

BUDGET ESTIMATES 2024-2025

**PORTFOLIO COMMITTEE NO. 8 – CUSTOMER
SERVICE**

Minister Chanthivong

**Better Regulation and Fair Trading, Industry and
Trade, Innovation, Science and Technology,
Building, and Corrections**

Tuesday 10th September 2024

Jubilee Room, Parliament House, Sydney

Responses to Supplementary Questions

**BUDGET ESTIMATES 2024-2025
SUPPLEMENTARY QUESTIONS**

Questions from Ms Abigail Boyd MLC

Domestic and family violence counselling for prisoners

- (1) Has the NSW Government considered trialling the use of tablets in prison cells for external therapeutic and counselling services, in the same way they are currently used for personal phone calls?

ANSWER:

I am advised:

Due to security and safety risks, there are no current plans to allow unapproved external counselling services on in cell tablets.

Inmates can access in person counselling services at all NSW correctional centres. Inmates can also request access to an external psychologist of their choosing. Access is facilitated through face-to-face visits or through Audio Visual Link.

- (2) Has the NSW Government conducted any research into the benefits of external therapeutic and counselling services for domestic and family violence perpetrators in NSW prisons?

ANSWER:

Please refer to the answer to question 1.

- (3) Has the NSW Government conducted any research into the benefits of external therapeutic and counselling services for victim-survivors of domestic and family violence for aiding recovery while in NSW prisons?

ANSWER:

Please refer to the answer to question 1.

Residential Tenancies legislation

- (4) What steps is the NSW Government taking to ensure that reforms to NSW Residential Tenancies legislation are removing barriers to safety for women, children and animals who are impacted by domestic and family violence and who are seeking timely access to private rental accommodation?

ANSWER:

I am advised:

NSW Fair Trading is undertaking a statutory review of domestic violence provisions in the *Residential Tenancies Act 2010* to examine their effectiveness.

The Rental Commissioner and the Women's Safety Commissioner are working closely to support the review and to deliver on the Government's commitment to enhance programs that reduce the rate of violence against women and children.

Disability Royal Commission recommendations

- (5) Which recommendations does the Minister have partial or full responsibility for, in relation to each of the Minister's portfolios?

ANSWER:

Allocations of Ministerial responsibility for particular recommendations from the Disability Royal Commission are a decision of Cabinet.

The publicly available NSW Government 2024/25 Implementation Plan includes our commitments and actions over the first 12 months of activity and includes the NSW Government agency with lead responsibility for actions.

- (6) In relation to the NSW Government's response to recommendation 8.1, which was accepted in principle, what will the NSW Government be doing to increase the necessary supports and services available for people with disability in custody?

- (a) How will the government be measuring implementation of any action in relation to this recommendation?

ANSWER:

Per the publicly available response to the Disability Royal Commission, NSW is implementing key actions under the 2024/25 Implementation Plan and is supporting regular reporting on progress by all governments on the DRC recommendations. The first report is expected to cover the period to March 2025 with reports every six months after that.

- (7) In relation to the NSW Government's response to recommendation 8.3, which was accepted in part, which aspects of this recommendation will the government be implementing?

- (a) Will the government be conducting a review of NSW's legislation, policy and procedures in relation to ensuring children with disability are not subjected to isolation practices amounting to solitary confinement?

ANSWER:

Per the publicly available response to the Disability Royal Commission, NSW is implementing key actions under the 2024/25 Implementation Plan and is supporting regular reporting on progress by all governments on the DRC recommendations. The first report is expected to cover the period to March 2025 with reports every six months after that.

- (8) In relation to the NSW Government's response to recommendation 8.4, which was accepted in principle, what action will the government be taking to ensure timely screening and assessment for cognitive disability remains a priority?

ANSWER:

Per the publicly available response to the Disability Royal Commission, NSW is implementing key actions under the 2024/25 Implementation Plan and is supporting regular reporting on progress by all governments on the DRC recommendations. The first report is expected to cover the period to March 2025 with reports every six months after that.

Weapons manufacture in NSW

- (9) What role did the NSW Government have in allowing or enabling Kongsberg to establish a missile plant in Newcastle?
- (a) What consultation was conducted with the Newcastle community ahead of approval being granted to Kongsberg?
 - (b) Have any restrictions been placed on the type or quantity of weapons that can be built at the Kongsberg facility?

ANSWER:

I am advised the NSW Government is not a party to the agreement with Kongsberg in Williamtown.

- (10) What is the total value of all subsidies and grants given by the NSW Government to companies involved in weapons manufacturing?

ANSWER:

I am advised:

Information on grant recipients can be found at <https://www.nsw.gov.au/grants-and-funding/>

- (11) What was the export value of all weapons, components used in manufacturing of weapons, and technology used in relation to weapons manufacture or deployment produced in NSW in the 2023-24 Financial Year?
- (a) What was the amount in the 2022-23 FY?
 - (b) What was the amount in the 2021-21 FY?
 - (c) What was the amount in the 2020-21 FY?
 - (d) What was the amount in the 2019-20 FY?

ANSWER:

I am advised:

Trade data is published by the Federal Government through the Australian Bureau of Statistics and the Department of Foreign Affairs and Trade.

Investment NSW

- (12) Is the Innovation MOU between the NSW and Israeli Governments still in effect?

ANSWER:

Please refer to the answer provided to Question on Notice LA 3257.

- (13) What projects have been funded under the Innovation MOU between the NSW and Israeli Governments?

ANSWER:

Please refer to the answer provided to Question on Notice LA 3257.

- (14) What presence did the NSW government have at Land Forces 2024?

ANSWER:

I am advised:

The NSW Government had a stand at Land Forces 2024. The stand created a critical platform for 46 NSW small to medium enterprises to showcase technologies and local manufacturing capabilities.

- (15) How much did the NSW Government participation in Land Forces 2024 cost?

ANSWER:

I am advised:

The NSW Government had a stand at Land Forces 2024. The stand created a critical platform for 46 NSW small to medium enterprises to showcase technologies and local manufacturing capabilities.

- (16) Which companies did the NSW Government partner with, or provide support services to, at Land Forces 2024?

ANSWER:

I am advised:

The following 46 companies exhibited on the NSW Government stand:

1st Wave	Hunter Defence
Adroita	Hydraulic Controls
Advanced Navigation	Illawara Shoalhaven Regional Defence Network
Albury Precision Engineering	Janusnet
Alpha Echo	Jenkins Engineering Defence Systems
Astra Aerolab	Lawforce Alpha
Auditco	Lintek
AV-Comm Space & Defence	Mercury
Baker & Provan	Milspec Manufacturing
Benelec	Myrisk Hyper GRC
BPS Defence	Nupress Tools
Breaker	Ocius Technology
Callington	Operator XR
CruxML	Pacific Aerospace Consulting
Deco Australia	Rojone
Defence Innovation Network	Roxtec Australia

DefendX	Silvertone
Direct Ergonomics - Furniture	SiNAB
Engineering Business	Softwire Systems
Etherstack	Southern Cross Small Arms
Global Defence Solutions	Stella Engineering
GME	Systecon
GPC Electronics	Visionary Machines

(17) How many NSW Government employees attended Land Forces 2024?

ANSWER:

I am advised:

Nine Investment NSW employees attended Land Forces 2024.

(18) What projects have been funded in the Williamtown precinct?

(a) What is the value and nature of NSW Government contributions to these projects?

ANSWER:

I am advised:

Projects in the Williamtown precinct will receive funding under the Jobs Plus Program in 2024-25.

Information on NSW Government grant recipients can be found at <https://www.nsw.gov.au/grants-and-funding/>

(19) What projects have been funded in the Poplars Innovation precinct?

(a) What is the value and nature of NSW Government contributions to these projects?

ANSWER:

I am advised:

Projects in the Poplars Innovation Precinct have not received funding under the Investment NSW budget allocation in 2024-25.

Information on NSW Government grant recipients can be found at <https://www.nsw.gov.au/grants-and-funding/>

(20) What projects have been funded in the Garden island defence precinct?

(a) What is the value and nature of NSW Government contributions to these projects?

ANSWER:

I am advised:

The Garden Island Defence Precinct is an initiative of the Commonwealth Government.

Information on NSW Government grant recipients can be found at <https://www.nsw.gov.au/grants-and-funding/>

(21) What projects have been funded in the Bankstown Airport precinct?

(a) What is the value and nature of NSW Government contributions to these projects?

ANSWER:

I am advised:

Projects in the Bankstown Airport precinct have not received funding under the Investment NSW budget allocation in 2024-25.

- (22) What projects have been funded in the Albatross Aviation Park precinct?
(a) What is the value and nature of NSW Government contributions to these projects?

ANSWER:

I am advised:

Projects in the Albatross Aviation Park precinct have not received funding under the Investment NSW budget allocation in 2024-25.

Information on NSW Government grant recipients can be found at <https://www.nsw.gov.au/grants-and-funding/>

- (23) What projects have been funded in the Tech Central national Space Industry Hub?
(a) What is the value and nature of NSW Government contributions to these projects?

ANSWER:

I am advised:

Projects in the National Space Industry Hub will receive funding under the Investment NSW budget allocation in 2024-25.

Information on NSW Government grant recipients can be found at <https://www.nsw.gov.au/grants-and-funding/>

- (24) What projects have been funded in the Munitions Precinct?
(a) What is the value and nature of NSW Government contributions to these projects?

ANSWER:

I am advised:

Projects in the Munitions precinct have not received funding under the Investment NSW budget allocation in 2024-25.

Information on NSW Government grant recipients can be found at <https://www.nsw.gov.au/grants-and-funding/>

Questions from Ms Cate Faehrmann MLC

BETTER REGULATION AND FAIR TRADING

Strata

- (25) Netstrata gave an undertaking to the NSW Commissioner for Fair Trading signed 1 May 2024, as part of an investigation into the firm. Clause 4.4 of that undertaking provides that Netstrata will have the opportunity to review a report by McGrath Nicol and “provide comments as to any further information that should not be published”.
- (a) How is it appropriate that a company under investigation for self-dealing and conflicts of interest has the opportunity to review and comment on a report about its behaviour?
 - (b) When did Fair Trading receive a first draft report by McGrath Nicol?
 - (c) How many iterations of the report were received before the final report was submitted to Fair Trading?
 - (d) Did Netstrata receive the draft report?
 - i. Did Netstrata change any part of the draft report?
 - ii. What changes were made?
 - (e) Did Netstrata receive other iterations of the report?
 - i. What changes were made by Netstrata?
 - (f) When will the final report be made public?

ANSWER:

- (a) As part of its investigation into NetStrata, NSW Fair Trading engaged McGrathNicol to carry out an independent and forensic examination of NetStrata’s operations, at NetStrata’s expense. Reports of this nature contain commercial-in-confidence information and are not usually released by the regulator. To the extent that the report contains information regarded as commercial-in-confidence, NetStrata is afforded the opportunity to provide comments as to information that should not be published.
- (b) The NSW Fair Trading Commissioner met with McGrathNicol on 12 August 2024 to discuss a working draft and preliminary findings. NSW Fair Trading received the Draft Report on 5 September 2024.⁶ August 2024.
- (c) As at 25 September 2024, the final report has not yet been submitted to NSW Fair Trading.
- (d) As of 19 September 2024, no.
- (e) No.
- (f) The report’s findings and recommendations will be made public in due course.

- (26) Please outline the recruitment process to appoint John Minns as Strata Commissioner.

ANSWER:

I am advised Mr John Minns was appointed as Strata and Property Services Commissioner following a *Government Sector Employment Act 2013* (GSE Act) compliant process.

- (27) The Owners Corporation Network has been calling on the government to use the Law Reform Commission to manage strata reform.
- (a) Is this being considered?

ANSWER:

The NSW Government has committed to strata reforms to modernise legislation affecting strata living. NSW Fair Trading is leading this work.

Questions from Ms Sue Higginson MLC
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Phone Calls

(28) In June 2023 engine numbers were blocked by NSW Corrections citing “security concerns”. Could you please break down these security concerns in detail?

- (a) Are these security concerns mitigated through inmate calls to mobile phones? Please explain.

ANSWER:

I am advised:

Corrective Services NSW has a responsibility to protect victims of crime and ensure the Offender Telephone System is not used in a way that could compromise the safety and security of our correctional centres and complies with any legal orders in place.

Engine numbers create a heightened risk of calls being forwarded to unknown numbers.

This in turn makes it difficult for Corrective Services NSW to comply with the requirements of intervention and protection orders of the courts, such as Apprehended Violence Orders, and to safeguard against diversion of calls for illegal purposes.

(29) Please list the vendors of the current contracts that relate to phone call software and infrastructure in NSW prison systems?

- (a) How long have each of these vendors been contracted for?
 (b) When do their contracts end?
 (c) What is the tender process for the upcoming phone call contract?
 (d) Please list the value of each contract?

ANSWER:

I am advised:

The current contractor is Telstra. Information about contracts is publicly available at tenders.nsw.gov.au.

(30) Please list the cost of a ten minute phone call from within each NSW Corrective Centre for the following types of calls:

- (a) Local numbers?
 (b) Landline numbers?
 (c) Interstate landline numbers?
 (d) Mobile phone numbers?
 (e) Overseas calls?

ANSWER:

I am advised:

- (a) \$0.25.
 (b) Calls to local landline numbers are \$.0.25 and calls to interstate landline numbers are \$1.80.
 (c) Refer to answer to (30)(b).

(d) \$2.59.

(e) Call costs vary depending on the country's rate and if the number is a fixed line or mobile.

All costs are inclusive of GST.

Tablets

(31) When were tablets introduced into NSW Corrections centres?

ANSWER:

I am advised:

September 2020.

(32) How many tablets are currently supplied to NSW Correctional facilities?

(a) Please break down this number by the number of devices supplied to each NSW Correctional facility? Of those, how many, broken down by each facility are currently:

- i. Functional?
- ii. Defunct?
- iii. Under repair?
- iv. Broken?

ANSWER:

I am advised:

A breakdown of tablets is provided (as at September 2024). It is not possible to provide a breakdown of tablets under repair or broken, as this data is not centrally kept.

Site	Tablet Numbers
Bathurst	708
Broken Hill	115
CDTCC	40
Cessnock	574
Cooma	221
Dawn de Loas	10
Dillwynia	556
Emu Plains	118
Geoffrey Pearce	389
Glen Innes	157
Goulburn	356
HRM	121
John Morony	482
Juneec	1060
Kirkconnell	208

Lithgow	409
Long Bay Hospital	358
Mannus	180
Mary Wade	88
Mid North Coast	1087
MRRC	1373
MSPC	789
Shortland	644
Silverwater Womens	196
South Coast	989
St Heliers	262
Tamworth	80
Wellington	619
Totals	12189

Note: Inmates at Hunter and Macquarie Correctional Centres use Internet Protocol TV (IPTV) units, rather than tablets.

- (33) Please list the make and model of inmate tablets? (If more than one model, please list each make and model and the Correctional facility where they are housed).

ANSWER:

I am advised:

The GTL Inspire 3 (Model: TG801) is used at publicly managed correctional centres and Junee Correctional Centre.

- (34) Do these tablets have video capability?
 (a) If yes, are inmates currently able to use the video function?
 (b) If no, why not?

ANSWER:

I am advised:

Yes.

The Offender Tablet hardware has video capability, however the video calling functionality for in-cell tablets is not available for use. There are operational and security issues to consider and resolve prior to any use of tablets for in cell video calls.

- (35) Please list the current vendor(s) who supply these tablets to CSNSW?
 (a) When was this contract(s) active from?
 (b) What is the length of this contract(s)?
 (c) Please outline the details of the contract(s), including the cost of the program in whole dollar amounts, and as a percentage of the relevant budget?

ANSWER:

I am advised:

Offender Tablets are delivered under the existing Offender Telephone System contract with Telstra. Information about contracts is publicly available at tenders.nsw.gov.au.

- (36) Has access to the Australian Electoral Commission's website for enrolment to vote been reinstated on inmate tablets following an assessment of there being no security risk?
- (a) Please outline a detailed summary of the testing and development works if this is still ongoing?
 - (b) What is the forecasted timeline for the resolution of this issue?
 - (c) How many inmates current as of 14 September 2024 will be unable to vote in the local council elections of 14 September 2024 due to this issue?
 - (d) Is there any alternative voting method provided?
 - i. If not, why is postal voting not an option?

ANSWER:

I am advised:

The AEC website has never allowed inmates to enrol or vote online. Enrolled inmates eligible to vote are able to lodge a postal vote.

- (37) How many currently functional tablets are available to the inmates at Cooma Correctional Centre?
- (a) How many tablets does this represent per inmate?

ANSWER:

I am advised:

As at September 2024, 169 Offender Tablets and six family video visit tablets.

- (a) As at September 2024, an offender in-cell tablet is available for every inmate at Cooma.

- (38) Can inmates currently access counselling via their tablets?
- (a) If not, why?
 - (b) If not, is there a view to provide this service?
 - (c) Can this service be provided onto tablets without any change in technology?
 - (d) Can this service be provided onto tablets without any change in infrastructure?

ANSWER:

Please refer to the answer to question 1.

Video visitation

- (39) What is the update on video calls being available to inmates as has been previously foreshadowed? Please outline in detail.

ANSWER:

I am advised:

Please refer to the answer to question 34.

Inmate release and Identification

- (40) How many inmates are released from NSW Correctional facilities each year?

- (a) Of that number, how many inmates are released without 100 points of Identification?

ANSWER:

I am advised:

It is not possible to answer this question as no timeframe is specified.

- (a) CSNSW does not hold this data.

- (41) What provisions is CSNSW obliged to provide to recently released inmates?

