



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2019-2020 Supplementary Questions

Portfolio Committee No. 7 – Planning and Environment

LOCAL GOVERNMENT

Hearing: Monday 2 September 2019

Answers due by: Thursday 26 September 2019

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LOCAL GOVERNMENT

Questions from Mr David Shoebridge MLC

Amalgamations

1. Can the Minister advise on whether the budget positions of the newly amalgamated Councils has improved, stayed the same, or declined, and if so, by how much in each case?
2. Since amalgamation, how many councils are residents now paying lower fees and charges?
3. In how many councils are fees up?
4. Regarding amalgamations your government said merged councils will have stronger balance sheets – in how many councils is this the case? How many merged councils currently have deficits?

Answer 1-4

Councils publish their budget positions in annual Financial Statements which are audited by the Auditor General. The Office of Local Government consolidates financial information provided by councils into a single document, the 'Your Council Report' time series data, which is published on the Office of Local Government website.

The NSW Government has also launched the new *Your Council* website

www.yourcouncil.nsw.gov.au

Code of Conduct Complaints

5. Can the Minister advise the time it takes for code of conduct referrals made to the Office of Local Government to be investigated?
6. How many code of conduct complaints were received in the last financial year? How many of these have been finalised? What were the outcomes?
7. We are advised some complaints have taken upwards of 5 months to be investigated, is this considered satisfactory?

Answer 5-7

Not all referrals to the Deputy Secretary under the misconduct provisions of the Local Government Act 1993 (the Act) are investigated. In managing misconduct referrals, the Office

of Local Government has developed a 'Framework for Managing Councillor Misconduct Allegations'. This Framework guides OLG in the considerations to be taken into account in managing a complaint and the processes to follow. The Deputy Secretary has a discretion not to pursue matters even if there is evidence of misconduct. The overriding obligation is to consider the public interest. The time taken to enquire into complaints will depend on the complexity of matters, the availability of evidence, the number of matters being managed and necessary prioritisation.

Questions from the Hon Emma Hurst MLC

Companion Animals and Other Legislation Amendment Act 2018 (NSW) ("the Act")

8. At the hearing, the Minister said (in reference to the new companion animal advertising requirements under the Act) "Obviously the agency will examine the advertisements for sale of dogs or cats to ensure that they do have an ID number, which is now the law, to which you referred correctly."
- (a) How many full time equivalent staff are employed by the Office of Local Government to monitor and review advertisements of companion animals and determine if they are compliant with the new requirements introduced under the Act?
 - (b) What is the procedure if someone within the Office of Local Government determines that there has been a breach of the new requirements under the Act?
 - (c) Did the Minister give any consideration to increasing funding for the RSPCA and Animal Welfare League to enforce the new requirements introduced under the Act?

Answer

The enforcement of the provisions of the *Prevention of Cruelty to Animals Act 1979*, in relation to the sale of cats and dogs is a matter for the animal welfare enforcement agencies, namely, RSPCA (NSW), Animal Welfare League and the NSW Police Force. The Office of Local Government has no role in the enforcement of the legislation.

9. At the hearing, in response to a question about the decision to continue to require greyhounds to be muzzled in off-leash parks (unless they have passed their Greyhounds muzzle exemption assessment), the Minister said "*a greyhound that has been blooded may well attack a smaller animal or a kitten or a puppy, even with the best of intentions of its owner*".

- (a) Can you please advise what evidence the Office of Local Government has to suggest that bleeding of greyhounds is still occurring in NSW, despite it being illegal under section 21 of the Prevention of Cruelty to Animals Act 1979 (NSW)?
- (b) The RSPCA is opposed to breed-specific legislation such as greyhound muzzling laws. They say that there is “no evidence to show that greyhounds as a breed pose any greater risk to the public compared to other dog breeds or mix of breeds”, see <https://kb.rspca.org.au/knowledge-base/should-pet-greyhounds-have-to-wear-muzzles/> Were the views of RSPCA taken into account in deciding to continue to require muzzling of greyhounds in off leash parks and, if so, what evidence led the Office of Local Government to take a different approach?

Answer

I refer to my response provided on 2 September during my Budget Estimates hearing.

Questions from the Hon Mark Buttigieg MLC (on behalf of the NSW Labor Opposition)

IPART

10. When will the Minister release IPART’s final report into local government election costs?
11. Does the Minister believe that IPART’s recommendations in the draft report – which the Minister has indicated are similar to the final report – are fair?
12. Is IPART’s report an excuse for the government to move towards full privatisation of local government elections?
13. Can the Minister guarantee, if IPART’s recommendations are adopted, that there will be no job losses in the NSWEC?
14. Is the Minister comfortable with interstate companies profiteering from NSW local government elections should councils choose to have an interstate company run their election?
15. Is the IPART report another excuse for this government to continue the trend of cost shifting onto councils?
16. If the IPART recommendations are adopted, what should councils do if they cannot afford the additional cost of running local government elections?

Answer

IPART provided the final report on local government election costs to my office on 30 August 2019, and the Government has now issued its response. In its response, the Government announced it will provide \$19.9 million to the NSW Electoral Commission to fund its core costs in administering the 2020 local government elections.

As a result of this funding, the cost per elector for the next local government elections will be \$8.21, compared with \$12.72 if no Government funding contribution was provided.

This funding will ensure that all councils, irrespective of their size, location and budget, can afford to hold elections.

Forced Council Mergers

17. During estimates on September 2 the Minister said the Member for Cootamundra had not formally requested a review into the forced merger of Cootamundra and Gundagai councils. A letter (dated 23/7/2019) tabled before the committee later that day showed the member had indeed requested a review into the merger. Does the Minister concede that false evidence was provided to the committee regarding a formal request into the review of the Cootamundra and Gundagai forced merger?

18. Will the Minister apologise to the member for Cootamundra after the letter was tabled?

Answer 17-18

This was corrected on record on 2 September 2019 during the Budget Estimates hearing, when I had the Deputy Secretary for Office of Local Government, Mr Tim Hurst, table the letter from the Member for Cootamundra.

