



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND THE ARTS

# Special Report to the House concerning disorderly conduct in committee proceedings

Report 24

September 2024

6



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Portfolio Committee No. 6 - Transport and the Arts

# **Special Report to the House concerning disorderly conduct in committee proceedings**

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Special Report to the House concerning disorderly conduct in committee proceedings

"September 2024"

Chair: Ms Cate Faehrmann MLC



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## Terms of reference

### Initial hearings

1. That the Budget Estimates and related papers for the financial year 2024-2025 presenting the amounts to be appropriated from the Consolidated Fund be referred to the Portfolio Committees for inquiry and report.
2. That, as per the resolution of the House on 21 November 2023 adopting the 2024 sitting calendar, the 2024-2025 supplementary budget estimates hearings are to be held from 2 December to 6 December 2024.
3. That, further to the resolution of the House of 21 November 2023 adopting the 2024 sitting calendar, the 2024-2025 initial budget estimates hearings be scheduled as follows:

**Day One: Tuesday 27 August 2024**

PC 3 Education and Early Learning, Western Sydney

PC 4 Agriculture, Regional New South Wales, Western New South Wales

**Day Two: Wednesday 28 August 2024**

PC 1 Premier

PC 4 Small Business, Lands and Property, Multiculturalism, Sport

**Day Three: Thursday 29 August 2024**

PC 1 Treasurer

PC 7 Climate Change, Energy, the Environment, Heritage

**Day Four: Friday 30 August 2024**

PC 5 Police and Counter Terrorism, the Hunter

PC 7 Planning and Public Spaces

PC 1 The Legislature

**Day Five: Tuesday 3 September 2024**

PC 6 Transport

PC 5 Families and Communities, Disability Inclusion

**Day Six: Wednesday 4 September 2024**

PC 5 Attorney-General

PC 3 Skills, TAFE and Tertiary Education

**Day Seven: Thursday 5 September 2024**

PC 1 Finance, Domestic Manufacturing and Government Procurement,  
Natural Resources

PC 8 Local Government

**Day Eight: Friday 6 September 2024**

- PC 6 Special Minister of State, Roads, Arts, Music and the Night-time Economy, Jobs and Tourism
- PC 1 Aboriginal Affairs & Treaty, Gaming & Racing, Veterans, Central Coast, Medical Research

**Day Nine: Monday 9 September 2024**

- PC 8 Emergency Services, Youth Justice, Customer Service & Digital Government
- PC 2 Water, Housing, Homelessness, Mental Health, Youth, the North Coast
- PC 6 Regional Transport and Roads

**Day Ten: Tuesday 10 September 2024**

- PC 2 Health, Regional Health, the Illawarra and the South Coast
- PC 8 Corrections, Better Regulation & Fair Trading, Industry & Trade, Innovation, Science & Technology, Building

**Day Eleven: Wednesday 11 September 2024**

- PC 5 Women, Seniors, Prevention of Domestic Violence and Sexual Assault
- PC 1 Industrial Relations, Work Health and Safety

4. That for the purposes of the 2024-2025 initial budget estimates hearings:
- (a) each portfolio, except The Legislature, be examined concurrently by opposition and crossbench members only from 9.15 am to 10.45 am, 11.15 am to 12.45 pm, 2.00 pm to 3.30 pm and 3.45 pm to 5.15 pm, and, if required, by Government members only from 10.45 am to 11.00 am, 12.45 pm to 1.00 pm, and 5.15 pm to 5.30 pm, and
  - (b) the portfolio of The Legislature be examined by opposition, crossbench and Government members from 9.15 am to 11.00 am, and from 11.15 am to 1.00 pm.
5. That, unless the committee decides otherwise:
- (a) the sequence of questions to be asked at the hearings for the following portfolios alternate between opposition and crossbench members, in that order, with equal time allocated to each:
    - (i) Education and Early Learning, Western Sydney
    - (ii) Premier
    - (iii) Treasurer
    - (iv) Police and Counter Terrorism, the Hunter
    - (v) Transport
    - (vi) Attorney-General
    - (vii) Finance, Domestic Manufacturing and Government Procurement, Natural Resources

