

# **PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE**

**Wednesday 21 February 2024**

**Examination of proposed expenditure for the portfolio area**

## **PREMIER**

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**The Committee met at 9:15.**

## **MEMBERS**

The Hon. Jeremy Buckingham (Chair)

The Hon. Robert Borsak (Deputy Chair)

Ms Abigail Boyd

Ms Susan Higginson

The Hon. Dr Sarah Kaine

The Hon. Sarah Mitchell

The Hon. Bob Nanva

The Hon. Peter Primrose

The Hon. Damien Tudehope

## **PRESENT**

**The Hon. Chris Minns, *Premier***

## **CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

**Corrections should be marked on a photocopy of the proof and forwarded to:**

**Budget Estimates secretariat  
Room 812  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000**



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**The CHAIR:** Good morning, everyone. Welcome to the first hearing of the Portfolio Committee No. 1 – Premier and Finance for the additional round of the inquiry into budget estimates 2023-24. Firstly, I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Jeremy Buckingham. I am Chair of this Committee. I welcome Premier Chris Minns and accompanying officials to this hearing.

Today the Committee will examine the proposed expenditure for the Premier's portfolio. I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants, and I encourage Committee members and witnesses to be mindful of these procedures.

To the witnesses, I welcome and thank you for making the time to give evidence. Premier, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. Most witnesses who appeared at the initial hearing before this Committee also do not need to be sworn. Witnesses who are appearing in a different capacity or did not attend the initial round of hearings will now be sworn prior to giving evidence.

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**Ms KATE BOYD**, Acting Secretary, the Cabinet Office, affirmed and examined

**Mr SIMON DRAPER**, Secretary, Premier's Department, on former affirmation

**The CHAIR:** Today's hearing will be conducted from 9.15 a.m. to 5.30 p.m. We are joined by the Premier for the morning session from 9.15 a.m. to 1.00 p.m., with a 15-minute break at 11.00 a.m. In the afternoon we will hear from departmental witnesses from 2.00 p.m. to 3.30 p.m. We will then have a 15-minute break before holding a session with witnesses from independent agencies from 3.45 p.m. to 5.30 p.m. During these sessions there will be questions from Opposition and crossbench members only and then 15 minutes allocated for Government questions at 10.45 a.m., 12.45 p.m. and 5.15 p.m. We will begin with questions from the Opposition.

**The Hon. DAMIEN TUDEHOPE:** Thank you, Chair. Premier, why haven't you sacked Anthony D'Adam from his executive responsibilities?

**Mr CHRIS MINNS:** I made a decision—from the get-go, I think it's important to say that it's important that everyone speak with moderation when it comes to the issues of the Middle East. I think it's important to note that there's little that can be said from the New South Wales Parliament that will affect peace in the Middle East, but it could certainly rupture the peace here in New South Wales. My responsibility is to the communities here in this State—to keep them safe, to keep them secure and to ensure that they can live in their own city free of persecution. That's obviously the most important responsibility of government.

Even though it seems like a long way off, ultimately my responsibility is also to sow community cohesiveness and togetherness, which is very difficult at the moment. I've made a decision that, firstly, a lot of what Mr D'Adam said has been inflammatory. In some cases, I regard it as wrong. I've ensured that the people of New South Wales know that that's not the view of the Executive Government, myself or the New South Wales Cabinet. I think sacking him at this point in time would exacerbate community division and potentially provide a platform for even more views from Mr D'Adam. As a result of the fact that he's a relatively junior member of the parliamentary Labor Party, I don't think it's in the best interests of the State to do it.

**The Hon. DAMIEN TUDEHOPE:** Premier, have you spoken to him about this?

**Mr CHRIS MINNS:** In a sense, I've gone one better. I've made it very clear in all public fora and forums that his views do not represent the views of the parliamentary Government, the Cabinet and myself as the Premier of New South Wales. I have done that in a public way, and I have done that very deliberately so that your average citizen in the State doesn't believe that this member of Parliament speaks for the Government or the Cabinet, when he doesn't. I can't promise unanimity on this issue; I can't. I don't think any political party can. But I am confident that the public knows what the Government's view is and me myself as the Premier is.

**The Hon. DAMIEN TUDEHOPE:** I accept that, and I accept the sentiment behind that. So you haven't spoken to him directly? Is that what I infer, though, from that response?

**Mr CHRIS MINNS:** No, but I've made it clear in public commentary—I think almost on a weekly basis—what those views are. That was a conscious decision. I don't want to be in a situation where it can subsequently be inferred that the Government is attempting to, I guess, pull this behind closed doors and have a private discussion. That has not been the way that I have approached this issue. I have made it really clear to the public at large that I don't agree with those views. In some respects, I think they're inflammatory and not conducive to community cohesion.

**The Hon. DAMIEN TUDEHOPE:** A Parliamentary Secretary is appointed by you, is that right?

**Mr CHRIS MINNS:** That's correct.

**The Hon. DAMIEN TUDEHOPE:** A Parliamentary Secretary earns an additional income of \$33,000 per year, is that right?

**Mr CHRIS MINNS:** I think you know the answer to that.

**The Hon. DAMIEN TUDEHOPE:** I do know the answer. He earns an additional income of \$33,000 per year in his position as a Parliamentary Secretary—correct?

**Mr CHRIS MINNS:** Yes.

**The Hon. DAMIEN TUDEHOPE:** In those circumstances, notwithstanding that he is part of your Executive Government and, on your own admission, is engaging in behaviour which is divisive, you still continue to allow him to remain as part of the Executive Government and express the views that he does?

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**Mr CHRIS MINNS:** I think everyone has got a responsibility to speak with moderation when it comes to this issue. I repeat the point that there's not much, if anything, that could be said in the New South Wales Parliament that will affect peace in the Middle East, but it could rupture peace here in New South Wales.

**The Hon. DAMIEN TUDEHOPE:** Isn't that the point, Premier?

**Mr CHRIS MINNS:** Hang on, I'm going to get to the end of my answer.

**The Hon. DAMIEN TUDEHOPE:** That's the point, though, isn't it?

**Mr CHRIS MINNS:** No, I'm going to get to the end of my answer. I want to make it clear that I can't promise unanimity on this issue from the labour movement, and I can't promise it from all members of the parliamentary Labor Party. What I can say is that the view of the New South Wales Cabinet is clear. I thought deeply about the question that you pose to me. I'm not dismissing it out of hand, but, given the context, I think it would be more divisive in the community to remove him and potentially provide a platform to say even more things on the public record and therefore wouldn't be in the public interest.

**The Hon. DAMIEN TUDEHOPE:** Premier, if your true sentiment is to, in fact, avoid divisiveness in circumstances where a member of your Executive team engages in behaviour which you have construed and characterised as divisive, how do you continue to allow him to remain as part of that team? I know your answer is that it is your view—

**Mr CHRIS MINNS:** Why don't you wait for my—can I get an answer out?

**The Hon. DAMIEN TUDEHOPE:** It is your view that to sack him would be—

**Mr CHRIS MINNS:** I can only provide you with the rationale and reasoning for it. It may well be that's not suitable enough for you or other members of the community, but I'm being honest with the question and I'm engaging with it, I think, in an appropriate way. For a couple of reasons—firstly, the Government's view and my public commentary has been clear and consistent repeatedly. I have never allowed a situation where I regard an inflammatory comment to be made, either by a member of my parliamentary team or a member of the broader community, to go unchecked. That's for a deliberate and specific reason so that your average member of the community doesn't regard inflammatory rhetoric as being the same as or consistent with the Government position. As a result of that and the fact that most people would have either not registered who that member of Parliament is and certainly believe that they're not a member of the Cabinet, I think that this would be more divisive because it could well be that the action of sacking this individual could mean that a platform has been given to say even more commentary in the public domain.

In relation to this issue, the community is in an incendiary environment. I am concerned about community harmony in the weeks and months ahead. We're not through the woods in relation to this. The conflict continues in the Middle East. We've got large communities across Sydney that are in some cases in vehement opposition to one another. I think, with the obvious exception of the opening days of community protests, the police have been working with all sides to keep community tensions low. And while ultimate community cohesion is a long way off, the best I can hope for right now is to ensure that we don't have a rupture in our society. I'm being genuine when I say this: I need help with that. All political leaders need to speak in moderation on this issue because words have meanings and they could be construed by individuals for terrible ends.

**The Hon. DAMIEN TUDEHOPE:** Moving on, have you heard from the ICAC in relation to Mr Crakanthorp?

**Mr CHRIS MINNS:** Look, I'm not going to comment about that. I'm not trying to be coy with you or the Committee or the people of New South Wales, but I think it's important that they're able to do their inquiry free of public commentary about it.

**The Hon. DAMIEN TUDEHOPE:** You would have heard if he had been cleared, would you not?

**Mr CHRIS MINNS:** Again—

**The Hon. DAMIEN TUDEHOPE:** You would have heard. Today, as we sit here, you have not heard whether he has been cleared?

**Mr CHRIS MINNS:** I'm not accusing you of trying to be tricky, but I'm worried that I might unintentionally tumble into inferring something that ICAC is doing, which I don't want to do right now. I think the safer thing to do in the interests of the full investigation is allow them to do their job. If they had information that they wanted me to share or that they would share publicly, I'm sure that that would happen. But you can understand I'm in a difficult situation because we've got an Independent Commission Against Corruption, there's

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been a referral to the ICAC for them to do their job, and for me to rule in or rule out—it's a difficult situation because I might be stepping on their right to do the inquiry.

**The Hon. DAMIEN TUDEHOPE:** You just made reference to a "full investigation", did you not?

**Mr CHRIS MINNS:** I'm not making a reference to that. I'm not commenting about it.

**The Hon. DAMIEN TUDEHOPE:** You used the expression, "They ought to be allowed to conduct their full investigation."

**Mr CHRIS MINNS:** If they were to do a full investigation, they ought to be able to do that. I'm not inferring anything. I don't want you to suggest that I've in some way announced a full investigation. I'm not responsible for that.

**The Hon. DAMIEN TUDEHOPE:** In your public comments previously you have indicated that, if there was to be a full investigation, Mr Crakanthorp would move to the crossbench, have you not?

**Mr CHRIS MINNS:** Again, I'm not going to make a comment about whether there is or there isn't an investigation from the ICAC.

**The Hon. DAMIEN TUDEHOPE:** It's seven months since the referral was made. It's seven months and he still participates in your caucus, does he not?

**Mr CHRIS MINNS:** I'm not responsible for the timing of inquiries by that independent agency. I think you should leave it up to them to do their job.

**The Hon. DAMIEN TUDEHOPE:** In relation to Mr Crakanthorp and those circumstances, can we infer that he has not been cleared and that the investigation is ongoing?

**Mr CHRIS MINNS:** Don't infer anything. I'm not ICAC. I'm not investigating it.

**The Hon. BOB NANVA:** Point of order—

**The Hon. DAMIEN TUDEHOPE:** You've answered the question.

**Mr CHRIS MINNS:** But you should ask the Commissioner of the ICAC.

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

**The Hon. BOB NANVA:** Chair, I have refrained from taking a point of order for a number of questions now. This is straying into a breach of paragraph 13 of the procedural fairness resolution regarding making adverse reflections on people who do not have that procedural fairness extended to them in this hearing. I just ask that you uphold paragraph 13.

**The Hon. DAMIEN TUDEHOPE:** Premier, I don't think you need protecting.

**The CHAIR:** I'm aware of that section.

**The Hon. SARAH MITCHELL:** So is Bob. He loves the procedural fairness resolution. He pulls it out every day.

**The CHAIR:** It is beginning to stray, so I would ask the member to refrain from any adverse mention—

**Mr CHRIS MINNS:** Can I just say, Mr Chair, I'm not trying to be coy about it. I took decisive action, I think—and I think a reasonable person would suggest that that was the case in removing him from the Cabinet. We made a full disclosure to the ICAC. Any information that the Government had was given to the ICAC.

**Mr CHRIS MINNS:** In terms of the way that they operate and the length of time they take to conduct their inquiries, if there is a better way or a different way, I guess you should make that public. But otherwise we should let them do their job.

**The Hon. DAMIEN TUDEHOPE:** We may take it up with them this afternoon.

**Mr CHRIS MINNS:** I think that's reasonable. You should do that.

**The Hon. DAMIEN TUDEHOPE:** Premier, have you received a briefing in relation to the impact of the NZYQ High Court case?

**Mr CHRIS MINNS:** What is that an acronym for?

**The Hon. DAMIEN TUDEHOPE:** It's the name of the case.

**Mr CHRIS MINNS:** Of course, yes, in relation to the Federal Government—

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**The Hon. DAMIEN TUDEHOPE:** You don't know what that case is?

**Mr CHRIS MINNS:** If it's in relation to the Federal Government's immigration changes, in particular the continuing detention of those who are not Australian citizens in Australian correctional facilities, then I have been given a brief.

**The Hon. DAMIEN TUDEHOPE:** When were you given that briefing?

**Mr CHRIS MINNS:** I would have to take that on notice. I couldn't recall the date off the top of my head.

**The Hon. DAMIEN TUDEHOPE:** Were you given a briefing before the decision?

**Mr CHRIS MINNS:** I would have to take that on notice.

**The Hon. DAMIEN TUDEHOPE:** You don't know when you were briefed about the potential of a release of asylum seekers from detention centres?

**Mr CHRIS MINNS:** I probably get eight briefings a day. Presumably this took—

**The Hon. DAMIEN TUDEHOPE:** Well, Premier, this is a pretty important matter—

**Mr CHRIS MINNS:** No, you're going to have to let me finish my answer. I probably get eight briefings a day. That decision came down—was it six months ago?

**The Hon. DAMIEN TUDEHOPE:** No.

**Mr CHRIS MINNS:** How many months ago?

**The Hon. DAMIEN TUDEHOPE:** About three months ago.

**Mr CHRIS MINNS:** About three? Can you tell me the date?

**The Hon. DAMIEN TUDEHOPE:** No, I don't have it in front—

**Mr CHRIS MINNS:** Well, that's outrageous! I can't believe you don't have the date off the top of your head!

**The Hon. DAMIEN TUDEHOPE:** I can't believe you don't know—

**Mr CHRIS MINNS:** You come to this Committee meeting; how dare you!

**The Hon. DAMIEN TUDEHOPE:** I can't believe you didn't know the case.

**Mr CHRIS MINNS:** Come on!

**The Hon. DAMIEN TUDEHOPE:** I don't believe you didn't know the case.

**Mr CHRIS MINNS:** But let's be fair dinkum here. If you provide the information, I'm happy to give you an honest answer. But if you're going to drip-feed information out—

**The Hon. SARAH MITCHELL:** You should know. You're the Premier.

**Mr CHRIS MINNS:** Do you want an answer or not?

**The Hon. DAMIEN TUDEHOPE:** But Premier, you're the Premier and you don't know when you received a briefing about the—

**Mr CHRIS MINNS:** In the context of being reasonable, could you tell me the date the High Court decision was handed down?

**The Hon. DAMIEN TUDEHOPE:** Premier, did your Attorney General provide you with a briefing in relation to intervening in those proceedings?

**Mr CHRIS MINNS:** But don't you think that's a material question for me to ask you?

**The Hon. DAMIEN TUDEHOPE:** I'm asking the questions.

**Mr CHRIS MINNS:** Can I make the point: I don't think it's—

**The Hon. DAMIEN TUDEHOPE:** Did your Attorney General provide you with a briefing—

**Mr CHRIS MINNS:** But Mr Tudehope—

**The Hon. DAMIEN TUDEHOPE:** —in relation to intervening in the procedures?



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**The CHAIR:** Order!

**Mr CHRIS MINNS:** I'm just going to get this answer out. I actually don't think it's unreasonable that you don't have the date off the top of your head, Mr Tudehope, but I also think the courtesy should be applied to me.

**The Hon. DAMIEN TUDEHOPE:** Did your Attorney General provide you with a briefing in relation to intervening in the proceedings when they were on foot?

**Mr CHRIS MINNS:** I'd have to take that on notice.

**The Hon. DAMIEN TUDEHOPE:** Do you think that New South Wales should have intervened in those proceedings?

**Mr CHRIS MINNS:** What, like an amicus brief or a friend of the court?

**The Hon. DAMIEN TUDEHOPE:** No, a 78B intervention in relation to a constitutional matter.

**Mr CHRIS MINNS:** As a party to the action in the Federal Court?

**The Hon. DAMIEN TUDEHOPE:** Yes.

**Mr CHRIS MINNS:** Did any other States pursue that? I'm genuinely asking.

**The Hon. DAMIEN TUDEHOPE:** No, I'm asking about New South Wales.

**Mr CHRIS MINNS:** No, we didn't do that.

**The Hon. DAMIEN TUDEHOPE:** Okay, so—

**Mr CHRIS MINNS:** Hang on—

**The Hon. DAMIEN TUDEHOPE:** So you know we didn't do it?

**Mr CHRIS MINNS:** I'm going to step through the answer. Obviously we didn't provide an amicus brief to the court or a friend of the court submission in relation to that. It was a constitutional matter for the Commonwealth. I guess the question I'm asking you is: Did any of the other jurisdictions pursue it?

**The Hon. SARAH MITCHELL:** You don't get to ask the questions. That's not how this works.

**The Hon. DAMIEN TUDEHOPE:** Premier, how this works is that I ask you the questions and you give the answers, okay?

**Mr CHRIS MINNS:** I'm happy to have a dialogue in relation to it.

**The Hon. SARAH MITCHELL:** It's not a dialogue.

**The Hon. DAMIEN TUDEHOPE:** Do you think it would have been appropriate for New South Wales to have intervened in those proceedings to make submissions in respect of the impact on New South Wales?

**Mr CHRIS MINNS:** I can't speak to that. I'd have to take some advice about the constitutionality of that suggested intervention, the prospects of success from a State intervention and whether it would have made a difference to the ultimate decision of the High Court or not. Look, it's an interesting proposition. I presume the Opposition put out a media release while the case was underway suggesting the Government do that?

**The Hon. DAMIEN TUDEHOPE:** I'm suggesting that the Government would have known about this and would have received a briefing about it and would have had to have made a decision about whether to intervene.

**Mr CHRIS MINNS:** Look, I'm not sure. I'd have to take it on notice and come back to you.

**The Hon. DAMIEN TUDEHOPE:** Do you know how many asylum seekers have been released into the community?

**Mr CHRIS MINNS:** Perhaps I could refer that to my officials.

**The Hon. DAMIEN TUDEHOPE:** You don't know?

**Mr CHRIS MINNS:** Not off the top of my head, but I can certainly provide the information to you. It's not a closed-book exam. Presumably you're after the answer, right?

**The Hon. DAMIEN TUDEHOPE:** I am after the answer.

**Mr CHRIS MINNS:** Yes, okay, well give us a moment!

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**KATE BOYD:** New South Wales police have been briefed consistently by the ABF and other Federal authorities on the number of persons released into the New South Wales community following that decision. I would stress, though, that the ongoing supervision of those detainees is a matter for the Commonwealth Government.

**The Hon. DAMIEN TUDEHOPE:** They are in fact released into New South Wales, are they not?

**KATE BOYD:** They are, but they are—

**The Hon. DAMIEN TUDEHOPE:** And they are monitored in New South Wales, are they not?

**KATE BOYD:** They are subject to the Commonwealth's supervision following legislative changes that were pursued by the Commonwealth Parliament post the decision. The responsibility for monitoring those detainees is the responsibility of the Commonwealth Government.

**The Hon. DAMIEN TUDEHOPE:** Correct.

**KATE BOYD:** Although New South Wales police are briefed on the status of those individuals, yes.

**The Hon. DAMIEN TUDEHOPE:** Do we know how many of those individuals have been charged with serious criminal offences?

**KATE BOYD:** Yes, that information is available to us. I will take that on notice in terms of the precise numbers, yes.

**The Hon. DAMIEN TUDEHOPE:** Do we know how many of them have in fact been charged with or have had convictions in relation to murder?

**KATE BOYD:** Yes.

**The Hon. DAMIEN TUDEHOPE:** You do?

**KATE BOYD:** We have quite detailed information about the profile of each detainee.

**The Hon. DAMIEN TUDEHOPE:** That includes those detainees who have been charged with or in fact have been convicted of offences relating to sexual assault?

**KATE BOYD:** Yes.

**The Hon. DAMIEN TUDEHOPE:** Do we know where they are all residing?

**KATE BOYD:** I believe that police do have that information. The Cabinet Office does not.

**The Hon. DAMIEN TUDEHOPE:** Premier, you don't know this material? Have you been briefed in relation to this?

**Mr CHRIS MINNS:** Yes. We've had extensive briefs in relation to it.

**The Hon. DAMIEN TUDEHOPE:** Do you think that the people of New South Wales deserve to know exactly the numbers, where they are potentially residing and the manner in which they are being monitored?

**Mr CHRIS MINNS:** Of course. But that information, as the Acting Secretary has said, is publicly available.

**The Hon. DAMIEN TUDEHOPE:** Are they all being monitored with ankle bracelets?

**The Hon. BOB NANVA:** Point of order: This goes to relevance and the terms of reference of this inquiry. We are now traversing subject matter that is the remit of the Commonwealth Government rather than the New South Wales Government. I ask that we stick to the terms of reference, and that is the estimated expenditure of funds from the Consolidated Fund.

**The Hon. SARAH MITCHELL:** It costs money to keep an eye on these people.

**The Hon. DAMIEN TUDEHOPE:** Heaps of money.

**The CHAIR:** I do not uphold the point of order. I think it is in the remit of the inquiry to pursue this line of questioning because it does fall within New South Wales and there is a cost to the taxpayer of New South Wales in overseeing this issue. I will allow the question.

**The Hon. DAMIEN TUDEHOPE:** I will just finish. The number that are in fact wearing ankle monitors?

**KATE BOYD:** I believe a majority of detainees are subject to—

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**The Hon. DAMIEN TUDEHOPE:** So there are some not?

**KATE BOYD:** —electronic monitoring as part of their visa conditions. But the precise number we would have to take on notice.

**The Hon. DAMIEN TUDEHOPE:** Some not?

**KATE BOYD:** I'm not quite sure. I'll have to take that on notice.

**The Hon. SARAH MITCHELL:** Ms Boyd, you said before that you have quite extensive information about these individuals. Is that publicly available, as the Premier has just indicated?

**KATE BOYD:** I believe post the decision that the total numbers of released detainees were publicly available.

**The Hon. SARAH MITCHELL:** What they may have been convicted for or where they're living? That's not publicly available, is it?

**KATE BOYD:** I don't think their residential address is publicly available, for obvious reasons.

**The Hon. SARAH MITCHELL:** What about their potential convictions?

**KATE BOYD:** I think for some of them there are public notification requirements around registration of certain offenders and those are obviously a matter of public record. But we can give you the detail that we have on each offender. I think that another aspect is it's dynamic. People move around, so it's continually changing. The key point to make, I think, is that it is the responsibility of the Australian Border Force and the Australian Federal Police to monitor these detainees.

**The Hon. ROBERT BORSAK:** Welcome, Premier.

**Mr CHRIS MINNS:** G'day, Mr Borsak.

**The Hon. ROBERT BORSAK:** I want to ask you some questions around an area of particular interest to me and our party, and that's regional crime and especially youth crime in the regions. Have you travelled lately to regional New South Wales and what are you hearing in regards to the issues around youth crime in regional New South Wales?

**Mr CHRIS MINNS:** Yes, I have. I was in the Shoalhaven on the weekend and the week before that I was in Casino, Lismore and Ballina. I speak to mayors, speak to local area commanders, local communities as well. There are mixed views, I think would be fair to say. Some communities are quite concerned about crime, regional crime. Others, probably the major issue that they would raise with me would be housing and cost-of-living issues, maybe planning and density changes in their local towns. Yes, I would say like bustling, busy communities in regional New South Wales there would be a variety of things that they would raise with me.

**The Hon. ROBERT BORSAK:** Is it turning up as a particular area of concern, especially when you go inland? You talk mostly about the coast in your answer.

**Mr CHRIS MINNS:** I have been to Orange as well in the last month and Eugowra. I spoke to the mayors of both those communities.

**The Hon. ROBERT BORSAK:** Walgett?

**Mr CHRIS MINNS:** Not to Walgett, although I think I was in Walgett not too long ago. I have to give you the date for that. Speaking to local communities and local members of Parliament as well, it certainly has come up, Mr Borsak, yes.

**The Hon. ROBERT BORSAK:** The feedback I'm getting certainly is that regional crime is a growing problem but I also am told that the current state of play in terms of police and policing in those regions is an issue. Have you got any comment in relation to that?

**Mr CHRIS MINNS:** I do. The challenge the Government is facing and the NSW Police Force is facing has been an almost unprecedented departure from the public sector, particularly police officers, over the last decade. And I would posit that the reason for that is a couple of things: firstly, the wages cap in place that put a huge disincentive on people staying in the system, becoming public servants and being a frontline emergency service worker—a police officer, in particular. I have to report to the Committee that we saw over 2,000 constables leave over the previous four years, and close to a thousand sergeants or 700 sergeants leave over the same period of time.

That represents decades worth of experience on the front lines, particularly in regional communities, that has up and left. We've made decisions around the wages cap. We've also made a decision to pay for new recruits

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to enter the police academy so that we can get a more diverse group of people entering the public service, particularly the NSW Police Force. We hope that that bolsters the ranks and, as a result, has an impact on crime.

**The Hon. ROBERT BORSAK:** How far under-resourced are they in terms of the numbers? Is it 2,000, 3,000?

**Mr CHRIS MINNS:** We believe the vacancies are about 1,600—maybe a bit more than that. There is a glimmer of hope. It's too early to declare success and I'm not suggesting that, but since the Government made a decision to add a \$30,000 study payment to recruits at the Goulburn academy, we've seen a 40 per cent increase in the interests of people who are considering becoming police officers in New South Wales.

**The Hon. ROBERT BORSAK:** Forty per cent is a good proportion, but what is that in actual numbers? Do you know?

**Mr CHRIS MINNS:** I'll have to get you the number over the last 12 months.

**The Hon. ROBERT BORSAK:** Is that the only thing you're doing to turn around police numbers?

**Mr CHRIS MINNS:** No. I think the biggest change would be the removal of the wages cap in the State. You'd know, Mr Borsak, that that provision in place over a prolonged period of time meant that for many workers, while the cost of living continued to escalate, it was very difficult for people to stay in their job. Two things happened, particularly for the Police Force, that was very damaging for New South Wales police: (a) it was difficult to recruit new people to the NSW Police Force; and, secondly, we weren't retaining officers for the duration of service that we were previously getting. So we were effectively, if you like, losing them from the top and losing them from the bottom. It's going to take time, but boosting that authorised strength, the only way to do that is to change pay and conditions for frontline workers, and that's what we're doing.

**The Hon. ROBERT BORSAK:** The Police Association tells me that it would be looking for, or would like to have, a deal like the nurses got, for example.

**Mr CHRIS MINNS:** We're in negotiations with the Police Association and other frontline workers in the State. The nurses, in particular, my understanding had a 4.5 per cent wages deal. New South Wales police had the same, 4.5 per cent for this 12-month period. But there are active negotiations on both those awards with the Government in the months ahead.

**The Hon. ROBERT BORSAK:** Just talking about some specific areas, for example, motor vehicle theft has increased and youth crime is an increasing concern, as you know. What interventions can we put in place in the bush? I'm particularly interested in that because there is a view also that those that come out of the academy, there is a preference to be allocating those people to Sydney as opposed to the bush. The bush is disproportionately poorly represented when it comes to police and I might add also in many places like Tamworth—for example, police stations.

**Mr CHRIS MINNS:** I think that has historically been a fair point. A couple of things, those interventions we believe will make a difference. We've allocated \$7.5 million to try and attract people to regional New South Wales. That hasn't been a raging success since it was unveiled by the previous police Minister but we're hopeful that combined with the training supplement along with the removal of the wages cap and whatever agreement we strike with the Police Association in the weeks ahead, we can get real change. That has to be a priority. Regional policing commands must be a priority.

I know that, having spoken to the police commissioner as well as deputy commissioners, they do have innovative policing methods both in terms of investigation and detection to catch people who commit criminal acts right throughout New South Wales, but particularly in regional New South Wales. But the bottom line is that it doesn't matter how clever or innovative the police response is, you need boots on the ground. I have to say, the best and most longstanding intervention we can make to ensure that crime comes down and regional communities are safe is to recruit and retain police officers in the State. The only way to do that, Mr Borsak, is to pay them.

**The Hon. ROBERT BORSAK:** Premier, is the recruitment money actually new money or is it recycled money?

**Mr CHRIS MINNS:** No. I mean, the Government has set aside \$3.5 billion over the forward estimates in an essential workers fund. We've been heavily criticised for it, but obviously that's an allocation of funds that is essential for the State.

**The Hon. ROBERT BORSAK:** So that's a pool of new money and any increases in subsidies will come out of that in relation to frontline services. Is that what you're saying?

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**Mr CHRIS MINNS:** Yes, the police budget is increasing, Mr Borsak. I have to say, it's not free to increase the wages and conditions of public sector workers in the State, but there is no other way to get better schools, to get better hospitals, to have safe streets, unless we attract and retain workers. We can't expect them to do that unless we have the removal of the wages cap and genuine negotiations. That's what we were elected to do and that's what we've done.

**The Hon. ROBERT BORSAK:** So it goes without saying that you respect the role of the cops, especially in rural and regional areas, and they would be treated exactly the same as any other frontline workers.

**Mr CHRIS MINNS:** Of course I respect them. I can't imagine how difficult that job is.

**The Hon. ROBERT BORSAK:** No, of course.

**Mr CHRIS MINNS:** Friends of mine from school joined the Police Force. The first thing they were told is, "Every day of your working life you're meeting someone on the worst day of their life. They are either the victim or the perpetrator of a crime." That takes a huge toll. We need to make sure that we've got the help and support in place and that we say to people, particularly young police officers, that you can have a wonderful career in New South Wales policing. It's also, of course, a rewarding career. Look, I'll just divert for a bit. It's one of the reasons why we are pursuing our housing changes so closely. We regard it as so important for the State.

The reason is I met a couple of police officers. Both of them were married; they had young kids. They were finding it impossible to make ends meet because the cost of housing in Sydney was so extreme. Now, for well over 100 years we've had a situation where if you have two decent public sector wages—middle-class incomes—that was historically more than enough to live in Sydney, raise a family, join a community. Increasingly, these days it's not, so something has to change.

**The Hon. ROBERT BORSAK:** And would we do the same in the bush? Extra allowances for cops who move to the bush?

**Mr CHRIS MINNS:** Yes. Obviously we'd be guided by the union. They are a tough union. I'm not going to lie about it. They drive a hard bargain. But you'd expect that when they're working for their members. We want to sit down with them, get a good outcome and attract and retain the best to the New South Wales police service.

**The CHAIR:** Good morning, Premier. Do you accept that in recent years there has been an explosion of organised crime activity across New South Wales that has manifested itself in gangland violence on the streets of Sydney?

**Mr CHRIS MINNS:** I'd probably use my own words to describe organised crime. I think that there's obviously real concern. Certainly the police have indicated that that's the case. The New South Wales Crime Commission has distributed several reports indicating that they've got a concern about organised crime in this State. It remains an ongoing subject or topic of investigation for the New South Wales police.

**The CHAIR:** But do you think that the violence is out of control, that it's alarming the New South Wales community, and that it's impacting the quality of life and the safety of people's neighbourhoods, the value of their properties and Sydney's reputation as a safe place to do business, live and visit?

**Mr CHRIS MINNS:** I probably wouldn't say all of that. I don't think it's affecting house prices, for example. I don't think it's probably synonymous with most people's view of Sydney who don't live in Sydney. I probably couldn't concur with that statement.

**The CHAIR:** You don't think that gangland shootings on the streets of south-west Sydney—in Greenacre and Belmore—make people less likely to want to live in those places?

**Mr CHRIS MINNS:** I guess that's not how you phrased it or the question that you asked me. But if your point is that organised crime remains a problem in New South Wales and is the subject of police activity, then the answer is, of course, yes.

**The CHAIR:** Do you think those concerned with this organised crime and the associated violence are a minority or do you think it is an issue that is generating sustained and deep community concern?

**Mr CHRIS MINNS:** Is your question: Do I think the people who are concerned about organised crime are a minority?

**The CHAIR:** Yes. You would've seen the front page of the eight-page spread in *The Daily Telegraph* this week.

**Ms SUE HIGGINSON:** Nobody reads that.

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**The CHAIR:** Do you think the people who are concerned about gangland violence in this State are a minority? Is it a woke issue or do you think there is deep and broad concern about gangland violence in this State?

**Mr CHRIS MINNS:** It's hard for me to quantify, if I'm going to be honest. I think it would be a concern. Do I think it's a greater concern than cost of living or other genuine concerns for families? My personal opinion is probably not. But, again, that doesn't diminish from the fact that it remains an issue and something that we need to confront.

**The CHAIR:** Premier, is anyone in the Government assessing the monetary cost in terms of whole of government to the New South Wales taxpayer of this crime in terms of the government response, police resources, court time and the cost of incarceration? Does anyone bring together a whole-of-government perspective in terms of the cost of organised crime in this State?

**Mr CHRIS MINNS:** They do. There have been published reports and I think a recent published report that attempts to quantify a couple of things: firstly, the size and scale of the illicit market, or the black market; and the impact on the broader economy of that kind of intervention. The New South Wales Crime Commission issued a report last year—or maybe it was in 2021—about this exact issue. I think that they put some numbers around it, but certainly it's in the billions. It does create an unequal playing field for other marketplaces.

**The CHAIR:** So it costs the New South Wales taxpayer billions of dollars?

**Mr CHRIS MINNS:** It does. And not just that. The reporting indicates that those that have access to illicit funds may impose themselves in other parts of the economy—whether it's to improperly use cash or whatever—but that has an impact on the private economy as well.

**The CHAIR:** Premier, in terms of this crime that's occurring on the streets of New South Wales—and, in particular, Sydney—why are the bullets flying? Why are these crime gangs kidnapping, torturing and murdering innocent bystanders, murdering each other? Why are they destroying the quality of life in some areas and the reputation of communities? What is it? You mentioned illicit substances, but what is it that these gangs and organised crime groups are fighting over? What is it that is causing this violence?

**Mr CHRIS MINNS:** I can assume it's power, criminal activity, access to money.

**The CHAIR:** Could it be drugs?

**Mr CHRIS MINNS:** Of course, yes.

**The CHAIR:** Could it be illicit drugs that they're fighting over—the power over drugs, the money associated with illicit drugs and the distribution of illicit drugs?

**Mr CHRIS MINNS:** The latest reporting indicates that the illicit trade of narcotics is one of the big factors of organised crime, along with—

**The CHAIR:** Isn't it the biggest?

**Mr CHRIS MINNS:** Well, there are other things that they pursue—for example, prescription medication, vaping, illicit cigarettes and other parts that wouldn't be classified class A drugs. But I take your point.

**The CHAIR:** Do you think it's expensive to run a drug cartel or to run the mafia? Do you think it's expensive to run an organised crime syndicate?

**Mr CHRIS MINNS:** I don't know.

**The Hon. ROBERT BORSAK:** What's the inference?

**Mr CHRIS MINNS:** I have to say, you're unlikely to get one of them to appear at this Committee to find out.

**The CHAIR:** If you consider the amount of money that the New South Wales Crime Commission talks about flowing around through these organisations—many of these people involved generating wealth in the order of hundreds of millions, if not billions, of dollars—is it possible that it's a very expensive business to be in and to run?

**Mr CHRIS MINNS:** It is possible.

**The CHAIR:** Yes. How do you think these organised crime groups get their money initially? How do they start up? Do they do a GoFundMe or ask an uncle for \$100 million? Do they go to the bank? How do they generate the money to begin their operations?

**UNCORRECTED**

**Mr CHRIS MINNS:** I assume it's access to this illicit market that generates income and then their cartel. But I don't want to provide a how-to for some of these people. I'm not an expert in relation to it.

**The CHAIR:** Shouldn't you be? If you consider it's costing the Government billions of dollars to enforce the taxpayer and we've got our major tabloid running a four-page, eight-page ongoing campaign that is, in my opinion, alarming people, shouldn't you be an expert about how these organisations get off the ground?

**Mr CHRIS MINNS:** Like a lot of issues, I think a reasonable person would say that I've got access to experts and then I've got enough information to make good decisions in the interests of the people of New South Wales. I don't pretend to have expertise that I don't have. You'd appreciate, Mr Buckingham, that people devote their professional lives to both investigating, prosecuting and arresting these criminal gangs, and I'm not one of those people.

