

BUDGET ESTIMATES RESPONSES – Questions taken on Notice

***Special Minister of State, Public Service and Employee Relations, Aboriginal Affairs and the Arts
(Harwin)***

ARTS

QUESTION

The Hon. WALT SECORD: Mr Coutts-Trotter, what is the status of the Riverina Conservatorium of Music at the moment?

Mr COUTTS-TROTTER: I am sorry, Mr Secord, I am woefully ill-prepared for these estimates. I will need to take that on notice. I do not know. I will take it on notice and respond to the Committee.

ANSWER:

The project has two stages.

Stage One works are underway. Works include creating a purpose-built tuition and rehearsal space along with administration and meeting facilities. These works are being delivered by Property & Development NSW utilising the local project management capability of Public Works Advisory. Completion of Stage One has been forecast for mid-2022. Create Infrastructure is not involved in this delivery.

Stage Two, a public commitment for the construction of a \$20 million purpose-build recital hall and ancillary facilities for the Riverina Conservatorium of Music, was subject to full project scope and costing and completion of a business case. This process is being led by the Department of Regional NSW.

QUESTION

The Hon. WALT SECORD: Minister, I want to take you to support for arts organisations during the COVID period.

The Hon. DON HARWIN: Certainly.

The Hon. WALT SECORD: I think you made an announcement recently of \$75 million.

The Hon. DON HARWIN: Yes.

The Hon. WALT SECORD: Will you update me on that, please?

The Hon. DON HARWIN: Yes, I would be delighted to. Obviously, you would be probably aware now that the extent of our support for the sector during COVID-19, right from the beginning in 2020 through to now, approaches about a quarter of a billion dollars in total. I am very happy to answer a question about any particular part of it. I note you have raised one part of it, which is the most recent—

The Hon. WALT SECORD: Actually, Minister, I will take you up on what you just offered, because I am mindful of my time. Let us hone in on the \$75 million fund that you announced most recently. Of that \$75 million fund, how much has been disbursed?

The Hon. DON HARWIN: I will give you the figure right up front. It is \$40.8 million as at 26 October 2021. The purpose of the package was to ensure that the performing arts remain financially viable. The package was designed to provide urgent financial support to performing arts venues, producers and promoters impacted by the cancellation or postponement of performances resulting from the New South Wales COVID-19 public health orders from 26 June 2021 to 18 September

2021. For the period after 18 September 2021 there is an additional package that is available, as well, for new losses. And this you will want to know: The package has supported 111 eligible applications, which represent well over 1,100 venues, organisations, producers and artists.

The Hon. WALT SECORD: What proportion of that went to rural and regional New South Wales?

The Hon. DON HARWIN: I will take that on notice at this stage. I will flag that I might be able to give you that total figure at the end of the estimates hearing, but I do not have it in that form in front of me. I have a list of all of them but not broken up by region.

ANSWER:

As at 20 November 2021, \$4,870,349 has been approved for payment to artists and arts organisations supporting 551 performances in regional communities across New South Wales.

QUESTION

The Hon. WALT SECORD: So 111 were successful applicants. How many organisations applied to the fund in total?

The Hon. DON HARWIN: You are either eligible or you are not eligible and every one that is eligible got funded. Put it this way: No one that was eligible was not funded.

The Hon. WALT SECORD: If you want to take this on notice, I would like the full list of the 111 successful applicants and I would like the total number of people or organisations that applied and, other than the 111 successful applicants, I would like the individual amount against that.

The Hon. DON HARWIN: Yes, we have got that. I am happy to give it to you. But I just wanted to be clear, it is the 111 you want, isn't it? Not the—

The Hon. PENNY SHARPE: We are moving on, Minister.

The Hon. WALT SECORD: I would like the full list of the 111 successful applicants and the amount, and I would also like the total number of applications including unsuccessful applications.

The Hon. DON HARWIN: There were no unsuccessful applications was my point. If you were eligible, you were successful.

The Hon. WALT SECORD: Okay, against the amount

ANSWER:

As at 29 October 2021, a total of 413 applications were received, with each application, relating to an eligible performance and for an eligible venue, being funded in accordance with the fund's guidelines. Details are provided at Attachment A.

\$75 million package funding recipients as at 26 Oct 2021

Primary Applicant	Eligible funding
1. Abstract Touring	\$ 9,474
2. Adakar Theatre & Cultural Group Pty Ltd	\$ 18,489
3. Andrew McKinnon Presentations	\$ 51,434
4. Arcadians Theatre Group	\$ 14,965
5. Ausfeng Event Productions Pty Ltd	\$ 75,416
6. Australian Theatre for Young People	\$ 8,592
7. Australian Chamber Orchestra Pty Ltd	\$ 565,005
8. Australian Romantic & Classical Orchestra	\$ 2,625
9. Australian Wind Symphony	\$ 11,584
10. Bangarra Dance Theatre Australia Limited	\$ 296,644
11. Big Beat Australia Pty Ltd	\$ 519,066
12. Blue Mountains Theatre	\$ 39,884
13. Brand X Productions Incorporated	\$ 5,200
14. Bridie Connell	\$ 1,541
15. Brunswick Picture House	\$ 44,467
16. Brusnik Enterprises Pty Ltd/Anitas Theatre Thirroul	\$ 118,804
17. Butchers Brew Bar (TeArohauni Hospitality)	\$ 30,738
18. Cambridge Hotel Newcastle	\$ 206,272
19. Capitol Theatre Management Pty Limited	\$ 6,838,509
20. CDP Theatre Producers	\$ 224,424
21. City Recital Hall Limited	\$ 736,662
22. Clarence Playford	\$ 1,674
23. Company B Ltd	\$ 488,890
24. Cowra Civic Centre	\$ 9,255
25. Crowbar NSW Pty Ltd	\$ 140,065
26. Darlinghurst Theatre Limited	\$ 538,611
27. David Pitkin/True Grit Productions	\$ 7,593
28. David Venn Enterprises Pty Ltd	\$ 3,204,923
29. Enmore Theatre Pty Ltd	\$ 435,292
30. Ensemble Productions	\$ 410,238
31. Finelytuned Productions Pty Ltd	\$ 55,575
32. Francisco Lara Puerto	\$ 1,984
33. Free-Rain Pty Ltd	\$ 132,295
34. Funk Sydney	\$ 78,178
35. Gasoline Pony	\$ 18,400
36. GAYM Entertainment	\$ 101,940
37. Genesian Theatre Company Inc	\$ 35,200
38. Griffin Theatre Company	\$ 132,863
39. Hamilton Production Australian Pty Ltd	\$ 10,064,780
40. Hayden Orpheum	\$ 160,714
41. Hayes Theatre Co	\$ 265,070
42. Heath Mclvor	\$ 2,919