- (viii) Special Minister of State, Roads, Arts, Music and the Night-time Economy, Jobs and Tourism
  - (ix) Emergency Services, Youth Justice, Customer Service and Digital
  - (x) Regional Transport and Roads
  - (xi) Health, Regional Health, the Illawarra and the South Coast
  - (xii) Women, Seniors, Prevention of Domestic Violence and Sexual Assault
- (b) the sequence of questions to be asked at the hearings for the following portfolios alternate between crossbench and opposition members, in that order, with equal time allocated to each:
- (i) Agriculture, Regional New South Wales, Western New South Wales
  - (ii) Small Business, Lands and Property, Multiculturalism, Sport
  - (iii) Climate Change, Energy, the Environment, Heritage
  - (iv) Planning and Public Spaces
  - (v) Families and Communities, Disability Inclusion
  - (vi) Skills, TAFE and Tertiary Education
  - (vii) Local Government
  - (viii) Aboriginal Affairs and Treaty, Gaming and Racing, Veterans, Central Coast, Medical Research
  - (ix) Water, Housing, Homelessness, Mental Health, Youth, the North Coast
  - (x) Corrections, Better Regulation and Fair Trading, Industry and Trade, Innovation, Science and Technology, Building
  - (xi) Industrial Relations, Work Health and Safety.
6. That for the purposes of the 2024-2025 initial budget estimates hearings:
- (a) the committees must hear evidence in public
  - (b) the committees may ask for explanations from ministers, parliamentary secretaries or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure
  - (c) ministers be invited to appear for the morning sessions only unless requested by committees to appear also for the afternoon session
  - (d) witnesses, including ministers, may not make an opening statement before a committee commences questions
  - (e) members may lodge supplementary questions with the committee clerk by 5.00 pm within two business days following the receipt of the hearing transcript, and



- (f) answers to questions on notice and supplementary questions are to be published, except those answers for which confidentiality is requested, after they have been circulated to committee members.

7. That the committees report by 27 June 2025.<sup>1</sup>

The terms of reference were referred to the committee by the Legislative Council on 20 June 2024, Item 4.<sup>2</sup>

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<sup>1</sup> *Minutes*, NSW Legislative Council, 20 June 2024, Item 4.

<sup>2</sup> *Minutes*, NSW Legislative Council, 20 June 2024, Item 4.

## Committee details

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### Committee members

<b>Ms Cate Faehrmann MLC</b>	The Greens	<i>Chair</i>
<b>Hon Sam Farraway MLC</b>	The Nationals	<i>Deputy Chair</i>
<b>Hon Mark Banasiak MLC</b>	Shooters, Fishers and Farmers Party	
<b>Hon Anthony D'Adam MLC</b>	Australian Labor Party	
<b>Hon Dr Sarah Kaine MLC</b>	Australian Labor Party	
<b>Hon Bob Nanva MLC</b>	Australian Labor Party	
<b>Hon Natalie Ward MLC</b>	Liberal Party	

### Contact details

<b>Website</b>	<a href="http://www.parliament.nsw.gov.au">www.parliament.nsw.gov.au</a>
<b>Email</b>	<a href="mailto:budget.estimate@parliament.nsw.gov.au">budget.estimate@parliament.nsw.gov.au</a>
<b>Telephone</b>	02 9230 2739

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## Special Report

Portfolio Committee No.6 – Transport and the Arts makes the following Special Report to the House:

- 1.1** On Friday 6 September 2024, during the Budget Estimates hearing for the portfolio of Special Minister of State, Roads, Arts Music and the Night-time Economy, Jobs and Tourism (Minister Graham), the committee resolved to remove the Hon Wes Fang MLC from the hearing for a short period of time, in accordance with the sessional order relating to disorderly conduct in committee proceedings.<sup>3</sup>
- 1.2** Under the sessional order (see Appendix 1), which came into effect on 15 August 2024:
- a committee chair can call a member to order for disorderly conduct during committee proceedings (not including a deliberative meeting)
  - if a member is called to order three times, the committee must immediately meet in private
  - a committee member can move that the disorderly member be removed from the meeting for a period the committee decides, although not beyond the conclusion of the meeting, and committee members can debate and vote on the motion
  - if a member is removed from committee proceedings for disorderly conduct, a Special Report must be provided to the House.
- 1.3** In accordance with the sessional order, the Chair of Portfolio Committee No.6 – Transport and the Arts, Ms Cate Faehrmann, called Mr Fang to order three times for disorderly conduct during the public hearing. Mr Fang was a participating member during the hearing. The Chair asked the secretariat whether an email had been received advising that Mr Fang was formally substituting for another member, and the secretariat confirmed no such email had been received. Nor was such an email received during the balance of the hearing. After the third call to order, the media, witnesses and public were ordered to leave the room so that the committee could deliberate in private.
- 1.4** The committee then resolved, on a motion from the Hon Anthony D’Adam MLC, that Mr Fang be removed from the hearing until 2.00 pm, which is when the committee would return after lunch for the afternoon session of the hearing to take evidence from departmental representatives (see Appendix 2 for the minutes from proceedings). In effect, this meant that Mr Fang was removed from the hearing for approximately 30 minutes.
- 1.5** The Chair then made the following public statement at 2.00 pm:

Earlier, I called the Honourable Wes Fang to order three times for disorderly conduct during today’s PC6 Budget Estimates hearing for Special Minister of State, Roads, Arts, Music and the Nighttime Economy, Jobs and Tourism.