ANSWER:

I am advised:

CSNSW policies in relation to the release of inmates is available from the CSNSW website at <https://correctiveservices.dcj.nsw.gov.au/correctional-centres/custodial-operations-policy-and-procedures--copp-.html>

Deaths in custody

- (42) How many deaths have occurred in custody to date this year?

- (a) Of those, how many were First Nations people?
(b) Of those, how many were held in remand?
i. Of those that occurred in remand, how many were First Nations people?

ANSWER:

I am advised:

As at 26 September 2024, there have been 22 deaths in custody to date for the 2024 calendar year.

- (a) 4
(b) 10
i. 4

- (43) How many deaths have occurred in custody in the year:

- (a) 2023?
i. Of those, how many were First Nations people?
ii. Of those, how many were held in remand?
1. Of those that occurred in remand, how many were First Nations people?
(b) 2022?
i. Of those, how many were First Nations people?
ii. Of those, how many were held in remand?
1. Of those that occurred in remand, how many were First Nations people?
(c) 2021?
i. Of those, how many were First Nations people?
ii. Of those, how many were held in remand?
1. Of those that occurred in remand, how many were First Nations people?

- (d) 2020?
 - i. Of those, how many were First Nations people?
 - ii. Of those, how many were held in remand?
 - 1. Of those that occurred in remand, how many were First Nations people?

ANSWER:

I am advised:

Information about deaths in custody is available through the Report of Government Services: <https://www.pc.gov.au/ongoing/report-on-government-services/2023/justice/corrective-services>

Domestic Violence

- (44) Please list the online domestic and family violence services inmates have access to?
 - (a) Are these consistent across each Correctional facility in the State? If not, please break down which programs are available and at which centre?

ANSWER:

I am advised:

All inmates who are provided with offender tablets have access to a range of services, including calls to the Domestic Violence Helpline. However, as internet access is restricted on the tablets owing to security and safety risks, inmates do not have access to external 'online' services.

- (45) Do the online domestic and family violence services listed provide culturally specific services to First Nations people? Please outline.

ANSWER:

I am advised:

Corrective Services NSW supports all offenders to address their offending behaviour. For Aboriginal offenders this includes cultural strengthening and building positive relationships with Aboriginal stakeholders, service providers and the community to ensure access to culturally specific services.

- (46) How does the Government ensure domestic and family violence victim-survivors have access to online specialist counselling? Please outline.
 - (a) Within these programs, do the participants have an opportunity to interact with their partners in a safe environment?

ANSWER:

Please refer to question 1.

Lock-ins

- (47) Please list the number of total lock-ins exceeding 23 hours to date this year across CSNSW Corrective Centers, alongside the reasons for their occurrence?

ANSWER:

I am advised:

Please refer to the answer to Question on Notice 2676

CSI Industries food

- (48) How long has CSI Industries Food been the vendor supplying food across CSNSW?
- (a) What is the expiration date for this contract?
 - (b) What was the process of contract tender?
 - (c) How many meals per year does CSI Industries food supply to inmates in NSW?
 - i. Of those meals, how much of the packaging is recyclable?
 - ii. Of those meals, how much of the packaging is made from soft plastics?

ANSWER:

I am advised:

Corrective Services Industries (CSI) Food Services is an internal entity within Corrective Services NSW and has been supplying meals to all publicly owned correctional centres since 1996.

- (a) Please refer to answer to question 48.
- (b) Please refer to answer to question 48.
- (c) CSI provides three meals per day to all inmates in all publicly owned NSW correctional centres.
 - i. All CSI packaging is recyclable, with the exception of plastic sealing and flow/cling wrap.
 - ii. Bread bags, flow wrap packaging and plastic sealing film.

- (49) Who was the vendor prior to this?
- (a) Which years was this vendor's contract active for?

ANSWER:

I am advised:

There was no previous vendor. Prior to 1996, meals for inmates were prepared in individual correctional centre kitchens or canteens.

- (50) Are inmates with dietary and religious food requirements provided appropriate meals at no extra cost?
- (a) If no, why not? Please break down for:
 - i. Celiac?
 - ii. Vegan?
 - iii. Halal?
 - iv. Kosher?
 - v. Other?

ANSWER:

I am advised:

All dietary and religious food requirements meals are provided at no extra costs, except certified Kosher/Halal meals and vegan meals. This is because CSI is not certified to manufacture Kosher/Halal meals and vegan meals do not meet minimum nutritional value as per the Australian Dietary Guidelines.

Prison Labour

(51) Who sets the wages for inmate labour in the State of NSW?

ANSWER:

I am advised:

In accordance with section 7 of the *Crimes (Administration of Sentences) Act 1999* the Commissioner of Corrective Services approves payment for work undertaken by inmates.

(52) Please list each inmate job available across NSW and its associated weekly wage and hourly workload?

- (a) Compared to 2014?
- (b) Compared to 2004?
- (c) Compared to 1994?
- (d) Compared to 1984?
- (e) Compared to 1974?
- (f) Compared to 1964?

ANSWER:

I am advised:

CSI has 14 main business divisions that are involved in a range of manufacturing and service activities. As at 24 September 2024, the business divisions are:

- Agriculture
- Buy Ups
- Demountable / Modular Buildings
- Engineering
- Facilities Maintenance
- Food Services
- Furniture, Upholstery & Timber Products
- Laundries
- Logistics (warehousing)
- Print
- Private Sector
- Service industries (Ground Maintenance, Hygiene, Waste Management, Recycling, Community Projects)
- Technology & Assembly
- Textiles

In 2014, the CSI Business Units were:

- Agriculture
- Buy Ups
- Demountable / Modular Buildings

- Engineering
- Facilities Maintenance
- Food Services
- Furniture, Upholstery & Timber Products
- Laundries
- Logistics (warehousing)
- Print
- Private Sector
- Service industries (Ground Maintenance, Hygiene, Waste Management, Recycling, Community Projects)
- Pack & Assembly

An inmate's weekly wage is dependent on area of work, location and skill level. The Inmate Incentive Allowance Framework and rates are reviewed annually in line with the Consumer Price Index by the Commissioner of Corrective Services NSW. The last increase was in September 2023.

Corrective Services NSW does not hold data that shows the average associated weekly wage and hourly workload for 2014, 2004, 1994, 1984, 1974 and 1964.

(53) When was the last time inmate wage-labour was increased?

ANSWER:

I am advised:

Please refer to answer to the answer to question 51.

(54) How often are inmate wages reviewed and by which body?

ANSWER:

I am advised:

Please refer to answer to the answer to question 51.

(55) How much do inmates currently receive as part of their weekly "yard money"?

- (a) Compared to 2014?
- (b) Compared to 2004?
- (c) Compared to 1994?
- (d) Compared to 1984?
- (e) Compared to 1974?
- (f) Compared to 1964?

ANSWER:

I am advised:

It is not possible to answer this question as there is no reference to "yard money" in the Inmate Incentive Allowance Framework.

Astill Enquiry

- (56) Of the 30 million dollars committed to implementing the Astill Recommendations, how much has already been spent?
- (a) Please provide a breakdown?

ANSWER:

I am advised:

The NSW Government's response to the Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill is publicly available at <https://www.nsw.gov.au/departments-and-agencies/the-cabinet-office/resources/special-commissions-of-inquiry/astill>

- (57) Will this funding be ongoing?

ANSWER:

Please refer to question 56.

- (58) Is the CCTV coverage at other Correctional Centres up to date with the newly updated Dillwynia facilities?
- (a) If not, will this be urgently instated as a matter of priority?
- i. What is the timeline for this?
- (b) Please list the centres which need reforms as per the recent CCTV updates at Dillwynia Correctional Centre?

ANSWER:

I am advised:

The design of CCTV systems at each correctional facility varies and incorporates the unique needs of the facility. CSNSW continues to review and update the CCTV systems at our facilities on a risk based priority basis.

Cost of incarceration

- (59) What is the yearly cost to detain the following individuals:
- (a) Male, minimum security classification?
- (b) Male, maximum security classification?
- (c) Male, remand?
- (d) Female, minimum security classification?
- (e) Female, maximum security classification?
- (f) Female, remand?

ANSWER:

I am advised:

Information on the cost of incarceration is reported through the Report on Government Services accessible at: <https://www.pc.gov.au/ongoing/report-on-government-services/2023/justice/corrective-services>

<p>Questions from Hon Chris Rath MLC on behalf of the Opposition</p>

BETTER REGULATION & FAIR TRADING

Consumer Protection and Disciplinary Actions

- (60) Can the Minister provide details on the number of qualified supervisors disciplined under the Home Building Act during the financial years 22/23 and 23/24 for improper conduct?
- (61) Specifically, how many cases involved specialists in the fields of electrical wiring, refrigeration, air-conditioning, plumbing, gas fitting and LP gas fitting?
- (62) What steps is the department taking to enhance the detection and handling of improper conduct among specialists to prevent consumer harm?

ANSWERS 60-62:

I am advised:

Information relating to compliance and enforcement action is included in the Department of Customer Service Annual Report.

Building Commission NSW has a dedicated team focusing on specialist work.

Disciplinary actions against Electrical Contractors

- (63) How many electrical contractors were disciplined under the Home Building Act during FYs 22/23 and 23/24 for improper conduct related to non-compliance with their duties under the WHS Act/Regulations, particularly concerning energised electrical work?

ANSWER:

I am advised this question should be referred to the Minister for Work Health and Safety.

- (64) The Queensland Office of Industrial Relations issued suspensions or cancellations to license holders in around 100 cases over approximately 15 months, many associated with serious electrical incidents, electric shocks, serious defects, significant property damage, incidents involving young workers, and repeat offenders. How does NSW compare, and what measures are in place to address non-compliance effectively?

ANSWER:

Refer to question 62.

Residential Tenancy Protections

- (65) Given the budget's emphasis on housing, what initiatives are being implemented to enhance protections for tenants, particularly regarding fair trading and dispute resolution?

- (66) How will these initiatives improve tenant rights and dispute resolution processes, and what outcomes are anticipated for tenants?

ANSWERS FOR 65-66

The Government has a comprehensive rental reform agenda to make the rental system fairer and more modern. Rental initiatives include:

- Legislation soon to be introduced to Parliament which will end no grounds evictions, make it easier to have pets in rentals, ban fees for background checks during the rental application process and ensure renters have a convenient, free way to pay their rent.
- Appointment of the state's first Rental Commissioner who is an advocate for renters and has been tasked with examining ways to strengthen the rights of renters and improving fairness in the rental market.
- \$8.4 million in the 2024-25 Budget to establish a Rental Taskforce in NSW Fair Trading, led by the Rental Commissioner. The Rental Taskforce will be one of the biggest teams within NSW Fair Trading, cementing protections for renters as a key priority for the state's consumer affairs regulator. The Taskforce will include investigators, inspectors and support teams to help renters and act on serious breaches of rental laws.
- \$6.6 million in the 2024-25 Budget for the development of the nation's first Portable Rental Bonds Scheme to allow renters to digitally transfer their existing bond to a new rental home.
- A new, free Rent Check website that delivers new transparency to renters and landlords by providing updated, current data on rent prices for comparable properties in their suburb. This transparency helps renters better understand the market to make more informed decisions, while owners can set competitive, fair rents to attract and retain tenants.
- The *Residential Tenancies Amendment (Rental Fairness) Act 2023* was passed on 22 June 2023. The Act extended the ban on solicited rent bidding to owners and third-parties to close a loophole in the legislation.

The Government is delivering on its comprehensive plan to give the 2.2 million renters in NSW security in their homes, empower them to better enforce their rights and provide cost of living relief.

Fair Trading Resources and Staffing

- (67) Given the complexity and high costs associated with motor vehicle repairs, how will the government address the shortage of Fair Trading inspectors who handle these disputes?
- (68) What measures are being taken to ensure that the number of inspectors meets the actual demand for mediation and technical expertise?
- (69) What strategies are being implemented to improve the staffing levels and remuneration for Fair Trading inspectors to ensure they can effectively manage and resolve repair

disputes?

ANSWERS 67-69:

Refer to page 60 of the hearing transcript.

Regulation of Automotive Repair Sector

(70) What steps are being taken to strengthen the regulation of the automotive repair sector to prevent issues such as poor diagnosis and communication breakdowns?

ANSWER:

I am advised:

NSW Fair Trading engages with stakeholders across the motor repair industry and will continue to consult with them on the remake of the Motor Dealers and Repairers Regulation 2014 including any changes to improve oversight of the .

(71) How will these regulatory changes ensure that both consumers and industry members receive fair treatment?

ANSWER:

Refer to the answer to Question 70.

(72) How will these enhancements address current gaps and improve overall standards within the automotive repair industry?

ANSWER:

Refer to the answer to Question 70.

Fair Trading's Impact on Consumer Protection:

(73) How does the government plan to improve consumer protection in the automotive repair sector, especially in light of the current staffing shortages?

ANSWER:

Refer to question 70 and Question Taken on Notice on page 60 of the hearing transcript. Two vacancies does not constitute 'staffing shortages'.

(74) What initiatives are in place to ensure that consumers have access to fair resolution processes?

ANSWER:

I am advised:

Information on NSW Fair Trading's role in dispute resolution can be found at www.fairtrading.nsw.gov.au

(75) How will these initiatives enhance consumer protection and what outcomes are

anticipated in terms of resolving disputes and improving service quality?

ANSWER:

Refer to question 74.

- (76) When we signed with ANSA Homes, they were already classified as a "Builder of Concern" by Fair Trading, having breached over ten rectification orders. However, this information was not available to the public. Why isn't there a publicly accessible portal or information source to identify builders who have breached multiple rectification orders?

ANSWER:

I am advised:

Information on orders is publicly available at www.nsw.gov.au/departments-and-agencies/building-commission/register-of-building-work-orders.

Any disciplinary action taken is published on the licence register at verify.licence.nsw.gov.au/

- (77) After posting a negative review of ANSA Homes, we were threatened, and work on our property was halted. We've since learned that this is a common tactic used by the management of ANSA Homes, which explains the lack of negative reviews. What measures will be put in place to prevent builders from intimidating clients?

ANSWER:

Refer to LA QON 3472.

- (78) During each stage of a build, an inspector issues a certificate to indicate compliance with relevant codes (e.g., Slab, Frame, etc.). It appears ANSA Homes did not upload these certificates on time, suggesting further issues with the build process. Why is there no system within Fair Trading to ensure that certificates are uploaded to the portal on time?

ANSWER:

I am advised:

Certifiers must upload Critical Stage Inspections to the NSW Planning Portal within two business days of the inspection (if construction certificate was issued post May 2023), or send the information to the Building Commission NSW via CertAbility, as required under Schedule 8 of the Building and Development Certifiers Regulation 2020.

INDUSTRY & TRADE

Defence Industry

- (79) Regarding the Federal Government's 2024 National Defence Strategy and 2024 Integrated Investment Program, has the Minister discussed with his Federal counterparts receiving funding for NSW to go towards the defence industry for critical jobs, including scholarships and the uplifting of the defence industrial workforce?
- (a) How much of the \$81.9 million in Federal defence industry funding has the

Minister secured for NSW-based enterprises?

ANSWER:

I engage with my federal counterparts on a variety of matters relating to my portfolios.
Funding decisions for these programs are a matter for the Commonwealth Government.

(80) How much of the \$166.2 million in Federal funding available to support small and medium defence industry businesses will NSW-based enterprises receive?

ANSWER:

I am advised this is a matter for the Commonwealth Government.

(81) How much has the NSW Government allocated in the 2024/25 Budget to attract defence investment to NSW?

ANSWER:

I am advised:

Funding allocations for relevant departments are available at <https://www.budget.nsw.gov.au/>.

(82) How many jobs are supported by the defence industry in NSW?
(a) Where are these jobs based in NSW?
(b) What is the total value of the defence industry to the NSW economy?

ANSWER:

I am advised:

The Australian Bureau of Statistics Defence Industry Account contains statistics on the defence industry.

Space

(83) How much funding was in the 2024-25 Budget to support the growth of a domestic space industry sector in NSW?

ANSWER:

I am advised:

Funding allocations for relevant departments are available at <https://www.budget.nsw.gov.au/>.

(84) Regarding the NSW Government's and NSW Space Research Network's Pilot Research Program and Student Program Fund, how much was allocated in the 2024-25 Budget for future rounds of this grant program?

ANSWER:

I am advised:

The Space Research Network (SRN) is jointly funded by the NSW Government and the university members of the SRN. Funding allocations for relevant departments are available at

<https://www.budget.nsw.gov.au/>.

- (85) In April of this year, it was reported in the media that the NSW Government was planning to review the NSW Space Industry Development Strategy. Is this the case?
- (a) When can we expect a formal announcement of the review if so?
 - (b) When will the review be completed if so?

ANSWER:

The NSW Government is developing the state's first comprehensive Industry Policy.

INNOVATION, SCIENCE & TECHNOLOGY

Women in STEM Report

- (86) Has the NSW Government examined the Federal Government's Pathway to Diversity in STEM Review?
- (87) Noting the recommendations outlined in the final report, will the Minister consider implementing some of the recommendations on a state level, including but not limited to:
- (a) Committing to a whole-of-government, long-term strategy to increase diversity and inclusion in STEM. This includes establishing a dedicated advisory council supported by dedicated government resources?
 - (b) Working with the Federal Government to improve participation and achievement in STEM skills and subjects in schools?
 - (c) Developing a communication and outreach strategy to increase awareness, visibility and importance of diversity in STEM to emphasise the opportunities and potential for careers in STEM?
 - (d) Adopting, making public and implementing a plan to increase attraction, retention and promotion of underrepresented cohorts?

ANSWERS TO 86-87

I am advised:

The Government acknowledges the importance of fostering diversity and inclusion in STEM. The Government collaborates with the Commonwealth Government on STEM programs and will continue to do so.