**The CHAIR:** Well, one of those organisations is the New South Wales Crime Commission. In their report from 2022-23—and you alluded to the access to illicit markets. What they say is that it is actually illicit cannabis that is the progenitor of the revenue—the black market in cannabis—that provides resources to these crime gangs to begin. In particular, they say:

Since 2022, the size and scope of domestic cannabis cultivation significantly increased. Joint investigations between the Commission and the NSWPF identified a syndicate operating large cannabis farms in NSW ... with crops in excess of 30,000 plants per farm. The estimated value of cannabis plants seized from one syndicate in 2022 alone was just under \$500 million.

Isn't that the business model for organised crime—get a few seeds, get a few bikies, head into the bush and grow \$500 million that you then put into firearms, meth, coke, human trafficking? Isn't the prohibition on cannabis creating the business model for organised crime to generate billions to fund their war that's exploding on our streets?

**Mr CHRIS MINNS:** I'm sure that cannabis production, distribution and sale is part of the business model. Whether it's the sole driver of economic activity for organised crime gangs, I can't—

**The CHAIR:** But isn't it—

**Mr CHRIS MINNS:** Hang on, you've got to let me finish. I will answer all your questions, but I've just got to get it out. I don't know whether that's the sole or major or principal source of revenue. I also can't answer the counterfactual as to if it were taken out of the marketplace for illicit drugs, whether that would be subsumed by some other form of illicit commerce that drives their economic model. I couldn't answer that either. But I've got—I think your central point is illicit cannabis production and distribution is obviously part of the organised crime commercial operations.

**The Hon. DAMIEN TUDEHOPE:** Just turning to the NZYQ case, the decision was made or orders were made on 8 November—in fact, judgement was delivered on 28 November 2023. Now that you know that, do you know whether you received any briefing before either of those dates in relation to the impact of that provision?

**Mr CHRIS MINNS:** No. I'll take it on notice. I will have to give you the exact date.

**The Hon. DAMIEN TUDEHOPE:** Do you know, Ms Boyd?

**Mr CHRIS MINNS:** We'll take it on notice.

**The Hon. DAMIEN TUDEHOPE:** Do you know, Ms Boyd?

**Mr CHRIS MINNS:** No, no, you can direct your questions to me.

**The Hon. BOB NANVA:** Point of order—

**Mr CHRIS MINNS:** You can ask any question this afternoon.

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

**The Hon. BOB NANVA:** Paragraph 11 of the procedural fairness resolution states a witness is entitled to take a question on notice, and he has.

**The CHAIR:** That's correct. Paragraph 11 does say that. If the Premier wants to take it on notice, he can.

**The Hon. DAMIEN TUDEHOPE:** My question is to Ms Boyd. Do you know?

**Mr CHRIS MINNS:** Well, I can take the questions, right?

**The Hon. DAMIEN TUDEHOPE:** No, you can take it on notice. I'm now asking Ms Boyd whether—

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**Mr CHRIS MINNS:** But hang on—

**The Hon. DAMIEN TUDEHOPE:** She may not need to.

**The CHAIR:** Order!

**Mr CHRIS MINNS:** Mr Chair, how does it work? Are these questions to me?

**The CHAIR:** Yes. Order!

**The Hon. DAMIEN TUDEHOPE:** No.

**Mr CHRIS MINNS:** You can ask whoever you like this afternoon, but I've only got three hours here so—

**The Hon. DAMIEN TUDEHOPE:** I can ask the witnesses. Ms Boyd is a witness.

**The CHAIR:** Yes, if you've got—

**The Hon. DAMIEN TUDEHOPE:** A question to Ms Boyd.

**The CHAIR:** Okay, let's just maintain some decorum and not badger each other. Mr Tudehope, you have a question for Ms Boyd.

**The Hon. DAMIEN TUDEHOPE:** Ms Boyd, do you know?

**KATE BOYD:** Sorry to disappoint you, Mr Tudehope. I'll have to take the exact date on notice, but I understand, in accordance with our usual practice, that a written brief was provided to the Premier around the date of the decision, given the significance of it.

**The Hon. DAMIEN TUDEHOPE:** So before the decision was made? Do you recall?

**KATE BOYD:** I'll have to take that on notice to double-check.

**The Hon. DAMIEN TUDEHOPE:** So it may have been made before?

**KATE BOYD:** I'll have to check the date of the briefing. I don't recall off the top of my head.

**Mr CHRIS MINNS:** You've got your answer. We'll have to take it on notice.

**The Hon. DAMIEN TUDEHOPE:** Can you ascertain that material during the morning tea break?

**The Hon. Dr SARAH KAINE:** Point of order—

**The CHAIR:** A point of order has been taken. Yes, Dr Kaine?

**The Hon. Dr SARAH KAINE:** According to the part of the resolution that deals with treating our witnesses with courtesy, it is verging on badgering Ms Boyd. Mr Tudehope has asked her three or four times the same question and she's answered adequately that it was around the time and they'll get the details.

**The CHAIR:** Yes, the question has been taken on notice. I'd ask Mr Tudehope to move on. Time is limited.

**The Hon. DAMIEN TUDEHOPE:** Ms Boyd can handle herself. Ms Boyd has been coming to these hearings a lot longer than me.

**The Hon. Dr SARAH KAINE:** It doesn't mean you can treat people badly.

**The CHAIR:** Yes, that's right.

**The Hon. DAMIEN TUDEHOPE:** I don't treat her badly. Can you ascertain that during the morning tea break?

**KATE BOYD:** Yes, I'll double-check our records and let you know.

**The Hon. DAMIEN TUDEHOPE:** In the morning tea break, can you ascertain the number of detainees currently in New South Wales?

**KATE BOYD:** Yes. I believe it is 62. I have just received some information to that.

**The Hon. DAMIEN TUDEHOPE:** Can you ascertain the number who are currently being monitored by ankle bracelet?

**KATE BOYD:** Yes, we will get that information to you separately on notice.



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**The Hon. DAMIEN TUDEHOPE:** In the morning tea break—can you ascertain that?

**Mr CHRIS MINNS:** No, we'll get it to you when we can get it to you.

**KATE BOYD:** We'll see. We'll need to confer with police, I would think, who are getting the briefings from the Federal authorities.

**The Hon. DAMIEN TUDEHOPE:** Would you attempt to do that during the morning tea break?

**KATE BOYD:** We will do our best, as always.

**The Hon. SARAH MITCHELL:** Premier, are you going to see Taylor Swift in Sydney this weekend?

**Mr CHRIS MINNS:** No.

**The Hon. SARAH MITCHELL:** Are you a Swiftie?

**Mr CHRIS MINNS:** Not an around-the-clock fan, so I'm not going.

**The Hon. SARAH MITCHELL:** That's a shame. She is bringing millions into the New South Wales economy. It would've been good to support her, but maybe you can go next time. Premier, will you apologise today to Rochelle Hicks for her treatment by your Government?

**Mr CHRIS MINNS:** I mean, anyone in the New South Wales Government that believes they've been in a situation where the workplace or circumstances in the workplace have not been good enough—of course, I'd apologise to any of them.

**The Hon. SARAH MITCHELL:** Will you apologise to Rochelle?

**Mr CHRIS MINNS:** I'd just say, in relation to that specific incident, from what I've read and the circumstances around it, obviously any employee, Rochelle included, who didn't have a satisfactory experience or time inside the New South Wales Government as a public sector employee—I'd do that immediately.

**The Hon. DAMIEN TUDEHOPE:** This is not "satisfactory", though, is it, Premier? This is not a question of being satisfactory.

**The CHAIR:** Order! We are here to ask questions.

**The Hon. SARAH MITCHELL:** That is a question.

**The CHAIR:** Is it?

**The Hon. BOB NANVA:** It's a commentary.

**The CHAIR:** It's a commentary, really.

**The Hon. DAMIEN TUDEHOPE:** This is not a question of being satisfactory. This is a woman who was threatened with death.

**Mr CHRIS MINNS:** Yes. I mean, again—

**The Hon. DAMIEN TUDEHOPE:** That's more than just satisfactory. This a serious impact on this woman in circumstances where she was portrayed—

**Mr CHRIS MINNS:** I'm not in dispute with you. I've said anyone—Ms Hicks in particular. Of course, I'd apologise.

**The Hon. SARAH MITCHELL:** Premier, you said last year before the election that the State Government should be a model employer. Do you think you've been a model employer for Rochelle Hicks?

**Mr CHRIS MINNS:** I can't answer that specifically. I understand that there's obviously an inquiry that's taking place. But there are 400,000 public sector employees in the New South Wales Government. I think in large measure the Government has taken steps to ensure that we are a good employer for the State and for those that want to work in the New South Wales public sector, but I couldn't apply it in all circumstances because the size of the public sector is just so large.

**The Hon. SARAH MITCHELL:** I'm asking about a specific example. Have you spoken to Minister Aitchison about this matter?

**Mr CHRIS MINNS:** I have spoken to Minister Aitchison.

**The Hon. SARAH MITCHELL:** When did you become aware that her chief of staff was trying to discredit Ms Hicks by talking to crossbench members questioning her mental health? Were you aware of that?

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**Mr CHRIS MINNS:** Obviously, I think you'd be aware that Minister Aitchison's staff member disputes that.

**The Hon. SARAH MITCHELL:** That's not what elected members of Parliament have said publicly on the record.

**The Hon. BOB NANVA:** Point of order: We again are traversing an issue where we are making personal reflections and making adverse inferences against third parties who are not here, and where procedural fairness cannot be asserted by them. I ask that you uphold the adverse reflection provisions of the procedural fairness resolution.

**The CHAIR:** Yes, Ms Mitchell, whilst you haven't named someone—

**The Hon. SARAH MITCHELL:** I haven't.

**The CHAIR:** —you have certainly identified them by using their job description. I'd remind you of the requirement not to mention people adversely and to refrain from doing so.

**The Hon. SARAH MITCHELL:** Thank you, Chair. Premier, do you think calling somebody "mentally unstable" for raising concerns about workplace safety—including, in this instance, a death threat—is what you'd expect from a model employer?

**Mr CHRIS MINNS:** I think it's important to note that that's in dispute, that the staff member says—

**The Hon. SARAH MITCHELL:** Sorry, what's in dispute?

**Mr CHRIS MINNS:** The staff member made that allegation and then you're asserting it as a principle of fact, but the staff member's saying that that's not the case. You accept that, right?

**The Hon. SARAH MITCHELL:** No, because I am aware, as an upper House member, of these discussions—and there are crossbench members who've made that clear.

**Mr CHRIS MINNS:** Which is the—

**The Hon. SARAH MITCHELL:** The fact is, Premier—

**Mr CHRIS MINNS:** Sorry, just so I'm clear—maybe there's information that you're aware of that I'm not aware of. Which is the crossbench member who has alleged to have heard it?

**The Hon. SARAH MITCHELL:** There are members of the crossbench who are reported in the media as discussing this. But the point is, Premier—

**Mr CHRIS MINNS:** Can you—

**The Hon. SARAH MITCHELL:** Premier—

**Mr CHRIS MINNS:** No, but honestly, I'm happy to engage with—

**The Hon. SARAH MITCHELL:** I get to ask the questions.

**Mr CHRIS MINNS:** I think that you want honest answers, but I just need to know: Who are you referring to?

**The Hon. SARAH MITCHELL:** Premier, I get to ask the questions here.

**Mr CHRIS MINNS:** But is that an outrageous request from me?

**The Hon. SARAH MITCHELL:** No, it is not an outrageous—

**The CHAIR:** Order!

**The Hon. SARAH MITCHELL:** My question to you is: You have been on the record saying that New South Wales should be a model employer. You have a woman in Rochelle Hicks, a regional woman who's worked very hard as a department of transport employee, who was subject to a death threat and who has been treated appallingly. You, as Premier, have not shown any leadership on this issue. Do you think it's appropriate that senior Transport staff stopped other staff from raising concerns in relation to this matter?

**Mr CHRIS MINNS:** I'd let an independent investigation take place in relation to that.

**The Hon. SARAH MITCHELL:** Premier, this is on the public record.

**Mr CHRIS MINNS:** Well, hang on—

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**The Hon. SARAH MITCHELL:** There were papers released to Parliament—

**Mr CHRIS MINNS:** Mr Chair, I think I'm entitled to get the answers out—

**The CHAIR:** Order!

**The Hon. SARAH MITCHELL:** It's all there.

**The CHAIR:** You have got to let the Premier—

**Mr CHRIS MINNS:** I don't think it's reasonable to ask a question and then another four questions. You should really let me the opportunity to answer—

**The CHAIR:** Allow the Premier to answer.

**Mr CHRIS MINNS:** I just want to make the point that if there is an independent inquiry in relation to that, that should take place. It's very difficult for me to ascertain the circumstances relating to it. I think a reasonable person would suggest that it's fairer for an independent body to investigate those allegations. In relation to the staff member, that is a very serious allegation that you've made. I think it's important to note for those watching the hearing who may not be aware of the circumstances that the staff member has denied it, said that it didn't happen. If there's more information—for example, if you could tell me who the staff member is alleged to have said it to—then that would be beneficial to me.

**The Hon. DAMIEN TUDEHOPE:** Premier, do you disagree with your Treasurer when he said on 8 February:

I immediately and unreservedly express my support, sympathy and apologies to Rochelle Hicks ...

You seem to be moving away from that position expressed by your Treasurer in the upper House.

**Mr CHRIS MINNS:** I think that would be a huge—

**The Hon. DAMIEN TUDEHOPE:** Having heard exactly the material—

**Mr CHRIS MINNS:** —misrepresentation of what I said. I think the first question was would I offer an apology, and of course I would. You can't rewrite history.

**The Hon. DAMIEN TUDEHOPE:** You seem to be, though, in fact doing so in a circumstance where you're reserving your position. Isn't that the case?

**Mr CHRIS MINNS:** I don't think that's fair. I'm not reserving my position. The allegation was put to me that a staff member said obviously quite outrageous things to an unnamed member of Parliament. I think it's reasonable in the circumstances to explain to the Committee that the staff member says that that didn't happen. I wasn't part of that conversation. I have tried to get to the bottom of it. I have spoken to the Minister involved. I still don't know who the staff member is supposed to have said it to. I think that information would—and if you're asking me questions, presumably you want answers.

**The Hon. SARAH MITCHELL:** Yes, I do, Premier.

**Mr CHRIS MINNS:** That's a reasonably straightforward—

**The Hon. SARAH MITCHELL:** Chair, if I could just—

**Mr CHRIS MINNS:** —piece of information to supply, if you have it.

**The Hon. SARAH MITCHELL:** Thank you, Premier. It's my turn to ask questions. What I'm going to ask you now is: Are you concerned—and this is all on the public record in the documents provided through the upper House—that senior public servants may have engaged in obstruction of justice on this matter?

**Mr CHRIS MINNS:** I would be concerned in all circumstances if a public servant was obstructing justice. That would be a standard concern of any responsible government.

**The Hon. SARAH MITCHELL:** It's not exactly model behaviour for an employer though, is it, Premier?

**Mr CHRIS MINNS:** If proven to be true.

**The Hon. SARAH MITCHELL:** The entire treatment of Rochelle Hicks and what's gone on here?

**Mr CHRIS MINNS:** No. Of course I've got concerns about it. It's a big public sector. There are 400,000 public servants in New South Wales. Any of them that have been treated in a way that is abusive, that has led to them resigning, of course I offer an unreserved apology.

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**The Hon. SARAH MITCHELL:** Premier, have you got confidence in your education Minister, given that yesterday she wasn't able to tell these proceedings how much contaminated material was being removed from Liverpool West Public School or how long it would take?

**Mr CHRIS MINNS:** Yes, of course I do.

**The Hon. SARAH MITCHELL:** Premier, if someone from the public hadn't raised the issue in the first place about asbestos, you would never have known about it, would you?

**Mr CHRIS MINNS:** Information is provided to me on a whole range of issues. I can't answer that. It's a hypothetical.

**The Hon. SARAH MITCHELL:** It's not a hypothetical, because the only reason that the Government has been alerted to the current issue with asbestos is because a member of the public reported it to Transport. That's correct, isn't it?

**Mr CHRIS MINNS:** That's right. But I've got no idea whether it would have come up in other checks that are conducted.

**The Hon. SARAH MITCHELL:** But nothing was done about it for a week after that email was received. That's correct, isn't it?

**Mr CHRIS MINNS:** That's right. Yes.

**The Hon. SARAH MITCHELL:** If someone from the community hadn't reported it, you wouldn't have known about it. It was reported and nothing was done for a week. You've got contaminated mulch in schools that shouldn't have been there in the first place. You've got most areas of Sydney with parks that are now fenced off. We've got new contaminated sites coming in every day. What's been going on? Where have you been? Have you been asleep at the wheel on this issue?

**The Hon. BOB NANVA:** Point of order: The courtesy paragraph in the procedural fairness resolution. The member needs to be respectful—

**The Hon. SARAH MITCHELL:** What about that was discourteous?

**The Hon. BOB NANVA:** Respectful and courteous to the witness.

**Ms SUE HIGGINSON:** To the point of order: Budget estimates is always given wide latitude. We're talking about a Premier of New South Wales here, who is very robust and very capable, being accused of being asleep at the wheel. It's a very common, typical accusation we make when we are suggesting somebody's not doing their job on a policy matter, which is precisely the scope of budget estimates.

**The CHAIR:** Thank you, Ms Higginson. I will not uphold the point of order. It is a commonly used term and I don't believe it's discourteous.

**The Hon. SARAH MITCHELL:** I'm just waiting for an answer from the Premier.

**The CHAIR:** Yes. The Premier, if he's not asleep at the wheel, can answer the question.

**Mr CHRIS MINNS:** It's interesting that the distribution of the asbestos has been going on for more than 12 to 18 months.

**The Hon. SARAH MITCHELL:** Premier, I'm asking you—

**Mr CHRIS MINNS:** So what did you know about it? Did you come to estimates and accuse everyone? Were you asleep at the wheel?

**The Hon. SARAH MITCHELL:** Premier, don't belittle me asking you questions.

**The Hon. DAMIEN TUDEHOPE:** Procedural fairness.

**Mr CHRIS MINNS:** Weren't you the education Minister?

**The Hon. SARAH MITCHELL:** Yes, I was, Premier.

**Mr CHRIS MINNS:** I can't believe it.

**The Hon. SARAH MITCHELL:** And I'm very concerned that yesterday your education Minister had no idea how much mulch was being removed.

**Mr CHRIS MINNS:** What did you raise? We saw when you were the Minister for Education.

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**The Hon. SARAH MITCHELL:** Absolutely I did. Premier, this is not about me.

**Mr CHRIS MINNS:** It was distributed when you were the Minister.

**The Hon. SARAH MITCHELL:** You are the Premier of the State and your response in a budget estimates hearing—

**Mr CHRIS MINNS:** I've got to say, I would have picked someone else to ask that question. No offence.

**The Hon. SARAH MITCHELL:** —is to reflect on me as a member of the Committee.

**The CHAIR:** Order! Let's not make commentary. Both Ms Mitchell and the Premier should avoid making commentary. Let's ask some questions and provide some answers.

**Mr CHRIS MINNS:** No, I'll answer the question. In all seriousness, in these circumstances—

**The Hon. SARAH MITCHELL:** No, no. Sorry, no, no, no.

**The CHAIR:** The Premier is answering the question.

**Mr CHRIS MINNS:** The supposition of the question is that the Government's been asleep at the wheel. If it's the case that the distribution of this asbestos, this alleged asbestos, happened under your tenure as the Minister for Education, weren't you asleep at the wheel?

**The Hon. SARAH MITCHELL:** Premier, that's incorrect. We got evidence yesterday from your Education officials that this mulch was put down over the summer period—

**The Hon. Dr SARAH KAINE:** Did you test it?

**The Hon. SARAH MITCHELL:** —Mr Premier. My point—

**Mr CHRIS MINNS:** There are 798 sites across New South Wales and the company's been operating for longer than 12 months.

**The Hon. SARAH MITCHELL:** Premier, my question to you is, you are the Premier of the State—

**Mr CHRIS MINNS:** No, I'm happy to say that.

**The Hon. SARAH MITCHELL:** No. I haven't finished my—

**Mr CHRIS MINNS:** The Government has established a task force.

**The Hon. SARAH MITCHELL:** I haven't finished my question.

**The CHAIR:** Order!

**Mr CHRIS MINNS:** No, she's—

**The Hon. SARAH MITCHELL:** Premier, I've not finished my question.

**Mr CHRIS MINNS:** Mr Chair, the question was what are we doing and I'm happy to give a proper—

**The Hon. SARAH MITCHELL:** "She"! I'm the Hon. Sarah Mitchell.

**Mr CHRIS MINNS:** —a proper answer.

**The Hon. SARAH MITCHELL:** Can you please address me appropriately?

**The CHAIR:** Order! Let the honourable member—

**The Hon. SARAH MITCHELL:** How dare you.

**The CHAIR:** Order!

**Mr CHRIS MINNS:** Well, I mean, I—

**The CHAIR:** Order! Please allow the question to—

**The Hon. SARAH MITCHELL:** I've not finished my question.

**The CHAIR:** —the question to complete.

**Mr CHRIS MINNS:** The question was what are you doing about it, right?

**The Hon. SARAH MITCHELL:** I haven't finished my question, Premier.

**Mr CHRIS MINNS:** Okay, sorry.

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**The Hon. SARAH MITCHELL:** And I would like to be afforded courtesy and respect as a member of this Committee from you as the Premier. Would that be okay?

**The Hon. Dr SARAH KAINE:** A rhetorical question.

**The CHAIR:** Order! Please ask your question, Mrs Mitchell.

**The Hon. PETER PRIMROSE:** It's a robust forum, remember?

**The Hon. Dr SARAH KAINE:** You just said how robust it is.

**The Hon. SARAH MITCHELL:** Premier, my question to you is: You've said you've set up a taskforce. Why every time there is a crisis that your Government is faced with, it's a taskforce, it's an inquiry? Why won't you lead and actually do something about these serious issues?

**Mr CHRIS MINNS:** I think this sort of grandstanding from you here is not helpful. There is a difference between an inquiry and a taskforce. The specifics of the taskforce were about supplementing the agency of the EPA so that they had more investigators on the ground, so they could see more sites and give the public confidence that the significant amount of mulch that had been distributed in the community had been tested, come back negative and it could be returned to public use. I think in those circumstances, the establishment of that taskforce—which involved the EPA, SafeWork NSW, Fire and Rescue NSW, the coordination of the Premier's Department—was a comprehensive response. What it enabled us to do is identify 798 sites across New South Wales, test those 798 sites and confirm that 47—I think 47 on the last count—

**The Hon. SARAH MITCHELL:** It's growing.

**Mr CHRIS MINNS:** —did contain bonded asbestos. That's a comprehensive response. It's a multi-agency response. It's not a case of us navel-gazing or having some kind of committee meeting. It was the rollout and distribution of highly trained and quite specific investigators across New South Wales.

**The Hon. SARAH MITCHELL:** Thanks. Sorry, Premier—

**Mr CHRIS MINNS:** It was exacerbated by the fact that the company involved—the EPA has two roles in this inquiry. The first one is to conduct an investigation—a criminal investigation, as it relates to this—and, secondly, to identify potential sites where there is mulch that's been distributed in the State. The information I received over a week ago—maybe two weeks ago—was that, yes, they were making progress in identifying the sites but there were three, perhaps even more, subcontractors that had got the quantum of mulch and then sold it on to third parties.

**The Hon. SARAH MITCHELL:** Thanks, Premier.

**Mr CHRIS MINNS:** As a result of that, it was a complex, almost contact-tracing endeavour. It wasn't an easy thing to do—

**The Hon. SARAH MITCHELL:** Thank you, Premier.

**Mr CHRIS MINNS:** —and it did result in—

**The Hon. SARAH MITCHELL:** I've seen the EPA provide that information in a media briefing.

**Mr CHRIS MINNS:** Why ask a question if you don't want the answer?

**The Hon. SARAH MITCHELL:** Thank you. I'd like to move on to a different issue, picking up from what my colleague has spoken about in relation to regional crime. Can you tell me how many break and enters into dwellings there were in regional New South Wales in the 12 months to September 2023?

**Mr CHRIS MINNS:** I can't give you that exact number, no.

**The Hon. SARAH MITCHELL:** I can give it to you. It's 10,869.

**The Hon. Dr SARAH KAINE:** So you're giving answers to questions?

**The Hon. SARAH MITCHELL:** Do you know how many in Greater Sydney?

**The Hon. Dr SARAH KAINE:** Are you asking the questions or are you giving answers?

**Mr CHRIS MINNS:** I can't give you the exact number, no.

**The Hon. SARAH MITCHELL:** It's 8,898. Does it concern you that even though there are less homes and less people living in a regional area, we've been subject to more break and enters and those in the metro area?

**Mr CHRIS MINNS:** Yes, it does concern me.

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**The Hon. SARAH MITCHELL:** Okay. So last estimates—

**Mr CHRIS MINNS:** Hang on. I'm not finished.

**The CHAIR:** Order! Please allow the Premier to answer the question.

**The Hon. SARAH MITCHELL:** I thought he'd finished. Sorry. I thought he was done.

**The CHAIR:** I don't think he has.

**Mr CHRIS MINNS:** The truth of the matter is that concern is exacerbated by a couple of things: firstly, the distribution of police officers, particularly in regional New South Wales, and the authorised strength is lower—as I said earlier from Mr Borsak's questions—today than it should be, over 1,000 officers short. The reason for that is because of historic and systemic underfunding by the previous Government for frontline public sector workers.

**The Hon. SARAH MITCHELL:** That's just not correct.

**The Hon. DAMIEN TUDEHOPE:** That's wrong.

**Mr CHRIS MINNS:** It's just too expensive. You say that it's wrong; I don't think it's wrong. The way to confront—

**The Hon. SARAH MITCHELL:** With respect, in last estimates—

**Mr CHRIS MINNS:** I've not finished my answer, Mr Chair. The way to confront crime—and I acknowledge that in certain categories it's risen in regional communities—is to have New South Wales police officers in those communities arresting perpetrators.

**The Hon. DAMIEN TUDEHOPE:** It was less under us.

**Mr CHRIS MINNS:** The only way we're going to turn that around is to attract and retain New South Wales police officers to the NSW Police Force.

**The Hon. SARAH MITCHELL:** Sure.

**Mr CHRIS MINNS:** I think the decision the Government made—a question that Mr Borsak asked me recently was about the training supplement. That has been an ask from the New South Wales Police Association for, I think, over a decade. "Give us that training money"—like they have in Victoria and other jurisdictions—"and if we have the training money, we can attract more people to the profession, not just—

**The Hon. SARAH MITCHELL:** Premier, is there a requirement of that training money for anyone to have to go to the regions?

**Mr CHRIS MINNS:** Sorry, Mr Chair, I haven't finished.

**The Hon. SARAH MITCHELL:** I have very limited time.

**The CHAIR:** Order! The Premier can conclude—

**The Hon. SARAH MITCHELL:** I have very limited time.

**The CHAIR:** Order! There is plenty of time.

**The Hon. SARAH MITCHELL:** I have three seconds left.

**Mr CHRIS MINNS:** The truth of the matter is that training money has been supplied by other States and other jurisdictions. What's happened, particularly in regional communities—and this is why it's a particular problem for regional communities—is that if there's no wages cap in place and if there's a training supplement that's provided, then many people that live on the New South Wales side of the border will join the police force of South Australia, Victoria and Queensland. We have to turn around that systemic decline.

**The Hon. SARAH MITCHELL:** We'll come back to that.

**The Hon. ROBERT BORSAK:** Just a bit more on regional crime, Premier. What are you seeing and doing about surges in youth crime in the bush? What are your Government and the police doing about it?

**Mr CHRIS MINNS:** As I said, the best and most lasting way that we can impact youth crime and keep the criminal rates low, particularly in regional New South Wales, is to recruit police officers. That's happening. That's something the Executive Government can do. In relation to specific strategic decisions that local police officers have made and that they have been responsible for is they have released a whole range of operations. Operation Mongoose, which was established in relation to the western region of New South Wales, started in

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September 2023. It has identified 273 break and enters and 270 stolen vehicles. The focus has been on arresting those who have been responsible for that criminal behaviour, particularly in the New South Wales western region. They have issued 870 CANs and 87 juveniles have been identified and charged by New South Wales police.

**The Hon. ROBERT BORSAK:** All that's good, Premier, but police are getting quite frustrated—for example, in Moree magistrates basically have a revolving door process going on with bail. Some of these characters who keep getting out on bail all the time are actually ramming police vehicles. Have you had a chance to talk to the AG about policy in relation to that?

**Mr CHRIS MINNS:** We certainly have spoken about regional crime, particularly youth crime. I know that the AG will work with New South Wales police as well as the police Minister about developing a comprehensive reply to it. But I'm not pretending, and I won't say to this Committee, that it has been solved. We know that we've got a long way to go. We know that more police officers in those regional communities with incentives and pay will make a difference.

**The Hon. ROBERT BORSAK:** I'm certain you're right, if they can get more police officers and better resourcing. But, at the end of the day, when they are presented to the courts, if the magistrates' guidelines are such that they are simply going to let them out again to do the same again and again and again, shouldn't we be looking at what could be done to try to tighten that up?

**Mr CHRIS MINNS:** I'm happy to look at the specific case. Obviously it's within the remit of the Attorney General to examine those cases, to call for a transcript and ask for answers from his particular agencies. If there is a specific case, then we would—and we have in the past—look at it. I have to say the Government is offering incentives, particularly for areas that have been identified as high crime, as increasing in crime or as having an alarming increase in crime. There is a \$36,000 payment for police officers to relocate, and Moree is one of the towns where that scheme is made available.

**The Hon. ROBERT BORSAK:** Just focusing back on the courts and the revolving door process on bail, what can be done about that?

**Mr CHRIS MINNS:** Mr Borsak, obviously there are, in many cases, strict bail provisions in place for those who commit offences. I'm not pretending it's applied consistently across all of New South Wales, but I'd need specifics—you've identified Moree, for example—to offer a commentary about it.

**The Hon. ROBERT BORSAK:** Could you take that on notice, please?

**Mr CHRIS MINNS:** Of course.

**The Hon. ROBERT BORSAK:** I'd like to get some commentary in relation to what is actually happening, for example, in Moree, because the police will be very frustrated. You can provide all of the resourcing and all of the extra police but, at the end of the day, if the same offenders keep turning up all the time and being bailed, it's not going to make much difference to the crime rate in town. Turning to Kosciuszko National Park and the culling program that's going there now, especially in relation to how it affects regional jobs and the economy down there, can you update us as to exactly where we are in relation to that horse control program in the park? Also, when will the park be closed and for how long will it be closed?

**Mr CHRIS MINNS:** It is closed at different points when there are culling operations that take place in the national park. My understanding is that the cull is responsible for about 1,000 horses that have been culled as a result of aerial culling in that space of time. The fear is that the number of wild horses in the national park is potentially up to around the 20,000 mark, which is a very high number and way more than the park can handle. As a result of that, a change in policy, we believed, was needed to ensure that the national park would survive. It's not the end of wild horses in the national park, but the last count I got was the cull was about a thousand.

**The Hon. ROBERT BORSAK:** Is there a systematic program for the culling?

**Mr CHRIS MINNS:** I'm sure that there is, but perhaps I can take it on notice and get information from the environment Minister.

**The Hon. ROBERT BORSAK:** Do you know what impact the park closures will have on the ski resorts and tourism businesses that rely on the national park?

**Mr CHRIS MINNS:** I'm advised that there'd be no impact on the very important snow season, particularly for Cooma and Jindabyne and Perisher and Thredbo. I went down to the park before the decision was made, when we were in the consultation period, to speak to local business owners to understand firsthand from National Parks and Wildlife how the potential change in policy would work and how the existing regime of culling wild horses was failing to work in effect—and that was one of the first questions I asked. I don't anticipate any impact on the ski season.



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**The Hon. ROBERT BORSAK:** So it would be right to assume that the park won't be closed in the ski season, for example? I think that usually opens round about the long weekend in June.

**Mr CHRIS MINNS:** It certainly won't overlap with the designated skiing areas, and certainly none of the chambers of commerce or the businesses in that part of New South Wales have indicated to me that they're concerned about the aerial culling program having an impact on tourism. In fact, it may well be the opposite.

**The Hon. ROBERT BORSAK:** Sorry?

**Mr CHRIS MINNS:** It may well be the opposite—that, as a result of controlling the wild horse population, tourism opportunities in the park actually increase.

**The Hon. ROBERT BORSAK:** You say about a thousand horses have been culled so far. I think it's actually probably more than that. You might like to take that on notice if you can.

**Mr CHRIS MINNS:** Of course, I'm happy to.

**The Hon. ROBERT BORSAK:** Is the program actually running at the moment and are horses actually being shot at the moment?

**Mr CHRIS MINNS:** My understanding is that it is running and it is in operation.

**The Hon. ROBERT BORSAK:** Do you know how many helicopters are actually engaged in the shooting?

**Mr CHRIS MINNS:** I don't. I'd have to take it on notice.

**The Hon. ROBERT BORSAK:** What are the results of the preliminary aerial shooting program that the Government held in November last year? Do you know that?

**Mr CHRIS MINNS:** I don't, but that program obviously provided the confidence for the Government to progress with the further culling of wild horses in the national park.

**The Hon. ROBERT BORSAK:** In relation to the actual count of horses in the park—and I know it is a range of horses because I sit on the Animal Welfare Committee inquiry that's going on at the moment in relation to this—are you confident that the updated count number of the horses in the park is in fact correct, because there is a rather large span in terms of the number of horses they believe are there? And are you confident of the count method?

**Mr CHRIS MINNS:** I don't pretend to have expertise, but obviously the Government has been presented evidence that the possible size of the wild horse population is anywhere between 12,000 and 20,000. I can't tell you the exact number but, given that the ultimate aim of the culling program is to get the wild horse population to I think around 3,000—

**The Hon. ROBERT BORSAK:** Three thousand is what the legislation says, and that leads me to the next question. How can you, or I, be confident that when we've reached 3,000 that is in fact the number?

**Mr CHRIS MINNS:** I would be relying on the experts that provide evidence to the Government. But given the 3,000 legislated number, even the lower estimate of the current population in the national park is four times that number. I think we could say with reasonable confidence that left unchecked they're well, well above what the park can sustain.

**The Hon. ROBERT BORSAK:** Is there a process by which certain parts of the park will be made totally free of horses and other parts be allowed to have horses to that 3,000 limit?

**Mr CHRIS MINNS:** Yes. The intention is that, from memory, roughly a third of the park would have wild horses in it.

**The Hon. ROBERT BORSAK:** That third of the park, is that area where people, for example, conducting tourism on horseback et cetera would be allowed to still interact with the horses in the park?

**Mr CHRIS MINNS:** I actually don't know, Mr Borsak, but I will take it on notice.

**The Hon. ROBERT BORSAK:** Thank you.

**The CHAIR:** Premier, this is a long question, so you'll just have to bear with me. Premier, the Commander of the Drugs and Firearms Squad, Detective Superintendent John Watson, said after a seizure of a large cannabis crop that was grown by the president of the Bandidos outlaw motorcycle gang that the bust "highlighted the link between large scale cannabis cultivation and organised crime in NSW. They all amount to the one thing and that is they produce profits. Those profits get diverted into other illicit activities, including drug

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manufacture, ice and money laundering." Premier, you said that you don't believe or you don't know whether or not prohibition is a major factor in organised crime in New South Wales. In the context of what that senior police officer has said, do you maintain that?

**Mr CHRIS MINNS:** No, I don't think I said that. I'd have to inspect the transcript, but I think the question you asked me was, "Is this the business model that organised crime undertake?"—as in, they start with marijuana cultivation, they sell that and then they move to other more illicit or other forms of illicit drugs. My supposition to you was that I don't know what the counterfactual is. I'm not sure whether they would move into other illicit substances to build their criminal enterprises.

**The CHAIR:** They might move into something else, but at the moment the situation is, according to some of our most senior police, that that is their business model. After the raids on a number of indoor cannabis growing operations across Sydney, Detective Acting Superintendent Michael Cook said:

Cannabis is the jet fuel of organised crime. We have seen money raised in this process being diverted into the importation of illicit drugs and precursors and used in the establishment of clandestine drug laboratories.

Our most senior police, from the New South Wales Crime Commission to Strike Force Raptor, saying at the moment it is the business model of organised crime to begin with cannabis—in their words, it is the "jet fuel". Do you agree with our most senior police?

**Mr CHRIS MINNS:** Again, Mr Buckingham, I'm not going to—I think your central premise, which is that the distribution of cannabis is central to the business model of organised crime, I'd agree with. I can't speak to you whether it's the jet fuel, whether it's the primer, whether it's the opening stages of their criminal enterprise. I don't know. But, yes, it's certainly integral.