I would like to put on the record as Chair my reasons for doing so, as this is the first time a member has been removed under the sessional order since it was adopted by the House on 15 August 2024.

<sup>3</sup> *Minutes*, NSW Legislative Council, 15 August 2024, Item 12.

The repeated disruptions of Mr Fang were disrespectful to the member to whom question time had been allocated. It was also disrespectful to the committee and witnesses present.

Mr Fang's conduct in persisting with those disruptions, despite multiple warnings and being called to order for a first and second time, made the continuation of the hearing untenable.

As such, I called Mr Fang to order for a third time, which ultimately led the committee to resolve that he be removed from the hearing until 2 pm.

Under the sessional order the committee will make a special report so that this is drawn to the House's attention.

- 1.6** An extract from the transcript of proceedings, which highlights the disorderly conduct of the member and the calls to order, is included at Appendix 3.

## **Appendix 1 - Sessional order on disorderly conduct during committee proceedings**

### **8. Disorderly conduct in committee proceedings**

That, during the current session, the following procedures apply to disorderly conduct in committees:

- (1) If the chair of a committee calls a member to order three times for disorderly conduct in the course of any one committee meeting (not including a deliberative meeting), the committee must immediately meet in private.
- (2) Any member of the committee (not including the chair) may then move a motion that the member called to order be removed from the meeting for a period of time as the committee may decide, but not beyond the termination of the meeting.
- (3) If a committee resolves to remove a member under paragraph (2), the committee must table a special report in the House.

[Resolved 15 August 2024, Mins No. 67, Item 12.]

## Appendix 2 – Minutes

### Minutes no. 27

Friday 6 September 2024

Portfolio Committee No. 6 – Transport and The Arts

Macquarie Room, Parliament House, Sydney at 9.00 am

#### 1. Members present

Ms Faehrmann, *Chair*

Mrs Carter (substituting for Mr Farraway, *Deputy Chair*)

Mr Banasiak (until 12.30 pm, from 2.28 pm until 3.37 pm)

Ms Boyd (participating) (from 11.41 am until 12.16 pm, from 12.24 pm until 12.47 pm, from 4.06 pm until 4.31 pm)

Mr D'Adam (until 3.06 pm, from 5.08 pm)

Mr Fang (participating) (from 9.14 am until 12.16 pm)

Mr Lawrence (substituting for Mr Nanva) (until 12.47 pm, from 3.05 pm until 4.20 pm)

Mr Murphy (substituting for Dr Kaine) (until 12.47 pm, from 3.58 pm)

Mrs Ward (until 2.05 pm, from 2.30 pm)

#### 2. Election of Deputy Chair for the Special Minister of State, Roads, Arts, Music and the Night-time Economy, Jobs and Tourism public hearing

The Chair called for nominations for Deputy Chair for the duration of the meeting.

Mr D'Adam moved: That Mr Banasiak be elected Deputy Chair for the duration of the meeting.

There being no further nominations, the Chair declared Mr Banasiak elected Deputy Chair for the duration of the meeting.

#### 3. Inquiry into Budget Estimates 2024-2025

##### 3.1 Order of examination of portfolios

The committee noted that under the Budget Estimates 2024-2025 resolution:

- (a) each portfolio, except The Legislature is to be examined concurrently by opposition and crossbench members only from 9.15 am to 10.45 am, 11.15 am to 12.45 pm, 2.00 pm to 3.30 pm and 3.45 pm to 5.15 pm, and, if required, by Government members only from 10.45 am to 11.00 am, 12.45 pm to 1.00 pm, and 5.15 pm to 5.30 pm.

##### 3.2 Sequence of questions

The committee noted that under the Budget Estimates 2024-2025 resolution, unless the committee decides otherwise, the sequence of questions to be asked at the hearing for the portfolios of Special Minister of State, Roads, Arts, Music and the Night-time Economy, Jobs and Tourism is to alternate between opposition and crossbench members, in that order, with equal time allocated to each.

##### 3.3 Public hearing - Special Minister of State, Roads, Arts, Music and the Night-time Economy, Jobs and Tourism (Graham)

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding parliamentary privilege and other matters.

The Chair noted that Members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The Hon John Graham MLC, Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism was admitted and examined.