- (88) Noting that the Federal Government has axed the Women in Stem Ambassador, is this a decision the Minister agrees with?
- (a) Has the Minister expressed any concerns with Federal Minister Ed Husic regarding this decision?
 - (b) What is the NSW Government doing to promote the voices and role of Women in STEM?

ANSWER:

I am advised this is a matter for the Commonwealth Government.

Innovation and Productivity Council

- (89) How much was allocated in the 2024/25 Budget for the operational expenses of the Innovation and Productivity Council?
- (90) What is the selection and appointment process of a Council Member?
- (91) How is the Chairperson appointed?
- (92) What role does the Minister have in the selection, appointment and dismissal of a Council Member?

ANSWERS 89-92

I am advised:

Funding allocations in 2024-25 form part of the budget for Department of Enterprise, Investment and Trade available at <https://www.budget.nsw.gov.au/>The establishment, management and functions of the Council are provided in the *Innovation and Productivity Council Act 1996*

Investment NSW Budget

- (93) What is the total budget for Investment NSW in the 2024/25 Budget?
- (a) What proportion is capital expenditure?
- (b) What proportion is operational expenditure?

ANSWER:

I am advised:

Funding allocations in 2024-25 form part of the budget for Department of Enterprise, Investment and Trade available at <https://www.budget.nsw.gov.au/>.

- (94) What was the total budget for Investment NSW in the 2023/24 Budget?
- (a) What proportion was capital expenditure?
- (b) What proportion was operational expenditure?

ANSWER:

I am advised:

Funding allocations in 2023-24 formed part of the budget for Department of Enterprise, Investment and Trade available at <https://www.budget.nsw.gov.au/>.

- (95) What is the total budget allocation for grant programs in the 2024/25 Investment NSW Budget?

ANSWER:

See response to question 93.

- (96) How much is allocated in the 2024/25 Investment NSW Budget for:
- (a) Minimum Viable Products Venture Program?
- (b) Boosting Business Innovation Program?

- (c) Fostering Innovation Sponsorship Program?
- (d) TechVouchers?
- (e) Jobs Plus Program?
- (f) Tech Central Accommodation Rebate?
- (g) Accelerator in Resident – Operator?
- (h) Westmead Ecosystem Fund?

ANSWER:

See response to question 95.

- (97) How many staff are currently employed at Investment NSW?
 - (a) How many are full-time?
 - (b) How many are part-time?
 - (c) How many are casual?
- (98) What are the current total staff salary costs for Investment NSW?
- (99) How many senior executives are currently employed at Investment NSW?
- (100) What are the current salary costs of Investment NSW senior executives?

ANSWERS 97-100:

I am advised:

Information relating to staff and staffing costs are included in the annual report of the relevant department.

- (101) How many staff were employed at Investment NSW in FY 2023/24?
 - (a) How many were full-time?
 - (b) How many were part-time?
 - (c) How many were casual?
- (102) What were the total staff salary costs for Investment NSW in FY 2023/24?
- (103) How many senior executives were employed at Investment NSW in FY 2023/24?
- (104) What were the total salary costs of Investment NSW senior executives in FY 2023/24?

ANSWERS 101-104

I am advised:

Information relating to staff and staffing costs are included in the annual report of the relevant department.

Jobs First Commission

- (105) When is the Commission set to be established?
- (106) Which Minister will the Commission report to?
- (107) Regarding the appointment of the Jobs First Commissioner:
 - (a) What professional requirements and experience would you expect the Commissioner to have?
 - (b) How much will the Commissioner's salary be?

- (c) What will be the Commissioner's primary responsibilities?
- (d) What powers or responsibilities will the Minister have in the appointment and or dismissal of the Commissioner?
- (108) Who will form the “independent advisory board” of the Commission?
 - (a) Will there be an application process?
 - (b) How many people will be on the board?
 - (c) Who will lead the board?
- (109) How will the Commission oversee the implementation and growth of local industries?
- (110) What indicators will measure successes or weaknesses that will shape the Commission’s priorities for job growth?
- (111) How much has been budgeted for the Jobs First Commission in:
 - (a) 2024-25?
 - (b) 2025-26?
 - (c) 2026-27?

ANSWERS 105-111

I am advised:

These questions should be referred to the Minister for Domestic Manufacturing and Government Procurement.

International Landing Pads

- (112) Regarding the International Landing Pads announcement on 2 September 2024:
 - (a) How many international businesses have utilised the International Landing Pad in NSW which opened late last year?
 - (b) What industries are these companies from?
 - (c) How much foreign investment are these Landing Pads expected to bring to the NSW economy?

ANSWER:

I am advised:

- (a) Information on the International Landing pads is available on the Investment NSW website.
- (113) Noting that according to the announcement up to nine NSW companies will be given the opportunity to base themselves in Southeast Asia:
 - (a) How will these companies be selected?
 - (b) Will there be a requirement to diversify the types of NSW companies being based overseas?
 - (c) Are there plans to expand the number of companies beyond nine?
 - (d) When will this occur and how much has been budgeted for this in the 2024/24 Budget?

MVP Regional Applicants

(114) What is the NSW Government doing to increase the accessibility of the MVP grants for regional and rural applicants?

(115) Will the NSW Government consider the location of the applicant as part of future MVP grant rounds criteria?

ANSWERS 114-115

I am advised:

Program requirements are available at <https://www.investment.nsw.gov.au/grants-and-rebates/mvp-ventures/>

BUILDING

Submissions from Industry Bodies

(116) How many submissions has the Minister received from industry bodies urging the government not to proceed with the proposed draft Building Bill 2024?

(117) If such submissions have been received, how many specifically opposed the draft, and what were the key concerns raised by these stakeholders?

ANSWERS 116-117:

I am advised targeted consultation on the Government's building reforms has not yet closed.

Impact of Industrial Action on Construction Projects:

(118) What steps is the government taking to address the delays and cost overruns in housing and infrastructure projects caused by the ongoing industrial action by the Electrical Trade Union (ETU)?

(119) Has the government assessed the full economic impact of these delays on the construction sector, and what mitigation strategies are in place to support affected stakeholders?

Impact of CFMEU Actions on Construction Industry:

(120) How does the Minister plan to address the impact of the CFMEU's prolonged and disruptive industrial actions on the construction industry across NSW and Australia?

Ensuring Timely Completion of Projects:

(121) With the CFMEU's ongoing disputes affecting essential infrastructure projects, what measures will the government take to mitigate delays and ensure that critical construction projects are completed on time?

Protecting Public Safety and Economic Stability:

(122) What steps is the government taking to safeguard public safety and economic stability from the potential fallout of the CFMEU's industrial activities, which are now impacting the broader construction sector?

ANSWERS 118-122

Please refer to the hearing transcript for comments on these matters.

Government's Approach to Managing Union Influence:

(123) How does the Minister intend to manage the increasing influence and actions of the CFMEU to prevent further disruption and ensure a stable environment for the construction sector and its workers?

ANSWER:

Please refer to my comments published in Hansard on 7 August 2024 and 8 August 2024 on this matter.

Building Standards and Consumer Protection

(124) With the significant investment in new housing and infrastructure, how will the government ensure that all new developments meet high building standards? What measures are in place to protect consumers from defects and substandard work?

ANSWER:

The Government has implemented significant reforms to boost confidence in the building and construction sector, as highlighted in my speech at the Housing Industry Association Construction Outlook Breakfast on 26 September 2024:

It will come as no surprise for those in the room that housing sits at the top of the agenda for the Minns Labor Government.

We have not shied away from ambitious housing targets.

We're tackling the housing crisis on multiple fronts:

We're overhauling the planning system;

We're delivering unprecedented investment in social housing;

We're modernising the rental market; and

We're updating laws to boost confidence in strata living and investment.

We've also made no secret of the fact that we need to build more homes, and we need to build them quickly.

NSW is losing people to the housing crisis – most concerning of all, young people are fleeing the state in the search for an affordable home.

If people cannot find somewhere affordable to live or rent, they will leave. It's as simple as that.

We've all heard migration data that shows NSW lost 34,000 people last year to other states, and the Government is determined to stem this flow of interstate migration out of NSW.

We also know we have a long way to go to meet our target of 377,000 new homes by 2029.

But this Government will not compromise on quality.

One of the most difficult tasks I have faced as Building Minister over the past 18 months is resolving the long-running saga at Mascot Towers.

For five years, owners faced uncertainty and anxiety, and the evacuation of the apartment building shattered public confidence in the construction sector.

Taxpayers were on the hook for millions of dollars in rental support since 2019 and all of this was inherited from the former Liberal-National Government.

But I am proud to stand here today and say that the Mascot Towers saga is over.

I worked with the former Building Commissioner to end the nightmare for owners after five

years, four previous Ministers, and untold damage to the reputation of the construction industry. Unfortunately, Mascot Towers is not alone in tarnishing the building industry.

Opal Towers, Toplace, Crownview, Allura, and Ansa Homes – these are names on a long roll call of projects and builders that have battered the image of the construction sector.

*Forgive my bluntness, but I am not afraid to name and shame because these examples make me furious. More importantly, these examples should make **you** furious.*

All of those projects and builders have damaged the reputation of so many good people in this room. You - the honest, hardworking, builders who are committed to quality, suffer when the shonks sour public confidence.

My message here today is clear: I am here to recruit you!

I want to recruit you all to be part of the Government's mission to drive cowboys out of the sector. Government and industry need to work hand-in-hand to drive out the dodgy developers and shoddy builders.

So let me map out some of the ways the Government is uplifting quality and capability in the building sector.

A key driver of change is the creation of an empowered Building Commission, to drive greater accountability in the industry.

Since its commencement in December 2023, the Commission has helped clean up the residential building industry.

Compliance is the area of the Commission's work that attracts the most attention. We're now inspecting proactively rather than waiting for consumers to move in and discover defects. That in turn is leading to increased consumer confidence in the buildings they buy.

Such has been the Commission's success that we are expanding its footprint. The establishment of a permanent office in the Illawarra will bring a renewed focus on construction in that region. This will help ensure that homes are being built to the same high standard, whether built in Sydney or regional NSW.

And I look forward to announcing the appointment of the new Building Commissioner soon, who will lead this very important and essential work.

To support our push for a more effective and professional sector, we have undertaken a series of legislative reforms.

Last year, we expanded the powers of the Building Commission NSW to class 1 buildings. No homeowner in NSW should move into a brand-new house that has serious defects.

Inspectors are now able to enter a house under construction, request documents or information, and examine and test building work.

The Building Commission can issue orders to compel developers to fix defects and stop building work where continuing could lead to significant harm to the public or occupiers.

We want residents to be confident that the biggest purchase they will likely make in their lifetime is built to the highest standards.

The Government has also expanded powers for the regulator to combat intentional phoenixing and insolvency abuse in the construction industry. This includes stopping people from holding contractor licences under the Home Building Act where they have been involved in insolvencies or intentional phoenixing activity.

It's a move towards accountability and transparency against those who would exploit Australian

corporate laws for personal gain, at the expense of honest tradespeople and hardworking homeowners.

We've also tightened up the rules around unsafe products being used in the industry. Anyone involved in specifying or supplying building products must ensure that they are compliant with the National Construction Code, standards, and laws.

Substandard materials, faulty structural components, or unreliable fixtures, represent a grave danger to the occupants of buildings and structures that incorporate them.

We've also updated the Home Building Act to ensure that the right to receive a progress payment for building work is limited to lawful building work.

No-one can dispute the importance of contractors being paid fairly and promptly for work they have undertaken. But it would be irrational to permit a contractor to benefit from acting unlawfully where the work has been done while they are unlicensed or uninsured.

These, and many other aspects of our legislative agenda, are designed to drive greater clarity, responsibility, and professionalism in the industry.

So, I've detailed steps the Government has already taken to date to improve confidence in the construction sector, but there is more to be done.

I'm sure many in this room are aware the Government is currently consulting on its next tranche of building reforms.

We are implementing our election commitment to streamline and consolidate building legislation, making it easier for practitioners and consumers to understand.

We're also consulting on proposals to increase accountability and capability within the industry, including changes to licensing and professional development, and the Government will consider the industry's feedback before making announcements on further reforms.

Our support for the industry is more than changing regulation and legislation. We are also delivering practical support to the industry and its practitioners. As an example, we've released a library of the most common defects our inspectors are finding, helping to lift awareness, confidence, and capability across the sector.

We've also launched an international pattern book design competition allowing architects to design the future face of NSW, while speeding up the delivery of new homes and mid-rise apartments.

The final approved home designs will offer ease of approvals for builders, while delivering quality homes that help meet our need for housing for our growing population.

As you can see, we are taking major steps to reform the industry. NSW will not be able to meet the housing needs of its residents without a strong and successful construction industry.

And we can't have a strong and successful construction industry without the right regulatory settings.

By removing the shonky operators, the fly-by-night cowboys, and the phoenixing of bad companies, we are not only protecting NSW consumers, we are also helping to protect the reputation of all of you who are doing the right thing.

We don't want to see another building and construction scandal any more than you do, because happy customers mean a healthy industry.

And a healthy industry is what we need to deliver the homes on a scale we need to keep people in this state.

That is why I am committed to working with all of you to restore public confidence in the building and construction sector.

We want the building sector to thrive and prosper but that will require all of us to work together.

The people of NSW are counting on all of us to do it.

Thank you.

- (125) What specific strategies are being implemented to monitor and enforce building quality, and how will these measures impact consumer protection?

ANSWER:

Refer to question 124.

Regulation of Building Practitioners

- (126) What steps are being taken to strengthen the regulation of building practitioners to prevent issues such as defective construction and ensure accountability in the building industry?

ANSWER:

Refer to question 124.

- (127) How will these regulatory enhancements address existing gaps and improve overall industry standards?

ANSWER:

Refer to question 124.

CORRECTIONS

Emu Plains Correctional Centre

- (128) Can the Minister confirm if the Emu Plains Correctional Centre Main Unit remains closed?

- (a) If closed, what steps is the Minister taking to re-open the Emu Plains Correctional Centre Main Unit?
- (b) Minister, can you confirm if the Main Unit is used to house male work release inmates and male inmates transitioning to work release?
 - i. Where are these inmates currently housed to allow work release and transition?
- (c) When do you propose to open the Unit again?
- (d) What are the barriers to it re-opening?
- (e) Have staff been re-deployed during the closure?

ANSWER:

I am advised:

Emu Plains Correctional Centre has reopened.

The Main Unit is used to house male work release inmates and male inmates transitioning to work release.

(129) In the last Budget Estimates, you advised that Emu Plains had been ‘mothballed’. Can you advise of the current budget to keep the facilities of Emu Plains up to date as it is “mothballed”?

ANSWER:

I am advised:
Please refer to answer to question 128.

(130) How much of the current Budget is dedicated to the Mother & Children’s program?

ANSWER:

I am advised:
Funding allocations for relevant departments are available at <https://www.budget.nsw.gov.au/>

(131) How many inmates are currently using the Emu Plains facility?

ANSWER:

I am advised:
As at 1 October 2024 there were 62 inmates.

(132) What is the total budget allocated to paying the salaries of suspended officers within Corrective Services?

ANSWER:

Funding allocations in 2024-25 form part of the budget for Department of Communities and Justice available at <https://www.budget.nsw.gov.au/> Are the individuals seconded to fill suspended corrective services officers paid under the same salary agreements as their respective suspended officers?

(133) Are the individuals seconded to fill suspended corrective services officers paid under the same salary agreements as their respective suspended officers?

ANSWER:

I am advised:
Corrective Service employees that are backfilling a role are paid at the appropriate rate under the relevant Crown Employees Award salary.

(134) What are the starting dates for suspension for each of the 82 corrective services officers who are currently suspended?

ANSWER:

I am advised:

Please refer to the table provided.

Table 1	Table 2	Table 3	Table 4
Officers suspended without pay pending criminal court proceedings (exceptional circumstances)	Officers suspended with pay pending criminal court proceedings	Officers suspended without pay pending misconduct action (exceptional circumstances)	Officers suspended with pay pending misconduct action
Total (3)	Total (15)	Total (2)	Total (62)
Start date	Start date	Start date	Start date
1. 10/07/24	1. 09/07/24	1. 27/07/22	1. 30/04/24
2. 11/04/14	2. 20/12/23	2. 09/02/22 (Without pay from 04/07/24)	2. 27/07/23
3. 07/08/24	3. 26/10/23		3. 07/07/21
	4. 22/01/24		4. 07/12/22
	5. 02/03/23		5. 09/08/24
	6. 29/06/23		6. 16/04/24
	7. 12/04/23		7. 12/04/22
	8. 10/11/22		8. 09/08/24
	9. 28/08/24		9. 4/07/24
	10. 29/02/24		10. 05/04/24
	11. 14/06/23		11. 09/06/23
	12. 30/05/24		12. 23/03/23
	13. 29/03/24		13. 06/05/24
	14. 09/02/24		14. 02/11/23
	15. 30/08/23		15. 13/10/23
			16. 25/09/23
			17. 11/07/24
			18. 15/08/24
			19. 18/07/23
			20. 20/06/24
			21. 11/07/24
			22. 20/12/23
			23. 20/11/23
			24. 30/05/23
			25. 28/12/23
			26. 16/04/24
			27. 22/01/24
			28. 12/10/21
			29. 25/03/24
			30. 30/05/22
			31. 30/08/23
			32. 22/09/23
			33. 08/12/23
			34. 19/07/24
			35. 23/05/23
			36. 12/05/23
			37. 06/04/23

			38. 06/04/23
			39. 30/01/23
			40. 20/01/23
			41. 28/04/24
			42. 21/08/23
			43. 14/09/22
			44. 21/08/23
			45. 21/08/23
			46. 25/03/24
			47. 28/03/24
			48. 31/07/24
			49. 25/11/22
			50. 14/09/23
			51. 02/09/24
			52. 19/10/23
			53. 03/04/24
			54. 12/04/24
			55. 13/03/24
			56. 13/09/23
			57. 13/09/23
			58. 14/06/24
			59. 21/02/23
			60. 22/09/23
			61. 19/12/23
			62. 02/07/24

Union membership

(135) Are you a member of a union?