**The CHAIR:** Shouldn't you be listening to our most senior police—the Australian Criminal Intelligence Commission, the New South Wales Crime Commission—saying that it is?

**Mr CHRIS MINNS:** Yes, but I don't think I'm in disagreement with you. I'm prepared to take them at their word, of course.

**The CHAIR:** Thank you. Premier, are you aware that there actually is a jurisdiction within New South Wales where the possession and cultivation of cannabis by adults is legal?

**Mr CHRIS MINNS:** If they have a prescription and—

**The CHAIR:** No, within New South Wales the adult recreational use of cannabis is legal. Are you aware of that?

**Mr CHRIS MINNS:** Legal or subject to police discretion?

**The CHAIR:** No, totally legal.

**Mr CHRIS MINNS:** Perhaps you could enlighten me.

**The CHAIR:** It's called the ACT. It's called Canberra. It is within New South Wales.

**The Hon. Dr SARAH KAINE:** That was a trick one, Jeremy.

**The Hon. ROBERT BORSAK:** I thought you were going to say your office.

**The CHAIR:** You should come up to my office some time.

**The Hon. SARAH MITCHELL:** We've walked past; we know.

**The CHAIR:** I've got a prescription. The ACT is within New South Wales, and within that State the personal possession and cultivation of cannabis by adults is legal. Have you turned your attention to what has happened in terms of drug law reform, and especially cannabis law reform, in the ACT? I know you've been an advocate in the past for the end of cannabis prohibition. Are you aware of what's happening in the ACT in this area and has happened?

**Mr CHRIS MINNS:** I think I broadly knew that it was legal in the ACT. I think you're allowed to have a couple of plants—is that right?—for personal use. I don't pretend to be an expert. Perhaps you could tell me. Break the suspense and let me know.

**The CHAIR:** Yes, in the ACT you can possess up to 25 grams, and you can grow up to four plants. Have you heard anything from colleagues in Canberra about the sky falling in and adverse outcomes from our nation's capital since they legalised cannabis four years ago?

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**Mr CHRIS MINNS:** I've heard a lot coming out of Canberra that I don't like, Mr Chair. But no, not in relation to that law reform.

**The CHAIR:** I would encourage you to have a look. In the ACT a recent parliamentary inquiry into the impact of cannabis legalisation found no increase in cannabis use across the community, no increase in hospitalisations from cannabis misuse, no increase in psychosis, no increase in RDT offences but a 95 per cent decrease in offences, obviously, for possession and cultivation but also for supply of cannabis. How do you respond to that? There is a model there in the ACT of ending prohibition and a massive reduction in crime and savings to the community, whilst in New South Wales cannabis remains the jet fuel of the crime gangs that are shooting each other on our streets, killing innocent bystanders and funding a whole heap of other alarming illegal activities.

**Mr CHRIS MINNS:** I'd say a couple of things. Firstly, in relation to cannabis use in the community—and you alluded to it earlier—there have been changes in the common understanding or usage of that drug, mainly as a result of prescription and mainly as a result of widespread availability in the community. I think the statistics I saw a couple of days ago indicated that prescription use of cannabis in the community a couple of years ago was a thousand and we now believe it's over 120,000 or 130,000 prescriptions for medicinal cannabis in the community. I think that the regulatory and usage has changed in Australia's largest State in a short space of time. I'd like to study that data and understand how it works in the community.

We don't have a mandate to repeal cannabis in New South Wales. We didn't stand on that in the election campaign and I acknowledge that. For such a major change to drug law reform, we'd need the community's mandate to do it. We are having a drug summit, however, and I am interested to see how the intersection of that major change in our community has impacts on illicit substances usage in the community and whether it affects either health or crime data. I'd be particularly interested to see whether it shows up in the Crime Commission or New South Wales police's understanding of organised crime. If the common consumer can access medicinal marijuana via a prescription, has that had an impact on the illicit market and therefore the business model of these organised crime gangs? I don't know the answer to it because these are reasonably recent changes, but I'd be interested to find out.

**The CHAIR:** Turning to another issue, Premier, the Government had a signature policy leading into the election, which was to create future jobs and investment authorities across the State for coalmining-impacted regions—the Illawarra, north-west, Central West and Hunter. When will these authorities be populated and operational? That is in the context that we have learnt in the last short period that the Russell Vale Colliery in the Illawarra is closing, with the loss of 145 jobs, and Whitehaven Coal is closing the Werris Creek coalmine in the coming weeks. When will these authorities be populated and when can we see some of the millions of dollars they have in the bank flowing to these coalmining-affected communities?

**Mr CHRIS MINNS:** That's a good question. I'll have to give you the exact dates about when we expect those agencies to be operating. It's a big challenge for the New South Wales economy.

**The CHAIR:** Could you take that on notice?

**Mr CHRIS MINNS:** I'm happy to take that on notice. It's a big challenge for the New South Wales economy. Last year New South Wales sold over \$40 billion worth of coal to trading partners around the world. It was New South Wales's single biggest export—twice as big as education, which was the next biggest export in the State. Every single partner that we sold coal to has indicated that they want to get to net zero by a particular time. They'll do it in different ways and they'll do it on different timescales, but everyone in New South Wales, particularly its political leadership, has to be cognisant of the fact that our single biggest export, our trading partners are indicating to us that they want to get out of that industry.

That's going to be a challenge more generally for the economy because we effectively have to fill a \$40 billion export hole in what we export in the years ahead. It's a particular challenge for coalmining communities. We need to make sure that manufacturing is in place. We need to make sure that the jobs of the future are ready and available. I have to say it's one of the leading reasons why the Government made the decision to build transport infrastructure in New South Wales and end the practice of the previous Government of offshoring it, because we have to provide jobs and a future for those mining communities.

**The Hon. SARAH MITCHELL:** Premier, I want to come back to regional crime. I have a bit of a lengthy question if you'll allow me the courtesy to ask that. You said before that you visit regional communities and people are talking to you about this issue. That's correct?

**Mr CHRIS MINNS:** Yes, I think I said that.

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**The Hon. SARAH MITCHELL:** I just wanted to raise these specific examples that have been shared with me from people who live in regional communities—crime that they have been the victims of. An elderly man stabbed in his front yard in the afternoon during broad daylight, a couple in their 70s who woke up literally to masked men in their bedroom with a knife stealing their car keys. I know of a woman, a mother, who was at home with her children late at night while her husband was at work, only to wake up to find four men armed with machetes stealing their valuables. These are real examples of people that have been through this in recent months. My question to you is why will you not support an inquiry into regional crimes so that the Parliament can look at this properly, so that witnesses can give their evidence and so that community can come to government with solutions?

**Mr CHRIS MINNS:** The main reason is I think that there are decisions that the Government can make that will make a difference, particularly in regional communities. I'm certainly not coming to this Committee and in relation to your question or to regional mayors or to those that have been the victims of crime and suggesting that they're wrong or that they're—

**The Hon. SARAH MITCHELL:** It's awful, Premier. It's really bad.

**Mr CHRIS MINNS:** I'm going to get to the end of my answer. I'm certainly not coming here and suggesting that they're wrong and that change and action isn't required. I do believe change and action is required. That's why we've put so much time and effort into recruiting the Police Force of the future, particularly in regional communities, because we want to confront illegal, illicit, criminal behaviour in those communities and send them a message that, if you break the law, you'll be arrested and you'll be charged. We're coming from a long way back, however. I do note—and I'm not trying to be tricky here, but one of the questions you asked previously was why do you have so many inquiries? And your subsequent question is will you hold this immediate inquiry? The answer is because I want to make sure that we're putting boots on the ground, we're investing money, we're making change immediately. I think that we can do that in concert with regional communities. That doesn't mean that we turn our ear off or we don't listen to regional mayors in particular—of course not. But I don't want an elongated, long political discussion about it. I want action so that we can arrest criminal behaviour.

**The Hon. SARAH MITCHELL:** So do we, Premier. People are scared. You need to take it seriously. It's a real problem.

**The CHAIR:** Premier, are you aware of the recently announced gas code by the Federal resources Minister and also the Hon. Chris Bowen, Minister for Climate Change and Energy? Madeleine King and Chris Bowen announced a new gas code which secured gas supply for the east coast gas market.

**Mr CHRIS MINNS:** I don't know the specifics of it, but perhaps you could let me know.

**The CHAIR:** It was announced in last November. It was two enforceable commitments signed with APLNG and Senex, which totalled up to 300 petajoules of gas to 2030, therefore ensuring a price cap essentially and a supply of gas into New South Wales. That's good news for gas consumers in New South Wales and alleviates any gas supply crisis in the short term, does it not?

**Mr CHRIS MINNS:** I'd have to take advice on that. I'm happy to take it on notice. The industry, particularly the manufacturing industry, remains concerned about access to gas, particularly for manufacturing. I'm not denying or suggesting that that announcement from the Commonwealth Government won't help. But if the question is will it alleviate industry concern, I couldn't say that the answer is yes. My suspicion is that it's no, that they're still concerned about the availability and the application of gas, in particular for manufacturing.

**The CHAIR:** At the moment Santos maintains four petroleum exploration licences over the Liverpool Plains area.

**Mr CHRIS MINNS:** Yes.

**The CHAIR:** They are conducting exploration there and planning to build the Hunter Gas Pipeline from the Hunter to Queensland. Would you meet with a delegation of farmers from the Liverpool Plains who are concerned about the expansion of the approved Narrabri Gas Project into the food bowl, as it's been described, or the Liverpool Plains?

**Mr CHRIS MINNS:** Of course. I'm happy to meet with a delegation of farmers.

**The CHAIR:** Fantastic. Thank you. That concludes this morning's session because the Government is not asking questions.

**The Hon. SARAH MITCHELL:** Shame.

**The Hon. PETER PRIMROSE:** We're very satisfied.

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**The CHAIR:** We will have a short break. We will be returning at 11.15 a.m.

**(Short adjournment)**

**The CHAIR:** We will reconvene, and we'll start with questions from the Opposition.

**The Hon. DAMIEN TUDEHOPE:** Ms Boyd, have you had a chance over the morning tea break to ascertain when a briefing was provided to the Premier in relation to the NZYQ case?

**KATE BOYD:** I have. We'll have to take it on notice to give you a full account of all the briefings that took place in November following the decision, but I am aware that a written briefing was provided to the Premier and signed by him on 17 November, prior to the written reasons that he handed down on the 28th.

**The Hon. DAMIEN TUDEHOPE:** So nothing prior to 8 November?

**KATE BOYD:** I'll have to take that on notice. There were a number of verbal and other briefings provided to the Premier around that time, but we have been able to track down that written brief, which was on 17 November.

**The Hon. DAMIEN TUDEHOPE:** Would you be prepared to table that brief?

**KATE BOYD:** I don't know. It may contain legal advice and there would be other issues of privilege that we would need to consider, but I'm happy to have a look at that.

**The Hon. DAMIEN TUDEHOPE:** I'll be asking you some more questions about that this afternoon, I'm sure.

**KATE BOYD:** Sure.

**The Hon. DAMIEN TUDEHOPE:** Premier, the most difficult periods of people's lives, of course, are when they are dying, are they not?

**Mr CHRIS MINNS:** It's different in every case.

**The Hon. DAMIEN TUDEHOPE:** Especially if they are dying in pain. Would you agree?

**Mr CHRIS MINNS:** I think a lot of people die in pain and it's extremely difficult for them. As for the most difficult period in their life, I know people who have gone through heart-wrenching, extremely difficult periods because they've been riven with diseases like cancer, which have been devastating to them.

**The Hon. DAMIEN TUDEHOPE:** You and I are probably on the same page in relation to that, but that needs to be something which is very well handled and dignified. Will you agree that in the next budget you will restore the palliative care funding which was removed from the last budget?

**Mr CHRIS MINNS:** Obviously the budget is due to come down this year and, like a whole bunch of spending initiatives, we will release it on budget day. But I'd expect the New South Wales Government to contribute a large amount of money to palliative care in the State. I think the last financial year the number was \$338 million, as well as \$93 million for capital investment, so it's a significant amount of money.

**The Hon. DAMIEN TUDEHOPE:** But can you just agree on this—

**Mr CHRIS MINNS:** But to the question that you asked, I can't confirm that, not because I'm being coy but obviously the budget will be released midyear and we will announce the figure then.

**The Hon. DAMIEN TUDEHOPE:** Can we at least agree on this: You did cut a quarter of a billion dollars from the budget of the previous Government in relation to palliative care, didn't you?

**Mr CHRIS MINNS:** No.

**The Hon. DAMIEN TUDEHOPE:** You can't agree on that. We've now had an order for papers and we've got significant material in relation to that funding.

**Mr CHRIS MINNS:** You asked me a question. Can I answer it? If you look at the actual budget numbers, the figure for 2023-24 was 6.8 per cent higher.

**The Hon. DAMIEN TUDEHOPE:** Premier, you engaged in this—

**Mr CHRIS MINNS:** Hang on a second. Sorry, Mr Chair, I need to get this out. I'm not trying to—

**The CHAIR:** Order! Mr Tudehope, please allow the Premier to answer the question.

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**Mr CHRIS MINNS:** I will genuinely answer all of the questions you have.

**The Hon. DAMIEN TUDEHOPE:** Then just admit you cut the money.

**The CHAIR:** Order!

**Mr CHRIS MINNS:** I'm here for three hours.

**The Hon. DAMIEN TUDEHOPE:** Just admit you cut the money.

**The CHAIR:** Order!

**Mr CHRIS MINNS:** I think it's unreasonable for him—

**The CHAIR:** Order! Premier, please come to order.

**Mr CHRIS MINNS:** Mr Chair, I think it's unreasonable for him, when I'm genuinely trying to engage in the answer, to scream at me.

**The Hon. DAMIEN TUDEHOPE:** You're not being reasonable, Premier, because you won't admit what is patently obvious.

**Mr CHRIS MINNS:** Again, you're not providing me with an opportunity to answer. I'm happy to engage with you, but I don't think that's reasonable. What I will say is that if you look at the—

**The Hon. DAMIEN TUDEHOPE:** Premier, just admit it.

**Mr CHRIS MINNS:** If you look at the budget figures—

**The CHAIR:** Order!

**Ms SUE HIGGINSON:** Point of order: I think everybody needs to be reminded, Chair, that when the Chair calls for order that ordinarily means that participants need to cease and stop.

**The CHAIR:** Yes, I was just going to do exactly that. When I do call for order that means everyone participating in this inquiry desists from yelling at each other, comes to order and continues in a respectful way.

**Ms SUE HIGGINSON:** Including you, Premier.

**The CHAIR:** Mr Tudehope, that would be greatly assisted if you weren't continuously interjecting as the Premier was making his answer.

**Mr CHRIS MINNS:** Mr Chair, I'm happy to answer his question quite genuinely.

**The CHAIR:** Please go ahead and do so now, Premier.

**Mr CHRIS MINNS:** The only thing I'm objecting to is that I do think it's important to put this in context and I do think it's important to, as far as the budget figure is concerned, explain to all Committee members and anyone who is listening what the actual numbers are. You can dispute them with me, but I think it's unreasonable for you to scream that I'm trying to mislead you or the public. That's not the case. What I would say is that in 2023-24 it was 6.8 per cent higher than the previous Government spent on palliative care, and 8 per cent higher again for 2024-25.

Where we had an issue in terms of funding for palliative care was the Coalition's promise at the election campaign for increased funding beyond that period. The reason for that, and I think we explained it at the time, was that after the election was completed we discovered that 1,100 nurses that were essential for the good running of—not just the emergency departments and ICU, but palliative care as well—were unfunded. I would love to be able to say, look, that didn't exist, those numbers weren't relevant and that we don't have to worry about 1,100 nurses, but that cost \$500 million. Mr Chair, it was not an option to not fund those nurses in our public hospital system. That would have had a devastating effect on, yes emergency, yes ICU, yes elective surgery but also palliative care. We had to make that decision.

**The Hon. DAMIEN TUDEHOPE:** So you made the cut.

**Mr CHRIS MINNS:** Fair enough, you want to ask me a question. I'm not trying to be cute about it.

**The Hon. DAMIEN TUDEHOPE:** You are.

**The Hon. SARAH MITCHELL:** You say that all the time.

**Mr CHRIS MINNS:** I don't think I am, in fairness.

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**The Hon. DAMIEN TUDEHOPE:** You are, Premier, because you will not admit that in relation to the previous Government's funding package you have cut \$250 million from that package.

**Mr CHRIS MINNS:** I've explained to you, Mr Tudehope—

**The Hon. DAMIEN TUDEHOPE:** You may have explained why, but will you admit that you have done it?

**Mr CHRIS MINNS:** No, no. There are two things that are important. Firstly, funding increased compared to what you actually spent, by 6.8 per cent.

**The Hon. DAMIEN TUDEHOPE:** But in accordance with health funding.

**Mr CHRIS MINNS:** Secondly, in terms of the package that you announced, it would not have been possible to roll out that package if we had withdrawn 1,100 nurses from the public hospital system. Do you agree with that?

**The Hon. DAMIEN TUDEHOPE:** I could answer that question. I don't agree with that, Premier. But, you are the Premier and you will be marked as having in fact cut \$250 million for funding for dying people. Is that right?

**Mr CHRIS MINNS:** Look, I have to make this clear. Funding for palliative care increased this year compared to the last year of the last budget that you were responsible for. That is a fact. It cannot be whitewashed and it cannot be taken out of context.

**The Hon. DAMIEN TUDEHOPE:** In accordance with other health funding increases.

**Mr CHRIS MINNS:** The second point here is, in terms of the funding announcement that your Government made for palliative care, we discovered upon assuming office that we were—

**The Hon. DAMIEN TUDEHOPE:** So you cut palliative care.

**The Hon. BOB NANVA:** Point of order—

**Mr CHRIS MINNS:** But, Mr Chair, surely—

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

**Mr CHRIS MINNS:** I'm happy to keep going.

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

**The Hon. BOB NANVA:** Let it just accord with the procedural fairness resolution. If the Premier could complete his answer without constant interjecting. It is a really important area of public policy and it does require a question and answer session in a way that is not littered with the interjections that we are seeing at the moment.

**The Hon. DAMIEN TUDEHOPE:** It can't be misleading.

**The CHAIR:** I uphold the point of order. Mr Tudehope, I uphold the point of order. It doesn't assist the conduct of the inquiry for those who are listening in and are interested in the question and the answer, also for Hansard, if there are constant interjections. The Premier may not be giving the answer you want, but you can't demand an answer that you want from the Premier. He is seeking to answer your question in the way he sees fit and he should be able to do so without interjection. Premier, please continue.

**Mr CHRIS MINNS:** Thank you, Mr Chair. This is important, the context is extremely important. There was a surge workforce that the previous Government—and they need to be given credit for this—recruited and deployed during the COVID emergency. It was 1,100 nurses and it was crucial to deal with the surge that we were seeing in emergency departments and ICUs as a result of the COVID emergency. That happened to coincide with the previous Federal Government's decision to effectively defund primary health care in the community. What we were not aware of—and it was never disclosed in the election campaign, and with respect to you, Mr Tudehope, you didn't disclose it either—that those 1,100 nurses were about to be removed from the public hospital system. I would not have been able to deploy, even if it was \$250 million for palliative care, without those frontline workers.

**The Hon. DAMIEN TUDEHOPE:** Part of it.

**Mr CHRIS MINNS:** And that's the truth of the matter.

**The Hon. DAMIEN TUDEHOPE:** I'll move on, but part of that palliative care package was to recruit those nurses. But you can ignore that if you like. In relation to your decision about Rosehill racecourse, it has been

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a signature position of yours that this was a planning decision which will deliver a significant housing opportunity. Isn't that the case?

**Mr CHRIS MINNS:** We'd like that to happen. We see it as a real opportunity for Rosehill racecourse, for the ATC, for racing in the State, as well as housing. But that decision will have to be decided by members of the ATC, not by the New South Wales Government.

**The Hon. DAMIEN TUDEHOPE:** So effectively what you want to actually see is going to be decided by members of the ATC, not the New South Wales Government?

**Mr CHRIS MINNS:** Yes, but I made that clear when—

**The Hon. DAMIEN TUDEHOPE:** When did you first find out about this?

**Mr CHRIS MINNS:** Hang on a second.

**The CHAIR:** Order!

**Mr CHRIS MINNS:** I made that clear when we made the announcement—that this was going to be up to the ATC to decide and its members to decide, not the New South Wales Government. But, it was important, I believe, to explain to the people of New South Wales that we were not only receptive but open to the offer, that we thought it would be good for New South Wales, that we thought it was consistent with public transport infrastructure and infill development, but ultimately the decision has to be made by them.

**The Hon. DAMIEN TUDEHOPE:** In relation to that, when did you first find out about this proposal?

**Mr CHRIS MINNS:** I can't give you the date but not long before it was announced. I have to take that on notice.

**The Hon. DAMIEN TUDEHOPE:** Do you remember who you found out from?

**Mr CHRIS MINNS:** An official at the ATC.

**The Hon. DAMIEN TUDEHOPE:** Who was that?

**Mr CHRIS MINNS:** It would have been—I can't remember his position—Steve McMahon at the ATC.

**The Hon. DAMIEN TUDEHOPE:** He's a mate of yours, is he not?

**Mr CHRIS MINNS:** I have known him for a long time, that's right.

**The Hon. DAMIEN TUDEHOPE:** So Mr McMahon came to you with a proposal, or a suggestion that this might be something that would be of interest to the Government.

**Mr CHRIS MINNS:** I don't think that that would be outrageous. Obviously when you're in government people come to you and say, "Look, we've got an idea. We think this would be good for our organisation"—they might make a pitch that it would be good for the State as well—"Would you consider it?" If the initial reaction from me or the Minister for Planning or the strategy committee of Cabinet was, "Absolutely not", well, no-one wants to waste their time.

**The Hon. DAMIEN TUDEHOPE:** In fact, you've suggested that this proposal will be treated as an unsolicited proposal, have you not?

**Mr CHRIS MINNS:** That's right.

**The Hon. DAMIEN TUDEHOPE:** Are you aware of what unsolicited proposals require?

**Mr CHRIS MINNS:** I am, but I'm also sure that given it's important for the ATC to provide their vision for Rosehill and the Government will assess it when it comes through, but—

**The Hon. DAMIEN TUDEHOPE:** You've already assessed it, haven't you?

**Mr CHRIS MINNS:** No, I haven't.

**The Hon. SARAH MITCHELL:** You did a press conference on it.

**The Hon. DAMIEN TUDEHOPE:** The press conference, in fact this was an—

**Mr CHRIS MINNS:** Yes, but you can't rewrite history. At the press conference I said they're going to present a plan to the New South Wales Government and we'll assess it at that time but I want to make it clear I think this would be great for the State if everybody can align. I don't know whether you didn't listen to the press conference but you can't rewrite history.



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**The Hon. DAMIEN TUDEHOPE:** You've called it a once-in-a-generation opportunity.

**The Hon. Dr SARAH KAINÉ:** Well, it is.

**Mr CHRIS MINNS:** If it were to come to fruition, it would be a great opportunity for New South Wales.

**The Hon. SARAH MITCHELL:** You signed an MOU on it, though, Premier. It's in your press release.

**Mr CHRIS MINNS:** Again, made it clear on the day at the time when the announcement was made that this is not a done deal. This has to go through the ATC. The New South Wales Government has to be comfortable with the proposal. There are many things to be negotiated. I think it would be good for the city.

**The Hon. DAMIEN TUDEHOPE:** How is it impartial, though, Premier, if you're giving an indication that this is a once-in-a-generation opportunity?

**Mr CHRIS MINNS:** You can imagine the reverse position—

**The Hon. SARAH MITCHELL:** Point of order—

**Mr CHRIS MINNS:** —can't you, that you'd have a situation where none of this—

**The CHAIR:** Premier, a point of order has been taken.

**The Hon. SARAH MITCHELL:** Sorry, I just took a point of order.

**The CHAIR:** Ms Mitchell on a point of order.

**Mr CHRIS MINNS:** So many interruptions. Goodness me. I've come here for three hours. Can't we just have a discussion? This is ridiculous.

**The CHAIR:** Order!

**The Hon. DAMIEN TUDEHOPE:** I'm happy to.

**Mr CHRIS MINNS:** I know. I'm happy to as well. I think you and I are happy to have a discussion.

**The CHAIR:** Order! Premier, please.

**The Hon. SARAH MITCHELL:** My point of order was that Mr Tudehope hadn't actually finished his question.

**Mr CHRIS MINNS:** Such a profound point of order.

**The Hon. SARAH MITCHELL:** Sorry, Premier?

**Mr CHRIS MINNS:** Can we just get on with it? Obviously you want to ask a question; I'm happy to give an answer.

**The CHAIR:** We're doing it within the rules of the Committee.

**The Hon. SARAH MITCHELL:** Yes, the rules of the Committee.

**Ms SUE HIGGINSON:** We have rules in this house, apparently.

**The CHAIR:** We're hearing a point of order and I'll rule on that.

**Mr CHRIS MINNS:** Okay, fair enough. How dare I?

**The Hon. SARAH MITCHELL:** You good?

**Mr CHRIS MINNS:** I'm not actually. I'd like to continue to answer Mr Tudehope's question.

**The CHAIR:** Order! Premier, it would assist us all if we stopped interjecting and having a conversation across the table. Let's proceed.

**The Hon. SARAH MITCHELL:** My point of order, Chair, is that Mr Tudehope had not finished his question. He was still asking it, and the Premier spoke over the top of him already. The member should be afforded the courtesy to ask his question.

**The CHAIR:** Mr Tudehope and the Premier are both speaking over the top of each other, which, as I've already said, makes it very difficult for others to understand what they're saying and for Hansard to be able to record it. If we could have a respectful process in place where we ask a question, we answer the question and then not interject over each other, that would greatly assist me, the secretariat and Hansard. I can't remember who was answering or asking a question.

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**The Hon. SARAH MITCHELL:** You hadn't finished your question, had you?

**Mr CHRIS MINNS:** I'm happy to answer his questions. That's why I'm here; that's what I'm here to do. We're having a vigorous discussion.

**The Hon. DAMIEN TUDEHOPE:** You've struggled with that a bit so far.

**The CHAIR:** Mr Tudehope, please, come to order!

**Mr CHRIS MINNS:** I'm not taking umbrage with your questions. Hopefully you're happy to let me answer. I want to make this point, though, that if we were in a situation where that remains secret, my suspicion is—and I don't want to put words in your mouth, and you can't disprove it—that you would have been completely outraged that that was taking place in private. So the decision was made, particularly as it did require the consent of ATC members, that they know that the Government was considering it and that the ATC was prepared to provide the opportunity for a change. I fully acknowledge that, ultimately, that organisation will have to agree to it. I'm hopeful that we can progress negotiations. I made that clear at the time it was publicly released.

**The Hon. DAMIEN TUDEHOPE:** If I could take you to that, Premier. The unsolicited proposal process was adopted by the previous Government in respect of projects which it was required to consider and did not make them public in the way that you have, in fact, become a cheerleader for this proposal.

**Mr CHRIS MINNS:** But could you imagine the reverse situation, Mr Tudehope? Imagine a scenario where there were discussions between the Government and the ATC. The ATC is not a private company. It does require the consent of its members. As a result of the consent of its members, they're going to have to explain to them what their proposal is. There has not been a breach of the unsolicited proposal program in New South Wales. If you've got evidence to the contrary, you should provide it. But we've been very clear and careful in relation to this process.

**The Hon. DAMIEN TUDEHOPE:** One of the requirements is to be impartial, Premier.

**Mr CHRIS MINNS:** Hang on. Sorry—

**The CHAIR:** Order!

**Mr CHRIS MINNS:** I mean, honestly.

**The CHAIR:** Mr Tudehope, the Premier is answering a very important question, providing you very important information. Please allow him to answer your question.

**Mr CHRIS MINNS:** In those circumstances it would not have been possible to have a situation where the ATC said, "Look, ultimately, we would like to have a sale of that property. We would like to have residential developments on it. As a result of that, we'd like to use the revenue for other programs, but we've got no idea whether the Government is going to come to the table or not." That would be an exercise in futility that would waste everybody's time.

**The Hon. DAMIEN TUDEHOPE:** Premier, let me put this to you: There is a difference between an unsolicited proposal brought to you by an organisation where you are impartial and a circumstance where you actually go out and become a cheerleader for the project. You may say all those other things, in fact, exist. What I'm saying is that in terms of demonstrating impartiality, it doesn't pass the pub test.

**Mr CHRIS MINNS:** I'm disagreeing with the premise of your question. There may well be, as part of the negotiations between the ATC and the Government, irreconcilable differences—particularly in relation to the disposal of property, the size of the rezoning, the density of housing, how much open space is available, what the links and contact with the metro line are, and the actual arrangements for the sequencing of moving out of Rosehill—that require that it may be a dealbreaker for one or both of those sides. But, in fairness to the Government, we made that clear when the announcement was made. I'd invite you to explore the suggested reverse position, which would be that this was all conducted in secrecy and a mass membership organisation would, under those circumstances, not be able to present to their members what their plan and their vision is.

**The Hon. DAMIEN TUDEHOPE:** Of course they would be able to do that before—

**Mr CHRIS MINNS:** So how are we supposed to advance it if it wasn't public?

**The Hon. DAMIEN TUDEHOPE:** Premier, I'm suggesting to you that signing the MOU in those circumstances was, in fact, in breach of—

**Mr CHRIS MINNS:** No, it's not. And it's never been suggested to me. You've never made that claim before.

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**The Hon. DAMIEN TUDEHOPE:** I'm now making it to you.

**The Hon. SARAH MITCHELL:** We're making it now.

**Mr CHRIS MINNS:** Obviously, there are probity advisers associated with every aspect—

**The Hon. DAMIEN TUDEHOPE:** Who is the probity adviser?

**Mr CHRIS MINNS:** —hang on—inside the New South Wales Government.

**The Hon. DAMIEN TUDEHOPE:** Who is the probity adviser of this project?

**Mr CHRIS MINNS:** Again, there are obvious probity checks and advisers.

**The Hon. DAMIEN TUDEHOPE:** Who is the adviser for this project?

**The CHAIR:** Order!

**Mr CHRIS MINNS:** I will take that on notice.

**The Hon. DAMIEN TUDEHOPE:** Thank you.

**Mr CHRIS MINNS:** But your suggestion, Mr Tudehope, that, in fact, they're absent I think is unfounded, not based on reality and not based on any evidence. If you want to try and not present your personal position on Rosehill—whether you think it's a good idea or a bad idea—and instead pull it apart at the seams, that's at your disposal.

**The Hon. DAMIEN TUDEHOPE:** I'm not trying to pull it.

**Mr CHRIS MINNS:** Oh, no. Heaven forbid. Butter wouldn't melt in your mouth.

**The Hon. DAMIEN TUDEHOPE:** I'm just saying this is your document, Premier, and you should comply with the requirements.

**Mr CHRIS MINNS:** And I'm making the assertion, Mr Chair, that we are not in breach of that. If you've got evidence to the contrary, you should present it.

**The Hon. DAMIEN TUDEHOPE:** If, in fact, the members disagree with this proposal—or, in fact, vote against this proposal—does that have any implications for your housing targets?

**Mr CHRIS MINNS:** No, the housing targets are not dependent on Rosehill.

**The Hon. DAMIEN TUDEHOPE:** You do have a housing target, do you?

**Mr CHRIS MINNS:** Obviously when it comes to the national agreement that every State—

**The Hon. DAMIEN TUDEHOPE:** No, I said "you".

**Mr CHRIS MINNS:** Hang on a second. I'm going to get to the end of my answer. In relation to every State and Territory, New South Wales included, and the Commonwealth Government, there is a national housing target. New South Wales's pro-rated housing position is a component of that and I have made no secret that's what we're aiming for. We want to get a yearly figure in that ballpark—over 70,000 on average. We're not going to meet it this year, but I'm going to remove as many impediments as I can in the planning system so that young people in particular have got a place to live and work in Sydney. I've seen there's a difference between the Opposition's public rhetoric in relation to housing, which is, "We need density. We want to support it." It just so happens, Mr Chair, that on every single issue or policy change or zoning proposal that we have put up, you or your colleagues have opposed it.

**The Hon. DAMIEN TUDEHOPE:** That's not true.

**Mr CHRIS MINNS:** In theory, you're in favour of density, but in practice you're completely against it.

**The Hon. DAMIEN TUDEHOPE:** That is just not true, Premier, and you know it's not true.

**Mr CHRIS MINNS:** Really? Is that right?

**The Hon. DAMIEN TUDEHOPE:** Yes, Premier, you do.

**The CHAIR:** Thank you, Mr Tudehope, your time has concluded.

**Mr CHRIS MINNS:** What's your view on the R2/R3 changes?

**The CHAIR:** Order!

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**The Hon. DAMIEN TUDEHOPE:** My view is that—

**The CHAIR:** The time for Opposition question has concluded—

**Mr CHRIS MINNS:** Yes, your view is what? No, I think I'm happier—

**The Hon. DAMIEN TUDEHOPE:** We'll have it offline.

**The CHAIR:** Premier, please desist.

**Mr CHRIS MINNS:** Fine. We wouldn't want to do that in public, would we, Mr Chair?

**The Hon. DAMIEN TUDEHOPE:** I'm happy to do it in public.

**Mr CHRIS MINNS:** We wouldn't want to have your public position.

**The CHAIR:** Order! Please stop. Thank you.

**The Hon. ROBERT BORSAK:** I'm happy to give you a minute of my time, Mr Tudehope, if you want to continue this discussion.

**The Hon. DAMIEN TUDEHOPE:** Thank you, Mr Borsak. Premier, just let me ask you this: In terms of the impartiality around Rosehill racecourse, your mate brings you a proposal—

**Mr CHRIS MINNS:** Again, an unfair inference on someone who's not here—

**The Hon. DAMIEN TUDEHOPE:** You in fact then sign an MOU in relation to it and then you become a cheerleader for it. Isn't that how it's properly characterised?

**Mr CHRIS MINNS:** I think that's outrageous.

**The Hon. DAMIEN TUDEHOPE:** That's how it's properly characterised.

**Mr CHRIS MINNS:** I think it's outrageous for you to make that inference—

**The Hon. DAMIEN TUDEHOPE:** That's exactly what's happened here, Premier.

**Mr CHRIS MINNS:** No, that's not the case. It's unfair to—

**The Hon. DAMIEN TUDEHOPE:** What has happened?

**Mr CHRIS MINNS:** —someone who's not at this Committee who can't defend themselves. You provided no evidence to, I think, defame his credibility.

**The Hon. DAMIEN TUDEHOPE:** You've told us!

**The Hon. SARAH MITCHELL:** You said you brought it to him. It's your evidence.

**Mr CHRIS MINNS:** What have we discovered? The ATC has a proposal for Rosehill. They've presented it to the New South Wales Government. Of course we're interested in discussing it with them.

**The Hon. DAMIEN TUDEHOPE:** You've become a cheerleader.

**Mr CHRIS MINNS:** Then as a result of that, Mr Chair—

**The Hon. SARAH MITCHELL:** They like doing deals with mates.

**Mr CHRIS MINNS:** No, I want to get this out. As a result of that, they have to go through the indignity of someone like you deciding to defame their character for simply doing their job. I think it's outrageous and it's out of character for you as well.

**The Hon. DAMIEN TUDEHOPE:** I'm saying that you have become a cheerleader—

**Mr CHRIS MINNS:** Would you like to be defamed like that on the basis of no information? I think it's outrageous.

**The Hon. DAMIEN TUDEHOPE:** No, I haven't defamed him. I've said that it characterises the manner in which you have thwarted the unsolicited proposal process.

**Mr CHRIS MINNS:** You should have a long, hard look at yourself. That's not right.

**The CHAIR:** Thank you, Mr Tudehope. Thank you, Premier.

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**The Hon. ROBERT BORSAK:** Mr Premier, on something totally different, what is your Government doing around decommissioning of renewable energy projects like solar and wind farms when they reach the end of their useful life?

**Mr CHRIS MINNS:** That is something that needs to be considered as part of land use changes, particularly for private landholders that assess a proposal from a renewable energy provider. The Government, I understand, has released a calculator so that the landholder has the complete knowledge of what the projected end costs associated with remediating the land would be once the solar project or the wind project has come to the end of life. It's obviously important for the landholders to have that information, because I think that the up-front fee that people receive for hosting or using renewable energy sites on their land is important but they need to know the full picture. If decommissioning is part of that, they've got to be remunerated for it.

