



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2021-2022 Supplementary Questions

Portfolio Committee No. 6 – Transport and Customer Service

BETTER REGULATION AND INNOVATION

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Answers due by: 24 November 2021

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BETTER REGULATION AND INNOVATION

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

McDougall review

1. The Minister was asked during Budget Estimates on 27 October, if a public review of SafeWork's performance as per the recommendation of the McDougall Review will be conducted. Minister, you stated that you did not know when your department will comply with this recommendation. Now that a week has gone by, do you know when this review will be conducted?
 - (a) Do you know if this review will be made publicly available, as per the recommendation?
2. Why was this recommendation not considered by you or by your department before?

Silicosis

3. The Minister was asked during Budget Estimates on 27 October, what steps you have taken to investigate whether or not the limit of 0.02 mg/m³ of silica dust in workplaces, to which you answered that 0.02 is very difficult. Now that a week has gone by, what further investigations have been conducted for technology and/or mechanisms to achieve 0.02 mg/m³?
4. If there is no improvement in regulatory compliance and evidence does not show that preventative measures are keeping workers safe, will the government comply with NDDT recommendation 1d?
 - (a) What has the NSW government done with the Commonwealth government to implement all recommendations of the NDDT?
 - (b) If the Commonwealth is not acting, will the NSW government act in the meantime on other recommendations, such as recommendations 4 and 5 that urge greater support for diagnosed workers, their families, and their health/medical practitioners?
5. How many sites have now received the manufactured stone rebate?
 - (a) What has the government done to boost uptake of the rebate?
6. What has the government done to monitor dust levels in their own tunnels?
 - (a) Why won't the government just commit to implementing the best available safety standards in their own projects?
7. Is the government concerned that not only are workers at risk of silicosis but entire communities could be at risk of silicosis?
 - (a) What has the government done to keep communities safe from silica dust exposure

8. What has the government done to protect auxiliary and support staff at worksites with high concentrations of silica dust?
9. How many workers compensation claims were made to icare's Dust Diseases Care scheme for silicosis (or silica related diseases) in the following financial years, disaggregated by Local Government Area:
 - (a) 2018/19
 - (b) 2019/20
 - (c) 2020/21
 - (d) 2021/22 to date?
10. How many workers compensation claims were made to icare's Dust Diseases Care scheme for silicosis (or silica related diseases) in the following financial years, disaggregated by industry (i.e. Manufactured stone industry, tunnelling etc.):
 - (a) 2018/19
 - (b) 2019/20
 - (c) 2020/21
 - (d) 2021/22 to date?
11. How many deaths have been recorded following a silicosis (or silica related diseases) diagnosis in the following financial years:
 - (a) 2018/19
 - (b) 2019/20
 - (c) 2020/21
 - (d) 2021/22 to date?

Workplace COVID Ventilation

12. What schemes are in place for workers to report inadequate ventilation in workplaces?
13. How many SafeWork NSW inspectors have been utilised to inspect ventilation conditions at construction tunnelling sites?
 - (a) At other places of work in the construction sector?
14. What funding will be made available for businesses that only use HVAC air recirculation systems?
15. How many ventilation related incidents have been reported in workplaces?

16. How many inspections have been performed at workplaces in monitoring COVID-safe ventilation?
17. What measures has the Government implemented to prevent teachers and school staff from contracting COVID-19 as a result of inadequate ventilation?
18. How many SafeWork NSW inspectors have been utilised to inspect ventilation conditions at NSW schools?
 - (a) How many schools were deemed to have inadequate ventilation?
 - i. How many of these schools were in the public system?
 - ii. How many of these schools were in the private system?

COVID Exposure in the Workplace

19. How is SafeWork regulating COVID safe work practices for workers that travel, such as tradies?
 - (a) How is SafeWork enforcing COVID safe WHS for travelling workers who travel from Sydney to the regions?
20. What resources has Safework NSW deployed to specifically address the risks of COVID-19 in workplaces?
21. How many inspectors have been tasked with ensuring that workplaces are meeting their WHS duties in relation to COVID-19?
22. The AMWU found in a survey found that 48 per cent of essential workers surveyed believed they were being put at risk of contracting COVID in their workplace. And only 55 per cent said their employers has put in place extra cleaning. How many workplace inspections did Safework conduct last financial year to ensure employers are consulting with workers in minimising the risk of COVID in workplaces?
23. How many notifications has Safework NSW received from businesses reporting a worker diagnosed with COVID-19 or of a case of COVID-19 being contracted on a workplace? How did Safework NSW follow these reports?
 - (a) Did it investigate them?
 - (b) In how many of these instances did a Safework inspector conduct a physical inspection of a workplace?
24. Has Safework NSW conducted an audit of the number of workplaces meeting their WHS duties in relation to COVID-19?