(a) If yes, what union?

ANSWER:

I am advised:

The Constitution (Disclosures by Members) Regulation 1983 (the Regulation) sets out Members' obligations to disclose relevant pecuniary and other interests in periodic returns to Parliament. Clause 13 of the Regulation relevantly requires the disclosure of the name of each trade union and each professional or business association 'in which he or she held any position' as at specified dates. The Regulation does not require Members to disclose membership of a trade union. Membership of Unions can be disclosed on a discretionary basis. The Clerk of the Parliaments has confirmed that this view is consistent with guidance provided to Members.

TikTok

(136) Are you on TikTok?

(a) If yes, do you access TikTok from a NSW Government device?

ANSWER:

I am advised:

The Circular DCS-2023-01 Cyber Security NSW Directive - Protecting NSW Government information on government-issued devices sets out how NSW Government agencies are to manage the risk of using TikTok.

More information is available at: <https://arp.nsw.gov.au/dcs-2023-01-cyber-security-nsw-directive-protecting-nsw-government-information-on-government-issued-devices/>

Land audit – Department(s)/Agency(s)

(137) Has your portfolio department(s)/agency(s) undertaken a land audit of surplus government property in any of the following postcodes:

- (a) 2077?
- (b) 2079?
- (c) 2080?
- (d) 2081?
- (e) 2082?
- (f) 2083?
- (g) 2117?
- (h) 2118?
- (i) 2119?
- (j) 2120?
- (k) 2121?
- (l) 2125?
- (m) 2126?
- (n) 2151?
- (o) 2154?
- (p) 2156?
- (q) 2157?
- (r) 2158?
- (s) 2159?
- (t) 2756?
- (u) 2775?

i. If yes to (a) to (u), how many properties have been identified?

ANSWER:

I am advised:

The NSW Government has been conducting an audit of government land to identify surplus sites that are suitable for social, affordable or market housing.

The locations of an initial set of 44 sites identified by the audit will be made public over the coming weeks and months as they are transferred to housing delivery agencies or brought to market.

Signal

(138) Are you on Signal?

(a) If yes, do you access Signal from a NSW Government device?

ANSWER:

I am advised:

Like the former Coalition Government, a range of communications are used by the NSW Government.

I comply with the State Records Act 1998 and I expect all staff members to comply with their obligations under the State Records Act 1998.

CFMEU membership

(139) Have you ever been a member of the Construction, Forestry and Maritime Employees Union (CFMEU)?

(a) If yes, when?

ANSWER:

I am advised:

The Constitution (Disclosures by Members) Regulation 1983 (the Regulation) sets out Members' obligations to disclose relevant pecuniary and other interests in periodic returns to Parliament.

Clause 13 of the Regulation relevantly requires the disclosure of the name of each trade union and each professional or business association 'in which he or she held any position' as at specified dates. The Regulation does not require Members to disclose membership of a trade union.

Membership of Unions can be disclosed on a discretionary basis. The Clerk of the Parliaments has confirmed that this view is consistent with guidance provided to Members.

Department(s)/Agency(s) Annual Reports

(140) In what month will the 2023-24 annual reports for each department / agency in your portfolio be published?

ANSWER:

I am advised:

The annual report of a reporting GSF agency is to be prepared, submitted and tabled in accordance with requirements under the Government Sector Finance Act 2018 and Treasurer's Direction 23-11.

(141) Will the 2023-24 annual reports for the department / agency in your portfolio include a printed copy?

(a) If yes, how much is budgeted for printing in 2024-25?

ANSWER:

I am advised:

As per the NSW Treasury Policy and Guidelines – Annual Reporting Requirements TPG23-10, agencies in the portfolio will be providing two printed copies of the annual report (via in house printing) to the Minister for tabling in both houses of Parliament.
The cost is incurred by internal printing and office supply budgets.

ETU membership

- (142) Have you ever been a member of the Electrical Trades Union (ETU)?
(a) If yes, when?

ANSWER:

I am advised:

The Constitution (Disclosures by Members) Regulation 1983 (the Regulation) sets out Members' obligations to disclose relevant pecuniary and other interests in periodic returns to Parliament. Clause 13 of the Regulation relevantly requires the disclosure of the name of each trade union and each professional or business association 'in which he or she held any position' as at specified dates. The Regulation does not require Members to disclose membership of a trade union. Membership of Unions can be disclosed on a discretionary basis. The Clerk of the Parliaments has confirmed that this view is consistent with guidance provided to Members.

Paper shredder

- (143) Does your ministerial office have a paper shredder?

ANSWER:

I am advised:

When the NSW Government was elected in 2023, shredders used by the former Liberal and National Government were left in Ministerial and Parliament offices.
Office equipment is purchased in line with NSW Government procurement rules.

Department(s)/Agency(s) in Portfolio

- (144) What department(s)/agency(s) are included in your portfolio?

ANSWER:

I am advised:

The Cabinet Office publishes a Governance Arrangements Chart containing information about Ministers, NSW Government agencies established under Schedule 1 to the Government Sector Employment Act 2013 and State Owned Corporations established under Schedule 5 to the State Owned Corporations Act 1989. The Governance Arrangements Chart outlines the agencies in the Premier and Cabinet portfolio.

The Governance Arrangements Chart may be accessed via The Cabinet Office's website at www.nsw.gov.au/sites/default/files/noindex/2024-08/20240807-Governance-Arrangements-Chart.pdf

The Government Sector Employment Act 2013, and Administrative Arrangements Orders made under Part 7 of the Constitution Act 1902, are available on the NSW Legislation website (www.legislation.nsw.gov.au).

Former Ministerial Employees

(145) Are there any former employee from your ministerial office now employed by any department/agency within your portfolio responsibilities?

(a) If yes, how many?

ANSWER:

I am advised:

The employment of former Ministerial office staff is not tracked.

Under the Government Sector Employment Act 2013, the Secretary of a Department exercises the employer functions of the Government in relation to departmental employees. The Secretary is not subject to the direction or control of a Minister in the exercise of those functions. Similarly, the head of a Public Service agency exercises the employer functions of the Government in relation to non-Public Service senior executives of the agency. A head of a Public Service agency is not subject to the direction or control of a Minister in the exercise of those functions.

All NSW government sector employees must comply with the Code of Ethics and Conduct for NSW government sector employees. Employees must also have regard to their relevant agency's code of conduct.

Ministerial office staff must comply with their ethical obligations under the NSW Office Holder's Staff Code of Conduct, including after the cessation of the employment.

Qantas Chairman's Club

(146) Are you a Member of the Qantas Chairman's Club?

(a) If no, have you ever previously been a member?

(b) If yes, when did you cease to be a member?

(c) If yes, when did you initially become a member?

(d) If yes, when did you make a declaration to The Cabinet Office?

(e) If yes, how many times since 28 March 2023 have you used the Qantas Chairman's Club?

ANSWER:

I am advised:

The Constitution (Disclosures by Members) Regulation 1983 (Regulation) sets out Members' obligations to disclose relevant pecuniary and other interests in periodic returns to Parliament. The Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics Report on Review of the Code of Conduct, Aspects of Disclosure of Interests, and Related Issues (December 2010) notes that:

"Advice has been received from the Crown Solicitor that use of the Chairman's Lounge by invitation is not a "gift" for the purposes of clause 10 of the Regulation, as it does not involve disposition of property. However, when the membership leads to an upgrade valued at more than \$250, it becomes disclosable as a contribution to travel, and should be reported under clause 11 of the Regulation." Clause 16 of the Regulation allows a Member to, at their discretion, disclose any direct or indirect benefit, advantage or liability, whether pecuniary or not.

Relevant disclosures have been made to the Cabinet Office and to the Parliament.

Ministerial Staff – Local Government Councillors

(147) As at 30 June 2024, how many of your ministerial staff were local government councillors?

ANSWER:

I am advised:

Ministerial staff are employed by Ministers, on behalf of the State, in their capacity as "political office holders" under Part 2 of the Members of Parliament Staff Act 2013 (Act).

All Ministerial staff are required to comply with the NSW Office Holder's Staff Code of Conduct, including obligations to seek approval for secondary employment, and to take reasonable steps to avoid, and in all cases disclose, any actual or potential conflicts of interest (real or apparent).

(148) What local government(s) did they serve?

ANSWER:

I am advised:

Ministerial staff are employed by Ministers, on behalf of the State, in their capacity as "political office holders" under Part 2 of the Members of Parliament Staff Act 2013 (Act).

All Ministerial staff are required to comply with the NSW Office Holder's Staff Code of Conduct, including obligations to seek approval for secondary employment, and to take reasonable steps to avoid, and in all cases disclose, any actual or potential conflicts of interest (real or apparent).

ETU meetings

(149) Given ministerial diary disclosures do not include all meetings and provide exceptions to disclosures, since 28 March 2023, have you met with the ETU?

ANSWER:

I am advised:

In accordance with Premier's Memorandum M2015-05 Publication of Ministerial Diaries and Release of Overseas Travel Information, all Ministers publish extracts from their diaries summarising details of scheduled meetings held with stakeholders, external organisations, third-party lobbyists and individuals. Ministers are not required to disclose details of the following meetings:

- meetings involving Ministers, ministerial staff, parliamentarians or government officials (whether from NSW or other jurisdictions)
- meetings that are strictly personal, electorate or party political
- social or public functions or events
- meetings held overseas (which must be disclosed in accordance with regulation 6(1)(b) of the Government Information (Public Access) Regulation 2018 and Attachment B to the Memorandum), and
- matters for which there is an overriding public interest against disclosure.

Ministers' diary disclosures are published quarterly on The Cabinet Office's website (<https://www.nsw.gov.au/departments-and-agencies/the-cabinet-office/access-to-information/ministers-diary-disclosures>).

State Records Act

- (150) Have you and your ministerial office had training and/or a briefing about the State Records Act from State Records NSW and/or The Cabinet Office and/or Premier's Department?
- (a) If yes, when?

ANSWER:

I am advised:

The Ministers' Office Handbook provides guidance in relation to these obligations to assist each Minister's office.

The Premier's Department and The Cabinet Office also provide guidance, advice, training and support on these obligations for all Ministers' offices.

I expect my office to comply with their obligations under the State Records Act 1998.

Legal Costs

- (151) How much did the Department/agencies within your portfolio responsibilities spend in legal costs since 28 March 2023?
- (a) For what specific purposes or matters was legal advice sought?

ANSWER:

I am advised:

Legal costs are included in the Other Operating Expenses of an agency's financial statement and further categorised in the note to Other Operating Expenses in accordance with the guidance in TPG24- 05 Policy and Guidelines: Financial Reporting Code for NSW General Government Sector Agencies.

The practice of the Department is to include legal costs within the fees for services rendered category. Agencies will include legal costs as a separate line item if it is considered a material expense for the agency.

Details for the period prior to 30 June 2023 form part of the Department / Agency Annual Report 2022-23.

Details for the period 1 July 2023 to 30 June 2024 will form part of the Department /Agency Annual Report 2023-24.

Media releases and statements

- (152) Are all the ministerial media releases and statements issued by you publicly available at <https://www.nsw.gov.au/media-releases>?
- (a) If no, why?

ANSWER:

I am advised:

The Department of Customer Service (DCS) is responsible for managing www.nsw.gov.au/media-releases and the publication of media releases.

Advertising

- (153) How much has each Department/agency within your portfolio responsibilities spent on

advertising or sponsored posts since 28 March 2023 on the following social media platforms:

- (a) Facebook
- (b) Instagram
- (c) LinkedIn
- (d) TikTok
- (e) YouTube
- (f) X (formerly known as Twitter)

ANSWER:

I am advised:

Department and agency expenditure is published in Annual Reports and on OpenGov NSW and www.data.nsw.gov.au

Catering

(154) How much of your ministerial budget was spent on catering in 2023-24?

ANSWER:

I am advised:

Catering provided for official purposes may be funded from the Ministerial office budget.

Catering costs for the period 1 July 2023 to 30 June 2024 will form part of the Department / Agency Annual Report 2023-24.

As Members of Parliament, Ministers have credit facilities extended to them for dining and hospitality at Parliament House. The facilities may be used for business or private purposes.

(155) Was catering used for external stakeholders?

- (a) If yes, who were these external stakeholders?

ANSWER:

I am advised:

Catering provided for official purposes may be funded from the Ministerial office budget.

As Members of Parliament, Ministers have credit facilities extended to them for dining and hospitality at Parliament House. The facilities may be used for business or private purposes.

Parliamentary Secretary

(156) Does your Parliamentary Secretary have pass access to your ministerial office?

ANSWER:

Not applicable, as there is no Parliamentary Secretary for the portfolio responsibilities of the Minister for Better Regulation and Fair Trading, Minister for Industry and Trade, Minister for Innovation, Science and Technology, Minister for Corrections and Minister for Building.

(157) Does your Parliamentary Secretary have a desk in your ministerial office?

ANSWER:

Refer to Question 156.

(158) Did any catering costs in 2023-24 include expenditure on alcohol?

ANSWER:

Refer to Question 154.

Gin

(159) Since 28 March 2023, have you or your ministerial office purchased ‘gin’ using your ministerial budget?

ANSWER:

I am advised:

The NSW Office Holder’s Staff Code of Conduct, which is Attachment B to the Ministers' Office Handbook, provides that all office holder staff must use State resources for the effective conduct of public business in a proper manner. Office holder staff must be economical and efficient in the use and management of public resources.

The Handbook can be found here: <https://www.nsw.gov.au/sites/default/files/noindex/2023-12/Ministers-Office-Handbook.pdf>.

Ministerial Vehicles and Driving Offences

(160) Since 28 March 2023, have you personally driven your ministerial vehicle?

ANSWER:

I am advised:

Ministers, the Leader of the Opposition, other nominated public office holders, and certain former office holders are provided with official cars and drivers.

Office holders may drive themselves whenever they choose. Cars should be driven only by the office holder, officially employed drivers, the office holder’s spouse or approved relative and any other person authorised by the office holder in those circumstances considered to be appropriate.

(161) As a driver since 28 March 2023:

- (a) Have you been pulled over by the NSW Police Force?
- (b) Have you been fined for speeding?
- (c) Have you been fined for school zone related offence?
- (d) Have you been fined for red light related offence?
- (e) Have you been involved in an accident that included the NSW Police attending the scene?
 - i. If yes to a) to e), did this include whilst driving your ministerial vehicle?

ANSWER:

I am advised:

Ministers, like all members of the community are subject to the laws of New South Wales, including Road Rules 2014. Where a fine is incurred, the payment of the fine is the responsibility of the driver of the vehicle.

Speeches

(162) Does your portfolio department(s) / agency(s) draft and write speeches for you?

ANSWER:

I am advised:

Department and agency staff may contribute to factual information for speaking notes as part of their duties in line with longstanding practices in place under successive governments.

(163) How many public servants have undertaken writing speeches in your portfolio department(s) / agency(s)?

ANSWER:

I am advised:

Department and agency staff may contribute to factual information for speaking notes as part of their duties in line with longstanding practices in place under successive governments.

Hard hats and/or vests

(164) Do you have a hard hat and/or vest for visiting infrastructure sites?

(a) If yes, was it paid from your ministerial budget?

ANSWER:

I am advised:

Ministers are to comply with the appropriate use of personal protective equipment as per Work Health and Safety Regulation 2017.

The NSW Office Holder's Staff Code of Conduct, which is Attachment B to the Ministers' Office Handbook, provides that all office holder staff must use State resources for the effective conduct of public business in a proper manner. Office holder staff must be economical and efficient in the use and management of public resources. State resources are not to be subject to wasteful or extravagant use.

Ministerial Advisers

(165) How many staff members were employed in your ministerial office in 2023-24 FY?

ANSWER:

I am advised:

Ministerial staffing numbers are proactively published on the NSW Government Website:

<https://www.nsw.gov.au/departments-and-agencies/the-cabinet-office/access-to-information/premier-and-ministers-staff-numbers>

(166) What is the average salary for staff members in your ministerial office in 2023-24 FY?

ANSWER:

I am advised:

Ministerial staffing numbers are proactively published on the NSW Government Website:

<https://www.nsw.gov.au/departments-and-agencies/the-cabinet-office/access-to-information/premier-and-ministers-staff-numbers>

Ministerial disclosures to The Cabinet Office

(167) On what date did you last update/make a ministerial disclosure to The Cabinet Office?

ANSWER:

I am advised:

The Ministerial Code of Conduct (Ministerial Code) requires Ministers to make certain disclosures to the Premier and the Secretary of The Cabinet Office.

I comply with my obligations under the Ministerial Code.

GIPA Applications / Standing Order 52 – Ministerial Office

(168) Does your ministerial office have staff member(s) to undertake Government Information (Public Access) Act application(s) and/or Standing Order 52 requests?

- (a) If yes, has that ministerial staffer(s) received formal training about their legal obligations?

ANSWER:

I am advised:

The Cabinet Office provides training for Ministerial staff on their obligations under the Government Information (Public Access) Act 2009 (GIPA Act) and the requirements for responding to orders for papers under Standing Order 52 of the Legislative Council.

(169) How many GIPA Applications have been received by your ministerial office since 28 March 2023?

ANSWER:

I am advised:

Information concerning the obligations of a Minister's office as an agency under the Government Information (Public Access) Act 2009 (the Act) is required to be submitted to the Attorney General in accordance with section 125(2) of the Act.