**The Hon. ROBERT BORSAK:** Yes, that's exactly right. Obviously there are a lot of projects already operational and installed. I think in most cases bonds haven't been paid or there's no money put aside, and a lot of these wind companies and solar companies may well not be there. Do you think the Government will end up having to pick up the tab?

**Mr CHRIS MINNS:** No. Obviously best practice is that it's reflected in the original price paid to the owner of the property—remediation costs are part of the price, whether it's the yearly fee paid to the landholder or some kind of up-front payment. Where the Government can come in and provide clarity to the land user is to give them the calculator and the information that they need.

**The Hon. ROBERT BORSAK:** Do you think that developers of solar farms, for example, should be required to pay a bond?

**Mr CHRIS MINNS:** I wouldn't propose that. I'm not sure what that would do to the economics of the model. If, in the end, we're producing—or the landholder is comfortable or confident enough to be assured that they're receiving enough remuneration to cope with not just the rent of the property but also the decommissioning, then it may not be required.

**The Hon. ROBERT BORSAK:** Do you think if a lot of these wind farms and solar farms ultimately aren't remediated properly that we may well lose a lot of arable land because there could still be a problem there? If people are taking the money, taking the contract, and there's no sinking fund, for example, for the future, we could end up with a situation where there are a lot of dead solar farms and wind farms all over the State, and the arable available land would be reduced.

**Mr CHRIS MINNS:** I think it's important for the owner of the land to have the complete knowledge of what the ultimate costs are, including the decommissioning costs. I would note that in terms of a bond, bonds are traditionally used for land-intensive mining, in particular. The distribution of solar and wind farms on land in New South Wales is not as intrusive or destructive to the land as open-cut mining, for example. So I'm not sure that the economic model that has been applied to open-cut mining should be applied to renewable energy projects, because the impact on the land isn't as destructive.

**The Hon. ROBERT BORSAK:** Where are the renewable energy zones up to?

**Mr CHRIS MINNS:** We've got the REZ, in particular, for the Central West, which we're in the midst of. The Government has significant challenges, particularly with the costs and time overrun on that project. The original cost, I think, was estimated to be \$600 million—or at least that was the advertised price from the previous Government and the Minister responsible, Matt Kean. The ultimate cost is over \$3 billion, I think.

**The Hon. ROBERT BORSAK:** Three billion dollars?

**Mr CHRIS MINNS:** Three billion dollars over. I might have to just take that on notice, but I'm getting a sort of nod. Look, a significant increase in the renewable energy costs for Central-West Orana, and that's adding to the cost of these projects. The years as well, the blowout was meant to be—I would have to come back to you with the exact year, but they're over time and over budget, which is putting pressure on renewable energy time lines. We've got a massive task ahead of us. We have to produce, I think, 30 terawatt hours of electricity per year by 2030, which means that we have to convert the greatest amount of energy in the shortest period of time from fossils to renewables in the history of Australia and potentially every other jurisdiction in the world. I think it's possible, but the pathway is incredibly narrow.

**The Hon. ROBERT BORSAK:** That leads me to ask the question: Where are you up to in relation to your negotiations with Origin and Eraring power station extension past 2025?

**Mr CHRIS MINNS:** They're continuing. I don't have an update for the Committee. The Government is in negotiations with the company. I'm not trying to be opaque about those negotiations, but obviously we want to

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make sure that we drive the best deal possible for New South Wales taxpayers. I don't have anything to announce today, but we haven't walked away from the table and the negotiations continue.

**The Hon. ROBERT BORSAK:** If the time is—it's going to be so difficult. Haven't you got your back against the wall in relation to that, commercially speaking?

**Mr CHRIS MINNS:** The advice is no. But I will admit that the time frame for renewable energy projects and the projected decommissioning of coal-fired power stations on the east coast energy grid is really tight—tighter than it needs to be—and we're under pressure in terms of time and cost. If there was nothing else happening—the building of metros, the building of houses, getting schools and hospitals under control—energy is almost a full-time job by itself for a government to undertake, because the State has never attempted to swap out its energy mix in such a short period of time before.

**The Hon. ROBERT BORSAK:** Yes. It has never done it at all, in fact. Are there any issues—particularly around the partly privatised electricity grid—that will also affect the investment process and getting that electricity to market on time?

**Mr CHRIS MINNS:** Yes, there is. I regret the fact that particularly transmission was privatised. It was, in my view, a big mistake for the State. As a result you have an effective—maybe just to go back a step. The big advantage for New South Wales in terms of manufacturing and economic growth is that previous governments made decisions to build coal-fired power stations on top of coalmines. Transport costs were zero. You dig it up out of the ground, put it straight into the power generator and, as a result, you would have, in comparative terms, cheaper electricity for New South Wales. We are now producing energy inland and transmitting that power over vast distances to the east coast energy grid whilst still keeping our manufacturing industry up and running. The challenge is massive. If the transmission lines were held by the taxpayer, then you would have a neutral or disinterested party. We have to manage these things with private entities now and it's difficult. It's difficult for market players, it's difficult for access, it's difficult for transparency in the private market.

**The Hon. ROBERT BORSAK:** Given the fact that a private investor has got to come in and negotiate with any of these privatised grid owners, how does the Government handle that? You're sitting on the sidelines, really, with no commercial interest or partial commercial interest.

**Mr CHRIS MINNS:** Sort of. We hold bids. We allow bids for the transmission from renewable energy zones to the east coast energy grid. Part of the conditions for those bids is that they allow market access for private interests and private participants.

**The Hon. ROBERT BORSAK:** Yet they have to come to a deal with somebody else?

**Mr CHRIS MINNS:** Yes, they do but they have to do it on commercial terms as a result of our bid.

**Ms SUE HIGGINSON:** We have a very short time so we're going to do a quick speed date and you're going to answer quick and concisely. Back to the contamination issue, we know how important the circular waste economy is and we know how important it is to have integrity and accountability. Thank you for taking the matter of the asbestos contamination so seriously, supporting the EPA and the taskforce. We know that it's actually much more than mulch and asbestos. It's been revealed day by day that the contamination is also in the recovered fines—that it's much more than asbestos; it's lead as well. Is your Government going to maintain the zero tolerance of these contaminants in this very important circular waste system?

**Mr CHRIS MINNS:** Yes. We've got no plans of changing the rules. In fact, we've made it really clear in recent days that we will be having discussions about increasing penalties for those that break the law or breach these conditions and are responsible for distributing toxic substances in our community.

**Ms SUE HIGGINSON:** I think you've identified possibly even changes to regulation if that is what is required and needed.

**Mr CHRIS MINNS:** Potentially. We want to get information from the EPA as well as industry. I just want to make it clear that the investigation of the firm involved is ongoing and it's a criminal investigation, but obviously—and I think this is reasonable to point out—no-one has been convicted of anything yet.

**Ms SUE HIGGINSON:** No, that's right. Outside of the investigation, though, this notion that it is not just mulch and it is not just the products that have gone into the mulch and that it's not just asbestos—at the moment are you requiring that there is transparency with all of New South Wales about precisely what we are looking at in terms of the investigation? Are we looking beyond just the mulch and asbestos, given the revelations that it is also recovered fines that are coming from the construction industry?

**Mr CHRIS MINNS:** I don't quite—sorry, would you mind—

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**Ms SUE HIGGINSON:** We know that it is more than just the mulch and we know that the system has been corrupted in some way through wrong products going into products. We know it's more than mulch. It's these recovered fines. Are you going to demand the continuation of transparency around what the EPA is investigating and what we're looking into?

**Mr CHRIS MINNS:** I want to be careful in terms of what we know. Obviously there's public information that has been released and there's an ongoing criminal investigation, but it is important not only that—

**Ms SUE HIGGINSON:** Sorry. Respectfully, Premier, my question is not going to the investigation.

**Mr CHRIS MINNS:** I know that, but you did make that claim and I just have to—

**Ms SUE HIGGINSON:** It is outside the allegations with this particular—

**Mr CHRIS MINNS:** Right.

**Ms SUE HIGGINSON:** I'm talking about the broader waste circular system, the chain of custody, where these products are getting contaminated from, and through what sources and what streams.

**Mr CHRIS MINNS:** I support the EPA's decisions in relation to this latest investigation, the taskforce that has been formed and the communication with the public. I think that they've been able to inspect and test a vast area in metropolitan Sydney, in particular, and communicate that to the public. As far as other recovered substances and their reporting obligations, I would have to take it on notice. Is the suggestion that it's not strong enough or that you'd prefer more transparency?

**Ms SUE HIGGINSON:** Yes, definitely more transparency, Premier. We're seeing a large part of Sydney taped up. I think the community deserves to be kept completely abreast of what it is we're looking at. The fact is, this is not just mulch; this is a bigger issue. The fact is that you've got a taskforce, which we commend you on. Are you committed to continuing the utmost transparency and the improvement of regulation, and will that continue to be communicated with the public?

**Mr CHRIS MINNS:** Obviously we want to make sure the public are aware of when there are toxic substances or suspected toxic substances in the community, and that will continue. As far as the next steps, I'm happy to take it on notice, mainly because I want to speak to the EPA and understand what their current reporting obligations are and see how they can be strengthened.

**Ms SUE HIGGINSON:** Zero tolerance is the really important element here, Premier, and you're committed to continuing that because, obviously, environmental stewardship and public health is a priority.

**Mr CHRIS MINNS:** The public has to have confidence in this economy and they have to have confidence in this marketplace, otherwise that entire sector is under threat. There are heavy penalties in place already for wilful, deliberate conduct in relation to toxic substances in the community of over a million dollars.

**Ms SUE HIGGINSON:** Premier, did you see the investigative report by Lisa Cox in *The Guardian* that is showing the perverse testing regime, and what looks like the regulatory capture that has gone on, and that we've known about it since 2013 in relation to these recovered fines?

**Mr CHRIS MINNS:** I don't think I did. Was there a photo of you?

**Ms SUE HIGGINSON:** No, I don't think so, Premier. Thanks for remembering.

**Mr CHRIS MINNS:** I did read an article in *The Guardian* where you were—

**Ms SUE HIGGINSON:** The reality is, Premier, that there is—

**Mr CHRIS MINNS:** That's the one I read. Am I wrong? I'm sure there was.

**Ms SUE HIGGINSON:** I think what you need to know, Premier, is that we've got some really serious problems in the waste cycle. We know how important the circular waste economy is for New South Wales, but we also know we need it to have integrity, and it needs to be healthy and guaranteed that we're not polluting the environment. Will you undertake to providing the names of the labs that have been testing and retesting and retesting, and that were featured in the article, for absolute transparency and for communicating with the public where the system has gone wrong in the past and how you're going to fix it?

**Mr CHRIS MINNS:** Would you allow me to take that on notice?

**Ms SUE HIGGINSON:** Yes, thank you, I would. In November 2023—last year—you seemed to open the door to the idea that we would look at exiting native forestry to looking at a carbon credits-type system. We spoke about this, I think, at the last estimates. You said words to the effect of, "Yes, we're looking at something

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like that and we would need a system in place." I think you were referring to maybe the developments of ACCUs, the carbon credit units. Does that make sense?

**Mr CHRIS MINNS:** It does. I would have to read my words from the transcript. Is that what I said?

**Ms SUE HIGGINSON:** Words to that effect. Is that something you're looking at, Premier—the idea of allowing large carbon emitters and land developers to use offsets through our forest estate? Is that something you're considering?

**Mr CHRIS MINNS:** We don't have any public announcements about that and I don't have any policy changes that I'm going to announce today. In relation to forestry, emerging industries, innovative marketplaces that could be adapted in Australia that we can see in other jurisdictions, that could work. I'm not going to rule it out.

**Ms SUE HIGGINSON:** Would you rule it out if the economics just don't make sense and the accounting system doesn't make sense, and it's in the public interest and New South Wales' interest to just bank that carbon in the forests and not trade it?

**Mr CHRIS MINNS:** There are a multitude of views on it. I'm not going to rule anything in or out.

**Ms SUE HIGGINSON:** But there's just accounting as well, Premier. Carbon in forests.

**Mr CHRIS MINNS:** If you want to have a deeper discussion about it, you do have eminent people like Ken Henry, who believe that this is a viable—

**Ms SUE HIGGINSON:** I don't think he said our forests are the right way to go.

**Mr CHRIS MINNS:** Hang on. There are people like Ken Henry who have come and spoken to us, who believe that this is an innovative marketplace for the State, for the country. I don't have a policy change to announce here. I think that a reasonable person would acknowledge that a government as big as New South Wales will be looking at all kinds of industries and opportunities for the State, but I don't have a policy announcement today.

**Ms ABIGAIL BOYD:** Coming back on that asbestos issue then, for a quick one, those of us who have been paying attention for a number of years have seen asbestos being dumped across the State in lots of different contexts. I live on the Central Coast. We've had it at Mangrove Mountain, we've had it at the Vales Point Power Station, construction materials containing asbestos being dumped around the State and it's great that we are now having attention on it here. Are you concerned about corruption in the waste and construction industry in New South Wales?

**Mr CHRIS MINNS:** I haven't had specific allegations of corruption presented to me, and I'm just—

**Ms ABIGAIL BOYD:** Are you concerned about organised crime with the waste industry in New South Wales?

**Mr CHRIS MINNS:** I would have to take it on notice but I don't recall being presented with that allegation.

**Ms ABIGAIL BOYD:** Would you support a special commission of inquiry into the waste industry in New South Wales?

**Mr CHRIS MINNS:** I would be reluctant to do that. I think that the best course of action is for the New South Wales Government to be exploring enhanced penalties to ensure that those that break the law are investigated and punished, that the EPA has the resources in place and that the public has confidence in the marketplace. If you've got evidence or information of widespread corruption, we have both the Independent Commission Against Corruption as well as the option for judicial inquiries. But I would prefer action rather than an inquiry.

**The Hon. DAMIEN TUDEHOPE:** Premier, I now want to ask you some questions about the Local Small Commitments Allocation. There are some documents which I wish to put in front of you in respect of those allocations. Looking at the document in front of you, these are extracted from documents which have been produced pursuant to a Standing Order 52 application to the House. You will see that the first page deals with your own commitments during the election campaign. You will see from the document that there are a number of commitments which you made and in relation to that they were notified to a person Liam Rankine. Do you know who Liam Rankine is?

**Mr CHRIS MINNS:** The name sounds familiar.



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**The Hon. DAMIEN TUDEHOPE:** You will also note that the date notified was 7 March 2023. This is just the first page I am asking you to look at in the file.

**Mr CHRIS MINNS:** Right. This has just been presented to me.

**The Hon. DAMIEN TUDEHOPE:** But it's a document that was produced by your office.

**Mr CHRIS MINNS:** If you say so. But I don't know the provenance of it. I'm not sure who passed it over.

**The Hon. SARAH MITCHELL:** It's the order of the House under SO 52.

**Mr CHRIS MINNS:** Right. As I said, that's what you've said.

**The Hon. DAMIEN TUDEHOPE:** It's come from your office. The second page I would like to take you to, the next two pages, were projects nominated by the candidates for Castle Hill and Kellyville respectively. You recall that the candidates for Labor in those two seats were Tina Cartwright and Alex Karki, K-A-R-K-I, prior to the election, the next two pages?

**Mr CHRIS MINNS:** I'm happy to take your questions, but I don't know the provenance of the document.

**The Hon. DAMIEN TUDEHOPE:** Your understanding of this process was that in relation to the Local Small Commitments Allocation they needed to have been made by the candidates as part of the election process. Is that right?

**Mr CHRIS MINNS:** My recollection is that candidates, or it may well have been shadow Ministers, identified a particular project in that community or it might have been a chamber of commerce president.

**The Hon. DAMIEN TUDEHOPE:** But prior to the election.

**Mr CHRIS MINNS:** Hang on, I'm going to get to the end of it. It might have been a chamber of commerce president. I've got a great idea that it might have been a local community organisation that said, "We think that this would be a really good thing for our community." It may well be a blend of people that have identified the initiative.

**The Hon. DAMIEN TUDEHOPE:** Prior to the election, though, it was the criteria, was it not?

**Mr CHRIS MINNS:** Some of them were prior—

**The Hon. SARAH MITCHELL:** Some of them?

**Mr CHRIS MINNS:** —but everybody got \$400,000.

**The Hon. DAMIEN TUDEHOPE:** But prior to the election, they had to be nominated, did they not?

**Mr CHRIS MINNS:** Not necessarily.

**The Hon. DAMIEN TUDEHOPE:** Oh? You say that there is another criteria to nominate projects after the election?

**Mr CHRIS MINNS:** My understanding is that there are some electorates or communities where the full amount—the full \$400,000—wasn't allocated.

**The Hon. DAMIEN TUDEHOPE:** Well, that's true.

**Mr CHRIS MINNS:** Hang on a second. Rather than ensuring that that community missed out—as in, they only got \$200,000 or \$150,000—we made sure that everybody got the same, all 93.

**The Hon. DAMIEN TUDEHOPE:** Correct. And that's the way it was. If, in fact, the full commitment hadn't been made before the election then, in some ways, the community did need to get the benefit of those funds by way of allocation to the local council, for want of a better expression. If you go to the Castle Hill election, can you look in the last column? You will note that the date notified was 24 July 2023. Do you accept that that's the date?

**Mr CHRIS MINNS:** No, I don't accept it because I don't know what—

**The Hon. SARAH MITCHELL:** It's right in front of you.

**The Hon. DAMIEN TUDEHOPE:** It's right in front of you.

**Mr CHRIS MINNS:** Yes, but didn't you hand me this?

**The Hon. DAMIEN TUDEHOPE:** It's your document.

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**Mr CHRIS MINNS:** Well, that's what you say.

**The Hon. SARAH MITCHELL:** It came from a call for papers.

**Mr CHRIS MINNS:** I'm happy to take your question, but I don't know the provenance of it.

**The Hon. DAMIEN TUDEHOPE:** The document discloses that it was made to people—Paul Mills. Do you know who Paul Mills is?

**Mr CHRIS MINNS:** Yes.

**The Hon. DAMIEN TUDEHOPE:** Does he work in your office?

**Mr CHRIS MINNS:** He does work in my office, yes.

**The Hon. DAMIEN TUDEHOPE:** Do you know who Rhys Patton is?

**Mr CHRIS MINNS:** I'd have to take it on notice. Not off the top of my head.

**The Hon. DAMIEN TUDEHOPE:** Well, would you accept from me that he works in Minister Harris' office?

**Mr CHRIS MINNS:** Perhaps. Not necessarily. I'm not sure whether your information is up to scratch or not. I don't know.

**The Hon. DAMIEN TUDEHOPE:** Okay. This is where we're getting to. This is the nub of it. Premier, if the projects listed for Castle Hill and Kellyville were, in fact, never nominated by candidates prior to the election but added to the list by Paul Mills and Rhys Patton on 24 July 2023, would they still be eligible for funding under the LSCA program?

**Mr CHRIS MINNS:** I don't know whether they added them, whether community groups lobbied the Government or, potentially, local MPs. The eventual winner of the seat, might have lobbied the Government for a change in the project, or it might have been a civic leader or a mayor. There were a few examples of Liberal MPs that were publicly jumping for joy and putting out social media posts about local small commitments.

**The Hon. DAMIEN TUDEHOPE:** But they were made before the election.

**Mr CHRIS MINNS:** I had a few discussions with MPs that said, "Look, we like the project but we think it could be better applied somewhere else."

**The Hon. DAMIEN TUDEHOPE:** But if they were added to the list and they weren't election commitments—

**Mr CHRIS MINNS:** But we already discovered that there were some communities where the full \$400,000 wasn't applied.

**The Hon. DAMIEN TUDEHOPE:** But these are specific projects which are nominated as election commitments.

**Mr CHRIS MINNS:** What's the reverse, that some of those communities miss out?

**The Hon. DAMIEN TUDEHOPE:** No.

**Mr CHRIS MINNS:** That's what would've happened under the previous Government, you remember? We couldn't have that. The bottom line is we couldn't have a situation where some communities and some electorates missed out.

**The Hon. DAMIEN TUDEHOPE:** Premier, if, in fact, a member of your staff was engaged in a process where these were not election commitments but were, in fact, nominated by someone after the election—

**Mr CHRIS MINNS:** I'm saying I don't know the provenance of the decision or where the information to pick that project came from.

**The Hon. DAMIEN TUDEHOPE:** If that was true, would that be a breach of this program?

**Mr CHRIS MINNS:** That's a supposition on your part.

**The Hon. DAMIEN TUDEHOPE:** Well, would it be?

**Mr CHRIS MINNS:** It's a supposition on your part. I'm not sure how a particular small commitment was determined or decided in Castle Hill, for example.

**The Hon. DAMIEN TUDEHOPE:** What's the date on the document?

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**Mr CHRIS MINNS:** I'm not prepared to make a comment about it because I don't know how it got on the list. I don't think that's unreasonable. There would be thousands of local small commitments that would've been distributed.

**The Hon. DAMIEN TUDEHOPE:** Go to the last page of the document, if you would, because a document was brought into existence on 25 July 2023—all new projects. These projects didn't even exist prior to the election.

**Mr CHRIS MINNS:** I guess if your inference is that government small commitments that were announced in the election campaign were not subsequently delivered, that's not true. But there may have been—

**The Hon. DAMIEN TUDEHOPE:** No, I'm saying these projects didn't exist.

**The Hon. SARAH MITCHELL:** They came afterwards.

**Mr CHRIS MINNS:** I'm going to get my answer out. But there may have been some electorates where the full allocation wasn't exhausted. I throw myself down on the mercy of the Committee and say can you imagine if the Government went—

**The Hon. DAMIEN TUDEHOPE:** You're misunderstanding the point.

**Mr CHRIS MINNS:** —after the election campaign and said, "We've allocated the full \$400,000 to Kogarah and Rockdale and Penrith and Riverstone but we've decided Tamworth only gets 150." You'd be completely outraged by it.

**The Hon. DAMIEN TUDEHOPE:** I'm not quibbling with that. I'm quibbling with the process. The projects were added—

**Mr CHRIS MINNS:** Your supposition is that the staff member is responsible for the addition to it. I don't know the reason why; I'd have to investigate.

**The Hon. DAMIEN TUDEHOPE:** The projects didn't exist at the time of the election commitment.

**The Hon. Dr SARAH KAINE:** Because they went to the council.

**The Hon. DAMIEN TUDEHOPE:** These are new projects brought into existence after the election.

**Mr CHRIS MINNS:** Your supposition is that a member of my staff picked that project in that—I'm simply reporting to you that we fully acknowledged—

**The Hon. DAMIEN TUDEHOPE:** Well, we know.

**Mr CHRIS MINNS:** —at the time that the local small commitments program did have, in certain seats, not the full allocation applied. The Government made a decision that that would be unfair to those communities and that the full \$400,000 needed to apply to all 93 seats.

**The Hon. DAMIEN TUDEHOPE:** Premier, we are completely ad idem in relation to that as a proposal—

**Mr CHRIS MINNS:** You're not, actually, because you've been highly—well, not you personally, but the Opposition has been highly critical of even that proposal.

**The Hon. DAMIEN TUDEHOPE:** We are ad idem on the fact that the \$400,000 was to be allocated. What I'm raising with you is the process by which projects were added for this particular seat not in accordance with the small allocation grants program and that they weren't commitments made at the time of the election.

**Mr CHRIS MINNS:** It's important that the Committee understands that the Government has already conceded and admitted and was fully transparent—I think even during the campaign—that there were seats where the full allocation of the \$400,000 wasn't applied. Just let me finish. As a result of that, rather than those communities getting less—say, \$150,000—obviously we wanted to make sure they got the full 400.

**The Hon. DAMIEN TUDEHOPE:** And I have no quibble—

**Mr CHRIS MINNS:** The process for that, I'll have to come back to you on. But I think a reasonable person would step back and say, "I'd rather you spend the money in my community" rather than saying—

**The Hon. DAMIEN TUDEHOPE:** No problem with that, Premier. I'm concerned with the guidelines and the process where, potentially, a member of your staff in fact inserted—

**Mr CHRIS MINNS:** Sorry, what's the allegation now? You've actually thrown a few out, so what's the allegation now?

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**The Hon. BOB NANVA:** Point of order—

**The Hon. DAMIEN TUDEHOPE:** No, I'm saying perhaps a member of your staff—

**The CHAIR:** I don't think he's made the allegation yet.

**Mr CHRIS MINNS:** "Perhaps". Why don't we deal with realities? I'm happy to take it on notice and get you the answer, and I'll save you the opportunity to besmirch another member of the public. How about that?

**The Hon. DAMIEN TUDEHOPE:** I haven't besmirched anyone—

**Mr CHRIS MINNS:** Is that right?

**The Hon. DAMIEN TUDEHOPE:** —to the best of my knowledge, Premier. We started talking earlier about your commitment to build 75,000 new homes each year in New South Wales. Have you abandoned that commitment?

**Mr CHRIS MINNS:** We haven't.

**The Hon. DAMIEN TUDEHOPE:** You haven't?

**Mr CHRIS MINNS:** We need to do it. The reason we need to do it is that young people are—

**The Hon. DAMIEN TUDEHOPE:** You may need to, but have you abandoned it?

**Mr CHRIS MINNS:** —locked out of New South Wales. As a result of that, the Government's pursuing a whole range of zoning, planning and density changes to New South Wales. I just leave the Committee with one fact that is just so fundamental and elemental to the State's future: We are losing twice as many people between the ages of 30 and 40 than we are gaining—twice as many. In the years gone past it would generally be older communities that would move to warmer climates; now we're losing younger communities.

**The Hon. DAMIEN TUDEHOPE:** And I understand that. I have a young family of my own—

**Mr CHRIS MINNS:** You saw that the Productivity Commissioner said—

**The CHAIR:** Order! Mr Tudehope, please allow the Premier to answer.

**Mr CHRIS MINNS:** —in recent times that unless we do something about it, we will live in a city without grandchildren.

**The Hon. DAMIEN TUDEHOPE:** I understand the sentiment.

**Mr CHRIS MINNS:** The Government's been pursuing these changes. Most of the reforms that have been announced since December have been either explicitly or implicitly opposed by your colleagues, which is disappointing. But I don't know another way of providing—

**The Hon. DAMIEN TUDEHOPE:** Is there a target? What's the target?

**Mr CHRIS MINNS:** It's been publicly articulated.

**The Hon. DAMIEN TUDEHOPE:** Is it 75,000 homes? Is that your target?

**Mr CHRIS MINNS:** We want to get to 75,000 as an average.

**The Hon. DAMIEN TUDEHOPE:** Is that the target today?

**Mr CHRIS MINNS:** Obviously that's what we want to get to. But I've been really clear prior to today's evidence that it's very difficult to meet that, primarily because the previous Government left us with a paucity of supply opportunities, planning regimes.

**The Hon. DAMIEN TUDEHOPE:** Well, we'll come to that.

**Mr CHRIS MINNS:** Hang on, wait. As a result of that, this is a big ship of state that needs to be turned around. It would be wonderful to be in a situation where I could promise that quantum of housing on a yearly basis, on average, over the next five years, because I think it would make a big difference to young people in the State. But when your Government left us with the situation where you had 48,000 housing completions in a 12-month period when the Victorian Government had 58,000, we're coming from a long way back.

**The Hon. DAMIEN TUDEHOPE:** You admitted to *The Daily Telegraph* that you have no chance of meeting that target, did you not?

**Mr CHRIS MINNS:** I have asked and answered it several times already.

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**The Hon. DAMIEN TUDEHOPE:** The Leader of the Government in the upper House says that the target is being constantly updated. What is the target today?

**Mr CHRIS MINNS:** I think a reasonable person would say, given this is—I could be corrected, but I think this is the biggest private market in the country, the housing market in New South Wales. As it's a private market, the Government isn't the largest seller of property or builder of property. It's private individuals making that decision. These are the inputs that determine yearly builds and completions: you've got finance; you've got market conditions; you've got interest rates; you've got the immigration level; you've got ability to procure supplies; you've got labour market concerns. I mean, I'm just touching the surface. You've got six or seven inputs that we're not responsible for. What we are responsible for is zoning and planning changes. I've made it clear that we're going to do everything we can to ensure that the government part of the blockage, when it comes to completions, is removed. I would love to be able to have the primary say on all those other aspects of the economy, but we don't have a command-and-control economy. This is an open marketplace, and there are other inputs.

**The Hon. DAMIEN TUDEHOPE:** One of the things you've just identified, of course, is immigration. Are you aware of the number of immigrants that came into Australia in the last year?

**Mr CHRIS MINNS:** Half a million.

**The Hon. DAMIEN TUDEHOPE:** Yes. How many came to New South Wales?

**Mr CHRIS MINNS:** About one-third.

**The Hon. DAMIEN TUDEHOPE:** About 174,000.

**Mr CHRIS MINNS:** Yes, I said about one-third.

**The Hon. DAMIEN TUDEHOPE:** Yes, 174,000. So that number came to New South Wales. Your target is 75,000. Is immigration a problem?

**Mr CHRIS MINNS:** Well, a couple of things—firstly, that was the yearly intake after the COVID pandemic, so net migration for the two preceding years was far lower. You shouldn't leave that out. Secondly, the Federal Government has made an intervention in relation to immigration numbers into the country and dramatically reduced it. I think it's 300,000 for next year and 250,000 for the year after. I think that was a reasonable and responsible decision to make, given the pressure on the housing market—and not an easy one for them to make but I think the right one.

I make the point that I could want to double migration or I could want to reduce it to zero, but the New South Wales Government doesn't have the power over immigration. Even if it was zero, we would still have severe housing problems in the State, and, as a result of that, we need change in the housing market. We released a number of changes, which have been, in all fairness, attacked by your colleagues in the last two or three weeks. So I'm just wondering what—and I don't mean this in a flippant way, and I know that you've got to ask me questions. But if this is a genuine attempt to get to the answer of how to solve Australia's and Sydney's housing crisis, if you don't want to do density, what would you do? What would you have me do?

**The Hon. DAMIEN TUDEHOPE:** What you've outlined in your answer to the previous question was a supply-and-demand equation in relation to the delivery of housing. The biggest, in fact, demand driver at the moment is immigration, is it not?

**Mr CHRIS MINNS:** In part. I think that's why the Commonwealth Government made that intervention.

**The Hon. DAMIEN TUDEHOPE:** Even if the immigration level is reduced to 250,000, we would anticipate, potentially, at least one-third of those people still coming to New South Wales.

**Mr CHRIS MINNS:** Potentially. But, in any event, I'm not—

**The Hon. DAMIEN TUDEHOPE:** The targets that you're looking at—

**Mr CHRIS MINNS:** In any event, I'm not responsible for immigration in the State.

**The Hon. DAMIEN TUDEHOPE:** Have you made a representation—

**Mr CHRIS MINNS:** Sorry, is there some kind of constitutional arrangement that I am not aware of?

**The Hon. DAMIEN TUDEHOPE:** You're the Premier; you represent the interests of this State. Perhaps you're unaware of that. Perhaps you don't want to know that you are.

**Mr CHRIS MINNS:** No, I'm amazed. I'm all ears.

**The CHAIR:** Order!

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**Mr CHRIS MINNS:** My point here is I'm sick of the buck-passing. I don't want to be in a situation—

**The Hon. DAMIEN TUDEHOPE:** Then don't buck-pass.

**Mr CHRIS MINNS:** I don't want to be in a situation—

**The Hon. DAMIEN TUDEHOPE:** Don't buck-pass to the Commonwealth.

**Mr CHRIS MINNS:** I think I'm doing the opposite, aren't I? I'm genuinely coming to the table and suggesting to you and to the people of New South Wales that previous Premiers have said, "We can't take any more immigration so therefore I'm not going to do anything about housing." That to me seems to be what you're suggesting the New South Wales Government do.

**The Hon. DAMIEN TUDEHOPE:** No, I'm not.

**Mr CHRIS MINNS:** I'm telling you that is a recipe for inaction, a lack of housing and selling young people down the river. That kind of rhetoric that you've spouted today is the reason we are in this mess. We're not responsible for immigration, but we are responsible for housing. My strong advice to you is we need to get on with it.

**The Hon. DAMIEN TUDEHOPE:** You have a one-size-fits-all approach to the delivery of housing. The only thing—

**Mr CHRIS MINNS:** What's your suggestion?

**The Hon. DAMIEN TUDEHOPE:** —that you suggest is your input into the solution to this problem is rezoning. Isn't that your position? "I can't do anything else except rezone." One size fits all.

**Mr CHRIS MINNS:** I'll be honest with you.

**The Hon. BOB NANVA:** Point of order—

**Mr CHRIS MINNS:** No, I'm happy to answer it. Can I just make the point—literally everything you just said was wrong. Now, I don't know whether it's wilful or ignorance but everything you said is wrong. And if I look at the comments from your leader—this is from Mark Speakman. This is December of last year, so not long ago. I think this is important: "The Opposition is in furious agreement with ramping up housing supply"—

**The Hon. DAMIEN TUDEHOPE:** Chair, I just redirect the witness in relation to that because this is not an answer to my question.

**The CHAIR:** Order! Mr Tudehope, it is an answer to your question. The Premier should be heard in silence—rather than constant interjections.

**Mr CHRIS MINNS:** This is from the shadow planning Minister: "A massive uplift in housing supply in New South Wales must be a top priority." That was on 7 February this year. The Leader of the Opposition said in December, "The Opposition is in furious agreement with ramping up housing supply and that will involve substantial rezonings along major corridors." Now, you've come to the table today, Mr Tudehope. Presumably you're against Rosehill. You've just suggested the Government has a one-size-fits-all plan for zoning.

**The Hon. DAMIEN TUDEHOPE:** No, I'm just saying adopt proper process, Premier.

**Mr CHRIS MINNS:** You are suggesting a recipe for the kind of complete intergenerational inequity that we have seen presided over by you. As a result of that kind of theory where you say, "Look, in theory I want density but in practice the answer is no"—I will note that you've provided no alternative plans for New South Wales.

**The Hon. DAMIEN TUDEHOPE:** That's your interpretation. Can I just finish in my last 30 seconds?

**Mr CHRIS MINNS:** That's how we get to a situation where rents have increased by 14 per cent, the median house price in Sydney is \$500,000 more than Melbourne despite the fact that the two cities are roughly the same size. You are condemning the next generation of young Australians to a life without renting or housing.

**The Hon. DAMIEN TUDEHOPE:** I'm not, but in any event can I return to Mr D'Adam for a moment. Have you given Mr D'Adam a licence here today to say anything he likes before you will dismiss him?

**Mr CHRIS MINNS:** I genuinely think a reasonable person would not draw any inference from my comments in relation to Mr D'Adam.

**The Hon. DAMIEN TUDEHOPE:** That's the inference, I think, that can be drawn.

**UNCORRECTED**

**Mr CHRIS MINNS:** I've been clear and consistent in relation to both his public commentary and the situation involving that kind of commentary in the community. The Government's position couldn't be clearer. The Cabinet's position couldn't be clearer. It is my strong belief that people need to speak with moderation in relation to this issue. I repeat what I said earlier: Little if anything that we say about the Middle East crisis will impact peace over there, but it could have a major impact on peace right here in New South Wales because words have consequences.

**The Hon. ROBERT BORSAK:** Can I take you back to renewable energy again. We're jumping all over the place but I think you're quite mentally astute enough to handle all of this. What is the Government doing to protect against human rights abuses relating to foreign-made renewable energy equipment such as solar panels, for example?

**Mr CHRIS MINNS:** The Government is committed to the conventions that the country and the State are party to when it comes to—I forget the terminology and phraseology. Sorry, modern slavery. Sorry, Mr Borsak, it just slipped my mind—modern slavery conventions. My hope is that adherence to those conventions does make a difference in terms of whatever is being imported into the State. But, you're right, we need to keep an eye on it and make sure that—

**The Hon. ROBERT BORSAK:** Are we going to do anything with modern slavery laws in New South Wales to give them some teeth?

**Mr CHRIS MINNS:** I'm all ears. We do have a hung Parliament in both the upper and lower Houses. We have been in a situation where we're open to crossbench MPs introducing legislation. If there are ideas that the Government should be pursuing, particularly in relation to supply chains, then we're open to discussing them, of course.

**The Hon. ROBERT BORSAK:** Why is the Government still focusing on renewables when nuclear is a far better alternative?

**Mr CHRIS MINNS:** We have looked at that, and the truth of the matter is the cost associated with starting up a nuclear industry for domestic energy consumption would far exceed our ability to pay for it. There has been one, I think, small-scale modular nuclear reactor that has been in its opening stages or its deployment stages in the US, and that one at the end of last year had reversed course and they're no longer going ahead with it. Given so much of our energy supply, as a result of coal-fired power stations, is coming to the end of its life, I can't take what I would regard as a risk of trying to step up and set up a nuclear energy industry that I wouldn't have confidence could deliver power to the people of New South Wales.

