australian Governments [COAG] in this respect, do you not—the SafeWork council?

Mr KEVIN ANDERSON: Yes, I do.

The Hon. DANIEL MOOKHEY: There is a proposition right now before that council, is there not, for establishment of a national register?

Mr KEVIN ANDERSON: I can take it on notice in particular in relation to that.

The Hon. DANIEL MOOKHEY: And you are aware that Queensland and Victoria have?

Mr KEVIN ANDERSON: Mr Mookhey, I am happy to defer to my SafeWork director, Mr Gavrielatos.

The Hon. DANIEL MOOKHEY: I am happy to take Mr Gavrielatos' evidence on this but this is a specific policy question I am asking, which really only you can answer because you are the Government Minister. I accept the logistics of how to get a register established might rest with the Department of Health but you are the Minister and it is your agency that goes to COAG. I want to know: What are the policy reasons that New South Wales is not yet embracing this, given that we are one of the last jurisdictions to do so?

Mr KEVIN ANDERSON: Mr Mookhey, we set up a task force to review the safety standards in the manufactured stone industry and consider regulatory changes to protect workers' health, as recommended in the

first review in the Dust Diseases scheme. The task force has met monthly until completion early this year. Regulatory findings in the work health and safety health and trade education included consideration for making silicosis a notifiable disease that could be reported to a Dust Diseases register.

The Hon. DANIEL MOOKHEY: Minister, I was on the committee that made the recommendations. I am aware of the history. Dare I ask, have you gone to any of the meetings of that task force?

Mr KEVIN ANDERSON: No, I have not, Mr Mookhey.

The Hon. DANIEL MOOKHEY: But you are aware that the level of incidences of silicosis in New South Wales is rising dramatically—that is the evidence of icare as of last Friday. Why is the Government not undertaking a more urgent response here, given that this task force that you just made reference to has been in existence since 2016? Three years later we still do not know even the most basic question as to whether or not the New South Wales Government is going to establish a register.

Mr KEVIN ANDERSON: The issue is being discussed as we speak with NSW Health and SafeWork NSW.

The Hon. DANIEL MOOKHEY: What is the timeline for that discussion to complete? When will we have guidance as to whether this will be something that the New South Wales Government is going to do?

Mr KEVIN ANDERSON: I am happy to ask Ms Webb that question.

Ms WEBB: Sorry, I think the discussions are ongoing. We notice that there has also been a recommendation from the Commonwealth health Minister for a register and we are participating in those discussions as well.

The CHAIR: That concludes our session this morning. Minister, thank you for attending this morning's hearing; we are finished with your questioning. The Committee will now break for lunch and we will return at 2.00 p.m. for further questioning of government officers.

Mr KEVIN ANDERSON: I thank the Committee and I appreciate your time as well. Thank you very much.

(The Minister for Better Regulation and Innovation withdrew.)

(Luncheon adjournment)

The CHAIR: Thank you all for coming back for the afternoon session.

The Hon. DANIEL MOOKHEY: Can I start directing these questions first to the Building Commissioner. Commissioner, you have said that the New South Wales construction industry is in need of a root and branch inquiry, particularly as you anticipate there are going to be more failures of buildings and building defects. Do you think four full-time staff is sufficient for you to be able to do your job?

Mr CHANDLER: Yes, I do.

The Hon. DANIEL MOOKHEY: Are you planning to seek any further additions to your staff?

Mr CHANDLER: If I identify a need for more than that I will.

The Hon. DANIEL MOOKHEY: Fair Trading has 20 building inspectors. Is that correct, Mr King?

Mr KING: I will defer to my Deputy Secretary.

Ms WEBB: Yes, I think we answered some questions on notice in the other parliamentary committee and that was approximately right for building inspectors.

The Hon. DANIEL MOOKHEY: Commissioner, do you have the relevant power to direct those inspectors?

Mr CHANDLER: I will have broad ability to have oversight of the organisation's activities.

The Hon. DANIEL MOOKHEY: Do you require legislative delegation of any form for you to be able to issue instructions to them?

Mr CHANDLER: The new legislation that is being prepared will outline those powers.

The Hon. DANIEL MOOKHEY: What legislation are you currently operating under, sir?

Mr CHANDLER: I currently have powers to act. Ms Webb, do you want to just—

Mr TANSEY: Under the Fair Trading Act the Secretary can delegate powers to become an authorised person and we have done that in Mr Chandler's case.

The Hon. DANIEL MOOKHEY: When was that authorisation given, Mr King?

Mr KING: That would have been when he started.

The Hon. DANIEL MOOKHEY: What is your annual salary, Commissioner?

Mr CHANDLER: That is public knowledge.

The Hon. DANIEL MOOKHEY: What is it?

Mr KING: That would be in the senior executive band [SEB] 3.

The Hon. DANIEL MOOKHEY: Band 3, so that is circa \$300,000?

Mr KING: I think from memory but I will take it on notice. I think from recollection it is between \$300,000 and \$380,000, but I will take that on notice.

The Hon. DANIEL MOOKHEY: That is okay. It came through in another hearing that that is what band 3 is, so I am presuming that is what it is. What is your budget for staff? What is your operating budget annually?

Mr KING: That would be around about \$5 million in terms of the budget for the Building Commissioner.

The Hon. DANIEL MOOKHEY: Five million dollars?

Mr KING: It would be around about \$5 million. But in saying that there are a couple of points, because I think they are all valid points, obviously, that you are raising of interest. The way we look at it is, firstly, on the Building Commissioner and the budget, that will be part of the broader cluster. We can go through all of the numbers of the cluster. But the other aspect in terms of the Building Commissioner, and this is an important point, it is not just purely the resources in terms of inspection or what is in the Fair Trading team. The things that we are looking at under the Building Commissioner is how do we actually use some of the work that we do in the Data Analytics Centre, some of the work that we are doing around our digital information and communications technology [ICT] team, some of the work we are using in terms of behavioural insights, some of the work that we are actually doing in terms of the delivery unit. I must just go back to the delivery unit, Mr Mookhey, because you asked me that question.

The Hon. DANIEL MOOKHEY: Yes.

Mr KING: I just want to clarify because I have one point. You asked about the resources of that. It is actually between five and nine. I did just want to clarify that point.

The Hon. DANIEL MOOKHEY: While we are there, because I was going to come back to that but we might as well do it now, when you say it is a delivery office—

Mr KING: Delivery unit.

The Hon. DANIEL MOOKHEY: Delivery unit, and you say that this is an example of a type of structure that is common to other jurisdictions, I presume that this is derived from, effectively, Michael Barber's work?

Mr KING: Exactly.

The Hon. DANIEL MOOKHEY: In addition to working on cladding, what are they doing in respect to building defects?

Mr KING: On this one it is predominantly working on cladding and then helping in terms of what the data is, what are the buildings, what are some of the resources and what are some of the actions we can do to actually drive the change with support and with councils, Planning, Industry and Environment et cetera. If I may, that work under Michael Barber, as you quite correctly said, started in the UK. It has proven to be successful over driving change and getting the implementation done. We have actually put that unit in this new department as well.

The Hon. DANIEL MOOKHEY: Secretary, when you said it, I was tempted to bring the book down.

Mr KING: I am happy to talk about the book if you want to.

The Hon. DANIEL MOOKHEY: It is an excellent book.

Mr KING: It is.

The Hon. DANIEL MOOKHEY: The five to nine people who are there, are they working exclusively on cladding?

Mr KING: No, they are not. A delivery unit just does not work on one or two priorities. It is working on about four or five priorities. One of those, which I am sure we are going to talk about on Thursday, is one of the priorities around tail of government ones.

The Hon. DANIEL MOOKHEY: Going back to the question you made about the Data Analytics Centre, how many staff has that got now?

Mr KING: I will take that on notice but I think from recollection it would be around about 40 or 50. The other unit too, mind you, is a unit such as our Spatial Services unit, which is in Bathurst, which is obviously doing a range of things in terms of data—

The Hon. DANIEL MOOKHEY: Maps.

Mr KING: Exactly. Now these are the types of things that we should be using, which we will be using, and the Building Commissioner has already come on board about how can we drive change far more effectively in all the aspects of building, including when you are talking about the rental. Remember you were asking about the rental and the tenants and that? How can we actually start to use that far more effectively in contacting proactively, et cetera, and getting change?

The Hon. DANIEL MOOKHEY: Has the Data Analytics Centre produced a risk model for where they think building defects might be?

Mr KING: I am not sure. I will just direct that.

Mr TANSEY: Not that I am aware of.

Mr KING: If I may, on that the Data Analytics Centre has only come into the Customer Service cluster with the machinery of government changes.

The Hon. DANIEL MOOKHEY: I accept that but it was part of the Department of Finance, Services and Innovation [DFSI] before so it is not that radically different, and when we first started talking about cladding two years ago we were told that they were producing a risk model to allow you to focus your resources so you can go specifically. I am asking: Is the Commissioner being guided by any sort of risk model which will identify how many buildings are suspect, what are they suspected for, so his time and his four staff are best directed to where the risk is?

Mr KING: Just in saying that, it is actually about 30 staff in terms of the Data Analytics Centre. In terms of using risk models, I would pass it over to the Building Commissioner who can answer a little bit on that and then we might get Mr Tansey to answer too.

Mr CHANDLER: The figures that you heard reported from the Minister this morning—

The Hon. DANIEL MOOKHEY: Sorry, can you bring the microphone forward?

Mr CHANDLER: Is that better? The figures that we have reduced, that the Minister spoke to this morning, are the product of the risk analysis that has been done to date. I do not have anything to add to that.

The Hon. DANIEL MOOKHEY: Mr Chandler, the Minister was speaking about cladding. I am asking you about building defects.

Mr CHANDLER: Building defects, sorry, a wider question on building defects. No, I have not got an answer on the wider question.

The Hon. DANIEL MOOKHEY: When do you anticipate having a risk model in place that would guide the Government's response?

Mr KING: If I may, we will pass it on to Mr Tansey.

Mr TANSEY: To clarify, Mr Mookhey, you referred to statements a couple of years ago. When the Cladding Taskforce first started we certainly used the capability of the Data Analytics Centre at that point to source data and use their data analytics capacity to analyse that data to try and identify buildings that were affected or might have been affected by cladding. They certainly did some of the foundation work back in 2017.

The Hon. DANIEL MOOKHEY: I accept that but I am asking about the building defects. Has any of that preparatory work that you just described for the cladding exercise been undertaken in respect of building defects?

Mr TANSEY: Not that I am aware of.

Mr KING: Not from the Data Analytics Centre at this stage.

The Hon. DANIEL MOOKHEY: How is the department determining where to allocate resources? Is it whatever you read in the paper, is it complaints that are coming forward to you? We have a commissioner, we have four staff, we know we have issues in lots of buildings. How are you effectively triaging the risks and are resources being put to their best use?

Mr KING: Just so I am actually clear from that in terms of you now are talking about building defects.

The Hon. DANIEL MOOKHEY: Yes.

Mr KING: How we are actually allocating resources from the broad department in supporting the Building Commissioner?

The Hon. DANIEL MOOKHEY: Specifically the Commissioner first but then perhaps we can broaden that out to what the department is doing to support the Commissioner because I understand it is still a relatively nascent structure. The problem is that we still know that we have a lot of buildings with defects, or at least we are told that. You are in a position to either confirm that or put the public's mind at ease. So I am asking you: How many do you think we have?

Mr KING: For sure. I think there are a couple of aspects on that. Building defects range from a challenge with a door to building defects such as Mascot. We have to keep that in mind.

The Hon. DANIEL MOOKHEY: I accept that. That is why I am asking about risk triage.

Mr KING: For sure, definitely. The second aspect of it in terms of the Building Commissioner, the Building Commissioner has only been in place for four weeks. We just have to keep that in mind as well. It has only recently started. In terms of the allocation of resources I will hand over to Ms Webb, who will give you a bit more.

Ms WEBB: We get a lot of complaints about building. I am happy to take on notice the exact number. We do exactly as you mentioned, risk triage them as to how detailed or what the issue is in them. Some are able to be rectified quite quickly. Our building inspectors have the power to make rectification orders. Others are more complex. Now that the Building Commissioner has come on board, we are working with him to surface those matters to him as well so that he can consider them.

The Hon. DANIEL MOOKHEY: Ms Webb, do you have data on the amount of rectification orders your inspectors have issued?

Ms WEBB: Yes, I do. I might have it with me.

The Hon. DANIEL MOOKHEY: Please.

Mr KING: We will see if we can dig around.

The Hon. COURTNEY HOUSSOS: Mr Chandler, I just have a couple of questions for you relating to a report in *The Daily Telegraph* today about a new initiative that the Government is going to be launching. It says:

And developers who change plans halfway through the job would also have to resubmit new plans for approval to the Building Commissioner.

Can you explain how that will work?

Mr CHANDLER: I think that comment was attributed to the Minister. Was that correct?

Mr KING: That was certainly my understanding.

The Hon. DANIEL MOOKHEY: Were you aware that that is what the Minister said?

Mr CHANDLER: Yes, I have read that and I am just saying that the comment was attributed to the Minister, is that right?

The Hon. COURTNEY HOUSSOS: It is not actually directly attributed to anyone. It is just written in the context of the article. It just says that that is going to be your role. Have you had discussions with the Minister about how that will work?

Mr CHANDLER: I have had a number of discussions with the Minister about how we will implement the plan that we have in mind but that will all be announced in due course.

The Hon. COURTNEY HOUSSOS: It looks as though it has been announced in *The Daily Telegraph* today.

Mr CHANDLER: I do not think it is an announcement.

The Hon. DANIEL MOOKHEY: Mr Chandler, was the first time you found out about that proposal this morning?

Mr CHANDLER: No, it is not at all. We have been discussing those sorts of issues for the last couple of weeks.

The Hon. DANIEL MOOKHEY: Do you have a forecast as to how many plans you are likely to be receiving for amendment or approval?

Mr CHANDLER: What we are looking at at the moment is what is the most efficient way of storing and accessing the plans, and they will be lodged in a way that they are accessible and usable.

The Hon. DANIEL MOOKHEY: Sure, but that was not my question. Have you prepared a forecast as to how many of these you anticipate?

Mr CHANDLER: There are thousands of buildings that are coming in each year. The most important thing to do is to make sure, in providing services to the customers of New South Wales who require access to their plans, that they are put in a place where they are accessible. That is the largest issue that has come to me in terms of discussions with owners' organisations and their representatives to date: They have found the access to those plans the most problematic issue. We fully anticipate resolving that. We will put them in a place where the public can access the as-built plans—the declared access as-built plans—that will be provided by developers going forward.

The Hon. DANIEL MOOKHEY: With the thousands you expect, with four staff, are you confident that your four staff will be able to do that?

Mr CHANDLER: I am not sure what your question is really aimed at.

The Hon. DANIEL MOOKHEY: It is a rather large project you just described there. I am asking whether you think four staff is enough for you to do it, given that they have also got other duties, I presume.

Mr CHANDLER: Really, the buildings that have got problems are self-selecting themselves. I do not expect that we are going to be overwhelmed with the volume of plans that are going to require to sit and look at every single plan. It is just a bit premature at this stage to go through and share with you what is currently on the table and our thoughts in that regard.

The Hon. COURTNEY HOUSSOS: There is a story in the media today that says that your role will be approving plans for developers who change plans halfway through the job. That is a pretty clear check and balance. This is in addition to the rather large job you have already, Mr Chandler. I am interested to know what is the process around approvals.

Mr KING: If we may—because obviously it is a key point—Mr Tansey can give you some detail on that.

The Hon. COURTNEY HOUSSOS: I am interested to get an answer from Mr Chandler, because he is the one who is going to be doing it.

Mr KING: I would like to say, though, you are looking at it from a very narrow perspective in terms of the Building Commissioner and the four resources. Coming back to the point in terms of lodging plans, how you go about lodging them, how do people actually get access to the plans, we are looking at it in a far more nuanced way. We are actually using the Data Analytics Centre, using Service NSW, using digital so citizens can get access to it, developers can get access to it, planners can get access to it in a fundamentally different way, rather than the very old-fashioned way where you just have all resources under one function. So if you have a Building Commissioner, do you need 400 resources there? Do you need 400 resources under a property commissioner? That is pretty old-school thinking. We are looking at it in a fundamentally revolutionised way in terms of how to use data, digital, behavioural insights. This work here is actually being done in conjunction with the Building Commissioner and the deputy secretary here and Mr Tansey, so it is not just a pure functional perspective.

The Hon. COURTNEY HOUSSOS: With respect, Mr King, my question was quite simple. It was to Mr Chandler: How will you approve these plans? He was the one that then talked about all these new ways of

storing plans, but I am interested in exactly what role you will have in approving plans. You yourself have identified in testimony to our building inquiry that the question of variations is a key part of addressing building defects. I am interested in specifically the role you will have in approving these plans.

Mr CHANDLER: I do not want to get ahead of the legislation at this stage, because it is a matter for the Government to take it forward. But I can tell you that I have been very closely involved with Mr Tansey in drafting the legislation and I am very impressed and confident that the work that will come forward will set up a completely new environment for the making of plans for a building and the making of plans to represent the as-built buildings. They will be accessible and usable in a way that they have never been available before.

The Hon. COURTNEY HOUSSOS: Mr Tansey, I have got a question for you then. Given your testimony to the building inquiry, which said that the legislation that passed through the Chamber as a matter of urgency almost 12 months ago still is not in force, what is the timetable for this new proposed legislation coming into force?

Mr TANSEY: As we discussed in the other inquiry, the Premier herself has committed to introducing the legislation in October. That is still what we are working through. I am sure you will appreciate the announcement that is in the paper today relates to the Government's commitments in its response to the Shergold Weir *Building Confidence* report, so it is really reflecting that the way the policy will change is to require people designing buildings and then people constructing buildings and people who make any variations to those buildings to submit plans with declarations of their compliance to the Building Code of Australia and then, as my colleagues have been outlining, make those available to the Building Commissioner. So the story—

The Hon. COURTNEY HOUSSOS: My question to you was not about the story. My question to you was about when the legislation will come into effect. Are you going to learn from the experience of the Building and Development Certifiers Act and ensure that this is implemented in a more timely manner? Or are we looking at the same kind of time frame?

Mr TANSEY: The legislation will be introduced to the Parliament in October. Without sounding too cute about it, it is then up to the Parliament to progress that legislation.

The Hon. COURTNEY HOUSSOS: And without sounding too cute about it, Mr Tansey, I am interested in what is the time frame that you are anticipating the legislation will come into force.

Mr TANSEY: We will then need to develop the regulations under that legislation as well, so we would be seeing it commencing next year, 2020.

The Hon. DANIEL MOOKHEY: Do you intend to publish an exposure draft before it is introduced into Parliament?

Mr TANSEY: I think that will depend a little bit on the timing of the progress of the drafting. It is a matter that will need to be considered by Cabinet, so that is really going to depend on the timing of introduction versus timing available for consultation.

The Hon. DANIEL MOOKHEY: Mr Chandler, you previously used the term "self-selecting"—buildings are self-selecting—and that is perhaps directing your attention in terms of your activities. What do you mean by "self-selecting"?

Mr CHANDLER: The ones that are most visible at the moment have put their hand up and self-selected themselves. There are a lot of reports regarding the amount of defects that there are. As Mr King has said, there is quite a distinction between an upper-range defect and a very serious defect. There is not, in fact, an adequate piece of work done to identify buildings that have defects generally and for them to be categorised into the more serious and less serious class. That work has already started with the cladding, but I would expect that—well, what will happen is that we will develop a much better line of sight to defects generally. Some of the work that has been done is going to have to move beyond it just being based on opinions and actually get down to being based on some facts. You might have seen an article in the media last week where Mr Randolph, who is one of the reporters of defects in the building industry, did declare that, in fact, a lot of it has been done based on interviews and opinion rather than on data. So we will be looking to build a much better platform of insightful data going forward.

The Hon. DANIEL MOOKHEY: So when you say "self-selecting", are you meaning that a building discovers that there is a problem and they tell you? Is that what the term means?

Mr CHANDLER: The point I was really making was that Mascot and Opal towers—

The Hon. DANIEL MOOKHEY: Obviously presented their issues.

Mr CHANDLER: —have self-selected themselves, and so have the buildings with cladding issues. So as to the degree to which there are other buildings out there that may need significant remediation, I do not believe that they have identified themselves at all at this stage.

The Hon. DANIEL MOOKHEY: What I am asking is do you have a proactive program in place to identify them before they reach the crisis level that we have seen with Mascot and Opal towers? I dare say that waiting for them to present their problems when buildings have to be evacuated might mean it is a little bit too late.

Mr CHANDLER: It is difficult to look back. What we are trying to do is to look forward, in the first instance, and get processes and requirements in place that says, well, for a new cohort of buildings, they are going to be far easier to identify the issues that may be embedded in them far earlier. As far as all the buildings that are built, it is very difficult to sit here and say that you could have a line of sight to defects in existing buildings.

The Hon. DANIEL MOOKHEY: That is precisely why I am asking you what steps you are taking to develop a risk model.