The information is included in the annual report of the Department of Communities and Justice in accordance with sections 125(3) and (5) of the Act.

Police Commissioner Gin

(170) Have you received gin from the Police Commissioner?

ANSWER:

No.

Cabinet Sub Committees

(171) What cabinet sub committees are you a member of?

ANSWER:

I am advised:

Details of individual Cabinet committee members and the work of Cabinet committees are not generally made public. This reflects the longstanding Cabinet conventions of confidentiality and collective Ministerial responsibility, which are central to the Westminster system of government. The NSW Cabinet Practice Manual is publicly available on the NSW Government website (www.nsw.gov.au) and provides information on operation of Cabinet and committees in NSW

E-Toll

(172) Does your ministerial vehicle have an E-Toll?

- (a) If yes, is expenditure paid by your by your ministerial budget?

ANSWER:

I am advised:

Ministers, the Leader of the Opposition, other nominated public office holders, and certain former office holders are provided with official cars and drivers. All costs associated with these vehicles need to be paid from the relevant approved budget.

Costs for e-tolls form part of the Premier's Department Annual Report.

Department(s)/Agency(s) Gifts and Hospitality Register

(173) Does your portfolio department(s)/agency(s) have a gifts and/or hospitality register?

- (a) If yes, is it available online?
i. If yes, what is the URL?

ANSWER:

I am advised:

The Department of Customer Service's staff submit and manage their declarations through an internal online portal. This register is not publicly available.

The Premier's Department has a gifts and hospitality register. The Premier's Department publishes its Gifts and Hospitality Register in accordance with the Managing Gifts and Benefits: Minimum Standards. <https://www.nsw.gov.au/departments-and-agencies/premiers-department/access-to-information/gifts-and-hospitality-register>

The Department of Communities and Justice: <https://dcj.nsw.gov.au/resources/policies/gifts-benefits-and-bequests.html>

Workplace complaints

(174) Have you been the subject of any workplace complaints, including bullying, harassment, and sexual harassment since 28 March 2023?

ANSWER:

I am advised:

Any complaint or disclosure made under the Respectful Workplace Policy is confidential. The Respectful Workplace Policy applies to all Ministerial Offices and staff. As noted in the Goward review, a key aspect of effective workplace complaint policies is confidentiality in the complaint and investigation process.

Confidentiality ensures that staff feel safe about raising concerns and confident that action will be taken in response.

(175) Has any member of your ministerial staff been the subject of any workplace complaints, including bullying, harassment, and sexual harassment since 28 March 2023?

ANSWER:

I am advised:

Any complaint or disclosure made under the Respectful Workplace Policy is confidential. The Respectful Workplace Policy applies to all Ministerial Offices and staff. As noted in the Goward review, a key aspect of effective workplace complaint policies is confidentiality in the complaint and investigation process.

Confidentiality ensures that staff feel safe about raising concerns and confident that action will be taken in response.

Ministerial staff disclosure of gifts and/or hospitality

(176) Does your ministerial office keep a register of gifts and/or hospitality for staff to make disclosures?

ANSWER:

I am advised:

All Ministerial staff are required to comply with the Gifts, Hospitality and Benefits Policy for Office Holder Staff attached to the Ministers' Office Handbook and available on the NSW Government website.

(177) Have any staff members in your office been the recipient of any free hospitality?

- (a) What was the total value of the hospitality received?
- (b) Are these gifts of hospitality declared?

ANSWER:

I am advised:

All Ministerial staff are required to comply with their disclosure obligations under the Gifts, Hospitality and Benefits Policy for Office Holder Staff and I expect them to do so.

A breach of the Policy may be a breach of the Office Holder's Staff Code of Conduct. The Policy includes disclosure obligations for Ministerial staff in respect of gifts, hospitality and benefits over \$150.

If a Ministerial staff member is required by their role to accompany their Office Holder at an event that the Office Holder is attending as the State's representative, or where the Office Holder has

asked the staff member to attend, then attendance at that event would not constitute a gift or benefit for the purposes of the Policy.

Ministerial Code of Conduct

(178) Since 28 March 2023, have you breached the Ministerial Code of Conduct?

(a) If yes, what was the breach?

ANSWER:

I am advised:

All Ministers are expected to comply with their obligations under the NSW Ministerial Code of Conduct (**Ministerial Code**) at all times.

The Ministerial Code sets the ethical standards of behaviour required of Ministers and establishes practices and procedures to assist with compliance.

Among other matters, the Ministerial Code requires Ministers to:

- disclose their pecuniary interests and those of their immediate family members to the Premier
- seek rulings from the Premier if they wish to hold shares, directorships, other business interests or engage in secondary employment (known as ‘prohibited interests’)
- identify, avoid, disclose and manage conflicts of interest
- disclose gifts and hospitality with a market value over \$500.

A substantial breach of the Ministerial Code (including a knowing breach of any provision of the Schedule) may constitute corrupt conduct for the purposes of the *Independent Commission Against Corruption Act 1988*.

CFMEU meetings

(179) Given ministerial diary disclosures do not include all meetings and provide exceptions to disclosures, since 28 March 2023, have you met with the CFMEU?

ANSWER:

I am advised:

In accordance with the Premier’s Memorandum 2015-05, all Ministers publish extracts from their diaries summarising details of scheduled meetings held with stakeholders, external organisations, third-party lobbyists and individuals. Ministers are not required to disclose details of the following meetings:

- meetings involving Ministers, ministerial staff, parliamentarians or government officials (whether from NSW or other jurisdictions)
- meetings that are strictly personal, electorate or party political
- social or public functions or events
- meetings held overseas (which must be disclosed in accordance with regulation 6(1)(b) of the Government Information (Public Access) Regulation 2018 and Attachment B to the Memorandum), and

- matters for which there is an overriding public interest against disclosure.

Ministers' diary disclosures are published quarterly on The Cabinet Office's website (<https://www.nsw.gov.au/departments-and-agencies/the-cabinet-office/access-to-information/ministers-diary-disclosures>).

Credit Cards

- (180) Have you ever been issued with a credit card by a NSW Government department(s) and/or agency(s) since 28 March 2023?
- If yes, under what circumstance?
 - If yes, what items and expenditure was undertaken?

ANSWER:

I am advised:

Ministers and Ministerial Staff are not eligible to receive Departmental credit cards except in the case of overseas travel. In cases of overseas travel short-term cards will be issued and returned at the completion of official travel together with a travel diary for fringe benefit tax purposes.

Where an NSW Government-issued credit card is provided the credit card must only be used for official overseas business trips and official business purposes, this includes for transport to/from the airport when departing/returning from the trip. NSW Government-issued credit cards for official business trips overseas will be held with government contract bankers and used within credit limits imposed. Credit cards are a useful means of expenditure control, but their use should never be for personal purposes.

Costs associated with overseas travel are published on the NSW Government website in line with M2015-05.

- (181) For each department, agency and/or other body in the Minister's portfolio please report:
- How many credit cards are currently on issue for staff? (Please provide a breakdown of this information by grade)
 - What was the value of the largest reported purchase on a credit card for the last year?
 - What was each largest reported purchase for?
 - What was the largest amount outstanding on a single card at the end of a payment period?
 - And what was the card holder's employment grade?
 - How many credit cards have been reported lost or stolen?
 - What was the cost to replace them?
 - How many credit card purchases were deemed to be illegitimate or contrary to agency policy?
 - How many purchases were asked to be repaid on the basis that they were illegitimate or contrary to agency policy and what was the total value thereof?

- ii. Were all those amounts repaid?
- (i) Are any credit cards currently on issue connected to rewards schemes?
 - i. Do staff receive any personal benefit as a result of those reward schemes?
 - ii. Can a copy of the staff credit card policy please be provided?

ANSWER:

I am advised:

The use and management of purchasing (credit) cards for official purposes is in accordance with standard procurement arrangements of the NSW Government.

Policies are available here: <https://www.nsw.gov.au/departments-and-agencies/premiers-department/access-to-information/policy-documents>.

Further, each Department / Agency within the portfolio have a specified policy, these are attached.

Department(s)/agency(s) desk or office

(182) Do you have a desk or office in your portfolio department(s)/agency(s) building(s)?

ANSWER:

I am advised:

I make use of an office in 52 Martin Place and NSW Parliament.

When travelling, Ministers may make ad hoc arrangements to work for periods in Departmental offices.

Senior Executive Drivers

(183) How many senior executives in your portfolio department(s) / agency(s) have a driver?

ANSWER:

I am advised:

No senior executive employed by the Department or Agencies within the portfolio have a driver.

Mobile phones

(184) How many mobile phones has your ministerial office been allocated as at 1 July 2024?

ANSWER:

I am advised:

Ministers' Staff Acceptable Use of Communication Devices Policy provides guidance on the use, loss, theft, and return of communication devices provided for business purposes.

Minister's staff may use mobile telephones for business and (reasonable use) private purposes.

Under the current mobile plans all local and Australia-wide calls to land lines/mobiles and texts are included in the plan. Premium service calls, international calls and global roaming services are

outside of the plan and may be still chargeable based on the principles below.

Ministers' staff mobile phone charges are paid from the Ministers' office budget except for the items listed below, which need to be paid as a private expense:

- Personal international calls from within Australia
- Personal travel related global roaming charges
- Personal premium number service calls

Any personal calls which are outside the plan need to be declared and paid for monthly. Declarations are not required otherwise.

The purchasing of technology items is in accordance with standard procurement arrangements. The costs form part of the Premier's Department Annual report.

(185) How many mobile phones in your ministerial office have been lost or stolen since 28 March 2023?

ANSWER:

I am advised:

Ministers' Staff Acceptable Use of Communication Devices Policy provides guidance on the use, loss, theft, and return of communication devices provided for business purposes.

Minister's staff may use mobile telephones for business and (reasonable use) private purposes.

Under the current mobile plans all local and Australia-wide calls to land lines/mobiles and texts are included in the plan. Premium service calls, international calls and global roaming services are outside of the plan and may be still chargeable based on the principles below.

Ministers' staff mobile phone charges are paid from the Ministers' office budget except for the items listed below, which need to be paid as a private expense:

- Personal international calls from within Australia
- Personal travel related global roaming charges
- Personal premium number service calls

Any personal calls which are outside the plan need to be declared and paid for monthly. Declarations are not required otherwise.

The purchasing of technology items is in accordance with standard procurement arrangements. The costs form part of the Premier's Department Annual report.

Efficiency dividends

(186) Was an efficiency dividend applied to your portfolio department(s) / agency(s) within your portfolio responsibilities in:

(a) 2023-24?

(b) 2024-25?

- i. If so, what was the efficiency dividend applied to each department/agency?
- ii. What measures are being considered to achieve this efficiency dividend?

ANSWER:

I am advised:

The budget papers include detailed information on budgeted expenses, revenue and capital expenditure. This includes detailed financial statements for individual agencies as well as for government as a whole. The budget papers also outline the financial impact of measures in the budget on individual portfolios as well as for government as a whole.

Stationery

(187) How much of your ministerial budget was spent on stationery in 2023-24?

ANSWER:

I am advised:

Spending on office stationery is in accordance with standard procurement arrangements. The costs of stationery are contained within the Premier's Department Annual Report.

(188) Did your stationery expenditure include gifts for external stakeholders?

- (a) If yes, what was the gift(s)?
- (b) If yes, who received the gift(s)?

ANSWER:

I am advised:

The Ministers' Office Handbook outlines that the decision to present a gift is at the discretion of the Minister, having regard to both appropriateness and economy. Gifts may be appropriate, for example, where given as a memento of an official visit or as a small token of appreciation. However, gifts should not be given with the purpose, or in circumstances where they could be perceived as having the purpose, of inducing favourable treatment.

Gifts may be purchased as needed on an occasional basis or purchased and stored for future use. Gifts need to be purchased in accordance with NSW Government procurement policy.

Consultants

(189) Since 28 March 2023, how many consultancy contracts have been signed in your portfolio agencies, broken down by agency?

- (a) What was the individual amount of each contract?
- (b) What is the purpose of each contract?
- (c) Who was the contract with?
- (d) Did the contract go through a competitive tender?

ANSWER:

I am advised:

Consultancy expenditure, including details of consulting engagements over \$50,000, are included in the annual reports of agencies and departments in accordance with the NSW Treasury Policy and Guidelines TPG23-10 - Annual Reporting Requirements.

Details for the period prior to 30 June 2023 form part of the Department / Agency Annual Report

2022-23.

Details for the period 1 July 2023 to 30 June 2024 will form part of the Department / Agency Annual Report 2023-24.

GIPA Applications – Department(s)/Agency(s)

(190) Since 28 March 2023, have you and/or your ministerial office given instructions to your portfolio department(s)/agency(s) in relation to Government Information (Public Access) Act application(s)?

ANSWER:

I am advised:

The Government Information (Public Access) Act 2009 provides that agencies are not subject to the direction or control of any Minister in the exercise of the agency's functions in dealing with a particular access application under the Act (subsection 9(2)). The Act also contains offences prohibiting agency officers from acting unlawfully, and prohibiting persons from directing agencies to make an unlawful decision in relation to an access application (sections 116 and 117 of the Act).

It is, however, generally appropriate for agencies to inform the responsible Minister where documents are to be released under the Act, for the Minister's information.

Department(s)/Agency(s) Travel

(191) As Minister, do you approve overseas travel for public servants in your portfolio department(s) / Agency(s)?

(a) If yes, how many overseas trips have you approved since 28 March 2023?

ANSWER:

I am advised:

The NSW Government Travel and Transport Policy provides a framework for NSW Government travelling employees and covers official air and land travel by public officials using public money. Section 2.1 of that Policy sets out approvals required in relation to overseas travel. Further information in relation to the Policy can be found here: <https://www.info.buy.nsw.gov.au/policy-library/policies/travel-and-transport-policy>.

NSW Treasury Policy and Guidelines – Annual Reporting Requirements (TPG-10) requires agencies to include information on overseas visits by officers and employees in agency annual reports.

Information for the period prior to 30 June 2023 is available in agencies' 2022-23 annual reports. Information for the period between 1 July 2023 and 30 June 2024 will be available in agencies' 2023-24 annual reports.

(192) Since 28 March 2023, how much has been spent on charter air flights by your portfolio agencies, broken down by agency?

ANSWER:

I am advised:

Charter air flights are contained within the travel costs category in the Other Operating Expenses note of the audited financial statements within the Department / Agency's Annual Report. This is in accordance with the Treasury Direction TD23-11 Annual reporting requirements.

The travel costs for the period prior to 30 June 2023 form part of the Department / Agency Annual Report 2022-23.

Travel costs for the period 1 July 2023 to 30 June 2024 will form part of the Department / Agency Annual Report 2023-24.

- (193) Since 28 March 2023, how much has been spent on domestic flights by your portfolio agencies, broken down by agency?
- (a) Of these, how many flights were taken in business class?

ANSWER:

I am advised:

Domestic travel is contained within the travel costs category in the Other Operating Expenses note of the audited financial statements within the Department / Agency's Annual Report. This is in accordance with the Treasury Direction TD23-11 Annual reporting requirements.

The travel costs for the period prior to 30 June 2023 form part of the Department / Agency Annual Report 2022-23.

Travel costs for the period 1 July 2023 to 30 June 2024 will form part of the Department / Agency Annual Report 2023-24.

Official travel is taken in accordance with the NSW government travel policy.

- (194) Since 28 March 2023, how much has been spent on international flights by your portfolio agencies, broken down by agency?
- (a) Of these, how many flights were taken in business class?
- (b) Of these, how many flights were taken in first class?

ANSWER:

I am advised:

The NSW Government Travel and Transport Policy provides a framework for all NSW Government travelling employees and covers all official air and land travel by public officials using public money.

Further information in relation to the Policy can be found here:

<https://www.info.buy.nsw.gov.au/policy-library/policies/travel-and-transport-policy>

The travel costs for the period prior to 30 June 2023 form part of the Department / Agency Annual Report 2022-23.

Travel costs for the period 1 July 2023 to 30 June 2024 will form part of the Department / Agency Annual Report 2023-24.

- (195) What was the total expenditure since 28 March 2023 by each Department/agency within

your portfolio responsibilities on:

- (a) Taxi hire?
- (b) Ridesharing services?
- (c) Limousine/private car hire?
- (d) Hire car rental?

ANSWER:

I am advised:

The items are contained within the travel costs category in the Other Operating Expenses note of the audited financial statements within the Department / Agency's Annual Report.

This is in accordance with the Treasury Direction TD23-11 Annual reporting requirements.

The travel costs for the period prior to 30 June 2023 form part of the Department / Agency Annual Report 2022-23.

Travel costs for the period 1 July 2023 to 30 June 2024 will form part of the Department / Agency Annual Report 2023-24.

Union membership fees

(196) What was the expenditure for you to join a union in:

- (a) 2022-23?
- (b) 2023-24?
- (c) 2024-25?

ANSWER:

I am advised:

The Constitution (Disclosures by Members) Regulation 1983 (the Regulation) sets out Members' obligations to disclose relevant pecuniary and other interests in periodic returns to Parliament. Clause 13 of the Regulation relevantly requires the disclosure of the name of each trade union and each professional or business association 'in which he or she held any position' as at specified dates. The Regulation does not require Members to disclose membership of a trade union. Membership of Unions can be disclosed on a discretionary basis. The Clerk of the Parliaments has confirmed that this view is consistent with guidance provided to Members.

Training

(197) Since 28 March 2023, have you had training from an external stakeholder that included an invoice and payment paid for using your ministerial budget?

- (a) If yes, what is the description of training?
- (b) If yes, how much?

