

## Better Regulation and Innovation

### Public Accountability Committee - NSW Government's management of the COVID-19 pandemic

#### Questions taken on notice

	<b>Transcript questions</b>
<b>Q1.</b>	<p><b>Ms WEBB:</b> As I understand the legislation, that would be possible if the property compensation fund needed to be replenished for the purposes for which it was set up. I do have an answer on the statutory interest account now. It is \$232, 367,916.30 as at 7 May.</p> <p><b>The Hon. ADAM SEARLE:</b> Roughly how much does it increase year-on-year?</p> <p><b>Ms WEBB:</b> I will have to take that on notice and come back to you. It depends a little bit on what it is used for over time and the return on investment.</p>
	<p><b>ANSWER</b></p> <p>Statutory interest is determined by the Cash Rate Target set by the Reserve Bank of Australia</p>
<b>Q2.</b>	<p><b>The Hon. ADAM SEARLE:</b> Minister, have you received any representations from Qantas about it being subject to the general duties under the work, health and safety legislation?</p> <p><b>Mr KEVIN ANDERSON:</b> I will have to take that on notice. I will just check with the Fair Trading Commissioner.</p> <p><b>Ms WEBB:</b> I will speak in response to SafeWork. SafeWork has had some engagement with Qantas in relation to its work, health and safety practices.</p> <p><b>The Hon. ADAM SEARLE:</b> Please tell us about that engagement and its result?</p> <p><b>Mr KEVIN ANDERSON:</b> We will take that matter on notice.</p> <p><b>The Hon. JOHN GRAHAM:</b> When you take that question in relation to the agencies' interaction on notice, will you also take on notice what interaction you or your office has had with that employer or with that matter?</p> <p><b>Mr KEVIN ANDERSON:</b> Certainly Mr Graham.</p>
	<p><b>ANSWER</b></p> <p>There have been several recent interactions between SafeWork NSW and Qantas. In February 2020, SafeWork NSW was requested to investigate the standing down of a health and safety representative ("HSR") who raised issues about cleaning methods used on inbound international flights and questioned whether the personal protective equipment (PPE) issued to cleaning staff was adequate. If proven, Qantas would be in breach of Work Health Safety legislation. The matter remains under investigation.</p> <p>Further complaints were received from cleaning staff, international and domestic cabin crew and SafeWork NSW commenced working with Qantas to ensure the cleaning of aircraft was modified to take account of the risks posed by the COVID-19 pandemic. This work resulted in SafeWork NSW issuing a notice to Qantas and its subsidiary, Qantas Ground Services, instructing them to develop and maintain a safe system of work to clean aircraft to minimise the risk of exposure to workers and others to infectious diseases, including the novel coronavirus COVID-19. These notices have been complied with on the basis that Qantas has introduced additional safety measures for all flights including</p>

	<p>providing masks, aircraft manufacturer approved sanitisation wipes, screens within airports as well as introducing controls on movement in the cabin and in the airport.</p>
<p><b>Q3.</b></p>	<p><b>The Hon. ROBERT BORSAK:</b> I also have a number of questions on buildings but the Minister has indicated he is not prepared to receive them so there is not much point in asking them. Minister, do you intend to bring on the Design and Building Practitioners Bill when Parliament is resumed on 2 June?</p> <p><b>Mr KEVIN ANDERSON:</b> I am happy to take this question on notice. Today I am very happy to talk about what we are doing to support tenants and landlords during what is a very difficult and challenging time in looking after the people about whom we have spoken. That is what we have been focussing on and what we are here today to talk about.</p>
	<p><b>ANSWER</b></p> <p>The Design and Building Practitioners Bill 2019 passed Parliament on 3 June 2020 and was assented to on 11 June 2020.</p>
<p><b>Q4.</b></p>	<p><b>The Hon. ROBERT BORSAK:</b> Minister, I understand that your office received representations from the paintball industry outlining all the precautions that they had put in place ready to get started again. Have you had representations, to your knowledge?</p> <p><b>Mr KEVIN ANDERSON:</b> I will take that question on notice. That is an interesting and a very important industry. I will take that on notice and come back to you as soon as possible.</p>
	<p><b>ANSWER</b></p> <p>Yes. My office received representations from the industry and has provided assistance to industry to liaise with NSW Health about steps required for the industry to restart operations.</p>
<p><b>Q5.</b></p>	<p><b>The CHAIR:</b> We have had the data before. Minister, are you keeping data? Is there a requirement for landlords and tenants to register their informal agreements about rent deferrals or rent reductions? What proportion of the agreements out there have actually been registered?</p> <p><b>Mr KEVIN ANDERSON:</b> I will take it on notice, Mr Shoebridge, but I am asking Fair Trading Commissioner for further information.</p>
	<p><b>ANSWER</b></p> <p>There is no requirement for landlords and/or tenants to lodge or register their informal agreement for a rent deferral or reduction with NSW Fair Trading.</p>
<p><b>Q6.</b></p>	<p><b>The Hon. JOHN GRAHAM:</b> Minister, reports in relation to that hotline are that the wait times are greater than one hour. What do you say are the wait times as people are calling in to try to get their advice?</p> <p><b>Mr KEVIN ANDERSON:</b> Mr Gavrielatos runs that SEOC every day and works on behalf of us in relation to that space. I will ask Mr Gavrielatos.</p> <p><b>Mr GAVRIELATOS:</b> I will take that one on notice to give you an exact amount of time. It is certainly not that sort.</p> <p><b>The Hon. JOHN GRAHAM:</b> If you can give us the time on notice, that is appreciated.</p>
	<p><b>ANSWER</b></p> <p>The average wait time for NSW Fair Trading's tenancy queue line since April 2020 is:</p> <ul style="list-style-type: none"> <li>• April 2020: 17 minutes, 53 seconds</li> <li>• May 2020: 14 minutes, 27 seconds</li> </ul>