Mr CHANDLER: The first thing that should be happening is that many of these buildings are now five, six, some of them up to 10 years or more old. The strata managers and the executive committees of buildings like that are more likely to be aware of the issues and really should be raising and reporting them earlier.

The Hon. DANIEL MOOKHEY: Do they have a legal requirement to report to you or to report to Fair Trading NSW?

Mr CHANDLER: They have got to assess, on an annual basis, their asset condition and start to put money aside to maintain and keep assets in a proper functional situation.

The CHAIR: I am going to ask a few questions. Mr O'Brien, I think you might be the one best placed to answer. Do let me know if this is not something that you can answer, though. Do you know how many greyhound racing tracks in New South Wales are currently prohibited by the GWIC?

Mr O'BRIEN: I am not quite sure what you mean by that.

The CHAIR: For example, where racing has been stopped on grounds of track safety.

Mr O'BRIEN: I do not think that would be because of the commission. I think it would be agreed by the club and GRNSW.

The CHAIR: Okay.

Mr O'BRIEN: I am not aware of any at the moment. I would have to take that on notice.

The CHAIR: Are you aware that Mudgee Greyhound Racing Track was prohibited from holding races?

Mr O'BRIEN: I am not aware of that, no. I can take that on notice, though, to get the current status of that.

The CHAIR: The Committee did invite the Greyhound Welfare and Integrity Commission. I am not sure if that invitation was put through by the Minister or not. We agreed as a Committee that we would hold off re-inviting them to see if we could get some of this information out of yourself.

Mr KING: We could certainly liaise on some of these points. We can take this on notice and come back with the answers.

The CHAIR: That is great. I have questions and please let me know if you cannot take them on notice. I want to know if any greyhound racing tracks in New South Wales are currently prohibited by GWIC or prohibited by the racing clubs themselves; and whether GWIC is satisfied that no race meetings have been held at tracks during any time that a track was prohibited from holding races—I am particularly interested in Mudgee Greyhound Racing Track? Could you give me a list of tracks that have been prohibited from holding races or that have prohibited themselves from holding races—however it works—for any period of time since GWIC was established? That would be useful. Are you able to tell me how many welfare concerns the commission has received through its customer service hotline or its online Whispli form?

Mr KING: We would have some data on that.

Mr O'BRIEN: I do not have information on welfare concerns reported to the commission. I have some information on how many kennel inspections and how many disciplinary actions—

The CHAIR: Can we take that on notice?

Mr O'BRIEN: Yes; absolutely.

The CHAIR: Does GWIC publicly release stewards' reports for all greyhound racing tracks in New South Wales.

Mr O'BRIEN: I believe so. I believe they are on its website.

The CHAIR: So there are no tracks for which it does not publicly release stewards' reports of which you are aware?

Mr O'BRIEN: My understanding is that GWIC issues stewards' reports for all meetings that it oversights.

The CHAIR: Do you know how many times the Race Injury Review Panel has met in the past 12 months?

Mr O'BRIEN: The Race Injury Review Panel was only established earlier this year, I believe. I do not have the number of meetings that are held. I can get that. I will take that on notice.

The CHAIR: That would be good. Can you also tell me when will it next publish its findings.

Mr O'BRIEN: The panel itself or the quarterly—

The CHAIR: The panel.

Mr O'BRIEN: Yes.

The CHAIR: And how many times the animal welfare committee meet in the last 12 months and on what dates. What action has GWIC taken towards implementing recommendation 64 of the Greyhound Industry Reform Panel report, including the development of a target date for achieving zero unnecessary euthanasia? Do you have any update on that?

Mr O'BRIEN: I do not have anything on that specific recommendation.

The CHAIR: Okay. Can I just get you to confirm that you are the one taking that on notice?

Mr O'BRIEN: Yes.

Mr KING: Yes.

The CHAIR: Has the Government implemented recommendations 84 and 85 of the Greyhound Industry Reform Panel report relating to bonds? If not, why not?

Mr O'BRIEN: No. At this stage they have not been implemented. The commission wrote to the Minister at the time, last year, in relation to those recommendations and sought the Minister's approval for consideration of the bond to be deferred for a period of time to allow the commission to use other initiatives in the meantime before it implemented a bond.

The CHAIR: So GWIC was the one that wanted to defer?

Mr O'BRIEN: That is right.

The CHAIR: Do you know how GWIC is monitoring compliance with the New South Wales Government's new rule that people who advertise puppies or dogs, including greyhounds, for sale or to give away in New South Wales will need to include an identification number such as the animals' microchip numbers in their advertisements?

Mr O'BRIEN: I will have to take that on notice. My understanding, though, is that that is not enforced through the commission. I think it is another agency that is responsible for enforcement of that.

The CHAIR: So they are doing no independent monitoring of that for greyhounds?

Mr O'BRIEN: I would need to take on notice what actions they are taking.

The CHAIR: Are you aware of what sort of work GWIC undertook in relation to the case of Charles Sultana?

Mr O'BRIEN: I believe that that was a matter investigated initially by both the commission and the RSPCA New South Wales. That matter was then prosecuted in court through the RSPCA and GWIC subsequently issued disciplinary action against Mr Sultana following the finalisation of that court matter.

The CHAIR: Was there any formal investigation by GWIC?

Mr O'BRIEN: I understand there was, yes.

The CHAIR: With the RSPCA?

Mr O'BRIEN: Yes.

The CHAIR: Does GWIC know which dogs were killed—perhaps using identification tags, in that case?

Mr O'BRIEN: I would imagine they would but I would need to take that on notice.

The CHAIR: Thank you.

Mr KING: Can I just come back to the Racing Injury Review Panel? What was the question?

The CHAIR: How many times has the Race Injury Review Panel met in the last 12 months?

Mr KING: Just in terms of clarity, do you know that it started on 8 February 2019?

The CHAIR: Okay, yes.

Mr KING: Key staff from Greyhound Racing NSW and representatives of the Greyhound Industry Animal Welfare Committee examine contributing factors and causes, as well as make findings in relation to each incident. The review panel identifies and recommends strategies to help reduce the future incidence of injuries as well. Obviously, we will come back to you in terms of the number of meetings.

The CHAIR: Thank you.

Mr KING: There were 51 catastrophic injuries examined by the panel: 41.2 per cent were attributed to race factors such as collisions and falls, 29.4 per cent were attributed to greyhound factors such as genetics, fitness et cetera, and 11.8 per cent were attributed to track-related factors such as surface preparation et cetera. On that last point—this goes back to this morning, when we were talking about upgrading tracks and the Minister spoke about that—that is some of the work in looking at how can we improve tracks in terms of the standards, which also links into some of the work we are doing with University of New South Wales, where we are doing a bit of work—

The CHAIR: University of Technology Sydney?

Mr O'BRIEN: UTS.

Mr KING: We are looking at the design, amongst other things. In terms of tracks and the design amongst other things, they all have to go through particular business cases to come forward—what does it look like, what factors et cetera? That is some of the work that we are doing as well. It therefore then comes back to a point where we are thinking about how we can use things such as our Data Analytics Centre, amongst others, in terms of performance et cetera. That is all going to take a bit of time, but that is where you can get more science involved. The other thing you asked about this morning—which we thought we could answer now—was about budget. If you are interested we could give that answer now.

The CHAIR: That would be great.

Mr KING: Mr Gould will give you that answer.

Mr GOULD: The total budget for the current fiscal year is \$17.45 million. I am just looking for the analysis now.

The CHAIR: So that is \$17.45 million to GRNSW?

Mr GOULD: That is right. Excuse me while I look for the information.

Mr O'BRIEN: That was the commission's budget, I think.

Mr GOULD: Yes.

The CHAIR: The GWIC budget.

Mr GOULD: The GWIC budget, sorry. In the 2018-2019 year the expenditure was \$16.73 million: \$9.2 million came from a Greyhound Racing NSW contribution; \$2 million came from Treasury as a point of consumption tax; New South Wales Treasury con-funding was \$4.5 million; there were registration fees to the industry of \$330,000; and a miscellaneous line of \$700,000. Looking at the 2019 budget, there is, as I said, a budget of \$17.45 million: the contribution, which I believe is still not completely agreed with Greyhound Racing NSW, but certainly in the budget papers, is \$10 million; the point of consumption tax is \$4 million; Treasury funding is \$3 million; and registration fees are \$450,000.

The CHAIR: Okay.

Mr GOULD: If you are looking at funding that is coming from the industry, if you count the greyhound racing from New South Wales and also the registration fees, that is equal to 60 per cent, and the balance is coming from the Point of Consumption tax and Treasury funding.

The Hon. MARK BANASIAK: These questions are directed to SafeWork NSW. Does SafeWork NSW collect data on how many workers have committed suicide due to workplace bullying and psychological injury?

Mr GAVRIELATOS: We collect data on fatalities, yes. Specifically on that, if that has occurred we would have that information if it is notified to us as a workplace fatality.

The Hon. MARK BANASIAK: That is workplace fatalities. I am asking more about identified suicides due to workplace bullying. It would not necessarily be done at the workplace but at home.

Mr GAVRIELATOS: If it actually occurred due to a workplace situation and was notified to us, we would have that information. But I am not aware of any that we have received.

The Hon. MARK BANASIAK: When you say you have not received any, are you talking about in the past 12 months?

Mr GAVRIELATOS: In the past 12 months, certainly, yes.

The Hon. MARK BANASIAK: Would you be able to go back beyond 12 months and provide some data on notice?

Mr GAVRIELATOS: Happy to take it on notice and see if we have the data.

The Hon. MARK BANASIAK: Would you be able to go back maybe three years, if possible?

Mr GAVRIELATOS: Happy to go back three years.

The Hon. MARK BANASIAK: Thank you. In terms of reports of complaints regarding workplace bullying, are you responsible for making any determinations when you receive these complaints?

Mr GAVRIELATOS: If we receive a complaint in regards to workplace bullying or any psychosocial hazard we would intervene in that matter and determine if there was a breach of work health and safety legislation. Work health and safety legislation requires the employer to have a safe work environment, inclusive of psychosocial health.

The Hon. MARK BANASIAK: Have you had any interventions in the past three years?

Mr GAVRIELATOS: We have. If you give me a moment, I should say that our primary intervention is raising awareness in terms of mental health. We do have a mentally healthy at work strategy. It is a three-pronged strategy at the moment where we are trying to raise awareness both in terms of employers but also employees as well. So that is the primary work that we are doing at the moment. We also, as I said—

The Hon. MARK BANASIAK: You class that as an intervention?

Mr GAVRIELATOS: It is also an intervention. Obviously if we are going in and raising awareness and training employers and employees in terms of how to manage mentally healthy workplaces, then, yes, it is an intervention. I am trying to see if I have got statistics with me in regards to specific interventions that we have had. I may have to take it on notice.

The Hon. MARK BANASIAK: I am happy for you to.

Mr KING: Awareness is one of the interventions, as is training the managers, as is getting some more data and evidence-based information as well. It is a key area that Mr Gavrielatos is looking at. We also see it as an important area because one of the Premier's Priorities is reduction of suicide just generally. Again, coming back to an earlier point, this is an area that we will be putting the delivery unit on to assist as well.

The Hon. MARK BANASIAK: I wanted to clarify what the word "interventions" actually means.

Mr KING: It is broad-based but very targeted.

The Hon. MARK BANASIAK: While you are taking that on notice, in an intervention where you had to make a decision or recommend a decision, can you come back to us in terms of how many of those complaints were actually ruled in the complainant's favour?

Mr GAVRIELATOS: It is not so much that we rule, it is rather how we would work with that particular workplace to ensure that work health and safety laws were complied with.

The Hon. MARK BANASIAK: Do you forward any of these complaints that you receive on to the Fair Work Commission?

Mr GAVRIELATOS: I do not believe we have had a reason to do so.

The Hon. MARK BANASIAK: Recently I went on your website to try to find some information about mental health injury but I could not find any information that was listed on your incident reporting section. Am I looking in the wrong place?

Mr GAVRIELATOS: As I said, I will take it on notice and get the information.

The Hon. MARK BANASIAK: One last question on this: When does SafeWork NSW plan to undertake another review of its procedures in terms of workplace bullying in government agencies? I notice the latest review, according to your website, was 2015 but there was a press release dated July 2012. Is this something that you review regularly?

Mr GAVRIELATOS: What has occurred in more recent times is there has been the development of the government work health and safety sector plan. Across all clusters the secretaries have agreed to embed a safety culture within their organisations and each agency has become responsible for improving work health and safety within their cluster. That is a different way of working where we are actually trying to ensure across government that people are really focused on work health and safety.

The Hon. MARK BANASIAK: I notice these tip sheets on your website. They are just straight recommendations?

Mr GAVRIELATOS: I am not sure what they are.

The Hon. MARK BANASIAK: Work-related stress, you are going through it and making suggestions. They are just recommendations?

Mr GAVRIELATOS: Yes. They are guidelines in terms of how you might improve work health and safety in the workplace, yes.

The Hon. MARK BANASIAK: None of that is really enforceable by you? This is just part of your educational interventions, would you say?

Mr GAVRIELATOS: Yes. However, if there is non-compliance, if people are dealt with in a way where it is in breach of work health and safety laws, we can look at it and prosecute. In fact, we do have a recent prosecution in terms of bullying in the workplace, which was successful.

The Hon. MARK BANASIAK: Obviously when you are looking at these recommendations and go to the site, is there another framework or tool you use when you are looking at making a prosecution of non-compliance?

Mr GAVRIELATOS: It is the legislation directly and the regulation, yes.

The CHAIR: I have further questions on greyhound welfare. Are you able to provide any examples of improvements to tracks and facilities over the past couple of years?

Mr O'BRIEN: Yes, we can. There have been a number of projects funded from the grants programs. At Gosford there was a track renovation, which included reshaping and resurfacing of the track and renewal of racing infrastructure, so that includes starting boxes, drainage and fencing. Wentworth Park had—

The CHAIR: Sorry, just back on Gosford, how much was given to the Gosford track for that?

Mr O'BRIEN: It was \$762,570.

The CHAIR: You said "reshaping", did they take some of the curves off? I am sure there is a technical term for this—reducing the angle of the curves? Is that what they did?

Mr O'BRIEN: Yes, that is right.

The CHAIR: Wentworth Park?

Mr O'BRIEN: Wentworth Park, there was an upgrade to the track and surrounds, including drainage, retaining walls and fencing, and installation of some new lighting. The grant provided was \$552,895.

The CHAIR: At those two tracks, I am not sure how old those improvements were, but do we have data showing that they have improved animal welfare?

Mr O'BRIEN: I do not have data to hand but we can certainly take on notice whether there is any information from either the commission or GRNSW about data post those works being completed.

The CHAIR: That would be really useful to show—

Mr KING: The impact on injuries, amongst others.

The CHAIR: Exactly. Thank you very much.

The Hon. COURTNEY HOUSSOS: Mr Chandler, I wanted to ask you some questions about a piece of correspondence that you have been copied in on that you should have received today, I understand, from the strata committee at Mascot Towers. Are you familiar with that correspondence?

Mr CHANDLER: I have noticed that there has been some correspondence. I have not had a chance to open it and reflect on it at all.

The Hon. COURTNEY HOUSSOS: It says that the owners of Mascot Towers are in a very difficult situation and securing the funding that is necessary to commence remedial work on the Mascot Towers building is proving an impossible task. It then goes on to explain that the levy that was recently struck for \$7.7 million to undertake the rectification work, the owners had undertaken a range of different methods to seek funding to undertake these works. Attached to the back of the correspondence are the results of a survey the strata committee has conducted of the owners. As part of that survey 35 per cent of owners have said that they have tried every possible way to source extra funding.

This includes a personal loan, a loan from friends, refinancing using another property, using their own savings and refinancing using their current Mascot Towers property. However, 35 per cent of them have indicated that they have no further means of undertaking this work. The letter itself I would characterise as a desperate plea for help to the Minister and you have been cc'ed in on this particular piece of correspondence. My first question is, it refers to a meeting on 4 September that the Minister had with the strata committee. Were you present at that meeting?

Mr CHANDLER: No, I was not.

The Hon. COURTNEY HOUSSOS: Was anyone else at the table present at that meeting?

Mr TANSEY: No.

The Hon. COURTNEY HOUSSOS: Were you aware of the meeting occurring?

Mr CHANDLER: I was aware of the meeting.

The Hon. COURTNEY HOUSSOS: So you are familiar with the situation then, Mr Chandler?

Mr CHANDLER: Quite familiar, yes.

The Hon. COURTNEY HOUSSOS: Okay. They outline that they are in a very desperate situation where, they say, "We are not in a position where we can delay any further." Mr Chandler, what support are you going to recommend that the Government provides?

Mr CHANDLER: Ms Houssos, the Government is already helping the residents of Mascot Towers with rental assistance, so let us put that to one side. I have had several conversations with the strata manager. I think he was the author of that letter—is that Daniel Linders, is it?

The Hon. COURTNEY HOUSSOS: This is signed off by the strata committee.

Mr CHANDLER: Sure, but it is from strata management, is it?

The Hon. COURTNEY HOUSSOS: It is signed off by the strata committee.

Mr CHANDLER: Okay, fine. I have really asked them to share with us how they are actually going to address this building. At the moment, that is not very visible. While everybody is running around pleading for some help for a particular piece of work, that is not the whole of the work. I am not sure how the strata committee is going to deal with that. Now, that building is over 10 years old. That building has been insured by its insurers every single year for those 10 years. The building will have building replacement insurance. The insurer has had the opportunity to assess the risk of that building each and every one of those years for which it has insured it. I know it is a bit tough to take a position, but the Government has stepped up and helped the occupiers of that building with some rent. The executive committee is responsible for administering the strata plan and the management of the building. My question has been repeatedly to the representatives of the owners' association: Is the building insured for its replacement value? If it is, why are you not dealing with this matter through that process? If it is not, then why is it not?

The Hon. COURTNEY HOUSSOS: The letter actually addresses that directly. I understand that you have not had the opportunity to view it so I will quote it back to you. It says that they are seeking this urgent assistance as, and I quote, "further structural degradation may result where the rectification works become commercially unviable". They also note that they appreciate this is a complex matter and that they will be seeking insurance or legal claims, but they are in a position at the moment where they need assistance now. The work has to begin now. This is perhaps the most tragic and the most obvious example of the building defects crisis that is gripping New South Wales. Mr Chandler, is your response that they need to go back to their insurers?

Mr CHANDLER: I believe the matter needs to be referred to their insurer, but we are not entirely hands off in the exercise of trying to see if there are ways to assist going forward. I understand that the association has just appointed an assessor to consider the works that they are about to do through a complying development consent. That consent consideration has only just been commenced. It would be presumptuous to imagine that in fact we know what the answer of that review is going to be. They are not in a position to start the work any time soon.

The Hon. DANIEL MOOKHEY: Either to you, Mr Chandler or you, Mr Secretary: Is there a provision for the department to provide hardship funds?

Mr KING: In what regard? Just so we are clear.

The Hon. DANIEL MOOKHEY: To the owners at Mascot.

Mr KING: I will refer that to Ms Webb.

Ms WEBB: We do have provision to assist them with accommodation, as I think the Building Commissioner has already referred to. That comes from the rental bond fund, the statutory interest account, which can be used for accommodation purposes. In terms of replacing an insurance policy or insuring the building, no, we do not have those sorts of hardship funds. No, we do not have anything like that at all.

The Hon. DANIEL MOOKHEY: Do you have the ability to provide a loan?

Ms WEBB: I am not aware of any statute—

The Hon. DANIEL MOOKHEY: Other than the Crown's general ability to enter into a loan arrangement?

Mr KING: That would be right. You would have to go through Treasury and through all the normal processes.

The Hon. DANIEL MOOKHEY: Has this been contemplated as perhaps a measure that could be of use to assist the owners at Mascot, given that fundamentally what they are talking about here is a cash flow problem?

Mr KING: I think the commissioner has already raised that it is too early to actually come to that. May I just say that I do not have that letter. I have not seen the letter, so I cannot really comment on it.

The Hon. COURTNEY HOUSSOS: It has been cc'ed to Mr Peter Dunphy in your department and also to the Building Commissioner. The letter itself directly contradicts the testimony that you are providing to the Committee.

Mr KING: I have not seen the letter, so it is a bit—

The Hon. COURTNEY HOUSSOS: I appreciate that you do not have the ability to see the letter. However, I will quote to you again. It says that they actually have a proposal to begin rectification works immediately. In fact it says, "It is supposed to start 30 September, but the contracts need to be signed as a matter of urgency." That is the way it is characterised in this letter.

The Hon. CATHERINE CUSACK: Point of order: I do not mean to antagonise, but to assist the process can I request that since the member is quoting from it that she table that letter and that it be made available to the witnesses and other members of the Committee? I think that would benefit the line of questioning she is pursuing.

The Hon. COURTNEY HOUSSOS: That is fine.

The Hon. CATHERINE CUSACK: Thank you very much.