COVID Safety Inspections

25. During Budget Estimates on 27 October, you were asked of the current status of the 40 new SafeWork NSW inspectors, who required \$6.4Million in funding. Now that a week has passed, how many of these 40 new inspectors are now fully trained?
 - (a) How long does their training last?
 - i. When can these inspectors be expected to be fully trained and performing work site safety checks?
 - (b) How many of these inspectors will specifically be deployed as COVID safety inspectors?
26. From July – October 2021, how many proactive and reactive visits were made by SafeWork inspectors?
 - (a) How many improvement notices have been issued?
 - (b) How many penalty notices have been issued?
27. How many workplace incidents have occurred since the additional funding was allocated?
28. How much additional funding will be allocated to informative resources on work sites?
29. How much additional funding will be allocated to adequate training for workers on hazardous work sites?
30. How many workers have made complaints to SafeWork about employers exposing them to COVID at work?
 - (a) How many inspectors have visited workplaces in response to workers complaining of COVID unsafe workspaces?

COVID Breaches

31. How many workplaces have been issued improvement notices for COVID related breaches of WHS laws?
32. How many workplaces have been issued prohibition notices for COVID related breaches of WHS laws?
33. How many workplaces have been issued with penalty notices for COVID related WHS laws?

CALD Workers

34. What targeted media campaigns were utilised to support workers in CALD communities and provide them with accurate COVID-19 information?

35. What targeted media campaigns were utilised to encourage CALD workers to get the COVID vaccination?
36. What digitally inclusive initiatives were implemented to ensure workers of the CALD community received accessible COVID-19 information?
37. What digitally inclusive initiatives were implemented to ensure workers of the CALD community received accurate COVID-19 vaccination information?
38. What initiatives or campaigns were implemented to target vaccine hesitancy in the CALD community?
39. What multicultural resources were made available to CALD workers that were unable to have the vaccination?
40. How much was spent on implementing multicultural digital COVID-19 resources for CALD communities?
41. WorkSafe Victoria has translated COVID materials in 19 languages, why did SafeWork NSW only have 8 languages?
42. How many interpreters were used for the translation of COVID information for CALD workers on the NSW Government website?

Workplace Harassment and Bullying

43. What has been the trend for psychological hazards at work over the COVID-19 pandemic, have psychological hazards increased during the pandemic?
 - (a) What is the government doing to address and support workers in regards to psychological hazards at work?
 - (b) Are there communities particularly susceptible to suffer from psychological hazards at work?
 - i. what is being done to support these communities?
44. What is being done to address this significant rise in retail worker abuse?
45. What resources is the government providing to business on how to deal with abusive customers and how to enforce vaccination requirements, QR check-ins and social distancing?
 - (a) Are these resources translated in different languages for multicultural businesses?
 - (b) How many languages are they translated into?

46. Will the government consider including provisions in the Public Health Orders and legislation that provide for harsher penalties for threatening, abusing, intimidating or assaulting retail employees?
47. What mental health resources and support are provided to workers who suffer abuse at work?
48. What mental health resources and support is being provided to workers?
 - (a) Are these resources translated in different languages for non-English speaking workers
 - (b) How many languages are they translated into?

Worker Fatigue

49. What is the government doing to protect workers from suffering from fatigue and burnout?
50. Reports show that 70% of frontline health workers reported emotional exhaustion from working during the current pandemic, given that the next few months are likely to be the busiest for out hospitals – Is the government concerned that front line health workers will burnout out, possibly leading to a shortage in health staff?
 - (a) What is being done to prevent health workers from suffering from fatigue and burnout?

WHS Case Studies- SafeWork NSW

(<https://www.safework.nsw.gov.au/compliance-and-prosecutions/incident-information-releases/industries/all-industries>)

51. A 19-year-old labour hire worker suffered serious injuries after falling more than 12 metres through an open penetration at a Shellharbour construction site. The worker was drilling holes into wall panels in the lift shaft on Level 2 when he fell through the open penetration to the concrete lower ground floor. Do labour hire companies have the same responsibility as other employers for the health, safety and wellbeing of people that are hired under them?
 - (a) How many incidents over the last 5 years have involved workers from labour hire companies?
 - (b) Does SafeWork have additional guidelines when dealing with sub-contracted workers such as those from labour hire workers?
 - (c) When was this incident reported to SafeWork NSW?
 - i. How long did it take for inspectors to attend the site?
 - (d) How many similar incidents have been reported to SafeWork NSW in 2020?
52. A 19 year old worker was struck by a forklift whilst performing his work duties. The forklift was moving forward carrying a module of cages in front of the cabin when it struck the worker. The worker sustained fatal injuries as a result of the incident.