ANSWER:

I am advised:

Ministers have undertaken a program of Ministerial induction training. Ministers have undertaken Respectful Workplace Policy Training.

Members of Parliament are provided with a Skills Development Allowance that may be used in a manner consistent with the Parliamentary Remuneration Tribunal Annual Determination.

Cabinet documents

(198) Since 28 March 2023, have you shared Cabinet documents with your Parliamentary Secretary?

ANSWER:

Not applicable, as there is no Parliamentary Secretary for the portfolio responsibilities of the Minister for Better Regulation and Fair Trading, Minister for Industry and Trade, Minister for Innovation, Science and Technology, Minister for Corrections and Minister for Building.

Website usage

(199) What were the top 20 most utilised (by data sent and received) unique domain names accessed by your ministerial office since 28 March 2023?

ANSWER:

I am advised:

All acceptable use of network services must be lawful, appropriate, and ethical.

The Ministers' Staff Acceptable Use of Network Services Policy is available in the Ministers' Office Handbook.

(200) What were the top 20 most accessed (by number of times accessed) unique domain names accessed by your ministerial office since 28 March 2023?

ANSWER:

I am advised:

All acceptable use of network services must be lawful, appropriate, and ethical.

The Ministers' Staff Acceptable Use of Network Services Policy is available in the Ministers' Office Handbook.

Department(s)/Agency(s) Employees

(201) How many senior executive service employees were employed by each Department/agency within your portfolio responsibilities on:

- (a) 28 March 2023?
- (b) 1 July 2023?
- (c) 1 January 2024?
- (d) 1 July 2024?

ANSWER:

I am advised:

The number of senior executives is publicly reported within Annual Reports.

(202) How many public servants within your portfolio department(s)/agency(s) were paid more than the Premier in 2023-24?

ANSWER:

I am advised:

The remuneration of public service senior executives is published in the respective Department /Agency Annual Reports.

(203) How many redundancies were processed by each Department(s)/agency(s) within your portfolio responsibilities since 28 March 2023?

- (a) Of these redundancies, how many were:
 - i. Voluntary?
 - ii. Forced?
- (b) What was the total cost of all redundancies in each Department/agency within your portfolio responsibilities?

ANSWER:

I am advised:

Redundancies are published in the respective Department /Agency Annual Reports under employee related expenses.

Ministerial visits

(204) Since 28 March 2023, have you visited any of these postcodes:

- (a) 2077?
- (b) 2079?
- (c) 2080?
- (d) 2081?
- (e) 2082?
- (f) 2083?
- (g) 2117?
- (h) 2118?
- (i) 2119?
- (j) 2120?
- (k) 2121?
- (l) 2125?
- (m) 2126?
- (n) 2151?
- (o) 2154?
- (p) 2156?
- (q) 2157?
- (r) 2158?
- (s) 2159?

- (t) 2756?
- (u) 2775?
 - i. If yes to (a) to (u):
 - (1) What was the purpose of the visit(s)?
 - (2) Did you make a funding announcement(s)?

ANSWER:

I am advised:

Ministers' diary disclosures are publicly available.

Premier's and Ministers' domestic travel information is published on the Premier's Department's website at: <https://www.nsw.gov.au/departments-and-agencies/premiers-department/access-to-information/premier-and-ministers-domestic-travel>

Camera, video recorder and microphones

(205) Does your ministerial office have the following paid by your ministerial budget:

- (a) Handheld camera?
- (b) Handheld video recorder?
- (c) Microphone?
 - i. If yes to (a) to (c), how much is each worth when purchased?

ANSWER:

I am advised:

Ministers' Staff Acceptable Use of Communication Devices Policy provides guidance on the use, loss, theft, and return of communication devices provided for business purposes.

The purchasing of technology items is in accordance with standard procurement arrangements.

The costs form part of the Premier's Department Annual Report.

Department of Premier and Cabinet



Purchasing Card Policy

November 2022

Document management

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1 Overview

1.1 Policy Statement

The Department of Premier and Cabinet (DPC) recognises that Purchasing Cards (PCards) are an efficient method for arranging the purchase of goods and services subject to certain conditions, and for tracking expenditure.

DPC is committed to ensuring that employees can perform their duties in an efficient and effective manner, while maintaining management control over the use of official resources.

As a result, a PCard may be provided to an employee, who is a government officer, where a legitimate ongoing business requirement can be demonstrated.

This extends to DPC's use of Virtual Cards (VCards).

1.2 Objective

The purpose of this policy is to clearly outline the conditions and processes to ensure effective management control over the use of official PCards.

Conforming with this policy will ensure that the following risks associated with the use and management of PCards are minimised and effective and efficient delivery of government programs is supported through a well-managed PCard program:

- Misuse of PCards
 - Inefficient use of Departmental resources
 - Fraudulent misappropriation of Departmental funds
 - Unauthorised or unapproved transactions.
-

1.3 PCard Program

A PCard is a commercial purchasing card issued at the request of DPC by the banking services provider engaged by the Treasurer. It is issued to officers to use exclusively for the purchase of goods and services on behalf of DPC.

1.4 VCard Program

A VCard is like a purchasing card but is not issued as a physical card, rather as a 16-digit number issued by the card issuer (Citibank). A VCard is typically issued as a 'whole-of-agency' card for the purchase of goods or services from a single supplier and it can have multiple 'Cardholders'. In this policy document, both the PCard and VCard are referred to in the singular term, PCard unless stated otherwise.

1.5 Relationship to Other Documents

The PCard program is governed by this policy document and all other relevant government and Departmental policies, instructions, and related memoranda. These policy documents can be accessed in the DPC intranet.

The policy should be read in conjunction with the:

- Procurement Policy
- Financial Delegations
- Code of Conduct
- Gifts and Benefits Policy
- NSW Treasury policy TPP21-02 *Use and Management of NSW Government purchasing Cards*

The Secretary, as the Accountable Authority for the DPC, is ultimately responsible for the proper management and administration of PCards within DPC. This policy, operating in conjunction with

other DPC and NSW Government policies, forms part of the internal control framework over financial transactions of DPC.

2 Who Does this Policy Apply to?

The policy and procedures apply to all Cardholders, who have been provided with a PCard; and line managers of Cardholders. All staff are responsible for implementing this policy.

2.1 Eligibility

Permanent and temporary officers of the Department may apply for a PCard.

Contractors and other non-officers of DPC are allowed to apply for PCards in exceptional circumstances.

To be eligible for a PCard, an officer **must** meet one or more of the following criteria:

- Frequently purchase goods and services in the course of their duties
- Travel frequently in the course of their duties
- Travel overseas on official business

Officers who are seconded to another Department, for the duration of their secondment, must return their PCard to DPC Finance, Strategy and Performance Branch (FSP).

3 Key Responsibilities

All staff who are issued with PCards have responsibilities under this policy. Managers, senior management and/or the head of the agency also have added responsibilities. DPC FSP have specific responsibilities.

3.1 Cardholder

The cardholder is personally responsible and accountable for:

- The responsible use of the PCard.
- The safekeeping of the PCard. Personal Identification Numbers (PINs) must not be disclosed to anyone and must not be carried with the PCard.
- Reconciling PCard expenditure within 30 days of each transaction. If transactions remain outstanding and no acceptable reason is submitted for non-compliance, a cardholder's PCard may be cancelled without warning
- Retaining and submitting all receipts with the reconciliation as supporting documentation. Cardholders must obtain a duplicate receipt from the supplier if an original receipt is lost. If it is not possible to obtain a duplicate receipt, the cardholder must provide a declaration detailing particulars and certifying that the expenditure was business related.
- Contacting Citibank to cancel lost or stolen cards immediately.
- Limiting cash withdrawals to incidental travel expenses, and are to be used only in exceptional circumstances.
- Immediately reporting any unauthorised transactions which appear on their PCard account to DPC FSP and Citibank.

3.2 Manager

The manager of the cardholder is responsible and accountable for:

- Ensuring that cardholders submit transactions within 30 days of occurrence.
- Reviewing PCard transactions for compliance with DPC policies
- Authorising or rejecting all submitted transactions within 30 days.

- Advising FSP if the cardholder leaves DPC, or the PCard is no longer required.
-

3.3 DPC Finance, Strategy & Performance Branch

DPC Finance, Strategy & Performance are responsible for:

- The PCard policy and administration of the PCard program in DPC
 - Reviewing credit card activity to ensure compliance with this policy.
 - Providing guidance to staff regarding PCard usage.
 - Acting as a point of contact between the Department and the Citibank.
 - Supporting cardholders in action where there is evidence of misuse of a PCard (including possible unauthorised or fraudulent transactions).
 - Following up with cardholders and managers to ensure acquittals are occurring on a timely basis.
 - Reporting on PCard usage.
 - Management of exclusions from authorised purchases.
 - Maintaining restrictions on use of PCards for supplier payment types.
 - Cardholder training requirements.
-

3.4 GovConnect NSW

GovConnect NSW is responsible for:

- Maintaining the Expense8 system, including user access and security.
- Reconciling the General Ledger Control Account.

4 PCard limits

PCard transactions are subject to financial delegation limits, individual transaction limits, and monthly card usage limits.

- PCard holders are provided with a default financial delegation of \$10,000.
- Cardholders with a higher financial delegation may request a higher transaction limit, subject to Deputy Secretary and Chief Financial Officer (CFO) support. This is expected to be subject to business requirements and in exceptional circumstances only.
- Default individual transaction limits are \$10,000 per transaction.
- Default monthly credit limits for PCards are \$10,000 per month.
- ATM and over the counter withdrawal limits are set to zero. Where staff are travelling overseas on official business, an ATM withdrawal limit of \$600 per day may be made available. Before travelling, staff must contact FSP to arrange for this limit to be adjusted.

5 Conditions of Use

A PCard must only be used for official business. PCards should be kept in a secure place.

5.1 What PCards can be used for

A PCard can be used for:

- The purchase of goods and services, subject to exclusions.
 - A list of items excluded from Purchasing Card use can be found in **Appendix A** of this document.

- Purchases must be made through NSW Government contracted suppliers where applicable. Details of contracted suppliers can be found in the buy.nsw central contracts library.
 - Payment of claimable travel expenses when overseas only. For example, meals and incidentals.
 - Withdrawal of cash via ATM or over the counter when travelling overseas.
-

5.2 What PCards cannot be used for

Further to the items listed in **Appendix A**, a PCard **must not** be used for:

- Payment of one day meal expenses or overtime meals where the cost exceeds the limit specified by NSW Industrial Relations (these expenses are taxable and must be claimed through the payroll system)
 - Regular or periodic payments. These items should be arranged through a standing purchase order or DPC Virtual Card.
 - The purchase of capital items or low value, portable and attractive assets. These items should be procured through NSW Government contracts where possible, and paid for via an official Departmental purchase order, so the assets can be recorded and managed appropriately.
 - The purchase of any goods or services where the Cardholder may/will gain private advantage (e.g. frequent flyer points, rewards programs, etc.)
 - The purchase of goods or services where existing whole-of-government contracts are in place, e.g. airline tickets which must be obtained through the Department's travel provider (FCM Travel Solutions).
 - Expenses for rideshare services.
-

5.3 PCard Purchases for Entertainment or Hospitality Expenses

Where the purchase of entertainment or hospitality items is a legitimate business requirement, these must be approved in accordance with *Administrative Delegations (Category B)*. The cardholder must provide full supporting documentation, including all receipts and explanatory notes, with the card reconciliation.

Explanatory notes should contain sufficient detail to enable staff approving the expenditure or reviewing the card reconciliation to be satisfied that the business requirements for the purchase were legitimate. For example, if a card is used for the payment of meals and/or alcohol, the cardholder must provide the purpose of the purchase and a list of persons involved.

Supporting documentation must clearly identify costs incurred on behalf of Public Servants and non-Public Servants to allow for the calculation of any Fringe Benefits Tax (FBT) liability.

Alcohol related purchases are governed by different rules. The majority of PCard holders do not have delegation to purchase alcohol. Refer to the Gifts and Hospitality Policy and the Code of Conduct for further information.

5.4 PCard Purchases for Motor Vehicle Expenses

The payment of expenses related to Departmental motor vehicles should be limited to emergency situations only. Fuel should be purchased using fuel cards provided with the vehicle, while repairs and servicing should be arranged through Transport Services.

If a PCard is used in relation to a Departmental motor vehicle, the cardholder must provide copies of all receipts to Transport Services.

6 Procedures

6.1 Applying for a PCard

The applicant must complete and sign a Purchasing Card Application form and a Purchasing Card Responsibilities form (available on the Hub).

PCard applications must be approved by a line manager, of Executive Director level or higher.

Both forms are to be forwarded to DPC Finance, Strategy & Performance for processing at DPC.Procurement@dpc.nsw.gov.au.

Applications are reviewed by FSP, prior to lodgement with the banking service provider.

Applicants must then apply for a card via the Citibank website as directed by DPC Procurement.

6.2 Changes to PCard Limits

Alternative transaction limits and monthly card limits may be requested based on business requirements. Details should be provided to FSP, with evidence of approval from the Cardholder's Executive Director or higher.

6.3 Issuing PCards

PCards are ordered by DPC Finance, Strategy & Performance through the contracted bank (Citibank). Approximately 7-10 working days should be allowed for the processing of the card by the bank.

The applicant can request the card to be sent to their personal address or to the office. If the card has not been received within 10 working days, applicants can contact FSP to arrange follow up at DPC.Procurement@dpc.nsw.gov.au.

A Personal Identification Number (PIN) will need to be arranged with the bank.

6.4 Reconciliations

Transaction details are accessible via the Citibank reporting portal (CCRS). Separate monthly card statements are provided. Cardholders must reconcile expenditure within 30 days of the transaction date. Managers must authorise or reject all submitted transactions within 30 days. Any transactions disputed by the cardholder must be reported to FSP, who will pursue these items with the bank.

Receipts held by the cardholder should be matched to transactions appearing in the Expense8 system. A cost centre or project code must also be assigned.

Additional approval requirements:

- Purchases related to entertainment or hospitality require prior approval from a line manager at Executive Director level or higher.
- Purchases of alcohol, unrelated to a meal, require prior approval from the Cardholders Deputy Secretary, in accordance with (or as varied by) the DPC Gifts, Benefits and Hospitality Policy.
- This can be evidenced by signing of the receipt by the authority (or similar electronic evidence of approval) before it is scanned and submitted through the Expense8 system.

In the case of lost receipts, the cardholder must provide a written statement detailing particulars of the expenditure, in the form of a Statutory Declaration within the Expense8 system.

Detailed procedures relating to the processing and approval of transactions in the Expense8 system are contained on the DPC intranet.

The Expense8 system will enable reporting on all outstanding card transactions at any point in time. Cardholders who have transactions outstanding for more than 30 days will be notified accordingly by FSP. If transactions remain outstanding, the card may be cancelled without further notice.

6.5 Lost or Stolen Cards

The cardholder must immediately report a lost or stolen card to Citibank via telephone on 13 24 84 (Australia) or 61 2 8225 0615 (overseas).

6.6 Damaged Cards

Damaged cards can be replaced by cutting the card through the card numbers and disposing the card. Cardholders should email DPC Finance, Strategy & Performance on dpc.procurement@dpc.nsw.gov.au with a replacement request, and confirm that the damaged card has been destroyed and disposed. A new card will then be issued.

Replacement cards may take up to 10 working days to arrive.

6.7 Renewal of Cards

Replacement PCards will be issued by Citibank prior to the card expiry date.

6.8 Termination of Employment

Cardholders leaving the Department must cut the card through the card numbers dispose the card. Before their last day of duty, the cardholder must reconcile all outstanding expenditure on their purchasing card and advise FSP at dpc.procurement@dpc.nsw.gov.au, who will then cancel the card with Citibank.

Details of outstanding transactions for purchasing cards can be obtained from the Expense8 system. It is the responsibility of the Cardholder's manager to ensure all reconciliations are completed prior to last day of duty.

7 Breaches and Remedies

A breach of this policy may be a breach of the DPC's Code of Conduct or Code of Conduct for Procurement.

Officers issued with a PCard are in a position of trust regarding the use of public funds and improper use is a breach of the DPC Code of Conduct. The cardholder may be liable to disciplinary/legal action and/or criminal prosecution.

Decisions must be made fairly and respectfully. Before a finding is made against a person, the person should be informed of the substance of the allegation against them and provided with an opportunity to be heard. Additional support mechanisms may be available for all parties, where the parties choose to use them.

8 Availability and Implementation

A copy of this policy can be found on the DPC intranet and the DPC internet site.

All staff are responsible for implementing this policy.

Other documents relevant to this policy available on the intranet.

- Purchasing Card Application Form
- Purchasing Cards Responsibilities Form

9 References

9.1 DPC Policies and Procedures

- Code of Conduct
 - Financial Delegations
 - Fraud Control policy
 - Gifts and Hospitality Policy
 - Gifts and Hospitality: G.I.F.T Guide
 - Gifts and Hospitality: H.O.S.T. Guide
 - Meal, Traveling and Other Allowances
 - Procurement Policy and Procedures
 - Procurement Governance and Information Guide
 - Code of Conduct for Procurement
 - Taxi and Rideshare Usage Policy
-

9.2 Other Policies or Guides

- NSW Treasury Policy TPP21-02 Use and Management of NSW Government Purchasing Cards
 - NSW Treasury Circular TC21-01 NSW Payments Digital Reform – Digital Payment Adoption
 - Public Service Commission Managing Gifts and Benefits
 - Public Service Commission Code of Ethics and Conduct for NSW Government Employers
 - Small Business Commissioner - Faster Payment Terms Policy
 - NSW Government Travel and Transport Policy
 - NSW Treasury Circular Review of Meal, Travelling and Other Allowances
 - Crown Employees Award
-

9.3 Legislation

- Government Sector Finance Act 2018
- Government Sector Employment Act 2013
- Government Sector Audit Act 1983
- Independent Commission Against Corruption Act 1988
- Public Interest Disclosures Act 2022
- Government Information (Public Access) Act 2009 (GIPA Act)
- Public Works and Procurement Act 1912
- Ombudsman Act 1974

10 Contacts

Procurement Team, Finance Strategy and Performance

DPC.Procurement@dpc.nsw.gov.au

Appendix A – Exclusions

Items excluded from Purchasing Card use:

Air travel

Airline tickets must be purchased through the NSW Government contracted provider FCM where possible.