The Hon. COURTNEY HOUSSOS: My question is: Given the Government is currently providing assistance in terms of emergency accommodation, does it not require that the rectification works need to actually

begin at some point? Do we not actually need to fix the source of the problem and not just keep these people waiting forever in temporary accommodation?

Mr KING: There are a couple of points on that question. The first thing is you are saying should rectification on Mascot Towers start—that is your first point.

The Hon. COURTNEY HOUSSOS: Yes.

Mr KING: That comes down to the organisation that is actually running Mascot Towers. That is not our decision, because we are just hypothesising on a number of aspects of it. I cannot give that view. If I may, then your second point is if the issue to start is about funding for it then can the New South Wales Government step in and contribute to the funding. That is a broader policy issue that I cannot comment on at this stage.

The Hon. COURTNEY HOUSSOS: Mr Chandler, you are the Building Commissioner. You are the one who has been charged with the response. What is your recommendation going to be to the Government?

Mr CHANDLER: I have had several meetings with folk related to that job. I keep asking them—it is okay to come up with something that is urgent that they need to do immediately, but what is missing is what is all the work that is required to actually pull that building back to a point that it might achieve an occupancy certificate? At the moment there is absolutely nothing on the table, any thought as to how that building is going to achieve an occupancy certificate. My concern is that they may be induced to start work on something that actually turns out to be not viable. I have not seen anything at this stage that has convinced me, at least, that what is proposed is viable.

The Hon. COURTNEY HOUSSOS: Mr Chandler, if they do come up with a plan that is, in your terms, "viable" to get back to an occupancy certificate, the issue remains outstanding that 35 per cent of the owners cannot seek any further financial support. They have exhausted every option they have. They have gone to their friends, they have gone to their bank, they have gone to their own savings, they have sought to refinance other properties, they have sought to refinance their own property in Mascot Towers. They have no way of funding the rectification works. What is your recommendation going to be to the New South Wales Government?

Mr CHANDLER: I think we are getting the cart ahead of the horse here. We are hypothesising that there may well be a plan that is viable. I think we should cross that bridge when we see a viable plan.

The Hon. COURTNEY HOUSSOS: Mr Chandler, you are saying there is actually a chance that Mascot Towers will not be able to be rebuilt?

Mr CHANDLER: I did not say that. I just said that there needs to be a comprehensive and viable plan to reinstate the building fit for occupancy. At this stage there is no such plan on the table.

The Hon. DANIEL MOOKHEY: Ms Webb, how long will the rental assistance continue for?

Ms WEBB: The Minister has announced that it is available for another six months. I think he made that announcement a couple of weeks ago. Of course, we would keep it under review as the situation develops.

The Hon. DANIEL MOOKHEY: Secretary, you are aware that icare maintains a Home Building Compensation Fund?

Mr KING: Yes.

The Hon. DANIEL MOOKHEY: You are aware that that provides insurance effectively for buildings that are up to three storeys and not beyond?

Mr KING: Yes.

The Hon. DANIEL MOOKHEY: Are you aware then the process of them administrating that fund is that they prepare actuarial models?

Mr KING: I am now.

The Hon. DANIEL MOOKHEY: They told us on Friday that they currently say that the insurance gap—that is, people without requisite levels of insurance—could be as high as I think 40 per cent. Also, that they are modelling for a massive spike in premiums in the next premium cycle for both that fund for contractors and, of course, their view is that the same type of factor will take place in the private market. Have you undertaken any work or has the Commissioner undertaken any work about what the insurance effects on premiums is going to be in the next 12 months?

Mr KING: Firstly, I have not done any work on it. But then your second point, has the Commissioner undertaken any work on it. At this stage my understanding is that, Commissioner, we have not undertaken any work on that.

The Hon. DANIEL MOOKHEY: Commissioner, do you accept that there is quite a large risk? That, in fact, in insurance terms a massive spike in premiums—I think they estimated, from memory, 40 per cent to 60 per cent in the next calendar year—could actually create a catastrophic effect on the insurance market which will cause people and insurers to leave, as well as that it is really the type of spiral that insurers fear the most. Do you accept that?

Mr CHANDLER: I have read a lot about the conversations on insurance. The media has been full of it in the last three or four months or longer.

The Hon. DANIEL MOOKHEY: I am actually pointing to you the evidence provided directly by New South Wales government agencies to the Parliament.

Mr CHANDLER: That is for the home building insurance model, not for projects that are above three storeys.

The Hon. DANIEL MOOKHEY: Are you undertaking any work about what is happening in the insurance market for those above three storeys?

Mr KING: The Building Commissioner has only been in place for four weeks.

The Hon. DANIEL MOOKHEY: Hence my question to you as well, Mr King. In terms of the process that you have just outlined earlier about the comprehensive response that the department is engaged in, where are you up to in terms of measuring insurance risk?

Mr KING: Again, the insurance you have just quoted before is with icare. Icare is part of the Treasury portfolio. I cannot comment on Treasury. Can I just say, insurance just generally in this industry will be one element of a stakeholder that we will be engaging with, working through. If you look at premiums, coming back to your point, the actuarial models, in terms of what is going on with cladding, what is going on with the financial services just generally, that is an area that we would be engaging in just overall from the Building Commissioner, with Fair Trading, amongst others. That all just takes time. What we just have to do though in saying that is coming back again to the definition of "building defects". When we are talking about building defects, are we talking about Mascot Towers, Opal Tower or are we just talking about building defects generally, which therefore comes back to your point about the risk model. This is all of the work that we are doing at the moment.

The Hon. DANIEL MOOKHEY: Perhaps on notice, are you able to provide a time line as to when you think this work will be complete so that we have an idea as to how you and your department are planning to actually get these answers to these questions? I accept it is a new problem and it does take time. Will you take it on notice?

Mr KING: I will take it on notice in terms of the work that we are doing and what the steps are.

The Hon. DANIEL MOOKHEY: Ms Webb, do you have that data that we were talking about in terms of rectification orders?

Ms WEBB: I apologise, I do have data that there are 8,000 complaints a year approximately. We conduct about 2,000 inspections.

The Hon. DANIEL MOOKHEY: I am sorry, Ms Webb, can you put the microphone up?

Ms WEBB: Sorry, 8,000 complaints, about 2,000 building inspections a year but unfortunately rectification is not one of the things on this list, so I would have to take that back on notice.

The Hon. DANIEL MOOKHEY: Do you have trend analysis for those numbers? How many complaints were received the year previous and how many were received?

Ms WEBB: I can take all of that on notice. I think we may have given it to the other committee but in any case I can certainly get that. Overall I think we have seen a little bit of a decline in complaints but I do not want to completely say that.

The Hon. COURTNEY HOUSSOS: What time period? You did actually give this to the other committee but I just cannot remember the time period.

Ms WEBB: I think we had something over the last three years.

The Hon. COURTNEY HOUSSOS: So 8,000 over the last three years?

Ms WEBB: Sorry, 8,000 a year approximately but I can get the specifics for each year.

The Hon. DANIEL MOOKHEY: But circa 2,000 inspections?

Ms WEBB: Yes.

The Hon. DANIEL MOOKHEY: Can you provide us any information about geographically where these inspections are being undertaken and where these complaints are coming from?

Ms WEBB: Yes, we can add that in. Yes, that will be fine.

The Hon. DANIEL MOOKHEY: Do you have it now?

Ms WEBB: No, I do not have that with me.

The Hon. DANIEL MOOKHEY: What is the nature of the complaints? If the spectrum that Mr King described of being the door versus the towers that are falling, where are they coming in?

Ms WEBB: That is right. What happens normally when someone makes a complaint to our home building inspection service is that we first try and mediate by phone or try and work out what the problem is. Inspectors then go out and do an inspection onsite. They can discuss with both the builder and the home owner or the person who has made the complaint, try and mediate if they can, but if they deem that some rectification needs to be done by the builder they will make a rectification order.

The Hon. DANIEL MOOKHEY: Do you keep data as to which builders are getting complaints?

Ms WEBB: Yes, absolutely.

The Hon. DANIEL MOOKHEY: Which builders are getting complaints?

Ms WEBB: I cannot give you that now but I can tell you for sure we take a lot of disciplinary action and we certainly match the builders we are getting complaints about with our licensing data, with our prosecution data, and we keep a risk-based intelligence system operating.

The Hon. DANIEL MOOKHEY: Glad to hear. Do you audit certifiers?

Ms WEBB: Yes, we do.

The Hon. DANIEL MOOKHEY: How many did you do in the last year?

Ms WEBB: I have three years is 38, but I will just get it by years, sorry.

The Hon. DANIEL MOOKHEY: Thirty-eight in the last three years. That is okay. You can perhaps come back to us.

Mr KING: Yes, we have the numbers so we can get that.

The Hon. DANIEL MOOKHEY: Have you withdrawn any certificate for a certifier?

Ms WEBB: Yes, we have. In the last 12 months six certifier accreditations have been cancelled.

The Hon. DANIEL MOOKHEY: Do you have the names?

Ms WEBB: The names are on a public register but I can certainly give you the link to it.

The Hon. DANIEL MOOKHEY: Have you checked the buildings that they certified and how many buildings did they certify?

Ms WEBB: We will get that data.

The Hon. COURTNEY HOUSSOS: Of the 8,000 complaints that are received, do you classify them between minor and major defects?

Ms WEBB: We do not use that terminology. I think we would say that the ones that are resolved quite early on would be probably considered minor issues and then the ones that require a rectification order of some sort would probably be in the more major category. But we can certainly—

The Hon. COURTNEY HOUSSOS: Do they conform with the broader understandings of their legal concepts?

Ms WEBB: As in whether people have the right to insurance for two years or six years?

The Hon. COURTNEY HOUSSOS: That is right.

Ms WEBB: We could probably match some of that up. I do not know if they are actually designated like that.

The Hon. COURTNEY HOUSSOS: But you do not collect that data?

Ms WEBB: No, because we are looking at it from the point of view not of the insurance claim that someone might make but whether we can issue a rectification order.

The Hon. DANIEL MOOKHEY: Do you prosecute people for not complying with a rectification order?

Ms WEBB: The remedy for noncompliance with a rectification order is an order by the tribunal, by the NSW Civil and Administrative Tribunal [NCAT].

The Hon. DANIEL MOOKHEY: How many of them have been made in the last 12 months?

Ms WEBB: I would have to ask NCAT that.

The Hon. DANIEL MOOKHEY: On your application?

Ms WEBB: No, the person who has made the complaint makes the application to NCAT.

The Hon. DANIEL MOOKHEY: But your building inspectors issue the rectification order, is that fair?

Ms WEBB: Our building inspectors issue a rectification order. If a builder does not comply with that order then the person who has made the complaint is entitled to take that to NCAT.

The Hon. DANIEL MOOKHEY: Do you keep data as to how many of those people actually utilise that remedy?

Ms WEBB: We would have to ask NCAT for that data if we could.

The Hon. DANIEL MOOKHEY: Are you able to do that?

Ms WEBB: We can ask and see what they can give us.

The Hon. DANIEL MOOKHEY: Can you provide us some trend analysis in that respect?

Ms WEBB: Yes, for sure.

The Hon. COURTNEY HOUSSOS: I am not sure if you are familiar, there was a story in *The Herald Sun* on the weekend outlining that dodgy or counterfeit flammable cladding had arrived into Victoria. Are you aware of any of these arriving into New South Wales?

Mr KING: Firstly, I am not aware of the article in the Herald yesterday, so that is the first thing.

Mr DAVID SHOEBRIDGE: The Herald sucks, to give you an out.

Mr KING: Thanks, Mr Shoebridge. I do not read *The Herald Sun*. If I may though, Mr Tansey, are you able to answer?

Mr TANSEY: I was not aware of the Victorian report made from the weekend.

The Hon. COURTNEY HOUSSOS: What are the checking procedures in place to ensure that this does not happen in New South Wales?

Mr TANSEY: In terms of delivery or ordering of—

The Hon. DANIEL MOOKHEY: The installation of illegal cladding that is stuck there. What processes are in place to interdict the use of illegal cladding in New South Wales?

Mr TANSEY: In testimony earlier this morning we made reference to the Building Product Use Ban that has been in place for the last two years that prohibits it and introduces serious penalties for that. Then the surveillance and compliance on building sites is the responsibility of the local consent authorities to get—

The Hon. DANIEL MOOKHEY: But is there an enforcement strategy that is in place? Because two years ago the Minister made reference to COAG delivering one. In fact, his very strong view was that he had to wait for COAG to stop the interdiction of illegal cladding. Does the department have an enforcement strategy in place?

Mr TANSEY: I am trying to recollect what the Minister might have been referring to a couple of years ago.

The Hon. DANIEL MOOKHEY: To be fair, it may not have been clear. At the time he would have said either.

Mr TANSEY: There has been some discussion at the Ministerial Council. So when we talk about COAG I take it to mean that we are referring to the Building Ministers' Forum, which is the national meeting?

The Hon. DANIEL MOOKHEY: Yes.

Mr TANSEY: There has been discussion in that forum over time about whether or not it would be possible to stop this product, for example, on importation at customs. I cannot talk for the Commonwealth Government but the view is that it is not clear that it is feasible to try and interdict product at the border because—

The Hon. DANIEL MOOKHEY: You mean the national border?

Mr TANSEY: The national border. The issue with cladding is that it can be an appropriate and safe product if used in the right way in the right building.

Mr DAVID SHOEBRIDGE: If used under water—aquatic use.

The Hon. DANIEL MOOKHEY: I have used the term "illegal cladding".

Mr TANSEY: It can be used on buildings. It can be used on signs. Depending how it is used and what the specific product is, it can be safe for use. Unlike a product where you can make a binary decision at the border that it is a good thing or a bad thing, it is prohibited or not—

The Hon. DANIEL MOOKHEY: I understand. You have to distinguish.

Mr TANSEY: The distinction is not easy to make in a container at the port in that way.

Mr DAVID SHOEBRIDGE: I think this is either to you, Mr King, or Mr Gavrielatos. Recently a SafeWork employee had details of a work health and safety matter that they had raised with the organisation included on their personnel file, or P-File. When this was first raised with SafeWork, it was left on the P-File. It was only after a review was required that it was removed from the P-File. Mr Gavrielatos, do you agree that it is totally inappropriate to have work health and safety matters included on employees' personnel files?

Mr GAVRIELATOS: I am not aware of the matter that you are talking about. I am certainly happy to have a look at it before I would be able to provide a response to that.

Mr DAVID SHOEBRIDGE: I am advised that it included materials in the P-File that the worker had lodged a public interest disclosure under the Public Interest Disclosures Act, and that was included on their personnel file. Putting to one side this instant case, which you will take on notice, do you agree that those kind of matters should never be included on a personnel file?

Mr GAVRIELATOS: From a SafeWork perspective, I am not able to comment on a person's individual P-File. I know you are asking a broader question, but I would like to actually be able to understand what that particular matter was about.

Mr DAVID SHOEBRIDGE: Do you agree that a bona fide public interest disclosure by an employee should not be included on an employee's personnel file because it could clearly be used or be seen to be used as a way of getting back at an employee or having, if you like, warning bells around them that this is a troublemaker? Do you accept that?

Mr GAVRIELATOS: Again, I think really I would like to know more about the actual matter.

Mr DAVID SHOEBRIDGE: I am not asking about the individual case. I am asking about a matter of principle.

Mr KING: If I may, Mr Shoebridge, I think there is a number of points in there. Again, I cannot talk about any individual case, but I think the point that, firstly, information—if you are doing it on, as is said, a public interest disclosure, which is the point that you are raising—should not be on someone's personnel file and certainly should not be on the basis to discriminate against someone on future employment opportunities or promotion. I would certainly think that is very valid and should always be held with very clear privacy rules in place. There are rules on that. Again, I do not know the particular case and obviously you have got to keep it in confidence, but if there was any element along that line, we would have to take the relevant course of action through our people in culture function to protect people's rights. Besides you asking Mr Gavrielatos from a SafeWork perspective, that is just normal good practice that you would have to put in place. Then what I may say, Mr Shoebridge—because this is also quite important—approximately two or three weeks ago I sent a broad communication out to the entire department cluster about ensuring that people's rights are protected, from a privacy perspective amongst other things as well. So I reinforce that on an ongoing basis.

Mr DAVID SHOEBRIDGE: These concerns have been raised about one specific case. Indeed, the concerns were that, on being raised, there was not that institutional response. It took a further review and the union pressing it.

Mr KING: Again, I talk about histories.

Mr DAVID SHOEBRIDGE: I understand you are not going to answer that individual case.

Mr KING: I am just talking about, certainly, what I would and what I have done.

Mr DAVID SHOEBRIDGE: I will ask you this as a general proposition, unrelated to any individual case: Do you agree that all employees of your department and of SafeWork should know that if they raise or report a work health and safety [WHS] issue or they lodge a public interest disclosure under the Public Interest Disclosures Act, it will not lead to a record being placed on their P-File?

Mr KING: I would agree that everything from a people and culture perspective must follow due process and rules, whatever rules are in place. If those rules are that they are not to be on someone's file, I would agree with that.

Mr DAVID SHOEBRIDGE: Do you think that rule should be very clear? Do you think you should be able now to give that public assurance to members of SafeWork that that is the rule?

Mr KING: And the broader organisation, that your privacy and if you are raising things from a public interest disclosure—

Mr DAVID SHOEBRIDGE: It will not get on your personnel file.

Mr KING: —it should not be on the personnel file and certainly should not be used, if that is in accordance with all the rules, against you from any discriminatory perspective. I would agree with that.

Mr DAVID SHOEBRIDGE: It is hard to know what other purpose it could have on your personnel file, in a general case—I am not talking about this case—other than to basically highlight: Here is somebody who has raised concerns. Here is a bit of a troublemaker. Watch out.

Mr KING: I understand the hypothesis you are raising there. All I can give you is how we are doing it. We are driving that in accordance with all the rules. In terms of protecting people's rights, ensuring they are not being discriminated in any aspect, you are exactly right. I cannot keep going back on all those points.

Mr DAVID SHOEBRIDGE: I understand. Could I ask you, then, to seek a specific review of SafeWork, if this issue has arisen in SafeWork, and to review any instances when it has arisen in SafeWork, Mr King?

Mr KING: Using public interest on people's files?

Mr DAVID SHOEBRIDGE: Yes, a WHS concern or a public interest disclosure concern.

Mr KING: Regarding SafeWork, because I do not think it is just purely SafeWork, I would be saying—and I can give you the—

Mr DAVID SHOEBRIDGE: But I have told you that it has happened.

Mr KING: I understand that.

Mr DAVID SHOEBRIDGE: Will you seek a review of any instances where it has happened in the past?

Mr KING: I will seek a review if something is actually raised with me. What I can also say is reinforcing people and culture policies and the general public service policies that are consistent with the Public Service Commission. I will be reinforcing that on an ongoing basis through not just SafeWork but through the entire department and cluster.

Mr DAVID SHOEBRIDGE: Mr Gavrielatos or Mr King, in June 2019 the Industrial Relations Commission found that SafeWork had allowed Family and Community Services to request a review of a provisional improvement notice issued by a health and safety representative outside of the seven-day prescribed time. Indeed, that review was granted; the improvement notice was purportedly cancelled and a SafeWork governance and appeal unit upheld that decision despite the fact it was unlawful and that the seven-day mandatory time period had not been complied with. Mr Gavrielatos, what are you doing to ensure SafeWork does not repeat those mistakes?

Mr GAVRIELATOS: Again, I am not aware of that particular matter. However, what I will say is that we are aware that we need to continuously train our inspectors so they are clear on the policies and procedures in terms of how they respond to matters, regardless of the workplace.

Mr DAVID SHOEBRIDGE: Are you saying you are not aware of the case of *Kovic v SafeWork NSW*, where your organisation was lambasted by the Industrial Relations Commission and found to have inappropriately set aside or purportedly set aside an improvement notice without any lawful basis to do it? You are not even aware of the case?

Mr GAVRIELATOS: I am not aware of that matter.

Mr DAVID SHOEBRIDGE: It is as recent as June of this year.

Mr GAVRIELATOS: I am not aware of that matter.

Mr DAVID SHOEBRIDGE: Will you review it?

Mr GAVRIELATOS: I am happy to have a look at it. I am just saying I am not aware of that matter.

Mr DAVID SHOEBRIDGE: When you get embarrassed in the Industrial Relations Commission and your organisation is found to have acted unlawfully, do you not have a system in place where that gets reported to you?

Mr GAVRIELATOS: I am happy to review that matter.

Mr DAVID SHOEBRIDGE: No, do you have a system in place?

Mr GAVRIELATOS: As I said, I am not aware of that matter. I am happy to review that matter.

Mr DAVID SHOEBRIDGE: How many times have you lost cases in the Industrial Relations Commission since January this year?

Mr KING: I said I am not aware of that matter.

Mr DAVID SHOEBRIDGE: No, I am not asking you—

The Hon. WES FANG: Point of order—

Mr DAVID SHOEBRIDGE: How many times have you lost cases in the Industrial Relations Commission this year?