- (a) What WHS inspections had been performed on the site to ensure that barriers were in place at this workplace?
 - (b) What SafeWork NSW information material was made available at the site?
 - i. What multicultural information resources were available?
 - (c) When was this incident reported to SafeWork NSW?
 - i. How long did it take for inspectors to attend the site?
 - (d) How many similar incidents have been reported to SafeWork NSW in 2020?
53. A 43-year-old male was operating a tracked dumper. While he was tracking down a set of ramps the tracked dumper tipped forward throwing him from the operator's platform. He suffered a neck fracture and serious head laceration. Did site conditions at this workplace allow for safe operating conditions of the plant?
- (a) What WHS inspections had been performed on the site to ensure that the conditions of the site were safe for operation?
 - (b) What SafeWork NSW information material was made available at the site?
 - i. What multicultural information resources were available?
 - (c) When was this incident reported to SafeWork NSW?
 - i. How long did it take for inspectors to attend the site?
 - (d) How many similar incidents have been reported to SafeWork NSW in 2020?
54. A 32-year-old worker was injured when he fell approximately 5 metres through a void in the formwork of a bridge under construction near Gilgandra. The worker was walking along reinforcement bars and across the concrete bridge beams when he stepped onto a steel void panel which dislodged. Was the formwork on the site erected according to the planned design?
- (a) Was it secured from movement due to construction loads?
 - (b) What WHS inspections had been performed on the site to ensure that the conditions of the formwork were safe for operation?
 - (c) What SafeWork NSW information material was made available at the site?
 - i. What multicultural information resources were available?
 - (d) When was this incident reported to SafeWork NSW?
 - i. How long did it take for inspectors to attend the site?
 - (e) How many similar incidents have been reported to SafeWork NSW in 2020?

55. A 45-year-old worker was struck by a reversing track skid steer while surveying levels as part of a road construction in the Southern Highlands. The worker sustained significant crush injuries. What workplace specific induction was conducted for workers prior to work starting?
- (a) What SafeWork NSW information material was made available at the site?
 - i. What multicultural information resources were available?
 - (b) When was this incident reported to SafeWork NSW?
 - i. How long did it take for inspectors to attend the site?
 - (c) How many similar incidents have been reported to SafeWork NSW in 2020?
56. Minister, how many dangerous workplace incidents get unreported?
57. How does SafeWork ensure it is able to effectively relay information of worker rights, and important COVID-19 information to people from CALD backgrounds?
- (a) How many calls, email or other communication to SafeWork have come in a language other than English?
 - (b) How many call, emails or other communication to SafeWork have required using a third party interpreter or translator?
 - (c) How many of these calls and email have been:
 - i. Complaints
 - ii. General Inquires
 - iii. Reporting incidents
58. What is the rate of attendance for inspectors when a complaint or incident is reported?
- (a) How many reported incidences are not attended?
 - (b) What is the average time taken for inspectors to attend the site of an incident?

Dangerous Good and Hazardous Chemicals

59. Is the hazardous chemical labelling exemption made by SafeWork NSW still operational?
60. Are hazardous chemicals that are agricultural or veterinary and were manufactured or imported prior to 1 January 2018 still exempt from hazardous chemical labelling requirements?
61. Are hazardous chemicals that are not agricultural or veterinary and were manufactured prior to 1 January 2017 still exempt from hazardous chemical labelling requirements?

62. What safety inspections are conducted at businesses with these hazardous chemicals to ensure compliance with regulations

Audiometric Testing Exemptions

63. Are there any plans to extend the audiometric testing exemption beyond December 31 2021?
64. How are workers of exempt businesses who are exposed to noise levels that exceed the 'exposure standard for noise' protected?

Lead Exposure Exemptions

65. Are there any plans to extend the transitional period to comply with revised blood lead levels?
66. Are there any businesses still in the transitional period who are yet to comply with revised blood lead levels?
67. What inspections are being done on businesses who have not transitioned?
68. What inspections are being done on businesses with high lead exposure to ensure they comply with WHS Regulations?

SafeWork NSW Triage

69. What tasks at SafeWork does Artificial Intelligence (AI) currently perform?
70. What plans are there to use AI technologies in the future at SafeWork NSW?
- (a) Are there plans to use AI in triaging SafeWork complaints?
 - (b) What assessment or the use of AI in triaging SafeWork complaints has been undertaken to date?
71. When assessing AI, what assessment of the security risks to individual's confidential data is undertaken?
72. How are SafeWork users confidential information protected? What cybersecurity measures are in place?
73. Have there been any data breaches at SafeWork NSW?
74. In 2020 there was a large data breach at Service NSW, does Service NSW handle any of SafeWork NSW's users' data?