19. Will the Minister promise to finally release the KPMG report that formed the basis for the forced mergers?

Answer

KPMG was commissioned by the NSW Government to model the possible benefits of council mergers. This advice was not provided to Government as a single report, but rather as a suite of analysis prepared over a period of time.

Information about KPMG's analysis and modelling has been made publicly available in the following documents:

- **An overarching report outlining merger benefits entitled Local Government Reform Merger Impacts and Analysis, released on 18 December 2015;**
- **A technical report outlining KPMG's modelling assumptions entitled Outline of Financial Modelling Assumptions for Local Government published on 20 January 2016; and**
- **The 35 original Government merger proposal documents, which contain the final outputs from KPMG's analysis, published on 6 January 2016. In addition, financial modelling associated with the 10 alternate proposals, submitted by councils.**

20. When is the Minister's deadline for making a decision regarding the forced mergers of Tumbarumba and Tumut Councils (now Snowy Valleys Council) and Cootamundra and Gundagai councils?

Answer

The Local Government Act does not provide a timeframe for the completion of this matter.

21. The government may have a policy of no more forced mergers but will the Minister assist councils and communities who want to demerge?

Answer

If a proposal is received it will be assessed against the statutory criteria set out in the Local Government Act.

Waste Levy

22. Will the Minister for Local Government ask the Minister for Environment to return more of the money collected from the waste levy, back to councils?
23. Will the Minister for Local Government ask the Minister for Environment to provide specific details regarding what the money collected as part of the waste levy has been actually spent on?
24. The Rural Area Levy has quadrupled since 2011. Will the Minister for Local Government ask the Minister for Environment to justify the rise and the imposition placed on councils and ratepayers?

Answer

These matters are a matter for the Minister for Energy and Environment.

Emergency Services Levy

25. Can the Minister for Local Government detail how the government will consult with councils regarding the 2020-21 fire emergency services levy contribution?

Answer

The Government has announced it will fund \$13.6 million of councils' contribution to the Emergency Services Levy for 2019-20.

The Government has also announced that it is also exploring options to improve notice to councils about the annual council contribution to the Emergency Services Levy to address the timing differential between State and Local Government budgetary and planning cycles.

Council Amalgamation Zoning Issues

26. Is the Minister aware of any Local Government Areas in New South Wales where local zoning restrictions reverted to the Local Land Services Act as a result of the Government's forced council mergers?
27. Was the Office of Local Government aware that certain local zoning restrictions would revert to the Local Land Services Act as a result of the Government's forced council mergers, before the decision was taken by the Minister?
- (a) If yes, was advice provided to the Minister regarding this issue?
- i. If yes, when was this advice first provided to the Minister?
28. Is the Minister aware that local land clearing protections have been discarded in certain areas within the Central Coast Local Government Area and replaced with significantly weakened regulations under the Local Land Services Act as a result of the Government's forced council mergers?
- (a) If yes, why was this decision made?
29. Is the Minister aware that local residents in Macmasters Beach on the Central Coast are fighting to protect mature trees and vegetation from being cleared on private property which would have been illegal prior to the Government's forced council mergers?

30. Which Local Government Areas in New South Wales have been affected by forced council mergers in terms of local land clearing restrictions being replaced by the Local Land Services Act?
31. What is the approximate area of land that has reverted from local zoning restrictions to restrictions under the Local Land Services Act as a result of the Government's forced council mergers?
32. Has the Office of Local Government or the Minister ever received representations from local councils regarding land clearing restrictions reverting to the Local Land Services Act as a result of the Government's forced council mergers?
33. Will the Minister commit to closing the loophole which allows private land owners in certain areas to clear vegetation which would not have been allowed before the Government's forced council mergers?

Answer 26-33

This is a matter for the Minister for Agriculture and Western New South Wales.

Auditor-General Report titled "Workforce Reform in three amalgamated Councils"

34. Are forcibly merged councils on track to meet the estimated cost savings provided by the Government's KPMG \$400,000 report?
 - (a) In the Report, part of the conclusion says "Benefits realisation plans show that councils did not expect to achieve material savings or efficiencies from workforce reform within the first three years of amalgamation." What is the timeframe for these material savings or efficiencies to be achieved?
 - i. What do those material savings look like?
 - ii. What do those efficiencies look like?
 - (b) There was a unit within DPC that was monitoring and supporting the amalgamated councils which then handed over its functions to the OLG in mid-2017. Which part of the then OLG took on this monitoring and supporting functions when it was handed over?
 - i. Was this work still being undertaken before the 2019 election?
 - ii. Is this work still occurring in the new Department of Planning, Industry and Environment? If not, why not? And when did this work stop?

Answer

I note the Member refers to information contained within the publically reviewed documents.

Once the new councils returned to an elected governing body and the administrators retired at elections in 2017, the path that these new councils take is entirely determined by the elected governing body. It is up to the governing body of councils to decide any or all of the savings that they might want to realise from within the palette of benefits available to them and how they are going to apply them at the local level.

New councils were required to maintain their workforce for three years post amalgamation so savings from workforce reform were not anticipated in that time.

New councils have commenced the process of harmonising their workforces. Any council can choose to implement workforce reform which may result in savings to the organisation or a higher service delivery standard for the community, or both.

OLG monitors the financial performance of all councils in NSW and continues to provide support councils via a range of means.

35. Will the Department be implementing the recommendation from the Auditor-General's report, that "The Department of Planning and Industry² should: 3. develop a suite of efficiency and economy indicators and start reporting the performance of councils against these indicators to assist with benchmarking."?

- (a) If yes, where is this work being done? How often is it reported? What are the suite of efficiency and economy indicators that are being used to report the performance of forcibly merged councils?

Answer

The NSW Government is currently developing a performance measurement framework for all NSW councils. Councils and local government stakeholders will be consulted in the development of this framework.

Ministerial Visit to Tumbarumba

36. Before making any final decision regarding the request by the Tumbarumba Community to demerge, will you travel to Tumbarumba and meet with the local community there?

- (a) If not, why not?

Answer

I refer to my statement made on 2 September.

Coastal Erosion at Stockton

37. Is the Minister aware of the erosion issues at Stockton Beach?

Answer

Yes. I met with local MP, Tim Crakanthorp, on 20 June 2019, and on 26 September 2019 about the issues at Stockton. I met with the Lord Mayor and CEO on 7 August 2019, and met with the Coastal Council in Nowra on 28 June 2019; and continue to receive regular briefings from DPIE on the matter.