The CHAIR: I will hear the point of order.

Mr GAVRIELATOS: I will take it on notice.

The Hon. WES FANG: The member is answering the question. I think I am going to quote here from Ms Cate Faehrmann when she said that there was badgering of the witness. I ask you to ask Mr David Shoebridge to ask questions in a respectful way.

The CHAIR: Please keep that in mind, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Thank you, Madam Chair. How many cases has SafeWork lost in the Industrial Relations Commission this year, Mr Gavrielatos?

Mr GAVRIELATOS: I will take that on notice.

Mr DAVID SHOEBRIDGE: Do you have a system in place where you are at least advised when you lose cases in the Industrial Relations Commission?

Mr GAVRIELATOS: I have not been advised of the matter that you have mentioned today or other matters.

Mr DAVID SHOEBRIDGE: Do you have a system in place to advise you when you lose cases in the Industrial Relations Commission?

Mr GAVRIELATOS: I would have expected to have been advised, but I was not advised.

Mr DAVID SHOEBRIDGE: Don't find it surprising, to say the least, that the first time you hear about SafeWork not only losing the case but being found to have acted unlawfully in purporting to set aside an improvement notice is when I tell you in a budget estimates hearing? Here is a copy of the case, by the way.

Mr GAVRIELATOS: Thank you. I will review the matter and also look at our procedures.

Mr DAVID SHOEBRIDGE: Are there any procedures in place? What training is in place of inspectors since you lost the Kovic decision? Is there any training in place of your inspectors to teach them about when they can and cannot allow a review of an improvement notice?

Mr GAVRIELATOS: I am not clear on the question. We actually have a specific unit which reviews matters, which is independent.

Mr DAVID SHOEBRIDGE: Yes. That is the SafeWork Governance and Appeals Unit.

Mr GAVRIELATOS: That is correct, yes.

Mr DAVID SHOEBRIDGE: They got it wrong and they were found to have acted unlawfully.

Ms WEBB: Maybe I can just help. For reasons of independence, that appeals unit sits outside of SafeWork. It sits as part of the Better Regulation Division as a whole. We made sure that the reviews of inspectors' notices are done independently.

Mr DAVID SHOEBRIDGE: So that is your failure, Ms Webb. What review have you done of the SafeWork Governance and Appeals Unit?

Ms WEBB: We have a continuous improvement process, as Mr Gavrielatos mentioned. I am not aware of what specific action they might have taken in relation to that specific case but I can certainly take that on notice.

Mr DAVID SHOEBRIDGE: Were you aware of the Kovic's case?

Ms WEBB: I am not sure. I am not aware of that case, I don't think. There are quite a lot of cases that come through our division so I cannot give you a categorical answer, but we certainly will take it on notice.

The CHAIR: I think my questions are a little bit more straightforward.

The Hon. WES FANG: And polite?

The CHAIR: I can't guarantee but I will see how I go.

The Hon. WES FANG: Couldn't be any worse.

The CHAIR: Can we start on boarding houses? I do not know to direct this question to but I will start with Mr King.

Mr KING: Yes.

The CHAIR: How many boarding houses are registered in New South Wales?

Mr KING: Thank you, Chair. It is actually Mr Tansey who will be able to answer that with more details on boarding houses.

Mr TANSEY: Thank you. I just need to review my notes. On 30 June 2019 there were 1,088 properties listed on the boarding house register, with 17 of those being assisted boarding houses and the rest general boarding houses.

The CHAIR: Thank you. What data is collected on infringement notices from local councils regarding boarding house regulation and inspections?

Mr TANSEY: I am happy to take that on notice. I think it might be the case that the register itself is purely a register of the boarding houses rather than specific enforcement action taken against, which, as you rightly identify, is a function of local councils. But I am happy to take on notice whether or not there is any other system of recording those matters.

The CHAIR: Yes. If you could let me know if the department takes that data in any way or has access to that data, that would be great. Are local councils required to report to the department on boarding house compliance or regulation infringements? From what you have just said, perhaps not.

Mr TANSEY: Again, I do not believe that they are but I am happy to take that on notice and confirm it for you.

Mr KING: Chair, what we could say is that we are doing a review and local councils and agency staff from community organisations have raised concerns about the ability of local governments to monitor and enforce the Act within existing resources. That is one of the things that we are having a look at: How do you actually improve the monitoring and compliance? That also comes back just generally with councils and what sort of support can we put in place that makes it easier for them as well.

The CHAIR: The relevant legislation is up for review, is it not?

Mr KING: That is right.

The CHAIR: I think it is overdue.

Mr KING: I am not commenting on whether it is overdue but—

The CHAIR: No, but it is in process, is it?

Mr KING: That is right. That is my understanding.

The CHAIR: Is there any State funding available for that reporting from local councils or from the monitoring of local councils with boarding houses?

Ms WEBB: I am not aware of any specific funds, no.

The CHAIR: Do you know if there is a central database of data collected by local councils in New South Wales regarding the number and type of boarding house registrations issued each year?

Ms WEBB: Registrations? We have details on our register that we can separate out by local government area but in terms of notice, do you mean compliance notices?

The CHAIR: Yes. I guess I am looking for data on the number and type of boarding house registrations by local government area.

Mr KING: You have some there.

Ms WEBB: We have numbers of registrations. I think as the previous answers have been stated, we do not keep numbers of any sort of rectification orders or orders being made.

The CHAIR: Do you keep any data around boarding house rents and rental increases?

Ms WEBB: No. Not that I know of.

The CHAIR: Do you know how that is monitored and regulated?

Ms WEBB: I do not think there is any regulation of the rent as such.

The CHAIR: Are there any mechanisms in existence to encourage or require more affordable rents in boarding houses?

Ms WEBB: We could take that on notice. I am not aware of any current activity in that area.

The CHAIR: Thank you. The oversight and regulation of rents and rental increases as well as more detail, is that something that will come through the review of the legislation?

Mr KING: That is right. That will be part of the review just generally about how you can ensure, first, the capture of data and then the reporting of data. Obviously this, Chair, has to go through a range of consultations among others as well and then the transparency of the information at the right time and in the right place would also be part of the consultation.

The CHAIR: Do you know when that review might be complete?

Mr KING: I think we have the dates here.

Mr TANSEY: A discussion paper was released just a couple of weeks back and is open, I believe, for a couple of months. It will then go through a process of obviously being analysed for all of the inputs and then reported back to Cabinet for consideration of any reforms arising from it. Madam Chair, going back to your earlier question, the question of rent probably mostly comes up around the deal of residents' rights within boarding houses, which frankly is bound to be a focus of the review.

The CHAIR: Yes. Okay.

Mr TANSEY: The report is then due to be tabled in Parliament in February next year.

The CHAIR: Thank you.

Mr KING: There were a couple of things, Chair, such as overcrowding, residents' rights, compliance and enforcement and registration. Some of the points that you are actually raising will be covered as part of this.

The CHAIR: Okay, very good. My last question on boarding houses is: Do you collect any data regarding the number of local land tax exemptions claimed by boarding house owners?

Ms WEBB: We do not. I do not know whether Revenue NSW might be able to assist with that.

Mr KING: We will take that on notice and come back on that one.

The CHAIR: Thank you, that will be very useful. In the couple of minutes left, I will ask a couple of questions about strata. Are there any requirements for strata committee members of large schemes, being those over 100 lots, to have certain skills or experience or qualifications or to engage with people with skills and expertise?

Mr KING: I will pass that to our Deputy Secretary Webb.

Ms WEBB: For the members of the Committee, I do not believe there are any qualifications. For the strata managers, which are the bodies that they employ to conduct strata work on their behalf, yes, they are required to be licensed.

The CHAIR: Is there any training or support provided or mandated for strata committee members of large schemes?

Ms WEBB: I do not believe there is but I will check and take that on notice.

The CHAIR: Is there any oversight by the department of the obligation on landlords to register new tenants on the strata roll?

Ms WEBB: We have a general obligation to ensure compliance with the strata laws and we operate a strata mediation service. On that specific issue about registrations, I am not sure that we expend a lot of effort on enforcing that. But we can certainly take that on notice and see if that is something that has come up.

The CHAIR: Would it be the department that is responsible for ensuring that the landlord complies with the reporting requirement?

Ms WEBB: I think it would be ours, us, either under residential tenancies legislation or under the strata law, yes.

The CHAIR: But what you are saying is that there is not at the moment—

Ms WEBB: I have not been aware that we have expended a lot of effort on ensuring that happens but we can certainly take that on notice and check what happens.

The CHAIR: Thank you. Does the department have any details about the number of strata committees who currently have tenant representatives?

Mr KING: I do not believe so, no.

Ms WEBB: I do not think we would.

The CHAIR: If the department does not, does anyone else have that kind of data, or is that just not collected?

Mr KING: Not that I am aware of, but we can have a look and see whether anyone else does. I do not believe so.

The CHAIR: Is there any resourcing put in to inform tenants about their rights to be on that strata roll—what it means when you get a certain number of tenants on the roll?

Mr KING: There are a number of things we do around tenants' rights.

Ms WEBB: We certainly do a lot of community engagement with people about general tenants' rights. The Government also funds various tenants' advisory services through grants programs to assist people with understanding their rights.

The CHAIR: Are you aware of any tenant representatives on a committee?

Ms WEBB: I do not think we have details about who is on that committee from time to time?

The Hon. PETER PRIMROSE: Ms Webb, can I follow up on a matter that we began this morning, about the media release of 15 August about the unsafe products? One of the issues that has been put to me is that a number of media organisations, particularly those in the Arabic press, did not receive a copy of the media release. I am not making an allegation. My question is: How do you ensure that those people from non-English speaking backgrounds, through their media and other sources, actually obtain this information because there is grave concern that this particular community—not only the Arabic speaking but a whole range of different communities from non-English speaking backgrounds—just do not have this information.

Ms WEBB: We have a permanent officer in Fair Trading whose job it is to engage with culturally and linguistically different communities. We translate a fair number of our publications. I will check on notice but I think our publications about child safety matters are translated into Arabic. We certainly do quite a lot of media with press in different languages. On this specific media release, and whether it was sent to an Arab newspaper, I could take on notice and check.

The Hon. PETER PRIMROSE: Thank you. That is a grave concern because it involves flammable sleepwear.

Mr KING: If I may also add, some of the other work that we are doing—this comes back to the broader customer service department—is to work quite closely with Multicultural New South Wales. We provide a range of services through Service NSW in terms of language services, amongst others. Again, one of the things we need to drive at is not just relying on media, but how we can use different channels at the right time at the right place. That is some work that we have to do just generally.

The Hon. PETER PRIMROSE: Is your website accessible for people from culturally diverse communities?

Ms WEBB: Yes. The whole web site is not translated, but a large number of the brochures and information is translated and it is available for people via the web site.

The Hon. PETER PRIMROSE: If it was a direct translation and a media release said, "Refer to our web site," then you can see the obvious concerns.

Ms WEBB: There is definitely material in a number of community languages on the web site.

Mr KING: What I can say, Mr Primrose, is that on the Service NSW website you can translate that to multi languages et cetera. That was some work done a couple of years ago. The opportunity is how to actually take that forward across other websites within the department—and we will.

The Hon. PETER PRIMROSE: Thank you for that. I have a couple of questions about SafeWork NSW. One is in relation, firstly, to audiometric testing. I understand that section 58—I understand you have a copy here—of the Work Health and Safety Regulation 2017 requires that workers who wear hearing protection must have audiometric testing every two years as a mechanism to ensure that the controls on the personal protective equipment are working. Can you tell us whether that clause has commenced? Is it being enforced? What is the status of it now?

Mr TANSEY: In regard to audiometric testing I would have to take that on notice.

Mr GAVRIELATOS: We will have to take that on notice.

The Hon. PETER PRIMROSE: My concerns relate to the fact that there are concerns that while this has been there since 2017 it has not actually been enforced. If that is incorrect, how is this being monitored? How many prosecutions have there been in relation to this not occurring? I am happy for that to be taken on notice.

Mr KING: We will come back to you on that.

The Hon. PETER PRIMROSE: I have one other question relating to welding fumes—a category 1 carcinogen. How is SafeWork dealing with the issue of preventing welding fumes from causing workers' health concerns?

Mr GAVRIELATOS: Again, I will take that on notice and get back to you.

The Hon. PETER PRIMROSE: Could you include in that, please, not only what you are doing but what you propose should occur in relation to any Australian, COAG, or other related issues. Thank you.

The Hon. DANIEL MOOKHEY: I will continue to ask some questions about SafeWork, Mr Gavrielatos. How many staff are currently at SafeWork?

Mr GAVRIELATOS: SafeWork has just over 500 staff in total?

The Hon. DANIEL MOOKHEY: Is that full-time equivalent [FTE]?

Mr GAVRIELATOS: That is FTE.

The Hon. DANIEL MOOKHEY: Do you have the figures for last year?

Mr GAVRIELATOS: I do not have those figures in front of me, no.

The Hon. DANIEL MOOKHEY: Is it going up? Is it going down?

Mr GAVRIELATOS: It is about the same.

The Hon. DANIEL MOOKHEY: And you are subject to the efficiency dividend. Is that correct?

Mr GAVRIELATOS: Yes.

Mr KING: The entire department and cluster is subject to an efficiency dividend. That is right.

The Hon. DANIEL MOOKHEY: Before I go too far down the efficiency dividend pathway, of those 500 how many are inspectors?

Mr GAVRIELATOS: Just over 300.

The Hon. DANIEL MOOKHEY: Do you have any trend numbers on that, or are you saying it is relatively stable?

Mr GAVRIELATOS: It is stable.

The Hon. DANIEL MOOKHEY: Are they allocated by industry or by function?

Mr GAVRIELATOS: We have a variety of different inspectors. We have generalist inspectors as well as specialist inspectors—for example, hazardous chemicals, dangerous goods et cetera.

The Hon. DANIEL MOOKHEY: Hazardous chemicals and dangerous goods. Are there any others?

Mr GAVRIELATOS: Others. Yes, we have engineers.

The Hon. DANIEL MOOKHEY: Do you have asbestos?

Mr GAVRIELATOS: We have asbestos specialists as well, yes, and hygienists.

The Hon. DANIEL MOOKHEY: Got it. Is there any proposal underway to reduce the number of inspectors at SafeWork?

Mr GAVRIELATOS: We are in the process of recruiting inspectors; not reducing inspectors.

The Hon. DANIEL MOOKHEY: What is the vacancy rate, currently?

Mr GAVRIELATOS: Let's say around 20, but I will give you the exact numbers.

The Hon. DANIEL MOOKHEY: Around 20 vacancies?

Mr GAVRIELATOS: Yes.

The Hon. DANIEL MOOKHEY: How long have they been vacant?

Mr GAVRIELATOS: We have just finished a major recruitment exercise, where we brought in about 22 inspectors. We are looking to recruit again.

The Hon. DANIEL MOOKHEY: So you filled 22, and you are looking to recruit an additional 20?

Mr GAVRIELATOS: I am going to take it on notice to give you exact numbers.

The Hon. DANIEL MOOKHEY: Of course, but those are the circa figures that you are talking about.

Mr GAVRIELATOS: Yes.

The Hon. DANIEL MOOKHEY: So that is 40 out of roughly 300. Is that a standard rate of change for a 12-month period?

Mr GAVRIELATOS: It is not 40; it would be about 20.

The Hon. DANIEL MOOKHEY: You said you filled 22 and you are still looking to recruit 20.

Mr GAVRIELATOS: We were looking to recruit more than the 22, it is just that we have a particular standard we want people to meet and it was not met. Therefore we did not fill all positions and now we are continuing to recruit.

The Hon. DANIEL MOOKHEY: How many inspections did they do last year?

Mr GAVRIELATOS: Bear with me; I will get the numbers. Last year we had 43,000 inspections.

The Hon. DANIEL MOOKHEY: Do you have the year before?

Mr GAVRIELATOS: Yes, 43,900 inspections—about the same.

The Hon. DANIEL MOOKHEY: Do you have the year before that?

Mr GAVRIELATOS: Yes, 37,700 inspections.

The Hon. DANIEL MOOKHEY: How many improvement notices?

Mr GAVRIELATOS: For 2018-2019 there were 10,157 improvement notices. For the previous year, 9,210, and the year before that 7,513.

The Hon. DANIEL MOOKHEY: Is there a reason that this is an additional 3,000—it has gone up—given that we have roughly the same level of inspections, or is that not correct?

Mr GAVRIELATOS: It is correct. The work has been focused. There have been major blitzes happening in the last three years and the numbers have increased. They are just improvement notices. If you want the total notices, which include prohibition and penalty notices, in 2016-2017 it was 8,714, in 2017-2018 it was 11,344, and in 2018-2019 it was 12,697.

The Hon. DANIEL MOOKHEY: So that is up quite significantly too.

Mr GAVRIELATOS: Yes.

The Hon. DANIEL MOOKHEY: Why?

Mr GAVRIELATOS: Again, it is our approach and the programs that we run are blitzes, basically, targeting high-risk areas.

The Hon. DANIEL MOOKHEY: What are high risk, currently?

Mr GAVRIELATOS: Currently high risk would be construction and transport. Those would be two of the higher risk areas.

The Hon. DANIEL MOOKHEY: So it is construction and transport. It has been that way for a while, has it?

Mr GAVRIELATOS: Yes.

The Hon. DANIEL MOOKHEY: How many prosecutions?

Mr GAVRIELATOS: We have 134 prosecutions that have been commenced and this year 59 have been successful.

The Hon. DANIEL MOOKHEY: How many were not successful?

Mr GAVRIELATOS: I do not have that number in front of me.

The Hon. DANIEL MOOKHEY: In terms of the blitzes that you have undertaken, what were the major blitzes by industry?

Mr GAVRIELATOS: By industry?

The Hon. DANIEL MOOKHEY: Yes.

Mr GAVRIELATOS: We have had falls from heights. We have had transport.

The Hon. DANIEL MOOKHEY: What were you doing in transport?

Mr GAVRIELATOS: Can I take that on notice and I will give you greater detail on that?

The Hon. DANIEL MOOKHEY: Have you undertaken or have you received any complaints about government infrastructure projects? Let us go through them—WestConnex?

Mr GAVRIELATOS: We have had engagement with government projects, yes. We have a specific infrastructure team to deal with government infrastructure.

The Hon. DANIEL MOOKHEY: How many people are on that infrastructure team?

Mr GAVRIELATOS: Again, I would have to take that on notice.

The Hon. DANIEL MOOKHEY: What have they done?

Mr GAVRIELATOS: They respond to requests for services and they also do proactive inspections of various projects.

The Hon. DANIEL MOOKHEY: What have they proactively inspected in the past 12 months?

Mr GAVRIELATOS: Work health and safety legislation breaches.

The Hon. DANIEL MOOKHEY: Of course, but which government projects?

Mr GAVRIELATOS: Again, I will take it on notice but it has been a variety of government projects.

The Hon. DANIEL MOOKHEY: Can we go with the major projects that are underway. What about the WestConnex?

Mr GAVRIELATOS: Yes, that would have all been included.

The Hon. DANIEL MOOKHEY: Have they been subject to any improvement notices?

Mr GAVRIELATOS: I would have to take that on notice.

The Hon. DANIEL MOOKHEY: Have they been subject to any prosecutions?

Mr GAVRIELATOS: Can I say, some of the projects they have been involved with include the Sydney Metro, WestConnex, western Sydney airport, Moorebank interchange, Parramatta Light Rail and Inland Rail.

The Hon. DANIEL MOOKHEY: Can we go one by one through what has happened in each of them. Sydney Metro?

Mr GAVRIELATOS: I will take that on notice and provide an answer.

Mr KING: You just want the names of each one slowly, is that right?

The Hon. DANIEL MOOKHEY: It is just that they have been identified as being things that you have proactive activities for.

Mr KING: That is okay. Mr Gavrielatos, do you want to go through the names?

The Hon. DANIEL MOOKHEY: What did you find at them?

Mr KING: Oh, find.

Mr GAVRIELATOS: That I will take on notice.

The Hon. DANIEL MOOKHEY: That is all in the past 12 months?

Mr GAVRIELATOS: Yes.

The Hon. DANIEL MOOKHEY: Have they been subject to improvement notices?

Mr GAVRIELATOS: I will take that on notice and provide you with detail on those.

The Hon. DANIEL MOOKHEY: Mr Secretary, did you want to add something?

Mr KING: I was just going to add, I think the thing is with the significant infrastructure investment in New South Wales—

The Hon. DANIEL MOOKHEY: Of course, that is why I am asking.

Mr KING: What Mr Gavrielatos has done is to increase the team and the focus on infrastructure just generally. That is the important point, just to keep fair.

The Hon. DANIEL MOOKHEY: I appreciate the context. I am asking because they are major employers.

Mr KING: For sure and obviously it is part of understanding the different businesses involved and subcontractors as well. It is all part of it.

The Hon. DANIEL MOOKHEY: Yes, and to be fair I am asking about government projects not the Government. I am asking about the contract chains that are in them.