**The Hon. ROBERT BORSAK:** How are EnergyCo working with farmers to protect agricultural land? We talked around that a bit before.

**Mr CHRIS MINNS:** EnergyCo will of course partner with organisations, particularly in relation to battery storage, which is, I think, a really under-discussed part of the energy transition. There has been a lot of talk about wind and solar providing energy when there is sun shining and wind blowing but there hasn't been enough discussion around hydro storage or battery technology when that doesn't happen. The real purpose of the Energy Security Corporation is to partner with firms that have plans to do just that. There are commercial returns there. There are probably more lucrative commercial returns in just straight out solar, but we can't do one without the other—solar and wind. We can't do one without the other.

In terms of land use, I don't have easy answers for it, Mr Borsak, particularly when it comes to transmission lines. There has been a suggestion that we underground them. I know the National Party have been insisting on it, as have, in fairness, a few regional MPs, but the latest information I have is that it could triple the cost for those transmission lines and that would be beyond the reach of retail consumers in the State because it's a cost-recovery model.

**The Hon. ROBERT BORSAK:** Do you support the Federal Hunter offshore wind zone?

**Mr CHRIS MINNS:** I'd need to see the specifics. I don't think they're even in the early planning stages of several sites so I'd wait and see how it would fit in with New South Wales' energy needs and what it would mean for the State. There are just not enough specifics out there.

**The Hon. ROBERT BORSAK:** Solar installations are being planned on arable land capable of small holdings and larger agriculture. Will the Government prevent inappropriate installation of renewables in places like Goulburn, for example, that only has really sunny days one-third of the year?

**Mr CHRIS MINNS:** There are solar farms in the Goulburn region.

**The Hon. ROBERT BORSAK:** Yes, but there's a very large one being planned. That's right.

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**Mr CHRIS MINNS:** I don't pretend to be an expert in relation to the sun distribution in the Central West or the south-west of New South Wales or where the best sunlight is other than to say that they're all commercial decisions that are made by private operators. So if they're wrong, they'll do their hat and we're, generally speaking, not going to intervene because of the challenges that I spoke to you about before. We've copped hits from The Greens and Matt Kean about Eraring remaining open, and we've copped hits from the National Party and others about our renewable energy plan

It's really just driven by the economics of reliable secure energy for the people of New South Wales and pursuing that energy transition. That's a very, very narrow and tight path that we have to walk, but for me to start taking assets off the table or potential extensions or solutions to the problem, I think would put us further in a hole. If I add it to the costs, it doesn't come from the government coffers and it's not like we can just add it to the net debt of the State. It would come from consumers because it's that cost-recovery model. I'm not pretending our energy policy is perfect but if we're going to meet the targets that were bipartisan, supported by the major political parties and certainly The Greens, we've got to kick on with it.

**The Hon. ROBERT BORSAK:** Specifically, do you support the waste-to-energy incinerator move to the Goulburn region?

**Mr CHRIS MINNS:** I'd like to take that on notice, just because I'm not up to date with the latest information.

**The Hon. ROBERT BORSAK:** A lot of people down there have got concerns about it, of course, especially in relation to cancer and other things.

**Mr CHRIS MINNS:** Sure. I'd love to give you an answer today but I would just like to confer with my officials about it.

**The Hon. ROBERT BORSAK:** Can I get you to turn your mind to my favourite, the Powerhouse Museum?

**Mr CHRIS MINNS:** Yes.

**The Hon. ROBERT BORSAK:** When did you approve the closure of the Powerhouse Museum, Ultimo, for renovations?

**Mr CHRIS MINNS:** It would have been, from memory, the fourth quarter of last year.

**The Hon. ROBERT BORSAK:** Who put the proposal to you?

**Mr CHRIS MINNS:** I'm pretty sure it was the Minister for the Arts, John Graham.

**The Hon. ROBERT BORSAK:** Are the water leaks in the Powerhouse Museum, Ultimo, which were given as the reason for its urgent closure, the result of past decisions at the Museum of Applied Arts and Sciences to not fund proper maintenance of the box gutters and window seals? What's actually going on there?

**Mr CHRIS MINNS:** I don't know. But for the purposes of this questioning, sure. I'm sure that's right, that the previous Government didn't put—I mean, custom and practice would lead us to believe that they didn't put enough in the maintenance budget. But I'd have to take it on notice to give you a specific answer.

**The Hon. ROBERT BORSAK:** A figure of \$40 million to repair the roof was thrown at me. Does that sound over the top?

**Mr CHRIS MINNS:** I'm just trying to remember the specifics of it. It doesn't sound over the top. I'm not sure that the roof problems are strictly confined to seepage or water. I think there may be structural problems with the roof of the Powerhouse that would indicate or explain why there's such a large number.

**The Hon. ROBERT BORSAK:** What resources will be diverted after the Powerhouse Parramatta project is completed? Where will the resources go to, the money that is being spent on that project?

**Mr CHRIS MINNS:** We'd like to do both, that's why there are over \$200 million for the Ultimo Powerhouse. We are committed to reimagining it, opening it up for that community. That's a proud legacy of the Wran Government, important for New South Wales. The community won an important victory in keeping the site open and the previous Government reversed their decision on closure, which I think they should be credited for. We want to make sure it adds to the things to do in Sydney, adds to our cultural legacy. The Powerhouse Museum at Parramatta is, I think from memory, over a \$900 million project. The two properties together would really reveal a massive opportunity for new art spaces, new cultural precincts for people to explore, which we are going to need to do if tourism is going to be a larger part of our economic mix. I've had feedback in the not too distant past that we need more things to do in Sydney.



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**The Hon. ROBERT BORSAK:** Are you committed to the Ultimo facility returning as a facility for science and technology as a museum?

**Mr CHRIS MINNS:** I am, Mr Borsak. That's important for Sydney.

**The CHAIR:** Just before I turn to The Greens, I have a quick question or two. Premier, the Government has a Future of Gas Statement and a strategic statement on coal, which guides the possible future development of coal and gas. Are you aware of who wrote those policies?

**Mr CHRIS MINNS:** I'm not.

**The CHAIR:** Would you be alarmed to learn that they were written by John Barilaro, and that they're still operational?

**Mr CHRIS MINNS:** In fairness, I'd have to read them before I, in a blanket way, criticised him.

**The CHAIR:** You haven't read them, even though it is the largest export in the State, \$40 billion per annum?

**Mr CHRIS MINNS:** I think I'm reasonably au fait with both the industries. I know about major potential closures and possible expansions for fossil fuel projects in the Hunter. But in all candour, no, I haven't read those specific reports.

**The CHAIR:** Would you commit to updating those policies in the short term, considering the author and a lot of concern in the community about coal expansions?

**Mr CHRIS MINNS:** I'd have to take that on notice, come back to you, confer with the Minister for Energy and Minister for the Environment.

**The CHAIR:** One last one on a related matter. There is a journalist and podcaster, Jordan Shanks, known as friendlyjordies, who is well known in the community. Recently he has been the subject of a firebombing at his home. He has highlighted the potential links between Mr Barilaro and crime figures in the community. He has had his house firebombed and he has received death threats. Are you alarmed at that development, and how do you respond?

**Mr CHRIS MINNS:** A couple of things. Firstly, I did make contact with Mr Shanks to see what the New South Wales Government could do and whether there were any potential inquiries that should take place as a result of his concerns and his fears. My office has been in contact with him as well. Regardless of his journalism and people's personal taste, we can't have a situation where someone feels intimidated enough to give up on providing public information. A free press, freedom of speech as well as freedom of expression are fundamental to our modern democracy. I was concerned about those allegations—very concerned. I want to make it clear that the Government reached out to Mr Shanks. We are happy to provide any information or service that he needs. The press do have modern forms of communication stresses on them as a result of providing information to the public. I was concerned about those reports, yes.

**Ms ABIGAIL BOYD:** Premier, we were talking before about housing. Obviously the extent of the housing crisis is now so great that building houses is eventually not going to be the only solution. You talked about the private market here in New South Wales. Every year \$39 billion is being pumped into that private market through Federal tax concessions. Will you be following former Premier Perrottet in calling for a review into negative gearing?

**Mr CHRIS MINNS:** No.

**Ms ABIGAIL BOYD:** Why is that?

**Mr CHRIS MINNS:** Mainly because it's a Commonwealth responsibility and I've got enough on my plate in New South Wales in terms of tax—

**Ms ABIGAIL BOYD:** It's making your job very difficult.

**Mr CHRIS MINNS:** I'm happy to answer all the questions, but I think I'm entitled to get the context out.

**Ms ABIGAIL BOYD:** Go ahead.

**Mr CHRIS MINNS:** It's a Commonwealth responsibility; it's not a State responsibility. They will make up their own mind in relation to it. I often find that interventions from serving Premiers are designed to evade responsibility or flip custody of a particular issue, and I don't want to do that. I don't want to be in a situation where I am accused of shirking my responsibilities by saying that it's all the Commonwealth's fault.

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**Ms ABIGAIL BOYD:** Yes, I totally appreciate that, Premier, but you would acknowledge, wouldn't you, that the housing crisis was not just caused by a lack of supply? There has been a decade or more of poor policy decisions made by Federal and State Coalition governments. We are now in such a serious position where the people of New South Wales are asking for leadership on housing. Are you going to send the message that something more than just building houses needs to be done?

**Mr CHRIS MINNS:** I'm not, and here's the reason why. The reason why is because there are really clearly defined distinctions between Commonwealth responsibility and State responsibility on a whole range of issues, and if I spend my time answering questions from you or if this Committee spends its time dealing with Commonwealth issues at the expense of State issues, we are never going to get anything done. I appreciate your interest in it, and I know you want to ask questions—and I will give them an answer—but I genuinely believe that State politicians' responsibilities are to State issues, because we've got so many that we need to solve.

**Ms ABIGAIL BOYD:** Sure, let's talk about the State issues that you have and the levers that you have at your disposal then. We had discussions in the last term of Parliament about stamp duty and land tax, for example. That is a State issue. Ten years ago, I think, we had Labor's vendor duty, which was scrapped by the Coalition. That was something that put a duty on people who were selling their property at more than 12 per cent of what they had bought it at, in order to claw back some of that capital gains discount. These are things that your Government could be doing to try to correct the private market in New South Wales. Will you be looking into those?

**Mr CHRIS MINNS:** No, and here's why: That vendor duty, I think, was excised by the Labor Government as well.

**Ms ABIGAIL BOYD:** It's a shame.

**Mr CHRIS MINNS:** It was introduced by a Labor government and excised by a Labor government. Here's why: There's no prospect of us solving the housing crisis in New South Wales by taxing our way out of it, from the New South Wales Government's perspective.

**Ms ABIGAIL BOYD:** But no-one is saying that. We're talking about a comprehensive—

**Mr CHRIS MINNS:** Well, implying a duty in a particular transaction does suggest that.

**Ms ABIGAIL BOYD:** No, that's just one option.

**Mr CHRIS MINNS:** I would just say to you, when you've got a situation—this is the thing that worries me. By any objective measure, all independent economists, everybody suggests to you that New South Wales is not building enough houses—not enough social houses, not enough affordable houses, not enough for the private market, not enough for LAHC.

**Ms ABIGAIL BOYD:** Yes, absolutely.

**Mr CHRIS MINNS:** My fear and my worry is that we're going to go down a whole bunch of cul-de-sacs and red herrings about import duty, stamp duty—

**Ms ABIGAIL BOYD:** But, Premier, can you chew gum and walk at the same time?

**Mr CHRIS MINNS:** —potentially negative gearing at the Federal level.

**Ms ABIGAIL BOYD:** Can we not be doing more than one thing at a time?

**Mr CHRIS MINNS:** All with the view of obscuring what I regard—and you might disagree—as the central issue, and that's this: New South Wales produces, since 1992, six houses per 1,000 people.

**Ms ABIGAIL BOYD:** No-one is disagreeing on there being a need for supply.

**Mr CHRIS MINNS:** No. I'm going to get this out because it's important.

**The CHAIR:** Order! Please let the Premier conclude.

**Mr CHRIS MINNS:** We produce six houses per 1,000 people every 12 months. Victoria produces eight and Queensland produces nine.

**Ms ABIGAIL BOYD:** But, with respect, you're not answering my question, which is—

**Mr CHRIS MINNS:** I'm answering your question by saying that any prospective solution that doesn't involve the increase of supply is not a solution at all.

**Ms ABIGAIL BOYD:** Right, and I have said to you that we're all agreeing that we need supply.

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**Mr CHRIS MINNS:** Unfortunately, that's not the case.

**Ms ABIGAIL BOYD:** What we're saying is that it's necessary but not sufficient—necessary but not sufficient.

**Mr CHRIS MINNS:** What I'm saying to you is if only that was the case, Ms Boyd.

**Ms ABIGAIL BOYD:** So are we doing the other things that will actually solve the housing crisis?

**Mr CHRIS MINNS:** Your colleague put out a statement last week—and I've got a big regard for the member for Balmain; I genuinely do. I'm not trying to be facetious or condescending.

**Ms ABIGAIL BOYD:** This is not an opportunity to have a go at the member for Balmain. I have two minutes left.

**Mr CHRIS MINNS:** I'm not having a go, but the statement you just made—

**Ms ABIGAIL BOYD:** Can we talk about accessible—it is within my rights to redirect you.

**Mr CHRIS MINNS:** Again, I'm being persistently interrupted. I have to get this out.

**Ms ABIGAIL BOYD:** No, Premier. It is within my rights to redirect you.

**The CHAIR:** Order! The member has asked a question. The Premier can answer it.

**Mr CHRIS MINNS:** With respect, I've been answering questions for three hours. I'm allowed literally 30 seconds to get an answer out.

**Ms ABIGAIL BOYD:** Point of order: That is not a question I was asking. For a response to come back to me from the Premier that is not a response to the question I'm asking, it is within my—

**Mr CHRIS MINNS:** Further to the point of order—

**The CHAIR:** I will rule on the point of order. You raised a number of issues. There was a broad range of issues raised in the series of questions. The Premier was answering and being relevant. The Premier has the call.

**Ms ABIGAIL BOYD:** I understand.

**Mr CHRIS MINNS:** Mr Chair, I'll answer it quickly. I'm not trying to be facetious about it. I want to make the point that the statement that you made was—

**Ms ABIGAIL BOYD:** I haven't made a statement.

**Mr CHRIS MINNS:** The statement that you made is that we're all in agreement with the need for supply, but there are other measures. That's what you just asserted to me.

**Ms ABIGAIL BOYD:** No, I did not.

**The Hon. Dr SARAH KAINE:** Yes, you did.

**Mr CHRIS MINNS:** Am I wrong?

**The Hon. Dr SARAH KAINE:** Yes, you're right.

**Ms ABIGAIL BOYD:** I said there are also additional measures, not other—additional measures.

**Ms SUE HIGGINSON:** Additional.

**Mr CHRIS MINNS:** The point I'm making is that your colleague has suggested that the Government's changes around density and supply were a conspiracy for developers in New South Wales.

**Ms ABIGAIL BOYD:** This is completely irrelevant to the issues of broader tax.

**Mr CHRIS MINNS:** I wish it was irrelevant. I genuinely wish it was irrelevant. It is, in fact, central to the question.

**Ms ABIGAIL BOYD:** Can we talk about accessible housing? Why is it that the New South Wales Government is the only government bar one in the entire country that won't provide accessible housing in terms of minimum accessibility requirements under the National Construction Code? Every other State and Territory is able to do that but we have no guarantee of accessible housing in New South Wales. Why is that?

**Mr CHRIS MINNS:** Is this accessible housing for disabled citizens?

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**Ms ABIGAIL BOYD:** And older people and anyone who wants to live in their home for a longer period of time.

**Mr CHRIS MINNS:** That's a fair question. I'll have to take it on notice and come back to you.

**Ms ABIGAIL BOYD:** Thank you. Given the continuous failures of the previous Government, which we are now also seeing, unfortunately, under this Government, to provide adequately for people in disability in policy—I point also to the schools statement that came out that didn't even mention children with disability—is it not time now to have a separate Minister for disability in your Cabinet?

**Mr CHRIS MINNS:** I'd have to take that on notice. We have a colleague of ours, Liesl Tesch—

**Ms ABIGAIL BOYD:** A fabulous person.

**Mr CHRIS MINNS:** —who's a fabulous person and a Parliamentary Secretary. I think if she was giving evidence to the Committee, she would say in all candour that Government needs to do more, to be honest. I take her criticisms, feedback—however you want to put it—very seriously. I know that it cannot be the case that this becomes a second-order issue or falls off the Government's busy agenda. I take what you say very seriously. I can assure you that at the highest levels of government we've got a passionate advocate who's demanding more.

**The CHAIR:** We will go back to the Opposition.

**The Hon. DAMIEN TUDEHOPE:** Premier, last year the Government ordered a land audit to be carried out in respect of landholdings by the State Government. That land audit was to be completed within a couple of months. It still hasn't been completed. Why not?

**Mr CHRIS MINNS:** Obviously the Government is pursuing the largest reforms to housing, zoning, planning and eventual construction in the State's history. It's multi-agency. Obviously in terms of the bandwidth of housing supply—

**The Hon. DAMIEN TUDEHOPE:** Hang on, you misunderstand me. The land audit—

**Mr CHRIS MINNS:** No, I understand you completely.

**The Hon. DAMIEN TUDEHOPE:** You've given me 30 seconds of non-land audit.

**Mr CHRIS MINNS:** Again, I know you don't like the answer—

**The Hon. DAMIEN TUDEHOPE:** I do like it!

**Mr CHRIS MINNS:** In any event, I do understand what you're talking about, but I'm suggesting to you that the priority right now is the largest zoning, planning and housing reforms the State's seen. We will get to the housing audit. We know it's important in terms of the housing mix and ensuring that we're using available land. But government is about prioritising and we wanted to prioritise these.

**The Hon. DAMIEN TUDEHOPE:** Have you done anything about getting back the COVID money? Have you had discussions with Steven Miles in relation to paying the debt that he owes New South Wales?

**Mr CHRIS MINNS:** Not directly, but I know the Treasurer is extremely exercised by it. At the end of the day, that was the agreement. Queensland owes us that money and everything is on the table in terms of recouping it. We won't rest until the money's back in New South Wales hands. I know that the previous Government, and you as the Minister for Finance, were delinquent in chasing that fee.

**The Hon. DAMIEN TUDEHOPE:** That's not true, but anyway. At some stage, Premier, you may act like a Premier and stop blaming the previous Government and take responsibility.

**The CHAIR:** Order!

**The Hon. DAMIEN TUDEHOPE:** I look forward to that day.

**Mr CHRIS MINNS:** I look forward to that day, too.

**The Hon. DAMIEN TUDEHOPE:** In any event, you lost \$3.6 billion in Commonwealth funding in relation to infrastructure. Is there any progress in getting that \$3.6 billion back from the Federal Government?

**Mr CHRIS MINNS:** We have had progress with the Federal Government. We were able to negotiate a GST agreement and a health agreement in recent weeks, which are important for the State—

**The Hon. DAMIEN TUDEHOPE:** Western Australia?

**Mr CHRIS MINNS:** I want to make it clear: Federal government's got deeper pockets, particularly when it comes to infrastructure investment. We need to help in partnership, particularly as New South Wales is

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doing the heavy lifting when it comes to population growth and housing. We've demonstrated, as a result of community feedback, that we're serious about changes to planning and housing for young people of Australia in this State—but we can't do it by ourselves. New South Wales taxpayers contribute a lot of money via income tax to the Commonwealth Government and we deserve our fair share.

**The CHAIR:** Premier, on the issue of housing, traditionally a large source of supply in regional New South Wales was concessional allotments. A rural zoning—a farmer or someone in possession of a rural allotment could build a second dwelling and then subdivide it off. That was really taken off the table in the 1980s. Looking at the proposals that the Government's now considering, what's not in there is a return to a similar system. Rural residential allotments are clustered in certain areas for infrastructure reasons and the rest, but is the Government not taking the opportunity to increase supply by returning to a concessional allotment regime in this State, which could potentially deliver thousands of dwellings in regional and remote New South Wales?

**Mr CHRIS MINNS:** I'm reluctant to give a blanket endorsement of that as a policy, primarily because if you look at regional communities—maybe on the coast, for example—a big part of the lands that could be available for sub-lot or regional allotment are used for primary industries. That itself constitutes a large part of those economies. Land use, whether it's renewable energy, whether it's agriculture or whether it's housing, is tightly contested—and fair enough. I completely understand it. The value of the property is obviously worth the most as housing and construction, but the community may benefit far more from primary industries and agriculture.

**The CHAIR:** But it may not.

**Mr CHRIS MINNS:** Sure.

**The CHAIR:** And under rural zonings you can build a second allotment on your property and rent that out but you just can't sell it. Don't you think that that's something the Government should be looking at, mindful of environmental impacts and being able to farm?

**Mr CHRIS MINNS:** We are in a few areas, particularly those that have been hardest hit from natural disasters and the confluence of a natural disaster and a housing crisis. I think we've been moving too slow. There have been a few landholders, a few farmers that have approached me directly and said, "We want to do something pretty straightforward and not particularly aggressive on the land; we're just being blocked as part of a blanket rule." That would be something I could look at.

**The CHAIR:** Premier, thanks—

**The Hon. DAMIEN TUDEHOPE:** Do you want to ask—

**The Hon. SARAH MITCHELL:** You got any, Bob?

**The Hon. BOB NANVA:** No, we're satisfied.

**The Hon. PETER PRIMROSE:** We're very satisfied.

**The CHAIR:** Thank you, Premier, for attending this hearing. We're finished with our questioning.

**(The Premier withdrew.)**

**(Luncheon adjournment)**

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**Ms GILLIAN WHITE**, Deputy Secretary, Social Policy and National Reform Group, the Cabinet Office, sworn and examined

**Mr MARCUS RAY**, Deputy Secretary, Economic and Environment Policy Group, the Cabinet Office, affirmed and examined

**Ms SAMARA DOBBINS**, Deputy Secretary, Delivery and Coordination, Premier's Department, on former oath

**Ms KATE MEAGHER**, Deputy Secretary, Community Engagement Group, Premier's Department, on former affirmation

**The CHAIR:** Good afternoon, everyone. I note that we have additional witnesses, who have joined for the session from 2.00 p.m. to 3.30 p.m. We'll start with questions from the Opposition.

**The Hon. DAMIEN TUDEHOPE:** Ms Boyd, how are you?

**KATE BOYD:** Good.

**The Hon. DAMIEN TUDEHOPE:** In respect of the questions which we were examining before lunch in respect of advice obtained in respect of the High Court decision, have you now had an opportunity of looking at that advice and being able to advise us the date on which it was provided?

**KATE BOYD:** It was signed by the Premier on 17 November 2023. I haven't had a chance to peruse the brief, so I can't fill you in on the contents of that, but we'll consider its release, as we indicated.

**The Hon. DAMIEN TUDEHOPE:** Was there any other consideration of that case before that date?

**KATE BOYD:** As I mentioned before, we'll go back and check the chronology of briefings. There were a range of verbal and other briefings on the matter. That's my understanding.

**The Hon. DAMIEN TUDEHOPE:** You told us that, I think, 62 people have been in fact released as a result of the orders made in that case?

**KATE BOYD:** That's 62 people in New South Wales.

**The Hon. DAMIEN TUDEHOPE:** In New South Wales? Of a total of 150, is it?

**KATE BOYD:** I'm not sure of the total number.

**The Hon. DAMIEN TUDEHOPE:** But 62 in New South Wales?

**KATE BOYD:** Yes, as at a particular date, but we'll get you updated figures on those.

**The Hon. DAMIEN TUDEHOPE:** Would you agree with me that they have all been assessed as high risk of reoffending?

**KATE BOYD:** I'm not sure what the assessment is of each individual, no.

**The Hon. DAMIEN TUDEHOPE:** Can anyone else assist as to whether there is an assessment in relation to those offenders?

**KATE BOYD:** The Federal authorities have made that assessment and are communicating that on a regular basis to the NSW Police Force.

**The Hon. DAMIEN TUDEHOPE:** Have they communicated it to you?

**KATE BOYD:** No, not in relation to—

**The Hon. DAMIEN TUDEHOPE:** Not to your office?

**KATE BOYD:** The Cabinet Office has been present in a range of verbal briefings from police on the subject, but the figures are quite fluid in that people move around and circumstances change. I wouldn't want to misrepresent the status of any of them at this moment.

**The Hon. DAMIEN TUDEHOPE:** Have any reoffended whilst being out of custody?

**KATE BOYD:** I understand that three of them are in custody again, so that would indicate to me that they have. Again, I'd prefer to give you a full account on notice, if I could.

**The Hon. DAMIEN TUDEHOPE:** To the best of your knowledge, has Corrections made any application to have parole revoked in respect of any of those offenders in relation to offending while they were in the community?

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**KATE BOYD:** I'm not aware of that.

**The Hon. DAMIEN TUDEHOPE:** Just in terms of the nature of the offences, do you have any details in respect of the nature of the offending by those people who have been released?

**KATE BOYD:** My recollection is that a number of those detainees had been convicted of quite serious offences. I'm not able to give you a complete breakdown of what they were.

**The Hon. DAMIEN TUDEHOPE:** Would you be able to give us that breakdown on notice?

**KATE BOYD:** We can have a look at it—at what information it would be appropriate to provide.

**The Hon. DAMIEN TUDEHOPE:** Is there any reason why it would not be appropriate?

**KATE BOYD:** I would say that there are law enforcement reasons why certain information like that may not be provided publicly, but we'll have a look at the information and make that assessment.

**The Hon. DAMIEN TUDEHOPE:** You were present when I asked the Premier in relation to the Local Small Commitments Allocation. Ms Meagher, you weren't present, although you were on the previous occasion when this issue was raised. In an answer to a question from the last estimates, we were told that—and I think the Premier confirmed this in his evidence this morning, although I don't think he particularly understood where I was getting to with the questions. The answer was that the program is structured into two categories of projects: the nominated community projects, for which the location and purpose of the project has been determined in the election commitment nomination process—just stopping there for a moment, can you identify what the election commitment nomination process was?

**KATE MEAGHER:** I can't, I'm afraid, because that nomination process wasn't run by the Premier's Department. It was run, as I gave in my evidence last hearing, by Labor when they were in opposition. We didn't run the—

**The Hon. DAMIEN TUDEHOPE:** I can't hear.

**The Hon. SARAH MITCHELL:** Sorry, Ms Meagher, we just can't hear you.

**KATE MEAGHER:** Is that better?

**The Hon. DAMIEN TUDEHOPE:** Yes, much better.

**KATE MEAGHER:** Apologies. As I said in my evidence in the previous hearing, Premier's Department has not been involved or was not involved in the nomination process. That was done during the election period by the Government when it was then in opposition. I'm afraid I can't provide the Committee with more information in regard to the nomination process.

**The Hon. DAMIEN TUDEHOPE:** In terms of ascertaining what an eligible project would be, the definition says:

All Projects must:

- Have been nominated as an election commitment prior to the March 2023 election

**KATE MEAGHER:** Correct.

**The Hon. DAMIEN TUDEHOPE:** It also says:

- Have commenced after 26 March 2023

So they can't already be an existing project.

**KATE MEAGHER:** Yes, a new project.

**The Hon. DAMIEN TUDEHOPE:** So they have to commence after. Then the final thing is:

- Be delivered in the NSW electorate from which funding was allocated:
  - While a project may be delivered across multiple locations, those locations must all be within the identified electoral boundary

If, in fact, a project nominated was not made as part of an election commitment, it would not be eligible under these guidelines, would it?

**KATE MEAGHER:** I think a project nominated—do you mean the nominations that went forth to the Premier's Department for assessment?

**The Hon. DAMIEN TUDEHOPE:** Yes.

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**KATE MEAGHER:** Yes.

**The Hon. DAMIEN TUDEHOPE:** So if it wasn't an election commitment, it wasn't eligible under this criteria?

**KATE MEAGHER:** That's broadly true. However, in some instances there were some projects that were nominated as election commitments that have since not eventuated for a range of different circumstances. There is some flexibility within the program for that money to be reallocated to, say, the parks and playgrounds program that is run through the councils.

**The Hon. DAMIEN TUDEHOPE:** That's the second component of the allocation, is it not?

**KATE MEAGHER:** That's correct.

**The Hon. DAMIEN TUDEHOPE:** The answer to the question on notice says:

Where the full allocation of \$400,000 has not been committed to nominated community projects in an electorate, remaining funds are allocated to playground and park upgrade projects to be delivered by local councils—

and distributed on a pro rata basis.

**KATE MEAGHER:** Correct.

**The Hon. DAMIEN TUDEHOPE:** There are a number of scenarios which may exist. An election commitment may have been made purportedly in accordance with paragraph 1, so to speak—an eligible project. That is rejected. Then it would fall under paragraph 2 so that that electorate didn't miss out on that level of funding.

**KATE MEAGHER:** Exactly—on the allocation. That's correct.

**The Hon. DAMIEN TUDEHOPE:** I think the Premier was pretty clear in relation to that. In those circumstances we have pretty clear guidelines, do we not, about what an eligible project is?

**KATE MEAGHER:** We do.

**The Hon. DAMIEN TUDEHOPE:** I don't know if you have this document. If not, I can arrange—

**The CHAIR:** There are some spare ones.

**The Hon. DAMIEN TUDEHOPE:** Perhaps you can look at that document. It is a document which was provided pursuant to Standing Order 52 from the Premier's office. It is a master list of local commitments which have been made. Did you have any input in relation to the preparation of that document?

**KATE MEAGHER:** No, no input into that document. The Premier's Department, Local Small Commitments Allocation program office, received that master list on 28 July. I think we provided that in evidence back to questions taken on notice. Our involvement in this list was on receipt of the final list coming to us for our assessment process.

**The Hon. DAMIEN TUDEHOPE:** Where did it come from?

**KATE MEAGHER:** I think, as I advised previously, we were given this list from advisers in the Premier's office.

**The Hon. DAMIEN TUDEHOPE:** Advisers in the Premier's office had compiled this list?

**KATE MEAGHER:** That's my understanding, yes.

**The Hon. DAMIEN TUDEHOPE:** I suppose for the fullness of asking these questions, the provenance of this document is that it is a document prepared in the Premier's office, by staff in the Premier's office, and provided to your office for the purposes of then answering a question on notice and then in effect producing it as a document pursuant to Standing Order 52.

**KATE MEAGHER:** I'm not sure about the latter assumption there. We certainly were provided a complete master list of nominated projects for us to then take into our assessment process as part of our grants administration function. I'm sorry, I may be misunderstanding what you're saying, but it wasn't provided to us for the purposes of a question on notice; it was provided for us to then go ahead with our job of assessing these independently. Does that make sense?

**The Hon. DAMIEN TUDEHOPE:** It does.

**KATE MEAGHER:** Thank you.

**The Hon. DAMIEN TUDEHOPE:** It was produced under two formats.



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**KATE MEAGHER:** Yes. I might have misunderstood. Apologies, yes.

**The Hon. DAMIEN TUDEHOPE:** Your job was to actually make sure that you had all of the commitments—

**KATE MEAGHER:** That's right.

**The Hon. DAMIEN TUDEHOPE:** —and process them.

**KATE MEAGHER:** That's it.

**The Hon. DAMIEN TUDEHOPE:** And this document came into existence for that document—

**KATE MEAGHER:** That's the document we've used.

**The Hon. DAMIEN TUDEHOPE:** —on 28 July 2023.

**KATE MEAGHER:** Exactly. That's right.

**The Hon. DAMIEN TUDEHOPE:** I know we've discussed this previously. When you received this in relation to each of these grants, then you would process them for the purposes of whether they fit within the criteria?

**KATE MEAGHER:** Exactly, yes.

**The Hon. DAMIEN TUDEHOPE:** And that's a step which you take?

**KATE MEAGHER:** That's a step that the program office takes and our independent assessors take. There are multiple checks along the way to make sure that we have that level of independence and scrutiny. The eligibility criteria is definitely the first step and if projects aren't eligible or if there's a good reason why—I might mess this up a little bit, but say for example something's been nominated potentially by a candidate who thought that project was inside an electoral boundary but it might be just over a boundary and they've got that address wrong, as it were, but it serves people of those communities, then our independent assessors will look at that and make a judgement call as to whether or not they might request in writing, documented to the Minister as part of his decision-making, that they waive or have some flexibility around the eligibility criteria. I guess what I'm saying is it's quite a painstaking process to make sure that projects in the first instance pass that criteria threshold.

**The Hon. DAMIEN TUDEHOPE:** Did you do any checking to see whether they in fact were an election commitment?

**KATE MEAGHER:** I will probably take on notice exactly the level of detail as to how that part of the process works. Our assumption is that when that list was provided to us that they were election commitments, but I'm more than happy to find out more detail for the Committee.

**The Hon. DAMIEN TUDEHOPE:** That would be something to establish prima facie as to whether they are eligible projects in accordance with the categories of grants—

**KATE MEAGHER:** That's right.

**The Hon. DAMIEN TUDEHOPE:** —that they had been made as an election commitment.

**KATE MEAGHER:** Yes, exactly. That's right.

**The Hon. DAMIEN TUDEHOPE:** In fact, if you look at page 1 of the document, which I have provided to you there, they are all projects within the Premier's electorate.

**KATE MEAGHER:** Yes.

**The Hon. DAMIEN TUDEHOPE:** In the final column there is a date on which they were notified. If you go to page 2 of that document, that purports to be a list of election commitments which were made by the candidate for Castle Hill.

**KATE MEAGHER:** Yes.

**The Hon. DAMIEN TUDEHOPE:** If you look at the last column in relation to that, you will see that they were notified on 24 July 2023. Would that raise any concern by you as to the date on which that commitment had been made, bearing in mind of course that the Premier's commitments clearly predated the election but this advice is dated 24 July 2023?

**KATE MEAGHER:** I can't speak to why that date is there. Of course, we would be looking at—if there was any anomaly in that criteria in terms of it meeting the criteria, that would be something that the team would look at. I'm happy to take on notice how that data might be examined by the program office team.

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**The Hon. DAMIEN TUDEHOPE:** Would you take on notice each of those projects—and are you able to identify, as part of that process, the date on which the election commitment was made?

**KATE MEAGHER:** I'm happy to take on notice trying to do that. I can't commit to doing that.

**The Hon. DAMIEN TUDEHOPE:** Is that not something that you would have looked at?

**The Hon. Dr SARAH KAINÉ:** They're the council ones, though, Damien.

**KATE MEAGHER:** No, we wouldn't have looked at a date on—no, we wouldn't have looked line by line on every project, the date on which an election commitment was made. No, sorry.

**The Hon. DAMIEN TUDEHOPE:** These projects which are here, they're nominated projects as part of an election commitment?

**KATE MEAGHER:** That's right, yes.

**The Hon. DAMIEN TUDEHOPE:** This is not a parks and recreation allocation, is it?

**KATE MEAGHER:** I'm not sure, I'm sorry. I'm just not across the detail of each—

**The Hon. Dr SARAH KAINÉ:** It looks to be, because he's the Liberal mayor, the contact name.

**KATE MEAGHER:** They are Hills Shire Council. I'm just not 100 per cent sure whether they fall under that criteria or some other in terms of the 400K for parks and playgrounds. I'd appreciate being able—

**The Hon. DAMIEN TUDEHOPE:** Well, how would you know that? If in fact these projects were parks and recreation projects, it'd be just a one-line entry—\$400,000 for parks and recreation—would it not?

**KATE MEAGHER:** It potentially could be, but I'm just not 100 per cent sure of the provenance of it. I really apologise. I'm more than happy to talk to the program office team, who are—

**The Hon. Dr SARAH KAINÉ:** They look like parks and community, to read them.

**The CHAIR:** Order! That's not helpful, Dr Kaine.

**The Hon. Dr SARAH KAINÉ:** Noted, Chair.

**The Hon. DAMIEN TUDEHOPE:** I'm happy for Dr Kaine to give the evidence if she wants to appear. If you go to the next page, of course, a similar situation exists in relation to Kellyville. Again, I ask the same questions in relation to each of those grants, where the grants are effectively framed as an election commitment: "NSW Labor to deliver up to", "NSW Labor", "NSW Labor". They're framed as an election commitment, are they not?

**KATE MEAGHER:** I'm not sure whether that's an interpretation of how an election commitment's framed or not, sorry.

**The Hon. DAMIEN TUDEHOPE:** Again, if you look in the final column there, they are all dated 24 July 2023. Again, what I'm suggesting to you is that that date is inconsistent with a commitment having been made as part of the election commitments.