QANTAS Prosecution

75. In early 2020, SafeWork announced a formal investigation into Qantas over potential WHS breaches relating to the dismissal of an airplane cleaner who raised COVID exposure concerns.

On the 19th of October, SafeWork decided to take Qantas to the District Court. Has SafeWork received complaints from workers in other industries regarding unsafe exposure to COVID-19?

- (a) If so, how many complaints?
 - i. How many complaints resulted in improvement notices?
 - ii. How many complaints resulted in prohibition notices?
 - iii. How many complaints resulted in penalty notices?
- (b) Given how serious exposure to COVID can be, why didn't SafeWork issue a prohibition notice so that work could stop until all cleaners were guaranteed PPE?
- (c) Is Qantas continuing to abide by the improvement notice?
 - i. Were any additional complaints received from Qantas employees?
 - ii. If so, how many?
- (d) What steps has SafeWork taken, to investigate workplaces from where complaints may have not been lodged, but could potentially have been potentially exposed to COVID-19?

SafeWork NSW Response Times

- 76. What is the average response time for SafeWork NSW to begin an investigation?
 - (a) Does the minister think that a 112 day delay to a RFS is outrageously long?
 - (b) Does the minister think that a 112 day delay merits a fresh investigation by SafeWork NSW?
- 77. In the course of an investigation into a potential WHS breach, is it standard practice for the SafeWork Inspector to interview the workers who were put at risk by a potential WHS breach?
 - (a) Would the minister characterise the failure to interview non clinical staff at building 22 at Concord Hospital, who were potentially unnecessarily exposed to COVID for 6 months in 2020, as a failure that undermines the investigation by SafeWork NSW?
 - (b) Does the minister think that such a failure merits a fresh investigation by SafeWork NSW?

Mental Health

- 78. What type of mental health training will managers receive through the Workplace Pulse Check tool?
- 79. Considering their high number of workers, particularly within the retail sector, why have large sized businesses been excluded from the use of the Workplace Plus Check tool?

80. What type of mental health support and resources will be made available for staff members?
81. Will the mental health resources be translated into different languages for staff members?
82. How will staff anonymity be maintained through this tool?
83. How much will be spent for the rollout of this tool across businesses in NSW?
84. How many businesses are currently using this tool?
85. How many businesses now have access to the mental health support set out under the NSW Mentally Healthy Workplaces strategy?
86. What action has been taken to inform NSW businesses of the strategy?
 - (a) What action has been taken to inform NSW businesses of mental health resources available through the strategy?
87. How many businesses targeted by the strategy are Culturally and Linguistically Diverse (CALD) businesses?
88. What resources are being made available for the 90,000 other businesses that are not using initiatives from the strategy, but are still taking action to create a mentally healthy workplace by 2022?
89. How is mental health status in workplaces targeted by the strategy being monitored?
90. Are initiatives under the strategy catered to the type of workplace accessing mental health resources?
91. How has the NSW Mentally Healthy Workplaces strategy been amended in light of the COVID-19 pandemic and the ensuing increased mental health concerns?
 - (a) How has the target for mentally healthy workplaces under the strategy been amended in light of COVID?

Regional SafeWork NSW Offices

92. Does the government have any plans to establish further regional SafeWork offices, or expand current offices?
 - (a) If yes, which areas?
93. What investigations including research or consultations has the government undertaken to determine if there is enough regional SafeWork NSW offices to handle regional issues?
94. How many SafeWork inspections are undertaken in regional areas each year?

- (a) How many were undertaken in 2011?
95. How many SafeWork complaints are made in regional areas?
96. What is the current response time for dealing with SafeWork complaints in regional areas?
- (a) How does this compare to Sydney?
97. Have any SafeWork workers in regional officers suffered from fatigue or burnout?

Building Compliance Orders

98. How many stop work orders have been issued since September 2020?
- (a) How many have revoked?
 - (b) Have any been re-issued?
 - (c) How many failed to comply?
99. How many prohibition orders have been issued since September 2020?
- (a) How many have revoked?
 - (b) Have any been re-issued?
 - (c) How many failed to comply?
100. How many building work rectification orders have been issued since September 2020?
- (a) How many have revoked?
 - (b) Have any been re-issued?
 - (c) How many failed to comply?
101. How many enforceable orders have been issued since September 2020?
- (a) How many have revoked?
 - (b) Have any been re-issued?
102. How many building compliance orders have been issued with any error?
- (a) How many had to be corrected?
 - (b) How many had to be re-issued?
 - i. Please provide a list of orders that have been issued with errors.
103. How many building rectification orders do not include specific timeframes for rectification of defects?