The following witnesses were sworn and examined:

- Mr Grant Knoetze, Executive Director, Customer Journey Planning, Transport for NSW
- Mr Craig Moran, Executive Director, Customer Journey Management, Transport for NSW
- Ms Sally Webb, Deputy Secretary, Safety Environment & Regulation, Transport for NSW
- Mr Bernard Carlon, Chief of Centre for Road Safety, Transport for NSW
- Mr Mark Hare, Acting Deputy Secretary and General Counsel, The Cabinet Office
- Mr Michael Rodrigues, 24-Hour Economy Commissioner
- Ms Annette Pitman, Chief Executive, Create NSW
- Mr Steve Cox, Chief Executive Officer, Destination NSW
- Dr Michael Brand, Director, Art Gallery of NSW
- Ms Lisa Havilah, CEO, MAAS Trust
- Ms Mary Darwell, Interim CEO, Museums of History NSW
- Ms Emily Collins, Head of Sound NSW, Sound NSW.

The following witnesses were examined on their former oath:

- Mr Josh Murray, Secretary, Transport for NSW
- Ms Trudi Mares, Deputy Secretary, Greater Sydney, Transport for NSW
- Ms Camilla Drover, Deputy Secretary, Infrastructure and Place, Transport for NSW
- Ms Brenda Hoang, Deputy Secretary Finance, Technology & Commercial, Transport for NSW.

The Chair declared the proposed expenditure for the portfolios of Roads, Arts, Music and the Night-Time Economy, Jobs and Tourism open for examination.

Mrs Carter tabled the following document:

- Document, Notice regarding the Christmas festival Noël Sydney 2024.

The Chair tabled the following document:

- Photograph of the koala proof fence in Appin, tabled by Ms Faehrmann.

The following witnesses were sworn and examined (11.15 am):

- Ms Elizabeth Mildwater, Secretary, Department of Creative Industries, Tourism, Hospitality and Sport
- Ms Caroline Lamb, Chair, Independent Liquor & Gaming Authority.

The Chair called Mr Fang to order for the first time.

The Chair called Mr Fang to order for the second time.

The Chair called Mr Fang to order for the third time.

Having called Mr Fang to order for disorderly conduct three times, the Chair cleared the public gallery and the witnesses withdrew.

Mr Fang left the meeting.

The committee met in private.

Mrs Carter and Mrs Ward left the meeting.

Resolved, on the motion of Mr D'Adam: That having been called to order for disorderly conduct three times, Mr Fang be excluded from the hearing until 2.00 pm.

Mrs Carter and Mrs Ward rejoined the meeting.

Witnesses and the public were readmitted.

The Minister withdrew at 12.45 pm. Ms Mildwater and Ms Lamb withdrew at 12.45 pm.

Ms Mildwater and Ms Lamb were examined under their former oath (3.45 pm).

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.16 pm. The public and the media withdrew.

### 3.4 Tabled documents

Resolved, on the motion of Mr Banasiak: That the committee accept and publish the following documents tabled during the public hearing:

- Document, Notice regarding the Christmas festival Noël Sydney 2024, tabled by Mrs Carter
- Photograph of the koala proof fence in Appin, tabled by Ms Faehrmann.

## 4. Adjournment

The committee adjourned at 5.17pm, until Monday 9 September 2024, 9.00am, Preston Stanley Room, Parliament House, Budget Estimates 2024-2025 – Regional Transport and Roads (public hearing).

Stewart Smith

**Committee Clerk**

### Draft minutes no. 29

Thursday 26 September 2024

Portfolio Committee No. 6 – Transport and The Arts

Members Lounge, Parliament House, Sydney, 12.37 pm

#### 1. Members present

Ms Faehrmann, *Chair*

Mr Banasiak

Mr D'Adam

Dr Kaine (from 12.38 pm)

Mr Lawrence (substituting for Mr Nanva)

Mrs Ward

#### 2. Previous minutes

Resolved, on the motion of Mr Banasiak: That draft minutes no. 26, 27 and 28 be confirmed.

#### 3. Inquiry into Budget Estimates 2024-2025

##### 3.1 Consideration of the Chair's draft Special Report to the House concerning disorderly conduct in committee proceedings.

The Chair submitted her draft Special Report to the House concerning disorderly conduct of Hon Wes Fang MLC on Friday 6 September 2024, during the Budget Estimates hearing for the portfolio of Special Minister of State, Roads, Arts, Music and the Night-time Economy, Jobs and Tourism (Minister Graham) which, having previously been circulated, was taken as having been read.

Resolved, on the motion of Mr Lawrence: That paragraph 1.3 be amended by inserting after "during the hearing.":

"The Chair asked the secretariat whether an email had been received advising that Mr Fang was formally substituting for another member, and the secretariat confirmed no such email had been received. Nor was such an email received during the balance of the hearing."