**KATE MEAGHER:** I'm happy to take that away and talk to the program team.

**The Hon. DAMIEN TUDEHOPE:** If they weren't in fact election commitments but were purported to be election commitments, then in those circumstances the production of this document identifying them as being election commitments would be wrong, would it not?

**KATE MEAGHER:** I'll take it on notice, I'm sorry, Mr Tudehope.

**The Hon. DAMIEN TUDEHOPE:** When you say that you embarked upon a process for assessing whether they were eligible projects, what's the team involved in doing that assessment?

**KATE MEAGHER:** We have three independent assessors. They're former public servants who worked in grants administration for some time. The way that they work is they have—well, first level is a probity check so that we make sure that they have no conflict of interest in respect of different projects that are coming forward for assessment. That's done by another independent party called Procurement Co. Their job is to ensure that the assessors can declare whether they have a conflict or not. In instances potentially where they do—for example, if one assessor is a member of a surf lifesaving club, she doesn't assess any applications to do with surf lifesaving.

The reason I'm going into this level of detail is to just explain that we're actually incredibly thorough and rigorous about this. Each project is assessed by two independent assessors separately and they're scored and weighted. If there is a difference in view in terms of the merit or otherwise, or value for money et cetera, with

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regard to the projects, there's a moderation session, which again is run through independent Procurement Co probity advisers.

**The Hon. DAMIEN TUDEHOPE:** Does that process also include any conflict of interest by the particular member who has made the election commitment?

**KATE MEAGHER:** The guidelines are set up such that it's not relevant in terms of the conflict of interest potentially for an MP or candidate because they're neither the assessor nor the decision-maker, so it's totally at arm's length to them. However, at his discretion, the Special Minister has asked the independent probity advisers to look at some instances for potential conflicts of interest. But the guidelines do not factor in the need for a conflict of interest for MPs at that point because they are not the assessor or the decision-maker.

**The Hon. DAMIEN TUDEHOPE:** When would that occur?

**KATE MEAGHER:** I think that has been applied in a discretionary way by the Special Minister of State.

**The Hon. DAMIEN TUDEHOPE:** So on a discretionary basis he looks to see whether there is a conflict of interest between the member who had made the commitment and the commitment which they have made.

**KATE MEAGHER:** That's right, yes. He asks the program office if we would run that conflict-of-interest process check for him. As I say, in designing these guidelines—and we work closely with our office of general counsel, with the governance team, the people who develop the grants guidelines out of the Achterstraat review—we asked ourselves carefully those questions and we're satisfied that under the grants guidelines, the MP, the candidate, are not the assessor. It's different to the Community Building Partnership program, which members would all be familiar with. They're not the assessor and they're certainly not the decision-maker, so there's that check, that balance in between.

**Ms ABIGAIL BOYD:** I might just start, if I can, with you, Ms White. What exactly is the Social Policy and National Reform group?

**GILLIAN WHITE:** Thank you so much for the question. With the new arrangements of the Cabinet Office and the Premier's Department, we work as sort of sister agencies but have different functions. I lead the area which is responsible for shadowing the functions of all of the social policy relevant agencies—Education, Health, DCJ. I also cover preparations for the Premier and myself and Kate for National Cabinet meetings and the associated things. It's preparing advice to the Premier in relation to Cabinet work associated with those social policy portfolios. It's undertaking cross-government collaboration on key social issues and some crossovers between Mr Ray and me on issues like housing and homelessness, and then it's preparations for all of those key intergovernmental negotiations.

**Ms ABIGAIL BOYD:** You might be able to predict what I'm about to ask. The Premier previously when I was asking about tax reform when it came to Housing was saying that basically it wasn't his role to lobby nationally but we know that, particularly now that we have Labor governments in every State and Territory bar one as well as a Federal Labor Government, there is a lot of discussion going on in those cross-government spaces. Is it correct to say that the New South Wales Government isn't putting forward ideas when it comes to these sorts of things?

**GILLIAN WHITE:** I think the Premier in that response was talking about a specific issue which sort of fell within Commonwealth responsibilities, but to your broader point, absolutely. National Cabinet is a forum in which really key significant social and economic issues are discussed and debated, including the most recent December National Cabinet. What we support is not just the National Cabinet but, of course, all Ministers go to ministerial councils and there's a range of portfolio issues, so we support agencies preparing for those and ensuring that we've got clear New South Wales negotiating positions for those forums.

**Ms ABIGAIL BOYD:** Are you aware then of the disability Ministers and the building Ministers, probably more relevantly, talking about the National Construction Code minimum accessibility standards? I know that that has been a topic of discussion at those meetings for a long time now. Has there been any shift from the New South Wales Government on that?

**GILLIAN WHITE:** I would probably have to take the specifics of that on notice because we tend to, in the Cabinet Office, get involved in some of the more headline issues and not into all the specific details. To give you an example on disability, we have obviously been involved in terms of the National Cabinet discussions on the establishment of the foundational support system and those broader NDIS review implications, but some of the more specific disability issues would tend to be more fully developed by DCJ and support Minister Washington.

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**Ms ABIGAIL BOYD:** Do you know when the Government will be responding to the recommendations of that 2023 NDIS review?

**GILLIAN WHITE:** That's under consideration, and I know that's under consideration by the Commonwealth as well as all the States. You'd appreciate that it's pretty seismic to have both a really significant royal commission handed down at a very similar time frame to the NDIS review. My understanding is that both the Commonwealth and all the States are looking very carefully at the points of consistency and crossovers between those reviews and how to think holistically about the responses.

**Ms ABIGAIL BOYD:** I have some questions around what used to be the old—we used to have Premier's Priorities.

**GILLIAN WHITE:** Yes.

**Ms ABIGAIL BOYD:** Have they just gone away, have we inherited the old ones or are there going to be new ones? What has happened with that? I know it was a Berejiklian initiative.

**KATE BOYD:** The Government clearly has a very public set of strategic priorities, one of which is housing, which we have spoken a lot about today. Another is net zero, and another is industry and local manufacturing. There are clearly articulated strategic priorities.

**Ms ABIGAIL BOYD:** But that concept is a previous Government thing.

**KATE BOYD:** Yes, they are not known as that. But there's also a significant amount of work on the budget outcome model to ensure that the budget papers and budget decisions reflect the priorities of this Government. That work continues to be underway.

**Ms ABIGAIL BOYD:** For what it's worth, I think those Premier's Priorities were mainly just useful for bashing the old Government over the head in estimates, so it's fine.

**The Hon. Dr SARAH KAINE:** We don't want any.

**Ms ABIGAIL BOYD:** When we look at those—because none of them ever seemed to get any better towards the target, which is always very interesting—one of the ones that I'm particularly interested in is the percentage of people with disability working in the public sector. I know we have Ms Lo coming in later and I can talk a little bit with her, but the old Premier's Priority was, I think, 5.6 per cent of people in the public sector.

**KATE BOYD:** I'm so glad you asked this.

**Ms ABIGAIL BOYD:** We never really got past—I think 2.5 per cent was the highest it ever got to. What is the current Government doing in terms of meeting that target? Please tell me it's getting better.

**KATE BOYD:** It is for the Cabinet Office and for the Premier's Department. I'll defer to Kathrina Lo this afternoon to give you a snapshot of the whole of government, but I'm happy to report that the latest workforce profile indicates that 7.2 per cent of the Cabinet Office are people with disability, and it is at 6.1 per cent for the Premier's Department, so we're well above that 5.6 per cent target.

**Ms ABIGAIL BOYD:** Are they those who have actively identified it versus those who were in the survey? I know there's quite a difference between the two.

**KATE BOYD:** With this one, traditionally the workforce profile is lower in terms of self-reporting with disability than the PMES, but even on this measure we are above the target, which is reassuring. Yes, we have made progress there. I'll pass to my colleague Samara Dobbins, who is the lead for the work in the Cabinet Office and the Premier's Department on disability and inclusion.

**SAMARA DOBBINS:** To add, Ms Boyd, the 5.6 per cent target is an election commitment of this Government also.

**Ms ABIGAIL BOYD:** Okay, good.

**SAMARA DOBBINS:** The Cabinet Office and the Premier's Department statistics that Ms Kate Boyd told you about from the workforce profile are correct, and also the latest People Matter Employee Survey data from last year is 10 per cent for the Premier's Department. The responses were too low below the privacy threshold for the Cabinet Office. There's always more that we can do in this space, but we do a significant number of things across the two agencies to increase the number of people in our two organisations who identify as having a disability. I'm happy to run through those if it's helpful.

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**Ms ABIGAIL BOYD:** I'm curious. It's great—and I think I had a similar response to this question last year as well—but when it comes to the other departments, who has responsibility for trying to lift those other departments up to the same standard?

**SAMARA DOBBINS:** It's essentially the Public Service Commissioner—Ms Lo, who you will be able to speak to, as you said, later this afternoon. But there is a cross-government group that works on this target in particular. Again, there's a whole series of recommendations that came out of a disability review from 2022 that are allocated. Those recommendations are allocated to different departments across the sector, and there's a whole program of work to achieve that target.

**Ms ABIGAIL BOYD:** Just so I'm clear, the Public Service Commissioner has responsibility for ensuring that each department has a program in place to increase the number of people with a disability, or are the—I always viewed that more as taking the information and analysing it, rather than pushing policies out.

**SAMARA DOBBINS:** It's both. The Public Service Commission has responsibility for both the workforce profile and the People Matter Employee Survey. So, yes, they gather and report those data, but they also have responsibility for working across the sector to improve that outcome and to implement the recommendations that came out of that 2022 review. It's things like consistent contemporary definition of disability across the sector; a workplace adjustment passport, so people with disability only have to tell their story to one agency once and that information goes with them; clear guidance for all communications relating to disability; a practical recruitment guidance and tools; training and support to upskill people managers; improved information sharing and reporting; better procurement practices to create more accessible environment; and very tailored actions for some departments that are below the preferred level of the target.

**Ms ABIGAIL BOYD:** Do your departments record employees having different types of disability—intellectual disability or physical disability? It's something that disability stakeholders often ask. I know that it's not reported on that basis. Is that a per department initiative? Is it something that some departments would record and others don't?

**SAMARA DOBBINS:** We don't record it for the Cabinet Office or the Premier's Department. I couldn't say whether other departments record that information but, typically, people give that information on commencement of a role. Usually, it's sort of part of your onboarding process and you usually just tick a box—whether you identify as having a disability, not the type of disability.

**Ms ABIGAIL BOYD:** So it's not asking you for whether or not any accommodations need to be made, for instance?

**SAMARA DOBBINS:** Sorry, that would be a different section, where we would ask the employee whether they required any adjustments. You might glean through that process—for example, if they said that they needed access to visual aids, you might glean what type of disability they may have through that process. But it's more an accessibility question.

**Ms ABIGAIL BOYD:** Now that we're talking about accessibility, I understand that Accessibility NSW has been leading progress on Easy Read to get everything—all government documents—in Easy Read by the end of 2025. I think I have said government documents; I don't think it's quite that broad. But that target of Easy Read by 2025, I understand that Accessibility NSW was leading that. Where does Accessibility NSW sit? I understand that their funding has been only guaranteed to the end of June. Do you know—

**SAMARA DOBBINS:** I'm sorry, I don't know the answer to that. It might be Communities and Justice, or it might be Customer Service.

**Ms ABIGAIL BOYD:** I might come back to that.

**SIMON DRAPER:** It's becoming increasingly common practice for documents and online materials that are published by the Government to go through an accessibility test before they're published.

**Ms ABIGAIL BOYD:** Okay. I'll follow that up once I work out where Accessibility NSW sits. That's all from me at this point.

**The CHAIR:** We will now return to questions from the Opposition, if the Government doesn't have questions?

**The Hon. Dr SARAH KAINE:** No, thank you.

**The Hon. DAMIEN TUDEHOPE:** Ms Boyd, if, in fact, advisers in the Premier's office knew that the Local Small Commitments Allocation grant master list included projects that were not nominated prior to the election while leading officers in the Premier's Department believed that they were eligible for consideration under

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the LSCA grants program, do you consider that these advisers may have breached their obligations to behave honestly and with integrity?

**KATE BOYD:** It's a big "if". I don't know that it's appropriate for me to speculate about those sorts of scenarios. I don't have any facts to indicate that that's what's occurred.

**The Hon. DAMIEN TUDEHOPE:** I'll put it to you a different way: if someone has prepared a false document.

**KATE BOYD:** I'm not aware of the facts and there's no evidence before me that that's occurred.

**The Hon. Dr SARAH KAINE:** Point of order: We're seeing Mr Tudehope engage in a series of hypotheticals, which Ms Boyd has already indicated aren't appropriate to answer. If you could redirect Mr Tudehope's line of questioning.

**The CHAIR:** I uphold the point of order. Hypotheticals are outside the standing orders. I would ask the member to ask them—

**The Hon. DAMIEN TUDEHOPE:** To the point of order: If I'm asking her about a policy position, is that not something within her knowledge?

**The CHAIR:** Yes.

**The Hon. DAMIEN TUDEHOPE:** Thank you.

**The CHAIR:** But that wasn't a policy; that was a hypothetical.

**The Hon. DAMIEN TUDEHOPE:** Would it be the policy of your office that if someone prepared a document which contained material which they knew to be incorrect that, in fact, would fit within behaving honestly and with integrity?

**KATE BOYD:** I again would say I haven't got any information before me to indicate that that has occurred. What I will say is that all staff in Ministers' offices are bound by the officeholder staff code of conduct, and their ethical obligations are set out in that code.

**The Hon. DAMIEN TUDEHOPE:** In fact, if an officer in the Premier's office prepared a document of the type that I have described to you—

**The Hon. Dr SARAH KAINE:** Point of order—

**The Hon. SARAH MITCHELL:** He hasn't even finished his question.

**The Hon. Dr SARAH KAINE:** All of these are completely hypothetical.

**The CHAIR:** I won't uphold that point of order because he hadn't quite concluded.

**The Hon. DAMIEN TUDEHOPE:** In fact, I have put exactly the same propositions this morning, so it's not hypothetical in that sense.

**The Hon. Dr SARAH KAINE:** It is hypothetical, whether you ask them once or twice.

**The Hon. DAMIEN TUDEHOPE:** You were here this morning. You heard the evidence which was given this morning in relation to the preparation of the documents relating to the local small business grants applications, did you not?

**KATE BOYD:** Yes, I was.

**The Hon. DAMIEN TUDEHOPE:** You were here when it was suggested that the grants in respect of Castle Hill and Kellyville were, in fact, prepared and were not election commitments. You were there for that evidence, were you not?

**KATE BOYD:** I'm not sure that admission was made. My recollection is that there was not a conclusive answer as to the provenance of that particular document.

**The Hon. DAMIEN TUDEHOPE:** We've just heard the provenance of it.

**KATE BOYD:** In terms of the dates and other information in it. I would defer to Ms Meagher and suggest that she's taken that on notice and will revert.

**The Hon. DAMIEN TUDEHOPE:** Tell me this: What role does the Cabinet Office play in ensuring compliance with the Grants Administration Guide, including the legal requirements in relation to the grants program?

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**KATE BOYD:** The governance team within the Cabinet Office is responsible for the creation of the guide, I suppose. We provide advice to agencies on the administration of the guide. But individual public officials are responsible for compliance with the guide, which is issued under a Premier's memo and is a legal requirement under the Government Sector Finance Act.

**The Hon. DAMIEN TUDEHOPE:** Correct. Previously we talked about the difference between a grants program which is a one-off or ad hoc grants under the guide. Is that right?

**KATE BOYD:** Yes.

**The Hon. DAMIEN TUDEHOPE:** There are different rules put in place?

**KATE BOYD:** Yes, that's correct.

**The Hon. DAMIEN TUDEHOPE:** And this includes a requirement that:

Where a method other than a competitive merit-based selection process is to be used, officials must document why that method will be used and outline the risk mitigation strategies. This must be approved by the relevant Minister (or head of agency or delegate).

That's correct, isn't it? That's contained in the—

**KATE BOYD:** Yes, that sounds accurate to me.

**The Hon. DAMIEN TUDEHOPE:** Should this documentation be prepared and approved before the processing of applications for grants under the one-off or ad hoc grants program commences?

**KATE BOYD:** I'm not sure if the guide is definitive about that. But I believe the last time we were here the Minister did answer questions about that and did confirm that he had approved the ad hoc one-off.

**The Hon. DAMIEN TUDEHOPE:** Does your office have any role in ensuring that that process is complied with?

**KATE BOYD:** I think it's difficult in circumstances where election commitments that are grants are made because, obviously, they're made by a political party that is not in government and so can't comply with those requirements of the guide in that context. But, of course, upon forming government and then the program being rolled out, the steps are followed.

**The Hon. DAMIEN TUDEHOPE:** How many one-off or ad hoc grant programs have been carried out to date by the current Government?

**KATE BOYD:** I'm not aware of that. I wouldn't—

**The Hon. DAMIEN TUDEHOPE:** Could you take that on notice?

**KATE BOYD:** I don't know that we record, in a central way, the number of grant programs. They're obviously publicly available and that's a core requirement of the guide—that all grants programs are transparent and public. I would just direct you to the grants finder website.

**The Hon. DAMIEN TUDEHOPE:** Wouldn't it go through your office to check off?

**KATE BOYD:** No. We assist agencies with compliance but we don't undertake that for them. They are responsible for the administration of grant programs within their portfolios.

**The Hon. DAMIEN TUDEHOPE:** There's documentation which is required to be prepared pursuant to clause 6.1.5. Is that documentation sought in relation to each case?

**KATE BOYD:** Not by the Cabinet Office. No, agencies are responsible for compliance with government policies within the programs that they administer.

**The Hon. DAMIEN TUDEHOPE:** So each agency would be required to ensure that that process is being followed?

**KATE BOYD:** Yes, they would.

**The Hon. DAMIEN TUDEHOPE:** In respect of the small commitments allocation program, I note that Julia Carland from the Cabinet Office asked Alison Morgan from the LSCA program on 6 September 2023, several weeks after the LSCA program had been had been rolled out from 1 August 2023, whether they had separately obtained approval for the use of a method other than a competitive merit-based process as required in the guide. That's 6.1.5.

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**KATE BOYD:** Yes, she's doing an excellent job there in probing the grants administration team within the Premier's Department as to whether or not they've considered that requirement in the guide. I understand a brief was subsequently prepared to check off on that.

**The Hon. DAMIEN TUDEHOPE:** In fact, she says, "I presume you have separately obtained approval for the use of a method other than a competitive merit-based process." To your knowledge, had such approval been obtained prior to 6 September 2023?

**KATE BOYD:** No. I think that's why she was asking and then it subsequently was obtained. The guide is not definitive about when you're required to seek that approval, just that it be sought. My understanding is that was covered off. Is that correct, Kate?

**KATE MEAGHER:** That's right.

**The Hon. DAMIEN TUDEHOPE:** The Special Minister of State, of course, said, in answer to a Legislative Council question on notice—it's 1601 if you need to refer to it—that he only approved a brief in relation to the 6.1.5 requirements on 28 September 2023, the same day he approved the brief approving the first 46 projects under the LSCA program. Does this align with your understanding of how the time line ought to operate?

**KATE BOYD:** As I said, the guide is not definitive about when you seek that approval. Obviously, it's envisaged that would be your first decision about what kind of grant program you're running, but I think the circumstances here are quite unique in that the—

**The Hon. DAMIEN TUDEHOPE:** You wouldn't be approving grants without that document, would you?

**KATE BOYD:** Here, I believe the approval of the style of the program and the decision on the first grants were made on the same day, so it wasn't an afterthought. It was done at the time the first round of grants was approved.

**The Hon. DAMIEN TUDEHOPE:** But, effectively, on the same day I seek to put in place a document which says that you need to separately obtain approval for the use of a method other than a competitive merit-based program—is required under the guide. That's 6.1.5. Surely, that involves an examination of why that process is appropriate.

**KATE BOYD:** Yes, and I think that's what the brief covered.

**The Hon. DAMIEN TUDEHOPE:** Effectively, what you're saying is appropriate process—I use "appropriate" reservedly—the requirement to comply with the *Grants Administration Guide* by the program, they were inviting applications, assessing them as a one-off, ad hoc grant from 1 August to 28 September, including making recommendations to the Minister—these are the people who are actually, I think, are in Ms Meagher's province—before the required ministerial approval to use that approach was obtained.

**KATE BOYD:** I think arguably when the Minister approved the grant guidelines, which was many months before September, those guidelines make clear that this is a one-off, ad hoc grant program. Arguably there's an implied approval of the process in that initial decision. But I think, for abundant caution, the team submitted a separate brief to the Minister in September just to cover it off for the avoidance of doubt.

**The Hon. DAMIEN TUDEHOPE:** So you could have implied approvals because you're under clause 6.1.5, can you?

**KATE BOYD:** The grant guidelines clearly state that this is a one-off, ad hoc program, and the Minister approved those guidelines some months before that. I think it's a matter of form over substance that you're raising if I'm honest, Mr Tudehope.

**The Hon. DAMIEN TUDEHOPE:** I'm always happy to be corrected by you. The clause doesn't seem to me to envisage the provision of an implied approval process, which you're now suggesting seems to be in place, that the Minister can rely on. In fact, what he has done is, on 28 September, gone back and said, "I need a document."

**KATE BOYD:** No, I think the Cabinet Office's view was that there should be a document and that is appropriate. I think that what they have done, in my view, is do their best to comply.

**The Hon. DAMIEN TUDEHOPE:** Your view is that there isn't an implied process?



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**KATE BOYD:** I think it just removes any doubt about whether the Minister has given that approval by having a clear standalone brief that documents that. I think that they've done a great job there to fully document each mandatory component of the guide.

**The Hon. DAMIEN TUDEHOPE:** I think they've retrospectively sought to do it. Isn't that another interpretation?

**KATE BOYD:** No, I think it's—knowing that you would be very interested in the matter, Mr Tudehope, I think they've dotted their i's and crossed their t's.

**The Hon. DAMIEN TUDEHOPE:** Is there a brief relating to this?

**KATE BOYD:** I believe there is and it was referred evidence at our last hearing. I think it's been—

**The Hon. DAMIEN TUDEHOPE:** Was that brief produced?

**KATE BOYD:** I think the Special Minister produced it, Mr Tudehope. I can check.

**The Hon. DAMIEN TUDEHOPE:** You can check, because we have looked.

**KATE BOYD:** Okay.

**The Hon. DAMIEN TUDEHOPE:** And it isn't there.

**KATE BOYD:** Sure.

**The Hon. DAMIEN TUDEHOPE:** If there is a brief, it is purported to be produced but it's not there.

**KATE MEAGHER:** I just want to reiterate what Ms Boyd has flagged. That final brief certainly was, I guess, rounding out the process from our point of view. We're grateful to our colleagues in the Cabinet Office for ensuring that we got that final piece of documentation, from an administrator's perspective—

**The Hon. DAMIEN TUDEHOPE:** If it exists in the documents, which is purportedly produced pursuant to Standing Order 52, if you could identify the document—

**KATE MEAGHER:** Sure.

**The Hon. DAMIEN TUDEHOPE:** —I would be obliged to you. I would submit to you that it doesn't exist in relation to the documents which have been produced. In fact, Alison Morgan provided an email to Minister Graham's chief of staff on 18 September and Ms Morgan says she dropped off a hard copy for approval. The document exists, but we just haven't seen it.

**KATE MEAGHER:** I'm happy to take that on notice.

**The Hon. DAMIEN TUDEHOPE:** Ms Boyd, there have been a lot less Standing Order 52 applications, haven't there, than under the previous—

**KATE BOYD:** It doesn't feel like it.

**The Hon. SARAH MITCHELL:** Shame! We'll work on it for you, Kate. We'll try and get some more up.

**The Hon. DAMIEN TUDEHOPE:** We're actually trying to convince others of the great benefit of Standing Order 52s, of which you are an expert. In your vast experience in relation to dealing with Standing Order 52s, you have dealt with many, many claims of privilege relating to documents which have been produced.

**KATE BOYD:** I have.

**The Hon. DAMIEN TUDEHOPE:** In fact, probably in the previous Government, of which I have some knowledge, we have been enormously in your debt for privilege which has been claimed. I put to you that, from that knowledge, you must know by now that some of the claims of privilege are in fact spurious.

**KATE BOYD:** I would strongly disagree with that. I think it's my professional obligation as a legal practitioner to identify where information or documents are subject to a legal claim for privilege. Whether the arbiter agrees with that is not within my control, but it is my professional duty to—the State is my client and that is my duty to identify and articulate where a legal claim for privilege exists.

**The Hon. DAMIEN TUDEHOPE:** You would celebrate the times that you are successful, would you not?

**KATE BOYD:** No, I wouldn't say it's a matter of celebration; it's just my professional duty.

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**The Hon. DAMIEN TUDEHOPE:** But they are so few and far between.

**KATE BOYD:** I think that's regrettable and I think there are serious issues with the approach that the House takes to privilege. That is not a new revelation. The previous Department of Premier and Cabinet has made extensive submissions on this point to the House in its various inquiries on the matter.

**The Hon. DAMIEN TUDEHOPE:** I'm well aware. But the fact of the matter is you must know by now the attitude which has been taken by the independent arbiter in relation to the significant number of claims for privilege which are made by departments and which you sign off on in relation to it. You must know in advance what his attitude to that claim is.

**KATE BOYD:** I'll just clarify, I don't sign off on the claims for privilege.

**The Hon. DAMIEN TUDEHOPE:** Sorry.

**KATE BOYD:** The Ministers and agencies who are returning the documents sign off on those claims. I understand very well the arbiter's decisions but I am always hopeful that the arbiter will take the approach that his job is to give the House a legal opinion about whether a legal claim for privilege exists and that the House will then do its function of deciding whether or not, having regard to the arbiter's view, the documents should be made public. We are ever hopeful that that dynamic will happen and so we continue to bring to the House's attention where we believe that documents contain information that should be reserved for members only.

**The Hon. DAMIEN TUDEHOPE:** There are claims made, which are rejected on a regular basis, in relation to a particular document which I questioned the Premier on earlier, a spreadsheet, this spreadsheet here. A claim for privilege was made in relation to this document. There was a claim for privilege that the document is expected to contain confidential information. Do you recall that?

**KATE BOYD:** I don't recall the claim on that specific document, but I understand that some privilege claims were made over documents relating to this grants program on the basis that to reveal that information would pre-empt the outcome of the independent assessment process, which I do think is an important consideration for the House in deciding whether or not to make public these documents. It's an extraordinary power that the House has to call for State papers and the publication of them shouldn't be taken lightly by the House and the House should have available to it advice from public servants on the risks of that.

**The Hon. DAMIEN TUDEHOPE:** This was a document which collated claims which had been made as part of an election program.

**KATE BOYD:** Again, I'm not familiar with the particular claim.

**The Hon. DAMIEN TUDEHOPE:** And the claim for privilege said that it is expected to contain confidential information. What was the confidential information which you said would say that this document—you can have a look at it if you like.

**KATE BOYD:** I'm not sure if it was even a Cabinet Office document; I doubt that it was. I'm not sure of what the claim was, but we can take that on notice and look at that.

**The Hon. DAMIEN TUDEHOPE:** In fact, the arbiter made an observation in relation to that claim for privilege. He said, "To put it mildly, this submission is entirely devoid of reality and harmful to the cogency of the Executive submission as a whole."

**KATE BOYD:** I—

**The Hon. DAMIEN TUDEHOPE:** Hear the criticism?

**KATE BOYD:** He's totally entitled to his opinion and we are not unfamiliar with Mr Mason's views on these matters. But I would just say again that it is a matter for the House to decide whether or not, having regard to the claims that are made by the Executive, it should go ahead and publish those documents. If the House wants to publish a privileged document, the House is entitled to make that order. But, we make the claims for the benefit of the House and to inform the House about the risks of publication. I would never shy away from that responsibility, regardless of how colourful the arbiter's criticisms of us might be on that front.

**The Hon. DAMIEN TUDEHOPE:** I take it you read all the arbiter's reports.

**KATE BOYD:** I have where they're relevant to the Cabinet Office but I can't say I've read all of them for every agency because they're voluminous.

**The Hon. DAMIEN TUDEHOPE:** They are voluminous. Effectively, the proposition I'm putting to you is that to assist the work that the House does, isn't there a position where we've got to adopt a position in

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relation to claims for privilege which acknowledges the voluminous number of claims which have been made and the arbiter's almost unerring attitude towards those claims for privilege?

**KATE BOYD:** If the arbiter's views were that the document did not fall within a legally recognised category of privilege, then potentially, but that is not what the arbiter is saying. He's making a decision about whether it's in the public interest to publish documents, which is really the House's function in our view. I don't see that our practice would necessarily change. We will always bring it to the House's attention if we feel a document falls within a legally recognised category of privilege.

**The Hon. SARAH MITCHELL:** I have two issues that I want to raise. They might be through you, Mr Draper, but I'm happy to be directed otherwise. You're no doubt aware that previously there was a contract for media summaries that went out to members of all sides in the House. My understanding is that it used to be provided by whoever the Premier's Department media unit had that contract with. It was Meltwater; I think it's now—

**SIMON DRAPER:** Isentia.

**The Hon. SARAH MITCHELL:** Isentia. There was an issue at the end of last year where it stopped quite abruptly for crossbench and Opposition members and there has just not been a lot of clarity in terms of why that has happened. The Parliamentary Library, to its credit, has tried very hard to give us a resource in the interim, but we have been given some information by Mark Webb from Parliamentary Services that indicates that there were discussions with the Premier's Department media team about those contractual arrangements and that, historically, members receiving that shouldn't have happened. But the issue that we have is we now have a shortfall where, as elected members of Parliament, we're not getting a curated media summary and that's very challenging, particularly when you don't live in the city. Is there any information that anyone can provide about what has actually happened there, why there was no notice and if there is any way that we can look to rectify this for Opposition and crossbench members particularly?

**SIMON DRAPER:** I will defer to Ms Meagher. She'll have more information on that than I will have. But certainly when there's a changeover in those contract arrangements, the scope of those contracts often gets reviewed and clarified, and often those transitions are a bit bumpy and that was the case for some of us as well receiving some of those services. But Ms Meagher might be able to help.

**KATE MEAGHER:** Ms Mitchell, this is an interesting issue that has come to light and we're still trying to unpack it a little bit. My understanding is that the previous contract under Meltwater was managed through the Parliamentary Services team, and so the Premier's Department nor DPC in the old form ever actually managed that contract that you're talking about. So we're a little bit confused as well as to why there was a perception that under the Meltwater contract that the Parliamentary Services team provided that members were actually getting the same service as the government-owned one, if you like. So we're still trying to get to the bottom of it as well. But our understanding is, and my advice is, that they're two entirely different contracts, and that DPC—

**The Hon. SARAH MITCHELL:** It's just that historically everyone has always gotten the same, is the short answer.

**KATE MEAGHER:** Yes, and so that's why it's a little bit odd. We're not quite sure whether there's—

**The Hon. SARAH MITCHELL:** Is there any time frame in terms of coming up with some sort of resolution? Obviously we will ask these questions of DPS, but from our perspective, particularly as members, it is very, very challenging when something like that literally stops overnight.

**KATE MEAGHER:** Yes, I understand.

**The Hon. SARAH MITCHELL:** It has been like that for months. I think Government members are probably still getting it; you might not be.

**The Hon. BOB NANVA:** I didn't know we got it.

**The Hon. Dr SARAH KAINE:** I didn't either.

**The Hon. SARAH MITCHELL:** It's very noticeable around the building is what I would say and so any resolution I think would be timely.

**KATE MEAGHER:** Yes, and I just want to reiterate that the team that manages the media monitoring in government departments has not done anything to switch off any services to members. We were never actually providing it, and so that's why it's a little bit odd. But we have some theories.

**The Hon. SARAH MITCHELL:** I'm happy for you to take that on notice. As I said, some information seemed to indicate that the Parliamentary Library had had discussions with the media team. If there is anything

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you can provide to us on notice about why this has happened and, most importantly, as I said, a resolution, and maybe that's better directed to DPS at some point.

**KATE MEAGHER:** We have written to the Presiding Officers as well to update from our perspective, but I understand next steps are important as well.

**The Hon. SARAH MITCHELL:** Did either Presiding Officer proactively reach out to your department?

**KATE MEAGHER:** I think one has. I'll just double check for you.

**The Hon. SARAH MITCHELL:** That's fine. If you could provide it on notice, that would be great.

**KATE MEAGHER:** But, yes, we've been approached.

**The Hon. Dr SARAH KAINE:** It seems like new members didn't get it ever, just to help.

**The Hon. DAMIEN TUDEHOPE:** All members.

**The Hon. SARAH MITCHELL:** All members used to for years and years, so it's interesting.

**The Hon. DAMIEN TUDEHOPE:** Intuitively, you would have thought though, Ms Meagher, that if a media monitoring service is available at the moment potentially to Ministers and Government members—I take on notice that some Government members are suggesting they don't know what we're talking about—intuitively, you would say that it wouldn't be very difficult to make the same service available to everyone.

**KATE MEAGHER:** Yes, there is a legacy.

**The Hon. DAMIEN TUDEHOPE:** There might be an extra cost involved. That might be the only issue that I can conceive of but, intuitively, adding names to an email list is not that difficult.

**KATE MEAGHER:** I will have to take that on notice with regard to procurement rules et cetera.

**The Hon. SARAH MITCHELL:** If you're curating the same content, it's interesting that there's not a way that it can be more broadly distributed. But I appreciate that.

**KATE MEAGHER:** My understanding—and I'm just looking at my notes; my colleagues might know better in this regard—is that the procurement framework governs procurement by and for government, so there might be some limitation around that. But I understand. It must have been odd that it was switched off, and we have learned more in the background. That is a bit odd to us too.

**The Hon. SARAH MITCHELL:** As I said, full credit to the Parliamentary Library, who have been trying to provide an interim.

**KATE MEAGHER:** Yes, that is right.

**The Hon. SARAH MITCHELL:** But it doesn't cover everything and it's not ideal. We can't quite work out where the problem has come from and also who has the ability to fix it. Hopefully if everyone is speaking, we'll get a resolution and we can get some kind of media content back.

**KATE MEAGHER:** Sure.

**The Hon. SARAH MITCHELL:** Thank you for that, Ms Meagher.

**KATE MEAGHER:** That's okay.

**The Hon. SARAH MITCHELL:** I have another question. It may well be directed to you as well. I wanted to go to the issue of information that's available on department websites and the political nature or content of those. It's my understanding that that should be apolitical as a general rule. The reason that I'm asking is I've had a few community people raise with me some inconsistencies with different departments and how that information is being put up on the website. There were a couple from Education and there was one for Transport where it's not made particularly clear that a media release is coming from a Minister. I understand they will have a political angle—and I've got a couple of examples here—but there's an Education one that literally starts with:

The failure to plan and deliver school infrastructure in the state's fastest-growing communities has been laid bare.

I would argue that that is not the truth, but also that that is a quite a political statement to see when you go on a department website. I had a bit of a look, and some agencies do it quite well. They make very clear what is government and what is ministerial. Others do not do it so well. Is there any kind of process to look at how that information is put out to the public? Can that be improved so that it's very clear what is coming from a Minister and has a political bent to it, and what is actually factual and from an agency?

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**KATE MEAGHER:** The provision of information on government websites is overseen by the Department of Customer Service. They run nsw.gov.au and they're working towards a streamlined, one-website model, if you like. I think it is probably best to direct your questions to them. Where there are still agencies with legacy, independent websites or their own websites, as far as the content that goes up on those websites, they would have their own rules governing that. There should be rules governing that. You're right.

**The Hon. SARAH MITCHELL:** If ministerial releases go up, that's fine, but as long as they're clearly marked as to what they are and it's not confusing. But that's DCS, you said?

**KATE MEAGHER:** Yes. I don't know whether my colleagues have different or additional information, but it's the Department of Customer Service.

**SIMON DRAPER:** That's right.

**The Hon. SARAH MITCHELL:** They set it for all other agencies as well—sorry?

**KATE MEAGHER:** Yes, that's right. They have a good whole-of-government lens on the digital and web content across government.

**The Hon. SARAH MITCHELL:** I'll save it for them then.

**SIMON DRAPER:** I think that is good practice, as you say—the distinctions. Usually there is a section saying "ministerial releases". That has been a longstanding practice.

**The Hon. SARAH MITCHELL:** Some do but some don't. As I said, I had a brief look across a few. Education skills was one and Transport was another where things are mixed in. To the average punter who might go on to look for some information, it's not really clear what's coming from a department and what's coming from a ministerial perspective. I do think that distinction is important on public websites, but I will take that up with Customer Service.