104. Does the Department of Fair Trading track the sale of residential apartments issued a prohibition order?

Cladding Safety Panel

105. How many times has the Cladding safety panel since July 2020?

Building Classifications

106. How many Class 2 Buildings are in NSW?

(a) Please provide a list broken down by suburb.

107. How many Class 3 buildings are in NSW?

(a) Please provide a list broken down by type of building and suburb

108. How many Class 9 buildings are in NSW?

(a) Please provide a list broken down by type of building and suburb

Occupation Certificates

109. How many interim occupation certificates are still valid in NSW?

(a) How many were issued in 2015?

(b) How many were issued in 2016?

(c) How many were issued in 2017?

(d) How many were issued in 2018?

(e) How many were issued in 2019?

110. How many interim occupation certificates have been issued a final occupation certificate in? Please provide a list broken down by LGA.

(a) 2019

(b) 2020

(c) 2021

111. Does the Department of Fair Trading track interim occupation certificates?

(a) If so, how do you collect this information?

112. Can you provide a list of the number of interim certificates in NSW? Broken down by suburb and LGA.

113. How many investigations of developments with interim occupation certificates been conducted?

OC Audit

114. How many OC audits have been completed since September 2020?
- (a) Broken down by date, location and outcome
115. How many OC audits were conducted post occupation certificate issued?
116. How many OC audits were conducted pre occupation certificate issued?

NSW Department of Fair Trading

117. How many people are employed in the NSW Department of Fair Trading
- (a) Please provide a list of positions
118. How many people are employed in the office of the NSW Building Commissioner
- (a) Please provide a list of positions
119. How many people are employed in the office of Project Remediate
- (a) Please provide a list of positions

Project Remediate

120. Which suburbs have been identified for priority removal of cladding?
121. Which buildings have been identified as the first 6 to be removed?
- (a) Please provide a list of buildings by suburb
122. How many people are employed as remediation contractors in Project Remediate
- (a) When were the positions advertised?
 - (b) When were the positions appointed?
123. How many building assessment and investigation contractors are employed in Project Remediate
- (a) When were the positions advertised?
 - (b) When were the positions appointed?
124. How many Design teams are there in Project Remediate?
- (a) How many people are employed in each design team? Please provide a list broken down by role.
 - i. When were the positions advertised?
 - ii. When were they appointed?
125. How many architects are employed in Project Remediate

- (a) When were the positions advertised?
 - (b) When were they appointed?
126. How many specialist façade designers are employed in Project Remediate
- (a) When were the positions advertised?
 - (b) When were they appointed?
127. How many engineers are employed in Project Remediate
- (a) When were the positions advertised?
 - (b) When were they appointed?
128. How many estimators are employed in Project Remediate
- (a) When were the positions advertised?
 - (b) When were they appointed?
129. How many Superintendents are employed in Project Remediate
- (a) When were the positions advertised?
 - (b) When were they appointed?
130. How many assurers are employed in Project Remediate?
131. How many sub-contractors have been employed in Project Remediate?
132. How many buildings eligible for Project Remediate have already commenced remediation?
- (a) Please provide a list broken down by suburb
133. How many owners' corporations registered their interest in Project Remediate?
- (a) Please provide a list broken down by date of registration
134. Have you notified local councils who have buildings eligible for Project Remediate that have not registered?
- (a) If yes, were they notified in writing?
 - (b) When were they notified made?
135. Will Class 2 Buildings eligible for Project Remediate, but not yet registered be able to lodge a late registration?
136. Will the registration deadline for Project Remediate be extended?
137. How many buildings registered for Project Remediate have been triaged?

138. Please explain the process of triaging building registered for Project remediate.

Building Reforms

139. In circumstances where 'Construction Team' entities no longer exist, what measures are being proposed to safeguard owners from ongoing financial liabilities that stem from regulatory failures of the construction industry?

140. Are there any plans to provide access to data about building quality being collected in the 'data lake' to organisations outside of government (e.g. researchers, industry associations)?

(a) If so, what criteria will be used to determine who can access this data?

Hassall Street

141. How many times has a home owner of 9 Hassall Street contacted the NSW Department of Fair Trading?

142. What contact has the NSW Department of Fair Trading had with home owners and/or buyers of 9 Hassall Street?

143. What was the original function of prohibiting the registration of the strata plan for 9 Hassall Street?

144. Has any executive or other staff from the NSW Department of Fair Trading met with home owners from 9 Hassall Street?

Construct NSW Research Report

145. When was the questionnaire issued to 1,400 strata managers?

146. How long were strata managers given to complete the questionnaire?

147. What was the criteria used to identify strata managers to complete the questionnaire?

(a) Please provide a breakdown of Strata managers who participated in the questionnaire broken down by suburb.