38. What action has the Minister taken to address serious erosion at Stockton?

Answer

The strategic direction for managing the range of coastal issues at Stockton in the short-medium term were identified in City of Newcastle Council's Coastal Zone Management Plan certified on 15 August 2018. On 2 August 2019, I instructed the NSW Coastal Council to provide me with a review concerning the City of Newcastle Council's compliance in implementing the Stockton components of the certified Coastal Zone Management Plan. This review will inform any further response necessary from myself or my agency.

Since 2011 the NSW Government funded the City of Newcastle \$1.2 million, and have allocated \$83.6 million towards coastal management, which councils can apply for. With regards to Stockton, I have instructed DPIE to extend the application cut-off date, and encourage the City of Newcastle Council to submit their application for grant funding.

39. Is the Minister aware that Stockton's only childcare centre was permanently closed yesterday and will be demolished as a result of the erosion?

Answer

As outlined in the City of Newcastle Council's Coastal Zone Management Plan dated 15 August 2018, the closure of the preschool had been scheduled by the council.

40. A childcare centre is being demolished as a result of serious erosion at Stockton, does this concern the Minister?

Answer

It is unfortunate that Council did not advise the community well in advance of the imminent closure of the preschool, however this was always scheduled to occur in the Council's Coastal Zone Management Plan.

(a) What action has the Minister taken to address this issue?

Answer

I am advised that the strategic management of the building housing the day care centre was agreed upon well in advance of the recent action and clearly articulated in the certified Newcastle Coastal Zone Management Plan. Council's intent to retire this asset owing to its exposure to coastal hazards was well planned for and known in advance.

41. What are the short to medium term risks for Stockton if no action is taken to address this erosion problem?

Answer

Refer answer to 38 above.

42. Is there a risk that Stockton could become an island if no action is taken to address erosion?

Answer

I am advised by the Department of Planning, Industry and Environment (DPIE) that such a scenario is highly unlikely in the short-medium term. In any case, that is precisely why the City of Newcastle Council needs to proactively be implementing the relevant actions in the certified Newcastle Coastal Zone Management Plan to address current and forecast risks, and finalise its CMP in the near future.

43. What funding sources are available to address coastal erosion in NSW?

Answer

The NSW Government's \$83.6 million Coastal and Estuary Grant Funding Program is available to councils to prepare and implement Coastal Zone Management Plans and Coastal Management Programs. Other agencies beyond my portfolio and Commonwealth grant funding programs also contribute to emergency management and reducing coastal risks.

44. Given the urgent nature of the erosion, will you fast track funding for solution to Stockton Beach?
45. What will it take for the Government to fund a solution at Stockton beach?
46. Will the Minister direct her department to work with Newcastle City Council to fast track a solution to the erosion?

Answer 44-46

The cut-off date for applications for City of Newcastle Council has been extended, and I have instructed DPIE to work with council.

47. Considering a childcare centre is about to wash into the ocean, will Stockton Beach be placed on the New South Wales erosion hotspot list?
 - (a) If not, why not?

Answer

Refer answer to 40 (a) above.

48. Can you name some recent projects the NSW Government has provided funding for to address coastal erosion?

Answer

NSW Government funded projects for coastal erosion can be found on the Government's website – link below:

<https://www.environment.nsw.gov.au/topics/water/coasts/coastal-and-estuary-grants/grants-awarded>

- (a) Could similar solutions be implemented at Stockton beach?

Answer

Refer answer to 38 above.

49. Would sand pumping, similar to that at Jimmy's Beach, address coastal erosion at Stockton?

- (a) If so, will your government investigate this option?

Answer

Refer answer to 38 above.

50. How much has the government spent on addressing erosion at Stockton for each of the following years:

- (a) 2011;
- (b) 2012;
- (c) 2013;
- (d) 2014;
- (e) 2015;
- (f) 2016;
- (g) 2017;
- (h) 2018; and
- (i) 2019?

Answer

Since 2011 the NSW Government has awarded \$1.2 million to the City of Newcastle Council to address issues across the region's coastline.

51. Is offshore sand for beach nourishment able to be used at Stockton in order to address erosion?

Answer

I am advised that under the Offshore Minerals Act 1999, sand is classified as a mineral and cannot be sampled or extracted without an appropriate licence. Any further enquiries should

be directed to my colleague the Hon John Barilaro, Deputy Premier, Minister for Regional NSW, Industry and Trade who administers the Offshore Minerals Act 1999.

52. Can the Minister please advise what the process is to obtain offshore sand for beach nourishment purposes to address coastal erosion?

Answer

Refer answer to 51 above.

53. What is currently being done to safeguard the community of Stockton in the face of increased erosion including the local surf club, café, childcare centre, roads and an exposed tip?

Answer

Refer answer to 38 above.

54. What are the current legislative requirements to allow offshore dredging of sand?

55. If the legislation does not permit offshore sand dredging for the purpose of beach nourishment, will the Minister amend the legislation to allow this

56. Will offshore sand dredging for beach sand nourishment purposes at Stockton Beach be allowed?

Answer 54-56

Refer answer to 51 above.

57. How much has been awarded from the Coastal and Estuary Management grants for each of the following years:

(a) 2016;

(b) 2017;

(c) 2018; and

(d) 2019?

Answer

The NSW Government has awarded \$38.4 million since 2011 to assist councils with their coastal management.

58. Can the Minister provide a breakdown of this funding by recipient and amount received?

Answer

I refer the Member to the below website for this information.

<https://www.environment.nsw.gov.au/topics/water/coasts/coastal-and-estuary-grants/grants-awarded>

59. Will you commit to visiting Stockton to see the erosion first hand and meet with locals?

Answer

I have committed to visiting Stockton.

Code of Conduct for Councillor

60. Considering the recent behaviour by a Newcastle City Councillor, will the Minister consider reviewing the Code of Conduct for Councillors to ensure inappropriate behaviour is stamped out of local councils?

