



# Fair Trading functional review frequently asked questions

As we navigate the NSW Fair Trading functional review together, the Executive Leadership team (ELT) understands that you may have questions about how it may impact your role, responsibilities, how you work, and Fair Trading as a whole.

These frequently asked questions (FAQs) have been designed to provide you with the answers you need about the changes. These will be updated as we move through the various stages of Fair Trading's functional review.

## 1. Background and case for change

### 1.1 What changes took place before the functional review?

- In December 2023, the former Better Regulation Division was disbanded, and NSW Fair Trading became a standalone regulator.
- Last year, we established a [new Fair Trading strategy and new regulatory priorities](#) so we could strive towards the vision under the [DCS Strategy 2024-2027](#) of making NSW a safer, fairer, easier and more productive place to work.
- We have been driving significant outcomes as a standalone regulator, with dedicated commissioners for rental and property and strata regulation, the establishment of the Rental, Strata and Property taskforces, and calling out Consumer Protection as a key outcome in the DCS strategy.
- In parallel, we have launched a range of initiatives to streamline operations, improve service delivery and better align how we work with Fair Trading's strategic commitments.

### 1.2 What pressures do we currently face as a regulator?

Fair Trading currently operates in an environment with a number of key pressures:

- **There is an increasing expectation for greater transparency and stronger enforcement**, with the public, and the sectors we regulate, wanting to see and hear tangible outcomes from regulatory action.
- **Expectations are growing for Fair Trading to take on larger, more complex investigations**, particularly in high-risk or high-profile matters.
- **Community and government are demanding urgent action on affordability and housing issues**—especially in the context of urban densification, increased rental pressures, and the growth of strata living.

- **Strong and visible community engagement is expected**, including through taskforces, with particular attention on consumer vulnerability.
- **There is interest in preventative regulation** due to scepticism that enforcement alone is sufficient. This includes tools like price comparison platforms, public interventions, regulatory funds to support fairer outcomes, and public education and engagement.
- **The rise of AI and data-driven tools** is reshaping consumer expectations for faster, smarter services, while also increasing risks related to scams, fraud, and misleading conduct.

In response to these pressures, we must prioritise:

- improving service delivery.
- addressing significant risks and harms.
- engaging meaningfully with our communities.
- leveraging data and intelligence to drive informed decisions.

### 1.3 Why do we need to change?

Following our transition period from BRD, we recognise that our current structure and ways of working are not fully enabling us to deliver on our strategic outcomes and regulatory priorities, or to actively address the pressures we face as a regulator.

Some issues we currently face in Fair Trading include:

- limited enforcement leverage and lengthy disputes and investigations that impact timely regulatory outcomes.
- a need for greater investment in data, automation, and intelligence-led compliance.
- a lack of consistent prioritisation frameworks, making it difficult to focus effort on the highest-risk issues and most impactful projects.
- structural inefficiencies and duplication that affect accountability, collaboration, and service consistency.

The functional review provides a clear opportunity to reshape how we operate. This means streamlining functions, improving clarity of roles and responsibilities, and organising teams in a way that aligns with our future regulatory needs.

The functional review is not being driven by cost savings targets. However, it will need to take into consideration PSSE (Public Service Senior Executive) reduction commitments for Fair Trading, as expected by the NSW Government.

## 2. Fair Trading functional review

### 2.1 What do we mean by a ‘Functional Review’

A functional review is an analysis of the various functions within an organisation. Put simply, functions are ‘the things we do’ (e.g. compliance, investigations, engagement, education, strategy, regulatory advice etc).

The purpose of a functional review is to assess how effectively the functions are operating, whether they align with the overall strategy and priorities of the organisation, and if there is opportunity for improvement. A functional review includes evaluating roles and

responsibilities, processes, and performance metrics within individual functions and identifying inefficiencies, gaps and opportunities for improvement.

## **2.2 What has been done so far under the Fair Trading functional review? \*UPDATED\***

The Deputy Secretary engaged an independent regulatory expert, John Hamill, to help review the current state model and develop, in conjunction with the ELT, a proposed future functional model. A transformation and change program team was also established to help guide them through this work.