Mr KING: No, I get it very much.

The Hon. DANIEL MOOKHEY: Do you have any further information you can provide us in terms of what SafeWork has done there?

Mr GAVRIELATOS: I will take it no notice.

The Hon. DANIEL MOOKHEY: The Minister made previous reference in his session about silicosis. You made the point that you have undertaken 264 inspections at points of fabrications or thereabouts?

Mr GAVRIELATOS: Thereabouts.

The Hon. DANIEL MOOKHEY: You are aware of the concern with silica and Caesarstone benchtops predominantly, and the rise in popularity of that?

Mr GAVRIELATOS: Silica is found in many products, including manufactured stone, as well as in sandstone, brick et cetera. It is much broader than just Caesarstone.

The Hon. DANIEL MOOKHEY: But you are aware that the concern—or certainly the theories that a lot of other regulators are working off as to the reasons why we are seeing quite a dramatic spike is because it is more at the point of installation than necessarily the point of fabrication. That is when the cutting takes place, for example, on sites in people's houses when they install Caesarstone benchtops.

Mr GAVRIELATOS: The major concern is at the point of fabrication, not at the point of installation.

The Hon. DANIEL MOOKHEY: But you accept that there is a concern at the point of installation as well?

Mr GAVRIELATOS: There is but the major concern is where it is being fabricated. When I say "fabricated", not made but where it is actually being cut. The majority of the work is actually done offsite not onsite.

The Hon. DANIEL MOOKHEY: I accept that. But from the evidence that we received I think in now two dust diseases reviews that have been undertaken by the upper House, the point has been made that installation is equally a point of risk—at this point there is no visibility of it and therefore no enforcement of it. What has SafeWork done in the past 12 months in that respect?

Mr GAVRIELATOS: In terms of installation at somebody's home, for example?

The Hon. DANIEL MOOKHEY: Yes.

Mr GAVRIELATOS: There would be very little that we would have done directly in terms of attending somebody's home. However, what we have done is again tried to raise awareness in terms of workers who work with the stone really pushing hard for proper safety systems—in terms of how they cut, wet cutting in particular, but also protection equipment as well.

The Hon. DANIEL MOOKHEY: You are aware that Victoria has prohibited the practice of dry cutting?

Mr GAVRIELATOS: And in New South Wales if anyone is dry cutting they would immediately get a prohibition notice, as was issued when we conducted silica inspections recently. It is the same thing; it is a prohibition.

The Hon. DANIEL MOOKHEY: You have just pre-empted my next question. Do you have the data as to how many people have been issued prohibition notices in that respect?

Mr GAVRIELATOS: I do. As I mentioned 240 sites were visited—and as far as we are aware they are the fabrication sites in New South Wales—423 visits, so there were follow up visits, 578 improvement notices and 39 prohibition notices.

The Hon. DANIEL MOOKHEY: Is there policy advice that SafeWork is preparing about the establishment of a register in New South Wales?

Mr GAVRIELATOS: It is something that we have had—as was mentioned this morning—discussions with the Ministry of Health about a register, but there is also the terms of reference for the Federal Minister for Health looking at a national register.

The Hon. DANIEL MOOKHEY: To be fair, a national register has been considered on the COAG agenda now for a number of years. You are aware in the second review undertaken by the Standing Committee on Law and Justice there was a recommendation specifically that should the Commonwealth not form one then we should proceed with our own. Are you aware of that?

Mr GAVRIELATOS: Yes.

The Hon. DANIEL MOOKHEY: Do you have any policy advice or have you provided any advice to the Minister or to anyone else that this should now be actioned?

Mr GAVRIELATOS: We are working with the Ministry of Health and discussing that.

The Hon. DANIEL MOOKHEY: Do you have a time line for when that discussion with the Ministry of Health will finish?

Mr GAVRIELATOS: I do not. It has begun though.

The Hon. DANIEL MOOKHEY: Are you doing it at a high level, mid level? How is it happening? Are you talking to a deputy secretary, secretary?

Mr GAVRIELATOS: Talking to a deputy secretary and executive director. I am talking with others at my level at the Ministry of Health.

The Hon. DANIEL MOOKHEY: How frequently are those interactions?

Mr GAVRIELATOS: We have had a couple of meetings about that.

The Hon. PETER PRIMROSE: I was wondering whether in relation to silicosis you could provide us with some incidents and prevalence figures so that we can have an idea of the trend over time?

Mr GAVRIELATOS: This morning some figures were mentioned and there was a discrepancy in terms of the figures that had been provided at the Treasury hearing. The figures that we provided were the ones that were publicly available that we were aware of. The figures mentioned in the Treasury hearing I think are the more accurate figures because they were more up to date than what we had available to us. Those are the figures as far as I am aware. I think it is 40 incidents.

The Hon. PETER PRIMROSE: No. I am interested in incidents and prevalence

Mr GAVRIELATOS: No. I have not got those sorts of figures.

The Hon. PETER PRIMROSE: Incidents and new cases, and prevalence of those that continue over time.

Mr GAVRIELATOS: I would have to seek information from icare in regards to that.

The Hon. PETER PRIMROSE: Could you do that please?

Mr GAVRIELATOS: Yes.

The Hon. PETER PRIMROSE: Provisional improvement notices are legal notices issued by elected worker, health and safety representative, which must be complied with, where there is a breach of legislation identified. Is that correct?

Mr GAVRIELATOS: A provisional?

The Hon. PETER PRIMROSE: A provisional improvement notice?

Mr GAVRIELATOS: Or an improvement notice, yes.

The Hon. PETER PRIMROSE: How many prosecutions have there been in the past five years in relation to the issuing of one of those notices?

Mr GAVRIELATOS: Sorry, I am not following the question.

The Hon. PETER PRIMROSE: Have there been any prosecutions in relation to any offence which involves the issuing of a notice?

Mr GAVRIELATOS: Sorry, I am just trying to clarify in terms of what is being asked. If we have issued a notice and it has not been complied with, has there been a prosecution in regards to that?

The Hon. PETER PRIMROSE: Yes.

Mr GAVRIELATOS: I would have to take that on notice.

The Hon. DANIEL MOOKHEY: Are you aware that the Australian Competition and Consumer Commission has recently exercised its power over unfair contracts to void contracts between Uber Eats and a variety of restaurants?

Ms WEBB: Yes.

The Hon. DANIEL MOOKHEY: Can you take us through what precisely Fair Trading is doing in this space?

Ms WEBB: The law in relation to unfair contract terms is a national and a State law. The arrangement that we have with the Australian Competition and Consumer Commission [ACCC] and all the Fair Trading

agencies, and their equivalents around the country, is that if it is a business that is operating nationally the ACCC will take precedence and try to resolve the matter on a national basis because it affects consumers and small businesses everywhere.

The Hon. DANIEL MOOKHEY: Your view is that the Commonwealth has to lead in this respect?

Ms WEBB: Particularly for companies like Uber, yes.

The Hon. DANIEL MOOKHEY: You are aware that the Fair Work Ombudsman earlier this year ruled that Uber's drivers are not employees, therefore they are a business chain?

Ms WEBB: I am self aware from the newspaper reports and things. I have not read the case or anything.

The Hon. DANIEL MOOKHEY: Fair enough, I do not begrudge you that. Are you doing anything in this respect because we have been told by Transport and point to point, and incidentally Finance and Small Business, that these are matters for Fair Trading to regulate or inspect.

Ms WEBB: If it is a matter of an unfair contract term, yes, the law as it applies in New South Wales is Fair Trading's to administer. But, as I said, it is also for the ACCC and if it is a national company like Uber we will defer to the ACCC.

The Hon. DANIEL MOOKHEY: In respect to these digital platforms, be it Uber or others, what is Fair Trading doing in this respect?

Ms WEBB: We have taken some action in relation to digital platforms. Again, the ACCC is by far the leader on this and has far more resources devoted to it. We have had some success in prosecutions in cases in relation to online selling and things like that, but for the actual unfair contract provisions most of them are nationally operating platforms and we have deferred to the ACCC.

The Hon. DANIEL MOOKHEY: Sure, but I am not necessarily limiting my questions to unfair contract terms. I am asking about the other, broader New South Wales trading laws.

Ms WEBB: When you say "platforms" you mean people buying and selling things on online platforms?

The Hon. DANIEL MOOKHEY: Well, let's go through them. What about Freelancer? Airtasker?

Mr KING: You are talking about—so along the lines of the gig economy just generally?

Ms WEBB: And again you are talking about whether the arrangements that they have with consumers or with their employees—

The Hon. DANIEL MOOKHEY: No, well it is business-to-business. Are you doing anything with respect to B2B?

Ms WEBB: As I understand it those are both nationally operating businesses.

The Hon. DANIEL MOOKHEY: The basic principle is if it is national you guys will not touch it?

Ms WEBB: We defer to the ACCC because it is better to have a remedy that is Australia-wide.

Mr DAVID SHOEBRIDGE: Did SafeWork NSW support Safe Work Australia's move on silicosis exposure standards, where Safe Work Australia decided to set a 0.05 milligrams per cubic metre for silicosis exposure? Was that supported by SafeWork NSW?

Mr GAVRIELATOS: New South Wales supported the .05 standard to go to a Ministers' meeting later this year for Ministers to consider.

Mr DAVID SHOEBRIDGE: You know the Cancer Council, most unions, the Victorian State Government all said the standard should be 0.02 milligrams per cubic metre? You are aware of that?

Mr GAVRIELATOS: I am aware of that.

Mr DAVID SHOEBRIDGE: Are you aware that the standard in the United States is 0.025 milligrams per cubic metre?

Mr GAVRIELATOS: I am aware of that, yes.

Mr DAVID SHOEBRIDGE: The standard in Japan is 0.03 milligrams per cubic metre?

Mr GAVRIELATOS: I was not aware of that.

Mr DAVID SHOEBRIDGE: Why on earth is New South Wales willing to expose workers here to 0.05 milligrams per cubic metre given that?

Mr GAVRIELATOS: At this stage it is a recommendation for Ministers to consider later this year.

Mr DAVID SHOEBRIDGE: But you are supporting it, so I am asking you why you are supporting 0.05 for workers in New South Wales when that is double the standard in the US, almost double the standard in Japan and is contrary to the advice of the Cancer Council?

Mr GAVRIELATOS: It is being considered later in the year by Ministers. At this stage, the evidence that we have is that with proper safety systems it can be controlled.

Mr DAVID SHOEBRIDGE: Mr Gavrielatos, is that the advice of SafeWork, that it should be 0.05 milligrams per cubic metre?

Mr GAVRIELATOS: It is the advice that we have received.

Mr DAVID SHOEBRIDGE: From whom?

Mr GAVRIELATOS: Basically from the research that we have conducted.

Mr DAVID SHOEBRIDGE: Can you table that research?

Mr GAVRIELATOS: I have not got that. I will take that on notice and provide you the information we had.

Mr DAVID SHOEBRIDGE: You see, Mr Gavrielatos, going to a standard of 0.05 milligrams per cubic metre—and in fact doing that in three years' time, not instantly—is placing the lives of workers in the industry in New South Wales at risk. It is double the safe rate in the US. It is placing workers' lives at risk, is it not?

Mr GAVRIELATOS: Is that what you are saying?

Mr DAVID SHOEBRIDGE: I am putting that to you.

Mr GAVRIELATOS: There has been a recommendation that has been made by Safe Work Australia to Ministers to consider.

Mr DAVID SHOEBRIDGE: What about SafeWork NSW? What is your position?

Mr GAVRIELATOS: Our position is that we would like to see a reduction in the exposure standard.

Mr DAVID SHOEBRIDGE: Below 0.05?

Mr GAVRIELATOS: Ultimately, yes, but the recommendation that is going to the Ministers is that it is .05.

Mr DAVID SHOEBRIDGE: So your advice to the Minister is to pitch it at 0.05, is that right?

Mr GAVRIELATOS: That was the decision of Safe Work Australia after discussion—

Mr DAVID SHOEBRIDGE: What is the position of SafeWork NSW, Mr Gavrielatos? I am not asking you about Safe Work Australia; you are not responsible for them. I am asking about your agency.

Mr GAVRIELATOS: Our agency said 0.05. That is the position.

Mr DAVID SHOEBRIDGE: You see, Mr Gavrielatos, if the United States has a standard already applying of 0.025 and we want to ensure that workers now and in the future are properly protected, why are we not adopting at least that standard to keep workers safe?

Mr GAVRIELATOS: Again, that standard is going to the Ministers later this year. I cannot provide any more than that to you.

Mr DAVID SHOEBRIDGE: What is wrong with the US standard? Why will we not adopt the US standard, which is clearly safer for workers?

Mr GAVRIELATOS: I really cannot answer you any further than, as I said, providing you with what information we have at hand.

Mr KING: The other important part is you have obviously got the standard, which you have raised a number of times in terms of US, Japan amongst others. However, in addition to that we also have to look at what are the things we are doing just generally around the awareness, the education, ensuring that we look at how we actually go about management et cetera. All those things are also part of the response of SafeWork NSW.

Mr GAVRIELATOS: Can I also say that part of the recommendation is also that investigation and research be undertaken to see if there are practical ways that we can reduce it further to 0.02. So it was not to reduce it to .02; it was to go to .05 and then look at ways that we can actually get it to .02.

Mr DAVID SHOEBRIDGE: You see, Mr Gavrielatos, in the meantime potentially thousands of workers are being exposed to more than double the rate of silicosis that the Cancer Council says is safe and double the rate that the United States said is safe. That is not doing the best by workers in the industry in New South Wales, is it?

Mr GAVRIELATOS: We continue to conduct site inspections to ensure that those fabrication sites and other areas where silica is present is actually enforced in terms of—

Mr DAVID SHOEBRIDGE: What are you testing to now?

Mr GAVRIELATOS: In terms of exposure standard? We are testing in terms of the safety systems they have in place and how they work, that they actually do wet cut, that they do wear protection equipment as well.

Mr DAVID SHOEBRIDGE: What is the current exposure standard that you are testing to now?

Mr GAVRIELATOS: The test would still be—0.1 is the current standard.

Mr DAVID SHOEBRIDGE: So you can be going in to workplaces and they can have 0.09 milligrams per cubic metre and there is nothing you can do about it now because you have not reduced the standard; is that right?

Mr GAVRIELATOS: The standard has not been reduced. However, again, regardless—

Mr DAVID SHOEBRIDGE: That would be very unsafe, would it not?

Mr GAVRIELATOS: —of what the standard is you still need to ensure that you have got proper safety standards. Whether it is .02, .05 or .1 it still requires proper safety systems to be in place.

Mr DAVID SHOEBRIDGE: Those workplaces with 0.09 would be unsafe currently, would they not?

Mr GAVRIELATOS: Only if they did not have proper safety systems and did not wear protective equipment as the guides suggest they should or require them to.

Mr DAVID SHOEBRIDGE: Mr Gavrielatos, how many inspector positions are there currently filled in SafeWork?

Mr GAVRIELATOS: We already had that question a bit earlier. It is about 300 or just over 300.

Mr DAVID SHOEBRIDGE: Yes. And how many—

Mr KING: It is about 302, I think, from recollection.

Mr DAVID SHOEBRIDGE: And does that—

Mr KING: I think overall the total number is about 331, Mr Gavrielatos, from memory—which actually happens to be the largest inspectorate in Australia.

Mr DAVID SHOEBRIDGE: Does that mean there are 50 vacant spots?

Mr KING: No, 302 and 331.

Mr DAVID SHOEBRIDGE: How many vacant?

The Hon. CATHERINE CUSACK: Point of order: This has become a—

Mr DAVID SHOEBRIDGE: It is not a point of order.

The Hon. CATHERINE CUSACK: —recurring problem in our inquiry. No, the point of order involves repetition, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: That is not a point of order.

The Hon. CATHERINE CUSACK: I do understand this problem of popping in, not having been here before, and completely repeating a line of questioning. It is not a good use of parliamentary resources. The member has staff; they can be watching this on television and not be repeating—

Mr DAVID SHOEBRIDGE: It is not a point of order.

The Hon. CATHERINE CUSACK: Hansard has all the information you are looking for.

The CHAIR: Order! On the point of order, I do not believe that we have got far enough in the questioning to find out if it is a repetition or if Mr Shoebridge is just laying the groundwork for his questioning. If we could just let him continue and see what happens?

Mr DAVID SHOEBRIDGE: Mr Gavrielatos, are there about 50 vacant positions there now?

Mr KING: No, it is 331.

The Hon. CATHERINE CUSACK: Well that is a repetition.

Mr GAVRIELATOS: Can I just clarify? We have 331 field-based inspector roles in SafeWork. Of those, 302 roles are actually occupied and there are 22 inspectors that we currently look to recruit.

Mr DAVID SHOEBRIDGE: Did you say 331 roles, 302 inspectors and 22 vacancies? So what about the other nine—

Mr GAVRIELATOS: So there are 22 vacancies, sorry.

Mr DAVID SHOEBRIDGE: What about the other—so 302 plus 22 does not get you to 331.

Mr KING: Twenty-nine does.

Mr DAVID SHOEBRIDGE: So there are seven out?

Mr GAVRIELATOS: Seven out. Okay. I will clarify those numbers and come back to you.

Mr KING: So there are 29 vacancies; currently recruiting 22 at the moment. Mr Shoebridge, coming back to the earlier point, one of the things is you have got to get the right people in those roles, as you know as well, so the right technical details, amongst others.

Mr DAVID SHOEBRIDGE: What were the number of roles this time last year for inspectors compared to now?

Mr GAVRIELATOS: The number of overall roles would have been the same but the vacancy rate was higher and we implemented a significant recruitment drive and have employed 29 new inspectors since 1 July.

Mr DAVID SHOEBRIDGE: Mr King, how long are temporary staff able to be employed under the Government Sector Employment Act 2013? Is it four years?

Ms WEBB: I understand it is four.

Mr KING: If it is not, we will come back to you on that.

Mr DAVID SHOEBRIDGE: My understanding is it is four years. I could be wrong. We could all be wrong but I think it is four years. Does Better Regulation employ temporary staff beyond four years?

Ms WEBB: There have been some circumstances arising from before the Better Regulation division existed when SafeWork was a separate entity where some people who were employed were then re-employed and there may have been some compliance with the four-year requirement.

Mr DAVID SHOEBRIDGE: I have it on advice that SafeWork has often employed temporary staff beyond four years, and indeed for periods of up to 10 years at the Gosford office. Could you take on notice the number of staff and the length that staff at SafeWork at Gosford have been on temporary employment for greater than four years?

Ms WEBB: Over which period of time?

Mr DAVID SHOEBRIDGE: Now, currently employed now.

Ms WEBB: Ones who are currently employed but have been there for more than four years? Yes, absolutely.

The Hon. MARK BANASIAK: Does SafeWork NSW monitor dust suppression compliance on high-density construction sites by contractors, whether it is demolition or construction?

Mr GAVRIELATOS: Could I take that on notice, please.

The Hon. MARK BANASIAK: What is the turnaround time between a complaint being lodged regarding dust and the inspector attending the site? You might want to take that on notice.

Mr GAVRIELATOS: I will take that on notice.

The Hon. MARK BANASIAK: Is priority given to construction sites in close proximity to schools and to hospitals in terms of getting inspectors out there if a complaint has been made?

Mr GAVRIELATOS: Construction sites are considered one of our high-risk areas so we actually have a specific construction team within SafeWork NSW. So those particular matters are given some priority.

The Hon. MARK BANASIAK: But if the construction site is close to a hospital or a school does that elevate the priority at all?

Mr GAVRIELATOS: Risks and harms across the board to the community are taken into account in terms of how quickly we respond.

The Hon. MARK BANASIAK: Are you aware of the issues surrounding the Newmarket Green development in Randwick, which bordered three public schools and three hospitals?

Mr GAVRIELATOS: I am not aware of that site.

The Hon. MARK BANASIAK: Just to give you a bit of detail, in March 2018 when Ganellen started their demolition of the Cbus site copious amounts of dust was reported blowing into all three school grounds, causing some students some serious respiratory distress and leaving a noticeable layer of dust in the grounds that the students occupy. The local P&Cs made numerous phone calls to SafeWork and it took almost two weeks for an inspector to visit that site and another three weeks for Ganellen to implement proper dust-suppression measures. Is that an average time frame for such a matter?

Mr GAVRIELATOS: I would think not but I will take it on notice and find out about that specific matter.

The Hon. MARK BANASIAK: Because you are not familiar with the answer, can you also take on notice what was the result of those investigations and whether any infringement notices or fines or whatever were—

Mr GAVRIELATOS: I will take that on notice.

The Hon. MARK BANASIAK: Ms Webb, Rental Bonds Online, that is part of the Department of Fair Trading, is that correct?

Ms WEBB: That is correct, yes.

The Hon. MARK BANASIAK: How many bonds do you currently manage through that process or that system?

Ms WEBB: I am not sure I have the exact number here. From memory, it is about 60,000 but it might be more. I will take that on notice to get an exact figure.