Emergency purchases only permitted.

Assets

Assets, including ICT equipment, should be purchased using a purchase order and be recorded in the Department's Asset Register.

Fuel/lubricants

Fuel and lubricants for Departmental motor vehicles should be purchased using fuel cards provided. Details of any purchases made using a PCard must be reported to Transport Services.

Contract labour

Must be engaged through Contractor Central/SAP Fieldglass.

Consultants

Must be purchased using a purchase order. Refer to DPC's Procurement policy regarding procurement of consultants.

OFFICIAL

OFFICIAL

Purchasing Card (PCard) Policy

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1 Purpose

The NSW Government has mandated the use of purchasing cards (PCards) for all transactions under \$10,000 and to encourage effective use and management of PCards across the NSW public sector.

This policy extends to include the agency's use of virtual cards (VCards). Both the PCard and VCard are generally referred in the singular term, PCard.

The Department of Communities and Justice (DCJ) should be aiming to use PCards for all procurement related expenditure of \$10,000 or less to:

- reduce the need and risk for carrying cash (i.e. petty cash)
- eliminate need for individual reimbursement claims
- reduce processing of purchase orders, vendor invoices and payment vouchers
- convenience in making purchases of low value/high volume transactions
- higher efficiency in reporting on expenditure
- including direction to ensure VCard adoption as a preferred card payment option for regular payments.

The NSW Treasury Policy and Guidelines Paper TPP17-09, [Use and Management of NSW Government Purchasing Cards \(PCards\)](#), details mandatory core requirements and operational guidelines to support the department for an effective, efficient and effective PCard program. The Purchasing Card (PCard) Policy has applied NSW Treasury policy and guidelines.

2 Definitions

Term	Definition
Authorising officer	The cardholders direct functioning and reporting officer holding appropriate financial delegation to review, authorise and supervise the use of the cardholder in the Expense Management System. Primarily this is the cardholder's line manager or a supervisor above.
Cardholder	The employee who has been issued the PCard.
Card issuer	The government-nominated service provider contracted for the administration and provision of PCards.
Delegate	People or a person nominated to code transactions on cardholders behalf. A delegate cannot approve expenditure.
Expense Management System (EMS)	An integrated based system that manages PCard transactions imported from the card issuer.
Officer approving application	The senior executive that is the final approver of the PCard application.

Term	Definition
PCard	Corporate purchasing credit card.
PCard administrator	A function performed in Finance Shared Services to oversee the operations, monitoring, reporting and compliance on the PCard system.
PCard team	A function performed in Finance Shared Services to assist with the day to day functioning of PCards.
Purchasing channel	A designated process and/or system utilised for purchases of a particular type or category e.g. FCM online portal for travel services.
Transaction statement date	The date the transaction was processed by the card issuer.
Valid tax invoice and goods and services tax (GST) requirements	<p>A valid tax invoice must contain:</p> <ul style="list-style-type: none"> • the words “tax invoice” stated prominently • the name and ABN of the supplier • the date of issue of the tax invoice • a brief description of the goods and/or services sold • total price of the sales (including GST). <p>For transactions of \$1,000 or greater, additional to above:</p> <ul style="list-style-type: none"> • the departments name, address and ABN. <p>If the supplier is registered for GST, invoices must be labelled 'tax invoice'. If the supplier is not registered for GST, invoices should not include the words 'tax invoice'.</p> <p>Transactions under \$82.50 (including GST) do not require a tax invoice to claim GST.</p> <p>Transactions over \$82.50 (including GST) do require a valid tax invoice. A valid tax invoice/receipt is applicable to claim GST and must contain:</p> <ul style="list-style-type: none"> • the name of the supplier • the date of issue of the receipt • a brief description of the goods and/or services sold • total price of the sales (including GST). <p>NOTE: EFTPOS Receipts are insufficient as evidence of a PCard transaction.</p>
Virtual card (VCard)	Refers to a credit card that is not issued as a physical card, rather a 16-digit number provided to a supplier for use in card-not-present transactions. The VCard is established in the GSF agency’s name. To protect the card security, typically one card is created for use by a single supplier (merchant).

3 Scope

This policy applies to all divisions of DCJ. A number of agencies have also endorsed the use of this policy and associated procedures and guidelines (a reference to the department is also a reference to the agencies below):

- Trustee of ANZAC Memorial Bridge (TAMB)
- Legal Services Council (LSC)
- Legal Profession Admission Board (LPAB)
- Multicultural NSW (MNSW)
- Office of the NSW Ageing and Disability Commission (ADC).

This policy applies to any employee involved in the ownership, operation, supervision, management or administration of PCards regardless of their level or seniority:

- cardholders
- delegates
- authorising officers
- PCard administrators.

This policy should be read in conjunction with the Purchasing Card (PCard) Procedure.

4 Policy statement

4.1 Eligibility

PCards can be issued to eligible employees for the payment of appropriate business expenses and may be used as a cost-effective method to pay for low value, low risk, high volume procurement of goods and services.

Authorising cardholders (government officers) must ensure:

- the government officer has the appropriate financial and operational delegations to incur expenditure on behalf of the GSF agency or has been formally authorised by someone who has appropriate financial and operational delegations
- the government officer has appropriate PCard transaction and monthly limits set in approving the issuing of the PCard. The department is required to ensure that

it does not exceed its total facility borrowing limit, budget limits or funding allocation by issuing the PCard to that government officer.¹

Information on standardised limits is in the DCJ Purchasing Card Limits document.

Cardholders are able to apply for special limits in certain circumstances provided they have met the appropriate approval conditions; information on special limits is in the DCJ Purchasing Card Limits document.

To be eligible for a PCard an employee must meet one or more of the following criteria:

- hold a position that involves regular and demonstrated need to purchase goods or services for business use
- travel frequently in the course of his/her duties
- potential disaster relief circumstances within the course of duties
- potential emergency situations within the course of duties
- frequently make expense claims associated with low value expenditure
- frequently make purchases or pay invoices under \$10,000 (inclusive of goods and services tax (GST))
- procure from small businesses using fast payment policy.

4.2 Applications

Eligible employees are required to apply for a PCard using the prescribed application form. Instructions on how to apply for a PCard are found in the PCard procedure.

Applicants must:

- ensure application accuracy
- provide a business justification for PCard use
- complete Expense Management System (EMS) training
- read and agree to the statement of responsibility.

The officer approving the application will ensure:

- the applicant has produced documents satisfying card issuer requirements
- the applicant has read and agreed to the statement of responsibility
- the applicant has completed PCard mandatory training

¹ Consistent with the arrangements under the *Government Sector Finance Act (2018)* (GSF Act), TD19-01 Financial Services and the Master Agreement, new facilities (require Treasurer approval) and/or amendments to a GSF agency's core operating parameters require Treasurer Treasury Secretary or 's delegate approval (as an authorised representative/s of the Master Agreement).

- approve the application for the issuing of a PCard to the eligible officer.

Applicant	Officer Approving Application
Secretary	Chief Financial Officer
Deputy Secretary	Secretary or Chief Financial Officer
Executive Director or other Band 2 roles	Deputy Secretary
Director or other Band 1 roles	Executive Director or above
All other applicants	Director or above

The PCard administrator will ensure:

- application accuracy including appropriate financial delegation
- statement of responsibility is received
- confirmation of EMS training is undertaken
- DCJ is not exceeding its financial facility borrowing limit arrangement by issuing the card.

4.3 Non-transferable

The PCard must only be used by the approved cardholder, the person named on the card. It is not transferable.

4.4 Acceptable use

PCards are intended to be used in the following ways:

- payment for goods and/or services purchased over the counter, phone, post or online (including international purchases)
- expenditure related to business
- payment to suppliers where a tax invoice has been issued
- for purchases under \$10,000 where no purchasing channel exists
- in preference to advance credit accounts
- linking your PCard to a direct debit or online payment service of a low dollar value (below \$82.50) (e.g. OPAL Card's) is permitted under the following conditions:
 - all conditions above are met
 - a valid tax invoice or receipt is provided
 - cannot be linked to a personal account.

4.5 Conditions of use

PCards are only to be used for business related purchases up to the single transaction limit and monthly credit limit. PCards are not to be used in the following circumstances:

- expenditure of a personal nature
- where specific expenditure types have been advised that the use of PCards are not to be used
- in conjunction with rewards or benefit schemes that may be attached to the supplier and linked to an individual (e.g. Flybuys, Prezzy rewards where any reward benefits arising is credited to an individual officer)
- purchase of air travel and accommodation arrangements (unless prior approval obtained not to use the department travel booking system)
- purchase of services where the cardholder is the direct intended use of the service in connection with their role (e.g. specialised training course or conference unless prior approval by a delegated officer is documented with the transaction)
- purchase of alcohol
- purchase of personal entertainment
- purchase of meals on a one-day journey
- expenditure exceeding cost centre, business centre, work order, internal order or project budget
- from suppliers that do not have an Australian Business Number (ABN)
- infringements or fines incurred personally by an employee (e.g. parking fines)
- during the period that a cardholder is on leave
- purchases must not be split to circumvent transaction limits
- cash advances (unless prior approval obtained e.g. use associated with Overseas Travel)
- foreign currency cash transactions (unless prior approved for official overseas travel).

Non-compliance with the PCard conditions of use may result in the suspension or cancellation of the PCard and where applicable a requirement for repayment by the employee can be enforced.

A PCard administrator can temporarily block a card due to the cardholder delaying the expense submission process, a change in the cardholder's role, for budgetary reasons or for repetitive non-compliance issues. A card may be temporarily blocked

by the card issuer or PCard administrator due to detection of potentially fraudulent spending.

4.6 Recordkeeping requirements

It is the **cardholder's responsibility to ensure that the supplier provides a valid tax invoice or receipt as required**. Failure to obtain a valid tax invoice will result (where over \$82.50) in the department not being able to claim the input tax credit included in the purchase.

Purchases must be supported by valid tax invoices (to be scanned attached to the EMS). A more detailed explanation of a valid tax invoice can be found in the policy definitions.

Where receipts are not available (e.g. due to being misplaced) the vendor should be contacted to obtain a copy of the tax invoice/receipt. Where circumstances result in the tax invoice/receipt unable to be obtained the following is to apply:

- Purchases made under \$82.50 in total value (incl. GST) do not require a tax invoice to be attached to the transaction to claim GST. A receipt should be attached. Where no tax invoice/receipt is available details of the transactions and reasons no receipt is available are required to be stated in the acquittal of the transaction.
- **Where receipts/invoices are over \$82.50** (including GST) and cannot be located, a **Lost Receipt Declaration Form (approved by their line manager)** is to be submitted as part of the acquittal process. Note: GST coding will need to be reflected as zero-dollar claim.

Transactions where no receipts/tax invoices are involved are expected to be rare and all officers using PCards should exercise good control of tax invoices/receipt issues. It is advisable for tax invoices/receipts to be sent to their work email account or scanned/ photo to support the transaction.

4.7 Limits

Expenditure limits will be negotiated (within financial delegation limits) between the cardholder and authorising officer, dependent on the business needs to be undertaken by the cardholder. Credit limits are set to minimise risk to the Department without constraining staff in effectively undertaking their roles.

Standard limits are outlined in the Purchasing Card Limits document.

Special limits (outside standard limits) require additional approval. These limits and the process for higher transaction or monthly limits are outlined in the Purchasing Card Limits document.

4.8 Unapproved expenses

Unapproved expenses (processed in error) incurred by the cardholder are to be repaid by the cardholder as soon as the error has been identified. The cardholder or their authoriser must contact the PCard team to advise them of the error and an explanation of how the expense transaction occurred. The cardholder will agree to make full repayment of the expense immediately or within an agreed timeline (no longer than 14 days from date of transaction).

Instructions on how to repay unapproved expenses are found in the PCard procedure.

The authorising officer is responsible for ensuring that unapproved expenses are repaid, and the repayment is authorised in the EMS.

4.9 Disputed transactions

A dispute is required when the cardholder questions the validity of a transaction, the cardholder must notify as soon as they are aware to the PCard administrator any transactions that they believe should be disputed. Some of the common dispute reasons are:

- goods or services were never received
- goods or services were not as described
- duplicate transactions
- unauthorised charges.

Instructions on how to dispute a PCard transaction are found in the PCard procedure.

4.10 Fraudulent transactions

The card issuer's fraud monitoring system notifies cardholders of suspicious transactions in real time via SMS, email and the mobile app (if installed). Instructions on how to respond to fraud alerts are found in the PCard procedure.

4.11 Lost or stolen cards

The cardholder must notify the card issuer, their manager and the PCard administrator of a lost or stolen PCard as soon as they become aware that their card has been lost or stolen or has been used by an unauthorised person. Additionally, if the PCard has been stolen the cardholder may be required to report this to NSW Police. Instructions on how to cancel a PCard are found in the PCard procedure.

4.12 Card renewals

The card issuer will automatically renew the card and this will be sent by Australia Post to the cardholders default address. Instructions on how to update your details are found in the PCard procedure.

4.13 Transfer of employment

Cardholders must notify the PCard team when transferring employment within and outside of the department.

Cardholders that temporarily transfer to a different department (outside DCJ) must suspend their PCard until they return to their original position. Cardholders that transfer within DCJ will be able to transfer their existing PCard to their new cost centre. Instructions on how to suspend cards or change cost centres are found in the PCard procedure.

4.14 Termination of employment

Prior to the termination of employment, the cardholder and their authorising officer must undertake all necessary steps to ensure that all transactions are submitted and approved, and all relevant parties have been informed of the termination. Instructions on how to cancel a PCard are found in the PCard procedure.

4.15 Changes to cardholder details

The PCard team must be notified of any cardholder changes, updates or maintenance, including changes to:

- name, user id and email address
- single transaction limit
- monthly credit limit
- authorisers
- delegates
- cost centres
- fund codes
- company within DCJ.

Instructions on how to maintain PCard details are found in the PCard procedure.

4.16 Monitoring, control and reporting

A PCard program monitoring and review schedule provides a systematic and continuing assessment of internal controls of the PCard program to ensure that identified and implemented controls remain effective and fit for purpose.

Monitoring and review occurs monthly of the PCard program and includes:

- unverified transactions aged more than 30 days from the transaction date
- unapproved transactions aged more than 45 days after submission
- recording of unusual expenditure
- review and reconciliation of PCard data
- review PCard use against credit limits for possible adjustments
- review PCards not used for a significant period to establish if they are still required
- sample testing of transactions with higher risk of misuse
- trend analysis to identify spend patterns
- identification of repeated unapproved expenses repaid by cardholders.

Internal audit review of PCard processes and procedures will be conducted as appropriate (every 1-3 years at a minimum).

Unverified transactions aged more than a period of three months can be force posted by the PCard team to allow for acquittal to the general ledger. This situation will be undertaken after consultation with Finance, Procurement and Strategy officers.

Where the cardholder and/or authoriser is non-responsive to requests, a view of the continuation of the PCard will be made by the PCard team and may result in cancellation of the PCard.

4.17 Cardholders

Cardholders are responsible for ensuring that:

- they are personally responsible and accountable for the security of the PCard
- they read, acknowledge and comply with the statement of responsibility attached to the PCard application
- they comply with all requirements as detailed in this policy and within the PCard procedure
- they verify their expenditure in EMS with supporting documentation as soon as possible or within seven days of purchase, the verification certifies that the goods and services have been received under the terms of *Government Sector Finance Act 2018*. The PCard procedure provides guidelines on how to verify transactions
- an understanding that the department can audit PCard documentation at any time without prior notice

- if using the internet to pay for purchases they ensure that they are familiar with, and adhere to, the department's internet use and security policies and procedures. At a minimum, cardholders should check that the merchant's secure site address starts with https:// and **not** http://. Sites that start with https:// have an added encrypted transaction layer.

Non-compliance with the roles and responsibilities may result in notification by the PCard team to the cardholder's line manager and/or Director/Executive Director and/or suspension or cancellation of the PCard.

4.18 Authorising officers

Authorising officers are responsible for ensuring that:

- system training is undertaken prior to the PCard application being submitted
- they comply with all requirements as detailed in this policy and within the PCard procedure
- approve the expenditure under Section 5.5 of the *Government Sector Finance Act 2018* and in accordance with the department's financial delegations
- reviewing and approving verified transactions in the EMS within 14 days of submission with the cardholder. If the authorising officer requires further information from the cardholder the transaction should be sent back to the cardholder in the EMS to be reviewed with the cardholder and resolved within 14 days of the initial review
- the authorising officer is always independent of the approval and certification processes
- the cardholder complies with policy and procedure through review and approval of cardholder transactions
- the cardholder, in accordance with Section 4.8 of this policy, repays all unapproved transactions
- any evidence of fraudulent misuse of the PCard contrary to this policy is immediately reported to the Business Ethics and Compliance Unit (BECU)
- upon resignation of the cardholder from the department that all outstanding transactions are submitted and authorised, cancellation paperwork is completed and returned to the PCard team for processing card cancellation
- an understanding that the department can audit PCard documentation at any time without prior notice
- adding a new issued PCard or removing a cancelled PCard from the staff's objects on loan in Employee Self Service (ESS).