Resolved, on the motion of Mr Banasiak:

- (a) The draft report, as amended, be the report of the committee and that the committee present the report to the House;
- (b) The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- (c) The report be tabled at 11am on Monday 30 September 2024.



**4. Other business**

**5. Adjournment**

The committee adjourned at 12.43 pm, *sine die*.

Elsbeth Dyer  
**Committee Clerk**

## Appendix 3 - Extract from transcript of proceedings<sup>4</sup>

...

**The Hon. SUSAN CARTER:** Minister, with respect, you're not really answering the question. I'll put it very simply: As the Minister in charge, will you take responsibility if an election delivery failure occurs at the next election?

**The Hon. JOHN GRAHAM:** We will address those issues through the budget process. I recognise today that there are significant issues to address, and I direct you to the Treasurer's letter, which is very informative on this matter.

**The Hon. SUSAN CARTER:** So is the Treasurer or are you responsible, Minister?

**The Hon. JOHN GRAHAM:** The Government's responsible. The Electoral Commission reports to both the Premier and me. The Treasurer is obviously responsible, along with the finance Minister, for the budget; but the Cabinet's responsible overall.

**The Hon. WES FANG:** Minister, I'm going to turn now—

**The Hon. NATALIE WARD:** No, I'm sorry. Chair, I'm seeking the call. It's not your turn, Wes. It's not your turn.

**The Hon. WES FANG:** It's been negotiated.

**The Hon. NATALIE WARD:** No, it has not.

**The CHAIR:** Order!

**The Hon. WES FANG:** It's been negotiated by the leadership.

**The CHAIR:** Order! Mr Fang, we'll go to Ms Ward.

**The Hon. WES FANG:** It was negotiated by the leadership. We're down to the last 10 minutes.

**The CHAIR:** Mr Fang, I'm giving it to Ms Ward.

**The Hon. NATALIE WARD:** Thank you, Chair. Minister, at estimates on Tuesday with the transport Minister—

**The Hon. WES FANG:** Point of order—

**The Hon. NATALIE WARD:** —I was asking about the missing \$3 billion.

**The CHAIR:** A point of order has been taken.

**The Hon. NATALIE WARD:** You are wasting everyone's time, Wes.

**The CHAIR:** Order!

**The Hon. NATALIE WARD:** You'll get time at the end.

**The Hon. WES FANG:** Well, you know that you've been instructed—

**The CHAIR:** Order! Mr Fang, you are going to speak through me.

**The Hon. ANTHONY D'ADAM:** Point of order—

**The CHAIR:** Excuse me, I'm addressing this point of order. Mr Fang, you are not down on this agenda to even be here today, so I'm being quite tolerant of you even wanting to take a point of order. What is your point of order?

**The Hon. WES FANG:** Thank you, Chair. The point of order is that the Opposition has allocated time. My understanding is that the leadership between The Nationals and the Liberals has agreed the times.

**The Hon. NATALIE WARD:** Oh, please. That is not agreed. You know it. Stop wasting my time.

**The Hon. WES FANG:** It is agreed.

**The Hon. NATALIE WARD:** Chair, I ask that I be able to resume questions.

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<sup>4</sup> Transcript of public hearing - 6 September 2024, Portfolio Committee No.6 – Transport and the Arts, *Budget Estimates 2024-25*, pp 34-40.

**The Hon. WES FANG:** It is agreed.

**The Hon. NATALIE WARD:** Absolutely not, Wes.

**The Hon. WES FANG:** No—

**The CHAIR:** I won't uphold the point of order. Ms Ward has the call.

**The Hon. NATALIE WARD:** Thank you. Minister—

**The CHAIR:** Sorry, Mr D'Adam has taken a point of order.

**The Hon. ANTHONY D'ADAM:** I'm going to take my point of order.

**The Hon. NATALIE WARD:** You're all taking up my time—

**The CHAIR:** Order!

**The Hon. NATALIE WARD:** —and I actually have questions about the budget.

**The CHAIR:** Order! Ms Ward—

**The Hon. NATALIE WARD:** Someone here has some budget questions.

**The CHAIR:** Order! Ms Ward, remember what I said earlier today about not shouting.

**The Hon. ANTHONY D'ADAM:** Mr Fang is not listed as a participating member in the proceedings and therefore has no right to be heard.

**The CHAIR:** Thank you, Mr D'Adam. I uphold your point of order, similarly to the earlier point of order when I gave the call to Ms Ward.

**The Hon. NATALIE WARD:** Thank you, Chair. Minister, at estimates on Tuesday with the transport Minister—Mr Murray was there at that time—I was asking about the missing \$3 billion in this financial year. Do you know anything about that?