Questions from Ms Abigail Boyd MLC

Greyhound Industry Future Fund

In June, you announced that the money that GRNSW saves now that GWIC will be funded by the Government will be invested into the new Greyhound Industry Future Fund, which will receive a minimum of \$25 million over the next five years. You stated that the fund will “invest in capital items like grandstands and patron facilities, as well as rehoming facilities”.

148. Is GRNSW able to spend the entirety of the fund on spectator improvements and prize money, or is there a requirement for a minimum expenditure on rehoming facilities?
149. Are tracks able to receive funds for spectator improvements and prize money if the track minimum standards are as yet unmet?
150. What are the financial terms of GRNSW's Future Fund contributions?
151. Is there a yearly minimum contribution or just a five-yearly minimum?
152. Are contributions required to match the Government's contributions after PoC tax to GWIC?

GWIC Disciplinary Action Decisions on pin firing

153. Is thermal capsular shrinkage a permitted procedure or treatment for greyhounds?
154. Three dogs (Chosen One, Rommel, and Black Missile) were recently permanently barred from racing as a result of a GWIC Disciplinary Action Decision finding of pin-firing being used on these dogs.
 - (a) Please provide an update as to the greyhound register status of Chosen One.
 - (b) Please provide an update as to the greyhound register status of Rommel.
 - (c) Please provide an update as to the greyhound register status of Black Missile.
155. The disciplinary action taken as a result of each of the three findings is that the relevant dogs have been barred from racing. There has been no financial penalties or impacts on the industry participation placed on the owners of these dogs. After being informed about these three cases of pin-firing, you stated that "there is no room in the industry for the people you are mentioning". In light of your comments, will you commit legislating that individuals found guilty of pin-firing under the Prevention of Cruelty to Animals Act and/or charged with the procedure of 'pin firing' by GWIC will be permanently barred from participating in the greyhound racing industry?

Greyhound race footage

156. During the last Budget Estimates hearings, you said you were unaware of the censoring of footage of greyhound deaths or injuries. It is routine practice for Greyhound Racing NSW to edit footage on their websites to remove video evidence of deaths or injuries occurring. Do you support this practice?

Whole of Life Tracking of Greyhounds

157. GWIC has confirmed that around 2,000 NSW greyhounds have been transferred to other Australian states and territories. Can you confirm the status of these greyhounds and whether or not they are still alive?

Horseracing knackery rules

158. The recent case of a high-profile trainer winning his appeal against a three-year disqualification from racing for sending horses to slaughter, brought to light two deeply concerning loopholes in the NSW rules of racing.

Firstly, Racing NSW's local rule 114, which is designed to prevent horses being killed when no longer wanted, does not capture circumstances of intent if it is decided it was not the "primary intent" of the person sending them to be killed.

Secondly, the words "similarly disposed of" used in LR114(5)(e) which states a horse is not to be, directly or indirectly, sent to an abattoir, knackery or similarly disposed of should be interpreted to mean "a horse is disposed of (killed) for the purpose of its meat being used as food".

Therefore, if a racing participant kills a thoroughbred horse on their own property, and buries them in a pit, for example, they would presumably not be in breach of the rule.

Will you act to ensure Racing NSW amends Local Rule 114 to address these two loopholes and to also ensure broodmares are also protected under the rule?

Coal Mine Subsidence

159. How many people are employed directly under Subsidence Advisory NSW?

160. In October 2017, Subsidence Advisory NSW outsourced the claims assessment and other associated services process.

- (a) How many suppliers does the scheme engage?
- (b) What is the cost of engaging those suppliers?
- (c) How many suppliers work with or in the coal mining industry?
- (d) What is the typical case resolution time for a claim?
- (e) What is Subsidence Advisory NSW's target case resolution time?
- (f) How many subsidence claims have been processed since 1 Jan 2018?
- (g) How many were due to active mines?
- (h) How many were due to non-active coal mines?