43. Hemmes Trading	\$	514,800
44. Hvk Productions Pty Ltd	\$	92,292
45. Jagged Little Pill	\$	2,880,000
46. James Katz	\$	4,800
47. K Moraleda & J.p Shea & J Vass	\$	7,152
48. Karen-lee Goody/ Entertainment Consulting	\$	110,198
49. King Street Hotel Newcastle/ Tray 3	\$	88,650
50. Kym Halpin/ The Tap Pack P/L	\$	111,450
51. Lambert House Enterprises Pty Ltd	\$	12,337
52. Lauren Ashleigh Wilkins	\$	16,744
53. LPD Productions	\$	476,283
54. Luna Park Sydney Pty Limited	\$	142,285
55. Manning Entertainment Centre/Mid North Coast	\$	5,625
56. Mellen Promotions	\$	159,899
57. Metropolis Touring P/L	\$	144,198
58. Mitchell Old	\$	42,108
59. Musica Viva Australia	\$	171,759
60. Neil Gooding Productions Pty Ltd	\$	224,248
61. New Ghosts Theatre Company Inc	\$	14,880
62. Noteable Theatre Co	\$	159,133
63. OHW Media	\$	84,400
64. Old Fitz/ Redline Productions	\$	52,803
65. Omega Ensemble	\$	31,393
66. Opera Australia	\$	3,630,897
67. Playbill Venues/ Hordern Pavilion	\$	521,597
68. Potted Productions Limited	\$	358,403
69. Premier Entertainment Pty Ltd	\$	19,824
70. Puppeteria Theatre	\$	4,320
71. Queanbeyan-palerang Regional Council	\$	8,076
72. Rebel and Rogue Music Pty Ltd t/as The Vanguard Newtown	\$	65,089
73. Regals Musical Society Inc	\$	13,320
74. Renee Walters - Premier	\$	9,828
75. RF Entertainment & Promotions	\$	6,020
76. Riverside Theatre City of Parramatta	\$	215,318
77. Robert Hao	\$	2,720
78. Rockdale Musical Society Inc	\$	13,650
79. Ruchi Sanghi Enterprize Pty Ltd	\$	24,155
80. Ruley Pty Limited	\$	6,160
81. Ryley Gillen (Illawarra on Pointe)	\$	58,776
82. Selby & Friends	\$	22,199
83. Seran Sribalan	\$	4,200
84. Seymour Centre	\$	52,484
85. Shopfront Arts Co-op. Ltd	\$	18,156
86. Small Fry Rock	\$	4,200
87. Sport For Jove Theatre Company Limited	\$	122,461
88. Steven Voulgaris/ Talent Oz Entertainment	\$	25,730
89. STODDART ENTERTAINMENT GROUP PTY LTD	\$	51,925

90. Sunken Monkey Operations Pty Ltd	\$	78,671
91. Sydney Comedy Store Pty Ltd	\$	218,944
92. Sydney Dance Company	\$	80,171
93. Sydney Philharmonia	\$	66,415
94. Sydney Symphony Orchestra	\$	858,272
95. Sydney Theatre Company Ltd	\$	1,733,653
96. Teetar Pty Ltd/ Avoca Beach Theatre	\$	44,352
97. The Bell Shakespeare Company Limited	\$	166,982
98. The Empire Strips Back	\$	43,361
99. The Gasoline Pony	\$	4,960
100. The Greater Union Organisation Pty Ltd	\$	90,078
101. The Music Group	\$	118,912
102. The Queanbeyan Players Inc	\$	10,872
103. The Song Company PTY LTD	\$	7,480
104. The Star Pty Limited - Marquee	\$	146,184
105. The Trustee for EMPIRE TOURING TRUST	\$	55,504
106. Theatre OZ Port Macquarie	\$	5,126
107. Tray 3 Pty Ltd	\$	93,792
108. Viral Ventures	\$	133,092
109. Vladimir Fanshil	\$	2,700
110. Well Done Creative Pty Ltd	\$	2,087
111. Woy Woy Little Theatre Inc	\$	7,949
Grand Total	\$	40,882,756

QUESTION

Ms CATE FAEHRMANN: How many additional people have you had to employ, for example, to process grants and to receive those phone calls? We have also heard that, particularly at the start of the outbreak, it was sometimes incredibly difficult for them to speak to the right person.

Ms FOY: Correct. There are probably a couple of things. I will come back to you with the number; it is a small number.

ANSWER:

Three (3) FTE staff have been engaged to support the core Create NSW team. Two are contract positions and one staff member is on secondment.

QUESTION

Ms CATE FAEHRMANN: Just in terms of the massive impact COVID has had on a lot of people's mental health, the arts community in particular—research has shown that lots of people have suffered mental health impacts. Minister, have you met with your colleague the Hon. Bronnie Taylor to discuss support packages that are particularly targeted to the arts sector? Is there anything that the Government is doing in this regard?

The Hon. DON HARWIN: I have not had a specific meeting with the Hon. Bronnie Taylor about it, but I will take on notice and get back to you an answer on what we have been doing.

ANSWER:

The NSW Government, through Create NSW, has committed over \$125 million to support the arts and cultural sector impacted by COVID-19 pandemic. In addition, a number of funding initiatives have been delivered to assist individuals, groups and organisations. These included:

- \$500,000 in COVID Development Projects administered through quick response grants of up to \$10,000; and
- \$121,157 in Health and well-being grants in 2020.

In 2020, \$1.8 million in Restart funding was provided to the 14 Regional Arts Development Organisations to deliver arts and cultural outcomes for regional NSW such as:

- Arts Northern Rivers' My Place is Your Place, a project in partnership with Aboriginal Health Workers; and

Eastern Riverina Arts' Ash, Dust and Air, an anthology of writing by young people in response to bush fires and COVID-19.

QUESTION

Mr DAVID SHOEBRIDGE: Minister, what is the actual cost of the construction contract with Lendlease for the Powerhouse Museum?

The Hon. DON HARWIN: It is \$845 million.

Mr DAVID SHOEBRIDGE: That is a lot. That has gone up from \$400 million.

The Hon. DON HARWIN: Sorry, the construction—my apologies. That is right, you asked me the construction costs as opposed to the cost of the actual project. Quite right.

Mr DAVID SHOEBRIDGE: More than doubled.

The Hon. DON HARWIN: I beg your pardon?

Mr DAVID SHOEBRIDGE: It has more than doubled. It was meant to be \$400 million.

The Hon. DON HARWIN: No. I was talking to the total cost. When I gave you that figure, it was the total cost of the program. I misunderstood your question. I apologise.

Mr DAVID SHOEBRIDGE: My misunderstanding. Mr Coutts-Trotter, for the record, I think congratulations are in order—but careful what you ask for. Congratulations.

Mr COUTTS-TROTTER: Thanks very much.

Mr DAVID SHOEBRIDGE: Minister, if it helps there are rumours abounding that it is well over the \$400 million that was originally budgeted for. Does that help?

The Hon. DON HARWIN: Let me take, at this stage, that question on notice. But I will hopefully have an answer for you on the actual, to the extent that I am able to give you, by the end of the session as I have foreshadowed to other members.

ANSWER:

The contract sum is within the budget originally set for the project. The \$400 million construction cost target was nominated for the design competition in 2019 to guide the design teams in the preparation of their concept design and design fee proposals.

The Lendlease contract value of \$502.8 million reflects the delivery by mid-2024 of the approved design and includes cost escalation, design fees and some of the fitout scope.

Powerhouse Parramatta is one of the largest structural engineering and architecturally complex projects underway in Australia and we are confident Lendlease will build the world-class museum in accordance with the contract.

QUESTION

The Hon. DON HARWIN: Lendlease was appointed as the main works builder on 17 September 2021. They are responsible for the detailed design and construction of the Powerhouse Parramatta.

Mr DAVID SHOEBRIDGE: Normally we would see details about the contract disclosed within a month of the contract being entered into. Yet I cannot find any details on either the procurement website or the Planning website.

The Hon. DON HARWIN: I will invite the deputy secretary to comment on that.

Ms FOY: Infrastructure NSW [INSW] are the signatories to the contract with Lendlease as they are the delivery agency working with us. We will attempt to get in contact with INSW on the date. But normally—you are correct, Mr Shoebridge—there is the publication of those contract documents per any of the relevant guidelines. But I will attempt to get back to you by the end of this session. If not, we will take that on notice.

ANSWER:

In accordance with the NSW Government's procurement requirements, contracts are to be uploaded on eTender within 45 business days of the contract award.

Powerhouse Parramatta contract was executed on 16 September 2021 and was required to be uploaded by 18 November 2021.

The contract was made publicly available on 5 November 2021, which includes the contract value for the design and construction of Powerhouse Parramatta as \$502.8 million.

QUESTION

Mr DAVID SHOEBRIDGE: Ms Foy, is that contract just for the base build? Is there a separate contract for the fit-out?