**The Hon. JOHN GRAHAM:** Just be specific about the part of the budget you're referring to there.

**The Hon. NATALIE WARD:** Sure. There was \$20 billion allocated in the last budget. You've had two of them. The 2023-24 allocated \$20 billion. The budget this year, 2024-25, allocates \$17 billion. There's a difference of \$3 billion. Where's it gone?

**The Hon. JOHN GRAHAM:** I think you're referring to the total Transport capital allocation for the State.

**The Hon. NATALIE WARD:** Yes, capex. Transport capex—\$3 billion gone; \$17 billion this year. Where is it?

**The Hon. JOHN GRAHAM:** I'd make three points about that. Firstly, this is about what you were spending when it came to your budgets. If you rewind, for example, to 2021-22, \$18.6 billion—

**The Hon. NATALIE WARD:** No. Minister, I've already—

**The Hon. JOHN GRAHAM:** —\$16.7 billion the year before; \$16.6 billion; \$14.6 billion. In fact, it's higher than much of your—

**The Hon. NATALIE WARD:** Where's the \$3 billion? What has it gone on?

**The Hon. JOHN GRAHAM:** I'm just indicating, firstly, it's higher than a lot of what you were spending in recent years. Secondly, I invite you to—

**The Hon. NATALIE WARD:** Minister, you can take it on notice, if you like. There's a difference of \$3 billion. It's a very straightforward question. We'd just like some clarity on where that's gone.

**The Hon. JOHN GRAHAM:** It is a very straightforward question. I'm giving you a very straightforward answer. The second thing I'd direct you to—but you will want to quiz the officials on this—is one of the things impacting this year is a range of transfers between the transport agencies. If you look at the figures on an eliminated view for the budget, then what you actually see is an increase in the capital expenditure from last year to this year. That's as a result of transfers between the general government sector and the public non-financial corporations. But I invite you to quiz; I won't attempt to explain.

**The Hon. NATALIE WARD:** That wasn't what Minister Haylen or Mr Murray said. They said it was because projects had come online—Gateway and WestConnex and others—but it doesn't account for \$3 billion. We ask for clarity and we're asking you: Does anyone know where this money's gone?

**The Hon. JOHN GRAHAM:** I'm glad you asked.

**The Hon. NATALIE WARD:** Does anyone know where the missing \$3 billion is in the budget?

**The Hon. JOHN GRAHAM:** I'm glad you asked me. I'm providing you this information, although I do concur with the answers that the secretary and the other officials gave.

**The Hon. NATALIE WARD:** I'm going in to bat for you, Minister. It's your money for your projects. Where's it gone?

**The Hon. JOHN GRAHAM:** The final point I'll make is not only is this higher than often the expenditure had been; not only on an eliminated basis is it higher. Generally, funding's higher: road expenditure's up; road capital expenditure's up; funding in Western Sydney is up; road safety funding's up; the amount of Federal funding we have in the pipeline is up—

**The Hon. NATALIE WARD:** That doesn't align with \$20 billion and \$17 billion.

**The Hon. JOHN GRAHAM:** —and, of course, the capital expenditure for the budget overall is higher than in any of the Coalition budgets.

**The Hon. NATALIE WARD:** Okay. I'll move on.

**The Hon. JOHN GRAHAM:** But I'd like to refer to Mr Murray just to confirm.

**The Hon. NATALIE WARD:** I can deal with Mr Murray in the afternoon. I've got very limited time, Minister, with you and the pleasure of your company.

**The Hon. NATALIE WARD:** Have any Roads projects, not currently under contract, been re-profiled or have they changed delivery timelines since the last estimates session?

**The Hon. JOHN GRAHAM:** Yes.

**The Hon. NATALIE WARD:** Which ones?

**The Hon. JOHN GRAHAM:** That's obviously—we're now moving into a great deal of detail.

**The Hon. NATALIE WARD:** It's estimates.

**The Hon. JOHN GRAHAM:** Yes, exactly. Why don't you tell me, is there something specific you're interested in? Otherwise, we can—

**The Hon. NATALIE WARD:** Yes, I'm interested in whether any roads projects not currently under contract have been re-profiled. I'm asking you, Minister. You've got the budget; you're responsible; you're the Minister.

**The Hon. JOHN GRAHAM:** Yes.

**The Hon. NATALIE WARD:** This is estimates; you know how it rolls. Have any roads projects not currently under contract been re-profiled or changed delivery timeline since the last estimates session?

**The Hon. JOHN GRAHAM:** Yes.

**The Hon. NATALIE WARD:** Which ones?

**The Hon. JOHN GRAHAM:** A range of them. Obviously, that sort of re-profiling or timeline change happens routinely. Some of that is within the published time frames; sometimes it's not. Obviously, that's even more the case for projects that aren't under contract. They're more likely to be, for example, in the planning or design phase, and they're most subject to movement.

