



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

BUDGET ESTIMATES 2024-2025

Supplementary questions

Portfolio Committee No. 1 – Premier and Finance

Industrial Relations, Work Health and Safety
(Cotsis)

Hearing: Monday 3 March 2025

Answers due by: 5.00 pm Friday 28 March 2025

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BUDGET ESTIMATES 2024-2025
SUPPLEMENTARY QUESTIONS

Questions from Hon Mark Latham MLC

- (1) Now you have read the 2024 Nine Entertainment Out In The Open Report, what conclusions have you reached? What action are you taking?

Questions from Hon Chris Rath MLC (on behalf of the Opposition)

Industrial Relations

Industrial Relations Amendment (Transport Sector Gig Workers and Others) Bill 2025

- (2) In Feb 2024 you commissioned secret research into strategies for, and implications of 'modernising' Chapter 6 of the Industrial Relations Act 1996 (NSW). Who undertook this research at UTS?
- (a) Was it Dr Michael Rawling?
 - (b) How were the views of industry and platforms captured into this research to better understand the cost burden on industry?
 - (c) Why haven't you released this research publicly?
 - (d) Is it correct the final report recommends extreme reform?
 - (e) Why won't you share this research with the gig economy platforms?
 - (f) How much did this research cost?
- (3) The Commonwealth Government has legislated in this space and work is underway to create minimum standards. Has the Government modelled how many gig workers exist in NSW?
- (a) Has the Government modelled how many gig workers will benefit from this reform?
- (4) The TWU has made applications for minimum standards for food delivery drivers and couriers and are currently running surveys to inform their rideshare application. If food delivery and rideshare is already captured under the federal regime, why is this reform needed?
- (a) Isn't it true that the only beneficiary of this reform is the TWU?

- (5) The *Industrial Relations Amendment (Transport Sector Gig Workers and Others) Bill 2025* seeks to expand the definition of an industrial dispute. What kind of disputes are included in this expanded definition?
- (a) These changes mean the TWU will be able to lodge a dispute over any 'industrial matter'. Why is this needed?
 - (b) Is the Government concerned about an increase in industrial disputes by giving the IRC such broad powers?
- (6) What is the purpose of creating such duplicative legislation for the gig industry, given there is federal reform for the space?
- (a) Can the Government articulate how gig workers will benefit from a confusing mix of state and federal regulation?
 - (b) Can the Government articulate why gig platforms will feel empowered to operate in NSW and create economic opportunities when facing a confusing mix of state and federal regulation?
- (7) We heard at the last Estimates that the Government was preparing a comprehensive stakeholder engagement strategy for the Chapter 6 reforms and that there would be extensive consultation with stakeholders to seek their views and feedback, and to incorporate feedback into a final form of amendment legislation. Can you walk us through what this consultation looks like and how you think it is going so far?
- (a) Did you consult with the platforms who will be subject to these laws before releasing a draft Bill?
 - (b) Did you consult with the TWU before releasing a draft Bill?

Work, Health & Safety

SIRA

- (8) Minister, are you aware allied health service providers in the WorkCover scheme are reimbursed by SIRA below the Health Professionals and Support Services Award MA000027 rates for mileage allowances?
- (a) Currently SIRA uses a rate approximately \$0.11c/km below the MA000027 Health Award. Will the Minister support a fair policy to link the travel rate to the Health Professionals and Support Services Award MA000027?

- (9) Will the Minister direct a review of the current SIRA policy to pay a mileage allowance for allied health services as other states (Western Australia, Queensland and Victoria) allow travel to be paid as an approved service?

iCare

- (10) When did you first become aware of recent further underpayment errors in the Dust Diseases Scheme, affecting around 6% of the 5,000 individuals enrolled in the scheme?
- (a) Can you explain how these payment errors were made?
- (b) Have all outstanding payments been made?

Claims Service Providers

- (11) What do you understand are the main drivers behind differences in Claims Service Providers' return to work rates?
- (12) Given icare's publicly released performance data indicates that EML is the only CSP to be meeting, or exceeding, its contractual target across the three critically important Return-to-Work Measures (13, 26 and 52 week return to work rates), why are most CSP's below these targets?