**The Hon. DAMIEN TUDEHOPE:** Returning then perhaps to both Ms Kate Boyd and Mr Draper, the Public Service Commission service reported that 133 senior executives were employed at the previous Department of Premier and Cabinet as of 30 June 2023. What's the current breakdown between the Premier's Department and the Cabinet Office?

**KATE BOYD:** I think we have about 64.

**The Hon. DAMIEN TUDEHOPE:** Sixty-four in—

**KATE BOYD:** In the Cabinet Office.

**SIMON DRAPER:** I'll just grab my number. Have you got it there? That's total numbers. You're after executive—

**The Hon. DAMIEN TUDEHOPE:** Senior executives.

**SIMON DRAPER:** Senior executives, yes. I do have that saved somewhere, Mr Tudehope. In the Premier's Department we have 44.

**The Hon. DAMIEN TUDEHOPE:** So 64—

**SIMON DRAPER:** Did you say just for senior executives?

**The Hon. DAMIEN TUDEHOPE:** —at the Cabinet Office?

**SIMON DRAPER:** No, I'm talking about the Premier's Department.

**The Hon. DAMIEN TUDEHOPE:** So the total between the two of you was 64 and—

**SIMON DRAPER:** Have you got 64 senior executives?

**KATE BOYD:** That's just off the top off my head but now I can't find it, so maybe we should take it on notice and get you accurate figures.

**SIMON DRAPER:** I have a lower number than that. I have 32.

**KATE BOYD:** Can I take that on notice? We've got 207 FTE altogether. As to the breakdown between SES and non-, I'll have to take that on notice. I'll find it.

**SIMON DRAPER:** I do have some numbers here which might help. Sixty-four was the number at 30 June for the combined group.

**UNCORRECTED**

**KATE BOYD:** Thank you.

**SIMON DRAPER:** The number now as of 31 December is 32.9 for the Cabinet Office and 34 for the Premier's Department.

**The Hon. DAMIEN TUDEHOPE:** So the figure of 133 includes now a reduction in that number, does it?

**SIMON DRAPER:** I'm not sure where you've got 133.

**The Hon. DAMIEN TUDEHOPE:** The Public Service Commission reported, as at 30 June 2023, that there were 133 senior executives at Premier and Cabinet.

**SAMARA DOBBINS:** That would be the portfolio.

**SIMON DRAPER:** Yes, that's probably right. That would include a number of agencies outside our departments that would have regard as within that cluster, as they were called, at that time.

**KATE BOYD:** Like Parliamentary Counsel's Office and other similar agencies.

**The Hon. DAMIEN TUDEHOPE:** Taking into account that they must now fit within one or other of your—they're not working independently. They must fit either within the Cabinet Office or the Premier's Office.

**SIMON DRAPER:** I don't know if I have those numbers with me that include those other agencies. There have been movements of them between different parts as well.

**SAMARA DOBBINS:** But they're not departmental employees, no. Those other portfolio agencies, such as—

**The Hon. DAMIEN TUDEHOPE:** Yes, but they fit within the office of, say, either Premier or Cabinet, do they not?

**SAMARA DOBBINS:** No, they don't.

**KATE BOYD:** They're related to one of those departments, but they're not within it.

**The Hon. DAMIEN TUDEHOPE:** So you're saying that when the Public Service Commission reports 133 senior executives at Premier and Cabinet as at 30 June, that's wrong?

**SIMON DRAPER:** No. We're saying that there was a concept of clusters at that point and they would have been reporting using those groupings that existed at that time.

**The Hon. DAMIEN TUDEHOPE:** So, in that case, it would be hard to get an accurate figure about reduction in numbers in Premier and Cabinet if, in fact, the so-called de-clustering involves them moving away from the Department of Premier and Cabinet.

**SIMON DRAPER:** If your question relates to what was formerly the Department of Premier and Cabinet, now the Cabinet Office and the Premier's Department, we can give you numbers around that. If you're interested in broader executive numbers across a number of agencies—

**The Hon. DAMIEN TUDEHOPE:** That might be to get it more specific, so that we're comparing apples with apples, the combined departments and now the separate departments, the number of senior executives.

**SIMON DRAPER:** Yes. They're the numbers I gave you a little bit earlier.

**The Hon. DAMIEN TUDEHOPE:** The 44 and—

**SIMON DRAPER:** The 64 as of June and then I think it was 32.9 and 44.

**The Hon. DAMIEN TUDEHOPE:** There is a requirement now, of course, of reducing those numbers by 15 per cent.

**SIMON DRAPER:** Across the whole government sector.

**The Hon. DAMIEN TUDEHOPE:** The deadline for getting to that point is, I think, March 2027. Is that right—1 March 2027?

**SIMON DRAPER:** The deadlines are going to be set in the course of decision-making by government. It was a commitment that was made and, like most of these commitments, they would expect to be met within the term of Parliament that was prior to that election.

**The Hon. DAMIEN TUDEHOPE:** The actual date is a bit fluid, is it?

**UNCORRECTED**

**SIMON DRAPER:** It's not fluid. It will be determined by Government. We will be seeking approval for how we meet that commitment. There will be a firm deadline and I can assure you that the expectations, particularly from the Treasurer—we will be able to progressively show how we're meeting that deadline. But we have only just received, as you know, the updated executive numbers for the whole of the government sector. We are working with the Public Service Commission to determine the scale of the reductions that are required and how they will be allocated across the whole government sector.

**The Hon. DAMIEN TUDEHOPE:** Mr Draper, these are questions you may want to take on notice. I don't expect you to necessarily have an answer. To date, are you aware how much has already been allocated for the Local Small Commitments Allocation program, how much has actually been approved?

**SIMON DRAPER:** No. Sorry, I thought you were following up on the public service question. You threw me for a second.

**KATE MEAGHER:** I can't give you a dollar figure, Mr Tudehope, but I can say 174 organisations have received their grant money.

**The Hon. SARAH MITCHELL:** How many, Ms Meagher, could you just repeat?

**KATE MEAGHER:** It is 174.

**The Hon. DAMIEN TUDEHOPE:** You will be able to give me a dollar figure, could you, on notice?

**KATE MEAGHER:** I can find that out for you. They're all available on the web, so I don't expect you to go and tally it up.

**The Hon. DAMIEN TUDEHOPE:** There will be a significant number, potentially rolled over to '24, '25. Is that what I understand by that?

**KATE MEAGHER:** I guess that's right. I feel like last time I should have prepared this answer because last time you asked me how long you thought it would take and I didn't know then. Can I take that on notice?

**The Hon. DAMIEN TUDEHOPE:** Thank you.

**KATE MEAGHER:** I should have got an update there.

**The Hon. DAMIEN TUDEHOPE:** In respect of the treaty consultation, how much has been allocated already in relation to that consultation?

**SIMON DRAPER:** There's funding of \$5 million.

**The Hon. DAMIEN TUDEHOPE:** I know the funding model. How much has been allocated already?

**SIMON DRAPER:** We haven't started that process yet.

**The Hon. DAMIEN TUDEHOPE:** So zero?

**SIMON DRAPER:** I don't know if there's been zero expenditure because we have engaged some advisers to assist with setting up the process. We are setting up the panel, we've got to recruit treaty commissioners, all of that. I wouldn't say it's zero, but we are certainly at the beginning of the process.

**The Hon. DAMIEN TUDEHOPE:** It's early days.

**SIMON DRAPER:** Yes.

**The Hon. DAMIEN TUDEHOPE:** When does it begin and when does it end, do you know?

**SIMON DRAPER:** I think we're expecting to go through a process of setting out the terms of reference for treaty commissioners, engaging on the question of the readiness of the Aboriginal communities to participate in consultations. All of those preliminary matters we would expect to happen in the first half of this year.

**The Hon. DAMIEN TUDEHOPE:** First half of?

**SIMON DRAPER:** This year.

**The Hon. DAMIEN TUDEHOPE:** This year.

**SIMON DRAPER:** Yes, that's the preliminary work.

**The Hon. DAMIEN TUDEHOPE:** Before 1 July?

**SIMON DRAPER:** Yes. I don't know if it will be exactly 1 July, but midyear we will expect to have treaty commissioners selected and a number of matters sorted.

**UNCORRECTED**

**The Hon. DAMIEN TUDEHOPE:** The terms of reference for that consultancy would be settled by then?

**SIMON DRAPER:** At least the draft, because the commissioners themselves may have some input into the terms of reference.

**The Hon. DAMIEN TUDEHOPE:** In relation to the Stolen Generations Keeping Places program, are you aware of how much has been expended in relation to that program?

**SIMON DRAPER:** I don't have those numbers with me, but we would certainly have that.

**The Hon. DAMIEN TUDEHOPE:** You might take that on notice, to date.

**SIMON DRAPER:** Yes, for sure.

**The Hon. DAMIEN TUDEHOPE:** Can you provide to me details of the spend that has been made by the Premier's Department on advertising? You can take it on notice.

**KATE MEAGHER:** It's pretty minimal, I think.

**SIMON DRAPER:** If we've got it with us we can give it to you now.

**KATE MEAGHER:** I've only got our Australia Day advertising budget, which is \$170,000, and 110 on social media for Australia Day. I would have to take on notice the rest.

**SIMON DRAPER:** We might take it on notice.

**KATE MEAGHER:** That's pretty much the extent of our advertising.

**The Hon. DAMIEN TUDEHOPE:** On consultants?

**SIMON DRAPER:** Again, I'll take that one on notice.

**The Hon. DAMIEN TUDEHOPE:** On travel, and legal and labour hire expenses? In relation to each of those categories, if you could provide me with a breakdown. In respect of each of those things, do you provide quarterly reports to the Minister for Finance in respect of them?

**SIMON DRAPER:** On some categories there's an interest in the way that all Government agencies—for example consultants and labour hire, there's certainly an interest in those. That process would occur not by each department necessarily reporting to the Minister for Finance, but there will be updates through the Expenditure Review Committee of Cabinet on those matters, and obviously we don't—

**The Hon. DAMIEN TUDEHOPE:** I think there's some suggestion you should be making savings in relation to that expenditure, is there not?

**SIMON DRAPER:** Yes, there are government commitments around those, yes.

**The Hon. DAMIEN TUDEHOPE:** You may have some knowledge of this, Mr Draper. If the Government receives an unsolicited proposal, when is it first acknowledged as an unsolicited proposal on the website for unsolicited proposals?

**SIMON DRAPER:** There's a number of stages with unsolicited proposals. In fact, there can be discussions about what become unsolicited proposals well before any formal process commences. In a way we prefer that, because we want to make sure that when people are coming to us and they're going to all the trouble of preparing a proposal that they know, firstly, what the Government's going to require but, secondly, whether it would be seen favourably: Is it in line with the Government's ambitions and priorities? A formal publication is usually done at the commencement of stage two.

**The Hon. DAMIEN TUDEHOPE:** And stage two involves what? I know it's in the document.

**SIMON DRAPER:** Stage one assessment is an initial assessment on whether the proposal as it's lodged meets the various criteria under the unsolicited proposals guidelines. If there's a recommendation that it meets those criteria sufficiently, a recommendation is made to Cabinet on whether that should proceed to stage two. If it is approved by Cabinet to proceed to stage two, that's when it would be published.

**The Hon. DAMIEN TUDEHOPE:** I just have one more question, to Ms Meagher. Ms Meagher, can I just take you back to the Castle Hill document in front of you? If you look at the very last line of that document—it's the second page. If you go to the last line, it states:

NSW Labor to deliver up to \$25,000 to local councils across the electorate towards upgrades to playgrounds and parks.

Do you see that?



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**UNCORRECTED**

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**KATE MEAGHER:** Yes.

**The Hon. DAMIEN TUDEHOPE:** Would that indicate to you that all the other proposals were, in fact, not within the parks and playgrounds allocation but were in fact election commitments?

**KATE MEAGHER:** I'll refer to my earlier answer and take on notice that we're going to find out more details, thanks.

**The CHAIR:** Thank you, Mr Tudhope. Thank you to the witnesses—

**SAMARA DOBBINS:** Sorry, excuse me, Chair. Could I just add to a previous answer?

**The CHAIR:** Certainly.

**SAMARA DOBBINS:** Our diligent colleagues have let me know that Accessibility NSW is in the Department of Customer Service. I know Ms Boyd has left, but that is just for the *Hansard*.

**The CHAIR:** Thank you for that answer. Thank you to you all for your attendance today. The Committee secretariat will be in touch in the near future regarding any questions you've taken on notice and any supplementary questions. Thanks very much for your attendance. We'll see you next time. The Committee will reconvene at 3.45 p.m.

**(The witnesses withdrew.)**

**(Short adjournment)**

**UNCORRECTED**

**Mr CHRIS LAMB**, Deputy Commissioner, NSW Public Service Commission, affirmed and examined

**Ms MICHELLE WARD**, Executive Director, Corporate Services, NSW Independent Commission Against Corruption, sworn and examined

**Ms KATHRINA LO**, Public Service Commissioner, NSW Public Service Commission, on former affirmation

**Ms MARGARET CRAWFORD**, Auditor-General, Audit Office of NSW, on former affirmation

**Mr IAN GOODWIN**, Deputy Auditor-General, Audit Office of NSW, on former oath

**The HON. JOHN HATZISTERGOS, AM**, Chief Commissioner, NSW Independent Commission Against Corruption, on former oath

**Mr DARRIN MOY**, CEO, NSW Independent Commission Against Corruption, on former oath

**Mr JOHN SCHMIDT**, Commissioner, NSW Electoral Commission, on former affirmation

**Mr MATTHEW PHILLIPS**, Executive Director, Corporate, NSW Electoral Commission, on former oath

**Ms RACHEL McCALLUM**, Executive Director, Funding Disclosure and Compliance, and General Counsel, NSW Electoral Commission, on former affirmation

**The HON. PETER JOHNSON, SC**, Chief Commissioner, Law Enforcement Conduct Commission, on former oath

**Ms CHRISTINA ANDERSON**, Chief Executive Officer, Law Enforcement Conduct Commission, on former oath

**The CHAIR:** Thank you for making the time today to give evidence to this hearing into the expenditure in the areas of Premier and Cabinet. We will commence with questions from the Opposition.

**The Hon. DAMIEN TUDEHOPE:** If I could start with you, Ms Lo. There has been some controversy recently in relation to the obligations of public servants relating to disclosures. Can you explain to us what are the obligations of public servants in respect of disclosure? You may recall the story relating to an allegation that a public servant bought a property and had not disclosed that property for the purposes of, potentially—in circumstances where she had access to planning information.

**KATHRINA LO:** I don't have the details of that particular case, but in terms of—

**The Hon. DAMIEN TUDEHOPE:** I'm not asking you specifically about that case, but, generally, what are the obligations for public servants to disclose asset holdings, relationships and the like?

**KATHRINA LO:** Under the code of conduct, senior public servants—or all public servants—are required to make private interest declarations at a minimum. That should be annually, but if there are changes throughout the year, that declaration should be updated.

**The Hon. DAMIEN TUDEHOPE:** So that's not real-time updating, is it?

**KATHRINA LO:** As close as possible, I think, to real time. If somebody's circumstances change—and I think as soon as practicable—they should provide an updated declaration.

**The Hon. DAMIEN TUDEHOPE:** What does that declaration look like? What are the things which a public servant is required to disclose?

**KATHRINA LO:** It would very much depend on their role, but I think a general principle would be that it's best to disclose as much as possible so that any private interests that might be relevant are on the record and are known. But it definitely would depend on the role. I would probably over-disclose, in my case, because I think it's important to set that example. In individual cases, it would depend on what decision-making responsibilities a person has—what is their remit, for example. So if they're making decisions around planning, it might be in relation to their own holdings or their own interests.

**The Hon. DAMIEN TUDEHOPE:** Is there a guideline in relation to this?

**KATHRINA LO:** There's the code of conduct. The Public Service Commission does provide some guidance around compliance with the code of conduct, and it's all on our website.

**The Hon. DAMIEN TUDEHOPE:** Is there a particular form which should be used?

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**KATHRINA LO:** Yes, there's a standard form that's used. Some agencies might tailor that for their own context but, basically, similar information would be captured. Similar types of information would be captured in the different forms.

**The Hon. DAMIEN TUDEHOPE:** Talking about types of information, it may well be financial or property holding information, but then potentially relationship information?

**KATHRINA LO:** Correct. Yes, relationships, particularly if there's somebody in your family that might have dealings with a public—with a government agency, you would note that. I have personally done that—where my partner had, as his client, a government sector agency. I declared that relationship.

**The Hon. DAMIEN TUDEHOPE:** Once that declaration—who checks it?

**KATHRINA LO:** If the senior executive is within the department, they would provide that to the secretary or the head of the department. If the person is a secretary, they would provide it to the Secretary of the Premier's Department. The Secretary of the Premier's Department provides his private interest declaration to me, and I provide mine to him, which is then passed on to the Premier. So it depends on which role you sit in.

**The Hon. DAMIEN TUDEHOPE:** Are they then just kept in a drawer?

**KATHRINA LO:** No. When I receive them, I look through them. There's actually a section for acknowledgment, and then if you are of the view that you need to have a follow-up conversation, that can happen.

**The Hon. DAMIEN TUDEHOPE:** That can happen, but in terms of making sure that disclosures are being made in potentially real time, is there anyone who has that role?

**KATHRINA LO:** That would depend on how governance teams are set up and it would depend on the circumstances. So, for example, if there is a procurement process in place, people at that point would probably make disclosures again in relation to that particular procurement. So it would depend on the situation.

**The Hon. DAMIEN TUDEHOPE:** Obviously the potential in relation to a policy as radical, potentially, as the current housing policy, would it be your advice that that gives rise to greater scrutiny in relation to ensuring people are complying with their obligations to disclose?

**KATHRINA LO:** I think people should comply at all times to the highest standard required.

**The Hon. DAMIEN TUDEHOPE:** I'm glad that you gave that answer, but it becomes enlivened, does it not, in circumstances where there is a radical change in policy which may give rise to the circumstances, which it does in respect of the Government's current approach to housing?

**KATHRINA LO:** I think it's incumbent on all of us if we're faced with providing advice, or making decisions or influencing a decision, we need to keep front of mind whether we do have a conflict that we need to manage. It might be an actual conflict, a potential one or a perceived one. So there's an ongoing obligation there to keep front of mind in whatever we might be doing. It might be a briefing process or a decision-making process. I think that's part of keeping our core value of integrity at the forefront of everything we do.

**The Hon. DAMIEN TUDEHOPE:** The specific issue, which I started with by asking you about, is referred to another agency at this table. Is it the case that potentially, Mr Hatzistergos, recommendations would be made in relation to the manner in which disclosures would be made?

**JOHN HATZISTERGOS:** I'm not sure of the context in which the question arises.

**The Hon. DAMIEN TUDEHOPE:** Having heard the answer just given by—

**JOHN HATZISTERGOS:** I'm aware of the context of what you asked the previous witness, but I'm not sure of the context in which you're asking me.

**The Hon. DAMIEN TUDEHOPE:** As a matter of prudence and practice, is it something that your agency would be giving advice to in terms of making sure that there is transparency in relation to ensuring that public servants are providing real-time disclosures?

**JOHN HATZISTERGOS:** We don't give advice of that nature unless we're questioned—on a general level like that.

**The Hon. DAMIEN TUDEHOPE:** But potentially as part of a report, you might make recommendations?

**JOHN HATZISTERGOS:** If the context requires us to, yes.

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**The Hon. DAMIEN TUDEHOPE:** Ms Lo, the 2023 data, which is available, disclosed that there were 4,265 senior executives as at 30 June 2023. Is that a figure which accords with your understanding?

**KATHRINA LO:** Sorry, can you restate that figure for me?

**The Hon. DAMIEN TUDEHOPE:** It's 4,265. Is that the base number?

**KATHRINA LO:** Are you saying that's a senior executive number?

**The Hon. DAMIEN TUDEHOPE:** Yes.

**KATHRINA LO:** The 4,265 number is an FTE number at June 2023.

**The Hon. DAMIEN TUDEHOPE:** That's correct?

**KATHRINA LO:** That's correct.

**The Hon. DAMIEN TUDEHOPE:** So is that the base number? If the Government had a policy in respect of a 15 per cent reduction in relation to the target for the number of senior executives to be reduced by, is that the number that the Government would be using?

**KATHRINA LO:** As you'll appreciate, there has been a 9.4 per cent increase in FTE between June 2022 and June 2023. The Premier's Department and the PSC, as Mr Draper mentioned before, are doing some further work to look at what this means for the implementation of the Government election commitment.

**The Hon. DAMIEN TUDEHOPE:** What do you understand that work to encompass?

**KATHRINA LO:** We're doing some—

**The Hon. DAMIEN TUDEHOPE:** What the base figure would be.

**KATHRINA LO:** The Government will make decisions around that. We are doing some further work, including some further analysis, and we'll be providing some advice to government.

**The Hon. DAMIEN TUDEHOPE:** I'm interested in how you get to a position where you can measure the performance of the Government. When will we understand whether the Government is reaching its targets or not?

**KATHRINA LO:** I understand your question. As I said, some further work is being done, given there has been an increase in the number of senior executives from 2022 to 2023. Obviously, we are very keen to ensure that, in implementing that election commitment, we do so in a sustainable way, in a way that ensures that service delivery isn't impacted adversely and that the Government can deliver on its priorities. We're also very keen to make sure that the approach to implementation is based on the most recent set of data. The approach will ultimately be a decision for Government, but we're providing advice to enable that decision to be made.

**The Hon. DAMIEN TUDEHOPE:** Do you have a date when you anticipate that that figure would be reached by?

**KATHRINA LO:** I can't specify a date—

**The Hon. DAMIEN TUDEHOPE:** A target?

**KATHRINA LO:** —although I can say that the advice that Premier's Department and the PSC are working on, we will be in a position pretty shortly to provide that advice.

**The Hon. DAMIEN TUDEHOPE:** When you say "pretty shortly", what does that look like?

**KATHRINA LO:** Well, not months. A lot sooner than that.

**The Hon. DAMIEN TUDEHOPE:** In an answer to a question on notice from estimates, you gave us an average of 203 senior executives per year resigning, retiring or dying each year from 2014 to 2022. I hope the number dying is not a great number of those positions, but what is the figure for 2022?

**KATHRINA LO:** I think we need to take that one on notice, I'm sorry.

**The Hon. DAMIEN TUDEHOPE:** And for 2023?

**KATHRINA LO:** We can do the same.

**The Hon. DAMIEN TUDEHOPE:** I think you may well have already answered this question, but are you telling us today that there was a 9 per cent increase in senior executives between 2022 and 2023?

**KATHRINA LO:** It was 9.4 per cent in FTE.

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**The Hon. DAMIEN TUDEHOPE:** In real numbers, how many is that?

**KATHRINA LO:** One hundred and ninety-nine in the public service.

**The Hon. DAMIEN TUDEHOPE:** Can you, by department, list where those senior executives have been employed?

**KATHRINA LO:** Yes, I can. It might be—I mean, I can read out every single portfolio.

**The Hon. DAMIEN TUDEHOPE:** Can you take that on notice?

**KATHRINA LO:** Yes, I can take that on notice. We've got a table we can provide you.

**The Hon. DAMIEN TUDEHOPE:** With where the additional senior executives have been employed?

**KATHRINA LO:** Yes, by portfolio.

**The Hon. DAMIEN TUDEHOPE:** And by date?

**KATHRINA LO:** It's a census, so we collect the data in June of each year. What that data does not tell us is which months those public servants are employed in. That information you could only obtain from the agencies themselves.

**The Hon. DAMIEN TUDEHOPE:** Given that the Parliamentary Budget Office costed the Government's policy on the assumption that the cut in senior executives "will commence from 1 April 2023 and will be achieved by a recruitment freeze, except in exceptional circumstances"—what do you perceive the exceptional circumstances would be?

**KATHRINA LO:** The approach that is being taken is to prioritise natural attrition and mobility for senior executives, particularly those senior executives that are impacted by the cuts or by machinery-of-government changes or other restructures, and terminations will be the last resort.

**The Hon. DAMIEN TUDEHOPE:** The engagement of people in exceptional circumstances—do we know what they are?

**KATHRINA LO:** Can you give me a bit more context, please?

**The Hon. DAMIEN TUDEHOPE:** "The cut in senior executive positions will commence ... and will be achieved by a recruitment freeze, except in exceptional circumstances." So the "except in exceptional circumstances" means that people will be engaged or alternatively—sorry, I should rephrase that. The exceptional circumstances may mean that they will be dismissed.

**KATHRINA LO:** I take it that you're reading this out of the PBO modelling?

**The Hon. DAMIEN TUDEHOPE:** Yes.

**JOHN HATZISTERGOS:** I don't have that in front of me and it's been a while since I've looked at it. We obviously did provide information to assist the PBO at the time. I can only reiterate that the approach is to prioritise natural attrition and mobility. If neither of those things can be achieved and the role is still needed, then we look at other sources of recruitment.

**The Hon. DAMIEN TUDEHOPE:** Mr Hatzistergos, we heard some evidence this morning in relation to investigations which have been taking place about a member in this place. What is the timing you would say is appropriate to provide and answer in respect of whether a person has been cleared of an allegation which has been made against them?

**JOHN HATZISTERGOS:** I'm not going to give you a response directly in relation to that. All I can say is what I've said publicly. The commission, as you would be aware, has commenced a preliminary investigation in relation to that matter and it's advanced. But I'm not in a position to be able to give you a time frame.

**The Hon. DAMIEN TUDEHOPE:** If a person was to be cleared of an allegation, you must have some performance indicators which would indicate that there is a specific time when you would give that indication in relation to your investigation?

**JOHN HATZISTERGOS:** We do have performance indicators and they're in our annual report.

**The Hon. DAMIEN TUDEHOPE:** I haven't got the annual report in front of me.

**JOHN HATZISTERGOS:** We'll give it to you.

**The Hon. DAMIEN TUDEHOPE:** What is the performance indicator?

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**JOHN HATZISTERGOS:** It varies according to the investigation as to whether it's complex or not.

**The Hon. DAMIEN TUDEHOPE:** A complex matter would take how long? As a key performance indicator, would you say a reasonable expectation is coming at least to a preliminary view about whether it should go further?

**JOHN HATZISTERGOS:** We do have the benchmarks in relation to preliminary matters and when they go into a full investigation. But bear in mind that even when the matter goes to a full investigation it can still result in the matter going no further.

**The Hon. DAMIEN TUDEHOPE:** I accept that entirely.

**JOHN HATZISTERGOS:** There are many variables to investigations. It depends upon cooperation, if we get cooperation or we have to use coercive powers or not. It depends on the complexity of the issues that we are looking at. Sometimes we need to get legal advice in relation to aspects of it, which may be problematic. There are a number of variables that come to play which impact on the type of investigation. If you want me to give you the performance measures, I can get them out of the annual report. I'll just need to look at them. There's nothing extraordinary in this particular matter, by the way.

**The Hon. DAMIEN TUDEHOPE:** I'm not asking you to comment on a particular matter. I'm just asking you to give a—

**JOHN HATZISTERGOS:** You were earlier.

**The Hon. DAMIEN TUDEHOPE:** Maybe. What I am putting to you is that there are, in fact, some performance indicators which a reasonable person would say, "Surely the matter has been done by now." Would you agree with that as a matter of public perception?

**JOHN HATZISTERGOS:** I'm not aware that any performance indicators in this particular case have been violated to any significant degree, if that's what you're asking me.

**The Hon. DAMIEN TUDEHOPE:** I'm not asking you about a specific matter. I am just asking you about a policy where generally people would have—

**JOHN HATZISTERGOS:** There are some performance measures, yes.

**The Hon. DAMIEN TUDEHOPE:** And benchmarks?

**JOHN HATZISTERGOS:** We can give them to you. I think last year we met our performance indicators.

**The Hon. DAMIEN TUDEHOPE:** Last year at an ICAC committee hearing, you told the committee, "As to where we go with the independent funding model, I'm not quite sure what the new government has in mind. They haven't told us at this point in time."

**JOHN HATZISTERGOS:** Yes.

**The Hon. DAMIEN TUDEHOPE:** Have you got any update in relation to that?

**JOHN HATZISTERGOS:** I do.

**The Hon. DAMIEN TUDEHOPE:** Have you shared that with us?

**JOHN HATZISTERGOS:** Yes. I have been informed that the Government is moving to what they call a budget management model, which was outlined to us in a letter from the Special Minister of State on 24 October 2023. The letter is not marked as confidential so I'm happy to supply you with a copy of it.

**The Hon. DAMIEN TUDEHOPE:** Thank you.

**JOHN HATZISTERGOS:** That outlines the budget model moving forward. I don't think that's the end of it. There are other matters that we've been asked to respond to and we will be doing that in due course. I haven't responded yet.

**The Hon. DAMIEN TUDEHOPE:** Excuse my ignorance, but how do you understand a budget management model as operating?

**JOHN HATZISTERGOS:** It's outlined in this letter. Do you want me to read it? I was going to provide it to you.

**The Hon. DAMIEN TUDEHOPE:** No, I'm happy that you're happy to give me a copy.

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**JOHN HATZISTERGOS:** What the previous Government had proposed was that there'd be a Treasurer's directive. That Treasurer's directive would outline how the integrity agencies would interact with the Expenditure Review Committee of the Cabinet to determine budget bids. It involved a process whereby there would be a dialogue, for want of a better word, and we would have access to advice as to what was being proposed by Treasury. We would have an opportunity to respond to that before a decision was ultimately made. We were also advised that we would be exempt from efficiency dividends. There is a variety of other matters that are referred to in this correspondence.

What happened, however, is that we were all asked, I think as all integrity agencies, what our views were about the model. We all responded. The Treasurer's directive was, we thought, finalised, except that it was not signed off before the previous Government went to the election. That was the end of that process and now we have the budget management model, which the new Government has proposed, to deal with our budget proposals. I think I'm not inaccurately paraphrasing what the situation is. We've gone from a Treasurer's directive to a budget management model.

**The CHAIR:** Thank you, commissioner. It's now time for questions from Ms Boyd.

**Ms ABIGAIL BOYD:** Thank you very much, Chair. Thank you all for your attendance. Mr Schmidt, I think I've asked you about this at almost every estimates. Previously you've confirmed that the NSW Electoral Commission is severely underfunded, I think would be the words I'd use, compared to, for example, the Victorian Electoral Commission, particularly in relation to community engagement. Whereas you've only got one ongoing staff member funded for stakeholder and community engagement—responsible for management of disability and CALD reference groups, outreach partnerships and the development of voter education—Victoria has 11 permanent staff and 20 to 25 casual staff. Has the Labor Government made any progress in helping to close that funding gap?

**JOHN SCHMIDT:** Ms Boyd, thank you very much for that question. It's a matter dear to my heart, as you'd well appreciate. We are an outlier, particularly in that area but across the board, in our baseline funding. Under the previous Government—and this has continued under the current Government—as part of some of the budgetary changes that Mr Hatzistergos has talked about, we were asked to bring forward a re-baselining proposal to government. We're working on that now. In fact, it will be submitted as part of the budget round for the coming budget. We put in the first phase of that last year, which was really to get some funding to continue with that work. Of particular importance, we identified—I think it was 35 critical roles?

**MATTHEW PHILLIPS:** Yes.

**JOHN SCHMIDT:** Which were accepted, that had to be funded. Unfortunately, as part of that funding arrangement they were funded up until only 31 December this year. Of course, I hope that this issue is going to be addressed as part of the budget round. But I'd have to give you the scope of the challenge the commission faces. As at 31 December this year, for a total of 140 staff—that's about 30 per cent of the BAU staff of the organisation—funding expires. That is a reflection of the episodic funding that I have talked for a number of years about before various committees. It was unfortunate that as part of the budget process last year, having accepted that those 35 roles were critical, there wasn't ongoing funding. I cannot believe that the current Government or the former Government would let us get past that cliff at the end of the year and not fund those positions. The question will be—and this is the intent of the business case that we've put up—to have a stabilised, ongoing funding regime for those staff.

You've talked about community outreach. That's a glaring example where we have a statutory responsibility under the legislation. There would be an expectation in the community that we would be providing those services. If we don't have the funding, we can't provide the services. I don't have the luxury of stopping work in other areas, which are also underfunded, to carry out and bolster that work. We have historically been funded to be inefficient, and that must come to an end. At this stage I genuinely believe that is going to be addressed. One final note on that is even though we're now exempt from new efficiency dividends going forward and some of the other savings measures which are being applied across government—the integrity agencies have been carved out—we are still subject to an historical, built-in efficiency dividend which must be applied to staff. So there's an inherent conflict there. On the one hand you're saying you're underfunded and haven't got additional staff—so you'll get more money for more staff but then you'll have to cut back because of the impact of an efficiency dividend.

**Ms ABIGAIL BOYD:** Can you explain that to me? How does that work? I always thought of the efficiency dividend as saying, "For this financial year, you have to have found 3 per cent of cost cutting"—or whatever it happens to be. How can you be carved out but still have that applying historically?

**JOHN SCHMIDT:** I might get Mr Phillips to explain the mechanics of it.

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**MATTHEW PHILLIPS:** The efficiency dividends have been applied in the past and they've been projected out over the forward estimates. So they're locked into our budget each year. This year it's \$2.66 million, which is the efficiency dividend. The Government has committed to imposing no new efficiency dividends on the integrity agencies and the Electoral Commission, but those that have been applied in the past—relevant to our agency—will remain. So they remain in our books.

**Ms ABIGAIL BOYD:** So they carry forward.

**MATTHEW PHILLIPS:** And they're indexed slightly. I'll give you an example. This year it's \$2.66 million. Next year it's \$2.7-odd million, and it just continues up. We've had to permanently reduce our labour expense cap in the past to meet that efficiency dividend, and they're permanent reductions in our ongoing workforce.

**JOHN SCHMIDT:** Just to conclude so there's a full picture on that one, the former Premier in correspondence indicated that as part—we had asked for that historical efficiency dividend to be removed, but the decision was that that issue should be re-prosecuted as part of this re-baselining case. So I'm hoping that will be resolved.

**Ms ABIGAIL BOYD:** That was going to be my next question. So the re-baselining should hopefully get rid of that historical cost?

**JOHN SCHMIDT:** Yes. If I could just have one more minute of your time for the completeness of the Committee's understanding of the budget situation, because the Parliament has a very important role in understanding how we operate as an integrity agency. It's a three-legged stool, our budget bids, this year. We have the re-baselining, which is the staffing but also some other core funding for operational expenditure—recurrent expenditure. We have the digital modernisation. Again, many of you have heard me on many occasions talk about the ageing and creaking computer systems which we run our elections on, which cannot be sustained into the future. So there's a business case to address that and there's a cybersecurity business case, which is going for the Digital Restart Fund. It's a three-legged stool.

There's no point in having digital modernisation unless you have the staff to run it. And if you have a digital modernisation, then we should be able to—if not save significant amounts of money—even out the expenditure by converting from contractors to ongoing staff for the operation of modern systems going forward. If you don't get the cybersecurity money from DRF, which we're confident we will get, then you can't make your new digital modernised IT systems safe. And in the re-baselining business case, there's also an amount of money to cover the recurrent costs of cybersecurity, because that's a recurrent cost, whereas DRF deals with capital cost. So these things are interrelated and it would be nonsensical to fund in part one of the three or two of the three or chop and change because the stool will fall over. The final business case is the technology-assisted voting—the iVote—business case, which if you wish to talk about I'll talk about later. I don't want to take up any more time.

**Ms ABIGAIL BOYD:** I do wish to talk about that. Getting this independent, verifiable method for blind and low-vision voters to be able to cast their vote—I remember, from previous estimates, talking about everything that needs to happen before we can get to that. I understand it may be the 2027 State election that we are targeting. Is that right? Are we on track to do that, or only if we get this funding?

**JOHN SCHMIDT:** We need the funding. The state of play at the moment is that I undertook the review last year, which is now public, recommending the reintroduction of, or exploring the market to see if we could find a suitable system for, targeting blind and low-vision electors. We would need money to do that. In advance of the budget process, where we are putting a business case in, we have gone out to market for a request for information, which I think has just closed, so that we will be ready, assuming that the funding is approved, and so that we have that lead time between now and 2027 to advance that.

**Ms ABIGAIL BOYD:** The bit in the middle that you talked about—we had the technology-assisted voting and then in the middle you were talking about the digital modernisation and cybersecurity piece. Will that also lead to the election disclosures website being upgraded? Is that part of that? Are there plans?

**JOHN SCHMIDT:** That is being funded at the moment. It's being done in tranches. I might pass to Ms McCallum, who can perhaps talk about where we are up to with the functionality of the funding and disclosure portal.