Answer

The *Model Code of Conduct for Local Councils in NSW* has only recently been reviewed. The current iteration was prescribed on 14 December 2018. The new iteration of the Model Code of Conduct prescribes tough new standards relating to discrimination and harassment, bullying, work health and safety and behaviour at meetings.

61. Has the Minister taken any action to address these concerns?

(a) If so, what action you have taken?

(b) If not, why not?

Answer

Each council is required to adopt a code of conduct based on the Model Code of Conduct. Responsibility for enforcement of compliance with the behavioural standards prescribed under councils' codes of conduct rests with each council in the first instance.

Ministerial Travel/Meal Allowance

62. How many nights travel were claimed by the Minister during the 2018-19 period?
63. How many nights travel were claimed by the Minister's spouse during the 2018-19 period?
64. What was the total amount of travel allowances claimed by the Minister and their spouse (if applicable) during 2018-19?
65. What is the total amount of meal allowances claimed by the Minister and their spouse (if applicable) during 2018-19?

Answer

In 2018-19, total expenditure by the Ministry on domestic travel was \$1,093,735.

Efficiency dividends

66. What was the forecast efficiency dividend saving for each department, statutory agency and/or other body within your portfolio in 2018-19?
67. What is the forecast efficiency dividend saving for each department, statutory agency and/or other body within your portfolio in
 - (a) 2019-20?
 - (b) 2020-21?
 - (c) 2021-22?
68. What was the total efficiency dividend that was achieved for each department, statutory agency and/or other body within your portfolio between 2011-12 and 2018-19 inclusively?

Answer 66-68

Savings from the NSW Government's efficiency dividend are outlined in the budget Papers.

Ministerial Office Administration

69. How many staff are in your ministerial office?
- (a) What was the average salary for staff members in your office during 2018-19?
 - (b) What is the estimated average salary for a ministerial staffer in your office in 2019-20 based on current appointments?

Answer

Ministers' Office staff numbers and salary bands are available on the DPC website. Refer to: <https://www.dpc.nsw.gov.au/publications/premiers-and-ministers-staff-numbers/>

70. How many iPhone/smart phones are assigned to your staff?
- (a) For each phone, how much was each bill in 2018-19?
 - (b) How many phones have been lost or replaced due to damage in your office?
 - (c) What is the cost of replacing those phones?

Answer

There were 261 smartphones and other mobile devices allocated across the Ministers' IT Network in 2018-2019. The total usage cost of these smart phones and other mobile devices (including iPads) was \$334,630, compared to 2009-10 expenditure of \$434,854 under Labor. There were 6 devices lost/stolen across the Ministerial Offices during 2018-2019. The cost of replacing any lost or stolen devices is claimed through the NSW Treasury Managed Fund. Repairs are funded by the Department of Premier and Cabinet, Corporate and Ministerial Services.

71. How many iPads or tablets has DPC assigned to your Ministerial office and to whom have they been issued?
- (a) What was the cost of providing iPads or tablets to your Ministerial Office in 2018-19?
 - (b) How many iPads or tablets have been replaced due to lost or damage in 2018-19?
 - (c) What was the cost of replacing these devices?

Answer

There were 111 iPads allocated across the Ministers' IT Network in 2018-2019. The cost of replacing any lost or stolen devices is claimed through the NSW Treasury Managed Fund. Repairs are funded by the Department of Premier and Cabinet, Corporate and Ministerial Services.

72. Has any artwork been purchased or leased for display in your ministerial office in 2018-19?

(a) What is the cost of this?

Answer

Artwork in Ministers' Offices includes art donated at no cost.

73. Have any floral displays or indoor plants or pot plants been hired or leased for display in your ministerial office in 2018-19?

(a) If so, what was the cost of these items?

Answer

No.

74. Have any floral displays or indoor plants or pot plants been purchased for display in your ministerial office in 2018-19?

(a) If so, what was the cost of these items?

Answer

Ministers' offices subscribe to a modest number of publications, which are managed within Ministerial office budgets.

75. What was the total cost of all subscriptions by you and your staff to news services, newspapers, magazines, journals and periodicals (including online services) in 2018-19?

(a) What are these services/newspapers/magazines/journals/periodicals?

(b) Who is the subscriber for each of these?

Answer

Gifts are presented to dignitaries during overseas missions and to dignitaries visiting NSW in accordance with established protocol.

76. What was the total value of all gifts purchased for use by you and your office in 2018-19?

(a) What were the gifts purchased?

(b) Who were they gifted to?

Answer

Nil

77. Do you purchase bottled water or provide water coolers for your office?

(a) What is the monthly cost of this?

Answer

The Ministry spent \$466 on filtered water for their offices in 2018-19.

78. How much did your ministerial office spend on hospitality, including catering and beverages, in 2018-19?

Answer

Expenditure on hospitality across the Ministry totalled \$27,782 in 2018-19, which includes catering for stakeholder meetings and courtesy calls with visiting dignitaries.

79. What non-standard features are fitted to your ministerial vehicle?

(a) What is the cost of each non-standard feature?

Answer

Ministers, the Leader of the Opposition, other nominated public office holders and certain former office holders are provided with official cars and drivers. During 2018-19, all costs associated with these vehicles were paid from the relevant Ministerial office budget.

80. What was the total bill for your office in 2018-19 for:

(a) Taxi hire

- (b) Limousine hire
- (c) Private hire care
- (d) Hire car rental
- (e) Ridesharing services?

Answer

Expenditure on taxis, hire cars and ride share services in 2018-19 across the Ministry was \$119,179, compared to 2009-10 expenditure of \$175,776 under Labor.

81. Were any planes or helicopters chartered by you or your office and paid for with public money in 2018-19?

- (a) If yes, will you please detail each trip, the method of transport and the cost?

Answer

Expenditure on charter flights for the Ministry totalled \$83,845 in 2018-19, compared to 2009-10 expenditure of \$281,567 under Labor.

82. Have you had media training or speech training?

- (a) If yes, who paid for it?
- (b) If paid by taxpayers, what was the amount paid in 2018-19?

Answer

No.

Agile Workspaces/Activity Based Working/Hot-desking

83. Have any of your departments, statutory agencies and/or other bodies adopted agile working environment/activity based working practices e.g. hot-desking?