Ms FOY: I will get back to you on that, or I might ask Ms Pitman if she is able to talk about that, but the build cost is the Lendlease—the fit-out would be, I suspect, shared between contractors because this fit-out has different components to it, as you know. But I will get back to you on that, Mr Shoebridge. Just to clarify what I am getting back to you on: the contract with Lendlease, the contract costs, the time of its publication, the scope of the work and the scope of the work for the fit-out?

Mr DAVID SHOEBRIDGE: Yes, that is right and, if there is a contract for the fit-out, the contract cost for the fit-out.

ANSWER:

The Lendlease contract value of \$502.8 million is to design and construct Powerhouse Parramatta in accordance with the approved State Significant Development Application (SSDA).

There is a component of fitout in the contract that includes fitout works at height that will benefit from the access systems provided by Lendlease, as well as fitout works that will be integrated into the base build works such as seating banks.

There will be a separate fitout contract to complete the remaining fitout works not included in the contract with Lendlease.

ABORIGINAL AFFAIRS

QUESTION

The Hon. MARK LATHAM: Right, and when did you receive Treasury's interim Indigenous Expenditure Report 2021?

The Hon. DON HARWIN: Just give me a minute to just check and see if I have got the actual date. I do not know if I do have that date. I might have to take that part on notice, but I will just have a quick look.

The Hon. MARK LATHAM: Would it have been in the second half of August just recently?

The Hon. DON HARWIN: That sounds right, but I think it would be better for me to just confirm that either later in the estimates session or on notice.

The Hon. MARK LATHAM: You did not have a meeting on 24 August?

The Hon. DON HARWIN: With whom?

The Hon. MARK LATHAM: With the Treasury officials who produced this interim expenditure report?

The Hon. DON HARWIN: I will take that question on notice. I have been handed a note by my adviser, as you have seen, saying that I received it on 2 September 2021.

The Hon. MARK LATHAM: That is your evidence.

The Hon. DON HARWIN: That is the advice I have been given by my adviser.

The Hon. MARK LATHAM: If you could check on that?

The Hon. DON HARWIN: I am very happy to check it for you.

ANSWER:

I met with Treasury Officials on the 24th of August.

I received the Interim Expenditure Report on the 2nd of September.

QUESTION

The Hon. MARK LATHAM: Yes, we will come to that in the report. I will take you to page 9 where it states:

Currently, it is very difficult to obtain data specific to Aboriginal people in NSW on a timeseries basis, including the discrete Aboriginal communities. While there are many point in time snapshot reports undertaken by governments and academics, these cannot replicate the granular, regular data collection that the NSW Government usually relies upon for investment decisions.

Is this not just an absolute invitation to wasting money in the space of Indigenous affairs and not actually helping people in desperate need?

The Hon. DON HARWIN: Better data is a key priority reform under the Closing the Gap agreement

and it is one that Aboriginal Affairs NSW with the Department of Customer Service and other parts of government are focused quite strongly on. If you would like to know a little bit more about what

is being done, I am very happy to invite my deputy secretary to outline it in some more detail for you.

The Hon. MARK LATHAM: We can take that on notice. We have got limited time.

The Hon. DON HARWIN: Okay.

ANSWER:

Time-series data is available for socio-economic outcomes in NSW on the Productivity Commission's Closing the Gap dashboard (<https://www.pc.gov.au/closing-the-gap-data/dashboard>).

QUESTION

The Hon. PENNY SHARPE: Thank you. Minister, after a decade, we still have not commenced section 21AA of the Fisheries Management Act 1994. Why is that?

The Hon. DON HARWIN: I will take that question on notice.

The Hon. PENNY SHARPE: Minister, do you know what I am talking about when I quote that? It is about cultural fishing practices for First Nations people.

The Hon. DON HARWIN: Yes, I do, but I will take that question on notice.

ANSWER:

The Minister responsible for the management and enforcement of fishing under the *Fisheries Management Act 1994* is the Minister for Agriculture and Western NSW. This question should be referred to the Minister for Agriculture and Western NSW.

QUESTION

The Hon. MARK LATHAM: If I can just take you to the Treasury reporting on rudimentary progress, if any, aligning expenditure to Closing the Gap targets, they have listed some outcomes here aligning generally with some of the Closing the Gap targets and added a few more. Can I just ask what the Government is doing in these areas specifically to try to improve the outcomes? Outcome four listed here on page 25 is that children thrive in their early years. In New South Wales only 42 per cent of Indigenous children are developmentally on track in the domain set out for early childhood development—just two in five.

The Hon. DON HARWIN: Yes. Reflecting on all of those statistics is very sobering and sometimes very disturbing as well. As I said, as Minister for Aboriginal affairs, AANSW's role is to coordinate work across the clusters in terms of all of those outcomes and targets and make sure that progress is, if anything, exceeding the trajectory we need to reach those targets. In relation to that specific area, I invite either the secretary or the deputy secretary to reflect on it. If they do not have anything to add, we would be happy to take it on notice.

ANSWER:

The NSW Government has oversight of all priority reforms and socio-economic targets in the National Agreement on Closing the Gap, and we do so in partnership with the NSW Coalition of Aboriginal Peak Organisations and other partners.

The Minister for Health and Medical Research is the lead for socio-economic target 4: By 2031, increase the proportion of Aboriginal and Torres Strait Islander children assessed as developmentally on track in all five domains of the Australian Early Development Census (AEDC) to 55 per cent.

This question should be referred to the Minister for Health and Medical Research.

QUESTION

The Hon. PENNY SHARPE: I want to go back to Aboriginal fishing rights. Minister, are you aware that the State Government has agreed for the New South Wales abalone industry to increase its 100-tonne annual quota?

The Hon. DON HARWIN: I would have to take—

The Hon. PENNY SHARPE: Do you know or not?

The Hon. DON HARWIN: I am not aware of it. I have not be briefed on it. I would be happy to take any questions you have about it on notice.

ANSWER:

The Minister responsible for the management and enforcement of fishing under the *Fisheries Management Act 1994* is the Minister for Agriculture and Western NSW. This question should be referred to the Minister for Agriculture and Western NSW.

QUESTION

The Hon. PENNY SHARPE: There have been two recent prosecutions of Aboriginal people for doing cultural fishing—a 74-year-old man who had some abalone and there is a man, I think, down the far South Coast who had two small bags. He is looking at being banned from fishing for five years and/or a jail term. What input, if any, has your department or others had in trying to stop the prosecution of Aboriginal people for doing cultural fishing practices?

The Hon. DON HARWIN: I will respond to that question on notice

...

The Hon. PENNY SHARPE: I am asking you, Minister. You have not met with the fisheries Minister and you are not aware about the abalone quota. No-one from your department seems to be able to tell me about whether they are aware of this. This has a massive impact on prosecution rates and fear of prosecution of Aboriginal people trying to practise their own cultural fishing rights, which we have recognised in the Parliament. The

Hon. DON HARWIN: I promised to provide the answers to those questions on notice.

ANSWER:

The Minister responsible for the management and enforcement of fishing under the *Fisheries Management Act 1994* is the Minister for Agriculture and Western NSW. This question should be referred to Minister for Agriculture and Western NSW.

QUESTION

The Hon. MARK LATHAM: Why is it not happening? It is such an obvious thing. Given the problems with 38 per cent not in employment, education or training, why should there not be intergovernmental agreement that they come in to provide this workforce instead of bringing in people from overseas?

Mr COUTTS-TROTTER: Good question. I do not know the answer.

The Hon. MARK LATHAM: Can we get an answer, or maybe get it right for the harvest next year?

Mr COUTTS-TROTTER: Yes.

The Hon. MARK LATHAM: Is something similar happening in hospitality? The new Premier has outlined that we have dramatic labour force shortages. Businesses are screaming for hospitality workers, as well as the agricultural sector. Is this not another area where we can do something for the 38 per cent of Indigenous youth? In the economic recovery, that should be our first priority. Those hospitality workers look like they will come from overseas.