Non-compliance with the roles and responsibilities may result in notification by the PCard team to the cardholders line manager and/or Director/Executive Director and/or suspension or cancellation of the PCard.

4.19 Delegates

Delegates are responsible for ensuring that:

- system training is undertaken prior to the delegate being added to the EMS and linked to the cardholder
- they assist the cardholder to comply with all requirements as detailed in this policy and within the PCard procedure including the statement of responsibility
- the delegate understands that the cardholder is personally responsible and accountable for the security of the PCard
- an understanding that the department can audit PCard documentation at any time without prior notice.

4.20 PCard administrator

PCard administrators are responsible for ensuring that:

- the receipt, approval and actioning of PCard applications and maintenance
- ensuring the Department is not exceeding its budget limits or funding allocation
- liaising with the card issuer for administration and maintenance of PCards
- ensuring that all users of the EMS and banking application have submitted the appropriate documentation prior to access
- providing assistance and support to delegates, cardholders and authorisers in the use of PCards policy and procedure
- monitoring the system certification process and following up on outstanding tasks with the cardholder and authoriser
- monitoring any non-compliance by the cardholder or authoriser and escalating repetitive non-compliance
- conducting monthly reviews and analysis of PCard use and expenditure
- ensuring actions or requests lodged through the PCard team are actioned in a reasonable time
- ensuring confidentiality and security surrounding the use of PCard and related data, specifically accessing, retaining and sharing of card and cardholder details or other transactions details
- that all primary and secondary card administrators with privileged or administration user system access (such as reporting or capability to manipulate or export data relating to card details, cardholder details, merchant details,

account or billing details or other transaction data) receive an appropriate level of training, only hold a level of access commensurate with the role they are undertaking and that access is removed when they no longer need to have access

- continual PCard administrator awareness and training will be undertaken surrounding the use of PCard systems to control risk
- cyclic reviews of user access, as well as automated password access will be managed and maintained to ensure security of PCard systems and applications
- an understanding that the Department's internal and external auditors can audit PCard documentation at any time without prior notice.

4.21 Segregation of duties

Segregation of duties provides an important mechanism to better prevent and detect errors, fraud and misuse. Where there is high risk administrative duties (processing and verifying applications, card limit maintenance, card suspensions/cancellations, financial journals and reconciliations) an internal verification process applies whereby one administrator undertakes the function while another provides verification of accurate execution.

PCard administrators are not permitted to hold a purchasing card.

4.22 Authority

Applications for a PCard and all expenditure incurred must be approved by an authorising officer with appropriate financial delegation and in accordance with the procedures and guidelines supporting this policy.

Possession of a PCard sanctions the cardholder to commit or incur expenditure up to the assigned transaction limit and monthly purchasing limit. It does not authorise the cardholder to approve that expenditure which must be approved by their supervisor or nominated authorised officer.

Failure to comply with the PCard conditions may result in notification by the PCard team to the cardholders, authorisers or delegates direct functional report and/or Director/Executive Director which may result in the suspension or cancellation of the PCard and/or legal action in accordance with the department's code of conduct.

5 Related legislation and documents

The policy ensures compliance with the following legislation and policies:

- *Government Sector Finance Act 2018*
- [Board directions issued by the NSW Procurement Board](#)
- [NSW Government Procurement Policy Framework](#)

- [NSW Treasury TPP17-09 Use and Management of NSW Government Purchasing Cards](#) and guidelines paper
- [NSW Cyber Security Policy 2020.](#)

The following documents are linked to this policy:

- Purchasing Card (PCard) Procedure
- DCJ's financial and administrative delegations
- DCJ's purchase to payment policy
- Purchasing Card Limits document
- Commissioner's Memorandum No: 2018/12 Payment of Meal Allowance on One Day Journeys
- [NSW Government Faster Payment Terms Policy](#)
- DCJ's travel and expense management policy and guidelines
- DCJ's accounts payable policy
- DCJ's motor vehicle traffic and parking infringements guidelines.

6 Responsibilities

It is the responsibility of Finance, Procurement and Strategy to monitor and update this policy when required. This policy will be reviewed every three years when any significant new information, legislative or organisational change warrants amendments to this document.

7 Document information

Document name	Purchasing Card (PCard) Policy
Applies to	All DCJ employees, volunteers, students, contractors and consultants.
Replaces	Department of Justice Purchasing Card Policy Department of Family and Community Services Purchasing Card Policy
Document reference	D21/0102242/DJ
Approval	Chief Finance Officer 19 March 2021
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Commenced	29 March 2021
Due for review	March 2024

Policy owner	PCard Services Shared Services, Performance & Risk Corporate Services
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This policy will be reviewed three years from the date of commencement, or when any significant new information, legislative or organisation change warrants amendments to this document.

8 Support and advice

Who can people go to if they need more advice?

Business unit	PCard Services Shared Services, Performance & Risk Corporate Services
Email	pcard@justice.nsw.gov.au

Corporate Purchasing Card Policy

Document number: DP2018 | Version number: 4.0

16 August 2023

Acknowledgement of Country

The NSW Department of Customer Service acknowledges the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

We pay our respects to Elders past and present and acknowledge the Aboriginal and Torres Strait Islander people that contributed to the development of this Policy.

We advise this resource may contain images, or names of deceased persons in photographs or historical content.

Corporate Purchasing Card Policy

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Corporate Purchasing Card Policy

The Department of Customer Service's (DCS) Corporate Purchasing Card Policy sets out guidance for the use of the NSW Government Corporate Purchasing Card (PCard) and its associated agencies.

The DCS Corporate Purchasing Card policy encourages the use of purchasing cards to create greater efficiencies and creating savings by eliminating purchase order creation, reducing the number of invoices processed and taking advantage of prompt payment discounts and reducing transaction processing costs. A PCard is a credit card with features that facilitate expenditure control. It is a cost-effective way of purchasing low value/high volume transactions while maintaining appropriate management controls.

It complements rather than replaces other purchasing systems. It does not replace the Travel cards (Citi) or Fleet Card (fuel) arrangements or the Whole-of-Government Travel Contract.

Definitions

The following are key definitions relating to this policy.

- **Applicable Spend** - Government approved goods and services that can be purchased using a PCard
- **Senior Executive** - Employee with the appropriate level of authority to approve the issue of PCards as defined in the Delegations Manual
- **Delegated Financial Authority** - Delegation of Financial Authority is a document which identifies the approver, the level of approval in dollar values and the type of expenditure they are authorised to approve
- **Cardholder** - Employee assigned the authority to use a PCard
- **Card Approver** - Employee who has the authority to approve PCard expenses
- **Card Administrator** - Employee dealing with administrative matters between the Card Provider and Cardholder
- **Card Provider** - Bank or financial institution providing the PCard facility

Responsibilities

The administration of this policy applies to all employees of the DCS Cluster including statutory authorities. In particular, it applies to Cardholders, Card Managers, Card Approvers, Card Reviewers and Card Administrators.

Secretary

As head of DCS, the Secretary will certify annually that the NSW Government Corporate Purchasing Card use in the Cluster has been in accordance with Premier's Memoranda for audit purposes.

Chief Financial Officer

The Chief Financial Officer (CFO) is responsible for ensuring that the policy is up to date, comprehensive and understood. The CFO is also responsible to the Chief Operating Officer and the Secretary for the governance and compliance of the purchasing card programme within DCS.

Senior Executives

All senior executives need to ensure policy and procedures are adhered to, approvals are completed on time and acquittals are undertaken monthly by all staff.

Executive Directors and Directors have the overall responsibility for the governance and compliance of the PCard policy within their business unit.

Cardholders

Only government officers as defined by s2.9 of the Government Sector Finance Act 2018 (GSF Act) may be issued a PCard as a cardholder. This includes persons who are the head of, or are employed in or by, a GSF agency and statutory officers. Cardholders are expected to practise professional diligence in maintaining the integrity of the card such as not sharing password or card details as this is only privy to the authorised cardholder; and to only use the card for valid business expenses in the same authority as a normal purchase order process. This includes compliance with the delegative authority under the Delegation Manual and other relevant government obligative guidelines including employee relations policies on crown awards.

The application process will include personal identification which includes personal information such as date of birth as an identifying reference. All personal information is collected and kept in accordance with the Privacy Act. As the cardholder is not personally liable, a 100 points of identification is not required. Cardholders holding a PCard will not have their own personal credit rating affected in any way.

Cardholders must immediately notify the PCard Administrator in the following circumstances:

- cessation of employment with the Agency
- a change in the cardholder's substantive role
- a change in the nature of the cardholder's responsibilities that no longer require the cardholder to use a PCard (whether or not this includes a change in their substantive role)
- a change to the delegation limits that are associated with the cardholder's role
- the cardholder becomes aware that an unauthorised transaction has occurred
- the loss or theft of the PCard
- prolonged leave of absence (exceeding 8 weeks) from performing their role; or
- the PCard has been cancelled.

In addition, cardholders must immediately notify the Card Provider of any loss or theft of the PCard regardless of whether it is a working day or weekend.

Permitted expenditure / Applicable spend

All purchasing activities must be conducted in an ethical and transparent manner and comply with the values, principles and articles in the [DCS Code of Ethics and Conduct](#). Comprehensive guidance

on applicable spend categories for PCards is provided by the NSW Government Corporate Purchasing Card Guidelines and the DCS Applicable Spend Categories. These documents are kept up to date regularly. Current versions are available on the [DCS PCard intranet page](#). In summary, PCards may be used for all business-related expenses, with the exception of items outlined under the Restricted expenses section of this document.

Related procurement directives

The following rules apply for cardholders:

- NSW Whole-of-Government contracted suppliers must be used whenever possible to ensure value for money and increased security of NSW Government Corporate Purchasing Card details.
- Off-contract spend is monitored.

Procurement Guideline: [Procurement and Travel - Procurement and travel \(sharepoint.com\)](#)

Procurement News & Announcements: [Viva Engage - DCS Procurement Community of Practice \(yammer.com\)](#)

Cash withdrawals restriction

In exceptional circumstances, a Senior Executive can authorise, for particular cardholders, a cash withdrawal limit for a specified period of time. This is based on business justification and is usually for a non-standard work environment or emergency travel where vendors do not accept credit cards.

Cardholders shall be permitted to withdraw cash advances on credit card accounts provided the funds are solely for imminent business purposes. The total of such cash withdrawals must not exceed the estimated cost of the approved expenditure. Cash withdrawals, cash advances and cash equivalent transactions all attract interest charges from the date of the transaction. Interest charges should be minimised.

For petty cash purposes, the employee handling and responsible for the petty cash cannot use his/her PCard to withdraw cash. This must be performed by the manager to top up the petty cash float.

Restricted expenses

There are certain restrictions governing the use of the PCard. The PCard must **not** be used:

- to purchase alcohol
- for cash advances (except where the above applies)
- to split purchases in order to negate credit limits. 'Purchase splitting' occurs where cardholders split one transaction into several in order to avoid exceeding credit limits. This is also known as 'order-splitting' or 'stringing' arrangements. These types of arrangements are in breach of the terms of use of PCards and prohibited.
- for personal or non-work-related expenses - or expense subject to approval if to be considered work-related e.g., Study Benefits Assistance, Expenses for Salary sacrifice and

capital purchases whether tangible or intangible, including software (even when the item is under \$5,000).

- for fines or penalties
- hazardous materials and special handling materials requiring assurance that certain specifications are being met
- technical, legal or complex services that require the formal input of technical staff
- to set up direct debits or automatic top-ups* (e.g., Opal cards).

** exception applies only to allow auto-debit to pay for work travel through the authorised NSW Government Travel supplier online portal (refer to Procurement Travel Policy, currently FCM)*

Card administrator

The Card Administrator currently sits within Corporate Finance and has the responsibility of liaising with the Card Provider and to implement any changes within DCS where necessary as our central contact point.

The Card Administrator, under the authority of the Secretary, must ensure that there is an accessible and up-to-date record of all authorised cardholders (the PCards Register) and the various administrative conditions that apply to each cardholder including, as a minimum:

- cardholder's full name
- confirmation that the cardholder has signed a Statement of Responsibility
- the last four digits of the cardholder's card number
- individual transaction limit and monthly limit
- administrative conditions attached to individual PCards/ cardholders, e.g., review dates, cash withdrawal allowances (where applicable), any restrictions on use
- cancellation dates (where a cardholder has changed roles or left the employ of the Agency or changed roles within the Agency).

There must also be an accessible record of the total limit for all the PCards currently issued to employees, together with the Agency's total approved PCard limit

The Card Administrator shall administer the relevant card limits applicable to the respective cards. Where there are any fraudulent transactions within DCS, the Card Administrator also has the responsibility to ensure that this is reported to the Independent Commission Against Corruption ("ICAC").

Card provider

They are responsible for the provision of cards and blocking and or replacing stolen cards. They will also provide monitoring and reporting functionality as defined by DCS.

Risk management

NSW Treasury's Internal Audit and Risk Management Policy for the General Government Sector (TPP20-08) requires that relevant agencies have an enterprise risk management framework that is consistent with AS ISO 31000 Risk management - Principles and guidelines. Further guidance on developing a risk management framework is found in Risk Management Toolkit for the NSW Public Sector (TPP 12-03).

The PCard policy and associated procedures to manage risks specific to the use of PCards should be consistent with the agency's overall risk framework. There are, however, particular risks associated with the use and administration of PCards that need to be identified and managed. Examples include:

- the risk of inappropriate use and waste. For the purpose of this policy, waste is defined as “any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss of public funds or resources” as [defined by Ombudsman NSW](#)
- the potential for transactional and/ or accounting error (e.g., duplication of payments)
- the application of inappropriate purchase method (e.g., directly purchasing an item or service on PCard without assessment of any contract terms rather than seeking to negotiate appropriate contract terms and conditions).

Risk is defined as the impact of uncertainty on objectives. In the context of PCards, this risk will largely relate to those aspects of the use and management of PCards which could affect the Agency's overall financial position and ongoing financial management. However, risks arising from the use and administration of PCards can also affect other objectives including those associated with procurement, service delivery or reputation.

Transaction limits and deadlines

Person responsible	Action	Deadline
Cardholder	Submit all expenses for approval	on or before 21st of each month
Approver	Approve all expenses submitted by the cardholder	on or before 30th of each month
Responsibility		Limit
Maximum per transaction		\$10,000 (no split transactions allowed)
Per day		Not applicable
Maximum per month		\$20,000
Action		Consequence
Cardholder's late submission of expenses exceeding 90 days		Cancellation of PCard

The cardholder has a critical role to play in preventative controls. It is the responsibility of each cardholder to support the risk management process by:

- keeping card details up to date by notifying changes in their name or work circumstances to the Card Administrator;
- advising both the Card Provider and Card Administrator if a card is lost or stolen; and
- advising the Card Administrator if the card is declined or the cardholder becomes aware of, or suspects, unauthorised transaction(s) has occurred.

Online transactions

Cardholders should practise diligence when making online purchases, by only using on secure websites which are indicated by a “https” prefix. Due to the rampant occurrence of fraud caused by hackers and pop-ups, cardholders should be extra diligent on websites at first use.

Usually, the cardholder will have to register with the website prior to purchasing an item. As a matter of protocol, cardholders have to register their professional details and create a separate online profile for business use and link the profile to their work email. All invoices and correspondence should be performed through the work email. Failure to do this may result in a non-reimbursement of incurred expenses.

Cardholders should also ensure that a tax invoice is received with details of:

1. ABN number of the purchaser; and
 2. invoice amount; and
 3. GST amount; and
 4. purchase item/service made
- to enable Card Approvers to approve all online transactions.

Online transactions are to be made in line with Treasury Policy & Guidelines TPP 21-02 *Use and Management of NSW Government Purchasing Card*.

Record management

Record management is essential to the success of the NSW Government Corporate Purchasing Card. It is preferable that all transaction receipts are stored electronically. Where hardcopy documents are in use, they should be kept in a secure location.

Cardholder

It is the responsibility of cardholders to submit all expenses with their supporting invoice or receipt with each claim. It is recommended that expenses are submitted in the same calendar month they are incurred to enable proper accounting of monthly expenses. If expenses are not claimed within 90 days, access to the PCard may be cancelled at any time without further warning.

Manager

The manager approving the expenses will need to approve the claims by ensuring that a proper tax invoice/ receipt is included in the claims with the proper GST amounts and if the expense is properly incurred as a work expense in accordance with the relevant authority of delegations, employee relations policies on Crown Awards and other relevant government obligative guidelines.

Unauthorised purchases

Where unauthorised purchases have been made; these must be reported to the PCard Administrator and the Business Unit manager (a minimum of 2 levels above the indiscretion) for further investigation. If there are activities which are fraudulent in nature, these will be handled by People and Culture and reported to the ICAC. The conduct of fraudulent activities may result in termination of employment and criminal prosecution.

Further resources

There are relevant guidelines for PCard matters available on the [PCards intranet page](#).

Issuer	Reference	Document Name
Department of Customer Service	1 July 2020	DCS Code of Ethics and Conduct
Legislation		Government Sector Finance Act 2018
NSW Treasury	TPP 20-08	Internal Audit & Risk Management Policy for the General Government Sector
The Treasury	TPP 21-02	Use and Management of NSW Government Purchasing Card
The Treasury	TC 21-01	NSW Payments Digital Reform - Digital Payment Adoption
Department of Customer Service	May 2020	

Document control

Document approver, position		Date	Document number	Effective date
Michael Tzimoulas, Chief Financial Officer		16 August 2023	DP2018	28 August 2023
Document owner, position	Date	Document number	Contact	
Neharika Gossain, Director Finance	16 August 2023	DP2018	neharika.gossain@customerservice.nsw.gov.au	
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Department of Customer Service