- (a) If not, are there plans to introduce activity based working practices in 2019-20?

84. How much have your departments, statutory agencies and/or other bodies spent in the roll-out of the agile working environment including laptops, furniture, lockers and other equipment in 2018-19?

Answer 83-84

Accommodation planning for The Department of Planning Industry and Environment is undertaken in accordance with the Government's accommodation strategy and design guidelines. Agile working environments are being rolled out as appropriate.

Hospitality

85. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) How much was spent on hospitality, including catering and beverages, in 2018-19?
- (b) Whether the department, statutory agency and/or other body has coffee machines? And if so:
 - i. How many?
 - ii. What was their purchase cost?
 - iii. What is their maintenance cost?
 - iv. Who has access to them?
 - v. Which staff have access to the machines?

Answer

Expenditure on hospitality is limited to official work related purposes with any related staff benefits subject to Fringe Benefits Tax provisions.

The provision and acceptance of gifts, benefits and hospitality is subject to specific policies and agency Codes of Conduct and is strictly monitored.

Labour Hire Firms

86. Do any departments, statutory agency and/or other bodies within your portfolio responsibilities utilise the services of Labour Hire Firms? If yes, please advise in table form for 2018-19:

- (a) The names of the firms utilised
- (b) The total amount paid to each firm engaged
- (c) The average tenure period for an employee provided by a labour hire company

- (d) The longest tenure for an employee provided by a labour hire company
- (e) The duties conducted by employees engaged through a labour hire company
- (f) The office locations of employees engaged through a labour hire company
- (g) The highest hourly or daily rate paid to an employee provided by a labour hire company
- (h) Who authorised the use of labour hire companies?
- (i) Do staff under these labour hire arrangements receive as much training and security clearance as permanent staff?

Answer

The Department of Planning, Industry and Environment uses Labour Hire firms, in accordance with NSW Public Service policies to cover temporary vacancies as required.

Stationary

87. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) What was the cost of stationary for the following financial years:
 - i. 2015-16
 - ii. 2016-17
 - iii. 2017-18
 - iv. 2018-2019
 - v. 2019-present
- (b) What brand of paper is used?
 - i. Is this paper Australian made?

Answer

If the Member is referring to stationery, then stationery purchases by the Department of Planning, Industry and Environment are made in accordance with the applicable policies and procedures on procurement.

Credit Cards

88. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) How many credit cards are currently on issue for staff?
 - i. Please provide a break-down of this information by grade.
- (b) What was the value of the largest reported purchase on a credit card for the following financial years:
 - i. 2015-16
 - ii. 2016-17
 - iii. 2017-18
 - iv. 2018-2019
 - v. 2019-present
- (c) What was each largest reported purchase for?
- (d) How much interest was paid on amounts outstanding from credit cards for the following financial years:
 - i. 2015-16
 - ii. 2016-17
 - iii. 2017-18
 - iv. 2018-2019
 - v. 2019-present
- (e) How much was paid in late fees on amounts outstanding from credit cards for the following financial years
 - i. 2015-16
 - ii. 2016-17
 - iii. 2017-18
 - iv. 2018-2019
 - v. 2019-present

- (f) What was the largest amount outstanding on a single card at the end of a payment period and what was the card holder's employment grade?
- (g) How many credit cards have been reported lost or stolen?
 - i. What was the cost to replace them?
- (h) How many credit card purchases were deemed to be illegitimate or contrary to agency policy?
 - i. What was the total value of those purchases?
 - ii. How many purchases were asked to be repaid on the basis that they were illegitimate or contrary to agency policy and what was the total value thereof?
 - iii. Were all those amounts actually repaid?
 - iv. If no, how many were not repaid, and what was the total value thereof?
- (i) What was the largest purchase that was deemed illegitimate or contrary to agency policy and asked to be repaid, and what was the cardholder's employment grade?
 - i. What that amount actually repaid, in full?
 - ii. What amount was left unpaid?
- (j) Are any credit cards currently on issue connected to rewards schemes?
 - i. Do staff receive any personal benefit as a result of those reward schemes?
- (k) Can a copy of the staff credit card policy please be provided?

Answer

The NSW Government has implemented a PCard program to realise a number of benefits including savings from the use of cards over traditional high cost procure-to-pay processes and the enhanced capability to track and monitor expenditure.

Cards are issued to staff according to business need and are managed in accordance with Treasury Policy TPP 17-09 Use and Management of NSW Government Purchasing Cards.

Staff are prohibited from using official PCards for personal or other unofficial purposes and cards are not connected to reward schemes or any other program that would provide a personal benefit to the cardholder.

All NSW Government card balances are paid within bank payments terms and therefore no late fees or interest charges are incurred.

Media and Public Relations

89. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) How many media/communications/public relations advisers are employed?
 - i. What is the total salary cost for media/communications/public relations advisers in 2018-19?
- (b) What is the forecast for the current financial year for the number of media/communications/public relations advisers to be employed and their total cost?
- (c) What is the total cost of media monitoring services?
 - i. Please provide a breakdown by department, statutory agency and/or other body.
- (d) Are any media or public relations advisers currently engaged as contractors?
 - i. Who are these contracts with?
 - ii. What is the value of these contracts?
- (e) How much was spent on media or public relations advisors in financial year:
 - i. 2015-16
 - ii. 2016-17
 - iii. 2017-18
 - iv. 2018-2019
 - v. 2019-present?

Answer

(a-b) DPIE staff numbers are included in the Annual Report. DPIE staff numbers undertaking media or public relations activities are commensurate with need and can go down or up as required.

(c-e) The Financial Statements, including legal, consulting and any other general costs from third party service providers, are available in the agency annual report. These are available in accordance with NSW Government Procurement Policy.

Facebook

90. How much did your ministerial office spend on Facebook advertising or sponsored posts in 2018-19?

Answer

Nil.

91. How much did your department, statutory agency and/or other body in the Minister's portfolio spend on Facebook advertising or sponsored posts in 2018-19?

Answer

Where appropriate, social media is used by agencies alongside other forms of advertising as a cost effective medium of communication.