The Hon. DON HARWIN: I agree with you. There was a function in Parliament House last year which highlighted some of the good work that is being done in the hospitality area to increase the number of Aboriginal people working in hospitality. I would be very happy to get some of those details and provide them to you on notice.

The Hon. MARK LATHAM: We need a lot more than a dozen in Parliament House, don't we? That 38 per cent is a big number.

The Hon. DON HARWIN: No, it is much more than just a dozen people in Parliament House, and that is why I offered to get you the details and provide them on notice.

ANSWER:

Why are we bringing in Pacific Islanders to undertake agricultural work, rather than employing Aboriginal people?

- The Pacific Australia Mobility Scheme (PAMS), which is managed by the Commonwealth, provides Australian employers access to reliable seasonal labour **when they cannot fill jobs locally**.
- Approved employers are required to undertake local labour market testing before filling any vacancies with foreign workers. The labour market testing and logistics of sourcing the workers is managed by the Commonwealth.
- The PAMS includes two initiatives:
 - The Seasonal Worker Programme (SWP) targets the agricultural and meatworker sectors.
 - The Pacific Labour Scheme (PLS) enables eligible employers to recruit low and semi-skilled workers in any sector in rural and regional Australia.
- NSW has committed to work with the Commonwealth to support temporary migration through the SWP and PLS to address labour shortages caused by a drop in mobility.

Since international borders closed, NSW has only supported the entry of agricultural workers under the PLS.

QUESTION

The Hon. MARK LATHAM: So you do not have any input then as to that policy? I can understand if a school is majority Indigenous, the theory of Connected Communities and I hope in practice they go a lot better than Walgett High. But they are about to convert—well, it is in the process—Narooma High, which is 12 per cent Indigenous, to become an Indigenous high school. Do you think we run the risk of pushback and resentment being generated by the other 88 per cent, who think, "Why us?"

The Hon. DON HARWIN: I am not familiar with the circumstances of Narooma High. I will be very happy to take the question on notice but I think it will probably be better directed to the education Minister.

ANSWER:

This is a matter for the Minister for Education and Early Childhood Learning.

HERITAGE

QUESTION

The Hon. DON HARWIN: Yes. In the 2021-22 financial year, I assume it as at 8 October 2021—that is not actually how it is written in my note, but that is what I assume it means and that is what my deputy secretary thinks it means—Heritage NSW has received 50 AHIP applications and one Care Agreement application.

The Hon. PENNY SHARPE: So just to be clear, Minister—

The Hon. DON HARWIN: Forty-six of those have been issued.

The Hon. PENNY SHARPE: What has happened with the other four? They are in discussion, is that right?

The Hon. DON HARWIN: Well, I would have to see if the deputy secretary can help on that, otherwise I will take it on notice.

The Hon. PENNY SHARPE: But, Minister, you just opened up on this. You just said, "Well, actually, through the law we are checking. We are taking a role in relation to this." You have said that you have had 142 referrals, so why can you not tell me how many of them have been approved?

The Hon. DON HARWIN: I will take that question on notice for you.

....

The Hon. PENNY SHARPE: Minister, I actually understand that. My questions clearly understand that. My question is to you as the Minister for Aboriginal affairs. Are you concerned that through this planning pathway there are three times more applications to destroy Aboriginal cultural heritage that you do not necessarily get a say into? Are you concerned about that?

The Hon. DON HARWIN: There is ongoing consultation with the Heritage Council and Heritage NSW, which provide comments to DPIE at multiple stages of the major project approval pathway. This typically includes the provision of advice on the development of the Secretary's Environmental Assessment Requirements, the proponent's environmental impact assessment and the project's final consent conditions.

The Hon. PENNY SHARPE: Minister, I understand all of that. You are going to tell me, of those 142—I would also like the figures from last year, for 2020-21. Are you able to tell me that, through that pathway?

The Hon. DON HARWIN: I am not sure if we have that figure.

The Hon. PENNY SHARPE: You can take it on notice.

The Hon. DON HARWIN: I think we will have to take that on notice.

ANSWER:

Heritage NSW has issued 46 AHIPs in the 2021-22 financial year to 8 October 2021.

The 4 remaining AHIP applications received are currently being assessed.

Heritage NSW provides comment on State Significant Development or Infrastructure only. Approval conditions in relation to these matters are the responsibility of the Department of Planning, Industry and Environment (DPIE).

QUESTION

The Hon. PENNY SHARPE: That is terrific. I just want to know how many staff you are cutting out of Heritage NSW.

Ms FOY: We have a restructure on foot. The first point is, we always have to operate efficiently. We have been through, for example, the review of the Heritage Act and there have been made some very salient points around the operation of Heritage. One of those things is to drive an improvement in customer service.

The Hon. PENNY SHARPE: That is terrific, Ms Foy. How many staff are being made redundant from or restructured out—however you want to describe it—

The Hon. BEN FRANKLIN: Point of order, again.

The Hon. PENNY SHARPE: —of Heritage NSW?

The Hon. BEN FRANKLIN: I am sorry to interrupt, but as far as I can see the deputy secretary is giving extremely important context into this important issue and it is obviously up to her to answer the question as she wishes. I think she is answering it in a very relevant fashion.

The Hon. PENNY SHARPE: Thank you. I know the clock is ticking. That is okay. If you want to take it on notice, that is fine.

Ms FOY: I am happy to come back to you by the end of evidence. There is a small number that will change. We went through a voluntary redundancy process in the Department of Premier and Cabinet earlier in the year. Any numbers of people would be those who have put their hand up for a voluntary redundancy—not to suggest that if you did put your hand up you would get one. There were a small number of changes. I will get you a precise number.

The Hon. PENNY SHARPE: If you could give me last year's equivalent full time and what next year's EFT will be?

Ms FOY: I am happy to do that. I will take that on notice and hand you those numbers. But I do wish to make the point that for Heritage NSW we have heard very clearly from our stakeholders that having a better customer-centred approach to that work is critically important. The second point I would make is the benefit of having both Heritage and Aboriginal Affairs in the Department of Premier and Cabinet is that we can resource activities by joining together our staff and staff resources. So I would not want to suggest that those matters exclusive to Heritage NSW, like AHIPs or the advisory role we play with government agencies, are exclusively the domain of those particular individuals.

ANSWER:

- A Change Management Plan was developed by the Heritage Senior Management Team following the Department of Premier and Cabinet (DPC) Voluntary Redundancy (VR) Expression of Interest program which identified opportunities to deliver the work of Heritage NSW in a more streamlined and efficient way.
- 18 ongoing employees have received, or will receive an offer of a VR as a result of the restructure within Heritage NSW.

QUESTION

Mr JUSTIN FIELD: What does that process look like, Minister? I am wondering how they actually weigh up the competing interests here. Have we had a situation where an AHIP has been revoked in New South Wales?

The Hon. DON HARWIN: I will have to take that on notice, but I can let you know that the consultation period will run for 28 days and during the consultation period the Heritage consultants will meet with the land council to present the draft report and answer any questions. A final report will be compiled and will include any comments received from the registered Aboriginal parties. Heritage NSW is compiling a revised assessment based on the information available to date. The final report and results of consultation will be included in the revised assessment to inform decision-making on whether to revoke the permit or to recommence works.

Mr JUSTIN FIELD: Minister, 28 days—it has taken quite a few months for this additional study to be done. It is a technical document, I understand, and I appreciate it is being simplified in its language and de-jargonised, but is any additional support available to the Jerrinja to review and understand? Do they get support to get their own technical experts to have a look at this report? There has been a COVID scare down there in recent times. There is a bit of stress in the community. I just want to make adequate time—we are coming into the Christmas period as well—needed to fully consider the implications of this report.

The Hon. DON HARWIN: Just for the benefit of the other members of the Committee who are not as familiar with the project, it is important to remember that work on East Crescent Culburra is currently paused. This is a voluntary pause by the permit holder, Sealark Pty Limited, and there is no construction work that is taking place on the site at the moment. The archaeological site has been stabilised and secured in consultation with the LALC. In terms of some of the additional support matters that you have raised, I think that they are valid. I am going to ask the deputy secretary whether she has got anything she can advise in terms of possible support that might be available, but if she does not we will be happy to reply on notice.