**The Hon. NATALIE WARD:** Minister, that's all hypothesis and that's great. That may or may not be. Can you name which projects have changed?

**The Hon. JOHN GRAHAM:** I think I will refer the detail of that to the agency, and I'm happy for you to—

**The Hon. NATALIE WARD:** Can you name one?

**The Hon. JOHN GRAHAM:** Yes, I certainly could, but I'm referring that to the secretary.

**JOSH MURRAY:** Ms Ward, with dozens of projects coming into delivery, to your category of non-signed contracts, there would be a number of movements within that portfolio. It would be difficult for us to run through those off the top of my head.

**The Hon. NATALIE WARD:** Can you name one that has changed? Can you get the answer from the agency and provide that today?

**JOSH MURRAY:** We'll take it on notice.

**The Hon. NATALIE WARD:** You've had 48 hours; we asked two days ago. It's not a surprise. I would have thought you said, "Yep, she's going to ask this again. There's some projects there. Have they been re-profiled?" Which projects changed timelines?

**JOSH MURRAY:** We do a number of re-profileings during the year based on what comes up through the planning works and the analysis of getting ready for contracting.

**The Hon. NATALIE WARD:** The Minister has agreed that it has happened. Are you able to get those details for us today?

**JOSH MURRAY:** Yes, we'll take it on notice.

**The Hon. NATALIE WARD:** Will you be able to provide that today?

**The Hon. JOHN GRAHAM:** I'll make this point: It happens all the time in a complex capital program like this. Of course, particularly for the projects you're drawing attention to, there's regular re-profiling or timing shifts. That's not unusual.

**The Hon. NATALIE WARD:** But what's to hide, Minister? There's a range of projects. They're good projects; we want to see them done. If they've changed timelines, what's the great secrecy? What are we hiding here? If there's a changed timeline, let everybody know what's going on.

**The Hon. JOHN GRAHAM:** There's no secret here, but you're asking a very general question about a \$62 billion capital pipeline.

**The Hon. WES FANG:** We're now within five minutes, Natalie.

**The Hon. NATALIE WARD:** I'm asking you to be specific.

**The Hon. JOHN GRAHAM:** You'll need to be more specific if you want to know about a project.

**The Hon. NATALIE WARD:** All right, I will be.

**The Hon. JOHN GRAHAM:** That's the issue here—it's difficult to provide either a yes or no answer.

**The Hon. WES FANG:** The leadership have sent you a message, Natalie.

**The Hon. NATALIE WARD:** You didn't agree anything with me.

**The Hon. WES FANG:** No, the leadership have sent you a message. You need to acknowledge it.

**The Hon. NATALIE WARD:** No. Minister, how many projects with full delivery funding are ready to go to tender—

**The Hon. WES FANG:** Natalie, the Nats have indicated—

**The CHAIR:** Order! Mr Fang, if you are substituting into this Committee, you'll need to send—

**The Hon. WES FANG:** There's been an agreement.

**The Hon. NATALIE WARD:** You can get some time at the end.

**The CHAIR:** Order! Mr Fang, through me.

**The Hon. NATALIE WARD:** This is not agreed.

**The Hon. WES FANG:** This is agreed. You need to check.

**The Hon. NATALIE WARD:** You'll get thrown out.

**The CHAIR:** Order! Mr Fang, I call you to order for the first time in terms of that behaviour. If you want to substitute onto this Committee, you know the process.

**The Hon. WES FANG:** That has occurred.

**The CHAIR:** You need to email the Committee and I need to see the email. Continue, Ms Ward.

**The Hon. NATALIE WARD:** Minister, how many projects with full delivery funding are ready to go to tender for roads projects in Greater Sydney in this financial year? What roads projects have you got that are ready to go?

**The Hon. JOHN GRAHAM:** I can think of 20 or so that we've been talking about recently, including with the market. One of the things we've been doing is updating the industry about the pipeline. For instance, all the Ministers were together a long with the agency, convened by the secretary, with all of the team there to brief on exactly that question: What are we going to tender with? I want to acknowledge that we're building on the practice of the former Government in doing that, but it is a really useful process. We could give you those details about the industry—

**The Hon. NATALIE WARD:** Again, on notice at some time in the future. That would be great. If we could get that today, that would be helpful, and then I can ask in the afternoon.

**JOSH MURRAY:** Those matters were put online with the in-motion pipeline event at the end of July, when we took that to the market.