With the help of this program team and the regulatory expert, the ELT has analysed our current state through discovery sessions, workshops, and a review of key business documents, including regulatory policies, planning processes, operating procedures, frameworks, business plans and structures. Research was also conducted on leading practice in regulatory stewardship and functional delivery models.

From this analysis, key challenges and opportunities have been identified.

To help guide our proposed future functional model, a set of design objectives and principles were agreed, focusing on strategic and regulatory impact, operational efficiency and integration, and data, technology and capability.

The ELT has presented a proposed high-level future functional model to all Fair Trading staff, whilst engagements with the FT Executive Team and Directors have been undertaken to further understand the current state and co-design proposed new concepts. Work is now underway to finalise a draft, consult, and seek approval for the proposed Fair Trading operating model.

## **2.3 What would the proposed new functional model aim to achieve?**

Based on the identified challenges and opportunities, and applying our design objectives and principles, we know we need to deliver:

- a flexible operating model that brings together data, intelligence communications, education and the full range of compliance and enforcement tools to achieve critical regulatory outcomes.
- capability to be a data and intelligence led regulator.
- a stronger regulatory posture, and willingness to take on stronger enforcement action.
- effective engagement with the community, including in relation to vulnerable customers.
- reform driven by Fair Trading as a trusted policy advisor.

Our proposed new functional model would help inform the development of a new operating model and organisational structure that's aligned with our goal to create a clearer, more capable, and more connected regulatory function.

## **2.4 What is the proposed new high-level functional model?**

The proposed new high-level functional model would have 5 branches:

1. Governance, Assurance and Performance
2. Strategy, Policy and Delivery
3. Rental
4. Strata and Property

## 5. Consumer.

More detail:

- **The Governance, Assurance and Performance branch** would support governance and assurance across Fair Trading, while also providing services to support the Deputy Secretary, division, and DCS.
- **The Strategy, Policy and Delivery branch** would support the business in setting strategy and priorities and building and setting capability to support those priorities.
- **The Rental, Strata and Property, and Consumer branches** (specialist branches) would protect consumers in their respective relevant markets by integrating and using all available regulatory tools.

A critical component of each of these branches is that they would be set up to support end-to-end service delivery and accountability.

Underpinning these branches is clear Executive Leadership. Each function would be led by defined executive roles to ensure strong ownership, integration, and delivery of regulatory outcomes.

The intent behind this proposed model is to move towards the 3 specialist branches.

## 2.5 What would be the benefits of the proposed new functional model?

The proposed new high-level functional model:

- would bring together data, intelligence communications, education and the full range of compliance and enforcement tools to achieve critical regulatory outcomes in a flexible and agile manner.
- is designed to strengthen regulatory effectiveness, optimise resources, and enhance stakeholder engagement.
- would address structural inefficiencies and provide improved role clarity across new functional streams.
- would reinforce a stronger regulatory posture by improving enforcement capabilities and handling complex cases more effectively.

## 2.6 What do we mean by 'end to end' service delivery and accountability across branches?

We're aligning our functions to areas of highest risk and priority, building deep regulatory expertise, and creating clear end-to-end accountability within each branch. This will ultimately improve customer outcomes, reduce inefficiencies, and support a more agile, responsive, and expert regulatory service.

A practical example of this in Fair Trading is when a complaint is lodged. It will be routed directly to the relevant specialist branch – whether that's rental, property/strata, or consumer. From there, it will be assessed and triaged, managed by a complaints handler, and where necessary, assigned to an inspector, mediated, investigated, and escalated for disciplinary action. All of this will happen through an integrated, end-to-end case management approach. In the proposed functional model, each of these functions for a single case will sit within only 1 of the 3 specialist branches to facilitate this end-to-end capability.

At the heart of this new model is our shift towards the 3 specialist branches (Rental, Strata & Property, and Consumer), where functions are equipped to deliver a full service from start to finish, rather than handing off between silos.

### 3. Timeline and what's next

#### 3.1 What is happening now? \*UPDATED\*

The ELT and directors have worked on the proposed design of the operating model (see FAQ 3.2 for a definition) to further understand existing functions, processes and structures to help shape future requirements. We are currently in consultation for the proposed operating model.