ANSWER:

The process for revoking an AHIP is set out under section 90G of the *National Parks and Wildlife Act 1974, Suspension or revocation of permit*:

- (1) The Chief Executive may suspend or revoke an Aboriginal heritage impact permit.
- (2) A suspension or revocation of a permit is effected by notice in writing given to the holder of the permit.
- (3) A suspension may be for a specified period, or until the fulfilment of specified conditions, or until further order of the Chief Executive.
- (4) Without limiting subsection (1), a permit may be revoked while it is suspended.
- (5) The Chief Executive must not suspend or revoke a permit unless before doing so the Chief Executive has—
 - (a) given notice to the holder of the permit that it intends to do so, and
 - (b) specified in that notice the reasons for its intention to do so, and
 - (c) given the holder of the permit a reasonable opportunity to make submissions in relation to the proposed revocation or suspension, and
 - (d) taken into consideration any such submissions by the holder of the permit.
- (6) The reasons for suspending or revoking a permit may include (but are not limited to) the following—
 - (a) the holder of the permit has obtained the permit improperly,
 - (b) a condition of the permit has been contravened,
 - (c) the activities covered by the permit are completed or no longer being carried on.
- (7) No fees are refundable on the suspension or revocation of a permit.

Heritage NSW became responsible for Aboriginal Cultural Heritage regulatory functions from 1 July 2020. Questions regarding AHIPs issued prior to this date should be referred to the Minister for Planning and Public Spaces.

QUESTION

Mr JUSTIN FIELD: Minister, I have one last one, if I could. The Independent Planning Commission appears to have reached an agreement with Sealark on the West Culburra development that was announced this week. I think it is scheduled to be ratified by the Land and Environment Court today. It is a very disappointing outcome for the community down there and the Jerrinja feel like they have just lost one of these battles just today. Losing another one would be quite devastating. So can I just suggest that we have got this building impact on our cultural heritage from development down there and I wonder how those sorts of cumulative impacts are factored into AHIP decisions?

The Hon. DON HARWIN: I think I best take that question on notice, Justin. It is not one I am able to help you with right now.

ANSWER:

As the AHIP decision maker, Heritage NSW considers how an AHIP application has addressed the objects of the *National Parks and Wildlife Act 1974* under section 2A. It also considers how the principles of Ecologically Sustainable Development have been addressed, which includes cumulative impacts. Heritage NSW must also consider the social and economic consequences of making its decision.

At the time of making a decision on an AHIP, areas of land can be set aside for conservation.

QUESTION

Mr DAVID SHOEBRIDGE: Minister, are you aware that the Heritage Council and the National Trust both raised very real concerns with the failure of New South Wales Planning to consider the Aboriginal heritage associated with the Ravensworth Homestead and the surrounds, where there are Aboriginal massacre sites, in granting the approval to destroy that landscape and to relocate the Ravensworth homes? Are you aware of those concerns?

The Hon. DON HARWIN: Obviously Heritage NSW is very interested in that particular development. I can provide some information on that. I am not specifically briefed though on whether the National Trust raised any concerns.

Mr DAVID SHOEBRIDGE: Why did Heritage NSW not provide information to New South Wales Planning about the critical both Aboriginal and colonial heritage—but I suppose my focus here is particularly on the Aboriginal heritage—that is going to be destroyed if that Glencore extension is permitted?

The Hon. DON HARWIN: I am going to have to take that question on notice.

Mr DAVID SHOEBRIDGE: Minister, I appreciate that. But the reason I am asking you is there is a series of recorded and documented massacre sites surrounding the Ravensworth Homestead which, under an approval granted by New South Wales Planning under State significant development, is going to be utterly destroyed and yet Aboriginal Affairs, Heritage NSW—nobody made a submission about the Aboriginal heritage on that site. Do you know how that happened?

The Hon. DON HARWIN: I will take that on notice. I am not sure that that is correct so I will check that for you and respond on notice.

ANSWER:

Heritage NSW (HNSW) has provided multiple submissions, extensive advice and been engaged in ongoing consultation with the Department of Planning Industry and Environment (DPIE) since 2018 with respect to both Aboriginal cultural heritage and environmental heritage, in relation to the Glendell Continued Operations Project (State Significant Development (SSD) 18_9349).

At the conclusion of the response to submissions, all Registered Aboriginal Parties (RAP) for the Glendell Continued Operations Project provided comment on cultural values associated with the project area. All submissions will be available on the DPIE website once the Independent Planning Commission (IPC) has made its determination.

QUESTION

The Hon. PENNY SHARPE: Minister, we were speaking in the previous session about the jobs lost at Heritage NSW. Are any of those going to be regional jobs?

Ms FOY: I will take that on notice.

ANSWER:

Nine of 18 approved VR's are regionally located.

PUBLIC SERVICE & EMPLOYEE RELATIONS

QUESTION

The Hon. DANIEL MOOKHEY: Does that apply to all agencies' heads across the public sector? Are you their direct employer?

Mr COUTTS-TROTTER: Former Premier Baird delegated to my role the function of managing the employment and terminating the employment of the secretary of a department.

The Hon. DANIEL MOOKHEY: I am talking about agency heads, though.

Mr COUTTS-TROTTER: Agency heads. I need to check on that for you, I am afraid.

The Hon. DANIEL MOOKHEY: Are you the employer of the head of the Western Parkland City Authority?

Mr COUTTS-TROTTER: Yes.

The Hon. DANIEL MOOKHEY: Do all DPC policies apply to them?

Mr COUTTS-TROTTER: I would need to confirm that for you. I do not know.

The Hon. DANIEL MOOKHEY: Are they subject to all DPC policies and their own policies?

Mr COUTTS-TROTTER: I am sorry, could you repeat that?

The Hon. DANIEL MOOKHEY: Are they subject to all DPC policies and to the policies of their own agency?

Mr COUTTS-TROTTER: I would need to check that for you, Mr Mookhey.

....

The Hon. DANIEL MOOKHEY: Fair enough. What is the complaints process that applies to an agency head who is in the DPC cluster?

Mr COUTTS-TROTTER: I will take that on notice, because I am a new arrival, so I do not want to misadvise you.

....

Mr COUTTS-TROTTER: The basic principle would be a complaint against an agency head should not be dealt with within the agency. It should be dealt with outside the agency.

The Hon. DANIEL MOOKHEY: When you say it is a basic principle, is that effected in policy, can we infer?

Mr COUTTS-TROTTER: I would need to check that for you

The Hon. DANIEL MOOKHEY: How does a person inside those organisations contact DPC to make a complaint?

Mr COUTTS-TROTTER: Well, a complaint may be raised within the agency, but it would be appropriate for the agency to have the management of that complaint overseen outside the agency if it is a complaint about the agency head in order for people to have confidence in the impartiality with which the complaint is dealt with.

The Hon. DANIEL MOOKHEY: You said it is appropriate, but can I just infer that is the policy until otherwise corrected?

Mr COUTTS-TROTTER: I do not have complete confidence that you can. I need to check that.

The Hon. DANIEL MOOKHEY: Sure. So it is okay for a person to make a complaint within their agency and then it is the agency's responsibility to notify DPC?

Mr COUTTS-TROTTER: I will check what arrangements are in place within this cluster. I do not know.

....

The Hon. DANIEL MOOKHEY: What policy applies to any investigation that is undertaken?

Mr COUTTS-TROTTER: I will find out for you.

....

The Hon. DANIEL MOOKHEY: Would you be notified, Mr Secretary, if a complaint is made about an agency head in your cluster?

Mr COUTTS-TROTTER: Well, it would be my expectation that I would be, yes.

The Hon. DANIEL MOOKHEY: Would you notify the Premier?