**The Hon. JOHN GRAHAM:** They're all public. We can direct you to the—but it's a great example.

**The Hon. NATALIE WARD:** Which projects with full funding will go to tender this financial year? Can you name them?

**The Hon. WES FANG:** I know you're trying to win some by-elections but, honestly, this was agreed, Natalie.

**The CHAIR:** Order, Mr Fang!

**The Hon. JOHN GRAHAM:** We've briefed publicly to industry on these, so we certainly could provide that detail.

**The Hon. WES FANG:** This is not going to help you win the three by-elections.

**The CHAIR:** Mr Fang, I'll call you to order for the second time.

**The Hon. WES FANG:** If you want to divide the Coalition over this, good luck.

**The Hon. NATALIE WARD:** Can Ms Drover help? Ms Drover, how many projects with full delivery funding are ready to go to tender for those roads projects in this financial year?

**CAMILLA DROVER:** There are quite a number, so I'll have to take that on notice to get you the exact number. But for the Epping Bridge Road, for example, the EOI is going out today.

**The Hon. WES FANG:** I hope you know what you're doing.

**The Hon. NATALIE WARD:** Sorry, I couldn't hear you over all of the chatter.

**The Hon. WES FANG:** Oh, there's going to be a lot of chatter, I suspect.

**The Hon. NATALIE WARD:** Sorry, Ms Drover, do you mind saying that again?

**CAMILLA DROVER:** I take that on notice because there are quite a few, but I did want to note that the Epping Bridge Road project is going out today. The EOI is released today.

**The Hon. NATALIE WARD:** Excellent, that's pleasing news.

**The Hon. JOHN GRAHAM:** Today!

**The Hon. NATALIE WARD:** There you go; you learned something. See? Estimates is very useful.

**The Hon. JOHN GRAHAM:** We briefed at the session about it to the industry, and then just today.

**The Hon. WES FANG:** They're only interested because they're trying to win by-elections, but it ain't going to help them.

**The Hon. NATALIE WARD:** Is it possible, Mr Murray, to get some of those projects today, or an indication? I'm sure there are lots of people watching who are keen to tell everybody what your projects are.

**The Hon. WES FANG:** There's a lot of people watching.

**JOSH MURRAY:** Given members of this panel here were present at that—I know we've produced a lot of documents around those available projects that were coming to market with full funding, and we'll see what we can get back to you.

**The Hon. WES FANG:** They think this is going to help Speakman, but nothing is going to save Speakman.

**The Hon. NATALIE WARD:** Can I just get clarity on that? Are you able to get that today, or will you take that on notice and provide that within the 21 days?

**JOSH MURRAY:** I'll take it on notice but, as I always try to do, I'll get something back if possible.

**The Hon. NATALIE WARD:** We do appreciate it when you do get answers back today. The Minister has been helpful doing that today, so I appreciate that. Are any new projects funded in this budget that do not include Federal funding of those projects? Are any of those State funding only?

**The Hon. JOHN GRAHAM:** If the question is are there projects in the capital program in this budget that are State funded only, the answer is yes.

**The Hon. NATALIE WARD:** Can you get those to us on notice as well, please?

**JOSH MURRAY:** They'll be included in the former list that you asked for, which is what is ready to come to market.

**The Hon. NATALIE WARD:** Terrific, great. You're doing good things and building good roads; let's know all about them. If their timelines have changed, let's know. I'm interested, though, in new projects for this year. Can you name any new roads projects for this year, Minister?

**The Hon. JOHN GRAHAM:** Two of the biggest ones on my radar are really what we've been able to do in putting extra funding into Elizabeth Drive. We've taken that from a \$200 million project to an \$800 million. Mamre Road stage one is well underway, but Mamre Road stage two is a billion-dollar project that'll unlock a whole lot of information. Both of those, I'll note, have been delivered with Commonwealth assistance, but it's meant the State putting in extra funding in the budget. They're big roads priorities.

**The Hon. NATALIE WARD:** Go ahead, Mr Fang.

**The Hon. WES FANG:** You're kidding—with five seconds?

**The CHAIR:** Order! Mr Fang, I'm going to call you to order for the third time because your behaviour has been untenable, frankly.

**The Hon. WES FANG:** Understood.

**The CHAIR:** What that means under our new committee rules—I'm sorry to do this to you, Minister and officials. In fact, I'm sure you're fine with it, but we have to go into a deliberative now. This is a private Committee meeting. I'm sorry to do this; however, these are the new rules for disorderly conduct in committees.

If you could please leave the room as quickly as possible, and hopefully you will be back reasonably soon. Any member of the Committee who is not a substantive member of the Committee also needs to leave the room.

**(Short adjournment)**

**The CHAIR:** Thank you for your patience. The Committee has resolved to remove the Hon. Wes Fang until 2.00 p.m. today. We will proceed with questions from the crossbench.

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