SafeWork NSW

- (13) Has SafeWork NSW updated safety training requirements for apprentices following any serious incidents in the past two years?
- (14) What role does SafeWork NSW play in ensuring workplace safety training for apprentices and trainees, particularly in high-risk industries?
- (15) How many incidents involving apprentices have been reported to SafeWork NSW in the past two years, and what were the primary causes?
- (16) What mandatory safety training programs does SafeWork NSW oversee for apprentices before they enter the workforce?
- (17) How does SafeWork NSW ensure that small businesses and sole traders employing apprentices understand and comply with work health and safety regulations?
- (18) What steps has SafeWork NSW taken to work with TAFEs and registered training organisations (RTOs) to ensure apprentices receive adequate WHS training before starting on-site work?

- (19) Are there specific grants or funding available through SafeWork NSW to help businesses invest in better safety training for apprentices?
- (20) What monitoring processes are in place to ensure businesses are properly training apprentices in work health and safety before allowing them to perform high-risk tasks?
- (21) What was the average response time for SafeWork NSW to attend a serious workplace incident once it has been reported in:
 - (a) 2023-2024
 - (b) 2024-2025, to date?
- (22) Are you satisfied with current SafeWork NSW 'follow up' processes after a workplace incident occurs?
- (23) How many enforcement actions has SafeWork NSW taken in the past two years, and how does this compare to the previous two-year period?
- (24) What proportion of workplace safety breaches investigated by SafeWork NSW result in formal warnings, improvement notices, or prosecutions?
- (25) What industries have the highest rate of non-compliance, and what targeted enforcement strategies has SafeWork NSW adopted to address these sectors?
- (26) How does SafeWork NSW determine whether to prosecute a workplace for failing safety standards, and what criteria are used to ensure consistency in enforcement?
- (27) What percentage of SafeWork NSW's prosecutions and penalties involve businesses in the construction sector, and what has been done to reduce non-compliance in this high-risk industry?
- (28) What specific measures has SafeWork NSW implemented to address psychosocial risks such as workplace stress, bullying, and mental health hazards?
- (29) How many workplace complaints related to psychosocial risks has SafeWork NSW received in the past two years, and how many resulted in enforcement action?
- (30) What training and resources have been provided to SafeWork NSW inspectors to ensure they can effectively assess and enforce compliance in workplaces where mental health risks exist?
- (31) Has SafeWork NSW developed industry-specific guidelines for addressing mental health risks, and if so, how have they been communicated to businesses?

- (32) What percentage of workplace fatalities and injuries investigated by SafeWork NSW involve psychosocial factors as a contributing cause?

Flexible Work Arrangements

- (33) In your view is working from home generally better or worse for employee productivity?
- (34) Do you ever work from home?
- (35) In response to a supplementary question from the last estimates hearing (Answer to Supplementary Question 18), it was indicated that “Government Sector agencies, in consultation with staff and unions, are developing their own policies to implement the NSW Government Sector workplace presence circular (C2024-03)”. Where are these policies up to?
- (a) Have any of these policies been finalised and implemented?
- i. If so, where can they be found? Are they publicly available?
- (36) Could you provide me with any data to substantiate whether the NSW Government Workplace Presence circular C2024-03 has had any effect on government sector working arrangements?

People Matter Employee Survey

- (37) Are you satisfied with the headline result for employee experience of work health and safety across the NSW Public Sector sitting at 65%, according to the People Matter Employee Survey?
- (a) Could you outline, to your knowledge, some of the reasons why this percentage is not higher?

Incident Reporting and Response

- (38) How many investigations into workplace fatalities has SafeWork NSW completed in the past two years, and what proportion resulted in prosecution?
- (39) What is the breakdown of workplace deaths and serious injuries by industry for the past two years, and what new enforcement measures have been introduced to reduce these incidents?
- (40) What are the penalties for employers who fail to report a serious workplace incident to SafeWork NSW within the required timeframe?
- (41) What legislative or regulatory changes has the Government considered to improve SafeWork NSW’s ability to respond to workplace incidents more effectively?

Engineered Stone Ban

- (42) What financial support is the government providing to small businesses and workers impacted by the engineered stone ban?
- (43) How is the government ensuring clear and accurate communication from SafeWork NSW about the ban and compliant materials?
- (44) What assistance is available to help businesses transition to alternative materials, including training and equipment upgrades?
- (45) How many businesses have been fined or penalised for non-compliance since the ban took effect?