<p><b>Q7.</b></p>	<p><b>The Hon. JOHN GRAHAM:</b> Finally, Minister, we have had reports. Here is one example of someone calling and lodging a complaint but then being contacted to say, "The matter would be addressed in the following 30 days"—that is, add another 30 to the 14 days that you are trying to resolve it in. Can you also tell us how many cases are in that situation?</p> <p><b>Mr GAVRIELATOS:</b> I am certainly not aware of any circumstances where somebody is waiting 30 days. I am happy to take that information and follow it up.</p>
	<p><b>ANSWER</b></p> <p>NSW Fair Trading is prioritising requests to assist in rental negotiations and aims to complete the process within 14 days. This timeframe is dependent on the customer providing the supporting documentation in a timely manner and the number of requests received. As at 3 June 2020, Fair Trading has finalised 96 requests, 32 within 14 days and 64 in excess of 14 days. The current average handling time is 20 days.</p>
<p><b>Q8.</b></p>	<p><b>The Hon. COURTNEY HOUSSOS:</b> Minister, I wanted to ask you a question regarding flammable cladding and directly related to our terms of reference about the Government's management of COVID-19. Did you advocate for a financial package to address vulnerable claddings be included in the Government's economic stimulus package?</p> <p><b>Mr KEVIN ANDERSON:</b> It is not related to residential tenancies; I am here to talk about that today. I am happy to take that question on notice.</p>
	<p><b>ANSWER</b></p> <p>Such a proposal would require Cabinet consideration and consistent with Cabinet conventions I am not able to discuss Cabinet agendas or proposals.</p>
<p><b>Q9.</b></p>	<p><b>The Hon. COURTNEY HOUSSOS:</b> Okay. You are a Minister of the Crown; we expect that you can at least give us some general indications, but I will move on to another question. Minister, the police commissioner told us this morning that police have no role in enforcing social distancing, in particular on worksites. Can you tell us how many complaints SafeWork has received regarding social distancing?</p> <p><b>Mr KEVIN ANDERSON:</b> I am here to answer questions on residential tenancies today and in our capacity in that forum today. I am happy to take that question on notice.</p> <p><b>The Hon. COURTNEY HOUSSOS:</b> Perhaps you could refer to one of the other officials who are with you today who may be able to provide us with that information.</p> <p><b>Mr KEVIN ANDERSON:</b> I am happy to take that question on notice, Ms Houssos.</p> <p><b>The Hon. COURTNEY HOUSSOS:</b> Let me put the question directly to Ms Webb. Ms Webb, how many complaints have SafeWork received regarding social distancing in workplaces across New South Wales?</p> <p><b>Ms WEBB:</b> I would have to take the number of complaints on notice.</p> <p><b>The Hon. COURTNEY HOUSSOS:</b> If you could provide us with any documents that have been provided, that would be also helpful.</p> <p><b>Ms WEBB:</b> Yes, we can. We can do that.</p>
	<p><b>ANSWER</b></p> <p>SafeWork NSW received 407 requests for service (complaints) between 1 January 2020 and 31 May 2020 relating to social distancing in workplaces across NSW.</p>
<p><b>Q10.</b></p>	<p><b>The Hon. JOHN GRAHAM:</b> Chair, thank you. I might just ask the Minister, in relation to residential tenants, some of whom are sitting at home in houses surrounded by flammable</p>