**RACHELL McCALLUM:** Yes. We have been introducing our online disclosures and registration system over a number of years now. We are actually into the final phase of what that project has been funded to provide. In relation to your question about digital modernisation, it's not specifically part of the scope of that program—additional functionality. We are actually coming to the end of the funded project for funding and disclosures online.



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**Ms ABIGAIL BOYD:** One more for you, Mr Schmidt. I'm sure you are aware that disability advocates have been pushing for a quiet hour concept, and they've done a trial of that in Victoria. Is that something that you are looking into and could we see a trial for this coming local government election?

**JOHN SCHMIDT:** We are examining that. I have had representations in relation to that. We've been looking at the Victorian report. As I said, we are currently reviewing the Victorian evaluation. We are considering what we might do, but that would be for the 2027 State general election. But it is a growing issue, I think, across electoral commissions, that particular challenge.

**Ms ABIGAIL BOYD:** I might go to the LECC if I can. I'm trying to give you all a go. Something that I get a lot of representations about in my office—because I hold the domestic and family violence prevention portfolio—is in relation to police attitudes and police perpetrators of domestic violence. I will also be coming to you, Ms Crawford, about this issue as well, but when it comes to looking at the annual report from the LECC there is a lot of discussion about police attitudes or maybe failures to report DV and some problems around particular officers in relation to their attitudes. Do you think the LECC needs more powers in relation to handling issues of internal domestic violence perpetrators in the police?

**PETER JOHNSON:** I don't think it's necessarily an issue of more powers. The topic which you've raised was the subject of a specific report by the commission last year, which looked at domestic violence issues, including by police perpetrators. We keep a close eye, in our assessment of complaints processes, on how these matters are dealt with. There is a process, and an ongoing process, where there is, on my perception at least, a serious approach taken, certainly with repeat domestic violence perpetrators who are police officers. Section 181D Police Act powers are utilised fairly regularly in those cases.

We have powers to not just investigate ourselves, which is relatively sparingly used—there are limits to what we can do by way of direct investigation—but we can monitor police investigations, go back to police with either directions or requests of different sorts. And my present view is that I think the police organisationally are taking a fairly serious view of this. Insofar as any additional power for our commission, it would have to be identified what particular power would be under consideration and with what hope in mind would be achieved by it.

**Ms ABIGAIL BOYD:** Can we talk about two specific examples then. In the 181D process my understanding—and it's rudimentary so I apologise—is that, although the LECC can investigate the matter, when it comes to the action taken in relation to that matter it's up to the police commissioner. Do you think that the LECC itself should have any more direct power over determining what happens with a particular police officer who is being investigated?

**PETER JOHNSON:** That is, to exercise a type of disciplinary function. Is that what you mean by that?

**Ms ABIGAIL BOYD:** I guess, or is there anything more you can do? When we look at the police commissioner's role, it is in many ways a political role, and they are being tasked with working out what to do with every serving member who has an issue that has been brought up. They are in an incredibly difficult position when they get this report saying, "This person has done the wrong thing. It's now up to you." I do not know because I'm not them, but I suspect they get lobbied quite heavily by different people to take different actions. Do you see any benefit in some of that discretion, if not being removed from the commissioner, being perhaps more tightly constrained through the LECC being given more power?

**PETER JOHNSON:** One has to go back to the Wood royal commission, I think. Justice Wood made very clear that there had to be a system where the buck stopped with the commissioner of police. External civilian oversight agencies have had a somewhat chequered history in the police context in this State. That is not to say that our present commission is subject to that comment, but the idea of passing that type of function to a separate body creates problems in itself. Justice Wood's rationale, in my view, remains sound. The commissioner of police, when exercising those functions, has a process, and I've certainly witnessed some meetings of this sort, where there is in the end a process of discussion around a table, not with the commissioner present but with other senior officers present, and recommendations made and talked through. It's a fairly structured but quite effective process, as I've seen it, in operation.

As far as the commission is concerned, if there is a report written by the commission that recommends consideration of disciplinary action, under our Act the commissioner has to deal with, and respond to, that recommendation promptly under section 146 of the commissions Act. If the commission does not consider that what is being taken is reasonable and proportionate, the commission can go back to the commissioner of police. If there is still a dispute, there is then a referral to the police Minister, with the end result that the commission can write a section 138 report. Now, all of that, of course, may take some time, but it means that there is ongoing

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pressure on the police to address matters in what may be considered an appropriate way if there was concern about the disciplinary outcome in a particular matter.

**Ms ABIGAIL BOYD:** That's incredibly useful. Thank you for that.

**PETER JOHNSON:** That, I should emphasise, is only where we've written the report. But there are opportunities to go back, even in circumstances where we haven't written a report, as part of our oversight function of what the police are doing and to raise questions about the adequacy.

**Ms ABIGAIL BOYD:** Is any of that public, that process, though?

**PETER JOHNSON:** I think it's public in the annual report, in summary form at least. There are practical limits to how many reports and documentations of these things we can undertake. If I could say this: If you have a situation, for example, where the police take the view in a particular situation, it should be dealt with by advice and guidance, or perhaps a formal warning from the commander. If the commission takes the view that that is not adequate, we can go back. We can't override what they do. We can't tell them, "You've got to take 181D action", for example. But we can engage with them and often achieve a variation in the approach.

**Ms ABIGAIL BOYD:** The other example we get a lot of representations about in my office is where you have a serving police officer who is in one station or command who is the alleged perpetrator of a domestic family violence offence, who is then being investigated by somebody within their own command. I understand at the moment it's up to the discretion of the—and I'm not going to get the terminology right—head of the command, the sergeant or whoever owns that command, as to whether or not that matter will be investigated by the alleged perpetrator's own friends and colleagues, or whether it will be outsourced to a different station or command. Is there any role for the LECC in stepping in to provide a more independent process there, rather than having police investigate themselves?

**PETER JOHNSON:** The report on domestic violence that we wrote last year took this issue up and said that for a number of reasons, including the perception of bias, it is preferable to have a different police district carrying out the investigation. The police didn't accept that recommendation as such but put in certain riders of the type that you've referred to. It remains our position that it should be a separate district that conducts the investigation, not just to ensure that there is a proper investigation but that there is a perception of a proper investigation. That does happen from time to time; it does go to other areas. Sometimes it goes to the Professional Standards Command itself, which is separate again. We have no power to direct what happens. In an extreme case I suppose the commission could take over the investigation and investigate itself, but that is a large step to take, given the challenges when you become the primary investigator for something like that.

**Ms ABIGAIL BOYD:** Thank you, it's very useful to have that on the record.

**The Hon. DAMIEN TUDEHOPE:** I go back to you, Mr Hatzistergos.

**JOHN HATZISTERGOS:** Before you do, can I just respond to your earlier question about benchmarks? There are a range of benchmarks that are found in our annual report on pages 36 and 37. I won't give you them all because you can read them for yourself. But 80 per cent of preliminary investigations should be completed within 120 days. Then, dependent on the timing, if it's a pre- or post-July 2020 matter, there are different benchmarks. Post-July 2020 the target is 70 per cent completion within 485 days for a standard matter and 70 per cent within 730 days if it's a complex matter.

**The Hon. DAMIEN TUDEHOPE:** More than two years?

**JOHN HATZISTERGOS:** That's two years for a complex matter. As I said, there are different benchmarks if it's before that time.

**The Hon. DAMIEN TUDEHOPE:** That's the preliminary?

**JOHN HATZISTERGOS:** No. The preliminary is 80 per cent within 120 days. The full investigation is 70 per cent within 485 days if it's a standard matter post-July 2020, and 70 per cent within 730 days if it's a complex matter. Then we report against all the benchmarks. I won't give you the pre-2020 figures, but you can see those on page 37 of our report.

**The Hon. DAMIEN TUDEHOPE:** I'm sure that the letter from the Special Minister of State explains this, but what do you see as the major difference between the budget management model and the Treasury model which was put to you by the previous Government?

**JOHN HATZISTERGOS:** One is the Treasurer's directive, and obviously it's at a level of codification. The other is a decision of the Expenditure Review Committee as to how it proposes to proceed moving forward.

**The Hon. DAMIEN TUDEHOPE:** Which is potentially the old system, which applied other than—

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**JOHN HATZISTERGOS:** Well, it takes aspects, I think, of the Treasurer's directive, and it adopts it as a process, moving forward. But it's not a codified model in the same way as the Treasurer's directive is—

**The Hon. DAMIEN TUDEHOPE:** As the Treasurer's directive model would be.

**JOHN HATZISTERGOS:** —which does have—the Treasurer's directive, I think, has some statutory force in certain contexts.

**The Hon. DAMIEN TUDEHOPE:** I would have thought that you would have been more comfortable with a Treasurer's directive model.

**JOHN HATZISTERGOS:** I would, but we didn't get that out of the previous Government.

**The Hon. DAMIEN TUDEHOPE:** I know.

**JOHN HATZISTERGOS:** I'm not sure if you were in a position to sign off on it, because you were the finance Minister, but you didn't do so.

**The Hon. DAMIEN TUDEHOPE:** I don't think it was my decision, no.

**JOHN HATZISTERGOS:** Maybe. You could have had some influence; I should have rung you.

**The Hon. DAMIEN TUDEHOPE:** You should have.

**JOHN HATZISTERGOS:** But we didn't get it, and my preference is that we have a Treasurer's directive.

**The Hon. DAMIEN TUDEHOPE:** The ERC approval model, potentially, is subject to the vagaries of other competing interests of the day.

**JOHN HATZISTERGOS:** It is, but bear in mind that the ICAC submitted two reports to the Parliament under section 75 of the ICAC Act.

**The Hon. DAMIEN TUDEHOPE:** That was your predecessor who had done that.

**JOHN HATZISTERGOS:** That's correct, proposing a different model to that which either the present Government or the previous Government have embraced.

**The Hon. DAMIEN TUDEHOPE:** Yes, but an independent model.

**JOHN HATZISTERGOS:** Well—

**The Hon. DAMIEN TUDEHOPE:** An independent funding model.

**JOHN HATZISTERGOS:** That's correct. But everyone calls their models independent. It's what they mean by them.

**The Hon. DAMIEN TUDEHOPE:** Could I just ask the other agencies? Is the budget management model which now applies across the board? I think the ICAC commissioner indicated that he thought that his model applied to all agencies. Is that correct?

**JOHN SCHMIDT:** I'm unaware of the model. I haven't received that correspondence.

**The Hon. DAMIEN TUDEHOPE:** You haven't received a similar—

**JOHN SCHMIDT:** No.

**MARGARET CRAWFORD:** If I could, Mr Tudehope. How the commissioner has described it is my understanding. I hadn't heard the term budget whatever model, but we did receive a letter to say this is how the budget process would work. Perhaps I would just offer that, as set out in that letter, it is an improvement on previous arrangements in that, at the very least, it provides greater transparency for the funding ultimately provided to independent officers but doesn't go quite as far as the recommendations in the report that I did on the funding of integrity bodies.

**JOHN HATZISTERGOS:** The letter, I should indicate, does say that this is the budget management model for integrity agencies.

**The Hon. DAMIEN TUDEHOPE:** So you assumed that it applied to—

**JOHN HATZISTERGOS:** I just assumed that it meant that everyone was involved.

**PETER JOHNSON:** It, I think, extends to us, although we haven't received a letter yet, but we've been informed that this is the case.

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**The Hon. DAMIEN TUDEHOPE:** Well, you've just been told.

**PETER JOHNSON:** So I think the title of the letter received by the ICAC suggests it covers all of us.

**The Hon. DAMIEN TUDEHOPE:** Putting that to one side for a moment, commissioner—I'm talking to the ICAC commissioner; everyone's a commissioner here, it appears—is it your understanding that the obligations to comply with requirements in relation to unsolicited proposals, which, if breached, may constitute serious corrupt conduct?

**JOHN HATZISTERGOS:** Well—

**The Hon. DAMIEN TUDEHOPE:** In the same way as a breach of the ministerial code of conduct.

**JOHN HATZISTERGOS:** Whether something can be classed as corrupt conduct depends upon whether it meets the requirements of sections 8 and 9 of the Independent Commission Against Corruption Act. One aspect of section 9 is it has to constitute—I presume you're talking about a Minister, are you?

**The Hon. DAMIEN TUDEHOPE:** There are obligations in relation to the manner in which the Government will treat unsolicited proposals.

**JOHN HATZISTERGOS:** But are we talking about Ministers? Are we talking about public servants? It's very all nebulous, with respect.

**The CHAIR:** I think we're talking about the Premier.

**The Hon. DAMIEN TUDEHOPE:** I'm talking about the obligation to be impartial, the obligation to be—

**JOHN HATZISTERGOS:** They're requirements of section 8.

**The Hon. DAMIEN TUDEHOPE:** Yes.

**JOHN HATZISTERGOS:** But in addition to section 8, the conduct has to not be excluded under section 9. The conduct itself has to be serious corrupt conduct before it—

**The Hon. DAMIEN TUDEHOPE:** Before it reached the threshold of being—

**JOHN HATZISTERGOS:** That's right, for it to be corrupt conduct. So it's very difficult, with a few choice phrases that you've given at me, to throw them at me and to give you a definitive view as to whether it's corrupt conduct or not. I'm sure you as a lawyer can read the Act—

**The Hon. DAMIEN TUDEHOPE:** I can.

**JOHN HATZISTERGOS:** —and form an assessment.

**The Hon. DAMIEN TUDEHOPE:** If there is an obligation—I put this to you—for a proponent not to approach a Minister during the course of an unsolicited proposal and an approach was made to a Minister during the course of that unsolicited proposal, prima facie would that appear to be serious corrupt conduct?

**JOHN HATZISTERGOS:** With respect, that information is not very helpful. If you're able to give me some more information—perhaps you could write to me and explain the circumstances and we will go through a process.

**The Hon. DAMIEN TUDEHOPE:** I will do exactly that. Can I ask some questions of the Auditor-General? I don't want you to feel as though you have wasted your time in coming here.

**MARGARET CRAWFORD:** It would never be a waste of time. It is actually my last time, though, that I will be here, so I'm happy for you to ask.

**The Hon. DAMIEN TUDEHOPE:** Is that right? Is that news that you're breaking?

**MARGARET CRAWFORD:** No, my term ends in several weeks, so ask away.

**The Hon. DAMIEN TUDEHOPE:** Unfortunately I haven't had many opportunities of attending estimates with you, Auditor-General, but I wish you well.

**MARGARET CRAWFORD:** Thank you.

**The Hon. DAMIEN TUDEHOPE:** Last year the Government abandoned the Thoroughbred Racing Amendment Bill 2023 after several amendments were made to that bill, one of which was to include oversight of Racing NSW by the Auditor-General. The inclusion of that provision was referred to by the Premier as a "poison

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pill". Do you consider oversight by your organisation as a poison pill for organisations that are subject to your oversight?

**MARGARET CRAWFORD:** I won't speak to that specific, which I read in the newspaper. We had no direct involvement in that proposal. But no, I think that the assurance provided by the Auditor-General is absolutely critical to the proper workings of government. In that case it may have been perhaps an extension that perhaps would go further than the current arrangements for the Auditor-General. But generally speaking, of course, I think the assurance we provide is absolutely critical to government. Hopefully the Parliament and governments will continue to make best use of the assurance we provide.

**The Hon. DAMIEN TUDEHOPE:** In fact, it would give the public increased confidence, would it not, in the event that your office was overseeing the manner in which revenue generated through the betting agencies and passed onto Racing NSW was being spent? It would give them greater confidence in the operation of Racing NSW.

**MARGARET CRAWFORD:** Again, I can't speak to the specifics that you're referencing. They're not a controlled body of the State so I'm not the statutory auditor of that body.

**The Hon. DAMIEN TUDEHOPE:** But by statute they could've been brought in to—

**MARGARET CRAWFORD:** That's a matter for the Government.

**The Hon. DAMIEN TUDEHOPE:** This is probably available on your website, but how many reviews are currently being pursued by your office?

**MARGARET CRAWFORD:** Reviewed? Do you mean audits?

**The Hon. DAMIEN TUDEHOPE:** Audits.

**MARGARET CRAWFORD:** Every year my office would conduct over 1,000 financial audit assurance audits or reviews, if you want to use that term. Additionally, annually we usually do around about between 17 and 20 performance audits in any one year.

**The Hon. DAMIEN TUDEHOPE:** And the number of staff that you currently have?

**MARGARET CRAWFORD:** Approximately, it's just over 320 mostly financial auditors, given the statutory requirement to undertake a financial audit on every controlled entity of the State.

**The Hon. DAMIEN TUDEHOPE:** We tried to add to your burden unsuccessfully. To you, the Electoral Commissioner, you're aware of the current proposal by the Government in relation to the de-amalgamations bill, which is currently before the Parliament?

**JOHN SCHMIDT:** Yes, I'm aware of that bill. In fact there are two bills, I think.

**The Hon. DAMIEN TUDEHOPE:** One by The Greens member and one by the Government, is that not the case? Were you consulted by the Minister for Local Government before that bill was introduced?

**JOHN SCHMIDT:** Yes. We were given an opportunity to make some comments on the bill.

**The Hon. DAMIEN TUDEHOPE:** Have you provided advice potentially in relation to the cost of conducting a referendum?

**JOHN SCHMIDT:** No. We would have to do the costings at the time a referendum was being run. There are so many permutations in that: Is the referendum being run as part of, say, the local government elections being held in September? Is it a standalone event? I think the regulation-making power in the Government's bill is broad enough to deal with the administration of the referendum, so one of the questions would be—because, at the moment, when it comes to running local government elections, there's a split in cost between the Government, which would be called the core costs—the general operating of our systems et cetera for the commission—and then the more direct costs, which the councils pay. The figures would vary depending on whether that current arrangement would also apply to the referendum—the actual conduct of it, not all the business case and other work which goes before a referendum—or not. That's something I haven't had discussions with the Government on.

**The Hon. DAMIEN TUDEHOPE:** What would be the ballpark figure for running a referendum?

**JOHN SCHMIDT:** I wouldn't be able to give you that offhand.

**The Hon. DAMIEN TUDEHOPE:** Say it was a standalone one, as opposed to—

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**JOHN SCHMIDT:** I can come back to you on notice, because we do that already with councils when we have our contractual arrangements with councils. Quite often they don't know whether they want to have a referendum at the time of the election. They have to let us know by a certain time this year, and then we give them a cost for that additional bit of work. I can give you what that would be for just a standard referendum as part of the local government elections, if the current arrangements apply. I'll try to give you some figures then if we just had to do a standalone. But having in mind, if you want to get a feel for it, if you're talking about an undivided council, which is the best example—because presumably it would be a whole-of-council election—the cost between running an election to fill a vacancy for an entire council compared to a referendum would not be greatly different because you would have the same number of electors, you would have to have the same number of polling places, the same number of venues, and the counting would be easier because it's a yes-no situation. Depending on the size of the council, the figures would vary, but I will come back on notice and try to give a flavour of that.

**The Hon. DAMIEN TUDEHOPE:** This is probably self-evident but there would be increased costs, would there not, for suspending a local government election due to one of these referendums? Assuming you had to not have the local government election but have a referendum—this is a bit of the import of the bill—you would suspend the local government election for the purposes of having a referendum in its place and then, subsequently, having had the referendum, proceed to a local government election at a later date, depending on the outcome of that referendum. What would be the increased cost of actually doing that as a two-step process?

**JOHN SCHMIDT:** Again, the variables are huge. You've outlined quite well the stages in the process, but the cost of running a referendum for a council with a couple of thousand electors, as distinct from say the Central Coast or one of the major metropolitan ones—the costs vary dramatically because of the scale of the operation. I can't give you a standard cost, as it were, for running it but there would be incremental costs, as you say. There would be the cost of holding the referendum, depending on whatever the funding model is going to be for that, and then the cost of the standalone election, or elections if the amalgamation was successful or a single election if the de-amalgamation didn't take place.

**The Hon. DAMIEN TUDEHOPE:** I take it that there is a financial benefit in having all local government elections run on the same day, is there?

**JOHN SCHMIDT:** There are certainly efficiencies of scale which come into that, but, again, if there is a vacancy in an undivided council in the course of the subsequent three or so years after an election, we'd basically have to run the election event again, so it's not unheard of for councils. If they haven't adopted the countback option, which enables you to rely on the votes cast at the previous election, there are significant costs incurred by councils when they have a standalone election to fill a vacancy. So, yes, there can be significant costs for doing that.

**The Hon. DAMIEN TUDEHOPE:** You would have heard me ask questions to the Public Service Commissioner earlier about the ongoing disclosures required of public servants. Do you monitor disclosures by people working for your agency?

**JOHN SCHMIDT:** Indeed, we have an internal mechanism for people, the "pecuniary interest disclosures, change of circumstances". People taking on work outside of the commission—I approve of those personally to see if there's a conflict of interest in those circumstances, so we do have a regime in place.

**The Hon. DAMIEN TUDEHOPE:** Can I ask the other agencies about the same sort of process?

**DARRIN MOY:** Yes, we have a similar arrangement. It's also part of our vetting process, so no-one can join the commission without having been comprehensively vetted, and that includes pecuniary interests, asset holdings, a very comprehensive outline, and that is monitored regularly and that's the responsibility of myself, and our governance and risk area.

**The Hon. DAMIEN TUDEHOPE:** Is that a real-time monitoring as well?

**DARRIN MOY:** Yes, it is.

**The Hon. DAMIEN TUDEHOPE:** So an employee would be required if, in fact, they were involved in a financial transaction?

**DARRIN MOY:** Yes.

**The Hon. DAMIEN TUDEHOPE:** Does that include change in personal circumstances?

**DARRIN MOY:** It does.

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**The Hon. DAMIEN TUDEHOPE:** So they would have to notify if they change their boyfriend, girlfriend or partner?

**DARRIN MOY:** Depending on the circumstances but not as a routine, but if they were involved in an activity that required that, that's something that would probably occur. If there was a procurement activity or something of that nature, yes, there would be a requirement to declare any interests either of a relationship nature or pecuniary interests.

**The Hon. DAMIEN TUDEHOPE:** Do you do that in respect of investigations that may be underway that there is no conflict of interest in relation to those investigations?

**JOHN HATZISTERGOS:** If there's an investigation underway and someone has a conflict of interest, they would come forward and identify that and then they'd be excluded.

**The Hon. DAMIEN TUDEHOPE:** And how do you determine whether they have or have not if they elect not to?

**JOHN HATZISTERGOS:** There's a requirement in the code of conduct that they identify and a decision is made. Usually their first port of call is to their executive director, and that's minuted and the person's excluded.

**The Hon. DAMIEN TUDEHOPE:** There could be a circumstance, of course, where someone becomes aware of a conflict during the course of an investigation.

**JOHN HATZISTERGOS:** That can happen.

**The Hon. DAMIEN TUDEHOPE:** Like, "I know this person or I know—"

**JOHN HATZISTERGOS:** And that's immediately notified usually to the executive director and the issue is resolved.

**The Hon. DAMIEN TUDEHOPE:** I ask the LECC commissioner: Do you have a similar process?

**CHRISTINA ANDERSON:** Our process is the same. We also have very vigorous vetting that all of our staff have to go through. The code of conduct also covers off on declaring any conflict of interest as it arises. We do an annual review every year, but also staff are aware that if something changes, they have to report to me and they report to me as that happens.

**The Hon. DAMIEN TUDEHOPE:** And Ms Crawford, I suppose for completeness—

**MARGARET CRAWFORD:** We have a very similar comprehensive regime, annual declarations and then regular updates as people start to undertake a particular audit, if there are any potential or perceived conflicts. We also publish a register of our conflicts.

**IAN GOODWIN:** And gifts and benefits.

**MARGARET CRAWFORD:** And gifts and benefits and the like. It's all on our website.

**Ms ABIGAIL BOYD:** Coming to you now, Ms Crawford, and I put on record that I'm sad that your term is coming to an end. Thank you for all of the great work you have done. Looking back at the 2022 report produced in relation to the police responses to domestic and family violence, in that report there was a reference to the quite antiquated COPS system and the need to pretty urgently update it to what they were calling the IPOS system. In that report in 2022 you talked about that being at least four years away before they would have that capability under IPOS. As we now know, the contracts have successively fallen through since 2013 to upgrade the system to IPOS. The last time I asked about this, there was nobody actually appointed to do that work yet. Have you been involved at all in a procurement audit or anything else around that IPOS system, and is it something that has come across the Auditor-General's office?

**MARGARET CRAWFORD:** Not specific to that system. Perhaps the only work we did that, again, looked specifically at the COPS system was in relation to the Firearms Registry, which was some time ago. We are running what I'd like to call a series or a number of audits that are looking at legacy systems. For example, yesterday we tabled a report on the DRIVES system which, again, has been in operation for many, many years. People in my office call it a "clunky old system", which I get very offended by because I had a role in establishing that system back in the day. I think the COPS system is a matter for a future Auditor-General but would probably be on our list to have a look at.

**Ms ABIGAIL BOYD:** You also noted in that report that there was limited data collection and reporting when it came to the front-of-house officers.

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**MARGARET CRAWFORD:** The workforce.

**Ms ABIGAIL BOYD:** Sorry, I'm really not up on the terminology—when it comes to exactly how much work they were doing in relation to domestic and family violence matters. So we knew how many specialist officers we had, but when it came to the amount of work that the average police officer was doing it was not—

**MARGARET CRAWFORD:** It was a devolved system of accountability and was not centralised. That was one of our findings in that report.

**Ms ABIGAIL BOYD:** And also that the training was not necessarily mandatory, even for the specialist—

**MARGARET CRAWFORD:** Again, I can't remember the actual terminology either, but new recruits all received a certain amount of training. Then, as they had been around for a while or progressed, and more senior levels, that was what we were calling out.

**Ms ABIGAIL BOYD:** In the interests of time, I'll move on to the recent release of the State finances audit. I note in there that the number of errors has increased quite significantly since the last report, and I've been tracking that over time. There were also quite a lot of delays. I remember a couple of years back in one of these reports there were real concerns raised about the culture in Treasury and its relationship with the Audit Office. Despite the errors in here—not in your report but in the information that was provided to you—has that culture improved, or can you comment on whether those problems from a couple of years back still exist?

**MARGARET CRAWFORD:** I'll say a few words and then pass to my deputy, Ian Goodwin. I think the working relationship with Treasury is very strong. We are working very effectively together and more broadly across the sector. But I think we're all playing a little bit of catch-up. Perhaps some of the impacts of COVID are just playing out a little bit in some ways. But in terms of errors, I'll pass to Ian.

**IAN GOODWIN:** Thank you, Margaret. To your question about the working relationship with NSW Treasury, which is an incredibly important relationship, that is definitely a relationship where it has improved on a range of fronts. I'll get to the issue, the nature of the errors, but you might recall we raised an extreme misfinding a few years ago around the fact that information was not being provided. That finding has now been removed, so we no longer have that finding. We've closed that finding. In fact, I would say it is a very open relationship. There's a lot of consultation at the officer level to officer level and there are, as the Auditor-General said, a number of catch-up issues that we're working through. They are complex but the observation I would offer is that the level of engagement, the level of communication and the level of transparency is very good.

**Ms ABIGAIL BOYD:** I'm glad to hear it.

**IAN GOODWIN:** The nature of the errors, though, are largely around application of accounting standards and often can be quite complex.

**MARGARET CRAWFORD:** And involve judgements.

**Ms ABIGAIL BOYD:** That's useful to know. I see that the TAHE analysis is stable for now. I understand that the new Government is in the process of changing and restructuring TAHE. It has been a big part of the work that you've done over the last little while. Do you have any residual concerns about where that is going or can we now put a pin in that?

**MARGARET CRAWFORD:** I think we can put a pin in it. There's still work to be done, but from just an accounting and auditing perspective, the accounting is following the policy, so I don't have any residual concerns. There is more work to be done, but it's progressing well.

**IAN GOODWIN:** So the nature of the issue about how the cash contribution is being treated as an equity investment—Treasury has now treated that as a grant expense. As you foreshadow, the Government is doing a review of TAHE. There are still some complex matters that we will need to work through with TAHE and with Treasury around the asset valuation, because the nature of how you value those assets will change and that is just a degree of complexity, but those issues have already been foreshadowed. They are understood and are being worked through.

**Ms ABIGAIL BOYD:** I will move on to ICAC. Two main questions—the first one is in relation to lobbyists and lobbyist passes. This is something that I'll be taking up in the Legislature estimates as well and something that I've been following for a little while. In New South Wales there is no obligation to disclose lobbyists. Lobbyists just have a black pass in the same way that I understand special constables do and old members, and whoever. There is no requirement here to actually make it public information as to who has those passes.



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**JOHN HATZISTERGOS:** Are you talking about the Parliament?

**Ms ABIGAIL BOYD:** Yes. Parliament passes that have just been given to lobbyists, and they're walking around the hallways. I know that this is a focus in the Federal Parliament at the moment. They're really looking into this. Does that concern you from a corruption, democracy, integrity perspective? Any comments?

**JOHN HATZISTERGOS:** It's not a matter that I'm aware has been raised previously. There are other aspects of lobbying that concern me more than that one, I have to say, and I've been public about it. But I'd have to take that on notice. I'm not sure what the Parliament's position is in relation to that.

**Ms ABIGAIL BOYD:** The other one that strikes me as odd—and this came in as a Treasurer's direction and I'm pretty sure I raised this at a previous estimates as well—is the giving of gifts of government property. If you remember this Treasurer's direction, which was basically anything under \$10,000 didn't need to be disclosed. For example, maybe a laptop or something that the department didn't need any more could be gifted without oversight. We raised concerns at the time that it had been raised to \$10,000. We thought that was a bit extreme.

**JOHN HATZISTERGOS:** Someone wrote to us about that issue. We were consulted about the policy and we indicated we didn't have an issue with it.

**Ms ABIGAIL BOYD:** Is \$10,000 in line with other—

**JOHN HATZISTERGOS:** It's a while since I looked at the issue, but I do recall the matter having been raised. I think it may have been by one of our colleagues and we did correspond with you about it. I do recall that at the time that that particular directive was contemplated there was consultation with the commission about it. But I don't want to go into the specifics of it because it's been a while since I looked at it.

**Ms ABIGAIL BOYD:** I will come to you, Ms Lo, now. I was asking questions about a percentage of people employed in the public sector who identify as having a disability and how we were tracking on that. I know that some departments are doing better than others.

**KATHRINA LO:** Yes.

**Ms ABIGAIL BOYD:** Are you recording in any way the difference? I know that you are recording the numbers of people who are requiring adjustments, I believe, but is there any data you can give us on people with intellectual disability, people with physical disability—what that cohort looks like?

**KATHRINA LO:** Not at a sector level. That data isn't collected. Within departments where people have sought adjustments they would probably have that data held somewhere.

**Ms ABIGAIL BOYD:** It's hard to understand how we can intervene to encourage and facilitate more departments increasing the percentage of people with disability that they are employing if we don't understand whether there are any biases in the types of people that they are hiring. It would be useful to have that information. Is there any?

**KATHRINA LO:** Thank you for your question. I am grateful that you are keeping the spotlight on the issue, because it is an important issue. I did hear the response that Samara Dobbins gave you in the earlier session. I might just expand on what she said and then talk about some of the things that are being done. There really is a shared responsibility for increasing disability employment. Under the GSE Act—Government Sector Employment Act—I am responsible for leading the strategic development and management of the sector, including in relation to equity and diversity strategies. Secretaries and agency heads are responsible for workforce diversity within their departments and agencies, because they exercise those employer functions and can put in place workforce strategies and workforce plans to increase diversity.

This area has been a strong focus for the Secretaries Board for some time. Samara referred to a 2022 disability review. That review was done to really identify where we're at and what more we can do. She listed a number. I think there were eight recommendations that came out of that review. All of those recommendations have been endorsed by the Secretaries Board and the Secretaries Board has set up a governance structure to drive implementation of those recommendations. There's a steering committee that oversees the driving of those recommendations and I jointly chair that with Murat Dizdar, the education secretary, and we include people with lived experience from each of those portfolios on the steering committee as well. There are some other committees as well that provide input to the work being done. Each secretary has responsibility for driving one or more of those recommendations, sometimes in partnership with me.

At the PSC we are finalising a model workplace adjustments policy, which I intend to issue this year to the sector. So every single agency will have a workplace adjustment policy in place that's consistent in terms of meeting minimum standards. Complementing that, the Department of Customer Service is working on a digital workplace adjustment passport so that when people move jobs, they don't have to retell the story. It will make it

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a lot easier. I know that last estimates session you did ask me about the percentage. The workforce profile percentage has gone up in 2023 just a little bit. I know that we have a lot more work to do. The PMES percentage is 6.7 per cent. My view is that that is a more accurate figure because we ask people every year and the response rate to the PMES is much higher. As Ms Dobbins said, people are often asked about their disability as they enter a new role, and that's often the only time it's updated on the HR system. So I don't think that data is as accurate. I think the more accurate figure is actually the PMES figure.

**Ms ABIGAIL BOYD:** It's interesting, though, because one of the barriers to employing people with disability is when an employer has to make an adjustment. So I think within the disability community it's felt that you may not necessarily disclose your disability when you're being employed unless you need an adjustment of some kind. In terms of getting over those barriers and creating a more inclusive workplace as leaders for the rest of society—

**KATHRINA LO:** Absolutely.

**Ms ABIGAIL BOYD:** —if we were looking at those adjustment numbers, are we getting more people in who are asking for adjustments and providing those adjustments?

**KATHRINA LO:** I wouldn't have that figure at a central level. The reason why I want to issue a direction to mandate that every agency have an adjustment policy is so that there is a consistent standard across the sector and so that we move to a position where people are able to speak about needing an adjustment. And it really should be on an "if not, why not" basis. We shouldn't even be talking about "reasonable". I know that's a term that's used legally, but if somebody needs an adjustment to do the job we should be able to provide that.

**Ms ABIGAIL BOYD:** Yes, correct.

**KATHRINA LO:** And we should make it easier for people. I've heard stories about people moving from agencies and they have purchased a piece of equipment in the agency they're in but they're not allowed to take it to the next agency when they change jobs. I think that they should be hurdles that we can overcome as a sector.

**Ms ABIGAIL BOYD:** So that direction you'll put out this year?

**KATHRINA LO:** I will.

**Ms ABIGAIL BOYD:** And then compliance will be straightaway by the departments?

**KATHRINA LO:** I will give people a period of time to implement and make sure that their processes are aligned—that they have a policy in place that aligns with the model policy—and that they have any processes in place that they need to put in place.

**Ms ABIGAIL BOYD:** So in estimates this time next year we should have begun to see an improvement in those numbers?

**KATHRINA LO:** I would certainly hope so. Whether I can report on which agencies have seen an increase in requests for adjustments—I'm not sure I can do that. But what I will be able to report on is the workforce profile data and the PMES again. We've actually seen a year-on-year increase in the PMES. Workforce profile—it's kind of bounced around that 2.5, 2.6 per cent.

**Ms ABIGAIL BOYD:** If I was to ask each department for that adjustments data, would they be able to provide it? Is that something that they record?

**KATHRINA LO:** I think you'd need to ask them. It depends whether they centrally collect that data—for example, in an HR area—or whether in the branches, each manager is maintaining that information themselves.

**Ms ABIGAIL BOYD:** In the time that I've got left, the appointment standards for boards and committees in the New South Wales public sector—those guidelines were issued by the PSC in 2013. They were last updated in 2015. I think in the intervening time we've learnt a lot about interpretations of conflict of interest and increased our modern understandings of probity, particularly on the back of some of the recent work of this Parliament. When will those guidelines be updated?

**KATHRINA LO:** I'm happy to take that on notice and take a look at it. I think if they're a bit old, it's reasonable to see whether they're fit for purpose still. I would do that in consultation with the Premier's Department and the Cabinet Office, because they maintain part of the systems that are used for board and committee appointments.

**Ms ABIGAIL BOYD:** I think the ICAC released a guidance—I don't know if that was 2022 or 2021, but it wasn't that long ago—that also talked about conflicts of interest.

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**JOHN HATZISTERGOS:** We've also released one this year.

**Ms ABIGAIL BOYD:** So bringing that in and updating on that basis would be—

**KATHRINA LO:** I might just take this opportunity to mention that we are in the middle of a substantive review of the model code of conduct for the sector, which will be released this year. So I might sequence things in a particular order.

**Ms ABIGAIL BOYD:** All right. I will come back to you in a future estimates on that.

**The CHAIR:** That concludes questions, with no questions from the Government. To all of you, thank you very much for your attendance. In particular, thank you, Ms Crawford, for your service to the State. The Committee secretariat will be in touch in the near future regarding any questions you may have taken on notice and any supplementary questions. Thank you very much again and we will see you next time.

**(The witnesses withdrew.)**

**The Committee proceeded to deliberate.**