Overseas Trips

92. Were any of your overseas trips in the last financial year paid for in part or in full by using public money?

- (a) If so, did any of your relatives or friends accompany you on these trips?
- (b) Have you undertaken any official overseas travel that was privately funded?
- (c) If so, what was the nature of these trips?
- (d) Who paid for these trips?

Answer

No.

Department/Agency Travel

93. What was the total expenditure in 2018-19 by departments, statutory agencies and/or other bodies within your portfolio on:
- (a) Taxi hire
 - (b) Limousine
 - (c) Private car hire
 - (d) Hire car rental
 - (e) Ridesharing services
 - (f) Chartered flights?

Answer

Agency travel was conducted in accordance with relevant NSW Government policies and guidelines including Treasury Circular TC18-15 and ATO determinations.

Drivers

94. Are any of the senior executives in the relevant department, statutory agency and/or other body provided drivers?
- (a) If so, can you please specify which positions are provided drivers?
 - (b) In total, how many drivers are used by senior executives in the department, statutory agency and/or other body?
 - (c) What is the total cost of drivers for senior executives in the department, statutory agency and/or other body?

Answer

No senior executives in the Department of Planning Industry and Environment are provided drivers.

Consulting

95. For each department, statutory agency and/or other body in the Minister's portfolio please report:
- (a) How much was spent in legal costs in 2018-19?
 - i. For what specific purposes or matters was legal advice sought?
 - (b) Have departments, statutory agencies and/or other bodies under your portfolio engaged any consultants to provide the following services or advice in 2018-19:
 - i. Social media
 - ii. Photography
 - iii. Acting training
 - iv. Ergonomics
 - (c) What was the cost of these services?
 - i. Social media
 - ii. Photography
 - iii. Acting training
 - iv. Ergonomics

Answer

The Financial Statements, including legal, consulting and any other general costs from third party service providers, are available in agency annual report.

Web Content

96. For each department, statutory agency and/or other body in the Minister's portfolio please report:
- (a) What were the top 20 most utilised (by data sent and received) unique domain names accessed this year?
 - (b) What were the top 20 most accessed (by number of times accessed) unique domain names accessed this year?

Answer

- a) Data sent and received is not tracked as a website metric as this does not provide customer benefit
- b)

Site	Page views 2018-2019 FY
www.olg.nsw.gov.au	1,895,538
www.petregistry.nsw.gov.au	976,064
www.fftf.nsw.gov.au	2,884

*Decommissioned on 22 Aug 2018

Department/Agency Staffing

97. How many redundancies were processed by departments, statutory agencies and/or other bodies within your portfolio responsibilities during 2018-19?
- (a) Of these redundancies, how many were:
- Voluntary?
 - Involuntary?
98. What was the total cost of all redundancies?
99. Have any staff who received a redundancy in the last two years undertaken any paid work or provided any paid services for the department, statutory agency and/or other body with which they were formerly employed?
- (a) What was the nature of these works/services?
- (b) What was the total cost of these works or services?
100. Are any staff formerly employed by your ministerial office now employed by departments, statutory agencies and/or other bodies under your portfolio responsibility?
101. How many staff were dismissed from departments, statutory agencies and/or other bodies under your portfolio responsibilities in 2018-19?
- (a) What were the reason/s for each dismissal?

Answer 97-101

Voluntary redundancies are a component for agencies to achieve their efficiency dividends. Redundancy figures can be found in the Annual Report. The Labour Expense Cap introduced in the 2012-13 Budget also continues to give Secretaries as much flexibility as possible to achieve these savings in the most appropriate ways to meet the service requirements of their agencies. Frontline staff such as, nurses, police officers and school teachers and regional employees have been quarantined from this measure.

102. How much was spent advertising for recruitment for the following financial years:

- (a) 2015-16
- (b) 2016-17
- (c) 2017-18
- (d) 2018-2019
- (e) 2019-present?

Answer

Advertising expenses can be found in the Annual Report.

Smart Phone

103. How many mobile phones are given to staff or board members?

- (a) How many new mobile phones were purchased in the last year?

104. What is the total cost of these phones for the following financial years:

- (a) 2015-16
- (b) 2016-17
- (c) 2017-18
- (d) 2018-2019
- (e) 2019-present?

105. How many had to be replaced due to damage?
106. How many were reported as lost?
107. How many tablets are given to staff or board members?
 - (a) How many new tablets in the last year?
108. What is the total cost of these tablets for the following financial years?
 - (a) 2015-16
 - (b) 2016-17
 - (c) 2017-18
 - (d) 2018-2019?
109. How many phones and tablets had to be replaced due to damage?
110. How many were reported as lost?
111. How many people have both a smart phone and a tablet?
 - (a) What is the lowest ranked official who has both a work smart phone and tablet?
112. How many staff or board members overspent on their phone or tablet data bill?
 - (a) By how much?
 - (b) What was the average cost of data bills for tablets and mobile phones?
 - (c) What was the highest monthly cost?
113. Do the departments, statutory agencies and/or other bodies within your portfolio have an iTunes account?
 - (a) What was the total expenditure in 2018-19 on iTunes?
 - (b) What applications/subscriptions/services were purchased through iTunes?
114. Do the departments, statutory agencies and/or other bodies within your portfolio have a Google Play Store account?
 - (a) What was the total expenditure in 2018-19 on through the Google Play Store?
 - (b) What applications/subscriptions/services were purchased through the Google Play Store?

Answer 103-114

IT costs are managed within each agency's budget and in accordance with NSW Government's ICT and procurement policies and frameworks.

Merchant fees

115. Please provide a list of all transactions where customers need to pay a merchant fee on credit and/or debit card payments to a department, statutory agency and/or other body within your portfolio.
116. Please provide the percentage and/or amount of the merchant fees applied to all credit and/or debit card payments/transactions to a department, statutory agency and/or other body within your portfolio.
117. What was the total amount paid in merchant fees on credit and/or debit card payments to departments, statutory agencies and/or other bodies within your portfolio in 2018-19?

Answer 115-117

All NSW Government agencies are required to impose surcharges to recoup their merchant interchange fees, pursuant to Treasury Circular TC12/13. Exceptions to the recouping of fees are approved and managed by Treasury in accordance with the same circular.