The Hon. MARK BANASIAK: Can you also, while you are bringing back that figure, equate that into a dollar amount if possible?

Ms WEBB: Yes, absolutely.

The Hon. MARK BANASIAK: Do you guys charge a management fee for providing that service, or how does that work?

Ms WEBB: No, it is a portal by which the real estate agent can enter the bond details and the tenant can do that as well. Sorry, my colleague has pointed out that we currently hold 888,009 rental bonds and they are valued at \$1.6 billion.

The Hon. MARK BANASIAK: One point six?

Mr KING: Billion.

Ms WEBB: Sorry about that. I think I was thinking about the monthly figure as to how many we take a month, which is in the 60,000 category.

The Hon. MARK BANASIAK: You do not actually hold that money. Do you actually hold that money, or where does it sit?

Ms WEBB: I might get our chief financial officer to talk about the technical details of where it is held. It is governed by the Rental Bond Board, a governance mechanism.

Mr GOULD: It sits outside the cluster. It is held by the Rental Bond Board. It is basically deposited with Treasury or with the bank via Treasury and secured.

Ms WEBB: Managed by TCorp.

The Hon. MARK BANASIAK: That is some sort of trust account, is it? Does that earn interest at all?

Ms WEBB: Yes, it does earn interest.

The Hon. MARK BANASIAK: What is done with that interest? Is it reinvested back into Fair Trading or the rental board?

Ms WEBB: The interest is used for various grant programs that we use to do tenancy advice, provide legal advice to tenants. We also fund community housing schemes run by the Department of Communities and Justice. As I mentioned earlier, we have also been using some of those funds to contribute towards the accommodation costs of Mascot Towers residents.

The Hon. MARK BANASIAK: The Home Building Compensation Fund, who would I be directing my question to?

Mr KING: That is the State Insurance Regulatory Authority. SIRA is here on Thursday under the Customer Service cluster.

The Hon. MARK BANASIAK: I will leave that to then. Mr Chandler, I know you have not been in the job very long. In your preliminary investigations have you looked at the current requirements for builder certification and whether they need to be raised?

Mr CHANDLER: The new legislation is setting out the requirements for people who perform work to be properly accredited and registered. That will be looking forward. That is what will be required.

The Hon. MARK BANASIAK: You might not be able to answer this because you have started recently. Has there been any data to demonstrate that the lowering of builder certification in terms of non-TAFE courses, which I think is about six to eight weeks to complete, has that had an impact on the prevalence of issues we are seeing at the moment?

Mr CHANDLER: I have not seen any data other than to say that the anecdotal feedback from the industry is that standards have fallen and that we do need to ramp those up. In fact, Mr King and I have already met with TAFE to actually put that subject on the table.

The Hon. MARK BANASIAK: What about the non-TAFE providers? Are you having discussions with all of the other private providers as well?

Mr CHANDLER: I am meeting with the Master Builders Association in the next week to speak to them about it. But most importantly, Mr Banasiak, we are looking to see how we can create a platform where there is a minimum core content that everybody has to meet so that we can actually get a consistent platform of capability building not just in the technical courses but beyond that.

Mr KING: Because there are a number of certifiers, for a start—I think, from recollection, about 1,800. Then there are different areas where they actually certify and there is also different skills and training that they actually require as well. You just have to keep that in mind when we talk about the training and the skills requirement. It is not just one level.

The Hon. MARK BANASIAK: You said you had the conversations with TAFE, or you are going to have the conversations?

Mr KING: We have already had a conversation with TAFE.

The Hon. MARK BANASIAK: Have they expressed any concerns about the pressures that they are under to get through course content?

Mr KING: No, quite the opposite. They are quite keen to work with us in terms of skills and training amongst other areas as well that are TAFE. I know you had TAFE on, from recollection, on Friday. They were in the estimates. We will be working with them just generally looking at different models. I know you also spoke about online models versus face-to-face models as well. One of the things, as I said before, is there are about 1,800 certifiers at the moment in New South Wales, which is enough certifiers, noting that they cover a range of areas. But one of the things we also want to make sure is that it is also an attractive career. How do you actually bring new people into the certification field generally?

Also, coming back to the Building Commissioner, how can we also ensure that the confidence in the marketplace in terms of what certifiers are, how they are performing. We look at different models there as well. These are some of the things we are looking at just generally. Because when we look at the industry of certification and the certifiers, often there is just that news at a general perspective that there is issues. You have got to think that it is a professional field with a number of people working in that industry and you have to protect their jobs as well. Like any industry, how do you ensure that the good ones are respected and treated very well, and how do they keep building their skills up as well? That is the type of work that we are doing.

The Hon. PETER PRIMROSE: I have one question. An issue has been raised with me in relation to horseracing, particularly the issue of female jockeys. I understand that two women jockeys died during races in Victoria and the Northern Territory. I was wondering if you could please outline what work, if any, you have undertaken in New South Wales to address the issue of safety for women jockeys.

Mr KING: Thanks, Mr Primrose. Obviously it is a very unfortunate circumstance in Victoria and the Northern Territory. If I may ask, firstly, Mr O'Brien might want to talk a little bit about what we are doing and then Mr Gavrielatos might be able to add a little bit more from SafeWork.

Mr O'BRIEN: Racing NSW is the controlling body for thoroughbred racing in New South Wales. There are a number of measures to provide for jockeys' safety and welfare throughout their career, starting with the initial training of apprentices and continuing with ongoing supervision and skills monitoring throughout their career. Some of those initiatives include competency-based apprenticeship programs with training in areas such as physical and mental wellbeing and nutrition; workplace health and safety assessments; personal protective equipment, including helmets, safety vests, riding boots—all of that equipment is monitored and needs to be approved by stewards before they can be used. Then there is ongoing coaching and mentoring through the riding skills panel, which is comprised of senior jockeys, stewards and jockey coaches. Then, outside of that, there is also regular track maintenance and monitoring of track surface standards and enforcement of the rules of racing.

The Hon. PETER PRIMROSE: Can I ask specifically what new things have happened in, say, the last 12 months? Or what do you propose, if there is anything new, that may add to that?

Mr O'BRIEN: I would have to take that on notice and then get some information from Racing NSW about whether any of those are new initiatives. I am not aware of those initiatives themselves being new; I think it is part of the process that new jockeys go through.

Mr KING: Mr Primrose, we will take it on notice. Racing NSW obviously take the health of their jockeys very seriously and they have a range of mentoring and skills programs on an ongoing basis for jockeys. But we will take on notice is there anything new they have put in in the last 12 months.

The Hon. PETER PRIMROSE: And anything proposed. Thank you.

The Hon. DANIEL MOOKHEY: To the Building Commissioner, Mr Secretary. Is Ms Bronwyn Weir still contracted to you?

Mr KING: Yes.

The Hon. DANIEL MOOKHEY: When you say yes, is that to the commissioner or is that to you, Mr King?

Mr KING: That is me—a ventriloquist!

The Hon. DANIEL MOOKHEY: Who precisely is she contracted to?

Mr CHANDLER: To me.

Mr KING: Yes, she is working with the Building Commissioner.

The Hon. DANIEL MOOKHEY: And she was contracted for a period of 10 days?

Mr CHANDLER: Initially 10 days, yes.

The Hon. DANIEL MOOKHEY: Has that contract been renewed?

Mr CHANDLER: She has not expended the 10 days of work yet. She is still doing work for me on a needs basis as we progressively review the draft legislation, and she has been very helpful. She has been working with Mr Tansey's folk, but she will be doing some other pieces of work that are relevant to both the legislation and the implementation of it.

The Hon. DANIEL MOOKHEY: What are they?

Mr CHANDLER: What has been useful in engaging Ms Weir was to look at what were the other aspects of the industry and the way it conducts itself beyond simply the legislation. We will have more to say on that shortly, but it has been a very useful engagement. It is also helping to share some of these thoughts on a national basis that the solution is not just all driven by legislation.

The Hon. DANIEL MOOKHEY: Of course, and it was not a criticism at all. You said that she has been tasked to identify aspects of the industry that are not related to legislation?

Mr CHANDLER: No, I said that I have identified aspects of the industry with her that are not necessarily going to be fixed by the legislation, and jointly we will produce some work on that.

The Hon. DANIEL MOOKHEY: What have you identified that is not going to be fixed by legislation?

Mr CHANDLER: Again, there will be a package of strategies that are taken to the Minister for consideration, so I do not want you to think for a minute that I am trying to espouse government policy. But I am going to give you an example of the sort of thing that is on my mind, if we could just use it as an example. One of the areas that is causing a great deal of grief across the industry is the way that standard forms of contract are being varied to suit different forms of contract requirements. For example, a standard form of a build-only contract—let's say AS 2124—contemplates the fact that a client will engage a designer or designers to complete a full set of documentation for a project, such that a builder can price the job and then go ahead and do it. Quite often clients are minded to fast-track that and perhaps not complete the level of design that would be desirable for a build-only contract.

What we are seeing is that the remedy is that clients' lawyers bolt on clauses and clauses of different application to the contract, such that they are so non-standard that they are almost impossible to price. It is difficult for the risk to be quantified. It might say, for example—I have got an example of a project where it went out to tender recently saying that 80 per cent of the design has been done and the builder should put a price in; and between that point and the award of the contract, that further design would be done and two of the five bidders would be given an opportunity to review that documentation and to adjust their price. That is then overridden by lawyers, who then say that irrespective of whether you get all the design in that process, it will be assumed that you get all of the design and you will build the project. So there is quite a lot of distortion of construction contracts and I would like to do a piece of work on that with Ms Weir because I think that is the other side of the coin.

The Hon. DANIEL MOOKHEY: As an ex-lawyer I apologise for my profession in that respect.

Mr CHANDLER: You ought to.

The Hon. DANIEL MOOKHEY: Therefore are you considering extending her engagement beyond the 10-day period?

Mr CHANDLER: Let's see where the piece of work that we are doing jointly—it will fit inside the envelope of the work that we have currently got on board. Mr Tansey's team is bringing the legislation forward. We are having a good look at that and commentary. It has been very instructive because when you write a report based on the guidelines or the terms of reference, say, for building confidence—and I have been on record in the past as saying that I thought some of the scope of that could have been a bit wider and it would have picked up things like I have just described to you.

The Hon. DANIEL MOOKHEY: Does Ms Weir's contract qualify for disclosure on the eTendering website in accordance with the Government Information (Public Access) Act?

Mr KING: I will check that. I am not sure that it does, but I will check on that.

The Hon. DANIEL MOOKHEY: If it does not, it is likely because it is below the threshold for disclosure.

Mr KING: I would expect so, yes.

The Hon. DANIEL MOOKHEY: But if it is the case that it is going to be varied and extended, will it be disclosed?

Mr KING: It would have to go through all the normal process. If it has to be disclosed, it would be disclosed.

The Hon. DANIEL MOOKHEY: There is an issue with the GIPAA in that initial engagements are set at thresholds below and variations are treated as a separate contract, and therefore neither of them are disclosed. So will Ms Weir's contract be there or not?

Mr KING: I would have to take that on notice. I can say that we would make sure that we followed all of the relevant rules and processes in terms of disclosure of contracts as part of the procurement processes et cetera. So we would just do that.

The Hon. DANIEL MOOKHEY: Of course.

Mr KING: Whatever the rules are, we will follow the rules.

The Hon. DANIEL MOOKHEY: Is Ms Kathryn Greiner still the Retirement Village Ambassador?

Ms WEBB: Yes, she is.

The Hon. DANIEL MOOKHEY: How many staff does she have?

Ms WEBB: She does not have any staff.

The Hon. DANIEL MOOKHEY: Does she operate under delegation from the secretary?

Ms WEBB: No, she just acts as an ambassador. She goes with Fair Trading NSW staff, who do have a delegation from the secretary. But she does not have any delegation.

The Hon. DANIEL MOOKHEY: So she does not have any laws power?

Ms WEBB: No, she can only make recommendations to the Minister or to me as the commissioner.

The Hon. DANIEL MOOKHEY: But she has terms of reference? That is correct?

Ms WEBB: Yes, for what she is doing as the ambassador.

The Hon. DANIEL MOOKHEY: Yes, and that is to advocate on behalf of residents; another is to provide advice to the Minister on issues in the sector. That sounds about right?

Ms WEBB: Yes.

The Hon. DANIEL MOOKHEY: What advice has she provided?

Ms WEBB: She has been going out, visiting retirement villages. She has been doing two things. She is hearing from them about their understanding or perhaps misunderstandings with the legislative reform. She has been very useful for helping us with our engagement with retirement villages to make sure they do understand how the new reforms operate, because she is bringing to our awareness where people are perhaps not understanding it. She is also taking information from residents about other aspects of retirement village law and policy and living that they think Fair Trading NSW could maybe address in the future.

The Hon. DANIEL MOOKHEY: Has she met this Minister?

Ms WEBB: I understand she has had a meeting with the Minister.

The Hon. DANIEL MOOKHEY: And when was that?

Ms WEBB: I would have to take that on notice and ask the Minister's office.

Mr KING: We will take that on notice.

The Hon. SHAYNE MALLARD: You can check his diary. It is published.

The Hon. DANIEL MOOKHEY: Don't provoke.

Mr KING: The ambassador has gone out to a number of sites around the State from Penrith, northern beaches, Coffs Harbour, Port Macquarie, South Coast, Albury, Wagga Wagga and Newcastle and has met more than 1,950 current and prospective residents and has attended a range of events as well. That insight that she brings back is quite important for us.

The Hon. DANIEL MOOKHEY: Has she provided any recommendation for law reform to the Minister?

Ms WEBB: We have some very widespread ranging and general discussions. I do not think I could pin them down and say they were specific law reform measures.

The Hon. DANIEL MOOKHEY: Has she provided any advice to the Minister as to the prospective reform agenda she is meant to be responding to?

Ms WEBB: Obviously there are the reforms that have just come into effect at the beginning of July.

The Hon. DANIEL MOOKHEY: Yes.

Ms WEBB: She has just talked about how they are going and how people are implementing them. I think then she has talked more generally about where there are some confusions in the Retirement Village Act as it is currently drafted that she sees people not maybe understanding how the provisions of the Act work and, you know, potential clarifications and things like that.

The Hon. DANIEL MOOKHEY: Are you aware of the controversy about the 42-day limit on charging of fees to residents at the point after they depart?

Ms WEBB: We have had a consultation out about that proposal, yes.

The Hon. DANIEL MOOKHEY: You are aware that there is a concern that that is not going to be retrospective for existing residents?

Ms WEBB: I think we have had over 400 submissions to our consultation on that and some of those would have raised that concern, yes.

The Hon. DANIEL MOOKHEY: And are you aware that there was an election commitment to introduce a 42-day limit on the length of when a fee can be charged?

Ms WEBB: I am aware that the Government made that an election commitment.

The Hon. DANIEL MOOKHEY: Is that operative by the way?

Ms WEBB: I am sorry?

The Hon. DANIEL MOOKHEY: Did they approve that 42-day requirement?

Ms WEBB: We have gone out for consultation. We have had over 400 submissions. We are currently considering all those submissions and then we will give the Government some more advice about what sort of direction it could take.

The Hon. DANIEL MOOKHEY: Do you have a timetable of when you think you will be in a position to provide a bill to Parliament?

Ms WEBB: I will ask Mr Tansey if his team is—

Mr TANSEY: Well, no, as Ms Webb said: It is still a process. We did get a huge number of submissions and, as you have raised, it is going to raise a whole lot of issues. I know the Minister has said, I am pretty sure, on the record he is interested in striking the right balance between the impact on industry and on residents. We will have to take recommendations forward for the Government to consider how it wants to proceed.

The Hon. DANIEL MOOKHEY: I am sorry, did you say—

Mr KING: We have to also ensure, as part of this, that whatever we put in place with the Government's decision that it is sustainable and that we implement well. This is also part of the broad consultation process.

The Hon. DANIEL MOOKHEY: Just to unpack that, when you say that the Minister said that, do you mean this Minister?

Mr TANSEY: That is right.

The Hon. DANIEL MOOKHEY: You are aware that this is a position that the Government announced in the election?

Mr TANSEY: Correct.

The Hon. DANIEL MOOKHEY: Presumably there is no suggestion that there is not going to be the introduction of a 42-day limit on the length of time during which villages can charge for general services?

Ms WEBB: It is a matter for the Government's policy.

The Hon. DANIEL MOOKHEY: Well, that is the basis upon which you are proceeding with consultation, among other things. Is that correct?

Ms WEBB: That is right, yes.

Mr TANSEY: Yep.

The Hon. DANIEL MOOKHEY: That is the basis upon which you are intending to produce a bill to Parliament to amend the Act, I presume?

Ms WEBB: I think in the first stage we will be taking some recommendations to the Minister and then moving from there.

The Hon. DANIEL MOOKHEY: Of course. But at some point the Retirement Villages Act will need to be amended. That is correct?

The Hon. CATHERINE CUSACK: Point of order: It is a nice try, Mr Mookhey, but you are veering into policy areas. They are questions that need to be addressed to the Minister.

The Hon. DANIEL MOOKHEY: I will redirect. Is it the case that in order for this commitment to be implemented, an amendment will be required to the Retirement Villages Act 1999?

Ms WEBB: That is correct.

The Hon. DANIEL MOOKHEY: So it is a legislative change that is required?

Ms WEBB: I do not understand any other way that it could be implemented, no.

The Hon. DANIEL MOOKHEY: Well, regulation. You never know. What representations has the ambassador made in respect to this specific issue?

Ms WEBB: You will be aware that before she became the ambassador she authored a report for the Government and made some recommendations. One recommendation was around this whole issue about people's entitlement to buybacks.

The Hon. DANIEL MOOKHEY: Are you monitoring whether or not this practice is still prevalent in the retirement village industry—those people being charged beyond the 42 days?

Ms WEBB: I think a lot of the submissions we received did talk about the specific instance in the specific retirement village that either the operator or the resident was talking about.

The Hon. DANIEL MOOKHEY: So, yes?

Ms WEBB: We would have some information about that. We do not monitor it as such though.

The Hon. DANIEL MOOKHEY: Is Aveo still embarking on or applying this charge to the best of your knowledge?

Ms WEBB: I would have to take that one on notice.

The Hon. DANIEL MOOKHEY: Okay. The ambassador has the ability to refer matters to the NCAT or the Ombudsman for further investigation under the terms of reference. Is that correct?

Ms WEBB: I think she can. I do not think she can of her own motion refer something to NCAT.

The Hon. DANIEL MOOKHEY: But she can direct people there.

Ms WEBB: She can suggest to people that if they need or are searching for a remedy against an operator that that is one opportunity for them.

The Hon. DANIEL MOOKHEY: The terms of reference say, "The New South Wales Retirement Villages Ambassador Program terms of reference facilitate the lodgement of complaints and disputes affecting residents with New South Wales Fair Trading."

Ms WEBB: That is absolutely one thing she does.

The Hon. DANIEL MOOKHEY: Right. So how many of them have happened?

Ms WEBB: I would have to take on notice how many retirement village complaints we have had, and I assume you want specifically ones that have been started by the ambassador recommending it?

The Hon. DANIEL MOOKHEY: Okay.

Mr KING: Can we just get clarity: You want it in regards to the ambassador?

Ms WEBB: Do you want how many complaints we have had about retirement villages or how many have come through the ambassador?

The Hon. DANIEL MOOKHEY: Why don't we have both? Who am I to say no?

Ms WEBB: Okay.

The Hon. PETER PRIMROSE: Can I ask you how many retirement villages in New South Wales have gone into receivership in the last 12 months?

Ms WEBB: I will have to take that on notice. I cannot recall any coming to our attention. I will definitely take that on notice.

The Hon. PETER PRIMROSE: I have been advised that there is at least one and probably more. There is one in Maitland. What I am looking at is, given these villages quite often have established across State jurisdictions, legislation in one jurisdiction will obviously impact on the operation in relation to say New South Wales. So if you could please take that on notice. Secondly, what are the reasons? If a number have gone into receivership, have you identified any issues associated with legislation in other State jurisdictions that may be causing that in terms of the overall operation of that enterprise?

Mr KING: We will take that on notice.

The Hon. DANIEL MOOKHEY: Does Fair Trading inspect retirement villages?

Ms WEBB: Yes, we do. We send inspectors out to make sure they are complying with the Retirement Villages Act.

The Hon. DANIEL MOOKHEY: And presumably you use a risk-based approach in terms of where you send them?

Ms WEBB: Yes. That would be right, yes.

The Hon. DANIEL MOOKHEY: How many have you inspected in the past 12 months?

Ms WEBB: I will have to take that on notice.

The Hon. DANIEL MOOKHEY: Any data, any information, is fine—specifics of course if you do take it on notice.

Ms WEBB: I mean, we do run regular inspection programs. No, unfortunately I do not have any detail about it but I can definitely take that on notice.

The Hon. DANIEL MOOKHEY: Has the retirement industry been classified as something that would attract more interest than usual from Fair Trading right now?

Ms WEBB: There have been quite a lot of reforms this year so that is an area where we are making sure people comply with the new requirements.