Mr COUTTS-TROTTER: It depends.

The Hon. DANIEL MOOKHEY: But do you have discretion or are you obliged?

Mr COUTTS-TROTTER: I need to check that. I think I would have discretion.

...

The Hon. DANIEL MOOKHEY: And you would carry out all the functions of an employer that would ordinarily be expected under the Act, I presume?

Mr COUTTS-TROTTER: I will double-check, Mr Mookhey. But I think so, yes.

...

The Hon. DANIEL MOOKHEY: Thank you very much. Did DPC, earlier this year, receive notifications of complaints from the Western Parkland City Authority about the conduct of its CEO?

Mr COUTTS-TROTTER: I would need to check that for you. I do not know.

....

Mr COUTTS-TROTTER: I made a few phone calls this morning, as you can imagine, ahead of this estimates. The Western Parkland City Authority moved into the DPC cluster from the Treasury cluster. I think when the authority became aware of allegations against its CEO, out of habit it contacted the Treasury, through the Treasury human resources lead, and not DPC. So I think the first point of contact was to the Treasury.

The Hon. DANIEL MOOKHEY: Thank you, Mr Secretary, that is very helpful. Did that take place in June of this year?

Mr COUTTS-TROTTER: I would need to check that for you, Mr Mookhey.

The Hon. DANIEL MOOKHEY: Did that follow three complaints being made about the conduct of the chief executive?

Mr COUTTS-TROTTER: There were three email complaints about the conduct of the chief executive of the authority, which were investigated and which were found to be not substantiated. I think it is pretty unfair on her to continue to chew away at something that, in my view, has been appropriately and independently investigated.

The Hon. DANIEL MOOKHEY: I appreciate that, Secretary, but two days ago she was telling me to refer all these questions to you—so here I am.

Mr COUTTS-TROTTER: Terrific.

The Hon. DANIEL MOOKHEY: Just take us through, step by step. Three complaints were received via email—

Mr COUTTS-TROTTER: Yes.

The Hon. DANIEL MOOKHEY: —and I presume that was to the Western Parkland City Authority. Correct?

Mr COUTTS-TROTTER: I can find that out for you. I will test your assumption.

The Hon. DANIEL MOOKHEY: Did the Western Parkland City Authority itself then hire a firm by the name of Intrique to investigate?

Mr COUTTS-TROTTER: Yes. So my understanding—and I will confirm on the record—is that the Western Parkland City Authority sought advice from Treasury about who it could approach to undertake an independent investigation. Treasury recommended this organisation—that I am not familiar with—Intrique. I think they were appointed on 22 June and DPC became aware of it and took over the oversight of the investigation on 24 June, as is appropriate for the reasons I explained earlier.

The Hon. DANIEL MOOKHEY: What was the cost?

Mr COUTTS-TROTTER: I do not know. I can find out for you.

The Hon. DANIEL MOOKHEY: Thank you very much. What was the evidentiary standard that Intrique was told to apply?

Mr COUTTS-TROTTER: The Briginshaw test. The civil standard, the balance of probabilities, which is usual in matters of this nature.

The Hon. DANIEL MOOKHEY: Against which policy?

Mr COUTTS-TROTTER: I will check that for you.

The Hon. DANIEL MOOKHEY: Thank you. Did that lead investigator at any point ask the DPC for permission to expand their investigation into Dr Hill's tenure as CEO of the Greater Sydney Commission after, in the course of their investigation, identifying matters that may require further exploration?

Mr COUTTS-TROTTER: I do not know, but I am happy to check.

Mr COUTTS-TROTTER: My understanding was that it was one of my deputy secretary colleagues, Samara Dobbins, who is the head of the HR function in DPC.

The Hon. DANIEL MOOKHEY: She was reporting to Mr Reardon. Was that the case?

Mr COUTTS-TROTTER: She was a direct report to Mr Reardon.

The Hon. DANIEL MOOKHEY: Was she keeping Mr Reardon directly informed?

Mr COUTTS-TROTTER: I cannot speak for her. I will find out.

The Hon. DANIEL MOOKHEY: Was Mr Reardon the person who communicated the outcome of the investigation to the complainants?

Mr COUTTS-TROTTER: I will find out. I do not know.

.....

The Hon. DANIEL MOOKHEY: Can I just take you through what those observations are? Let me put them to you. Did the investigator make the observation that Dr Hill should consider training and/or mentoring in relation to her personal communication style when meeting with staff and addressing staff who attend board meetings?

Mr COUTTS-TROTTER: I would need to check—

The Hon. DANIEL MOOKHEY: You have the report there, Mr Secretary.

Mr COUTTS-TROTTER: —because I have only read as far as I recounted to you.

The Hon. DANIEL MOOKHEY: Is it the next paragraph there, Mr Secretary?

Mr COUTTS-TROTTER: No, I asked for the executive summary and the recommendations. That is all I have got.

The Hon. DANIEL MOOKHEY: Feel free to take them on notice.

Mr COUTTS-TROTTER: Okay.

The Hon. DANIEL MOOKHEY: The question specifically that I would like you to take on notice is:

Did they make the observation or recommendation to Dr Hill that she consider training or mentoring relating to her personal communication style when meeting staff and addressing staff who attend board meetings? That is the first question.

Mr COUTTS-TROTTER: I am happy to check that for you and respond.

...

The Hon. DANIEL MOOKHEY: The second question I would like you to check is whether the investigator recommended that they consider conducting a workplace cultural assessment utilising staff surveys to evaluate the emotions and attitudes of staff and how the leadership and management team of the authority are viewed.

Mr COUTTS-TROTTER: I will confirm on record.

The Hon. DANIEL MOOKHEY: The second question I would like you to check is whether the investigator recommended that they consider conducting a workplace cultural assessment utilising staff surveys to evaluate the emotions and attitudes of staff and how the leadership and management team of the authority are viewed.

Mr COUTTS-TROTTER: I will confirm on record.

The Hon. DANIEL MOOKHEY:

Finally, will you confirm whether the observation or recommendation was made that they consider implementing a whistleblower hotline for staff and customers to access if required? Options for doing so might include a hyperlink on the authority's intranet and/or website to take anonymous complaints about the behaviour of the executive of that authority.

Mr COUTTS-TROTTER: I am happy to check that and confirm for you.

....

The Hon. DANIEL MOOKHEY: Will you also provide an explanation now or later as to why any such observations or recommendations would have been made, given you say that this was all unsubstantiated?

Mr COUTTS-TROTTER: That is a puzzle, because the report is clear that the allegations were unsubstantiated. I do want to keep stressing that on the record because, with the information available to me, there is a lot of smearing of Ms Hill's reputation and we have got a report that says allegations were unsubstantiated.

The Hon. DANIEL MOOKHEY: Yes, and I also have numerous people telling me that this investigation was not fair—hence the questions.

Mr COUTTS-TROTTER: Okay, sure. The investigators turned in a written report, they put their name to it and they signed off on it. That was the finding.

The Hon. DANIEL MOOKHEY: What were their terms of reference?

Mr COUTTS-TROTTER: I will check that for you. Actually, I probably have those but they are long. I will provide them to you on notice.

The Hon. DANIEL MOOKHEY: Thank you very much. Who determined the terms of reference?

Mr COUTTS-TROTTER: I do not know. I will find out.

ANSWER:

Appointment of heads of Public Service agencies other than Departments and exercise of employer functions in relation to those heads

Division 3 of the *Government Sector Employment Act 2013* (**GSE Act**) relates to the heads of Public Service agencies other than Departments. This comprises the heads of executive agencies related to Departments (specified in Part 2 of Schedule 1 of the GSE Act) and the heads of separate Public Service agencies (specified in Part 3 of Schedule 1 of the GSE Act).

Subject to section 28(6A) of the GSE Act, the appointment of a person to the office of head of a Public Service executive agency related to a Department is made by the Secretary of that Department (s 28(6)(a) of the GSE Act) and the appointment of a person to the office of head of a separate Public Service agency is made by the Minister (s 28(6)(b) of the GSE Act).