Roof Anchor System Compliance

- (46) What steps is the government taking to ensure that all roof anchor systems sold in Australia meet proper safety and compliance standards?
- (47) Why has there been no clear regulatory oversight for roof anchor systems, and who is responsible for enforcing compliance in this industry?
- (48) How does the government justify allowing self-regulation in the manufacturing and testing of roof anchor points when these products are critical for worker safety?
- (49) Will the government introduce stricter enforcement mechanisms, including mandatory product testing and independent certification, to prevent unsafe roof anchor systems from being sold?
- (50) What actions will be taken to address the confusion caused by the existence of multiple standards for roof anchor systems, particularly AS/NZS 5532:2013 and AS/NZS 1891.4:2009?
- (51) Given the number of workplace falls from heights, is the government considering a review of existing regulations to ensure that only fully compliant and independently verified roof anchor systems are used?

General questions

CFMEU meetings

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

ETU meetings

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

Ministerial disclosures to The Cabinet Office

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

Department(s)/Agency(s) Employees

- (55) 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?
- (c) On what page are redundancies published in the respective Department(s)/Agency(s) Annual Reports?

Department(s)/Agency(s) Annual Reports

- (56) On what date were the annual report(s) from 2023-24 for each department / agency in your portfolio published?
- (57) Were the annual report(s) from 2023-24 for each department / agency in your portfolio printed?
- (a) If yes, what was the printing cost(s) for each department / agency?
- (58) Did the annual report(s) from 2023-24 for each department / agency in your portfolio use in part or full an external production / body / consultant to draft?
- (a) If yes, what was the cost(s) for each department / agency?
- (59) In what month will the 2024-25 annual report(s) for each department / agency in your portfolio be published?
- (60) Will the 2024-25 annual report(s) for the department / agency in your portfolio include a printed copy?
- (a) If yes, how much is budgeted for printing in 2024-25 for each department / agency?

State Records Act

(61) 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?

Advertising

(62) On what page is advertising published in the respective Department(s)/Agency(s) annual report(s)?

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

(63) 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 website URL?

Ministerial staff disclosure of gifts and/or hospitality

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

(a) If yes, what is the website URL?

(65) 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?

Ministerial Code of Conduct

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

(a) If yes, what was the breach?

Credit Cards

(67) Have you ever been issued with a credit card by a NSW Government department(s) and/or agency(s) since 28 March 2023?

(a) If yes, under what circumstance?

(b) If yes, what items and expenditure was undertaken?

(68) Do public servants in your portfolio department(s)/agency(s) been issued with department/agency credit cards?

(a) If yes, what is the website URL of the credit card policy?

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

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

Senior Executive Drivers

(70) As at 1 February 2025, how many senior executives in your portfolio department(s) / agency(s) have a driver?

GIPA Applications – Ministerial Office

(71) Has your Ministerial Office received a GIPA Application(s) since 28 March 2023?

(a) If yes, how many?

(b) If yes, what is the website URL of the disclosure log?

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

(72) 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)?

GIPA Act – Disclosure Log Website URL

(73) What is the website URL for the GIPA Act disclosure log each of your portfolio department(s) / agency(s)?

TikTok

(74) Are you on TikTok?

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

Signal

(75) Are you and/or your ministerial staff on Signal?

(a) If yes, do you and/or your ministerial staff access Signal from a NSW Government device?

(b) If yes, does Signal comply with the State Records Act?

Training

(76) 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?

Cabinet documents

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

Parliamentary Secretary

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

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

(80) Has your Parliamentary Secretary ever used your Ministerial Vehicle?

Media releases and statements

(81) 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?

Overseas Travel

(82) As Minister, do you approve overseas travel for public servants from your portfolio department(s)/agency(s)?

Data Breaches

(83) Does your portfolio department(s)/agency(s) keep a register of data breaches in accordance with the Privacy and Personal Information Protection (PPIP) Act?

(a) If yes to 83, what is the website?

Discretionary Fund

(84) As Minister, do you have a discretionary fund?

(a) If yes, what department(s) / agency(s) administer it?

(b) If yes, what is the website URL detailing expenditure?

Qantas Chairman's Lounge

(85) Are you a member of the Qantas Chairmans Lounge?