161. Under the Act, the Chief Executive may, for a period of five years from the commencement of the Act, make payments from the Fund to reimburse the following persons wholly or in part for compensation payments made by Centennial Mandalong Pty Limited, South32 Limited and Tahmoor Coal Pty Ltd. How much compensation has been paid from the fund since the Act commenced to reimburse:

- (a) Centennial Mandalong Pty Limited
- (b) South32 Limited

(c) Tahmoor Coal Pty Ltd

162. How is the leviable contribution calculated from Regulation to Regulation?
163. How many properties have been acquired by Subsidence Advisory NSW and are now being leased
164. How much profit has been made from Subsidence Advisory NSW acquiring and then reselling properties?
165. What is the total proceeds of investment of money in the Fund for each financial year since the Act commenced??
- (a) How many times has vacant land with a proposed improvement been acquired by Subsidence Advisory NSW because of the Chief Executive's opinion that the land is likely to be adversely affected by subsidence?
 - (b) Is the value of the purchase price calculated as with, or without, predicted subsidence damage?
166. What are the current approved procedures, as determined by the Chief Executive, for the determination of claims under the Coal Mine Subsidence Compensation Act 2017?
- (a) How many times since the Act came into effect has the Chief Executive amended the approved procedures?
 - (b) Were the proprietors of coal mines consulted prior to the approved procedures being amended or replaced?
167. How many times has Subsidence Advisory NSW, or agents acting on the behalf of Subsidence Advisory NSW, taken subsidence claims to the courts to dispute the claim of subsidence damage as a result of coal mine subsidence?
- (a) Does Subsidence Advisory NSW have a target or KPI of numbers of claims approved per financial year?
 - (b) Does Subsidence Advisory NSW have a target or KPI of proceeds raised from property sales and/or other fund investments?

Questions from the Hon Mark Pearson MLC

Horse Racing

168. The Horse and Dog Racing in Australia - Market Research Report, March 2021 noted that factors such as falling race day attendances and negative perceptions surrounding animal welfare

are limiting industry growth. While these factors have yet to impact on gambling revenues, is the Minister concerned that the government is supporting an industry that is losing its social licence to operate in NSW? <https://www.ibisworld.com/au/industry/horse-dog-racing/657/>

169. In the *Thoroughbred Racing Act*, there are no specific statutory obligation for the horse racing industry to address the welfare of horses. Given the changes in social attitudes towards the protection of race horses and the extensive media coverage when horses are injured, die or are killed on the track, do you consider that this failure is a legislative oversight that needs to be remedied?
170. Minister, why is the greyhound industry required to publish quarterly reports of injuries and deaths during the racing season but it is not required of Racing NSW and Harness Racing NSW?
171. Would you support a statutory mandate for Racing NSW and Harness Racing NSW to publish quarterly reports of injuries and deaths?
172. Most thoroughbred racehorses begin training at 18 to 20 months of age, well before their skeleton has reached full maturity, in readiness for commencing commercial racing as two-year-olds. A 2006 NSW study into injuries in 2 and 3-year-old racehorses documented that 248 horses suffered 428 muscular-skeletal injuries including micro-fractures and associated inflammation of the cannon bone. Minister, given the high risk of young horses being subjected to such injuries, why doesn't the government outlaw 2-year-old racing? **Risk factors for musculoskeletal injuries in 2-year-old Thoroughbred racehorses, N Cogger:** <https://pubmed.ncbi.nlm.nih.gov/16481055/>
173. In May 2021, jockey Serg Lisnyy was reported to Racing NSW for using unapproved roller spurs during trackwork with a racehorse named Tarsus. Tarsus suffered 15 lacerations. NSW Stewards suspended Lisnyy for 6 months. While awaiting appeal, he was fined for excessive use of the whip on a horse. The Racing NSW welfare guidelines state that they are underpinned by the NSW Prevention of Cruelty to Animals Act, and yet these cases of proven cruelty were not referred to the RSPCA.
 - a) Minister, Does Racing NSW have the regulatory authority to avoid referral of an obvious cruelty case to NSW RSPCA for criminal investigation?
 - b) If so, does this not raise questions about the potential conflict of interest by Racing NSW acting to avoid public scrutiny of the industry?
 - c) Is it in the public interest for Racing NSW to facilitate the protection of participants from possible criminal charges when animals have been treated with such apparent egregious cruelty?
 - d) What are your Ministerial responsibilities in regards to the oversight of the industry in regards to regulations to provide for race horse welfare?

<https://www.racingsw.com.au/wp-content/uploads/TARSUS-LISNYY-WAUGH-Stewards-Report-20-May-2021.pdf>

174. The euthanasia of racehorses suffering catastrophic injuries on race-days remains one of the biggest challenges to the public perception and integrity of the horse racing industry. Stewards' reports have disclosed the number of active racehorses who have died in NSW this season is now at thirty-seven., Is the Minister prepared to engage with Racing NSW about the need to conduct scientific studies into risk factors associated with catastrophic injuries and deaths in racing?
<https://www.racingaustralia.horse/PostStewardsReports/19082020CANT.pdf>

BETTER REGULATION

Questions from Mr David Shoebridge MLC

Building standards

175. Has the Department and/or Minister received advice regarding CSIRO and other independent laboratory evidence testing in relation to solid aluminium?
- (a) If so, are you aware of CSIRO and other independent laboratory evidence testing in relation to solid aluminium failing multiple fire safety criteria under highest Australian standard (AS5113) fire testing?
- (b) If so, are you aware of CSIRO and other independent laboratory evidence testing in relation to solid aluminium that indicates solid aluminium, a product the Panel is recommending, sheds up to 20kg chunks of debris - enough to kill a firefighter – and melts off its mechanical fixing in a real fire situation?