The Hon. DANIEL MOOKHEY: How are we doing?

Ms WEBB: As I understand it, it is okay but again we will take that on notice. We have also started a retirement village mediation service in recent months so that would flag for us if we are seeing things come through our mediation service as well as our complaints would help us.

The Hon. DANIEL MOOKHEY: Do you have data on how many have come through the mediation service?

Ms WEBB: I would be able to take that on notice as well.

Mr KING: We would have that, yes.

The Hon. DANIEL MOOKHEY: Do you keep the same sort of categorisation and analysis in respect of retirement villages as you do with respect to the building industry—by retirement village and by retirement village operator?

Ms WEBB: Yes. Certainly our databases and our intelligence function would operate by the name of the retirement village and the operator of the village, and complaints.

The Hon. DANIEL MOOKHEY: How are we going in terms of Aveo? Are they getting any better or not?

Ms WEBB: I would have to take that on notice.

The Hon. DANIEL MOOKHEY: Have you inspected them specifically?

Ms WEBB: I would have to take that on notice.

The Hon. DANIEL MOOKHEY: Have you made any submissions to the aged care royal commission?

Ms WEBB: Through Fair Trading, we have not. SafeWork did get a notice from the commission and answered it.

The Hon. DANIEL MOOKHEY: What notice did you get from the commission?

Ms WEBB: Mr Gavrielatos can probably tell us a little bit more. I am not sure how much we can disclose under the royal commission's requirements.

The Hon. DANIEL MOOKHEY: I have not thought a lot about that Act, but let's go. Have you had a notice to produce?

Mr GAVRIELATOS: I have a notice to attend the commission as a witness.

The Hon. DANIEL MOOKHEY: Right. Did you receive a notice to produce documents?

Mr GAVRIELATOS: Not documents, but to make a statement. I have made a statement to the commission and will be appearing as a witness—I assume sometime in October.

The Hon. DANIEL MOOKHEY: What inspections has SafeWork undertaken in retirement villages?

Mr GAVRIELATOS: Not so much retirement villages but just generally in terms of—

The Hon. DANIEL MOOKHEY: Aged care?

Mr GAVRIELATOS: —aged care facilities. We do conduct inspections and we do respond to a request for service.

The Hon. DANIEL MOOKHEY: How many are you getting?

Mr GAVRIELATOS: I have not got that number. I would have to take that on notice.

The Hon. DANIEL MOOKHEY: What have you discovered in your inspections?

Mr GAVRIELATOS: In our inspections there were a variety of issues from injuries, musculoskeletal assorted injuries, some aggression—that sort of thing.

The Hon. DANIEL MOOKHEY: I understand. That is because it is obviously high physical labour, so that is not necessarily a surprise.

Mr GAVRIELATOS: Correct, yes.

The Hon. DANIEL MOOKHEY: Do you have a risk-based approach or a strategy that you are employing in the aged care industry right now?

Mr GAVRIELATOS: Currently we are actually working in collaboration with the health and social care industry to develop a sector plan to really focus in on those issues. We are in the process of developing that plan.

The Hon. DANIEL MOOKHEY: When is the completion date?

Mr GAVRIELATOS: We would expect that to be completed by the end of the month.

The Hon. PETER PRIMROSE: In relation to the whole of the department, to meet your 3 per cent efficiency dividend this year, how much are we talking about? I know we raised the issue of efficiency dividends earlier today, but what quantum of money is required?

Mr KING: Are you talking about the actual dollar figure of the efficiency dividend?

The Hon. PETER PRIMROSE: Yes.

Mr KING: Mr Gould will be able to provide the actual dollar figure, which I think is about \$60 million.

Mr GOULD: It is \$60 million.

The Hon. DANIEL MOOKHEY: And that is each year, because it is 3 per cent each year.

Mr GOULD: Correct.

Mr KING: If you think about that, it is off a base of, from recollection, about a \$2.7 billion cost base. That is not much.

The Hon. DANIEL MOOKHEY: It is 3 per cent.

The Hon. PETER PRIMROSE: It is 3 per cent, approximately, I would suggest.

Mr KING: It is low. In any sort of organisation to get that efficiency you would expect that.

The Hon. PETER PRIMROSE: So you have no problems doing it?

Mr KING: I do not believe so, no.

The Hon. PETER PRIMROSE: What are you going to do to achieve that?

Mr KING: One of the things that we will be doing is looking at procurement. It is interesting that we have just been talking about procurement, for a start. Travel is another area, and advertising, contractors, property and getting things more on digital rather than paper based, and just broad simplification of the way we do things, as well. It is just the normal type of improvements.

The Hon. PETER PRIMROSE: You would not be making bids, for example, in the forthcoming budget for increases, given what you have told me. You should be able to meet all of those requirements in house, given that it is so easy.

Mr KING: Based on that efficiency dividend? Are you talking about 3 per cent?

The Hon. PETER PRIMROSE: Given that it is only 3 per cent, as you have indicated, I presume you will not be making bids for increased funding.

The Hon. CATHERINE CUSACK: Do you know what an efficiency dividend is?

The Hon. PETER PRIMROSE: Yes, I do.

The Hon. CATHERINE CUSACK: It is not a—

The CHAIR: Order!

The Hon. MARK BANASIAK: I thought the Government was not asking questions.

The Hon. CATHERINE CUSACK: We are not. It is just that this is a really confusing question. It is like he does not understand what an efficiency dividend is.

The Hon. PETER PRIMROSE: Obviously, you are much more experienced in these things than I am.

The Hon. CATHERINE CUSACK: You are asking a sarcastic question based on a broad premise.

The Hon. PETER PRIMROSE: Chair, I am asking a question. I have asked Mr King a question. He has answered appropriately. He said he will have no problems getting 3 per cent. He has outlined some of the ways—we will go down that rabbit hole a little bit more later on—and I am—

Mr KING: I am not sure if it is a rabbit hole, but that is fine.

The Hon. PETER PRIMROSE: I am simply saying that, given the ease with which you believe that there is clearly some fat in the system—

Mr KING: We should clarify that I do not call things fat. I am talking about how you can drive things more effectively and efficiently.

The Hon. PETER PRIMROSE: And therefore I would not expect there to be any bids, this year, from the department—

Mr KING: I should say that that, again, is based on another hypothesis. There could always be circumstances that are out of the ordinary, or there could be other situations. Let us assume there is an economic crisis, amongst other things, that I am not necessarily going to foresee. We may therefore need to do a bid which is outside the 3 per cent efficiency. We cannot just assume that we are not going to make a bid on other factors.

The Hon. PETER PRIMROSE: Okay. I will come back to it.

The CHAIR: I do not need my time, so I am happy to give it to you.

The Hon. DANIEL MOOKHEY: It is the case, at least in respect to the Better Regulation division, that there is a proposed new operating model? Is that correct?

Mr KING: That is right.

The Hon. DANIEL MOOKHEY: What is that new operating model?

Mr KING: I will pass to Ms Webb.

Ms WEBB: The operating model is, rather than organise ourselves by individual regulatory agencies, to organise ourselves by the types of regulatory functions we undertake, while still, obviously, having the 80-plus pieces of legislation that we have to deal with. So we will need some coherence between all the different functions.

The Hon. DANIEL MOOKHEY: When do you expect this new operating model to be up and ready?

Ms WEBB: We are working towards the end of this calendar year.

The Hon. DANIEL MOOKHEY: Is it the case that you say you wish to effectively—I do not want to put words in your mouth—try to combine a general regulator in this respect?

Ms WEBB: I think regulatory theory suggests that you can do these things two ways. You can bundle your people together by the piece of legislation they are administering and have all the range of regulatory functions, from complaint taking and engagement right up to prosecution, all in one bundle, or you can say that

there are regulatory abilities and professional skills in people doing compliance work or audit work or inspection work or prosecution work, and you put the people that have that professional skill together. Then they apply those skills across a range of legislation. We are moving to that second model.

The Hon. DANIEL MOOKHEY: So the scope of people who will be affected by this includes people who currently regulate with Fair Trading NSW, Liquor and Gaming NSW, the Office of Responsible Gambling, Office of Racing, the Long Service Corporation, SafeWork NSW and Subsidence Advisory NSW. Is that correct?

Ms WEBB: At the moment for some of those agencies we do have joint functions. For example, Mr Tansey's policy team does policy for all of those agencies. Our licensing team does licensing for all of those agencies. Our complaint handling call centre takes calls for all of those agencies. So it is already partially organised that way, but now it will impact on all those agencies.

The Hon. DANIEL MOOKHEY: Is the proposal to merge those organisations?

Ms WEBB: As I say, at the moment some of the functions of those agencies are carried out centrally in any case. There is not a separate entity as such, any more, anyway.

The Hon. DANIEL MOOKHEY: I accept that some of the functions are performed centrally, but for the functions that are not performed centrally is there a proposal to merge them?

Ms WEBB: "Merge" does not sound the right word to me. What will happen for me is that, for example, we have a team of SafeWork investigators and a team of Fair Trading investigators. They will be working under the one executive director. They will not be merged but they will be working together.

The Hon. DANIEL MOOKHEY: In terms of the transmission of specific specialist knowledge that each inspector or regulatory agency has in respect of their particular regulations, is it the case that that will be affected by this?

Ms WEBB: I would not have thought so, because a SafeWork inspector will still be doing SafeWork inspections.

The Hon. DANIEL MOOKHEY: Will a Liquor and Gaming NSW inspector be doing SafeWork inspections?

Ms WEBB: No, they will not be.

The Hon. DANIEL MOOKHEY: How will you ensure that that level of specialist knowledge is retained in the operating model?

Ms WEBB: Because we have so many pieces of legislation and people need to be specialists, and we have so many inspectors that there will not be any requirement for a Liquor and Gaming inspector to do SafeWork inspections because we have 300 SafeWork inspectors.

The Hon. DANIEL MOOKHEY: As a result of the creation of this operating model, do you anticipate that there will be a reduction in the number of inspectors across all the agencies?

Ms WEBB: Inspectors? No, that is not my anticipation.

The Hon. DANIEL MOOKHEY: What about any staff?

Ms WEBB: Maybe there will be, because there will be some opportunities for some of the support staff to be merged. Yes.

The Hon. DANIEL MOOKHEY: You said before that it will be operating when?

Ms WEBB: The end of this calendar year.

The Hon. DANIEL MOOKHEY: That just requires effectively the Cabinet, I presume, to agree or the department to agree.

Ms WEBB: It is just a matter of doing the correct personnel arrangements to reorganise how we operate.

The Hon. DANIEL MOOKHEY: So at the end of the year we are looking at, what, November or December?

Ms WEBB: I would anticipate we would have it all worked out about who is working for who by the end of the year. Whether we wait until after the Christmas break to put it into effect—that might be the case.

The Hon. DANIEL MOOKHEY: You made the point that you do not think necessarily the number of inspectors will reduce but there is a possibility that there will be other reductions. How many?

Ms WEBB: I have no idea.

Mr KING: That is just spurious speculation; we cannot give the details of any numbers like that.

The Hon. DANIEL MOOKHEY: Over what time line do you think that that reduction will take place?

Mr KING: We do not know whether there will be a reduction. You are saying there will be.

The Hon. DANIEL MOOKHEY: To be fair, Ms Webb made the point that it is possible.

Ms WEBB: I said that there may be some efficiency.

Mr KING: There may be.

Ms WEBB: Once we put people together we might say, "Okay, we've got 10 people doing this now and we have worked out that we only need nine."

Mr KING: This is amongst other things which Ms Webb is also talking about—what are some of the other opportunities to further increase the knowledge and skill base of some people, so we might need the same type of roles?

The Hon. DANIEL MOOKHEY: How long is the transition to the new operating model meant to take?

Ms WEBB: I think I said by the calendar year we hope to have it in place.

The Hon. DANIEL MOOKHEY: But you have just referred to a bunch of workers. That still needs to take place afterwards.

Ms WEBB: That is for the next three months.

The Hon. DANIEL MOOKHEY: For the next three months?

Ms WEBB: We will be looking at how we organise the various specific teams and their specific functions, and putting them together.

The Hon. DANIEL MOOKHEY: So, by March next year. Is that what you are talking about? You said three months beyond the end of this year.

Ms WEBB: No, I am saying, for the next three months—October, November, December.

Mr DAVID SHOEBRIDGE: That is how much is left of the year.

Mr KING: It is also important, though, that regardless of an operating model, in terms of efficiency every organisation has to continuously improve. That is coming back to Mr Shoebridge's questions earlier. How are you going to continually improve your organisation? Some of the things that we would be looking at is how can we improve the use of digital? How can we improve the use of data? How can we ensure we improve the engagement with citizens and businesses? Any good organisation—also coming back to Mr Primrose's question about the 3 per cent efficiency—has to always keep driving improvement on an ongoing basis.

The Hon. DANIEL MOOKHEY: I accept that.

Mr KING: That is an important point. It never really stops.

The Hon. DANIEL MOOKHEY: I accept that. I am not making any value judgements here.

Mr KING: It is just an important part of the question. The key part is, "How can you, Mr Secretary, keep driving improvements, both in terms of efficiency and delivery for customers, businesses and"—to Mr Shoebridge's point—"people so that they are all feeling engaged?" That is what we are driving at.

The Hon. DANIEL MOOKHEY: Have you already identified the potential budget for redundancies that may be required?

Mr KING: No.

The Hon. DANIEL MOOKHEY: Are you anticipating that you will have that available in the next three months before the model goes live?

Mr KING: No.

Ms WEBB: It may not happen.

Mr KING: We may not even need it. Because that comes back to the earlier point, how can you keep driving efficiencies just generally? So one of the areas that we have been driving efficiencies is in contractors. We have gone from about—the numbers might be slightly out—1,700 contractors this time last year, or June 2018, to

about 400 or 500. That is the type of area where we can drive improvement. What that does, that also allows you to start to upskill some of your people just generally.

The Hon. DANIEL MOOKHEY: Are you consulting with staff, Ms Webb?

Mr KING: Yes.

The Hon. DANIEL MOOKHEY: How are you doing that?

Ms WEBB: For the very high level diagram, which I think might be the document you have there, Mr Mookhey, we had a three-week period where people could give feedback on that high level. We are now about to announce who will be appointed to lead each of those teams. They will then embark on a large process of consultation within the teams, so with the staff, to try to work out an operating model. Once we have done that, then we will have a formal consultation period of another three weeks. I expect that will be around about November, in which people can give additional feedback, and then that will be when we put it into place.

Mr DAVID SHOEBRIDGE: Were there any changes after the consultation?

Ms WEBB: We have just done the first consultation.

Mr DAVID SHOEBRIDGE: The first level. Were there any changes before you—

Ms WEBB: Absolutely, yes.

Mr DAVID SHOEBRIDGE: What?

Ms WEBB: In terms of what is in each of those little boxes in the diagram you have over there.

The Hon. DANIEL MOOKHEY: What is a YamJam session?

Ms WEBB: That is when you use Yammer.

The Hon. DANIEL MOOKHEY: You use what?

Mr KING: Yammer.

Ms WEBB: If you have been watching *Utopia* you would know it.

Mr DAVID SHOEBRIDGE: That is exactly why I ask about the changes on consultation. I am just recovering from—

The Hon. DANIEL MOOKHEY: You are the first person to reference *Utopia* as a positive example that we should be following. I congratulate you in that respect.

Mr KING: Returning to Ms Webb's point though, Yammer is basically an internal social media tool that you can communicate and your people can communicate back to you as well on a real-time basis. It is used in organisations like Telstra and the private sector as well. It is important because multi-communication in multi ways is important to reach out to your people. So it is not just a hierarchical perspective. We take that very, very seriously. If you look at good organisations, good organisations use tools such as Yammer.

The Hon. DANIEL MOOKHEY: How many YamJam sessions are you participating in this week?

Ms WEBB: I have done three altogether but one in relation to this reorganisation.

Mr KING: Can I also add, one of the things in terms of the machinery of government changes, when you were asking those questions on the employee engagement score, the Customer Service cluster actually went up from the previous period when it was DFSI. That is important because when you are going through changes, if you can see engagement go up or at least stay flat that is an important indication that people actually want to get this change through.

The Hon. DANIEL MOOKHEY: I presume it is because of Yammer.

Mr KING: Yammer is always an important part of it but communication is important just generally.

Mr DAVID SHOEBRIDGE: Not necessarily a bad thing, a Yammer jam session.

Mr KING: No, it is not, Mr Shoebridge. Communication is—

Mr DAVID SHOEBRIDGE: It is actually fine. It is a good thing to do.

Mr KING: It is. Not everyone is going to agree with what you are doing but it is important as long as you are engaging and—using Mr Shoebridge's point before—ensuring that you are having authentic consultation processes.

The Hon. PETER PRIMROSE: How many different categories of trade licences can you tell me are administered by the department?

Ms WEBB: The building trade or trade generally?

The Hon. PETER PRIMROSE: Trade generally.

Ms WEBB: I think there are about 40 building trades but Mr Tansey may have something more specific.

Mr TANSEY: We did provide that to the parliamentary inquiry. I cannot remember if they were numbered.

The Hon. PETER PRIMROSE: Please feel free to take it on notice.

Ms WEBB: I think we may.

Mr TANSEY: I do have it here. It is 34.

Mr DAVID SHOEBRIDGE: Mr King, you talk about continuous improvement.

Mr KING: Yes.

Mr DAVID SHOEBRIDGE: But is it true that Better Regulation has now stopped using the online notification system for WH hazards and WH incidents and in fact you have gone back to a paper-based system?

Mr KING: Firstly, continuous improvement is important, and I know you are not saying that in a negative way. But in terms of—

Mr DAVID SHOEBRIDGE: I think this is negative.

Mr KING: I understand what you are saying. In terms of that particular element, I will pass to Mr Gavrielatos or Ms Webb.

Ms WEBB: I am not aware of that at all. I have been at a training session where they were improving their online notifications and reporting skills. People are using their iPads out in the field as far as I am aware to make their reports.

Mr KING: Certainly, Mr Shoebridge, just generally using digital and online amongst a range of areas is something that we would be driving at.

Mr DAVID SHOEBRIDGE: Yes, 100 per cent, I am with you, moving towards digital.

Mr KING: Good, good. Well, we are agreeing.

Mr DAVID SHOEBRIDGE: But I am told that in fact you have moved from an online system to a paper-based one. You have raced back to the twentieth century when it comes to WH hazards and WH incidents.

Mr KING: I will pick that up.

Mr DAVID SHOEBRIDGE: Can you take that on notice?

Mr KING: I will. Being serious—because I think you were being serious—we want to drive digital throughout, for a range of reasons. It is more effective. But in saying that, you always do need to have a multi general solution because there will be some instances where people cannot use digital.

Mr DAVID SHOEBRIDGE: Yes, but actually killing the online one, we all agree if that has happened that would be bad.

Mr KING: We are in violent agreement on this one. I hope that when we are here in 12 months' time you do not ask that question again.

Mr DAVID SHOEBRIDGE: I am hoping I get the answer on notice that my—

Mr KING: That is done.

Mr DAVID SHOEBRIDGE: —information is entirely wrong and that craziest thing never happened.

Mr KING: Let us hope that is right.

Mr DAVID SHOEBRIDGE: Mr Gavrielatos, how much has been spent by SafeWork in legal fees for cases against other New South Wales government agencies since the government Work Health and Safety Sector Plan was endorsed by secretaries of all government agencies last year?

Mr GAVRIELATOS: I will need to take that on notice.

Mr DAVID SHOEBRIDGE: Do you know if there have been cases brought by other government agencies to seek to set aside improvement notices or prohibition notices issued by SafeWork inspectors?

Mr GAVRIELATOS: Again I will take that on notice.

Mr DAVID SHOEBRIDGE: Could you also provide a breakdown of the costs by case with the name of the other government agencies in relation to any of those SafeWork notices or legal costs?

Mr GAVRIELATOS: Yes.

Mr DAVID SHOEBRIDGE: Is it true that NSW Health in particular has been challenging notices given by SafeWork? Are you aware of any of them?

Mr GAVRIELATOS: Some notices have been challenged, yes.

Mr DAVID SHOEBRIDGE: How many?

Mr GAVRIELATOS: I will take that on notice.

Mr DAVID SHOEBRIDGE: Was there an internal review and, if so, did you comply with the law in light of the Kovic decision?

Mr GAVRIELATOS: I will have to take that on notice.

Mr DAVID SHOEBRIDGE: Have there recently been improvement and prohibition notices issued by SafeWork in regard to Concord hospital to NSW Health?

Mr GAVRIELATOS: There have been notices issued in local health districts. I would have to take on notice which ones.

Mr DAVID SHOEBRIDGE: I am asking you specifically about Concord hospital?

Mr GAVRIELATOS: I will take that on notice and respond to that one.

Mr DAVID SHOEBRIDGE: Can you provide the Committee with a copy of all of the improvement notices and prohibition notices issued to all or any part of NSW Health, including the local districts?

Mr GAVRIELATOS: I will take that on notice and if we are able to I will, if no—

Mr KING: We just need to check, Mr Shoebridge, whether we can.