Please refer to section 5 on the 'leadership structure changes' currently underway.

#### 3.2 What is an 'operating model'?

An operating model shows how the functions and capabilities required to deliver services will be organised, sourced, and managed. It includes the organisational structure, mapping out teams and the roles that sit beneath them, but also extends beyond this to include aspects like processes, ways of working, capability, technology, governance, etc, and how they work together.

#### 3.3 What is the timeframe for the functional review?

The program will be managed in 3 phases:

- **Phase 1: Design and planning:** Designing our proposed operating model and supporting structures (**July 2025**).
- **Phase 2: Consultation and Validation:** Commencing our consultation process on the proposed operating model and understanding the potential impacts. This is where you will have the opportunity to provide your feedback (**we are here – Aug – Mid September 2025**).
- **Phase 3: Implementation and Transition:** Announcing our final operating model post-consultation and establishing our new leadership and team structures. This includes embedding ways of working and transition support (**Late Sept 2025 – Feb 2026**)

Please note that the timeframes above are indicative only and may be subject to change.

#### 3.4 When can I provide feedback? \*\*UPDATED\*\*

All Fair Trading employees have the opportunity to share their valued feedback via a formal consultation process which is open from 27 August to 17 September. Feedback can be provided via the [Microsoft Form](#).

The ELT is committed to providing you with consistent and regular information throughout this process. You can expect to hear updates in our newsletters, town halls, and divisional meetings.

In the meantime, please reach out to your director or executive director if you have comments or questions on the proposed changes or need any support.

### **3.5 What will changes to Fair Trading's functional and operating model mean for me?**

Please refer to the [Restructure Management Plan page](#) on the change hub for more information.

### **3.6 Will the union be consulted?**

The People & Culture team have notified the relevant union (Public Service Association) that a functional review including consultation is underway.

### **3.7 Will Fair Trading's functional review result in a restructure?**

The proposed operating model is currently out for consultation as a draft Restructure Management Plan (RMP). Please refer to the [draft RMP FAQs](#) for more information.

### **3.8 If I am currently on temporary assignment, do I need to return to my role while the Functional Review program is underway?**

There are no changes to current temporary or acting arrangements at this time. Temporary assignments will continue in line with existing arrangements and ongoing business requirements, until advised otherwise.

### **3.9 Will there be any job losses, and how will they be managed?**

We're in the process of consulting on the proposed operating model, which will help us understand feedback on the proposed changes.

We understand that potential job changes can create uncertainty, and we want to be upfront and supportive throughout this process.

We will continue to communicate openly, provide timely support and guidance throughout this important program of work.

### **3.10 How do we ensure people on leave and/or secondments are regularly informed about these changes? \*NEW\***

It is critical that line managers continue dialogue with their team members about changes and impacts, and they provide channels for them to participate in relevant consultative forums.

Personal and alternative (to work) email addresses should be used by line managers to make contact and share relevant collateral including messages about their employment while they are absent from the workplace. This includes leave, secondments, and the like. Line managers can access their team members personal contact information through SAP.

Line managers should email the [FT Change Team mailbox](#) with a staff member's email address to request direct access to the change hub, with the staff member's permission.

If line managers are concerned their staff are not receiving information that has been issued, they are encouraged to check-in with them. If they have made attempts and have been unsuccessful, it is suggested they discuss with their senior leader and or one of the

Fair Trading P&C business partners, Will Pritchard ~~Rose Kouchakor~~, Mary Elia or Michele Paphitis.

## 4. More information and support

### 4.1 Where can I get more information?

You can access all the information you need about the functional review, including FAQs, review updates, and support information on our [NSW FT Change Hub](#).

Please go [here](#) for more information about the Restructure Management Plan (RMP).

If you have questions, please reach out to your people leader, who will answer your questions where they can (or seek answers from their director/executive director) and support you through this process.

Monthly Fair Trading all-staff meetings will continue to provide updates on progress.