Both Investment NSW and the Western Parkland City Authority Staff Agency are executive agencies related to the Department of Premier and Cabinet (**DPC**) (Part 2 of Schedule 1 of the GSE Act). As such, the Secretary of DPC appoints the Chief Executive Officer of Investment NSW and the Chief Executive Officer of the Western Parkland City Authority (**WPCA**). Section 28(6A) of the GSE Act is not relevant to the appointment of the heads of Investment NSW and the WPCA. Under section 26(1)(c) of the GSE Act, the Secretary of DPC exercises the employer functions of the Government of NSW in relation to the head of each Public Service executive agency related to DPC, including the Chief Executive Officer of Investment NSW and the Chief Executive Officer of the WPCA.

Complaints process and policies for DPC cluster agencies

DPC cluster agencies generally have their own corporate policies, however, in the absence of a particular policy, an agency can apply DPC's relevant policy.

Employees of a DPC cluster agency can make a complaint in accordance with their agency's relevant policies. Where a complaint is made against the head of an executive agency related to DPC, the agency's human resources team can undertake the investigation if they have the capability and if independence can be assured. Alternatively, the agency can refer the matter to DPC for investigation. At the completion of an investigation, the decision-maker considers the findings of the investigation and makes a decision on any actions to be taken. If the complaint was regarding the head of an executive agency related to DPC, DPC's Secretary would be the decision-maker.

If a complaint is made about the head of an executive agency who is appointed by the Secretary of the Department to which the agency relates under s 28(6)(a) of the GSE Act, there is no obligation to notify the Minister as the Secretary exercises the employer functions in relation to that person. As investigations of this nature often concern confidential and personal information, information is restricted to those directly involved, unless there is a need to raise it with others.

If a complaint is made about the head of a separate Public Service agency who is appointed by the Minister under s 28(6)(b) of the GSE Act, it may be appropriate to notify the relevant Minister.

With regards to whether the Board of the WPCA must be notified if a complaint were made against the head of the WPCA, as stated above, Schedule 1 of the GSE Act provides that the Secretary of DPC is the employer of the Chief Executive Officer of the WPCA. In accordance with section 11 of the *Western Parkland City Authority Act 2018*, the Secretary is required to have regard to any advice of the Chairperson of the Board with regards to the appointment of the Chief Executive Officer, but not in relation to matters pertaining to the employment terms and conditions, conduct or performance of the Chief Executive Officer.

Under section 83 of the GSE Act, the Secretary of DPC or the Public Service Commissioner can conduct an inquiry into any matter relating to the administration or management of a government sector agency.

Complaints regarding conduct of the CEO of Western Parkland City Authority

Three email complaints about the conduct of the Chief Executive Officer of the WPCA were made to the WPCA.

The WPCA contacted Treasury in June 2021 about the complaints as the WPCA's Human Resources team was embedded at the time in the Treasury Human Resource team. The WPCA sought advice from the Treasury Human Resources team about who could undertake an independent investigation. On Treasury's recommendation, the WPCA hired the firm Intrique on 22 June 2021 to investigate the complaints. The Chief Operating Officer of the WPCA informed DPC on 24 June 2021 that formal complaints had been made against the Chief Executive Officer and referred the investigation to DPC. The scope of the investigation was determined by the Chief Operating Officer of the WPCA prior to the matter being referred to DPC, as follows:

1. Investigate and determine, on the balance of probability [sic], whether the respondent engaged in conduct defined as misconduct in the workplace.
2. Pursuant to the Western Parkland City Authority (WPCA) Code of Ethics and Conduct, Western City & Aerotropolis Authority Prevention and Management of Bullying and Harassment Policy and other related policies.
3. Obtain witness evidence of the alleged misconduct and assess the evidence against the details of the complaint. If there is sufficient evidence to proceed, collect any further evidence and interview the respondent. Then complete a detailed and fact-based investigation report in line with the WPCA Code of Ethics and Conduct and Authority Prevention and Management of Bullying and Harassment Policy and other related policies.

As set out in the scope of the investigation, the evidentiary standard that Intrique was told to apply was the balance of probabilities, which is usual in matters of this nature. The investigation was conducted under the DPC Complaints and Investigation Policy and had regard to the WPCA Code of Ethics and Conduct and the Western City & Aerotropolis Authority Prevention and Management of Bullying and Harassment Policy.

In relation to whether the investigator asked DPC for permission to expand the investigation into Dr Hill's tenure as CEO of the Greater Sydney Commission (**GSC**), the scope of the investigation was limited to the WPCA. No formal complaints were received from GSC employees and the allegations being investigated were not in relation to any matters that occurred at the GSC. The cost of the investigation by Intrique was \$19,740.

The investigator made the following observations:

- "Consider training and (or) mentoring for the respondent relating to her personal communication style when meeting with staff and in addressing staff who attend Board meetings"
- "Consider conducting a Workplace Cultural Assessment (WCA), utilising staff surveys to evaluate the emotions and attitudes of staff and how the leadership and management team of the Authority are viewed"
- "Consider a face-to-face refresher training for the Code of Conduct throughout the Authority, that includes a focus on the Core Values"
- "Consider implementing a 'whistleblower' hotline for staff and customers to access if required, options for doing so might include a hyperlink on the Authority's intranet and/or website."

Why such observations were made is a matter for the investigator.

DPC's Deputy Secretary, People & Operations, Samara Dobbins, kept the then DPC Secretary, Tim Reardon, directly informed about the investigation. Mr Reardon communicated the outcomes of the investigation to the complainants in a letter that was sent via the DPC Director, People, Culture and Talent.

QUESTION

The Hon. DANIEL MOOKHEY: In the year previous did it drop by 30 points?

Ms LO: I do not have that information at hand.

The Hon. DON HARWIN: My recollection is that there was some drop-off, but I cannot confirm the figure. The view was, if I recall correctly, that there was a COVID effect on the response rate. We will take that on notice for you and check.

...

The Hon. DANIEL MOOKHEY: Thank you, Minister. I appreciate that. Perhaps for the secretary or the Public Service Commissioner, as you see fit, can you confirm that last year's People Matter survey report as it applies to the Western Parkland City Authority reported a drop of circa 30 points on broad satisfaction by employees in that organisation?

Mr COUTTS-TROTTER: Just to be specific, on the staff engagement score?

The Hon. DANIEL MOOKHEY: Yes.

Mr COUTTS-TROTTER: I do not know, but we can take—

The Hon. DANIEL MOOKHEY: But in general, relative to the Treasury cluster for which it was benchmarked, there was about a 17 per cent negative spread across most criteria and the same between that and the public sector. Finally, there was a 30- to 40-point drop across most criteria that was detected in the People Matter survey last year as it applied to that authority. Do you mind checking on that?

Mr COUTTS-TROTTER: Happy to.

ANSWER:

The Western Parkland City Authority (WPCA) employee engagement score in the 2020 People Matter Employee Survey (PMES) was 59, which was down 25 points from the 2019 result of 85 for the former entity Western City & Aerotropolis Authority. The 2021 PMES results saw an increase of two points to 61 for the WPCA's employee engagement score.

The WPCA had an average favourable score of 61.0% for the 2020 PMES employee opinion questions. This was:

- 5.6 percentage points lower than the Public Sector result of 66.6%, and

The Western Parkland City Authority has an average favourable score of 63.1% for the 2021 PMES employee opinion questions. This is:

- 3.2 percentage points lower than the Public Sector result of 66.3%, and
- 3.7 percentage points higher than the Western Parkland City Authority 2020 result of 59.4%.

QUESTION

The Hon. PENNY SHARPE: Thank you. I am not sure, but this might be one for Mr Coutts-Trotter. I ask this question quite frequently. What is the efficiency dividend being applied across the agencies in this cluster?