Local Government Councillors

(86) How many of your Ministerial staff is a local government councillor(s)?

Questions from Ms Abigail Boyd MLC

Second-generation Anticoagulant Rodenticides (SGARs) and work health and safety

- (87) Section 344 of the Work Health and Safety Regulation 2017 exempts retailers from providing Safety Data Sheets ('SDS') for hazardous chemicals sold as consumer products, even when councils purchase SGARs directly from supermarkets for rodent management in or around Council assets. This loophole allows toxic chemicals to bypass procurement risk assessments, contradicting Councils' sustainable procurement policies and undermining compliance with state legislation, including the Biodiversity Conservation Act 2016 and Protection of the Environment Operations Act 1997. What data does the NSW Government hold in regards to councils purchasing hazardous consumer products without SDS?
- (a) How many instances of non-compliance with WHS or environmental laws have been linked to this exemption?
 - (b) Given this, will the NSW Government commit to amending the WHS Regulation to remove the Section 344 exemption for hazardous chemicals purchased by councils or businesses for non-household use, ensuring SDS requirements apply irrespective of retail origin?
- (88) How does SafeWork NSW coordinate with the EPA to address systemic risks created by SDS exemptions, such as secondary poisoning of threatened species or improper chemical storage by councils?
- (89) How many enforcement actions has SafeWork NSW taken against retailers or councils for non-compliance with APVMA guidelines on SGAR deployment (e.g., failure to use locked bait stations)?

Questions directed to icare regarding disability awareness training and disability assistance across departments

- (90) What training or support does icare provide to staff in relation to disability awareness and providing support and assistance to people with disability, including in relation to assisting people with cognitive and intellectual disabilities?

Questions directed to the Department of Customer Service regarding disability awareness training and disability assistance across departments

- (91) What training or support does the Department of Customer Service provide to staff in relation to disability awareness and providing support and assistance to people with disability, including in relation to assisting people with cognitive and intellectual disabilities?

Questions directed to SafeWork NSW regarding disability awareness training and disability assistance across departments

- (92) What training or support does SafeWork NSW provide to staff in relation to disability awareness and providing support and assistance to people with disability, including in relation to assisting people with cognitive and intellectual disabilities?

Questions directed to iCare

- (93) What is the average performance premium paid to the Nominal Insurer in:
- (a) 2017-18
 - (b) 2018-19
 - (c) 2019-20
 - (d) 2020-21
 - (e) 2021-22
 - (f) 2022-23
 - (g) 2023-24
 - (h) 2024-25
- (94) For the Workers Compensation Industry Classification Rates, which industries had the 10 highest and 10 lowest WIC rates, and what was the rate of change, in:
- (a) 2017-18
 - (b) 2018-19
 - (c) 2019-20
 - (d) 2020-21
 - (e) 2021-22
 - (f) 2022-23
 - (g) 2023-24
 - (h) 2024-25

(95) What is the average performance discount in:

- (a) 2017-18
- (b) 2018-19
- (c) 2019-20
- (d) 2020-21
- (e) 2021-22
- (f) 2022-23
- (g) 2023-24
- (h) 2024-25

(96) How many small employers were eligible for a performance discount in:

- (a) 2017-18
- (b) 2018-19
- (c) 2019-20
- (d) 2020-21
- (e) 2021-22
- (f) 2022-23
- (g) 2023-24
- (h) 2024-25

(97) What is the percentage of employers eligible for a performance discount in:

- (a) 2017-18
- (b) 2018-19
- (c) 2019-20
- (d) 2020-21
- (e) 2021-22
- (f) 2022-23
- (g) 2023-24
- (h) 2024-25