### 4.2 Where can I get more support?

Your wellbeing is important and there are several provisions in place to support you through times of change.

- Reach out to your People leader or a member of the ELT.
- You can also contact People and Culture (Mary Elia, Will Pritchard or Michele Paphitis) and [book a 1:1](#)
- Dedicated support for all employees and their immediate family members is available through our [Employee Assistance Program \(EAP\)](#) provider, PeopleSense:
  - Call 1300 307 912.
  - Visit [peoplesense.altius.au](#)
  - Download the AltiusLife app.
- An Aboriginal and Torres Strait Islander support line is available by calling 13 YARN (call [13 92 76](#)). Visit [www.13yarn.org.au](#) for more information.
- The '[Navigating Change Together' employee support playbook](#) has been designed for team members to work through independently to better understand change transition, build adaptability and resilience, and identify strengths and skills.

## 5. Leadership structure changes \*\*NEW\*\*

### 5.1 Why is the Fair Trading leadership structure changing?

As part of the Fair Trading Functional Review, a revised leadership structure will be introduced to support the proposed Fair Trading functional model.

All Public Service Senior Executive (PSSE) roles (Executive Director & Director level) have been reviewed to ensure alignment with future functions and priorities. This means that some roles will evolve, some will shift, and some new roles have been introduced to reflect changes in how we'll work.

Roles across Fair Trading and Regulatory Services have also been considered in line with expectations of the NSW Government commitment to reduce PSSE roles by 15% by June 2026. Across Fair Trading and Regulatory Services (FTRS), there will be a small number of Public Service Senior Executive (PSSE) reductions. For Fair Trading, **three PSSE Band 1 roles** contribute to this reduction.

These reforms support the broader NSW Government goals of efficiency and sustainability, while positioning both Fair Trading and Regulatory Services (FTRS) to deliver more integrated, agile, and future-fit regulatory functions.

## 5.2 What are the benefits of a revised leadership structure?

Our revised leadership structure will:

- ✓ ensure efficient and effective delivery of ministerial, strategic and operational excellence to strengthen our regulatory posture
- ✓ support the functions we need to deliver in our proposed model
- ✓ strengthen functional accountability and improve end-to-end service delivery
- ✓ positioning us as a modern regulator, ready to meet the evolving needs of customers in 2025 and beyond

- The intent is to make sure each executive and senior leader is set up with clear responsibilities and a direct line of sight across the full scope of their function from strategy through to delivery.
- This is also about creating more clarity in how we work together, how we make decisions more effectively, and to reduce duplication or complexity where we can.
- Our revised leadership structure ultimately needs to meet the core purpose and capabilities required to effectively deliver on our proposed functional model, and drive change to deliver on our regulatory outcomes.

## 5.3 What are the changes to the Executive structure?

Currently, Fair Trading has 5 streams (or branches/directorates) led by 4 Executive Directors and 1 Director of Strategy and Performance.

The new Executive Leadership structure will also have 5 branches in line with our proposed functional model. These include:

1. Fair Trading Consumer
2. Fair Trading Rental
3. Fair Trading Strata and Property
4. Fair Trading Strategy, Policy and Delivery, and
5. Governance, Assurance and Performance - which will support the entire division, including Fair Trading and the other regulators.

Three specialist branches (Consumer, Rental and Strata and Property) are designed to support end-to-end service delivery and accountability, while two enabling branches (Strategy, Policy and Delivery, and Governance, Assurance and Performance) will provide targeted support and strategy, or lead when a whole-of-agency or division view is required.

Current State Executive leadership team	Future State revised Executive leadership team
<ol style="list-style-type: none"> <li>1. Deputy Secretary &amp; NSW Fair Trading Commissioner</li> <li>2. Executive Director, Operations</li> <li>3. Rental Commissioner</li> <li>4. Strata &amp; Property Commissioner</li> <li>5. Executive Director, Policy &amp; Delivery</li> <li>6. Director, Strategy &amp; Performance</li> </ol>	<ol style="list-style-type: none"> <li>1. Deputy Secretary &amp; NSW Fair Trading Commissioner</li> <li>2. Executive Director, Consumer</li> <li>3. Rental Commissioner</li> <li>4. Strata &amp; Property Commissioner</li> <li>5. Executive Director, Strategy, Policy &amp; Delivery</li> <li>6. Director, Governance, Assurance &amp; Performance</li> </ol>

#### 5.4 What are the changes to the Director structure?

As we're aligning our functions to areas of highest risk and priority, building deep regulatory expertise, and creating clear end-to-end accountability within each branch, this will also mean changes for directors.