Newcastle ammonium nitrate

176. Are you aware of the two depots in Newcastle with significant stocks of the explosive used for mining, ammonium nitrate?
177. Has the Department or Minister sought any advice regarding the potential risks to workers and residents posed by the stockpile of ammonium nitrate?
178. Has the Department or Minister received any advice regarding the potential risks to workers and residents posed by the stockpile of ammonium nitrate?
179. Has the Department or Minister sought any advice regarding potential terrorist risks related to the stockpile?

180. Has the Department or Minister received any advice regarding potential terrorist risks related to the stockpile?
181. Would this stockpile be covered by the National Code of Practice for Chemicals of Security Concern, a voluntary code?
 - (a) If not, what safety regulations apply to these stocks of ammonium nitrate and are they compulsory or voluntary?

SafeWork NSW Inspector Activities

182. How many SafeWork NSW inspectors are authorised under Section 126 of the Public Health Act 2010?
183. How many SafeWork NSW inspectors are authorised under IPART under Section 5D of the Electricity Supply Act 1995?
184. How many SafeWork NSW inspectors are now undertaking activities on behalf of the NSW Building Commissioner?
185. How many SafeWork NSW inspectors are authorised to undertake Fair Trading checks?
186. In the last six months, how much work are SafeWork NSW inspectors undertaking in relation to regulating the Work Health & Safety legislation and undertaking these other activities noted in 1a to 1e?

Workplace safety inspectors

187. What information has the Department received from the Minister/Government in relation to the future role of workplace safety and other inspectors in the Better Regulation Division within the Department of Customer Service?
188. What information on Ministerial expectations has been shared with inspectors in the Better Regulation Division relating to their ongoing roles? (eg. newsletters, updates, etc)
189. Why are the NSW Safework inspectors being referenced to just generalised regulatory authorities that could capture other regulatory authorities?
190. What consultation was done with SafeWork NSW inspectors on these changes to the role descriptions?
191. What is current minimum requirement for all roles that are given the authority of an inspector within SafeWork NSW?

192. Does the Executive Director and Directors within Safe Work NSW who manage and supervise have the Diploma of Government Inspection or the Advanced Diploma of Government Inspection?
193. For managers and directors in SafeWork, how many have undertaken the “on boarding” training, which includes notices (Penalty, Improvement and Prohibition Notices) training that inspectors must complete?

SafeWork NSW Culture

194. How long has SafeWork NSW been trying to implement an online Work Health & Safety Management System for its own staff?
195. How much money has been spent in trying to develop an internal online Work Health & Safety Management System? How much of this was internal and how much was spent on contractors?
196. Are any changes being made in the agency to address bullying following the inquiry by NSW Parliament into allegations of bullying in SafeWork NSW?
197. Is the Department seeking any changes proposed to the current external referral process for bullying complaints?
198. Are those changes in line with the Recommendations arising from the 2013/14 Parliamentary Inquiry?
199. What are the results for all bullying responses in the 2019 People Matter Employee Survey for SafeWork NSW?
200. What are the peak work health and safety consultative arrangements for SafeWork NSW to consult with its own staff?
201. What support is DCS/SafeWork NSW giving to SafeWork’s own NSW Health & Safety Representatives?

Bullying complaints at SafeWork NSW

202. In the last 5 years how many bullying complaints has your department as an employer (Person received from SafeWork NSW staff or their HSRs on behalf of their workgroup members)?
203. In the last 5 years has any SafeWork NSW employee suffered a psychological injury as a result of bullying and harassment in the workplace?
 - (a) If so, how many have received workers compensation?
 - (b) In the last 5 years can you tell me how many SafeWork NSW employees psychological injuries were related to actions from management / Executive?

- (c) In the last 5 years has any SafeWork NSW employee self-harmed as a result of perceived bullying and harassment?
- (d) Regarding SafeWork NSW employee/s who may have self-harmed, who were they, what was their position, did the self-harm incident/s occur during work hours, what were the circumstances preceding the incident/s?
- (e) Did SafeWork NSW undertake investigations in relation to causation of any self-harm incident/s?
 - i. What was the findings of the SafeWork NSW investigation/s into the self-harm incident/s?
- (f) What is the SafeWork NSW policy timeframe for resolution of any work health and safety / industrial complaints lodged by employees?