The Hon. DON HARWIN: Secretary?

Mr COUTTS-TROTTER: I would usually be familiar with that, Ms Sharpe, but I am yet to get my head around that. So I will take it on notice and respond to you.

The Hon. PENNY SHARPE: Thank you. My understanding is it is 3 per cent. But, yes, if you could provide it on notice for each of the agencies and the dollar amount that they would be required to find for the end of 2022, that would be great.

Mr COUTTS-TROTTER: Okay.

ANSWER:

Amounts are included in Budget Paper No. 2 – Outcomes Statement 2021-22 (BP2). BP2 details the budget for each cluster agency across the forward estimates, this includes the impacts of efficiency dividends across the forward estimates, allocated to the agencies up to 30 June 2021. Noting the Sydney Opera House is a Public Non-Financial Corporation (PNFC) and is not specifically mentioned in Budget Paper No. 2 – Outcomes Statement 2021-22.

Link to budget paper 2:

https://www.treasury.nsw.gov.au/sites/default/files/2021-06/budget_paper_no.2_-_outcomes_statement_-_budget_2021-22.pdf

QUESTION

The Hon. PENNY SHARPE: Minister, I want to ask about domestic violence leave and the provision of it within the public service. I want to understand if we have got any figures on how many people have actually accessed that leave?

The Hon. DON HARWIN: The secretary is going to respond.

Mr COUTTS-TROTTER: We do not. I did ask this question, Ms Sharpe. There is no central gathering of that information, so we would have to go to individual agencies to ask the question. But I am just looking to my colleague, Kathrina Lo—I think we should do that.

Ms LO: Kathrina Lo, for Hansard—

The Hon. PENNY SHARPE: I am obviously happy for you to take it on notice.

Ms LO: That is right, what the secretary has said. It is not central—

Mr COUTTS-TROTTER: So we will take it on notice then. Thank you.

ANSWER:

Domestic and Family Violence leave is collected as a data item in the workforce profile, however, it continues to be an incomplete record. Departments and agencies have not provided data for 69 per cent of employees in 2021. Privacy concerns have been reported as a reason for the inability of some Departments and agencies to submit this data.

Based on the information centrally held, noting the incompleteness of this record:

- In the 2019 workforce profile, 92 employees were recorded as taking Domestic and Family leave
- In the 2020 workforce profile, 92 employees were recorded as taking Domestic and Family leave
- In the 2021 workforce profile, 143 employees were recorded as taking Domestic and Family leave

QUESTION

The Hon. PENNY SHARPE: For essential and frontline workplaces that makes sense. If people are moving to home testing, are there any plans to look at compensating workers who will be required to purchase at-home testing kits?

Mr COUTTS-TROTTER: I will take that one on notice. To date, employers have paid the cost of rapid antigen testing, yes.

...

The Hon. PENNY SHARPE: I am really asking if that changes as we move out of it—whether the cost is going to be shifted onto individual workers for at-home testing?

Mr COUTTS-TROTTER: I will take that one on notice

ANSWER:

It is a matter for individual Departments and agencies to decide whether the employer or employees meet the cost of at-home testing if such testing is required.

QUESTION

The Hon. PENNY SHARPE: Thank you. That is very helpful. I want to ask about casualisation within the New South Wales public sector. COVID will require long-term attention. Will casual public sector workers who have had their employment contracts extended beyond 12 months due to COVID-19 be offered full-time or permanent positions?

Mr COUTTS-TROTTER: I will take that on notice. But I think there will not be a blanket response to that. That will depend on the needs of different departments and agencies. We will come back to you.

The Hon. PENNY SHARPE: There is a lot of concern about the economy and insecure work. What are the plans across the Government to convert casual positions to permanent work over temporary work?

Mr COUTTS-TROTTER: I would need to take that on notice, I am afraid.

ANSWER:

The creation and allocation of all roles in the NSW Public Sector is informed by strategic and operational needs at the departmental and agency level. Departments and agencies will, based on workforce planning requirements, create new or fill existing roles on a needs basis and will appoint these roles on merit. Casual employees are not precluded from applying for ongoing roles when they are advertised through the usual merit processes.

CORRECTIONS (AS DISCUSSED WITH BUDGET ESTIMATES OFFICE)

QUESTION

The Hon. DON HARWIN: Yes, I agree with you. It is. That is something that I have specifically asked AANSW and the delivery agencies to address and that is one of the key focuses of the data projects. Would you like the deputy secretary to speak to that?

The Hon. MARK LATHAM: I think if we can take on notice—I would believe this warrants a ministerial statement in the House, but I think at some stage we need to get a timetable for when all these system failures will be corrected: the financial data platform, reporting, the evaluation systems, the local impacts, the Indigenous involvement that is critiqued in this document. Is there a consolidated timetable by which you can tell us how it is going to be fixed?

ANSWER –

Answered – transcript page 18

QUESTION

Mr DAVID SHOEBRIDGE: Minister, has the Creative Kids been undersubscribed? The Hon. DON HARWIN: No, I do not think I would say that. I would say, if anything, it is going faster than—being spent faster than you would expect, given the amount applied to the program and the length of years it is being spent over. I can give you more information on that, but I will just give you quick answers if you want.

Mr DAVID SHOEBRIDGE: That is okay. Could you provide that on notice—the details about the spend on Creative Kids?

The Hon. DON HARWIN: I can tell you quickly—

Mr DAVID SHOEBRIDGE: I do not require any further information on that. If you could provide it on notice that actually would be helpful.

ANSWER –

Page 31 - question not taken on notice by the Minister.

QUESTION

The Hon. PENNY SHARPE: No, agency staff cap.

Mr COUTTS-TROTTER: Okay. Yes, I will take that one on notice, unless either my colleague Kathrina Lo or my colleague Charlie Heuston want to answer?

Ms LO: I do not have any information on staffing caps. That is generally not a term that I am familiar with. We use the term "labour expense cap", so perhaps we need a bit of clarification—

The Hon. PENNY SHARPE: Sure. I will do that on notice. That is fine.

ANSWER –

No question taken on notice.

QUESTION

The Hon. PENNY SHARPE: Sure, thank you. I appreciate the information, but I am asking a very specific question. Through the Public Accountability Committee, we did a whole hearing in relation to the response within Aboriginal communities. The frustration around all of this involves two concerns. One is that, essentially, communities that are predominantly Aboriginal people seem somehow to be considered to be a responsibility of the Commonwealth.

Ms FOY: I can answer that question, Ms Sharpe, I am sorry. A total of \$6,024,275 has been provided to the Aboriginal community controlled health organisations, including Aboriginal medical services via the Centre for Aboriginal Health. We provide the funding to the Centre for Aboriginal Health, which then goes on to the Aboriginal medical services and wraparound supports, and \$299,000 has been provided to the Aboriginal Health and Medical Research Council. That supports their messaging campaigns.

The Hon. PENNY SHARPE: Thank you. We will come back on notice about some of that.

ANSWER –

No question taken on notice.

QUESTION

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The Hon. PENNY SHARPE: Thank you. We will come back on notice about some of that.

ANSWER –

No question taken on notice.

QUESTION

The Hon. WALT SECORD: Minister, are you aware of a community-based campaign in Sydney's south Lugarno to protect an historic house called Glenlee?

The Hon. DON HARWIN: I most certainly am and I am sure I have got something to say about that.

The Hon. WALT SECORD: Just be mindful I only have five minutes.

The Hon. DON HARWIN: I have actually been to Glenlee. In fact, the previous owners of Glenlee, the Matthei family, were very close friends of our family and attended the same church in Lugarno. In fact, I remember, while my mother was attending Bible study with Mrs Matthei in her house at Glenlee, playing in the garden with the Matthei children. I know it intimately. When it has been

raised with me, I responded—by the local member who is assiduously supporting his local campaign, that is, Mark Coure, the member for Oatley.

ANSWER –

Answered – transcript page 41.