Mr DAVID SHOEBRIDGE: I understand that. In relation to those issued to NSW Health, can you provide any details about legal challenges that have been made and what, if any, were the results of those challenges?

Mr GAVRIELATOS: Legal challenges by those departments?

Mr DAVID SHOEBRIDGE: By those agencies?

Mr GAVRIELATOS: I will take that on notice.

Mr DAVID SHOEBRIDGE: Is the health sector a priority industry sector under the Government's Work Health and Safety Sector Plan?

Mr GAVRIELATOS: The health sector is a priority industry, yes.

Mr DAVID SHOEBRIDGE: Do you find it troubling that NSW Health has had a series of legal challenges against improvement and prohibition notices issued by SafeWork inspectors, given that it is meant to be a priority?

Mr GAVRIELATOS: I think it is really important that health, as much as other industries, focuses on work health and safety in the workplace.

Mr DAVID SHOEBRIDGE: Do you find it problematic that NSW Health, rather than meeting or addressing the improvement and prohibition notices, has been challenging those notices and making legal challenges to them?

Mr GAVRIELATOS: As I said, I think it is really important that health, like any other area, meets its work health and safety obligations. And we work with them. That includes us issuing notices when it is appropriate and prosecuting for that matter, if it is appropriate.

Mr DAVID SHOEBRIDGE: Far from saying, "Yes, fair enough, we will fix it", they are rushing to the lawyers to try to set aside the notice. That is a problem, is it not, Mr Gavrielatos?

Mr GAVRIELATOS: But we also have matters which are under investigation. So where it is appropriate for us to actually intervene and consider prosecution we do.

Mr DAVID SHOEBRIDGE: But you will give us those details on notice, is that right?

Mr GAVRIELATOS: For those that I can, yes, I will.

Mr DAVID SHOEBRIDGE: There have been a number of applications made, Ms Webb, to local councils seeking any details they have of properties which have flammable cladding concerns in their local areas. You would be aware of that, would you not?

Ms WEBB: Applications by whom, sorry?

Mr DAVID SHOEBRIDGE: By media, by members of Parliament, by members of the public—a series of freedom of information or Government Information (Public Access) Act applications being made to local councils.

Ms WEBB: I thought you were talking about applications made by the department. Sorry. Yes, I am aware that people have sought that information from local councils.

Mr DAVID SHOEBRIDGE: Indeed, you sought to gag councils and prevent them from providing that information by sending them out advice—all councils got advice saying that they did not have to give up the information, that in fact they could just refer matters onto the department, did they not? You sent a circular out gagging councils?

Ms WEBB: I might get Mr Tansey to answer that.

Mr TANSEY: I think you are referring to a circular that was circulated by our colleagues at the Department of Planning, Industry and Environment because the register that you are referring to is one that they maintain—

Mr DAVID SHOEBRIDGE: No, you are quite right.

Mr TANSEY: They provided information. It was absolutely not anything I would characterise as a "gag" but it was providing information to councils about the proper treatment of requests for access for information from that register under the GIPAA.

Mr DAVID SHOEBRIDGE: Were you consulted about that circular by New South Wales Planning, Industry and Environment before it went out?

Mr TANSEY: Yes, we were.

Mr DAVID SHOEBRIDGE: Did you agree to it?

Mr TANSEY: In broad terms, it was noted at the task force.

Mr DAVID SHOEBRIDGE: Did you agree to it?

Mr TANSEY: Look, I am not going to split hairs: Yes, I think I supported them issuing it.

Mr DAVID SHOEBRIDGE: What you sought, was it not, was a gag to stop councils delivering information and properly exercising their powers under the GIPAA after the City of Sydney and Woollahra council actually provided some information about the cladding register. It was a gag, was it not?

Mr TANSEY: No. It was purely intended to help councils to consider the proper application of the GIPAA, including their obligations to consult with other parties about the information.

Mr DAVID SHOEBRIDGE: What you basically said was, "If you haven't downloaded it, whatever you do, don't provide the information on request; in fact, refer it on to the department of Planning." That is what you told councils, wasn't it? It was a "zip up, shut up and pass it to the department of Planning" advice.

Mr TANSEY: No, I think I have already answered. No, it is not my view that that was its intention at all.

Mr DAVID SHOEBRIDGE: Well why was it sent?

Mr TANSEY: It was sent because we were aware that there were a number of requests, as you have identified, being received by councils for access to the information.

Mr DAVID SHOEBRIDGE: And you wanted to stop the information being released, Mr Tansey.

The Hon. SHAYNE MALLARD: Point of order: I was interested in the answer and you cut him off halfway through. I think we should hear the answer.

The CHAIR: Okay.

Mr TANSEY: It was purely intended to assist councils to properly deal with and consider matters under their GIPAA obligations, as we were aware that they were receiving requests for access to information. I will not profess to being an expert in the GIPAA but, in general terms, one of those obligations is to consider whether or not there are other parties and/or third parties that should be consulted regarding a request. There were some concerns that that might not be done.

Mr KING: Mr Shoebridge, also in terms of clarity: Are you really talking about the release of the list publicly and the information? Is that where you are coming from with your questions?

Mr DAVID SHOEBRIDGE: Correct. Yes, to the extent that councils have access to the properties in their local council area.

Mr KING: I understand. A couple of things, though—and again, Planning, Industry and Environment is the key department. We also take into account a number of other factors such as risk of arson. If the list was out there, what could possibly happen there where you have—

Mr DAVID SHOEBRIDGE: Where did you get that advice from about the arson risk? It is constantly repeated. Where was the arson advice coming from?

The Hon. WES FANG: Point of order—

Mr KING: No, but I am just saying to you—

The CHAIR: I will hear the point of order.

Mr KING: I understand your point but there are other perspectives as well—risk of arson, also in terms of privacy information, also taking into account a number of other factors in terms of other safety measures, amongst others. What we have done with our colleagues is ensuring that we engage directly with the council, directly with the occupants of the buildings and we are working on that process. Our view, coming back to Mr Tansey, is it is a greater risk of putting the information just out in public. You may disagree; we will just have to disagree on it, but that is our view.

Mr DAVID SHOEBRIDGE: Where does the arson advice come from?

Mr KING: I do not have that on hand. Mr Tansey might be able to answer.

Mr TANSEY: We have received advice from Fire and Rescue NSW that they have a concern that if buildings are identified they could be targeted.

Mr DAVID SHOEBRIDGE: Will you table that advice?

Mr TANSEY: I am happy to take that on notice. I have certainly been given that advice verbally. There is other advice I would have to consider whether or not we are able to release.

Mr DAVID SHOEBRIDGE: Who did you get the advice from?

Mr TANSEY: From the Fire and Rescue members of the task force.

Mr DAVID SHOEBRIDGE: Who? You said you got it verbally. Who did you get the verbal advice from about arson?

Mr TANSEY: That would be from Assistant Commissioner Mark Whybro.

Mr DAVID SHOEBRIDGE: Isn't it true that in the circular you basically told councils to extend any review by 10 days—well, Planning did—extend any review by 10 days so that the department could get involved in order to knock off GIPAA applications?

Mr TANSEY: Again, I do not agree with the inference or the assumption of your question that it is intended to gag. However, there is a serious interest in making sure that where councils are receiving those requests they do properly consult with other parties that are affected by the request.

Mr DAVID SHOEBRIDGE: Has there been any safety issue raised following the release of the list for the City of Sydney? Has any property safety been prejudiced? Has any safety issue been raised with your department following the release of the list for the City of Sydney?

Mr TANSEY: I have not been made aware of any safety concern, if there has been one.

Mr DAVID SHOEBRIDGE: Isn't it true that this refusal to release the list is designed to prevent embarrassment to the Government rather than a genuine safety response?

Mr TANSEY: No. The reasons for considering whether or not to release information are genuine and they are serious, as Mr King said. There are privacy implications; there are people's private details in that information. There is concern for the impact on those people, their properties and their interest in the properties. There is a genuinely held—

Mr DAVID SHOEBRIDGE: So it is about property values?

Mr TANSEY: No, there is a genuinely held—

Mr KING: No, no, it's more than that.

Mr TANSEY: —concern about safety and whether or not people would mischievously target buildings. Our focus has been to make sure that, as we have said earlier today, the people owning those buildings and living in those buildings who have a genuine right and need to know are absolutely informed, but that is a separate matter to whether or not other people with a more general interest have the same need for that information.

Mr KING: It is certainly not to embarrass people, to your point Mr Shoebridge.

The Hon. DANIEL MOOKHEY: Fair Trading has powers in respect to short-term letting, that is correct?

Ms WEBB: In respect to—sorry?

The Hon. DANIEL MOOKHEY: Short-term letting.

Ms WEBB: There is some proposed legislation in relation to that. It has not come into effect yet.

Mr TANSEY: There is regulation underway right now, Mr Mookhey, about short-term residential letting that is being shared between ourselves and our colleagues at the Department of Planning, Industry and Environment.

The Hon. DANIEL MOOKHEY: Sorry, when you say that there is—did you say regulation or legislation?

Mr TANSEY: Sorry. There is consultation underway at the moment on the elements of the Government's announced proposals around regulation of that sector. There were already amendments made to the Fair Trading Act last year, but what is now under a consultation paper is both a proposed regulation under the Fair Trading legislation together with a SEPP—a State environmental planning policy—that goes to some of the planning controls around short-term residential—

The Hon. DANIEL MOOKHEY: You are referring to the consultation process announced about a month ago, that is correct?

Mr TANSEY: That's right.

The Hon. DANIEL MOOKHEY: When is that consultation process due to complete?

Mr KING: I think it is 11 September 2019.

Mr TANSEY: 11 September.

The Hon. DANIEL MOOKHEY: So two days?

Mr KING: Yes.

Mr TANSEY: Yes.

The Hon. DANIEL MOOKHEY: How many submissions have you received so far?

Mr KING: As Mr Tansey is looking for that, one of the factors that we are considering is just the size of the economy. It is about \$31 billion, I think, in terms of value in 2016. The other side, which you would obviously be across, is just the impact it is having in terms of creating jobs, actually supporting tourism, amongst others. You have got to think about the wide spectrum rather than just noise with the next-door neighbour.

The Hon. DANIEL MOOKHEY: Yes, of course.

Mr KING: Which I know you get, but it is important.

Mr TANSEY: We had received 245 submissions as of 5 September.

The Hon. DANIEL MOOKHEY: There was a parliamentary inquiry undertaken in this respect as well in the last parliamentary term. I think Fair Trading made submissions to it in the lower House?

Mr TANSEY: That's right. I think it was 2017.

The Hon. DANIEL MOOKHEY: There was also the release, I think, of an exposure draft about a SEPP before, I think that's correct, from memory?

Mr TANSEY: Again, that was our colleagues in the department of what was then Planning and Environment. They did earlier consultation on—forgive me if I do not get the term right—a "statement of intended effects". Their process is that they consult on—

The Hon. DANIEL MOOKHEY: Which is what they have to do under their Act.

Mr TANSEY: —the concept and then they follow that up now with the actual SEPP as part of the current consultation.

The Hon. DANIEL MOOKHEY: So is this consultation process specific to the proposed regulation and SEPP, or is it more general in nature?

Mr TANSEY: It is to both of them because there are two parts to the regulatory framework. Planning, as you would expect, is looking at the regulation around planning controls and the settings around numbers of nights, essentially, or permissible numbers of days and nights that premises are available. Then the companion piece for Fair Trading is really going to the conduct or the behaviour of people using those particular premises, because our focus in the colloquial term has been more on party houses and the way that can affect other neighbours.

The Hon. DANIEL MOOKHEY: We will get to that, but what is the timetable for the SEPP to be proclaimed and the regulation to be put into effect? What is the target? Of course, excepting that you have to make—it is not a hard thing I am asking for.

Mr TANSEY: Look, again, we would need to go back to Government following the consultation, and it is ultimately going to be a decision for Government for what elements of the current consultation it wants to proceed with and how quickly.

The Hon. DANIEL MOOKHEY: Let us turn to what Fair Trading has been doing under its existing powers in this respect. The party houses—have you investigated those complaints by platform?

Mr TANSEY: To be clear, we have an amendment in the legislation from the last session of Parliament. The regulation that is now there would really put the bones on the legislation. If we need the regulation to really implement regulation in the sector now.

The Hon. DANIEL MOOKHEY: Your enforcement strategies and approach is based on your having sufficient legal power, which you expect to have by way of the regulation and/or SEPP?

Mr TANSEY: Correct.

The Hon. DANIEL MOOKHEY: Have you undertaken any orders or any inspections under the existing framework, or are you waiting for that?

Ms WEBB: We have had some engagement on this issue, particularly through our implementation of strata law. So we do get some of our strata complaints and strata mediation relate to Airbnb or similar short-term holiday letting. We have had some engagement on those issues just under strata law, but not under the new legislation as Mr Tansey said.

The Hon. DANIEL MOOKHEY: On notice, can you come back with the data as to how many of the mediation requests related to short-term holiday letting?

Ms WEBB: Sure.

The Hon. DANIEL MOOKHEY: And also by provider or platform?

Ms WEBB: Yes.

The Hon. DANIEL MOOKHEY: It is the case, though, that you have not undertaken any specific dialogue or inspections or audits or any other available powers?

Ms WEBB: I am not aware of any, but I will take that on notice.

The Hon. DANIEL MOOKHEY: Mr Secretary, did you want to say something?

Mr KING: No, sorry.

The Hon. PETER PRIMROSE: I am aware that there have been a number of GIPAA applications in relation to the issues that were raised here last year in relation to biofuels and the fact that all Government agencies seem to be ignoring the Government direction requiring all vehicles, where possible, to use biofuels. Can you tell us the reasons for that and whether you expect the trend to continue?

Mr KING: I just want to be clear on it, the hypothesis is some of the Government departments are ignoring the directive and the GIPAA's have gone out and people have not responded. I just want to be clear.

The Hon. PETER PRIMROSE: No, I am quoting from your GIPAA application that was provided by your agency on your website, the disclosure log, which listed each agency and then actually tabulated the reduction.

Mr KING: Right. Okay.

The Hon. DANIEL MOOKHEY: Could I augment that by saying that on notice last year the Minister said, when he told the committee that he had asked the secretary to undertake the review as to why New South Wales Government clusters were not meeting the targets, he says, "I received the breakdown of cluster usage of E10 in comparison to the use of other petroleum in August 2018. I immediately asked the secretary to conduct a review of the decline in E10 usage." Where are we up to with that?

Mr KING: Ms Webb can help.

Ms WEBB: I will get them and use some of the numbers. I can say overall from the Department of Customer Service fleet usage of E10 has increased. I think Mr Gould is responsible for that expenditure and knows more detail, so we can give you some detail on notice.

Mr KING: I will take it on notice.

The Hon. DANIEL MOOKHEY: You have the ability—you enforce the E10 laws, do you not?

Ms WEBB: That is correct, the biofuel.

The Hon. DANIEL MOOKHEY: That is a mandatory requirement for service stations to sell it?

Mr KING: It is mixed. It is not just all.

Ms WEBB: If you are a volume fuel retailer, so it is not every service station, it is those that fall in the category of volume fuel retailers. They have to make it as available as unleaded petrol.

The Hon. DANIEL MOOKHEY: But it is the case that at that level, as you describe, that there is a mandate that is enforceable. That is correct?

Ms WEBB: That is right.

The Hon. DANIEL MOOKHEY: How many enforcement actions have you taken in respect of that legislation?

Ms WEBB: At the moment we do not have anyone who is able to comply with the mandate, so we have given exemptions. We have taken some enforcement actions in relation to people who are not complying with the reporting requirements.

The Hon. DANIEL MOOKHEY: Let us just unpack that a little. You say that there is no-one in New South Wales, no service station that currently meets the definition of the volumetric target, is that correct?

Ms WEBB: The 6 per cent target.

The Hon. DANIEL MOOKHEY: Yes, that is correct.

Ms WEBB: Yes, that is correct.

The Hon. DANIEL MOOKHEY: And as a result of that there is no need for any further enforcement because they do not have too. Is that correct?

Ms WEBB: There are two obligations on them. One is to report their fuel usage to us every quarter. If people do not comply with that we do take enforcement action. Then there is the obligation to make the fuel as available. So we engage with people about whether they are doing that. Finally, there is a requirement to sell that much petrol.

The Hon. PETER PRIMROSE: May I ask, for example, what would be the reasons—and please feel free to take this on notice—from 2011-2012 the Department of Premier and Cabinet, I have a figure of 72 per cent utilisation; 2017-2018, 44 per cent. What would be the reason for the reduction?

Ms WEBB: You are back to specific departments, I think.

Mr KING: Mr Primrose is asking about Premier and Cabinet. We will take that on notice. Just in terms of a bit of clarity in terms of overall compliance with the biofuels, that is actually sitting with NSW Procurement and NSW Procurement is now with Treasury. We will pick that up with Treasury. In terms of the departments in terms of movement, Treasury will work with those departments.

The Hon. PETER PRIMROSE: Okay, but I just noted that this was on your disclosure log, which is where I obtained it.

Mr KING: I understand exactly what you are saying.

The Hon. DANIEL MOOKHEY: Ms Webb, you were saying that you have the ability to impose penalties for non-reporting?

Ms WEBB: Yes, that is correct.

The Hon. DANIEL MOOKHEY: How many have you imposed in the last 12 months?

Ms WEBB: I will have to take the specifics on notice.

The Hon. DANIEL MOOKHEY: What is the penalty that is usually applied?

Ms WEBB: It is usually a penalty infringement notice.

The Hon. DANIEL MOOKHEY: Is there a fine attached to that?

Ms WEBB: Yes, that is a penalty.

The Hon. DANIEL MOOKHEY: What is the fine?

Ms WEBB: I would have to take that on notice.

The Hon. DANIEL MOOKHEY: The quantum, do we know?

Ms WEBB: I think it is around 2,200, but I would have to take it on notice.

The Hon. DANIEL MOOKHEY: You made the point that there is an opportunity for service stations to apply for an exemption.

Mr KING: That is right.

Ms WEBB: That is correct.

The Hon. DANIEL MOOKHEY: How many have in the past 12 months?

Ms WEBB: There are currently about 200 volume fuel retailers, that is operators, that meet that definition. It is 943 service stations because some of the volume fuel retailers operate more than one service station. All of those operators have applied for an exemption.

The Hon. DANIEL MOOKHEY: All of them?

Ms WEBB: Because no one is meeting the mandate.

The Hon. DANIEL MOOKHEY: The mandate has been in existence since 2016. I believe we had the debate in Parliament then, did we? That is correct?

Ms WEBB: Yes, I think that is correct.

The Hon. DANIEL MOOKHEY: When are they meant to apply for that exemption, is it annually, is it at the end of the financial year, is it—?

Ms WEBB: No, every quarter.

The Hon. DANIEL MOOKHEY: Every quarter.

Mr KING: Just on the reforms to the biofuels mandate commenced on 1 January 2017. Then the other area that you are probably going to get to, where we are going to do a review that we are planning to table in the House of Parliament in 2020.

The Hon. DANIEL MOOKHEY: I think that you are required to do that by law.

Mr KING: That is right, but I thought it was relevant given all of the questions you are asking.

The Hon. DANIEL MOOKHEY: I was paying attention to the amendment debate In the Parliament. Don't say I wasn't

Mr KING: Good.

The Hon. DANIEL MOOKHEY: It has been in existence effectively for up to 11 quarters, that is correct? Circa about that amount if it has been in existence from January?

Ms WEBB: Yes.

The Hon. DANIEL MOOKHEY: Has it been the case that every one of those 200 has applied for an exemption every quarter?

Ms WEBB: There are some times when they have failed to apply for an exemption and we have had to chase them up. But yes, I think in principle, yes. There have been some instances where a particular service station may not have applied in a quarter and then we have chased them up the following quarter.

The Hon. DANIEL MOOKHEY: In that entire period has there ever been an example of when the Department of Fair Trading has refused to provide an exemption?

Ms WEBB: No, we have always provided an exemption. We have put different conditions on the exemptions.

The Hon. DANIEL MOOKHEY: Effectively we have created a law, we have created a mandate and we have effectively exempted a lot of people who otherwise would have to be obeying the law. That is a glib summary, but is it accurate?

Ms WEBB: At the moment there is no one who is meeting the mandate. They have to comply with the other parts of the law about reporting and they are complying.

The Hon. DANIEL MOOKHEY: When you say, Mr Secretary, that there is a review underway or intended for 2020, when is that commencing?

Mr KING: I think it is commencing in, obviously, 2019. I think it is not far from—very soon.

The Hon. DANIEL MOOKHEY: I am asking because effectively we are very close.

Ms WEBB: We are hoping to have a discussion paper out in the next couple of months.

The Hon. DANIEL MOOKHEY: Do you have a view as to when in 2020 this will be tabled in Parliament?

Mr KING: It should be June 2020. That is our target.

(The witnesses withdrew.)

The Committee proceeded to deliberate.