Advertising and Sponsorships

118. For each department, statutory agency and/or other body in the Minister's portfolio please report:

(a) How much was spent on advertising in the following financial years:

i. 2015-16

ii. 2016-17

iii. 2017-18

iv. 2018-2019?

119. Has your department, statutory agency and/or other body within your portfolio engaged in any corporate sponsorships?

(a) Who were these sponsorships with?

(b) What was the purpose of these sponsorships?

(c) What was the value of these sponsorships, by case and year?

(d) What was the value of these sponsorships in the following financial years:

i. 2015-16

ii. 2016-17

iii. 2017-18

iv. 2018-19?

Answer 118-119

The Financial Statements, including advertising and sponsorship, are available in agency annual reports. The NSW Government may use advertising to inform the public of their rights, obligations and entitlements as well as to explain government policies, programs, services and initiatives. Government advertising is conducted within guidelines outlined in the NSW Government Advertising Handbook. Any sponsorship arrangements are conducted within ICAC principles.

Probity Auditor

120. Has your office or department, statutory agency and/or other body within your portfolio used a Probity Auditor or Probity Advisors, or similar, in the past five years? If so please list the company and/or individual, the project, the engagement dates, and their total remuneration in tabular format.

Answer

In accordance with the NSW Procurement Board's Direction (PBD-2013-05), the Department of Planning, Industry and Environment has internal mechanisms in place to ensure that probity considerations are routinely taken into account in its procurement decisions, and the use of external probity advisers and auditors is the exception rather than the rule. Agency annual reports includes all consultancies including those involving probity advisers valued more than \$50,000.

Energy

121. For each department, statutory agency and/or other body within your portfolio by name, how much electricity did it consume for each of:

- (a) 2014-15?
- (b) 2015-16?
- (c) 2016-17?
- (d) 2017-18?
- (e) 2018/19?

122. What proportion of the electricity consumed by each department, statutory agency and/or other body within your portfolio by name for those years came from renewable sources? Please name each source of energy (coal, solar, wind, etc.) and the proportion of the total electricity used.

123. How much money was spent on electricity for each department, statutory agency and/or other body within your portfolio by name in each of the above financial years?

124. What was the name of the energy supplier to each department, statutory agency and/or other body within your portfolio by name for those financial years?

125. e) 18/19 ERM (contract 777) and Origin Energy (contract 776) How much electricity is it estimated that each department, statutory agency and/or other body within your portfolio will consume in:
- (a) 2019-20?
 - (b) 2020-21?
 - (c) 2021-22?
126. What proportion of that electricity is it estimated will come from renewable sources, for each year?
127. For each department, statutory agency and/or other body within your portfolio by name, please provide the estimated proportion of energy to be used from each kind of energy (coal, gas, solar, wind etc.)?
128. What is the name of the energy supplier to each department, statutory agency and/or other body within your portfolio for each of:
- (a) 2019-20?
 - (b) 2020-21?
 - (c) 2021-22?

Answer 121-128

Energy purchases by the Department of Planning Industry and Environment are made in accordance with the applicable policies and procedures on procurement under whole of government Contracts 776 (small sites under 100,000 kwh per annum) and 777. Under these contracts the following suppliers are mandated:

- **776 – Origin Energy Electricity Limited**
- **777 – ERM Power Retail Pty Ltd**

The NSW Government Resource Efficiency Policy was introduced in 2014 to reduce the NSW Government’s operating costs and lead by example in increasing the efficiency of the resources it uses.

NSW Government agencies are required to report on energy use under the Government Resource Efficiency Policy. The Department of Planning, Industry and Environment publishes progress reports on compliance with the policy.

General Costs

129. For each department, statutory agency and/or other body in the Minister's portfolio please report:

(a) Any gardening services used for indoor or outdoor pot plants/flowers maintenance?

- i. Who are the contracts with?
- ii. How much does each contract cost?
- iii. How often do they visit?
- iv. How much was spent on this service in financial year:
 - 2015-16
 - 2016-17
 - 2017-18
 - 2018-19?

(b) Any floral displays or indoor plants or pot plants hired or leased for display in any offices?

- i. Who were the contracts with?
- ii. How much was each contract cost?
- iii. How much was spent on this service in financial year:
 - 2015-16
 - 2016-17
 - 2017-18
 - 2018-19?

Answer

The Financial Statements, including expenditure on any general costs, are available in an agency's annual report. Plant and related purchases by the Department of Planning, Industry and Environment are made in accordance with the applicable policies and procedures on procurement.

Domestic Violence Leave Policies, Awareness and Usage

130. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) A copy of the entity's policy or web link to the entity's domestic violence leave policy;
- (b) Date of introduction of domestic violence leave into enterprise agreements/contracts of employment, awards as applicable;
- (c) Whether or not all employees and/or contractors are eligible for domestic violence leave;
- (d) Number of days of domestic violence leave that have been taken in each financial year since the introduction of such leave;
- (e) Number of days available for eligible staff to access domestic violence leave in each financial year;
- (f) Number of other personal days of leave that have been taken in each financial year since the introduction of domestic violence leave;
- (g) Number of sick days available for eligible staff to access domestic violence leave in each financial year;
- (h) Whether or not all staff and/or contractors have access to Employee Assistance Programs?
- (i) What training has been undertaken with management and administration for those involved in approving and/or processing domestic violence leave on issues such as?
 - i. Privacy and confidentiality of information about domestic violence
 - ii. Access to emotional, psychological, financial and medical support which may be required

Answer

- (a) **Section 6.18 of the Public Service Industrial Relations Guide provides guidance to staff and management on appropriate strategies for supporting a staff member experiencing domestic violence. This guidance further references Section 84A of the Award (leave for matters arising from domestic violence) and Treasury Circular 19-08 Domestic and Family Violence Workplace Support Policy – Guiding Principles for Agencies. The Department's Leave Management Policy is available on it's Intranet.**
- (b) **2009 and amended in 2012 with a new clause Section 84A.**

- (c) Domestic Violence leave is covered in the Crown Employees (PS Conditions of Employment) Award which applies across the sector for all employees. Contractors are not eligible for Domestic Violence leave.
- (d) From 1 January 2019, a separate leave type of Domestic & Family Violence Leave was made available as a separate leave type. In 2018-19, there were no reported leave days of this type taken.
- (e) – (g) In accordance with the Award, NSW Government Sector employees are entitled to ten days paid domestic and family violence leave per calendar year. This leave is non-cumulative and can be taken in part-days, single days, or consecutive days. Staff may also utilise all available Family and Community Service Leave, Sick Leave and Carer's Leave to assist with managing domestic violence circumstances. If this leave is unavailable special leave maybe granted up to five days per calendar year. Data is not available for days of domestic violence leave or days of other personal leave taken, as these are not separately noted when special leave is processed as a single leave category.
- (h) All staff and their immediate family members have access to EAP. Contractors should in the first instance utilise the EAP service provided by their primary employer, if this is not available the DPIE service is made available to them.
- (i) There is currently no cluster wide training targeting domestic violence as the topic. Privacy and Personal Information Protection online training covers privacy.