	<p>cladding, can you give them any update as to what action you have taken over the last 38 weeks?</p> <p><b>Mr KEVIN ANDERSON:</b> Mr Graham, thanks for the question. I am very happy to take that question on notice,</p>
	<p><b>ANSWER</b></p> <p>Over the last 38 weeks the Government has:</p> <ul style="list-style-type: none"> <li>• Issued over 42,000 letters to tenants in buildings affected by potentially combustible cladding. These letters inform tenants of measures being undertaken to ensure their safety and provide guidance on steps all occupants can take to ensure the building’s safety and satisfy themselves that owners are taking necessary action.</li> <li>• Established the Cladding Support Unit, which provides a single point of contact and assistance for local councils. The unit has hosted forums for council officers, provided information resources, met with council staff and responded to issues and questions from councils in order to provide consistent information and drive assessment and remediation of affected buildings.</li> <li>• Published, for the last six months, weekly updates on the Department of Customer Service website showing the numbers of buildings outstanding and in progress towards clearance.</li> <li>• As part of residential tenancy reforms, defined new material facts a landlord or agent must disclose to tenants, which include whether orders, notices or a development or complying development application have been issued or lodged for combustible cladding.</li> </ul>
<p><b>Q11.</b></p>	<p><b>The CHAIR:</b> Ms Webb, has Qantas taken issue with an improvement notice or other regulatory issues that SafeWork has undertaken, and, if you cannot answer that, Mr Gavrielatos or the Minister?</p> <p><b>Ms WEBB:</b> I would have to take the detail of that on notice. I did not come prepared today apart from residential tenancies. I will take it on notice.</p> <p><b>The CHAIR:</b> You would be aware there are very substantial concerns amongst the Qantas workforce and others about management at Qantas objecting to regulatory actions being taken by SafeWork. You would be aware of that?</p> <p><b>Ms WEBB:</b> I think in my previous answer I indicated that I was aware and mentioned that SafeWork had had some interactions with Qantas. The exact detail in relation to the particular notices I will have to take on notice</p>
	<p><b>ANSWER</b></p> <p>SafeWork NSW determined that NSW Work Health and Safety legislation required businesses to notify the regulator of COVID-19 cases contracted at or through work. This would allow SafeWork NSW to investigate work practices at affected business, and direct rectification measures to be implemented. Qantas rejected this and indicated to SafeWork NSW that it believed the regulator’s position was not supported by the legislation. On 21 April 2020, SafeWork NSW issued Improvement Notices to Qantas and Qantas Ground Services instructing them to ensure that “a system was in place for the notification of notifiable incidents, which includes instances where workers have tested positive for COVID-19 as a result of exposure in the workplace”. Qantas was further instructed to ensure that its managers were aware of the requirement to notify SafeWork NSW of such occurrences.</p>

	<p>On 24 April 2020, Qantas applied for an internal review of the notices. The internal reviewer set the notices aside on 9 May 2020 with a decision to take no further action as the reviewer believed that the legislation did not mandate reporting of work related COVID-19 cases and that SafeWork NSW could not prove that the affected workers contracted the disease through work.</p> <p>Following this decision, twelve (12) affected workers who are employed by Qantas as international cabin crew made application to the NSW Industrial Commission to externally review the matter. Those proceedings have commenced.</p>
<b>Q12.</b>	<p><b>The CHAIR:</b> Minister, have any representations been made to your office by Qantas management?</p> <p><b>Mr KEVIN ANDERSON:</b> I am happy to take that on notice and come back to you. It is a significant issue, so I am happy to take it on notice.</p> <p><b>The CHAIR:</b> Rather than asking about the details, has Qantas management approached your office directly?</p> <p><b>Mr KEVIN ANDERSON:</b> I will take that question on notice. Again, we are prepared today on the back of the formal request for residential tenancies.</p>
	<p><b>ANSWER</b></p> <p>My office [Min Anderson] has not been approached directly by Qantas management nor has it received representations by Qantas management on this issue.</p>
<b>Q13.</b>	<p><b>The CHAIR:</b> Talking about being nimble, the Prime Minister announced the National Cabinet decision to have a moratorium on evictions on 30 March; regulations were not put in place in New South Wales until 15 April. How many people had eviction notices served on them in that time frame?</p> <p><b>Mr KEVIN ANDERSON:</b> I do not have that information. I will ask Ms Webb.</p> <p><b>Ms WEBB:</b> I am not sure that we would be able to find that out because eviction notices are not lodged or registered with Fair Trading. We could maybe get something from NCAT, if that would be enough.</p> <p><b>The CHAIR:</b> All right.</p>
	<p><b>ANSWER:</b></p> <p>There is no requirement for NSW Fair Trading to be notified when an eviction notice is issued. Therefore, no data is available on the number of evictions for any specific timeframe.</p>