This includes changes to Director roles in our current Operations, Rental, Strata & Property and Policy & Delivery streams to align with the 5 proposed branches and to best support our revised Executive Leadership team.

There are currently **15 PSSE Band 1** Director roles in Fair Trading (both ongoing and temporary).

In our proposed future model, there are **12 PSSE Band 1** Director roles, which is a reduction of **3 roles**.

Current State Senior leadership team	Future State revised Senior leadership team
<p><b>Operations</b></p> <ol style="list-style-type: none"> <li>1. Director Licensing</li> <li>2. Director Issues Resolution</li> <li>3. Director Consumer Protection, Compliance and Investigations</li> <li>4. Director Regulatory Intelligence and Data Sharing</li> <li>5. Director Registry and Regulatory Schemes</li> </ol> <p><b>Rental</b></p> <ol style="list-style-type: none"> <li>1. Director Property, Program &amp; Services (temp until Sept 2025)</li> </ol> <p><b>Strata and Property</b></p> <ol style="list-style-type: none"> <li>1. Director, Mediation, Compliance &amp; Investigations</li> </ol> <p><b>Policy and Delivery</b></p>	<p><b>Fair Trading Consumer</b></p> <ol style="list-style-type: none"> <li>1. Director Consumer Compliance and Enforcement - Consumer</li> <li>2. Director Regulatory Operations &amp; Delivery – Consumer</li> </ol> <p><b>Fair Trading Rental</b></p> <ol style="list-style-type: none"> <li>1. Director Rental and Financial Services</li> <li>2. Director Compliance and Resolution – Rental</li> </ol> <p><b>Fair Trading Strata and Property</b></p> <ol style="list-style-type: none"> <li>1. Director Compliance and Enforcement – Strata &amp; Property</li> <li>2. Director Regulatory Operations and Delivery – Strata &amp; Property</li> </ol>

<ul style="list-style-type: none"> <li>1. Director Policy (2 ongoing, 1 temp)</li> <li>2. Director Digital</li> <li>3. Director Customer Insights &amp; Program Delivery</li> <li>4. Director FT Communication, Engagement &amp; Education</li> <li>5. Director Subsidence Advisory</li> </ul> <p><b>Strategy &amp; Performance</b></p> <ul style="list-style-type: none"> <li>1. Director, Strategy and Performance</li> </ul> <p><b>Other</b></p> <ul style="list-style-type: none"> <li>1. Director Transformation &amp; Change (temp until Feb 2026)</li> </ul>	<p><b>Strategy, Policy and Delivery</b></p> <ul style="list-style-type: none"> <li>1. Director Policy (2 ongoing)</li> <li>2. Director Digital</li> <li>3. Director Regulatory Education and Strategic Priorities</li> <li>4. Director Regulatory Intelligence Data &amp; Insights</li> <li>5. Director Subsidence Advisory</li> </ul> <p><b>Governance, Assurance and Performance</b></p> <ul style="list-style-type: none"> <li>1. Director, Governance, Assurance and Performance</li> </ul> <p><b>Other</b></p> <ul style="list-style-type: none"> <li>1. Director Transformation &amp; Change (temp until Feb 2026)</li> </ul>
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## 5.5 What do these changes mean?

All PSSE Band 1 and 2 roles (Executive Director and Director roles) have been reviewed, and all Executive Directors and Directors will need to go through a process to fill the PSSE roles under the new structure.

## 5.6 When will the changes occur?

A role filling process for the new leadership structure commenced from **Wednesday, 30 July** and is still in progress.

Our new leadership structure and non-executive award level staff structure **will be implemented at the same time, after consultation with all Fair Trading staff.**