The Department is currently considering a variety of options with regard to supporting people affected by or managing people affected by domestic violence. Staff may contact Human Resources for support and seek flexible work arrangements. As contractors are not employed by DPE, where requiring support, DPE will work with the contractor's agency to facilitate access to appropriate services to provide the best possible outcome for contractors wellbeing.

131. Who has provided training on domestic violence in the workplace?

Answer

There is currently no cluster wide training targeting domestic violence as the topic. Privacy and Personal Information Protection online training covers privacy. The Department is currently considering a variety of options with regard to supporting people affected by or managing people affected by domestic violence.

132. What percentage of staff in each agency has undertaken domestic violence training?

Answer

E-learning is made available however this is voluntary and the system does not hold nor provide data or statistics on attendance.

133. What efforts have been made to ensure that perpetrators (or their accomplices) within the staffing profile are not able to access personal information of victims in order to identify their location, or other information which may assist in committing domestic violence against them, including changing or accessing records in such a way as to disadvantage them financially or legally?

Answer

The Department of Planning, Industry and Environment complies with the highest levels of document and privacy management consistent with the Privacy and Personal Information Act 1998 (NSW).

Sexual harassment and Anti-bullying training and awareness programs

134. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) Date of introduction of sexual harassment and anti-bullying training and awareness programs and a copy of such documentation.
 - i. Whether or not all employees and/or contractors have received such training?
 - ii. Is this course mandatory for all employees/ contractors?
 - iii. How long for each session, how many sessions?
 - iv. Who delivers it?
 - v. Is the program tailored to take into consideration specific needs of LGBTQIA, ATSI and CALD or other at risk groups?
 - How?
- (b) What percentage of staff in each department, statutory agency and/or other body within your portfolio have undertaken sexual harassment and anti-bullying training and awareness programs?

- (c) How many complaints have been initiated in relation to:
- i. Sexual harassment
 - ii. Bullying
 - iii. Workplace violence

Answer

(a) & (b) The Department of Planning, Industry and Environment includes anti-bullying and harassment training as part of the induction process for new staff. The training is interactive, comprising of videos and knowledge quizzes that must be passed with 100% accuracy and takes 30 minutes to complete.

(c) Complaints of this nature are addressed through the Department of Planning, Industry and Environment's relevant policies and procedures. Not all complaints are raised as a formal complaint and may be addressed informally and directly between the individuals concerned.

Participation of women in Government

135. For each department, statutory agency and/or other body in the Minister's portfolio please report:

- (a) What number and percentage of women are employed within the department, statutory agency and/or other body within your portfolio?
- (b) What number and percentage of women are employed within the management levels of the department, statutory agency and/or other body within your portfolio?
- (c) What number and percentage of women are employed in the top ten leadership positions of the department, statutory agency and/or other body within your portfolio?
- (d) What strategies does the department, statutory agency and/or other body within your portfolio use to encourage women in to management and leadership positions?
- (e) What is the gender pay gap within your department, statutory agency and/or other body within your portfolio?
- (f) Does the department, statutory agency and/or other body within your portfolio report participation of women figures to Women NSW on a regular basis?

Answer

(a-c) This information is available in each agency's Annual Report.

- (d) All agencies use gender balance on interview panels as well as offering flexible working arrangements to allow better management of work and home commitments. Agencies continue to promote diversity and inclusion strategies which promote a workplace free from social biases of any kind.
- (e) All equivalent positions determined by an objective assessment of their work value are paid the same salary within all agencies. The relevant distribution of women in each classification of work across the sector is reported by the Public Service Commission (PSC) but is also available in the agency's Annual Report.
- (f) The workforce profile data collected by the PSC is made available to Women NSW.

Professional Photography

136. How much has been spent on professional photography for the following financial years:

- (a) 2015-16
- (b) 2016-17
- (c) 2017-18
- (d) 2018-2019
- (e) 2019-present?

Answer

The Financial Statements, including expenditure on professional photography, are available in agency annual reports.

Unmanned Aerial Services

137. How much has been spent on Unmanned Aerial Services for the following financial years:

- (a) 2015-16
- (b) 2016-17
- (c) 2017-18
- (d) 2018-2019
- (e) 2019-present?

Answer

The Financial Statements, including expenditure on unmanned aerial services, are available in agency annual reports.

Seconded Staff

138. How many staff from your department, statutory agency and/or other body within your portfolio have been seconded to your Ministerial Office, for the following financial years:

- (a) 2015-16
- (b) 2016-17
- (c) 2017-18
- (d) 2018-2019
- (e) 2019-present?

139. Please provide their names, their substantive work title, and their seconded work title.

Answer

NSW Government sector employees may be seconded from agencies to Ministers' offices in accordance with Clause 35 of the Government Sector Employment Regulation 2014.

Consultant Costs

140. For each department, statutory agency and/or other body in the Minister's portfolio please report, the total expenditure on consultants by financial year:

- (a) 2015-16
- (b) 2016-17
- (c) 2017-18
- (d) 2018-2019
- (e) 2019-present?

141. What are names and values of the five most expensive reports produced by consultancies for each department, statutory agency and/or other body in the Minister's portfolio by financial year:

- (a) 2015-16
- (b) 2016-17
- (c) 2017-18
- (d) 2018-2019
- (e) 2019-present?

Answer (140-141)

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