- (98) What types of claims are agencies covered for under TMF indemnity cover?
- (99) What are the associated claims costs in:
- (a) 2017-18
 - (b) 2018-19
 - (c) 2019-20
 - (d) 2020-21
 - (e) 2021-22
 - (f) 2022-23
 - (g) 2023-24
 - (h) 2024-25
- (100) Are the associated claims costs publicly available?
- (101) What impact are these costs having on the overall health of the iCare budget?
- (102) On 23.1.25 we passed the 5 year anniversary of the crash of RFS Large Air Tanker (LAT) EC-130Q in Cooma, one of only 2 LAT crashes in Australian history according to the recent Bushfire Coronial. The widow of one the US pilots is suing the RFS for negligence in Supreme Court. Documents received under GIPA details public money being spent on RFS legal defence.
- (a) How much is the government expecting these legal claims will cost?
 - (b) What enables these costs to appear on the books of iCare?
- (103) RFS GIPA documents detail that Coulson aviation, the contractor of the EC-130Q, was expected to have appropriate workers compensation policies, however there is suggestion from the widow that no money has been awarded to her nor has a certificate of currency for such a policy been produced.
- (a) Are the widows eligible to claim a lump death benefit under NSW legislation in these circumstances?
 - (b) Are you aware of any assistance being provided to assist the family members of the three pilots in navigating these entitlements?
- (104) What is the impact of abuse claims on the TMF?

Questions directed to Safework

(105) How many requests for service has Safework received in relation to psychosocial hazards in:

- (a) 2017-18
- (b) 2018-19
- (c) 2019-20
- (d) 2020-21
- (e) 2021-22
- (f) 2022-23
- (g) 2023-24
- (h) 2024-25

(106) In the foreword to the SafeWork NSW Annual Regulatory Statement 2024-2025 it says “some larger and well-resourced organisations including government departments are not sufficiently prioritising efforts towards the health, safety and welfare of workers.” Specifically which organisations are being referred to in this statement?

(107) Which government agencies are the worst performing agencies as far as the regulator is concerned?

(108) Please provide summary data detailing the number of requests for service receive by the regulator for the 10 worst performing government agencies, in:

- (a) 2017-18
- (b) 2018-19
- (c) 2019-20
- (d) 2020-21
- (e) 2021-22
- (f) 2022-23
- (g) 2023-24
- (h) 2024-25

(109) How many workplaces that have been revisited after six months sustain compliance improvements?

(110) How many businesses have received workplace mental health training delivered by Safework in:

- (a) 2017-18
- (b) 2018-19
- (c) 2019-20
- (d) 2020-21
- (e) 2021-22
- (f) 2022-23
- (g) 2023-24
- (h) 2024-25

(111) How many individuals have received workplace mental health training delivered by Safework in:

- (a) 2017-18
- (b) 2018-19
- (c) 2019-20
- (d) 2020-21
- (e) 2021-22
- (f) 2022-23
- (g) 2023-24
- (h) 2024-25

(112) How many organisations have had an Inspector complete a Psychosocial WHS Check?

- (a) 2017-18
- (b) 2018-19
- (c) 2019-20
- (d) 2020-21
- (e) 2021-22
- (f) 2022-23

(g) 2023-24

(h) 2024-25

(113) How many planned inspector compliance visits in:

(a) 2017-18

(b) 2018-19

(c) 2019-20

(d) 2020-21

(e) 2021-22

(f) 2022-23

(g) 2023-24

(h) 2024-25

(114) How many unplanned inspector compliance visits in:

(a) 2017-18

(b) 2018-19

(c) 2019-20

(d) 2020-21

(e) 2021-22

(f) 2022-23

(g) 2023-24

(h) 2024-25

(115) How many PINs have been issued in relation to psychosocial hazards in:

(a) 2017-18

(b) 2018-19

(c) 2019-20

(d) 2020-21

(e) 2021-22

(f) 2022-23

(g) 2023-24

(h) 2024-25

(116) How many PINs have been issued in relation to physical hazards in:

(a) 2017-18

(b) 2018-19

(c) 2019-20

(d) 2020-21

(e) 2021-22

(f) 2022-23

(g) 2023-24

(h) 2024-25

(117) How many enforceable undertakings have been issued in relation to psychosocial hazards in:

(a) 2017-18

(b) 2018-19

(c) 2019-20

(d) 2020-21

(e) 2021-22

(f) 2022-23

(g) 2023-24

(h) 2024-25

(118) How many enforceable undertakings have been issued in relation to physical hazards in:

(a) 2017-18

(b) 2018-19

(c) 2019-20

(d) 2020-21

(e) 2021-22

(f) 2022-23

(g) 2023-24

(h) 2024-25

Question to the Minister

(119) What exactly are the reforms you intend to make to the workers compensation system?

(120) Will you be removing entitlements?

(121) Will you release an exposure draft?